

"SOCIAL CLEANSING" IN COLOMBIA

by

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ABSTRACT

Every year since the late 1970s, hundreds of Colombians have been killed in "social cleansing" operations, a term defined by the United Nations as "the elimination of marginalized and impoverished sectors of the population." Despite elaborate constitutional and judicial protection of human rights in Colombia, few if any of the perpetrators have been brought to justice.

This study seeks to explain why "social cleansing" persists in a country widely regarded as an economic success story, and considered to be one of Latin America's most stable democracies. It concludes, first, that "social cleansing" in Colombia is the logical product of a political system which, despite its democratic veneer, is characterized by the considerable autonomy enjoyed by its security forces. Second, it argues that the problem persists because the practice of "social cleansing" is effectively condoned by other key elements of the Colombian state, including the judiciary and the executive.

Drawing on work in the field of political economy, this study shows how the economic policies of successive Colombian governments have helped to create the mass of urban poor who are the victims of "social cleansing." It also reveals how certain structural features of the political system, including the power of the security forces and the business sector, have tended to facilitate, perhaps even encourage, this violence.

This study also provides detailed accounts of the social and ideological make-up of both the victims and the perpetrators of "social cleansing." It argues that the victims are targeted not because of their political views or activities, but because they are seen as bearers of unwelcome attributes, such as poverty, criminality and ill-health. It shows that many of the perpetrators of "social cleansing" are state agents, often members of the National Police or of paramilitary groups that operate with official acquiescence. Members of the business sector are also deeply implicated in the violence.

Finally, drawing on international human rights literature, this study outlines two principal reasons for the persistence of "social cleansing:" the failure to bring the perpetrators to justice, and the existence of a public discourse that encourages "cleansing" by portraying street people as "disposable."

For Geoff

"Social Cleansing" in Colombia

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List of Abbreviations and Foreign Terms

Amor por Medellín	Love for Medellín ("Cleansing squad")
Asociación de Recicladores de Bogotá	Bogotá Association of [Garbage] Recyclers
Barrio	Neighbourhood
Bazuco	(Inexpensive derivative of crack cocaine)
Bloque de Búsqueda	The Search Unit (Joint elite military-police unit created to fight the Medellín drug cartel)
Calle del Cartucho	Cartridge Street (Zone in downtown Bogotá where street people live and work)
Cámara de Comercio	Chamber of Commerce
Centro de Investigación y Educación Popular (CINEP)	Centre for Investigation and Popular Education (Colombian Jesuit non-governmental organization)
Cinco Huecos	Five Holes (Zone in downtown Bogotá where street people live and work)
Los Cobras	The Cobras ("Cleansing squad")
Comisión Andina de Juristas	Andean Commission of Jurists (Latin American non-governmental organization)
Comisión Inter- congregacional de Justicia y Paz	Intercongregational Commission for Justice and Peace (Church-based non-governmental organization)
Consejería Presidencial para los Derechos Humanos	Office of the Presidential Adviser for Human Rights
DAS	Departamento Administrativo de Seguridad, Administrative Security Department (Security body under the direct authority of the executive, not part of the security forces)
Defensor del Pueblo	People's Defender (Human rights ombudsman)

Defensoría del Pueblo	Office of the People's Defender
Desechable	Disposable
DIJIN	Dirección de Policía Judicial e Investigaciones, Directorate of the Judicial and Investigative Police
Escuela Popular de Reciclaje	Popular School of Recycling (Part of ENDA, an international non-governmental organization)
FENALCO	Federación Nacional de Comerciantes, National Federation of Merchants
Fiscalía General de la Nación	Office of the Prosecutor General
Fundación Eudes	(Charity-run AIDS-hospice)
Fundación Social	(Jesuit non-governmental organization)
F2	(Defunct police intelligence branch, now called DIJIN)
Gali	(Petty criminal gang member. Indonesian)
Gamin	Street child
Gremio	Business association
IGO	Inter-governmental organization
Junta de Acción Comunal	Communal Action Council (Local civic group)
Kampung	Neighbourhood (Indonesian)
Los Magníficos	The Magnificent Ones ("Cleansing squad")
Mano Negra	Black Hand ("Cleansing squad")
Muerte a Expendedores de Bazuco	Death to Bazuco Dealers ("Cleansing squad")
Muerte a Gamines	Death to Street Children ("Cleansing squad")
Muerte a Homosexuales Peligrosos	Death to Dangerous Homosexuals ("Cleansing squad")
Muerte a Jaladores de Carros	Death to Car Thieves ("Cleansing squad")

Ñero)

(Marginalized adult street person, often homeless)

NGO

Non-governmental organization

OAS

Organization of American States

Oficina Permanente
de Derechos Humanos

Permanent Office for Human Rights (Emergency human rights office, run jointly by the Procuraduría General de la Nación, Defensoría del Pueblo, Consejería Presidencial para los Derechos Humanos and the Personerías Distritales)

Olla

Cooking pot (Illicit "shop" selling bazuco and other drugs)

Operación Estrella

Operation Star ("Social cleansing" operation carried out in the Bogotá borough of Usme)

Pandilla

Gang (of petty criminals, often urban)

El Paseo

The Stroll (Police bringing street people to isolated spots where they torture, rape and/or kill them)

Personería Distrital

Office of the Municipal Ombudsman

Petrus

(Indonesian "social cleansing" campaign carried out between 1983 and 1985)

Pirobo

(Non-transvestite boy prostitute)

Poeta Ñero

Homeless man beaten to death by Colombian Police in August 1993.

Procuraduría General
de la Nación

Office of the Attorney General

La Ratonera

The Rat Nest (Zone in downtown Bogotá where street people live and work)

Toxicol-90

(A pesticide, here the name of a "cleansing squad")

UN

United Nations

La Violencia

The Violence (Undeclared civil war in Colombia between the late 1940s and early 1960s)

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1. INTRODUCTION

The city streets of Colombia are dirty. The filth is everywhere - in doorways, on sidewalks, in parks, and under bridges. And so, not unreasonably, many Colombians have supported the campaigns aimed at cleaning things up. But there is a problem. The "filth" that is the object of their concern is made up of people, poor people, "disposable" people. The effort to eradicate them is called "social cleansing,"¹ a term defined by the United Nations as "the elimination of marginalized and impoverished sectors of the population."²

Every year since the late 1970s, hundreds of Colombia's marginal urban poor - the homeless, street children, garbage recyclers, petty criminals, prostitutes, transvestites, drug addicts and youth from poor neighbourhoods - have fallen victim to "social cleansing." About ten percent of all political killings³ in Colombia today are confirmed to be

¹ The term "social cleansing" should not be confused with the term "ethnic cleansing," which is used to describe the systematic elimination, or forced resettlement, of an ethnic group.

² United Nations, Economic and Social Council, Joint Report of the Special Rapporteur on the Question of Torture, Mr. Nigel S Rodley, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolutions 1994/37 and 1994/82, 16 January 1995, p. 16.

³ In this study, the term "political killings" is used to describe politically motivated killings committed by state agents, with state acquiescence, or by armed opposition groups. This definition is commonly used by the United Nations and by international human rights organizations. A non-political killing could be, for example, a murder carried out by a private citizen in connection with an armed robbery. See also "Human rights violation" in Appendix 2.

"social cleansing" murders.⁴ On top of the hundreds of "cleansing" killings every year are many more cases of ill-treatment, rape and torture. This study seeks to explain why "social cleansing" happens in Colombia, and why it is allowed to continue.

1.1 An Overview of "Social Cleansing"

The first organized "social cleansing" operations are thought to have occurred in late 1979 in Pereira.⁵ There, 62 real or alleged thieves were shot dead in execution-style killings during a two-month period. These killings coincided with a heated local debate about whether the official practice of tattooing thieves with red ink on their faces and hands was to be kept or not.⁶ The use of indelible ink was abolished in early 1980, but by then a new, and extrajudicial, punishment had been invented - "social cleansing." Since 1979, the phenomenon has spread, and such killings have been carried out in most large urban areas in Colombia, particularly in Barranquilla, Bogotá, Bucaramanga, Cali, Medellín, and Pereira.⁷

"Social cleansing" has become a controversial issue in Colombia. Some view it as one of Colombia's most serious human rights problems. In a 1993 report on Colombia, for example, the Organization of American

⁴ Comisión Andina de Juristas, The Human Rights Situation in Colombia: Complex but not Confusing, Bogotá, June 1993, p. 1.

⁵ Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1993, pp. 15-16.

⁶ The practice of tattooing undesired individuals was not a uniquely Colombian idea. In 16th century England, for example, a statute was passed which declared that vagabonds should be branded with a "V" on their breasts. Christopher Hibbert, The English: A Social History 1066-1945, London, Harper Collins Publishers, 1994, p. 182.

⁷ See Map 1: Colombia - major centres of "social cleansing."

States (OAS) described "social cleansing" as "racist, fascist or neo-nazi violence."⁸ Others regard it as simply a "natural" product of a society in which violence is a way of life. Still others support "social cleansing" wholeheartedly and view the perpetrators as every-day civic heroes in the fight against crime and insecurity.

There is at least one point, however, on which there can be little disagreement: the killing and abuse of the urban poor does happen, and on a massive scale. The available figures show that from 1988 to 1991 the number of victims of "social cleansing" killings ranged from 250 to 400 per year. In 1992 the death toll rose to 505. The Comisión Andina de Juristas reported that, in the first nine months of 1994, at least 196 people were killed in such operations.⁹ Another source states that in 1994 "vigilante gangs killed 305 vagrants and street drug dealers" in "social cleansing" campaigns.¹⁰ The Jesuit think-tank Centro de Investigación y Educación Popular (CINEP), confirmed 118 "social cleansing" killings in the first six months of 1995.¹¹ Most independent observers agree that these figures represent only the tip of the iceberg. Even Colombian government officials admit that there is a

⁸ Organization of American States, Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Colombia, Washington D.C., 1993, pp. 164-165.

⁹ Comisión Andina de Juristas, From Words to Deeds: Panorama of Human Rights and Humanitarian Law in Colombia - 1994, Bogotá, December 1994, p. 5.

¹⁰ "The Vigilante Response," Latin American Weekly Report, 8 June 1995, p. 248. This article points out that vigilantism recently has been a response to rising crime in a number of Latin American countries, such as Brazil, Colombia, El Salvador, Haiti, and Honduras.

¹¹ Centro de Investigación y Educación Popular, Cien Días 7 (May-July 1995): 11.

"clear gap between the numbers of formal complaints about 'social cleansing' and reality."¹²

Street children have always figured prominently among the victims of "cleansing."¹³ Of the 505 confirmed "cleansing" deaths in 1992, 50 were children.¹⁴ During the first two months of current President Ernesto Samper's time in office (August and September 1994) at least 30 children and youths were killed in "social cleansing" operations in Bogotá and Medellín.¹⁵ The severity of the problem was noted by Thomas Hammarberg, the head of the United Nation's Committee on the Rights of the Child, who confirmed in early 1994 that: "Thousands of children had been killed in an attempt to cleanse parts of cities of what were regarded as undesirable elements. The authorities must take decisive action to halt the spread of that cancer."¹⁶

¹² Interview with Hernando Valencia Villa, human rights delegate in the Procuraduría General de la Nación, in Bogotá, 30 August 1995.

¹³ By law, Colombian children enjoy special protection. For example, article 44 in the constitution states that: "The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, their name and citizenship, to have a family and not be separated from it, care and love, instruction and culture, recreation, and the free expression of their opinions. They will be protected against all forms of abandonment, physical or moral violence, imprisonment, sale, sexual abuse, work or economic exploitation, and dangerous work. They will also enjoy other rights upheld in the Constitution, the laws, and international treaties ratified by Colombia." The constitution goes on to declare that it is the responsibility of the family, society and the state to guarantee these rights, and that the rights of children have priority over the rights of others. Presidencia de la República, Participatory Democracy and Respect for Human Rights: Colombia's New Constitution, Bogotá, 1993, article 44.

¹⁴ Amnesty International, Colombia: Children and Minors: Victims of Political Violence, London, June 1994, p. 2.

¹⁵ Statistics from Centro de Investigación y Educación Popular, "Banco de datos de derechos humanos: Fenómeno de intolerancia social, 1993-1994," Bogotá, 1995.

¹⁶ United Nations, Committee on the Rights of the Child, Fifth Session: Colombia, summary record of the first part (public) of the 115th meeting, 20 January 1994, p. 2.

MAP 1

COLOMBIA - *major centres of "social cleansing"*

Hammarberg's appeal to "the authorities" is very much to the point, but also problematic because, as I shall attempt to demonstrate in this study, the practice of "social cleansing" is effectively condoned by elements of the Colombian state itself.¹⁷ This thesis will show that many of the "cleansers" are official state agents, usually police, who torture and/or kill their victims using the very same arms and powers they have been given by the state to protect its citizens. Other groups prominent in perpetrating the violence include members of the government's own security force (Departamento Administrativo de Seguridad, DAS), former police, and private security guards. Different constellations of these groups often constitute the fearsome "cleansing squads," that bear names like "Mano Negra," "Terminator," "Los Magníficos," "Los Cobras," "Sweet Dreams," "Muerte a Gamines," "Muerte a Homosexuales Peligrosos," and "Toxicol-90."¹⁸

In addition to the actual perpetrators - the men or women who pull the trigger - are those who instigate and pay for the "cleansing" campaigns. This study will provide evidence that these instigators include prominent members of society, particularly representatives of the Colombian business sector, as well as members of local neighbourhood committees known as Juntas de Acción Comunal. Commenting on a major "cleansing" campaign (Operación Estrella) in a poor borough in southern

¹⁷ The term "state" is used here as a short-hand for the set of political institutions responsible for the primary tasks of public administration, ensuring the conditions for surplus extraction, and the preservation of law and order.

¹⁸ Mano Negra = Black Hand, Los Magníficos = The Magnificent Ones, Los Cobras = The Cobras, Muerte a Gamines = Death to Street Children, Muerte a Homosexuales Peligrosos = Death to Dangerous Homosexuals. Toxicol-90 is the name of a pesticide.

Bogotá, the organization Comisión Intercongregacional de Justicia y Paz wrote in 1995:

DAS agents have participated in Operación Estrella, supported by members of the community. Police officers have tried to convince the community to view these occurrences as 'normal' and as 'the only means of guaranteeing security'...It has also been reported that police officer Velandia, assigned to the police station in La Aurora, patrols the neighbourhood in civilian clothes driving [various] unmarked vehicles. During these patrols, conducted mainly at night, he has threatened and beaten several youths.¹⁹

All acts of "social cleansing" constitute criminal behaviour and serious violations of internationally recognized human rights standards. It is not surprising, therefore, that the connections between this violence and the state are routinely denied by Colombian police and government officials. In an interview conducted for this study, the head of the human rights office of the National Police, Colonel Julio César Moreno, claimed that if police were involved in systematic "social cleansing," people like him would know about it and, of course, stop it. "We do not accept delinquent police," Moreno said.²⁰ His colleague, Colonel Mauricio Gómez, director of the "program of community participation" within the Metropolitan Police in Bogotá, also categorically denied any police involvement. While acknowledging that merchants occasionally instigate "cleansing" operations, Gómez claimed

¹⁹"En [la Operación Estrella] han participado agentes del DAS apoyados por miembros de la comunidad. Integrantes de la Policía civil han venido insistiendo a la población para que consideren estos hechos como 'normales' y como 'la única forma de garantizar la seguridad'... También se ha denunciado que el cabo Velandia, adscrito a la Estación de Policía del barrio La Aurora, recorre el sector vestido de civil, en carros y motocicletas sin placas. En estos recorridos, especialmente nocturnos, ha golpeado y amanezado a varios jóvenes." Comisión Intercongregacional de Justicia y Paz, Boletín Informativo Justicia y Paz 8 (April-June 1995): 78. Operación Estrella = Operation Star.

²⁰ Interview with Colonel Julio César Moreno in Bogotá, 18 August 1995.

that most of the killings of members of marginalized groups are not "social cleansing" at all but simply a matter of the "settling of scores" between rival street gangs.²¹

The evidence in this study will demonstrate that these are deceitful claims. State agents, including police, have unquestionably been responsible for "social cleansing." Yet, whether the perpetrators and instigators are themselves state agents or not, their actions have almost uniformly been condoned by the Colombian state through the failure to investigate their actions, or bring any of them to justice. In this way, the state has not only been complicit in the crime of "social cleansing," but has arguably encouraged its continuation. The consistent failure to identify, apprehend and convict the perpetrators of "social cleansing" is part of a broader failure of the Colombian state and its judicial system, and symptomatic of a breakdown in the rule of law. That breakdown, in turn, appears to be one of the causes of the frequent resort to violence by those seeking to resolve political, social, and even personal disputes in Colombia.

1.2 Literature Review

Anyone who searches the available English-language academic literature on Colombia for information about "social cleansing" will be disappointed. While scholars have devoted considerable energy to studies of Colombia's history and political economy, its war on drugs, and its relations with the United States, they have paid scant attention to the phenomenon of "social cleansing."

²¹ Interview with Colonel Mauricio Gómez in Bogotá, 24 August 1995.

The closest the English-language scholarly community has come to this issue has been a handful of studies by social psychologists about Colombian street children. Yet, it is striking that in these works, nothing is actually said about the problem of "social cleansing," even when the authors come face to face with relevant evidence. In his often-cited study Street Children of Cali, for example, Lewis Aptekar quotes street children who repeatedly mention their fear of the police, but he fails to follow up on the issue or to draw any conclusions.²² In an article about Colombian street children, by Patrick Breslin, an interviewee is said to have been beaten up so badly by the police that he had to spend a month in hospital.²³ Yet, here again, the author fails to comment or draw conclusions. These are oversights when one considers that street children are among the major victims in Colombia's "social cleansing" operations.

If the available academic literature in English does not specifically address "social cleansing" in Colombia, it is not entirely without value for a study of this violence. Indeed, to the extent that one is interested in understanding the political and economic context in which the phenomenon has occurred, the existing literature provides an invaluable starting point. The works of David Bushnell, Robert Dix, and Harvey Kline are especially useful as a guide to Colombian history and

²² Lewis Aptekar, Street Children of Cali, Durham, Duke University Press, 1988.

²³ Patrick Breslin, "Can Development be a Two-Way Street?" Grassroots Development 14 (no. 2, 1990): 27.

as an introduction to contemporary political institutions and issues.²⁴ Likewise, many English-language scholarly publications provide a useful outline of the country's modern economy. With this background it is possible to begin to construct a picture of the political and economic conditions that have given rise to the phenomenon of "social cleansing" in Colombia.

Yet, as we shall see in Chapter 2, these works are not without their flaws. With some notable exceptions, they tend to overstate the "stability" of Colombian politics and to give undue emphasis to its "democratic" and "civilian" character. In general, they emphasize formal political and judicial institutions, rather than the inner workings of power. Such treatments tend to obscure the reality that Colombia has been in a state of almost permanent internal war for the past four decades, that successive governments have ruled more often than not under "states of emergency," and that despite the fact that the Colombian military has not staged a coup since the early 1950s, it enjoys considerable political and economic autonomy. Standard scholarly treatments also divert attention from the fact that, despite a highly developed judicial system and an impressive array of laws, Colombia has one of the worst human rights records in the hemisphere.

On the economic front, there is an inclination in the available scholarly literature to speak of Colombia as a success story, stressing its impressive aggregate growth figures, its favourable performance with

²⁴ David Bushnell, The Making of Modern Colombia: A Nation in Spite of Itself, Berkeley, University of California Press, 1993; Robert H. Dix, The Politics of Colombia, New York, Praeger Publishers, 1987; Harvey F. Kline, Colombia: Portrait of Unity and Diversity, Colorado, Westview Press, 1983.

respect to international debt, and its ability to implement a structural adjustment program in the 1980s.²⁵ Less often discussed, or noted only in passing, is the dark side of this economic miracle: the long-standing problem of poverty, the dramatically skewed pattern of income distribution, and the pauperization of the country's rapidly growing urban populations. Like the crass inner workings of Colombia's political and judicial system, these unpleasant economic realities are fundamental to any understanding of the problem of "social cleansing."

The reluctance to discuss the dark side of Colombia's political and economic system is not true of the scholarly community in Colombia itself. For example, political violence is, and has been for several decades, a major subject of scholarly study in Colombia - one of just a few countries in the world where "violontology" has been recognized as a distinct academic field of study. The considerable academic interest in the country's extreme levels of violence has not yet generated any scholarly publications focusing specifically on the problem of "social cleansing," but the phenomenon has been treated in broader studies on the subject of political or urban violence.

In their book Colombia: Ciudad y violencia, sociologists Alvaro ✓ Camacho and Alvaro Guzmán, for example, provide both a qualitative and quantitative analysis of Colombian urban violence. Focusing on Cali in western Colombia, a city heavily affected by "social cleansing" operations, they emphasize how the "cleansing" violence is used by the

²⁵ In a passage typifying standard scholarly characterizations of the Colombian economy and political system, John D. Martz writes that: "...Colombia now enjoys one of the healthiest and most flourishing economies in Latin America. And in political terms its democratic structures, notwithstanding inevitable flaws, are among the most solid on the continent." John D. Martz, Current History 93 (March 1994): 134.

perpetrators to "teach a lesson about what behaviour is acceptable and what will be condemned."²⁶ "Social cleansing," then, is used by the perpetrators to make known the limits of behaviour deemed acceptable, and to punish those whose actions, occupation, or identity fall outside of that framework of acceptance. Criminality and homosexuality, they argue, are characteristics that typically attract the attention of the "social cleansers," but many of the victims are also targeted simply because they are bearers of a certain identity, such as being poor or unhealthy.

Another recent study of urban violence, this one focusing solely on Bogotá, is La violencia en Santafé de Bogotá by Colombian lawyer and political scientist Guillermo Segovia Mora. Although more superficial in his analysis than Camacho-Guzmán, he reaches similar conclusions, stating that:

Murdering people who represent undesirable parts of society, or who have views contrary to those of the executors or instigators, is perhaps the greatest indication of intolerance and of society's inability to confront its problems and propose effective solutions for change...²⁷

While Mora and Camacho-Guzmán discuss what "social cleansing" reveals about Colombian society and politics, other authors focus more narrowly on establishing the identity of the perpetrators. In their book La violencia parainstitucional, paramilitar y parapolicial en Colombia,

²⁶ "...dar una lección sobre las conductas esperadas y las que se censuran." Alvaro Camacho, and Alvaro Guzmán, Colombia: Ciudad y violencia, Bogotá, Ediciones Foro Nacional, 1990, p. 159.

²⁷ "Tal vez la mayor demostración de intolerancia y de incapacidad de la sociedad para confrontar sus problemas y buscar soluciones reales a los mismos, es el asesinato de personas motivado en que representan sectores sociales o ideas adversas a las de sus ejecutores o inspiradores..." Guillermo Segovia Mora, La violencia en Santafé de Bogotá, Bogotá, ECOE Ediciones, November 1994, p. 36.

Carlos Medina Gallego and Mireya Telles Ardila identify parapolice groups as the main perpetrators of "social cleansing."²⁸

The small body of Colombian academic literature that addresses "social cleansing" is crucial for understanding the phenomenon, and it marks a welcome contrast to the extraordinary silence of North American scholars. Nevertheless, the limited attention "social cleansing" has received in Colombia suggests how oddly insignificant these killings still seem to be, even for many Colombian academics.

Greater attention to the problem of "social cleansing" and street people is found in Colombian books and pamphlets published in the journalistic genre. Unfortunately, these works commonly suffer from a lack of analysis of the social and political origins of the violence. Instead the focus is on horrendous cases of "cleansing," and on personal observations about street life in Colombia.²⁹ The most recent book of this genre, "Limpieza social", la guerra contra la indigencia by investigative journalist Sandra Mateus Guerrero, is something of an exception in that she pays some attention to the root causes of the violence against the poor. She describes "social cleansing" as a war against those who are considered "unworthy of living,"³⁰ and argues that the violence is rooted in the way individuals are valued in today's Colombia.

²⁸ Carlos M. Gallego, and Mireya T. Ardila, La violencia parainstitucional, paramilitar y parapolicial en Colombia, Bogotá, Rodríguez Quito Editores, 1994, p. 60.

²⁹ Some current works in this genre are: Sandra Mateus Guerrero, "Limpieza social", la guerra contra la indigencia, Bogotá, Ediciones Temas de Hoy, 1995; María Soledad Rico Sanín, El delito de existir, Bogotá, Editorial Oveja Negra, 1993; and Carlos Sanchez Ocampo, El contrasueño: Historias de la vida desechable, Medellín, Editorial Universidad de Antioquia, 1993.

³⁰ "indignos de continuar viviendo"

Nowadays, an individual's worth is measured not by the kind of person s/he is, but rather by what s/he has to offer society. And if we follow that logic, indigent people offer only filth and disorder. In effect, they have no worth... Murder has become a message: if you sleep in the streets, if you steal, or if you live in a marginalized neighbourhood and hang out on street corners, you are flirting with death.³¹

The publications of non-governmental organizations (NGOs) and inter-governmental organizations (IGOs) provide an additional source of valuable information about the phenomenon of "social cleansing." These documents provide detailed descriptions of specific incidents of "social cleansing," often identifying both victims and the precise circumstances of their death.³² They also provide credible evidence that state agents, or paramilitary groups backed by the state, are responsible for many "social cleansing" killings. A number of NGO and IGO reports also outline how the Colombian judicial system serves to guarantee perpetrators immunity from prosecution in such cases.³³ Some of these

³¹ "Hoy en día el valor del individuo se mide con base no en su calidad de ser humano, sino en función de sus aportes a la sociedad. Y si se sigue esa regla, los indigentes sólo aportan suciedad y desorden, es decir, no valen...El asesinato se ha convertido en un mensaje: si usted duerme en las aceras de las calles, si roba, si vive en un barrio marginado y se reúne en las esquinas, correrá el riesgo de morir." Mateus Guerrero, pp. 144-145.

³² See, for example, Amnesty International, Colombia: Children and Minors: Victims of Political Violence, London, June 1994; Human Rights Watch/Americas, Generation Under Fire: Children and Violence in Colombia, New York, 1994; Instituto Latinoamericano de Servicios Legales Alternativos (ILSA), "Social Cleansing" in Colombia and Brazil: Genocide of the Poor, Bogotá, working paper, December 1993; Comisión Intercongregacional Justicia y Paz, Boletín Informativo Justicia y Paz, 1993-1995; Organization of American states, Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Colombia, Washington D.C., 1994; Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1993; United Nations, Economic and Social Council, Joint Report of the Special Rapporteur on the Question of Torture, Mr. Nigel S Rodley, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolutions 1994/37 and 1994/82, 16 January 1995.

³³ See, for example, The Bar Human Rights Committee of England and Wales, Two Sides of the Mirror: Human Rights in Colombia 1994, London, January 1995; Comisión Andina de Juristas - Seccional Colombiana, Colombia: From the New Constitution to the Weakening of the Rule of Law, Bogotá, July 1994, Democracia, derechos humanos y administración de justicia en la Región Andina, Bogotá, March

reports suffer from a tendency toward overstatement and exaggeration,³⁴ though it needs to be stressed that this is the exception rather than the rule. If there is a general weakness in NGO and IGO reports it lies in their failure to place the evidence into political, economic and historical context.

A notable exception is the report La violencia llamada limpieza social by Carlos Rojas of CINEP.³⁵ This is the only available study in which the "social cleansing" phenomenon is systematically analyzed. Rojas traces the "cleansing" back to its origins in 1979 and explains how it has developed since then throughout the country. He presents statistics on the victims and the perpetrators and discusses why the Colombian marginal poor are suffering from this violence. He argues that "social cleansing" violence stems from a number of related factors, such as "pervasive marginality, the growing phenomenon of delinquency, the inefficiency of the state's justice system - resulting in impunity - and the demands for private solutions to the problem of insecurity."³⁶

Rojas' analysis suggests that the problem of "social cleansing" is not a uniquely Colombian phenomenon. And indeed, the available literature indicates that "social cleansing" operations have been

1994, and Impunidad en Colombia, Bogotá, 21 July 1994; and The Lawyers Committee for Human Rights, Colombia: Public Order, Private Injustice, New York, 1994.

³⁴ See, for example, Juan Pablo Ordoñez, No Human Being Is Disposable: Social Cleansing, Human Rights, and Sexual Orientation in Colombia, [San Francisco]: International Gay and Lesbian Human Rights Commission, 1995.

³⁵ Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1993.

³⁶ "La persistencia de la marginalidad, el crecimiento del fenómeno delincriminal, la ineficiencia del aparato estatal de justicia - con la consecuente impunidad -, los llamados oficiales a la privatización de las soluciones del problema de la seguridad." Ibid., p. 79.

carried out in several Latin American countries, including Brazil, Guatemala, and El Salvador, but also in places with very different historical, cultural, and political systems including, for example, Indonesia and the United States.³⁷ Evidence of police and vigilante ill-treatment and killing of the urban poor is also abundant in literature on 18th and 19th century Europe and North America.³⁸

Although this study is not a comparative one, it occasionally draws on the evidence from other countries and other historical periods in an effort to illuminate the phenomenon of "social cleansing" in Colombia today. The evidence from countries with very different cultural and historical backgrounds is particularly revealing because it can help to clarify the extent to which the phenomenon of "social cleansing" is the result of generalizable, as opposed to unique, features of Colombian history, politics, society and culture. Accordingly, in this study I will refer mainly to evidence from Indonesia and the United States - which differ dramatically from Colombia in all of these respects - rather than from other Latin American countries, which are more similar.

³⁷ See, for example, Amnesty International, Indonesia: "Operation Cleansing" - Human Rights and APEC, London, November 1994; David Bouchier, "Crime, Law and State Authority in Indonesia," in Arief Budiwan, ed., State and Civil Society in Indonesia, Clayton, Monash Papers on Southeast Asia, no. 22, 1990; Richard Maxwell Brown, Strain of Violence, Historical Studies of American Violence and Vigilantism, Oxford, Oxford University Press, 1975; "Crime & Vigilantes in El Salvador: Risky Experiment as First Death Squad Falls," Latin American Weekly Report, 24 August 1995, pp. 378-79; Gilberto Dimenstein, Brazil: War on Children, London, Latin America Bureau, 1991; Lynne B. Iglitzin, Violent Conflict in American Society, San Francisco, Chandler Publishing Company, 1972; Robert P. Ingalls, Urban Vigilantes in the New South: Tampa, 1882-1936, Knoxville, University of Tennessee Press, 1988; and Justus M. van der Kroef, "Petrus: Patterns of Prophylactic Murder in Indonesia," Asian Survey 25 (July 1985): 745-769.

³⁸ See for example, Charles Dickens, Oliver Twist, [First published in London 1837-39] London, Penguin Classics, 1985; Christopher Hibbert, The English: A Social History 1066-1945, London, Harper Collins Publishers, 1994; Victor Hugo, Les Misérables, Paris, 1862, reprinted by Penguin Books, London, 1982; and Geo C. Needham, Street Arabs and Gutter Snipes, Boston, D. L. Guernsey, 1884.

The tradition of vigilantism and "cleansing"-style violence in the United States, for example, provides useful material for comparison. Although the Ku Klux Klan is best known for its racist violence, during certain periods the Klan's focus, like that of the "cleansing squads" in Colombia, has been the elimination of "ne'er-do-wells and the allegedly immoral."³⁹ Also similar to the Colombian case is the apparent collaboration between U.S. vigilante groups and state officials.⁴⁰

Perhaps even more revealing is the case of Indonesia, where from 5,000 to 10,000 "social cleansing" killings were carried out between 1983 and 1985. These killings - aimed particularly at real or perceived criminal urban youth - formed part of an official operation known as "Petrus." At first, Indonesian officials denied responsibility for the killings, declaring that they were nothing more than the result of fights between members of rival juvenile gangs, known as gali. However, in 1989 Indonesian President Suharto admitted that the "Petrus" killings in fact had been an official "shock therapy," a government policy attempting to bring urban crime under control.⁴¹

Despite the great political, economic, social, and historical differences between Indonesia and Colombia, striking similarities can be found between the "Petrus" killings and today's "social cleansing" in Colombia. The similarities include, for example, the social profiles of

³⁹ Richard Maxwell Brown, Strain of Violence, Historical Studies of American Violence and Vigilantism, Oxford, Oxford University Press, 1975, p. 28.

⁴⁰ Richard Maxwell Brown, "The History of Vigilantism in America", in H. Jon Rosenbaum and Peter C. Sederberg, eds., Vigilante Politics, Pennsylvania, University of Pennsylvania Press, 1976, p. 94.

⁴¹ David Bouchier, "Crime, Law and State Authority in Indonesia," in Arief Budiman, ed., State and Civil Society in Indonesia, Clayton, Monash Papers on Southeast Asia, no. 22, 1990.

both victims and perpetrators, the modus operandi of the killers, and the powerful involvement of the state, notwithstanding official denials. This evidence suggests strongly that the problem of "social cleansing" is best explained not solely in terms of the unique cultural make-up of any country, but rather by reference to economic and political forces which are found, at different times, across many cultures. That is to say, while "social cleansing" in Colombia may stem in part from certain unique features of the country's history, it is not the result of some exceptional cruelty or brutality inherent in Colombian culture, but has discernible and generalizable political, social, and economic roots. *

1.3 The Research Problem

The phenomenon of "social cleansing" in Colombia raises a number of perplexing historical and analytical questions. How, for example, can we explain the systematic murder of members of marginal social groups in a country widely regarded as an economic success story, and considered to be one of Latin America's most stable democracies? How can we reconcile the failure of the state to bring to justice the perpetrators of this "racist, fascist or neo-nazi violence," with Colombia's supposed tradition of respect for the rule of law, and with the government's explicit, and unconditional, support for human rights? And finally, what can the Colombian experience with "social cleansing" tell us about similar phenomena in other parts of the world, and in other historical periods?

This thesis seeks to answer these questions by examining the problem of "social cleansing" from a number of distinct, but

overlapping, analytical perspectives. Drawing on work in the field of political economy, it highlights some of the structural features of Colombia's political and economic systems which appear to have a significant bearing on the problem of "social cleansing." It also provides detailed accounts of the social and ideological make-up of both the victims and the perpetrators of "social cleansing." Finally, drawing on international human rights literature and concepts, it outlines some of the principal reasons for the persistence of "social cleansing" within a broader pattern of institutionalized state violence.

Having outlined these broad objectives, it is important to mention certain limitations in the research design and evidence employed for this study. The first limitation stems directly from the weakness of the literature dealing with "social cleansing" in Colombia. Given the absence of reliable base-line data or historical information, it has not been possible to compare and contrast the phenomenon of "social cleansing" during different time periods, or to provide a detailed account of the emergence of the problem. Instead, I have chosen to focus on "social cleansing" as it exists in Colombia today.

The study is also limited in the sense that it does not examine in any detail the response of Colombia's street people to "social cleansing." Nevertheless, some evidence is provided below indicating that garbage recyclers and prostitutes have begun to organize in response to state repression. If that trend continues, and spreads to other sectors among the "disposables," the pattern of state violence described and analyzed in this study is likely to change as well,

raising important substantive and analytical questions that will eventually require further analysis.

This study is also limited in a geographical sense. While the contextual information presented below refers to Colombia as a whole, most of the case studies of "social cleansing" are drawn from Bogotá. Similarly, while some of those interviewed were in a position to speak about national trends, the experience of many of the informants cited below was confined to Bogotá and, in some cases, to individual boroughs or neighbourhoods in the city. The focus on Bogotá means that a degree of caution must be exercised in drawing any general conclusions. Because while the pattern of "social cleansing" appears to be broadly similar in all of Colombia's major urban centres, some variations are apparent. There is scattered evidence, for example, that in Cali and Medellín responsibility for "social cleansing" violence extends beyond the constellations of actors identified in this study to include urban militias sometimes associated with left-wing guerrilla groups. Such variations are important but they are beyond the scope of this study.

Owing to the weakness of existing scholarship on the issue, and also to simplify the presentation of evidence, this thesis has been organized around three more manageable, substantive questions. First, who are the victims of "social cleansing" and why have they been targeted? Second, who actually carries out this violence, and how do they operate? And third, how can "social cleansing" persist?

Chapter 2 offers an analysis of the broad political, human rights, and economic context within which "social cleansing" has occurred, highlighting factors that appear to have contributed to the problem.

These include the highly elitist and authoritarian character of the Colombian political system, the considerable political power of both the security forces and the business associations (gremios), and the institutionalization of human rights abuse. The discussion of the Colombian economy reveals how the economic policies of successive Colombian governments have helped to create the mass of urban poor who are the victims of "social cleansing."

Chapter 3 shifts from this broad contextual analysis to a more direct examination of Colombia's marginal urban poor, to establish precisely who the victims of "social cleansing" are, and why they have become victims. Focusing on four broad social groups - street people known as ñeros, garbage recyclers, prostitutes and transvestites, and youth from the suburban barrios - I argue that, in contrast to the victims of other kinds of political killings, the victims of "social cleansing" are targeted not because of their political views or activities, but because they are seen as bearers of unwelcome attributes, such as criminality, poverty or homosexuality.

In Chapter 4, the analytical focus shifts from the victims to the perpetrators, in an effort to explain how and why the "cleansers" commit these crimes. After establishing certain underlying patterns in all cases of "social cleansing" - in particular the central role of state agents - the chapter outlines two dynamics, each with its own distinctive constellation of actors, set of motivations, and modus operandi. These are identified as "semi-spontaneous" and "mercenary." In the first dynamic, frustration with the ineffectiveness of the judicial system appears to be one of the underlying reasons for the "cleansing."

However, "cleansing" of this sort is also done to "settle scores" between street people and members of the police who form part of the criminal world. In the second dynamic, the "cleansing" is more organized. Here local businessmen and different kinds of community groups hire assassins to rid "their" streets of "undesirables" who are considered to destroy business or cause problems in a particular neighbourhood. In this second scenario the immediate motivation of the assassin may be money, but the original impetus for murder comes from, for example, the business person. Implicit in both of these dynamics is a sense of impatience with normal political and judicial processes, on the part of the security forces, right-wing groups and business people, and a strong belief that social and political problems can instead be solved by resort to violence, and specifically murder.

Noting that such views run counter to the avowed democratic principles and international human rights commitments of the Colombian state, Chapter 5 asks how "social cleansing" can be allowed to continue. It focuses on two dimensions of the problem - serious weaknesses in the judicial system, and the entrenchment of a discourse that makes the murder or abuse of street people a matter of little public controversy. I argue, first, that the perpetrators of "social cleansing" are able to get away with their crimes because, as agents or allies of the state, they are in a position to evade the judicial process. This problem - commonly referred to as a pattern of impunity - is at least in part the result of flaws in the Colombian judicial system. Further impediments to the prosecution of the perpetrators stem from the victims' lowly social and political status, and their lack of awareness about their basic

rights. Also, a large proportion of the killings are never reported to the authorities, because witnesses or relatives fear reprisals from the perpetrators.

Public discourse, especially from the government, the media and the business sector, facilitates - even encourages - the "cleansing" by promoting the image of these marginalized groups as "delinquents" or "disposables." This discourse reinforces a pernicious ideological vision, characterized by a conviction that all lives do not have the same value, and that those that are undesirable or disruptive in the eyes of those in power may simply be disposed of. Prostitutes, thieves, beggars and the homeless are among the bearers of this identity as "disposables," and in the view of the "cleansers," they need to be removed in order to restore - or more often create - a society free from impurities.

In the concluding chapter I argue that the cause of both of the tendencies discussed in Chapter 5 lies in the absence of serious political will on the part of Colombia's political, military, and economic elites to tackle the problem of "social cleansing" at its roots. This lack of will appears, in turn, to be the unavoidable product of a political system which, despite its democratic veneer, is both highly authoritarian and oriented toward the demands of powerful business groups, and in which, notwithstanding the formal superiority of the civilian government, the security forces and their paramilitary allies are given considerable autonomy.

2. THE CONTEXT

Colombia is well-known as a model of democracy in Latin America, with regular elections and security forces that accept subordination to civilian governments.⁴² However, Colombia is also a country where, in reality, the security forces enjoy great political autonomy. And while Colombia is famous for its drug-related violence, in fact political killings constitute a growing proportion of Colombian homicides. In addition, while Colombia is regarded by mainstream economists as a success story - being the only country in the region to achieve constant economic growth during the difficult 1980s - it is a country suffering from extreme inequalities, where half the population still lives in poverty.

In this chapter I look more closely at these apparent contradictions. The aim here is not to explain in detail why and how "social cleansing" can take place, but primarily to put the existence of "social cleansing" into its proper context.⁴³

2.1 "Democracy" and Military Power

Colombia is generally regarded as one of Latin America's most stable democracies. During the 20th century civilian rule has been the norm and election results have generally been respected. Scholars tend to agree that this "political stability" owes a lot to a long-standing tradition

⁴² The term "security forces" includes both the armed forces and the police.

⁴³ Later chapters will address the questions why "social cleansing" takes place and how it can continue.

of power sharing between the two dominant political parties - the Liberal Party and the Social Conservative Party⁴⁴ - exemplified by the 20-year-long constitutional experiment called the National Front. Formally initiated in 1958, the National Front entailed a sharing of power between the two parties, including the regular alternation of the presidency, and the explicit exclusion from power of all other political parties. The National Front's successes in securing a transition from Rojas Pinilla's military dictatorship (1953-1957) to civilian rule, and in lowering the extreme levels of violence in Colombia, have frequently been emphasized by academics as a critical turning point on the road to democracy.⁴⁵

A number of academics have recognized that it is problematic to use the term "democracy" to describe Colombia's current political system. Some, including Albert Berry, Francisco Thoumi and Robert Dix, define Colombia as an "oligarchic democracy," suggesting the still dominant role played by Colombia's small and closely connected elites.⁴⁶ Dix writes that:

A powerful, informal coalition of elites sustains the existing order - promoting capitalist growth, opposing threats to internal order and extant property arrangements,

⁴⁴ The Social Conservative Party was called the Conservative Party until 1987.

⁴⁵ A critical study of this Colombian elite pact and the way it has been interpreted by scholars can be found in Eva Irene Tuft, Democracy and Violence: The Colombian Paradox, Bergen, University of Bergen, May 1995.

⁴⁶ Albert R. Berry and Fransisco E. Thoumi, "Post-War and Post-National Front Economic Development of Colombia", in Donald L. Herman, ed., Democracy in Latin America: Colombia and Venezuela, New York, Praeger Publishers, 1988, p. 81; and Robert H. Dix, The Politics of Colombia, New York, Praeger Publishers, 1987, p. 209.

and favoring a pro-U.S. foreign policy - even while disagreeing from time to time on particular policies."

Others question the appropriateness of the term "democracy" altogether, preferring the term "inclusionary authoritarian system."⁴⁸ Jenny Pearce is more blunt, claiming that Colombia is a "democracy without the people," and arguing that "to call the real Colombia a 'democracy' is to wrest content from that word or to reduce it to a set of institutions."⁴⁹

Yet, with the exception of Pearce, even those who have recognized the elitist tendencies of Colombia's political system have tended to accept that it has been dominated by a civilian rather than a military elite, and there appears to be general agreement among North American scholars that the Colombian military is politically "weak." I would like to suggest that this standard portrayal of the relative power and autonomy of civilian and military elites is misleading, and that a reappraisal can contribute significantly to our understanding of the phenomenon of "social cleansing."

While it is true that the Colombian military has refrained from any overt intervention in politics for more than four decades, its influence on politics has been considerable. Indeed, it may be the case that the Colombian military has refrained from direct intervention precisely because it has been able to obtain, through close

⁴⁷ Robert H. Dix, The Politics of Colombia, p. 208.

⁴⁸ Bruce Michael Bagley, "Colombia: National Front and Economic Development", in Robert Wesson, ed., Politics, Policies, and Economic Development in Latin America, California, Hoover Institution Press, 1984, p. 125.

⁴⁹ Jenny Pearce, Colombia: Inside the Labyrinth, London, Latin America Bureau, 1990, p. 207.

collaboration with civilian elites, all that it desires in the way of political and economic power.

As we shall see, the power of the Colombian military (or more accurately the security forces), is evident in the considerable autonomy granted to the army and the police by political, economic, and judicial elites. It is also revealed in the frequency with which the civilian elite imposes different forms of emergency rule that effectively grant additional powers to the security forces. Each of these dimensions will be elaborated below.

The military has become increasingly influential in Colombia, especially in formulating and implementing government policy on issues of "public order" and "national security," terms that have been interpreted very broadly.⁵⁰ Because of the existence of several armed guerrilla movements, and the immense power and resources of drug traffickers, the Colombian military has been given an almost free hand by civilian authorities to conduct its operations.⁵¹ Increasingly, military operations have been conducted against peaceful political opponents, in the name of "public order" and "national security." An indication of the autonomy and political power of the security forces is the fact that none of its heavily-criticized privileges, such as those

⁵⁰ According to sociologist Elsa Blair Trujillo, the Colombian armed forces were able to increase their power and autonomy considerably with the introduction of the Doctrine of National Security in Colombia in the 1970s. Elsa Blair Trujillo, Las Fuerzas Armadas: Una mirada civil, Bogotá, CINEP, 1993.

⁵¹ Indeed, civilian authorities have been so generous to the military that, as Luis Alberto Restrepo argues, "many civilian leaders are the political branch of the armed forces...which has made a classic coup d'état unnecessary." Luis Alberto Restrepo, "The Crisis of the Current Political Regime and Its Possible Outcomes," in Charles Bergquist, Ricardo Peñaranda, and Gonzalo Sánchez, eds., Violence in Colombia: The Contemporary Crisis in Historical Perspective, Delaware, Scholarly Resources Inc., 1992, p. 287.

provided through the military penal system, were changed in the 1991 Constitution.

Not only has the military been given a free hand by its own government, it has secured financial, logistical, and political backing from the government of the United States. In 1990, Colombia became the number one recipient of U.S. military aid in Latin America. The combination of domestic and international backing has ensured the Colombian military an unusual degree of political autonomy and financial security. Just as important, it has given the military a powerful stake in the economic and political status quo, and the means to defend it.

The overall autonomy of the security forces affects the power of its constituent parts. Among these, the police force is crucial for our purposes, because police are among the main perpetrators of "social cleansing" violence. While the Colombian police have enjoyed for many years an unusually low degree of popular confidence, they have nevertheless been able to maintain a high degree of autonomy and political power. This autonomy has been enhanced by the decision of the government, with the agreement of the other branches of the security forces, to let the police carry out military tasks.

Perhaps the clearest evidence of police power and autonomy lies in their ability to evade significant reform, even in the face of widespread public condemnation for human rights abuse and unprofessional conduct. The image of a corrupt, unprofessional, unethical, and violent police force had been an officially neglected reality for years, when it

finally culminated in 1993.⁵² On 28 February 1993, a nine year old girl - the daughter of a policeman - was raped and killed inside the 3rd Police Station in central Bogotá. Although many people had died inside police stations before, this time the victim was neither a criminal nor a street person, but a middle class girl, and her death triggered a national debate about the levels of corruption and "delinquency" within the police.

The debate led to a government plan for reform that was set in motion through a decree (591/1993) which established two commissions, one internal and one external. The reform law (62/1993) promulgated in 1993 emphasized the preventive role and the civilian character of the police, and established the post of a civilian National Police Commissioner. On paper, these were positive developments, but they had little effect in practice. In the words of Sonia Zambrano of the Comisión Andina de Juristas: "The law is very good, just like the [1991] Constitution...but unfortunately it has not meant that the police have gone through any real changes."⁵³

In an interview conducted for this study in August 1995, one member of the external commission established in 1993, Alvaro Camacho,

⁵² Writing in 1993, sociologist Alvaro Camacho, who was a member of an external commission set up to look into the police, identified five main problems within the national police: privatization - the police force has allowed itself to become subordinated to local private justice groups; autonomy - the police themselves have become delinquents, committing crimes both in uniforms and operating as vigilante groups; militarization - the police force has become something of a paramilitary force through the mix of military and police tasks, where it is the protection of the "public order" rather than the citizens that the police give priority; inefficiency - the police simply do not do their job and have no good excuse for not doing it; and finally the human rights violations, which are something of a consequence and synthesis of the other four problems, but so serious that Camacho especially emphasizes them. Alvaro Camacho G., "La reforma de la policía: Realidades inmediatas y objetivos estratégicos," *Análisis Político*, 19 (May-August 1993): 50-62.

⁵³ Interview with Sonia Zambrano in Bogotá, 31 August 1995.

confirmed that the police remain corrupt, that the popular image of the force remains, justifiably, very bad, and that the force continues to be responsible for serious human rights violations.⁵⁴ Camacho emphasized that efforts were being made to address these problems, such as the firing of large numbers of policemen for unprofessional behaviour.⁵⁵ Yet while it may be true that thousands of police have been fired since the 1993 reforms,⁵⁶ it is significant that most have been dismissed for involvement in drug corruption or other criminal activities, and not for human rights-related offences. Moreover, few if any of those dismissed have been brought to justice and punished for their crimes.

The ability of the police to evade efforts at serious reform is an indication of their continued autonomy and political power. Further evidence lies in their freedom to carry out systematic and serious human rights violations, including scores of "social cleansing" killings, with almost total impunity.

The power of both the military and the police has been further enhanced by the frequent imposition of states of emergency by a series of civilian governments. The delegate for human rights at Colombia's Procuraduría, Hernando Valencia Villa, told me bluntly:

⁵⁴ Interview with Alvaro Camacho, now working as the Bogotá mayor's security adviser, 29 August 1995.

⁵⁵ In addition to the reform, there is a more recent decree - 2010/1995 - which empowers the director of the national police, General Rosso José Serrano Cadena, to remove from duty any police officer involved in corruption or other criminality regardless of the person's time of service. This decree is a part of the police's struggle against its own criminality problem. Interview with National Police Commissioner Mario Gonzalez in Bogotá, 1 September 1995, and letter from Colombian police official to Swedish army general, 19 April 1995.

⁵⁶ According to the National Police Commissioner, Mario González, the correct figure is 2,000.

The truth is that for years now the security forces have ^X strengthened their position in Colombia...The abuse of the states of emergency has deformed the role of the security forces.⁵⁷

Until the new Constitution was enacted in 1991, Colombian governments could declare indefinite states of emergency, which they did several times over the past few decades. The rules for states of emergency were modified under the new Constitution, and the name changed to "state of internal disturbance."⁵⁸ Among the most important changes, the new rules stipulated a 90-day limit for any particular state of internal disturbance. Most observers welcomed the changes,⁵⁹ but have expressed concern about the way the new rules have since been manipulated and abused.⁶⁰ For example, the OAS has criticized the

⁵⁷ Interview with Hernando Valencia Villa in Bogotá, 30 August 1995. Valencia Villa's view was clearly illustrated two days after this interview, when he had to urgently flee the country. As the Procuraduría's delegate for human rights he had, for the first time ever in Colombia, called for the dismissal of an army general - General Alvaro Hernán Velandía H., responsible for the "disappearance" and killing in 1987 of Nydia Erika Bautista. After this demand, Valencia Villa started receiving such serious threats that he had to leave Colombia.

⁵⁸ Under the new constitution, the president can declare states of internal disturbance "In the case of a serious disruption of public order imminently threatening institutional stability, the security of the state, or the peaceful coexistence of the citizenry, and which cannot be resolved by the use of the ordinary powers of the police authorities." Presidencia de la República, Participatory Democracy and Respect for Human Rights: Colombia's New Constitution, Bogotá, 1993, article 213.

⁵⁹ The OAS stated that: "When one considers that under the previous Constitution, a state of emergency could last indefinitely, which actually happened, the fact that the new Constitution sets a time limit is a significant constitutional and legal change." Organization of American States, Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Colombia, Washington D.C., 1993, p. 60.

⁶⁰ Under the new rules, the original declaration of state of disturbance is for 90 days. This period can be extended twice. In addition, the measures adopted can remain in effect another 90 days. However, the non-governmental organization Comisión Intercongregacional de Justicia y Paz has observed that, in fact, the new time limit is possible to evade as nothing prevents the President from declaring a new state of emergency the day after the expiration of the 270 days. "Balance de la Administración Gaviria," Boletín Informativo Justicia y Paz 7 (April-June 1994): 8.

government practice of incorporating emergency legislation, which often disregards important human rights, into regular legislation.⁶¹

The potential for abuse has been revealed by the recent actions of the current government. President Ernesto Samper declared a state of internal disturbance on 16 August 1995, after approximately one year in power. The official reason for this declaration was the need to fight the problem of violent crime. Government critics, however, claimed that the true reason for the emergency measures was the political crisis triggered by accusations that Samper had accepted money from the Cali drug cartel to finance his 1994 presidential campaign.⁶² That crisis, while posing a serious problem for the President, would not have been a constitutionally acceptable reason for declaring a state of internal disturbance.

On 18 October 1995 the Constitutional Court ruled that Samper's August declaration was unconstitutional, arguing that because "violence in Colombia is not the result of passing circumstances, but a 'pathological' condition...ordinary legislation should be used to combat it."⁶³ Despite this ruling none of the ten public order decrees issued under the state of emergency were covered by the court's review, thus allowing the President to seek their passage through Congress as permanent legislation. Following the assassination of conservative

⁶¹ The OAS has accused Colombia of "using the state of emergency legislation to amend the judicial system..." Organization of American States, Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Colombia, Washington D.C., 1993, p. 95.

⁶² See, for example, "Declaración de las ONGs pertenecientes a la Comisión Mixta de Derechos Humanos creada por el D.1533 de 1994," Bogotá, 28 August 1995.

⁶³ "Court Ruling Takes Martínez by Surprise: Internal Commotion Decree Struck Down," Latin American Weekly Report, 2 November 1995, p. 503.

politician Alvaro Gómez Hurtado, on 2 November 1995, Samper declared a new state of internal disturbance, adding extensive new powers to the security forces.

Perhaps more disturbing than Samper's manipulation of the law to his personal advantage was the signal he sent to the security forces, and their allies, regarding the treatment of "delinquents." In his speech introducing the August state of emergency, the President declared that it was now time to initiate "an unprecedented action of surgical cleansing of Bogotá's delinquent mafias."⁶⁴ Critics saw this statement as a green light to further "social cleansing." To assist in this fight against "delinquents" the President transferred the elite police-military force, Bloque de Búsqueda, to Bogotá.

The Bloque is a battle-hardened anti-drug unit, notorious for committing human rights violations. It was originally formed to fight the Medellín drug cartel and capture its leader Pablo Escobar. After the crack-down on the Medellín cartel was considered won, the Bloque was transferred to Cali, where it launched a new offensive, this time against the Cali drug cartel. The President announced the decision to bring the Bloque to Bogotá soon after the internationally publicized capture of Cali drug lord Gilberto Rodríguez Orejuela in August 1995.

Colombian human rights organizations have called the declaration of internal disturbance a "180 degree shift in the government's attitude towards human rights,"⁶⁵ especially criticizing what they saw as the

⁶⁴ "una acción sin precedentes de limpieza quirúrgica de las mafias delinuenciales bogotanas." Ernesto Samper P., "Palabras del Señor Presidente de la República, Doctor Ernesto Samper Pizano, en el acto de suscripción del Acuerdo Nacional Contra la Violencia," 16 August 1995.

⁶⁵ "viraje de 180 grados en la actitud del gobierno hacia los derechos humanos"

"war-cry"⁶⁶ that accompanied the declaration.⁶⁷ Samper's new emergency strategy to fight the "delinquency" may turn out to be a disaster for the marginal urban poor - the potential "social cleansing" victims.⁶⁸

In short, the Colombian political system is democratic and civilian merely in a superficial way. The democratic rights legally guaranteed to all Colombians are limited, as the democratic principles are distorted by the considerable political power and autonomy of the security forces - even in social and political affairs. This power, isolated from the democratic process and further enhanced by successive governments' frequent resort to states of emergency, may help to explain the problem of "social cleansing."

2.2 The Pattern of Violence

Colombia is a country plagued by extreme levels of violence, both political and non-political. The national murder rate is the highest in the world among countries not at war,⁶⁹ with 85.1 homicides per 100,000 inhabitants in 1991.⁷⁰ (Number two is Brazil with 24.5 homicides per

⁶⁶ "grito de guerra"

⁶⁷ "Declaración de las ONGs pertenecientes a la Comisión Mixta de Derechos Humanos creada por el D.1533 de 1994," Bogotá, 28 August 1995, pp. 1 and 3.

⁶⁸ Indeed, in late 1995 unconfirmed reports from Colombian human rights sources described several cases of forced resettlement and killing of street people in central Bogotá. All were said to have been carried out by the Bloque de Búsqueda in collaboration with the Bogotá police and the DAS.

⁶⁹ Peter R. Andreas, and Kenneth E. Sharpe, "Cocaine Politics in the Andes," Current History 91 (February 1992): 78.

⁷⁰ The official Colombian homicide rate was 43.1/100,000 in 1985, 73.1/100,000 in 1990 and 85.1/100,000 in 1991. See Departamento Administrativo Nacional de Estadística, Boletín de Estadística n.s. 504 (March 1995): 102. However, Colombian president Ernesto Samper declared in a speech in August 1995 that 19,450 Colombians had been killed in the first six months of 1995. With

100,000 inhabitants.⁷¹ The equivalent figures for the United States and Canada are 10.4⁷² and 2.2⁷³ respectively.) In Colombia, homicides account for 25 percent of all deaths, while the world average is approximately 1 percent.⁷⁴ Not surprisingly, then, surveys show that "insecurity" is considered to be the number one problem among Colombians, before issues such as unemployment.⁷⁵

Most killings in Colombia are the result of non-political street violence, often connected to the massive drug industry. Yet, statistics from a range of sources indicate that the proportion of political killings in Colombia is steadily rising. Figures from both international and domestic sources show that from 10 to 15 percent of all homicides have been politically motivated in recent years.⁷⁶ That is a dramatic

that number of killings the Colombian homicide rate would now be well over 100/100,000. Ernesto Samper P., "Palabras del Señor Presidente de la República, Doctor Ernesto Samper Pizano, en el acto de suscripción del Acuerdo Nacional Contra la Violencia," Bogotá, 16 August 1995. For comparison, it is worth mentioning that the total number of homicides in Canada during all of 1993 was 630. Canadian Centre for Statistics, Juristat 14 (no. 15): 1.

⁷¹ Comisión Andina de Juristas, From Words to Deeds: Panorama of Human Rights and Humanitarian Law in Colombia - 94, Bogotá, December 1994, p. 6.

⁷² U.S Department of Commerce, Economics and Statistics Administration, Statistical Abstract of the United States 1994, 114th ed., Washington D.C., September 1994, p. 93. [Figures for homicide rate in 1992]

⁷³ Canadian Centre for Justice Statistics, Juristat 14 (no. 15): 1. [Figures for homicide rate in 1993]

⁷⁴ Government of Sweden, Ministry of Foreign Affairs, Colombia: den socioekonomiska bilden, Bogotá, Embassy of Sweden, 21 November 1994, p. 9.

⁷⁵ Guillermo Segovia Mora, La violencia en Santafé de Bogotá, Bogotá, Ecoe Ediciones, November 1994, p. 8.

⁷⁶ See, for example, Amnesty International, Political Violence in Colombia: Myth and Reality, London, March 1994; and Asociación Seta, Misión de identificación de derechos humanos en Colombia: Informe de misión, Bogotá, May 1993, p. 33.

increase since 1970, when political killings accounted for only 1 percent of all homicides.⁷⁷

The human rights organization Comisión Andina de Juristas has calculated that since 1988 a daily average of at least ten people have been killed for political reasons in Colombia.⁷⁸ With slight variations during certain periods, of the ten killed every day, five were assassinated (mainly trade unionists, leftist politicians, human rights activists and others who expressed criticism of government policies), four died in the armed conflict between guerrilla groups and the armed forces (mainly civilians living in areas of guerrilla activity and counter-insurgency), and one was killed in a "social cleansing" operation. Hundreds more have "disappeared," after being abducted by the police, military or paramilitaries. These killings and "disappearances" have been accompanied by a number of other grave human rights violations, such as arbitrary detentions, unfair trials, and torture.

During the presidency of César Gaviria (1990-1994), 14,856 political killings were documented in Colombia. Although it is impossible to compare suffering, it is worth pointing out that the number of political killings in Colombia during these four years alone exceeded the official number of political killings during a total of

⁷⁷ In 1970, the total number of homicides in Colombia was 4,500, of which only 49 were politically motivated. Asociación Seta, Misión de identificación..., p. 34.

⁷⁸ Comisión Andina de Juristas, The Human Rights Situation in Colombia: Complex but not Confusing, Bogotá, June 1993, p. 1.

more than 70 years of military rule in Argentina, Bolivia, Brazil, Chile, and Uruguay.⁷⁹

The seriousness of the human rights situation, as documented by independent observers, is supported by several Colombian government authorities. The office of the human rights ombudsman, the Defensoría del Pueblo, declares in its 1994 report that: "No honest Colombian can deny that frequent and systematic human rights violations are committed in our country."⁸⁰ Similarly, the office of the Attorney General, the Procuraduría General de la Nación, states in its human rights report from 1994 that "the last years have seen a significant deterioration of fundamental human liberties in this country."⁸¹

The problem of political violence in Colombia is complex, involving a large number of different actors. The widespread drug-related violence often blurs the distinction between political and non-political violence, and the Colombian government continues to face opposition from several armed guerrilla groups that employ violence, both against combatants and civilians. Yet, the fact is that drug-traffickers and guerrillas are not responsible for most of the politically-motivated violence. Statistics from the Comisión Andina de

⁷⁹ Comisión Intercongregacional de Justicia y Paz, Boletín Informativo Justicia y Paz 7 (April-June 1994): 6-7.

⁸⁰ "Ningún colombiano de buena voluntad puede hoy negar que en nuestro país se da, en forma abundante y no esporádica, la violación de los derechos humanos." "Mensaje del Defensor del Pueblo al Presidente de la República," Su Defensor 2 (September 1994): 8.

⁸¹ "...la condición de las libertades humanas fundamentales en el país se ha venido deteriorando de manera grave en los últimos años." Procuraduría General de la Nación, III informe sobre derechos humanos, Bogotá, 1994, p. 7.

Juristas show that in cases where the perpetrator is known, members of the security forces and paramilitary groups together were responsible for over 80 percent of the political killings during 1992. The guerrilla groups were responsible for around 13 percent, and the drug traffickers for less than 1 percent.⁸² Figures from 1995 show that of the political killings perpetrated between October 1994 and March 1995, the security forces and paramilitaries were responsible for 68.4 percent and the guerrilla groups for 27.5 percent.⁸³

In 1994 the office of the human rights ombudsman (the Defensoría) concluded that there is a "frightening link between criminality and power"⁸⁴ in Colombia, and pointed especially at abuses committed by the police and the army.⁸⁵ The majority of human rights violations in rural areas are committed by the army, but in urban areas the police are the main perpetrators. According to the office of the Attorney General (the Procuraduría) more human rights complaints are received against the police than any other force, including the army.⁸⁶ Another official armed group that is frequently accused of human rights violations, including many cases of "social cleansing," is the government's own security agency, the Departamento Administrativo de Seguridad (DAS).

⁸² Comisión Andina de Juristas, The Human Rights Situation in Colombia: Complex but not Confusing, Bogotá, June 1993.

⁸³ Comisión Andina de Juristas, Una situación que no mejora, 2 August 1995, p. 1 and 3. Small farmers continued to be the group hardest hit, with 171 dead in these six months. No figures are given for the involvement of drug traffickers in political violence during this period.

⁸⁴ "temible conexión entre criminalidad y poder"

⁸⁵ Defensoría del Pueblo, Segundo informe anual del Defensor del Pueblo al Congreso de Colombia, serie de documentos 8, Bogotá, 1995, p. 15.

⁸⁶ Procuraduría General de la Nación, III informe sobre derechos humanos, Bogotá, 1994, p. 13.

The total number of complaints against all state agents declined between 1992 and 1993. But the aggregate figures reflect a dramatic decline in complaints about minor cases of ill-treatment and wrongful detentions, while complaints about torture and killings actually increased by 23 percent and 18 percent respectively.⁸⁷ These figures led the Procuraduría to state that:

The most alarming figures come from the predominance of the two most uncivilized practices in which state agents can possibly be involved: torture and extrajudicial execution. It is highly disturbing that a democratic government like Colombia's registers such high figures in these practices."⁸⁸

Also responsible for serious human rights violations, including "social cleansing," are the illegal paramilitary groups currently active throughout the country. Often created by the army as "self-defence groups" in the 1980s, most continue to act with official approval or acquiescence, despite the fact that they were declared unconstitutional in 1989.⁸⁹ The United Nations reported in early 1995 that more than 130 paramilitary groups continue to operate throughout Colombia. It found that the government had not merely failed to attempt seriously to

⁸⁷ Ibid, p. 9.

⁸⁸ "Los datos más preocupantes provengan de la preeminencia que han adquirido la tortura y las ejecuciones extrajudiciales, dos de las prácticas más incivilizadas en las que pueden incurrir los agentes estatales...Resulta sumamente preocupante que un gobierno democrático como el colombiano registre cifras tan altas en estos eventos." Ibid, p. 11.

⁸⁹ The legal formation of paramilitary groups was largely based on Law 48 of 1968, which allowed for defence groups to be organized and armed by the security forces. This law was declared unconstitutional in 1989, so that since then paramilitary groups have been illegal. However, in 1994 a new network of paramilitary groups was created, known as Asociaciones de Vigilancia Rural. Although these groups are not permitted to carry arms, human rights sources claim that they do.

dismantle or disarm these groups, but in fact appeared to consider them useful allies.⁹⁰

Not only are these groups condoned by the authorities, but many also contain some official members of the armed forces or the police. Other groups masquerade as paramilitary forces - wearing plain clothes, driving unmarked vehicles, carrying no identification, and ignoring all legal niceties - but are in fact official units of the security forces. One such group was uncovered in January 1994, when two naval officers confessed to the Prosecutor General that they had belonged to a secret intelligence unit set up by the armed forces with the objective of "eliminating opponents." The unit had killed around one hundred trade unionists, teachers, human rights workers and others in paramilitary operations.⁹¹

Perhaps it is not surprising that leftist politicians, trade unionists, human rights activists, and suspected guerrillas in Colombia are the targets of unlawful killings and other human rights abuses by state-sanctioned forces. After all, they belong to groups that openly criticize, and are seen to pose a threat to, the economic and political status quo. It is much less obvious why the most marginalized and powerless groups should be systematically killed and tortured in "social cleansing" operations throughout the country. What is clear, however, is that successive Colombian governments have been as reluctant to stop the

⁹⁰ United Nations, Joint Report of the Special Rapporteur on the Question of Torture, Mr. Nigel S Rodley, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human rights resolutions 1994/37 and 1994/82, 16 January 1995, p. 12.

⁹¹ Amnesty International, Colombia: The Human Rights Movement under Siege, London, March 1994, p. 13.

"social cleansing" as they have been to end other kinds of human rights violations.

2.3 Economic Growth and Inequality

Colombia is not only the sole country in Latin America to experience constant GDP growth through the 1980s and 1990s,⁹² but it is also one of very few that never fell entirely into the debt trap. And, perhaps most appealing for World Bank and International Monetary Fund economists, starting in 1985 it voluntarily launched a "successful" program of structural adjustment. In The Economist Intelligence Unit's trimestral report published in August 1995, Colombia and Chile were classified as financially the least risky countries in Latin America.⁹³ The World Bank's Poverty Assessment Report from August 1994 showed that Colombia's social indicators (health, education etc.) were better than expected.⁹⁴

Yet, there is a dark side to this success story, which may offer some insight into both the existence of marginalized groups in Colombia and the reasons they become victims of "social cleansing." Colombia remains a country of acute urban and rural poverty, with a highly skewed income distribution. And while these glaring failures are sometimes described as part of a Colombian paradox, they are arguably the

⁹² According to the International Monetary Fund, Colombia's GDP growth in 1994 was 5.7 percent, while the predicted growth rate for 1995 is 5.3 percent. Latin American Weekly Report, 19 October 1995, pp. 474-475. The World Bank has predicted the Colombian GDP growth in 1995 to 5.0 percent, and in 1996 to 5.5 percent. Latin American Weekly Report, 6 July 1995.

⁹³ Colombia and Chile were the only Latin American countries to gain category B status on a scale from A to E, where A is the best. Quoted in "Colombia y Chile, el menor riesgo de América Latina," El Espectador, 11 August 1995, and "Líos políticos recientes no han afectado la imagen de la economía: Colombia, calificación positiva," El Tiempo, 14 August 1995.

⁹⁴ World Bank, Poverty Assessment Report, August 1994.

consequence of precisely the same policies that have won the country accolades from conservative economists. British scholar Jenny Pearce describes the "duality" of the Colombian economy, consisting of a formal sector, "reflecting the extreme concentration of wealth and power in the society," and a large informal sector, a "people's economy," where the majority of Colombians struggle to survive.⁹⁵

The government is reluctant to acknowledge failure in addressing Colombia's long-standing problem of inequality.⁹⁶ Official figures produced by the Colombian Banco de la República show an improving situation over the last two decades. However, these figures have been challenged by leading Colombian economists. Eduardo Sarmiento, for example, claims that the officially reported reduction of income of the richest ten percent of the population is a "statistical fiction."⁹⁷ No

⁹⁵ Jenny Pearce, Colombia: Inside the Labyrinth, London, Latin America Bureau, 1990, p. 69. The evidence of economic failure does not come only from the government's critics. Colombia's current president, Ernesto Samper, has admitted that poverty is one of the nation's greatest problems. On 7 August 1994, in his inauguration speech, he promised to invest in housing, health and employment for the "46% of our fellow men [who] can barely survive below the critical poverty line." "The Time of the People," inaugural address of President Ernesto Samper Pizano, 7 August 1994.

⁹⁶ The most conservative estimates, IMF figures from 1988, show that the top 25 percent of the households, in terms of income, earned 7.6 times more than the bottom 25 percent. Claire Liuksila, "Colombia: Economic Adjustment and the Poor", Finance & Development, vol. 29, no. 2, p. 41. Other studies show considerably larger gaps, with the top quintile earning more than twelve times the income of the bottom 20 percent. Alicia Puyana, "The Campaign Against Absolute Poverty in Colombia: An Evaluation of a Liberal Social Policy," in Christopher Abel and Colin M. Lewis, eds., Welfare, Poverty and Development in Latin America, Hampshire, The Macmillan Press, 1993, p. 391. Jeffrey Sachs claims that the top 20 percent earn 21 times more than the bottom 20 percent. Jeffrey Sachs, "Social Conflict and Populist Policies in Latin America," NBER Working Paper, Massachusetts, National Bureau of Economic Research, no. 2897, March 1989, p. 3, table 1. Still others claim that as much as 70 percent of the Colombian income goes to the top 20 percent of the population. J.F. Hornbeck, "The Economy", in Dennis M. Hanratty and Sandra W. Meditz, eds., Colombia: A Country Study, USA, Federal Research Division, Library of Congress, 1990, p. 140.

⁹⁷ "ficción estadística" Sarmiento declares that, in fact, the Colombian income distribution has not improved at all, but has deteriorated since the mid-1980s. The official figures, he says, show an improvement because they are based on methodological errors and lack of information. The basis for these official figures is a household survey where all Colombians with incomes above

matter what figures one decides to consider accurate, one thing is clear - income distribution remains highly skewed, and the poorest quintile of the Colombian people, even after decades of relatively smooth economic growth, still have to struggle to get enough money for even the most basic necessities.

The persistence of acute poverty and inequality should come as no surprise since the policies pursued by a succession of Colombian governments have been consistently biased in favour of the domestic bourgeoisie at the expense of working people, in both the formal and informal sectors. This class bias has been most conspicuous in the program of structural adjustment, introduced in 1985. Faced with declining growth rates, and increasing deficits in both the public sector and the balance of payments, the government developed a reform program based on the "neo-liberal" principles then fashionable within international lending institutions. External competitiveness and privatization were emphasized and trade liberalization introduced. One of the main goals of the adjustment program was to decrease government spending.⁹⁸

1,000,000 pesos were registered as earning 1,000,000, even though it is common to earn many times more than that. In addition, a large part of the income from capital was not specified. Sarmiento laments that these official figures have now been repeated so many times that they have turned into an internationally accepted "truth," frequently quoted by international financial organizations. Eduardo Sarmiento, "Se hizo el milagro de la distribución del ingreso?" in *Coyuntura Social*, 12 (May 1995): 117-127.

⁹⁸ The total social expenditures of central government spending declined from 39.7 percent in 1983 to 30.1 percent in 1988. At the same time the percentage spent on debt servicing increased from 11.3 percent to 20.6 percent. Rudolf Hommes, "Colombia and Venezuela", in John Williamson, ed., *Latin American Adjustment: How much has Happened?*, Washington D.C., Institute for International Economics, April 1990, pp. 204-205.

This adjustment strategy has been most painful for the poorest parts of the Colombian work force, the 50 percent who try to make a living in the informal sector where the vast majority of the victims of "social cleansing" work. For one thing, government subsidies on transportation, fuel, and basic services have decreased or disappeared under the adjustment. In addition, the government has maintained a system of high indirect (and low direct) taxation, thereby ensuring that the poor bear a comparatively large part of the burden of economic adjustment. Government authorities, such as the office of the human rights ombudsman, Defensoría del Pueblo, have expressed concern about the "neo-liberal" economic reforms. In its annual human rights report from 1994 the Defensoría emphasized that these economic policies were likely to lead to a further concentration of wealth and increased poverty.⁹⁹

If the victims of the government's economic policies have overwhelmingly been Colombia's poor, the beneficiaries have come principally from the country's middle and upper classes. This is hardly surprising, in view of the close personal and institutional links between the political and economic elite. The foremost working partners and supporters of successive governments in economic policy-making have been the overwhelmingly powerful and well organized business associations, the gremios. These associations have often had a de facto veto on policy issues, and therefore to a great extent they have controlled the political economy of Colombia. The power of the gremios

⁹⁹ Defensoría del Pueblo, Primer informe anual del Defensor del Pueblo al Congreso de Colombia, serie de documentos 7, Bogotá, 1994, p. 28.

helps to explain why, in practice, social programs have been a relatively low priority for Colombian governments, whatever the stated intentions or electoral promises.

This reality was clearly illustrated during the presidency of Virgilio Barco (1986-1990). He won the elections in 1986 partly on his "war on poverty" platform, insisting that poverty was one of the roots of the high levels of violence plaguing the country. Yet, under his presidency, the proportion of government spending on social programs actually fell considerably, while spending on the military and the police increased. "Neo-liberal" economic policies were later pursued, with added vigour, during the presidency of César Gaviria (1990-1994). Current President Ernesto Samper (1994-) has promised a further continuation of the "opening of the economy," but has vowed to combine this with government intervention to reduce poverty and unemployment.¹⁰⁰ It is too soon to judge whether these promises will be fulfilled, but there are ominous signs that Samper's commitment to social programs may be as illusory as that of his predecessors.

It seems clear that the economic policies that have resulted in successful growth and economic stability in Colombia are precisely the same as those that have led to growing poverty and inequality. The adjustment and liberalization of the economy have resulted in a decline in the well-being of Colombia's poor. Even the World Bank - writing five years after the start of the structural adjustment program - conceded that:

¹⁰⁰ Presidencia de la República, El Salto Social: Bases para el Plan Nacional de Desarrollo, 1994-1998, Bogotá, 1994.

Poverty is as significant and complex a problem today as it was in 1949 when the Bank's first economic mission to Colombia emphasized the need for a coordinated strategy to deal with poverty.¹⁰¹

Although scholars may disagree about the precise reasons for the existence of street people in different societies, there can be little doubt that Colombia's failure to deal with poverty and other economic inequalities helps to explain the phenomenon there. As we have seen, almost half of the population lives in poverty; some of that number must inevitably join the group of socially marginal people - and thereby become potential victims of "social cleansing."

It is perhaps significant that the period of massive structural adjustment coincided almost exactly with major waves of "social cleansing" in several Colombian cities. According to Carlos Rojas, the violence reached its highest levels in 1986, one year after the start of the structural adjustment program.¹⁰² The connection is probably not coincidental. "Social cleansing" was, and is, aimed at precisely the groups that suffered most from the "neo-liberal" policies applied with such intensity in Colombia.

¹⁰¹ The World Bank, Colombia: Social Programs for the Alleviation of Poverty, Washington D.C., The World Bank, 1990, summary.

¹⁰² Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1993, p. 21.

3. THE VICTIMS

The street people of Colombia - the homeless, prostitutes, transvestites, garbage recyclers, poor youth, and petty drug dealers - have much in common.¹⁰³ They are generally poor and suffer health problems; the streets are their workplace and often their home; they work within the large informal sector of the Colombian economy; and, many of them, although not all, are criminals, drug addicts, or both. Taken together, these characteristics make street people not only the most vulnerable and marginalized of urban Colombian society, but also the most resented - and hence the prime targets for the "social cleansers."

In contrast to many other victims of state violence, the victims of "social cleansing" are targeted, not because of their political beliefs, activities, or membership in organizations considered to be "subversive,"¹⁰⁴ but primarily because of their social and economic profile. In a 1994 report, Colombia's human rights ombudsman identified

¹⁰³ The term "street people" is here used to cover all the marginalized groups that fall victim of "social cleansing." Not all of them live in the streets, but the streets are central in their lives.

¹⁰⁴ The Colombian ombudsman's office, Defensoría del Pueblo, makes the following distinction: "In our country there are two types of extrajudicial executions: political homicide and purgative homicide. The first is committed in order to punish the victim for his/her ideology or political activities. The second [is committed] to 'cleanse' the social body of 'dangerous,' 'undesirable' or 'useless' persons." "En nuestro país pertenecen al género de las ejecuciones extrajudiciales dos clases de homicidio: el homicidio político y el homicidio depurativo. El primero se comete para castigar a la víctima por su ideología o por su actividad. El segundo, para 'limpiar' el cuerpo social de personas 'peligrosas,' 'indeseables' o 'inútiles.'" [emphasis in original]. Defensoría del Pueblo, Consideraciones sobre el derecho a la vida, serie textos de divulgación no. 4, Bogotá, April 1994, p. 33.

"indigents and the socially stigmatized"¹⁰⁵ among the principal victims of human rights abuse.¹⁰⁶ The targets of "social cleansing" suffer torture, rape, and assassination, because they are the bearers of unwelcome attributes and because of what they represent.

In part, such attitudes stem from a fear of crime. Violence against street people in Colombia appears to ebb and flow, with killings becoming more frequent at times of intense public concern about insecurity and crime.¹⁰⁷ The pattern is fueled by a perception, common not only in Colombia, that today's street children are tomorrow's bandits, and that the most efficient way to solve the problem is simply to kill them. A Brazilian business leader in Rio de Janeiro stated publicly in 1991 that "To kill a street kid is to do society a favour."¹⁰⁸ A similar fear seems to have flourished in Indonesia in the 1980s and to have facilitated, even encouraged, the government's campaign of mass killing. David Bouchier writes:

The readiness of the bulk of the better-off classes to accept the killings reflects a view of the poor, crowded urban kampung communities not substantially different to that adopted by the security apparatus: as breeding grounds for crime and unrest. Real disquiet among the middle classes

¹⁰⁵ "las personas en situación de indigencia o socialmente estigmatizadas"

¹⁰⁶ Defensoría del Pueblo, Primer informe anual del Defensor del Pueblo al Congreso de Colombia, serie de documentos 7, Bogotá, 1994, p. 23.

¹⁰⁷ Interview with Carlos Rojas in Bogotá, 8 August 1995. Rojas is researcher at Centro de Investigación y Educación Popular, and the author of La violencia llamada limpieza social.

¹⁰⁸ "Cuando se mata a un niño ratero de la calle, se le está haciendo un bien a la sociedad." Quoted in Otair Fernandes de Oliveira, "La violencia contra niños y adolescentes en Brasil," in Peter Oakley and María Cristina Salazar, eds., Niños y violencia: El caso de América Latina, Bogotá, TW Editores - Save the Children Fund, 1993, p. 84. Although it is unclear if "social cleansing" is more frequent in Brazil than in Colombia, relatively speaking, the cases of killings of street children in Brazil have gained considerably more international attention than the Colombian killings, and are discussed more openly both by Brazilian perpetrators and instigators.

only emerged when 'mistakes' started to be made and the killings threatened to get 'out of hand.'¹⁰⁹

As these examples suggest, the fear and intolerance that lead to "social cleansing" are not unique to Colombia. Nor are they confined to Latin America, to the Third World, or even to the 20th century. Anyone who has read Charles Dickens' Oliver Twist will recall the ill-treatment and rejection suffered by young Oliver in 19th-century London. As Dickens summarized it, Oliver was "despised by all, and pitied by none."¹¹⁰ Like 19th-century Londoners, large sectors of contemporary urban Colombia see the street people only as potential criminals, eyesores, and invaders of the crowded cities' scarce "public space" - no longer individuals with rights and obligations like everyone else.

And, as in 19th-century England, much of Europe, North America, Africa, and even Indonesia, so in today's Colombia a special word has been coined to describe these marginalized groups. They are known as "disposables" [desechables]. It is a word frequently heard in connection with "social cleansing," often considered a sufficient explanation for an act of violence against a street person: "Oh, but he was a disposable."

This chapter examines more precisely those elements of the identity of Colombia's street people that appear to make them so vulnerable to "social cleansing." It does so by discussing in turn four identifiable communities of street people - ñeros and street children,

¹⁰⁹ David Bouchier, "Crime, Law and State Authority in Indonesia," In Arief Budiwan, ed., State and Civil Society in Indonesia, Clayton, Monash Papers on Southeast Asia, no. 22, 1990, p. 200.

¹¹⁰ Charles Dickens, Oliver Twist, [First published in 1837-39] London, Penguin Classics 1985, p. 47.

garbage recyclers, prostitutes and transvestites, and poor suburban youth. It argues that, notwithstanding important differences between these communities, they share certain characteristics that make them especially vulnerable: the location and circumstances in which they live, the manner in which they earn their living, and the state of their health. I hope that this treatment, in addition to providing important detail to the current analysis, will also facilitate comparative analysis with the problem of "social cleansing" as it has appeared in other countries and at other times.

3.1 Ñeros and Street Children

Many street people in Bogotá choose to describe themselves as "ñero," from the Spanish word for friend, compañero. The saying goes that when soldiers took the first half - "compa" - for greeting their friends and colleagues, the street population claimed the second half - ñero - for describing their fellow street people. Although the term is used in a highly flexible way, a ñero is usually a homeless person, or someone living in the most destitute parts of Bogotá. The street children, although sometimes called ñeros, or ñeritos [small ñeros], have traditionally been referred to as gamines.¹¹¹

¹¹¹ The term "gamin" is not a new one. French author Victor Hugo used it in the 19th century to describe French street children. George C. Needham wrote in 1884 that: "The boy looked degraded enough, and evidently belonged to that class of homeless 'gamins' whom, in revolutionary France, Victor Hugo describes as possessed with two unattainable ideals - 'how to upset the government' and 'mend their own trousers'" George C. Needham, Street Arabs and Gutter Snipes, Boston, D.L. Guernsey, 1884, p. 176. The French word "gamin" often has a positive meaning, especially in the feminine form "gamine." In Colombia, however, during the last few decades the meaning of gamin has expanded and it is now frequently used by middle-class parents to scold their children when they misbehave. Consequently, nowadays many NGOs and others who work with street people avoid using the word gamin. Because of its negative connotations in Colombian society, it will not be used in this study.

The streets of central Bogotá are the home of thousands of ñeros and street children.¹¹² Many of them have either no family or one with whom they do not live permanently. Some sleep under bridges or in parks, or simply outside a shop or some other place where there may be a hot air outlet or at least some protection from wind and rain. In a number of places in down-town Bogotá, such as the infamous "Calle del Cartucho," "Cinco Huecos," "La Ratonera," and the "Bronx,"¹¹³ thousands of the homeless gather in the evening to sleep, using cardboard as a mattress and covered by plastic. The more successful ñeros and street children have some kind of roof to sleep under, often in overcrowded, unsafe houses.¹¹⁴

Many dangers are present at night for those who sleep outside. One constant problem for the homeless is the climate. Bogotá is located at

¹¹² According to the Colombian Red Cross, approximately 5,000 children lived permanently on the streets of Bogotá in 1993. Many more spend most of their time on the streets, but still have some kind of home to return to. The number of ñeros living in Bogotá is even more difficult to determine than the number of children. According to the metropolitan police, there are about 20,000 "indigents" in Bogotá. According to Javier Omar Ruiz at the Veeduría Distrital in Bogotá, approximately 25,000 people live with some kind of permanency on the streets of Bogotá. Some 60 non-governmental organizations work with the street people, the best known being Bosconia-La Florida, a five step rehabilitation and training program. Approximately 15,000 children have gone through this program since its start in the late 1970s. Many more have entered but dropped out. The children at Bosconia-La Florida have also been the base for most North American academics who have studied street children in Colombia, such as Lewis Aptekar. Interviews with Red Cross medical doctor José Joaquín Cantor, 11 August 1995, Police Colonel Mauricio Gómez, 24 August 1995, Javier Omar Ruiz, 15 August 1995 and Bosconia director Carlos Lara, 31 August 1995. All interviews were conducted in Bogotá.

¹¹³ Calle del Cartucho = Cartridge street, Cinco Huecos = Five Holes, La Ratonera = The Rat Nest. The Bronx is named after the Bronx in New York. All these names are nick names, but few people in Colombia use the actual addresses when referring to these parts of town.

¹¹⁴ Places like the "Calle del Cartucho" and the "Bronx" have largely turned into the street people's own territory and it is very dangerous for outsiders to enter alone. The stories about what has happened to middle-class Colombians who have walked down these streets by mistake are many and gruesome. However, they are impossible to confirm. For this study, I had the opportunity to visit both "Calle del Cartucho" and the "Bronx" several times, both during the day and at night-time.

an altitude of 2,600 meters, with cold nights and plenty of rain. However, the major concern is the ever present risk of being attacked while asleep. For the "cleansers," the homeless constitute prime victims, and the night is their preferred time to attack. The darkness and emptiness of the streets protect the perpetrators while making the victims exceptionally vulnerable.

Children who sleep on the street face particular dangers. In its 1994 report the Procuraduría stated that: "Because of their vulnerability, minors should be the most protected group in Colombian society. However, they have gradually become the victims of choice."¹¹⁵ The truth of these remarks was grimly illustrated by the killing of "Asprilla," 12, Jairo Murcia, 14, and Javier González, 16. The three boys were shot dead on 13 February 1994, while asleep outside a warehouse in Timiza, a neighbourhood in the Bogotá borough of Ciudad Kennedy.¹¹⁶ González was shot in the mouth and the two younger boys in the head.¹¹⁷ On top of such killings are scores of reports of torture and ill-treatment of street children, committed by police, private security guards, soldiers and others.

While most street people may not have a home if the word home is interpreted the conventional way, they often have "their" bridge, "their" park, or "their" doorway where they can be found night after

¹¹⁵ "Los menores en Colombia se han convertido, paulatinamente, en víctimas preferentes, cuando por su condición de vulnerabilidad debían ser el grupo más protegido de la sociedad." Procuraduría General de la Nación, III informe sobre derechos humanos, Bogotá, 1994, p. 22.

¹¹⁶ See Map 2: Bogotá - the 20 boroughs.

¹¹⁷ Amnesty International, Urgent Action AMR 23/24/94, London, February 1994, and El Espectador, 18 February 1994.

night. To be a "social cleanser" in Bogotá is easy inasmuch as finding the victims is concerned. The problem was highlighted by the death of Miguel Angel Martínez, known as "El Poeta Negro" [The Street Poet].¹¹⁸ At 2 am on 16 September 1993, two Bogotá policemen attacked eight people sleeping in their regular spot under "their" bridge at Avenida de las Américas and Carrera 30 in Bogotá. Martínez was among them. He was already sick and unable to move, reportedly due to a blow he had suffered the week before from another policeman. According to information from fellow street dwellers and human rights organizations, Martínez' death was the result of injuries caused by an identified policeman, who kicked him in the stomach, while another policeman whose identity is also known, did nothing to stop him. Miguel Martínez was taken to the San Juan de Dios hospital on 20 September. He died during the afternoon of 23 September 1993, the day before his 58th birthday.

One of the most dangerous times of the year for ñeros and street children is Christmas. During the holiday season, many Colombians, but especially members of the business sector, want to see clean and peaceful streets. As a consequence, night-time "cleansing" waves become more common. During a single week in December 1993, 60 Bogotá ñeros were killed in the "Calle del Cartucho." According to the office of the municipal ombudsman, the Personería, at least 18 of these were the victims of "social cleansing" killings.¹¹⁹ The "cleansing" campaign on

¹¹⁸ Case information taken from Amnesty International, Colombia: Myth and Reality: Cases for Appeal, London, December 1993; Centro de Investigación y Educación Popular, La verdad del '93: Paz, derechos humanos y violencia, Bogotá, 1994, Human Rights Watch/Americas, Generation Under Fire: Children and Violence in Colombia, New York, 1994.

¹¹⁹ The motives for the other 42 killings have not been established.

18 December was especially intense - 12 street people were killed in a single night.¹²⁰

Apart from the fact that they usually live and sleep on the streets, a common feature of the ñeros and the street children is that they are seldom employed. Instead, many survive by begging, washing car windows at intersections, or "protecting" cars while the owners do their shopping. It is common to find the same people at the same street corner or parking place every day, year after year. Begging is not a crime in Colombia, neither is washing car windows, but these activities enrage many urban Colombians just the same. This suggests that it is not only the criminal behaviour of street people that is the source of public anger, but their mere presence, and the presumed illegitimacy of their "invasion" of the "public space."

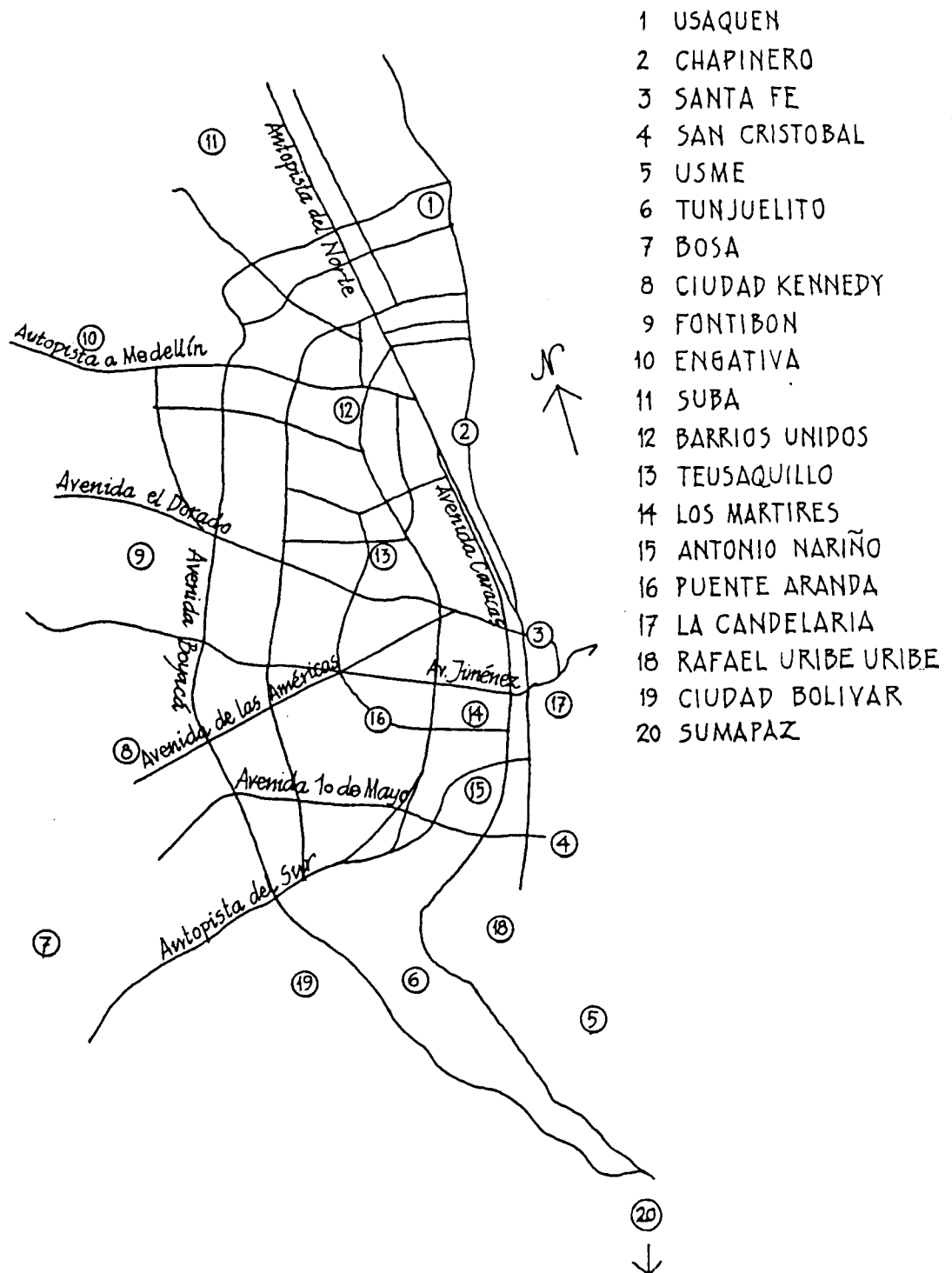
Begging and washing car windows are also among the activities condemned by the merchants' organization, or gremio, FENALCO. According to FENALCO, those who live on the streets have chosen that lifestyle simply because it is more lucrative than work. In a report on the problem of beggars, FENALCO claimed that of 4,520 beggars in the Bogotá borough Santa Fé, fewer than one percent had enough of a physical handicap to prevent them from taking a "proper" job. In FENALCO's view, the other 99 percent should be taken off the streets by the state.¹²¹ FENALCO talks about the "pauperization" of downtown Bogotá, clearly placing the blame on the beggars.

¹²⁰ Personería Delegada para la Protección y Defensa de los Derechos Civiles y Humanos, Informe, Bogotá, 30 December 1995.

¹²¹ Interview with FENALCO economists Gabriel Antonio Gúzman and Juan Pablo Lema in Bogotá, 25 August 1995. Also, FENALCO, El problema de los mendigos: Localidad de Santa Fé, Bogotá, 1994.

MAP 2

BOGOTA - THE 20 BOROUGHS



Begging and car window washing are not the only occupations that lead to intolerant reactions from Colombian society. Many street children and ñeros survive through illegal means, often petty theft, mugging, or selling drugs. And although these individuals may be less inclined to return to precisely the same corner every day, it is fairly well-known what blocks certain groups of petty criminals control.¹²² Many of the more established drug dealers have permanent shops, known as "ollas," where they sell bazuco, inexpensive crack cocaine, at all times.¹²³

The involvement of ñeros and street children in criminal activity gives rise to particular kinds of problems, which in turn are related to the problem of "social cleansing." One of the most common complaints heard from criminal ñeros and street children is that they are required to pay "taxes" to the police, often on a daily basis. In certain parts of Bogotá, such as on Carrera 7, this "tax"-collecting by night time police patrols is so generalized that it is relatively easy, even for an outsider, to learn the current tariffs for different kinds of petty crimes.¹²⁴ In August 1995, for example, the going tariff for selling small quantities of bazuco on Carrera 7 was around 10,000 pesos (about US\$10.00) per day. Those selling marijuana often got away with paying

¹²² I was made aware of a number of such gangs of petty criminals during night-time walks through central Bogotá together with British journalist Timothy Ross, 12 and 25 August 1995.

¹²³ The "ollas" are often located within the street people's territories, such as "Calle del Cartucho" and the "Bronx."

¹²⁴ Testimonies about the existence of tariffs were given in interviews with petty drug dealers and male prostitutes in downtown Bogotá, 12 August 1995, and in interviews with a Colombian psychologist who has studied the phenomenon of "social cleansing" in Bogotá for two decades, 16 August and 1 September 1995. All interviewees asked that their names be withheld.

5,000 pesos. In areas such as "Calle del Cartucho," in downtown Bogotá, drug-dealers with their own "ollas" have to share all their profits with the police.¹²⁵ Likewise petty thieves often have to share with the police whatever they have stolen.

Drug dealers and other street people do not seem to view this "tax" system as a case of "social cleansing," but as a normal part of street life in a society where the police often form part of the criminal world. Nevertheless, there is an important connection between this police behaviour and "social cleansing." Simply put, those who cannot satisfy the police are very often the ones who become victims of "social cleansing."

One of the most feared consequences of failure to comply with the police is the infamous "paseo" [the stroll], or "paseito" [the little stroll], a pet name that suggests how well-established a punishment this is.¹²⁶ To be taken on a "paseo" generally means to be detained, tortured, and sometimes killed by police. The victims of the "paseo" are generally brought up to the mountains surrounding Bogotá, such as Guadalupe or Monserrate. Typical victims are criminal ñeros who have had violent conflicts with the police, or street children or other people considered to be "disposables," and who are therefore automatically seen as potential criminals.

¹²⁵ Interview with ex-bazuco dealer in the "Calle del Cartucho," 19 August 1995. Name omitted here.

¹²⁶ All street people consulted in Bogotá for this study confirmed that they had heard of, knew someone who had been on, or had themselves been on a "paseo." The "paseo" is also described in reports such as Human Rights Watch/Americas, Generation under Fire: Children and Violence in Colombia, New York, November 1994, and Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1993.

The testimony of one "paseo" survivor from the "Calle del Cartucho" reveals the complex nature of "social cleansing" violence: the street people who endure the "paseo" are not only victims but sometimes also agents of violence:¹²⁷

* I was taken on the 'paseo' a few years ago...We had problems with the police where we sold bazuco. They charged us taxes on all our earnings, but even though we paid them they still harassed us all the time...We got really fed up and had to kill a few of the police. And after that their colleagues were mad as hell at us. So one night a couple of police picked me up and brought me up to Guadalupe...They beat me and kicked me all the way up there. My whole face was deformed. Sometimes they pull people's nails out...Anyway, after a while we stopped. They dragged me out of the car where they had decided that I should die. They wanted me to run, but I told them I wasn't going to waste any more energy. I said, 'I'm not running for you.' They make people run because then, if they would get in trouble, they can always say that the person was trying to run away. You run, and then ta-ta-ta, they shoot you with three-four bullets and you're dead. Just like that...I survived only because while we were up there another policeman arrived. He knew me, he had a lover down in the area where we sold bazuco and he used to help us. He would come to meet his girl and we would sell drugs while he was there. So he said, 'what the hell are you doing here.' And then turned to his colleagues and said that 'I won't let you kill this guy.' So they let me go...They didn't bring me back down or anything. They just drove off. I had to walk back down. It took me four hours. My whole body was aching from the torture. I arrived back in our zone at three o'clock in the morning.

While ñeros in today's Bogotá say that the "paseo" is becoming less common, that does not mean that there is less violence perpetrated against them, or by them against the police. According to numerous testimonies, the "social cleansing" violence is now quicker and takes place on the streets, in full public view, often carried out through shootings from moving cars or motorbikes.

¹²⁷ For reasons of security, the interviewee's name and other details, such as the date of this incident, are omitted here. The interview was made in Bogotá, 21 August 1995.

A logical consequence of the living and working conditions of the ñeros and street children is that they suffer from a number of health-related problems. These, in turn, appear to make them special targets of "social cleansing." According to Red Cross medical doctor José Joaquín Cantor,¹²⁸ skin problems and venereal diseases are the most widespread problems. Open wounds are also common, often from fights, accidents or police beatings. Many of the street people suffer from different kinds of traumas and other psychological problems. In addition, a large number of children have respiratory problems and brain damage due to drug abuse. According to Cantor, approximately 80-85 percent of all street children in Bogotá abuse some kind of drug.¹²⁹ The main substances consumed are bazuco, which is smoked, and cheap industrial glue, which is consumed by sniffing and is effective for numbing the sensations of hunger and cold.

The fact that serious health problems and drug abuse are widespread among ñeros and street children further increases their risks

¹²⁸ José Joaquín Cantor forms part of a Red Cross team that drives around Bogotá at night giving first aid and other medical, dental, and psychological help to street children, among others. The project is called the "Programa de Atención al Menor de la Calle." Interview with José Joaquín Cantor in Bogotá, 11 August 1995.

¹²⁹ Drug use among Colombian street people is a somewhat controversial issue, at least among foreign academics. North-Americans, such as social psychologist Lewis Apter, have claimed that the majority of Colombian street children do not use drugs on a regular basis. However, organizations working with the street children, including the organization Bosconia-La Florida where Apter carried out his interviews, claim precisely the opposite. Ex-street child and now director at Bosconia, Carlos Lara, claimed that "anyone who tells you that a gamin does not sniff glue or consume other drugs does not know what he is talking about." Interview with Carlos A. Lara in Bogotá, 31 August 1995. Similarly, all ñeros and street children interviewed for this study admitted to be using some kind of drug. The contrasting views could possibly be explained by the fact that "street child" is not a fixed term, and many observers define the term differently. The most common distinction is between children on the street, who keep some ties with their families, and children of the streets, who have broken all such ties. The word gamin usually refers to the latter category, in which drug abuse is considered to be much more frequent.

of becoming victims of "social cleansing." The brain damage caused by both glue sniffing and bazuco smoking is used by those impatient with the presence of street people as further evidence that they are "disposable." They are viewed as hopeless cases, impossible to rehabilitate. Ugly open wounds, skin problems, and venereal diseases further strengthen the common perception of these people as worthless and frightening. In the minds of the perpetrators there is a chilling logic to the "cleansing." Because these people are both "lost cases" and a nuisance to society, to "cleanse" them away has become the safest, easiest, and cheapest solution. Illness and other side effects of drug abuse also facilitate "cleansing" in a very concrete way, as the victims are often unable to flee their assailants.

The role of ill-health in the "social cleansing" dynamic was graphically illustrated by the killing of a ñero in broad daylight and in front of several witnesses on 19 April 1995. The young man, described as an "indigent" in his mid-20s, was picked up by a police vehicle on the corner of Avenida Caracas and Calle 16 in Bogotá at 3 pm. He was searched for arms, as is customary, and then ordered to sit down inside the van. According to other detainees, the young man was constantly scratching himself, and he explained to the police that he was suffering from a venereal disease. A few minutes later police agent no. 5183, José Gómez, threatened the man, saying that he would shoot him if he did not stop scratching himself. The ñero continued scratching, and the policeman shot. According to witnesses, the injured man was then thrown out onto the street, where he took a few steps and collapsed. After protests from other detainees in the van, and some police agents, the

man was picked up again and brought to the San Juan de Dios hospital. There he was registered, at 3:40 pm, as an unidentified man who had been picked up at Avenida Caracas and Calle 16, after being shot by an unknown perpetrator. The other detainees were taken to the 3rd police station in Central Bogotá. They were registered, told that they were not allowed, under any circumstances, to talk about what had happened, and then released. Some of the witnesses ignored these instructions and denounced the shooting to representatives of non-governmental organizations. When verifying the case with the hospital they were informed that the wounded man had died at 4:40 pm. It was never possible to identify this young ñero, who was buried without a name.¹³⁰

3.2 Garbage Recyclers

The garbage that is put out on the streets of Colombia's cities is the responsibility, and property, of the state. But in practice thousands of poor people make a living collecting and selling large quantities of that garbage. These recyclers can be seen at most hours, struggling with the push-carts they use for transporting the recyclable products to buyers, or balancing piles of cardboard on their backs or heads. According to one study, these people constitute 20 percent of all the "social cleansing" victims in Colombia.¹³¹

¹³⁰ Case information taken from various interviews conducted for this study; from Centro de Investigación y Educación Popular, Acción Urgente: Asesinato de un joven indigente, Bogotá, 4 May 1995; and from "Carta Abierta a la opinión pública," Bogotá, 1995.

¹³¹ Instituto Latinoamericano de Servicios Legales Alternativos (ILSA), "Social Cleansing" in Colombia and Brazil: Genocide of the Poor, working paper, Bogotá, December 1993, p. 6.

In Bogotá alone, thousands of families survive thanks to street garbage recycling.¹³² The streets are their work place, and often also their home. At night it is common to see whole families of recyclers sleeping squeezed together in their push-carts. Many of the poorest recyclers in Bogotá gather together with other homeless in "Calle del Cartucho" at night, both to sort through whatever garbage they have collected and to sleep. Their homelessness makes these people as exposed to the risks of being "cleansed" as the ñeros and the street children. In this respect, there is little to distinguish between garbage recyclers and the ñeros - all are poor, homeless, and vulnerable at night both to the cold and to the "cleansers."

Yet there is one particular kind of "cleansing" directed uniquely against the recyclers. While asleep in their garbage carts, entire families of recyclers have been burned to death after perpetrators, including active and off-duty police, have set their carts on fire.¹³³ Little wonder, then, that in an investigation conducted by the Defensoría, many of these families have identified the police as their major problem. Acknowledging that "it is no secret that the image of [the police] has deteriorated,"¹³⁴ the Defensoría states in this report

¹³² According to Fundación Social, which works with garbage recyclers, there are approximately 15,000 families working as garbage recyclers in Bogotá alone. The figure for the whole country is 50,000 families. Alejandro Gómez at the Fundación Social explained that, "Added up, the garbage recyclers constitute almost one percent of the Colombian population." Interview with Alejandro Gómez in Bogotá, 18 August 1995.

¹³³ Information about "social cleansing" killings of recyclers was received in interviews with Escuela Popular de Reciclaje/ENDA América Latina, 14 August 1995, and Fundación Social, 18 August 1995. Both these organizations work actively with recyclers in Bogotá, and both point at police as among the perpetrators of this violence.

¹³⁴ "para nadie es un secreto el deterioro de la imagen de [la policía]."

that the police should reflect on why these families have an image of the police that is "contrary to the reasons for which it has been created."¹³⁵

The recyclers themselves are at the bottom end of a long chain of actors, including intermediary buyers and, at the top, the industry that reuses the collected material - mainly glass, cardboard, metal and plastic. The actual collectors of the garbage have their own hierarchy as well. The poorest and largely unorganized recyclers are the ones who work directly in the streets, walking from dawn to dusk looking for recyclable products. They are also the most common victims of "social cleansing." According to Debsy Pinto, director of the Asociación de Recicladores de Bogotá, violence against her group's members has decreased dramatically since they started organizing themselves in cooperatives and began to wear uniforms. "Before," she explained, "police and others considered us to be 'disposables.'"¹³⁶

Perhaps the most gruesome illustration of the "disposability" of street level garbage recyclers comes from the Universidad Libre in Barranquilla in northern Colombia, where mass killings, mainly of garbage recyclers, were carried out. Uncovered in early 1992, these killings had been going on for at least two years and had resulted in

¹³⁵ "contraria a las razones para las cuales ha sido creada." Defensoría del Pueblo, Las familias de la calle y los derechos de sus niños frente al Estado, Bogotá, 2 June 1995, p. 3.

¹³⁶ Those who have managed to organize themselves, for example in cooperatives, have often made arrangements with hospitals, factories, and office buildings which allow the same recyclers to come every day and take care of all their garbage. The non-governmental organization Fundación Social has given financial and other support to recyclers who want to form cooperatives, and there are now hundreds of such cooperatives throughout the country, organized within the Asociación Nacional de Recicladores. The aims have been to make recycling a safer and more respected job and to give the recyclers a voice in society. Interview with Debsy Pinto in Bogotá, 25 August 1995.

the death of no fewer than 40 street people, and probably many more. Their bodies were partly used by university medical students, and some of the organs were sold to others by medical school staff. Several local policemen are reported to have helped to provide the bodies, receiving between 90,000 and 140,000 pesos (roughly US\$90 to US\$140) per body. One garbage collector - Oscar Hernández - survived an attempt on his life and reported to the police what had happened. When the facilities were searched, officials found ten bodies, and buckets of blood and organs from a large number of other people.¹³⁷ As a result of these killings, the medical school was closed down.

To be a street recycler is a heavy, time-consuming and poorly remunerated job. As well as scarce incomes and worn-out bodies, these recyclers also have to live with a notorious lack of respect from large parts of society. The nature of the products they work with - other people's garbage - makes many look upon them as subhumans, reinforcing the perception that they are "disposable." Constantly exposing their poverty and the dirtiness of their work to passers-by, the street recyclers are often met with hostility. Alejandro Gómez, from Fundación Social, summarizes the attitudes towards recyclers:

Recyclers don't beg, and they are not going to rob you, but because they are dirty, people see them as 'disposables.'
They are ignored and rejected, nobody looks them in the eye.

¹³⁷ According to Sandra Mateus Guerrero, when the university premises were searched police found 10 entire bodies and large quantities of body parts, such as 27 arms, 13 skulls, 1 leg and various ribs. Sandra Mateus Guerrero, "Limpieza social", la guerra contra la indigencia, Bogotá, Ediciones Temas de Hoy, 1995, p. 19.

People often even cross the street when they see a recycler.¹³⁸

Such attitudes lie close to the heart of "social cleansing" - but they are also evident in everyday life. Recyclers, who push their carts on heavily trafficked streets, are often hit by cars and buses, and many claim that they have been hit deliberately by "irritated" drivers. One day in late 1994 a crowded bus hit a street person, a ñero or a recycler, on Avenida 19 in central Bogotá.¹³⁹ The bus driver had driven carelessly and did not seem to try to avoid the poor man, who died instantly. While the driver angrily complained about the "fucking disposables," and the "dog" he had just killed, the passengers stepped down from the bus to catch another one, many irritated and murmuring angrily about how the "disposables" just seem to take over every single street.

Negative stereotypes about garbage recyclers are shared, and reinforced, by state officials. For example, a common notion among Colombian police is that it is impossible to survive, financially or psychologically, from street recycling. In an interview for this study, the director of the "program of community participation" at the Metropolitan Police in Bogotá, Colonel Mauricio Gómez, acknowledged that garbage recycling is "in a way a job," but emphasized that it does not bring in enough money to survive.¹⁴⁰ Consequently, he argued, recyclers

¹³⁸ Interview with Alejandro Gómez in Bogotá, 18 August 1995. For recycler Debsy Pinto this hostility has always been a part of life. Her plea to common Colombians is that they realize that "under the dirty clothes of every poor recycler, there are values, feelings and dreams." Interview with Debsy Pinto in Bogotá, 25 August 1995.

¹³⁹ Told by an eyewitness who wanted her name omitted, 29 August 1995.

¹⁴⁰ Interview with Colonel Mauricio Gómez, in Bogotá, 24 August 1995.

must also commit crimes to survive, and abuse drugs to be able to live in subhuman conditions. Objectionable as such statements may sound, they express an element of truth; some recyclers do mix their recycling with criminal activities, and some do sniff glue or smoke bazuco. There is here an overlap between the criminal ñeros and the recyclers. Yet it must be stressed that, just as not all ñeros are criminals, the vast majority of recyclers are poor people who, with few other options available, have chosen their difficult work precisely to avoid criminality.

3.3 Transvestites and Prostitutes

There are thousands of women, men, girls, and boys selling sex at all hours in Bogotá. The city's widespread prostitution is most visible at night, when the majority of middle class Bogotanos have locked themselves into their homes and the street people, including prostitutes and transvestites, start moving around more freely. Although those who work the street constitute only the tip of a prostitution iceberg, they are more frequently victims of "social cleansing" operations.

Although it is impossible to know exactly how many prostitutes there are in Bogotá, the figure is in the tens of thousands. Studies show that in the central part of Bogotá alone (between Carrera 3 and 18, and Calle 1 to 26) there are more than 14,000 female prostitutes, 3,000 girl prostitutes, hundreds of boy prostitutes, known as pirobos, and an unknown number of transvestites. Most earn enough money to sleep under

some kind of roof, usually in a crowded rented room that they have to pay for on a daily basis.¹⁴¹

Many prostitutes have died and scores have been tortured and sexually abused in "social cleansing" operations, often carried out by police or by right-wing "social cleansing" groups. Male prostitutes and transvestites are prime victims for the "cleansers." In a 1995 report devoted to the issue, the Colombian Chamber of Commerce concluded that the relationship between male prostitutes and the police is "characterized by ill-treatment and violence."¹⁴²

"Social cleansing" violence is not the only kind of violence this group has experienced. Almost three quarters of the boys working in central Bogotá state that they left their families because of ill-treatment or other "problems."¹⁴³ Many testify that they had to move out when it became clear to their parents that they were homosexual. Leaving their families, and often their home towns, they ended up on the streets of Bogotá, where they were easily drawn into prostitution.¹⁴⁴

Police attacks on male prostitutes and transvestites reflect a similar hostility toward homosexuality. They are often accompanied by verbal abuse that suggests that the perpetrators are disturbed by the

¹⁴¹ Figures taken from Cámara de Comercio, La prostitución en el centro de Bogotá, Bogotá, 1989; La 'prostitución infantil' en el centro de Bogotá, Bogotá, December 1993; and "Pirobos," trabajadores sexuales en el centro de Santafé de Bogotá, Bogotá, May 1995.

¹⁴² "caracterizadas por el maltrato y la violencia." Cámara de Comercio, "Pirobos," trabajadores sexuales en el centro de Santafé de Bogotá, Bogotá, May 1995, p. 35.

¹⁴³ Cámara de Comercio, "Pirobos" p. 41.

¹⁴⁴ Socio-linguist Carlos Ivan García, who has studied the male prostitutes for a long time, explained that: "Through prostitution these boys get a change to use the only valuable asset they have, their bodies." Interview with Carlos Ivan García, 16 August 1995.

challenge they pose to the maleness of Colombian men. One shooting incident that left several prostitutes injured took place in central Bogotá on the evening of 17 October 1994. Several men in a green four-wheel drive "Trooper" drove up to a group of male prostitutes and started shooting at their feet while shouting "Dance, you faggots. Get your asses out of here."¹⁴⁵

The "social cleansing" of transvestites and prostitutes also takes lives. In a single operation in the 1980s, two men on a motorbike killed eight transvestites as they stood on Avenida Caracas in downtown Bogotá. The perpetrators first drove past shouting obscenities, then returned to "fumigate"¹⁴⁶ the whole group with an automatic weapon. One survivor interviewed for this study was saved by his stockings, which had been unusually problematic that night. He had just bent down to adjust them when the shootings started, and the bullets passed above his head.¹⁴⁷

Although massacres and other killings happen, other kinds of violence against prostitutes, such as sexual abuse and beatings by police, are far more common. In a recent study by the Colombian Chamber of Commerce, boy and adolescent male prostitutes in Bogotá were asked what their main problems were. Their three top answers were: police violence, police charging "taxes," and ill-treatment by thieves and ñeros.¹⁴⁸

¹⁴⁵ "A bailar maricones, piérdanse de esta cuadra." Hernan Correa, "Callejón sin salida," Cambio 16, 6 March 1995, p. 54.

¹⁴⁶ To "fumigate" is a commonly used word by street people, meaning to shoot indiscriminately.

¹⁴⁷ Interview with survivor. The identity of the interviewee is not provided here, for reasons of safety. Interview conducted in Bogotá, 28 August 1995.

¹⁴⁸ Cámara de Comercio, "Pirobos", p. 74.

The system of police "taxation" of prostitutes follows a different pattern than the "tax" collection from ñeros. Male prostitutes report that the police often require them to give up all their money, rather than a quota as is the norm with the ñeros. If the "tax" collection happens too late in the evening, this system means that the prostitutes are unable to pay for the rooms where they sleep at night, which they usually rent on a daily basis.¹⁴⁹ Female prostitutes who work in brothels report that police frequently come by, demanding money or free sex, and threatening to close down the establishments if their demands are not met.¹⁵⁰

As with the ñeros, failure to pay such taxes can bring dramatic consequences for prostitutes. In a special kind of "paseo," policemen pick up the prostitutes, male or female, and force them either to perform sexual acts or simply beat them. In contrast to the "paseos" endured by the ñeros, the victims are seldom killed. Consequently, there are many people around from these groups who have survived to tell of their experience on a "paseo." The following is the testimony of an ex-transvestite and boy prostitute in Bogotá:¹⁵¹

When we were taken on 'el paseo,' or 'el paseito,' it was usually because we hadn't been able to give the police what they wanted...They come by every night and charge their taxes. If you can't pay you have to do other things. 'El paseo' could mean being brought up into the mountains, or just to any dark part of town. You know, they drive their

¹⁴⁹ Told by male prostitutes in Bogotá in various interviews during August and September 1995. The tax collection is also mentioned in the Cámara de Comercio report "Pirobos", trabajadores sexuales en el centro de Santafé de Bogotá, Bogotá, May 1995, p. 73.

¹⁵⁰ Interviews with female prostitutes in Bogotá, 12 August and 1 September 1995.

¹⁵¹ Any details that might make it possible to identify the victims have been omitted. Interview conducted with victim in Bogotá, 28 August 1995.

police cars, so they can park anywhere. They have the power, and they know it, so they can do whatever they want. So then, they ask you to do things. To give them a blow job, or to do other things with them...Did I do what they wanted? Sure I did. I don't want scars on my body. I don't want to look like some of the people I know.

Their occupation poses obvious health risks, and HIV/AIDS is a particularly serious and growing problem. The poverty of most of the prostitutes makes the higher price charged for sexual intercourse without a condom a temptation hard to resist. In a survey conducted by the Chamber of Commerce, only 14 percent of the boys working in central Bogotá stated that they demand the use of condoms from their customers.¹⁵² The high frequency of HIV/AIDS and other venereal diseases among prostitutes has helped to fuel claims about their immorality and the danger they pose to society at large. Such arguments are often heard as justification for "social cleansing" killings and other attacks on these groups.

An often wildly exaggerated fear of HIV/AIDS has been evident in the public attitude toward the Fundación Eudes, a charity-run AIDS-hospice with 14 houses in different cities, including Bogotá and Cali, that cares for HIV-infected adults and children until they die. Many of the residents are ex-prostitutes. Members of Fundación Eudes have suffered both intense verbal abuse, including death threats, and outright violence, instigated and reportedly carried out by neighbourhood committees with police collaboration or acquiescence. When neighbours were unable to get rid of one of the Fundación houses through legal means, physical attacks began. On 14 December 1993, the house was

¹⁵² Cámara de Comercio, "Pirobos", p. 58.

attacked with a firebomb. On 4 January 1994, a group of armed men and women broke into the house, threatened the inhabitants that they would get killed if they did not leave the neighbourhood, and stole several pieces of valuable art. These attacks came shortly after the local neighbourhood committee - the Junta de Acción Comunal - had declared that if the Fundación Eudes did not move, the committee would have to take "independent action."¹⁵³

The attack on Fundación Eudes in Bogota was not an isolated case. On the contrary, it was typical of actions stemming from a tragic hysteria over HIV/AIDS in Colombia. In Bogotá, for example, a woman accused her HIV-infected neighbours of having killed her dog by infecting it through leftover food. Other neighbours accused the Fundación Eudes inhabitants of exposing the whole neighbourhood to HIV/AIDS by drying their washed clothes on the roof, allowing the virus to spread with the wind. And in Cali the Fundación Eudes suffered intense harassment from municipal authorities, including having its electricity and water deliberately and repeatedly cut off. The tension and fear created by these actions hastened the deterioration of the health of the residents, and the Fundación finally had to move out quietly.¹⁵⁴

Prostitutes in Bogotá have recently started organizing themselves, and are now trying to improve their often tense relationship with the police. One such attempt is the Friday afternoon meeting held every week

¹⁵³ Interview with representative of Fundación Eudes in Bogotá, 23 August 1995, and International Gay and Lesbian Human Rights Commission press release, "Aids Hospice Terrorized in Bogotá," San Francisco, 2 February 1994.

¹⁵⁴ Interviews with representatives from Fundación Eudes in Bogotá, 23 August 1995.

at the 23rd police station in Bogotá. There prostitutes and police meet to discuss problems and together search for solutions. Despite these efforts, prostitutes and transvestites continue to fall victim to "social cleansing" violence carried out both by police and right-wing "cleansing" groups.

3.4. Young "Delinquents"

A large proportion of Bogotá's more than 6 million inhabitants¹⁵⁵ live in the belt of slum neighbourhoods that surround large parts of the city. These are boroughs where a large proportion of the "social cleansing" killings take place. Between 1988 and 1993, for example, the borough of Ciudad Bolívar in southern Bogotá, was the scene of 15.8 percent of all the confirmed "cleansing" killings in the capital, while 8.7 percent of all such killings took place in the nearby borough of Usme.¹⁵⁶ These figures have been rising dramatically since early 1994, especially in Usme. An overwhelming majority of the victims are adolescent men, whose life-style is condemned by the perpetrators as criminal, immoral, and dangerous.

The living conditions of the youth in these poorest boroughs, especially in southern Bogotá, are harsh with an acute shortage of everything from living space to jobs. Many of these neighbourhoods, or barrios, started growing at an explosive pace during the period of

¹⁵⁵ According to official figures from the 1993 census, Bogotá has 6,314,305 inhabitants. However, many observers agree that the true figure is considerably higher. Human Rights Watch/Americas, for example, uses the figure 8 million. Human Rights Watch/Americas, Generation under Fire: Children and Violence in Colombia, New York, November 1994, p. 1.

¹⁵⁶ Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, June 1994, p. 28.

intense political violence, known as La Violencia, in the 1950s. Continuing violence in the countryside has caused a continuous flow of internally displaced people who arrive from the rural zones of armed conflict to the outskirts of the cities.¹⁵⁷ Many of the internally displaced live in illegal squatter settlements, created through land invasions, which often lack even the most basic services.¹⁵⁸ These poor boroughs have been classified by the Colombian authorities as "socially highly unstable." Of all the population groups in these areas, the youth are seen as the most dangerous, both by many common Colombians and by the police and local officials.

One reason for this perception lies in the relationship of these youths to the "public space," and in particular the streets. While the streets for most middle class Colombians are mainly used for transportation, the young and poor are "reorganizing" them, turning them into their own social space. Diego Pérez, director of CINEP's human rights office, explains that:

The youth are trying to fill this social space with meaning. But the rest of society see them as a threat. No matter who

¹⁵⁷ According to reports from non-governmental organizations and the Conferencia Episcopal Colombiana, 600,000 Colombians have suffered forced displacement in Colombia between 1984 and 1994. For studies on internal displacement see, for example, Defensoría del Pueblo, Su Defensor 2 (April 1995); Flor Edilma Osorio Perez, La violencia del silencio: Desplazados del campo a la ciudad, Bogotá, CODHES - Universidad Javeriana, May 1993; Jorge E. Rojas, ed., Desplazamiento, derechos humanos y conflicto armado, Bogotá, CODHES, May 1993; and United Nations, Economic and Social Council, Internally Displaced Persons: Report of the Representative of the Secretary-General, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 1993/95, 3 October 1994.

¹⁵⁸ Some inhabitants have managed to negotiate a legalization of their neighbourhoods with the authorities, while other barrios remain illegal despite having existed for several decades. Some of the oldest of such illegal barrios are located in the centre of town. Illegal neighbourhoods live in constant risk of being evacuated, and this risk has further increased with a new campaign introduced by the mayor of Bogotá, Antanas Mockus, which aims to recuperate the "public space" for the people of Bogotá. Critics claim that the Mayor's campaign is nothing less than organized "social cleansing," where the poorest get "cleansed" away with no alternative place to go.

they are, if they are young and in a large group they are seen as a potential security risk. And when a group of young people gather on a street corner to listen to music and hang out, many neighbours automatically think that they are going to consume drugs and within a couple of hours start robbing people. So they call the police, almost as a preventive step.¹⁵⁹

While the "cleansers'" claim that all street youths are criminals or drug addicts is patently untrue, it is true that criminality is soaring in boroughs like Usme. Clearly, in these poor and marginalized neighbourhoods, the youth are both victims and agents of violence. Unemployment is rampant among youth, and even if there are work opportunities, it is often enough to come from boroughs such as Ciudad Bolívar or Usme to make a potential employer choose someone else. These neighbourhoods are all too well connected to dangerous and violent juvenile criminal gangs - the much feared pandillas.

A pandilla is basically a group of youths who largely sustain themselves through criminal activities. Some of the pandillas mainly commit robberies or deal drugs, whereas others also are involved in killings. Others again dedicate themselves only to petty crime, where they do not have to use violence. While no-one denies that some pandillas use lethal violence, many observers emphasize that the fear of these groups has become exaggerated to the point where all groups of young people are seen as potential criminals, even those who are not involved in any criminal activity.

In the borough of Usme, poor youth considered to be "delinquents" or drug dealers and addicts have been subjected to a veritable elimination campaign in recent years. These killings have rarely reached

¹⁵⁹ Interview with Diego Pérez in Bogotá, 9 August 1995.

the media, and individuals and groups working against "social cleansing," including local observers who live in the area, agree that it is impossible to know how many of the juveniles have been killed.¹⁶⁰ Fear has become so generalized that many poor families prefer to keep quiet even when their sons or daughters fall victim to the "cleansers." Through silence they hope to avoid losing more children, or getting killed themselves.

Despite the dangers, two teenage boys from Usme, interviewed for this study, testified that torture and ill-treatment is the norm when police arrest young people in the area, and that the arrests often are based on the youths' appearance rather than any known criminal activities.¹⁶¹

Of course, the problem is not confined to torture and ill-treatment. One local source documented the killing of at least 50 youths in Usme alone between January 1994 and the middle of 1995. The same source says that these killings have been going on for years, but notes that there have been some changes in the pattern of killing. Whereas in 1991 and 1992 the perpetrators often "fumigated" the streets, killing anyone in sight, recent killings have been more directed against pre-selected individuals considered "undesirable."

A major "cleansing" operation carried out in Usme, which started in 1994 and seemed to intensify in 1995, was called "Operación Estrella." One of the most dramatic periods of this campaign occurred in

¹⁶⁰ Many quotes in the section about Usme are from individuals, both victims and community leaders who - out of a legitimate fear for their safety - only agreed to speak if their names were withheld. Interviews conducted in Bogotá, 3 September 1995.

¹⁶¹ Interview with teenagers in Usme, Bogotá, 3 September 1995.

early October 1994, when 14 youths were killed and five more injured within three days in the barrio of Alfonso López. But there have been dozens of more recent killings carried out as a part of "Operación Estrella," all in different neighbourhoods within the borough of Usme.¹⁶² During an interview for this study in August 1995, one of those working to put an end to the killings summarized the problem as follows: "We live in a society that first produces the 'disposables' and then eliminates them...We know that the police, the merchants and others in the community are responsible. How many have to die before this stops? That is the question that keeps me awake at night..."¹⁶³

¹⁶² For example: 1 April 1995, two young men were shot dead in the barrio Tenerife at 9:30 pm. Unidentified men in a car picked up the bodies after the attack, and nobody knows what happened to them. 22 April, one man was assassinated between the neighbourhoods Monteblando and Virrey at 4:30 am. The perpetrators had left a letter on the body. One of the policemen arriving at the site of the killing put it in his pocket. 6 May, two youths were shot on Avenida Boyacá. 13 May, a 17 year old boy was tortured and killed in the barrio El Virrey. 14 May, three youths were killed during the same day in the neighbourhoods Yomasa, La Andrea and El Virrey. In the middle of May 1995, several shops in the area put up photos of a man dressed in black. Below the photo was written: "The cleansing has begun" "Llegó la limpieza." Comisión Intercongregacional de Justicia y Paz, Boletín Informativo Justicia y Paz 8 (April-June 1995): 45-46 and 78, and letters: From Comisión Intercongregacional de Justicia y Paz, to Dr. Armando Sarmiento, Dirección Nacional Fiscalía General, 25 July 1995 and from Comisión Intercongregacional de Justicia y Paz, to Yolanda Sarmiento, Inspectora del DAS, 21 March 1995.

¹⁶³ Interview conducted in Usme, Bogotá, 3 September 1995.

4. THE PERPETRATORS

There is no doubt that "social cleansing" exists in today's Colombia, and it is clear that the violence is neither random nor rare. Hundreds of marginalized urban poor die and many more suffer torture, ill-treatment and sexual abuse every year at the hands of the "cleansers." That much becomes clear when looking at this violence from the perspective of its victims. However, studying only the victims leaves important questions unanswered: Who exactly are the perpetrators? And how do they operate?

In this chapter I attempt to answer these questions. I argue that there are two distinct dynamics at work behind the phenomenon of "social cleansing," involving different constellations of actors, and different modus operandi, yet sharing certain underlying features. It is not possible to define precisely where one dynamic ends and the other starts, as many cases overlap or contain a mix of the two. Nevertheless, some generalizations can be made that make visible important patterns underlying the violence.

In the first dynamic, which is described here as "semi-spontaneous," the violence is carried out principally by on-duty state agents, usually police, and sometimes by on-duty private security guards. These attacks are often carried out with the aim of controlling crime or punishing street people who have failed to fulfil their "duties" towards state agents. While there is debate about whether these killings are directed or coordinated by police commanders or government

officials, there is ample evidence that the violence is tolerated, even condoned, at the highest level.

In the second dynamic, which is more organized, the perpetrators often belong to shadowy "cleansing" squads, whose members consist of off-duty and ex-police officers and off-duty private security guards. These "squads" receive money and other backing from external sources, to carry out the "cleansing." Thus, the actual "cleansers" are effectively mercenaries. Those most prominent in instigating these actions are civilians, including members of the business sector, local civic groups called Juntas de Acción Comunal, and in some cases, criminal elements. While many perpetrators in the "mercenary" dynamic may be partly driven by their own ideological convictions, and their paymasters may be regarded as the real instigators, this dynamic also rests to a considerable degree on the complicity or acquiescence of the police.

As this synopsis suggests, there is a common thread woven into each of these patterns: the pervasive involvement of police, both on and off duty, in "social cleansing" operations. Police and government officials strenuously deny any systematic involvement, but the evidence of official complicity is strong. This complicity takes several forms, ranging from the active organization of "cleansing" operations by police officers, through direct involvement as perpetrators in these "death squad" operations, to passive acquiescence and failure to apprehend the death "squads" that carry them out.

4.1 Semi-Spontaneous "Cleansing"

Much of the "cleansing" violence in Bogotá appears to be carried out semi-spontaneously, often by individual police agents, small police patrols or private security guards who work with police support or tolerance. This is the only kind of "cleansing" that representatives of the Colombian police and private security guards interviewed for this study were prepared to acknowledge.

Police officials who were willing to discuss this type of "social cleansing" frequently returned to one key word - "frustration" - in their efforts to explain the problem. They argued that "social cleansing" stems from a deep sense of frustration among police with a highly inefficient judicial system that fails to keep criminals off the streets. One supporter of this theory is the National Police Commissioner, Mario González, whose job it is to oversee the behaviour of the police force. Although he had received no formal complaints about police involvement in "social cleansing" in the few months since he had assumed the post, he believed that the police had played a role. "Social cleansing," he said, naturally occurs when "police on duty run into the people they arrested two days earlier, and the criminals make fun of them."¹⁶⁴ The same view was expressed by Police Lieutenant Carlos Lineros, who coordinates the newly created "indigent program" within the Metropolitan Police in Bogotá. He explained: "It is very frustrating to be a policeman in Colombia. You detain a thief, and a few days later he is out again, waving at you from a park bench."¹⁶⁵

¹⁶⁴ Interview with National Police Commissioner Mario González in Bogotá, 1 September 1995.

¹⁶⁵ Interview with Lieutenant Carlos Lineros in Bogotá, 1 September 1995.

A similar logic is described by British journalist Timothy Ross,¹⁶⁶ who has for decades followed the activities both of Colombian police and the street people. Police, he notes, are overwhelmed by frustration and anger when they catch the same criminals for the tenth or twentieth time, knowing that in a matter of days they will be back out on the streets again, committing new crimes. So, they shoot them. Ross explains this violence as "an emotional rather than intellectual response." One Bogotá police agent, who preferred to remain anonymous, described this feeling even more clearly: "You see someone who you know has killed several people and who you know nobody will testify against...Many think that the simplest thing is to kill him."¹⁶⁷

Private security guards interviewed for this study described a similar feeling of frustration. By law, they are not allowed to detain people, but their employers and those whose properties they are hired to protect still expect the guards to make sure no "disposables" frequent the area. Although the guards interviewed denied having carried out any "cleansing" acts themselves, one admitted that in the wealthy residential areas of northern Bogotá private security guards routinely use violence against street people:

One part of our job is to get rid of the disposables. They don't tell you how, just to do it. And everyone knows that there are many other companies who want the job...of course there are risks of violence.¹⁶⁸

¹⁶⁶ Interview with Timothy Ross in Bogotá, 21 August 1995.

¹⁶⁷ Interview with police agent in Bogotá, August 1995.

¹⁶⁸ Interview with private security guard in central Bogotá, August 1995. Date and name both of the guard and the company omitted here.

In this scenario, the perpetrators, both police and private guards, evidently see "social cleansing" as a kind of crime control. If you kill the criminal, he or she will be unable to hurt innocent citizens, to commit crimes against property or to laugh at you from a park bench. And if a private security company's customer wants a "disposable"-free environment that the state cannot or will not provide, then violence against the street people becomes both a matter of protecting one's job, and an issue of economic survival for the whole security firm.

Yet if the sense of frustration appears to provide a plausible explanation of "social cleansing," it cannot properly account for all of the "semi-spontaneous" violence against marginalized groups. Frustration created by the ineffectiveness of the Colombian justice system does not seem to offer a sufficient explanation, for example, of the practice of "el paseo" described in Chapter 3. Indeed, in such cases the explanation appears to be closer to the view put forward by Police Colonel Gómez: that the "cleansing" violence - rape, torture and killings - is a kind of "settling of scores." Yet, whereas Colonel Gómez claimed that the combatants were rival groups of street people, the conflict in this scenario is between the police on one side, and street people on the other.

Revenge, then, is a key word for understanding these abuses. Here the police form part of, and play a leading role in, the criminal world. The abuses are retaliation for broken deals, rather than crime control. Bazuco dealers, prostitutes and others who do not pay their "taxes" are punished with violence by the "tax collectors" - the police. Although

some officials deny police involvement in extortion, internal police memoranda show that these kinds of crimes are well-known at the highest levels of the police force. A 1995 instruction from the Bogotá Police Chief, Luis Ernesto Gilibert, to all heads of station in the city, stated that it is forbidden for "uniformed personnel to go to public brothels and demand free service, and to threaten the establishment with closure if their demands are not met." Similarly, according to the police chief, it is prohibited for "police officers to demand money in return for permitting such an establishment to remain open."¹⁶⁹

Even in cases of "cleansing" where the element of extortion is absent, such as the police killing of the "Poeta Negro," the notion of frustration with the judicial system seems an insufficient explanation. If the aim was solely to eradicate the "indigents" and "delinquents," there would most certainly be easier ways to do that than kicking a sick man to death in the middle of the night. Nor does the "revenge/settling of scores" scenario help explain much of the semi-spontaneous "cleansing." Clearly issues of power and ideology are also at play here. As one Bogotá negro leader and witness of both "social cleansing" killings and many incidents of ill-treatment of street people explained:

¹⁶⁹ "personal uniformado llega a los establecimientos abiertos al público y exige que se les dé servicio en forma gratuita, amenazando con el cierre si no acceden a sus pretensiones" ... "Que el personal de la Policía exige dinero para no cerrar los establecimientos." Policía Metropolitana, Bogotá, "Instructivo," Bogotá, 13 June 1995. It is all the more surprising, then, that officials in the municipal human rights office in Bogotá, the Personería, claimed that police extorting money from street people was nothing but a myth, just street people's stories to make the police look bad. Interview with human rights official in the Personería de Santafé de Bogotá, who wanted her name withheld, 16 August 1995.

Many police and soldiers need to be violent against street people for their own satisfaction. And they know nothing will happen. They just know it.¹⁷⁰

The low status of the victims of "social cleansing" and their classification as "disposables" make them easy targets for anyone in a position of power who needs an outlet for their feelings of impotence, low self-worth, personal anger or fear. It seems logical that working within the Colombian police could create such feelings. Low-level police agents are very badly paid, ridiculed and disrespected by many common Colombians, and often fall victim of violence themselves; also, as the Colombian police force is strictly hierarchical, they are frequently abused by higher level police officers.¹⁷¹ While similar problems would not necessarily lead to "social cleansing" everywhere, when combined with a deep and common resentment towards the street people, and widespread impunity for human rights violations, all within a society where almost 30,000 people are killed every year, "social cleansing" is perhaps not a surprising outcome. Nor is it surprising that the Bogotá Police Chief felt the need to point out in an order to his staff that: "We are the authority, but we do not have the right to take the law into our own hands."¹⁷²

An additional factor at play in this type of "social cleansing" appears to be the acceptance by perpetrators of a right-wing political

¹⁷⁰ Interview with ñero leader in Bogotá, 19 August 1995. Name omitted here.

¹⁷¹ Alvaro Camacho, who was a member of the external commission reforming the police in 1993, as well as several police officers interviewed for this study all mentioned the rigid and military-style hierarchy within the Colombian police force. Interview with Alvaro Camacho in Bogotá, 29 August 1995, and with members of the police force during August and September 1995.

¹⁷² "Nosotros somos autoridad, [sin embargo], no debemos hacer justicia con nuestras propias manos." Policía Metropolitana, Bogotá, "Acta no. 032," 5 October 1994.

view that unquestioningly places a greater value on security, order, and "cleanliness" than on respect for the dignity and equality of all human beings. While these views appear to be most common among extreme right-wing "death squads" described in the next section, they are not at all uncommon among on-duty police and private security guards responsible for semi-spontaneous attacks on street people. They find innocent expression, for example, in the notion that doing violence to a street person is simply part of a security guard's job. In the words of a representative of Seguridad Canina, a respected Colombian security company that works in one man-one dog teams: "With the dogs you only need to take one chunk of the indigents, you don't have to kill them."¹⁷³

Finally, the dynamic of semi-spontaneous "social cleansing" appears to be fostered by the institutional links between the private security companies and the police. Many private security companies hire only applicants with experience in the security forces.¹⁷⁴ This policy makes good sense for the private companies, who gain young men who have already learned basic skills essential to the job. It is less obvious why police would move to these companies. The answer provided by a representative of a large private security company in Bogotá is revealing:

Those who come from the police have not chosen to move into private security. No, they are the ones who have been fired

¹⁷³ Interview with representative for Seguridad Canina in Bogotá, 27 August 1995.

¹⁷⁴ Note that the opposite policy also is common. Many private security companies do not hire people from the security forces and have strict ethical rules for their employees. Those companies are less pertinent for this study, but their existence should be emphasized.

from the police because of excessive violence against civilians.¹⁷⁵

The natural consequence of this policy is that the private security companies become repositories for "cleansers." Not only is a history of previous human rights abuse accepted by the companies, but it also appears to be a desired background for employment.

4.2 The Hired Guns

Many of the victims of "social cleansing" in Colombia die from mercenary bullets, or are tortured and ill-treated by individuals who receive money specifically to carry out such violence. This kind of "cleansing," where there is an external instigator and financier involved, is more organized than the semi-spontaneous violence described above. In addition, the activities described in this section often involve considerable infrastructure, such as special vehicles and automatic weapons.

One general characteristic of this mercenary violence is that it is even more "shadowy" than the semi-spontaneous violence, and it is significantly more difficult to find perpetrators or instigators who are willing to talk about it. In order to describe this kind of "social cleansing," then, it is necessary to piece together the clues provided in personal eyewitness testimonies, in the reports of non-governmental

¹⁷⁵ Interview with security guard in Bogotá, August 1995. The guard's remarks are confirmed by a comment by an officer of the police intelligence unit, DIJIN, formerly known as F2. When asked what had happened to all the F2 staff that were laid off, Lieutenant Ortiz stated that "many probably formed bands of delinquents, many are dead, others work with private security companies." Interview with Alejandro Ortiz in Bogotá, 30 August 1995.

organizations and other independent observers, and in the few statements by police and members of the business sector who are prepared to talk.

The involvement of merchants in "social cleansing" is an open secret in Colombia, but it is a secret that few can, or indeed want to, prove. To date, no business people have been charged with "social cleansing" killings, and merchants' organizations such as the gremio Federación Nacional de Comerciantes (FENALCO) deny any suggestion of criminal involvement. However, FENALCO has expressed strong criticism of the lack of official policies and actions to solve the problem of beggars and other street people who, in their view, have "invaded the public space." In its report El problema de los mendigos: Localidad de Santa Fé, FENALCO writes that:

The authorities have gradually withdrawn, virtually ignoring the problem [of beggars]. They have adopted a 'hands off' strategy, leaving to individuals the responsibility of solving the problem and restoring to downtown the dignity it deserves.¹⁷⁶

Without explicitly mentioning "social cleansing," FENALCO here summarizes how a merchant-instigated "cleansing" operation works. Shop owners and other businesses, frustrated by the "invasion" of "their" public space, seek to return the "dignity" to their streets by getting rid of beggars, "delinquent" youth or other groups of street people. They believe that the state has failed to accept responsibility for this task. In response, they take the law into their own hands and hire a "cleansing" group to solve the problem.

¹⁷⁶ "La autoridad se ha ido replegando, haciendo caso omiso del problema [de los mendigos], adoptando una estrategia de retirada permanente y dejando en manos de los particulares la responsabilidad de enfrentar el problema y de paso devolverle al centro la dignidad que él se merece." FENALCO, El problema de los mendigos: Localidad de Santa Fé, Bogotá, 1994, p. 6.

And, if FENALCO does not acknowledge that this indeed happens, both high ranking police officials and the Colombian Chamber of Commerce do. Police Colonel Mauricio Gómez, for example, acknowledged in an interview that merchants have been involved in "social cleansing" by "paying indigents to kill other indigents."¹⁷⁷ And one of the directors of the Chamber of Commerce, Olga Cabrera, confirmed in a separate interview that local business people are involved in "social cleansing." When asked the question "Is it true that merchants are involved in "social cleansing?" Cabrera replied "Yes," then went on to explain that:

No merchant will admit it...[but] they want tranquility in their sectors...It is a problem of the inaction of the state...People start looking for their own ways to solve their problems.¹⁷⁸

Other groups believed to be responsible for instigating "social cleansing" are the local neighbourhood committees called Juntas de Acción Comunal. The Juntas are supposed to work for the betterment of their neighbourhood, and they often consist of highly respected individuals. Yet some have interpreted their mandate in such a way that they support or encourage "social cleansing" operations. One Bogotá social worker interviewed for this study testified that he stopped working in a centrally located barrio in Bogotá when he learned that the president of the local Junta supported a "cleansing" operation in the neighbourhood; the targets of the cleansing were precisely the youths the social worker was assigned to assist.¹⁷⁹ The AIDS hospice Fundación

¹⁷⁷ Interview with Colonel Mauricio Gómez in Bogotá, 24 August 1995.

¹⁷⁸ Interview with Olga Cabrera in Bogotá, 17 August 1995.

¹⁷⁹ Interview with a social worker in Bogotá, 15 August 1995. The president of the Junta de Acción Comunal did not want to participate in this study.

Eudes, mentioned earlier, also fell victim of Junta-instigated violence, and as will be shown below, Juntas appear to continue to be involved in "cleansing."

The role of the merchants and the Juntas de Acción Comunal in "social cleansing" is mostly financial and organizational; there are very few reports of the actual merchants or Junta members themselves carrying out the "cleansing." The collection of money is sometimes done quite openly, with set tariffs raised to pay for a particular operation. The operations themselves also require a degree of coordination and planning in which the merchants play a central role. In Usme in 1995, for example, a death list of 170 youths was circulated as a part of the earlier mentioned "Operación Estrella," creating terror and silence among its inhabitants.¹⁸⁰ One local resident who followed the "cleansing" violence in Usme closely, testified that:

The list was put together by local people, by merchants, the police and the DAS...The merchants are paying the police and the DAS to carry out these killings...For one operation each merchant paid 30,000 pesos, delivering it to the local police station.¹⁸¹

The business sector's mercenary involvement in this violence has also been confirmed by both international non-governmental and inter-governmental organizations, such as Amnesty International, the United Nations (UN), and the Organization of American States (OAS). In its 1993 human rights report on Colombia, the OAS states that:

¹⁸⁰ Several people mentioned this death list in interviews given for this study. One teenager in Usme had even seen one of the perpetrators looking through the list in a bar. When the young man spotted his own name on the list he quickly left. Interview in Usme, Bogotá, 3 September 1995.

¹⁸¹ Interview in Usme, Bogotá, 3 September 1995.

For several years now, rightist groups have been operating in Colombia, basically serving the interests of the chief Colombian entrepreneurs. On orders from the latter or on their own initiative, and often with the complicity of members of the armed forces, these groups carry out what has come to be called "social cleansing" killings.¹⁸²

Sometimes the mercenary "cleansing" operations are announced in advance by merchants, or by the Juntas and their allies. In August 1993, for example, a number of professionally-printed posters appeared on walls in the borough of Los Mártires in Bogotá.¹⁸³ The posters were an open invitation to local "delinquents" to attend their own funerals. The "hosts" were "the industrialists, merchants, civic organizations and the community at large from the Zona de los Mártires."¹⁸⁴ The posters had a large cross and the word "funerals"¹⁸⁵ written in capital letters. According to one report, the office of the municipal ombudsman in Bogotá, the Personería, had received a visit by about ten local merchants, state employees and lawyers shortly before the posters appeared. The visitors threatened to take justice into their own hands if nothing was done about the rampant crime in the borough.¹⁸⁶ According to Carlos Rojas at CINEP, the posters had a tremendous effect on the street people, who fled the area,¹⁸⁷ at least temporarily. In the weeks

¹⁸² Organization of American States, Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Colombia, Washington D.C., 1994, p. 104.

¹⁸³ See Map 2: Bogotá - the 20 boroughs.

¹⁸⁴ "los industrialistas, comerciantes, organizaciones cívicas y comunidad en general, de la Zona de los Mártires." Poster text taken from photograph of the poster.

¹⁸⁵ "funerales"

¹⁸⁶ Human Rights Watch/Americas, Generation Under Fire: Children and Violence in Colombia, New York, 1994, p. 12.

¹⁸⁷ Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1993, p. 64.

after the posters were put up, several street children were shot by unknown men in Los Mártires.¹⁸⁸

When trying to understand the dynamic of this violence, it is important to recognize that the presence of large numbers of street people may indeed be bad for business. The fact is that some street people do steal from shops or their customers. And whatever the deeper reasons for their homelessness may be, the presence of beggars and the homeless outside a place of business is often enough to make potential customers go elsewhere. It is perhaps not surprising, then, that it was in the borough of Los Mártires the posters announcing a "cleansing" campaign appeared, as Los Mártires is both a business area and a zone plagued by very high crime rates.¹⁸⁹

The poorest Bogotá boroughs have also experienced pre-advertised "cleansing" aimed at male youth considered to be "delinquents." However, there it appears to be the Juntas rather than the merchants that have played the leading role. Handwritten "cleansing" posters were put up in May 1995 in several different neighbourhoods in the Bogotá borough of Bosa.¹⁹⁰ Surrounding a number of death messages were dozens of names of young men in the area. Two of those named on the poster - Elvis and Jhon - were assassinated within the month. Information received by the Bogotá municipal ombudsman, the Personería, indicated that the local Junta de

¹⁸⁸ Human Rights Watch/Americas mentions a few of those killings in Generation Under Fire: Children and Violence in Colombia, New York, November 1994, pp. 12-13.

¹⁸⁹ In 1993, Los Mártires was, after Antonio Nariño, the Bogotá borough where most homicides took place. Guillermo Segovia Mora, La violencia en Santafé de Bogotá, Bogotá, ECOE Ediciones, November 1994, p. 23. Muggings and petty theft are also commonplace.

¹⁹⁰ See Map 2: Bogotá - the 20 boroughs.

Acción Comunal had hired a "cleansing" group from the barrio Patio Bonito to carry out the killings.

As with the merchants' involvement, it should be pointed out here that street people, especially criminal youth gangs, pose a real concern for the Juntas. These neighbourhood committees receive complaints from worried citizens, and it is their role to work for the well-being of their neighbourhoods. If street people can be described as bad for business, criminal street youth can certainly be classified as bad news for the Juntas de Acción Comunal. This fact does not in any way excuse the practice of "social cleansing," but it does help us to make better sense of the social and political dynamic that drives it.

In other cases of mercenary "cleansing," the attacks have not been pre-advertised, but the perpetrators, or instigators, have warned some of their potential victims, and thereby given away both the upcoming operations and the identity of the actors involved. One such "cleansing" operation was organized by merchants working in and around the downtown shopping centre Terraza Pasteur, a hang-out for boy prostitutes. One of the local merchants, who had come to know and like some of the boys, found out about the upcoming "cleansing" and warned them.¹⁹¹

A similar case, from 1993, was reported by an NGO working with street youth in central Bogotá.¹⁹² The difference here was that it was the hired perpetrator who issued the warning to the victims. In this instance, a private security guard came to the NGO office with a girl

¹⁹¹ Interview with boy prostitutes at Terraza Pasteur in Bogotá, 12 August 1995.

¹⁹² Because of the security risks the representative of this NGO asked to have both her and the NGO's name omitted. Dates are also withheld here.

prostitute and asked them to "please protect her." He said that he had been hired by the local merchants to carry out "cleansing," but he liked the girl and did not want anything to happen to her.

In some Bogotá boroughs, "cleansing" appears to have become so widespread that individual citizens now can pay for such violence to be carried out by state agents. The story of a woman from the borough of Usme is instructive. She went to the local police station to inform them about some safety problems in her block. The police thought she wished to have the trouble-makers killed, and offered to do the "cleansing" if she was willing to pay for it.¹⁹³

There is also evidence that police agents are available for hire by criminal elements, a fact confirmed by Gloria Robles of the Procuraduría.¹⁹⁴ The ex-bazuco dealer whose personal testimony about the "paseo" was cited earlier, described this criminal collusion between street people and police:¹⁹⁵

The policeman who saved me, well, he is handicapped now. He was a very good policeman. We hired him to kill some people who were stealing from us. He killed them, but then some of their friends got him and he got shot in the spine. So now he is not there anymore.

These cases suggest that organized "social cleansing" may in some cases be driven by a logic of "score-settling," as claimed by Police Colonel Gómez. But while the scores to be settled may involve street people, it is police officers who act as the hired guns.

¹⁹³ Testimony from the social worker with whom this shocked woman spoke after the incident, interviewed in Bogotá, 3 September 1995.

¹⁹⁴ Interview with Gloria Robles in Bogotá, 28 August 1995.

¹⁹⁵ Interview with "paseo" victim in Bogotá, 21 August 1995. Name withheld here.

How do such hired guns operate, and what is their apparent motivation? While some carry out "cleansing" on a "freelance" basis, others work within the framework of the feared "cleansing squads." It is difficult to obtain precise information about these "squads" mainly because their existence is based on clandestine and illegal operations. But their pervasive presence in Colombia's urban centres is undeniable. In his report La violencia llamada limpieza social,¹⁹⁶ Carlos Rojas identifies 41 "cleansing squads" in different parts of Colombia. Among those are infamous groups such as "Toxicol-90," "Muerte a Gamines," "Mano Negra," "Sweet Dreams," and "Los Cobras."¹⁹⁷ Within the limits of the information available, it is worth discussing here why and how these perpetrators carry out their operations.

Some of those involved in death squads appear to be motivated principally by money; it is the paymaster's beliefs that determine who will become a victim. The mass killings of garbage recyclers at the Universidad Libre in Barranquilla, uncovered in 1992, are a case in point. These killings were carried out by police, and others, who provided bodies to the university, charging approximately US\$120 per cadaver. Apparently, money was the main motivation.

More often, the members of "cleansing squads" combine the opportunity to earn extra money with a conviction that they are doing society a favour. It will be recalled that, before killing eight transvestites in central Bogotá in the late 1980s, the perpetrators

¹⁹⁶ Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1994, pp. 83-84.

¹⁹⁷ Toxicol-90 is the name of a pesticide. Muerte a Gamines = Death to Street Children, Mano Negra = Black Hand, Los Cobras = The Cobras.

abused the victims verbally, calling them "dogs" and accusing them of ridiculing Colombian manhood. This behaviour suggests that, whatever they may have earned, their own attitudes - personal and political - were an important motivation for the attack.¹⁹⁸

The aim and specialization of many "cleansing squads" is revealed in their names. Although such names do not tell why the perpetrators have chosen their target or who their paymaster is, they do provide some clues. The name "Muerte a Homosexuales Peligrosos"¹⁹⁹ for instance, may indicate that extreme right-wing views about what is morally accepted in society are the driving force for the instigator. The names "Muerte a Expendedores de Bazuco" and "Muerte a Gamines,"²⁰⁰ on the other hand may indicate that the paymasters are merchants or others who feel that street people have "invaded" their space. Likewise, the name "Muerte a Jaladores de Carros"²⁰¹ may signal the involvement of common citizens, and Juntas, who have a crime problem in their neighbourhood.²⁰²

4.3 State Complicity

The Colombian constitution states that the police's "primary purpose is the maintenance of the conditions necessary for the exercise of public

¹⁹⁸ According to testimony from survivor. Interview conducted in Bogotá, 28 August 1995.

¹⁹⁹ Muerte a Homosexuales Peligrosos = Death to Dangerous Homosexuals

²⁰⁰ Muerte a Expendedores de Bazuco = Death to Bazuco Dealers, Muerte a Gamines = Death to Street Children

²⁰¹ Muerte a Jaladores de Carros = Death to Car Thieves

²⁰² Vigilante groups that specialize in attacking one particular group of "undesirables" are neither new nor uniquely Colombian. In 19th century Indiana, United States, for example, there existed a "horse-thief detection society." Richard Maxwell Brown, Strain of Violence: Historical Studies of American Violence and Vigilantism, New York, Oxford University Press, 1975, p. 309.

rights and freedoms and to ensure that the inhabitants of Colombia may live together in peace."²⁰³ On the evidence presented in this chapter, many members of the National Police do not uphold this constitutional responsibility, but rather act in ways that are diametrically opposed to their "primary purpose." In the words of Javier Omar Ruiz, a municipal official in Bogotá: "The Colombian police think that they are the owners of the people...We can not accept to have a police force ruled by a policy of extermination."²⁰⁴

Clearly, not all Colombian police and security guards are involved in "social cleansing." On the contrary, with more than 100,000 police in the country, only a small fraction dedicate themselves to these crimes. Police involvement, however, deserves more careful scrutiny. By looking at which sectors within the police force are the most prone to commit "social cleansing," and examining the extent of complicity on the part of the police command structure, additional clues about this violence may be unraveled.

The evidence provided in this study - based on testimonies from street people, information received from non-governmental organizations, government officials, and members of the police - indicates that two groups within the Colombian police force are especially likely to be involved in "cleansing": first, low level police agents who work on the streets on a daily basis and, second, members of the police intelligence

²⁰³ Presidencia de la República, Participatory Democracy and Respect for Human Rights: Colombia's New Constitution, Bogotá, 1993, article 218.

²⁰⁴ Interview with Javier Omar Ruiz in Bogotá, 15 August 1995.

branch popularly known by its old name, F2, but officially called DIJIN.²⁰⁵

Interestingly, the involvement of individual police agents in "social cleansing" is not hotly disputed by police officials. In an interview for this study, for example, the coordinator of the "indigent program" at the Metropolitan Police in Bogotá, Lieutenant Carlos Lineros, openly admitted that some low-ranking police use violence against street people, and that it is something of a habit among certain police agents to ill-treat "indigents." He also acknowledged that involvement of individual police agents in "social cleansing" killings/operations is so well-known that it is pointless to deny it. But few police or government officials are prepared to acknowledge more systematic police involvement in these operations.

It is hardly surprising that Colombian police officials portray "social cleansing" as isolated acts of violence carried out by low-ranking police agents. Indeed, in most countries where human rights violations are rampant, the only perpetrators identified are precisely the "bad apples" at the bottom of the hierarchy, individuals who cross the border between upholding law and order and carrying out criminal acts. This approach serves to insulate the force, and especially its commanding officers, from criticism and demands for change. However, the semi-spontaneous "social cleansing" carried out by Colombian police and security guards is not a story about "bad apples." Or rather, if the perpetrators can be called "bad apples," it is fair to ask just how many

²⁰⁵ The intelligence branch F2 was transformed into DIJIN several years ago. However, the name change never made its way to common Colombians who still refer to the intelligence police as the F2. Here the official name, DIJIN, will be used.

such "apples" a police force can protect before the problem can be called institutionalized.

The reluctance of police officials to acknowledge more systematic police involvement in "social cleansing" is typified by the position of the human rights officer at DIJIN headquarters in Bogotá, Lieutenant Alejandro Ortiz. In an interview for this study, he admitted openly that the now defunct F2 was involved in "social cleansing" operations, but strenuously denied that the DIJIN had continued in the same path.²⁰⁶ Moreover, Ortiz dismissed the reports of eyewitnesses and human rights organizations, saying:

Street people always think that perpetrators of violence are from F2 because they are civilian and armed. Also, many criminals say that they are F2, because they know that will make people tremble.

Notwithstanding these denials, a chorus of voices of street people and non-governmental organizations agree that these units have been heavily involved in "social cleansing" crimes. Amnesty International has concluded, for example, that:

Most killings of 'undesirables' in the cities appear to be carried out by police agents, often from the F-2 [DIJIN] intelligence branch, many of whom are contracted by local traders seeking to protect their economic interests.²⁰⁷

The involvement of an elite unit like DIJIN suggests a degree of police complicity far above the level of the agent on the street. And, there is some evidence that responsibility for the killings can be

²⁰⁶ Interview with Lieutenant Alejandro Ortiz in Bogotá, 30 August 1995.

²⁰⁷ Amnesty International, Political Violence in Colombia: Myth and Reality, London, March 1994, p. 23.

traced at least to the level of Police Station Commanders. One Bogotá police agent explained the dynamic behind "cleansing" as follows:

Common citizens who are tired of the insecurity and the high crime levels put pressure on the local Junta [de Acción Comunal]. The Junta then starts pressuring the local police station to solve the problem. From the heads of the station the pressure works its way down to the police agents. They go out on the streets feeling impotent. And what can they do..? Not solving the problem can affect a career... Often they ill-treat the street people until they leave that neighbourhood. So the problem starts rotating, but it is not solved. Others simply kill them.²⁰⁸

There is scattered evidence that the orders have come from higher up the command structure. Journalist Timothy Ross has managed to confirm, for example, that clear orders to "clean up" neighbourhoods in Bogotá have originated from officers at least with the rank of Colonel.²⁰⁹

If the evidence of official responsibility for directly ordering "social cleansing" operations is less than overwhelming, the attitudes and behaviour of senior police commanders suggest that the practice is at least widely condoned, and perhaps even encouraged, at the highest levels. While on paper the ethical guidelines for police are strict, a lack of respect for basic human rights is still firmly entrenched at high levels within the force. As one police lieutenant interviewed for this study explained:

We still have dinosaurs on the top who do not want to change...They say that policemen have to be tough. It's difficult. Some officers have worked 20 years and have many friends. They have made their careers by doing things that now are considered unacceptable.²¹⁰

²⁰⁸ This police agent asked to remain anonymous. Interview in Bogotá, September 1995.

²⁰⁹ Interview with Timothy Ross in Bogotá, 21 August 1995.

²¹⁰ This Lieutenant asked that his name not be revealed. Interview in Bogotá, August 1995.

Police complicity in "social cleansing" is also illustrated by the systematic failure to identify or apprehend members of the "cleansing" squads. These squads are highly visible in urban Colombia. In central Bogotá, for example, they often drive easily distinguishable vehicles - commonly called "Troopers," because many of them are either Isuzu Troopers or similar four-wheel-drive cars, or vans. They drive at night, often closely behind two motorcycles with drivers dressed in black wearing helmets covering their faces. These vehicles frequently display no registration plates, have darkened windows and heavy arms sometimes visible.²¹¹

In the suburbs, such as Usme, many of the "cleansing" cars have displayed registration plates. However, that has not made it any easier to get the perpetrators identified by the police. Non-governmental organizations and individual observers have made many fruitless attempts to make the police and the office of the Attorney General take action against the owners of these cars, by providing these authorities with detailed information about the type of vehicles, colours, registration numbers, and the dates and hours when they have been seen. These observers have even documented how the very same "cleansing" cars have been seen parked outside local police stations, and they have managed to trace one of the registration plates to the DAS. In addition, conversations have been documented where perpetrators both from the

²¹¹ While this scenario may seem as if it is taken out of a low-budget action movie, I can testify that such jeeps and vans without registration plates and accompanied by motorcycles circled around central Bogotá in the first morning hours of 2 September 1995. In central Bogotá in mid-1995, street people and other independent observers also testified that two small-size cars - a red Mazda and a black BMW - carried out much of the "cleansing." The red Mazda had been spotted so often that its registration number, originating from the Magdalena Medio region, was well-known among street people and non-governmental observers. The registration number will not be given here.

local police and the DAS have admitted being involved in the "cleansing." But the killings continue.

Whatever police and government officials may say about their lack of direct responsibility in "social cleansing" violence, their systematic failure to apprehend, let alone investigate and convict, those responsible has given the perpetrators reason to feel confident that they are above the law. As Amnesty International noted in its 1994 report, Political Violence in Colombia: Myth and Reality, "the lack of action against those responsible by senior police commanders has clearly created a climate in which such abuses proliferate."²¹²

²¹² Amnesty International, Political Violence in Colombia: Myth and Reality, London, March 1994, p. 23.

5. WHY DOES IT CONTINUE?

Colombia has an impressive network of laws and institutions aimed at protecting human rights, and successive presidents have stated their unconditional support for the concept that all human beings have inherent and unconditional rights. It may seem paradoxical, then, that "social cleansing," one of the most extreme manifestations of human rights abuse, should persist there. But the human rights situation in Colombia is not a paradox. There are concrete reasons why "social cleansing" and other systematic human rights violations continue.

This chapter will argue that the ongoing "cleansing" operations, in fact, show a chilling logic. This logic has two dimensions: one stems from flaws in the judicial system, the other is rooted in a corrosive public discourse. Serious shortcomings in the Colombian judicial system have helped to ensure that the perpetrators of "social cleansing" and other human rights violations are seldom, if ever, brought to justice. This pattern of impunity has encouraged the "cleansers" to continue, confident in the knowledge that they are above the law. The actions of "social cleansers" have been further stimulated by the character of the public discourse about street people and human rights. Expressed in the media, by powerful social groups, and by high ranking officials of the government and the security forces, the discourse of "disposability" has served to make violence against street people appear uncontroversial, acceptable, and even desirable.

Ultimately, both of these dynamics stem from a lack of political will on the part of the country's political and military leadership to

bring an end to "social cleansing" and other serious human rights violations. As the Procuraduría wrote in 1994, there is a "lack of a solid policy to fight human rights violations."²¹³

5.1 Impunity and the Rule of Law

On paper, human rights are better protected in Colombia than in most other countries in the world. Colombia's Constitution, enacted in 1991 by a popularly elected National Constituent Assembly, facilitates broadened political participation and representation, and guarantees a wide range of fundamental rights and freedoms. Articles 11 through 13, for example, state that:

The right to life is inviolable...No one will be ...submitted to torture, or cruel, inhuman or degrading treatment or punishment...All individuals are born free and equal before the law and are entitled to equal protection and treatment by the authorities...²¹⁴

In addition, the country has ratified most international human rights conventions, and has established a network of domestic human rights institutions.²¹⁵ A new mechanism introduced in the 1991 Constitution is the tutela, by which citizens can obtain an immediate judicial

²¹³ "falta de una política sólida de lucha contra la violación de los derechos humanos por parte de agentes del Estado." Procuraduría General de la Nación, III informe sobre derechos humanos, Bogotá, 1994, p. 11.

²¹⁴ Presidencia de la República, Participatory Democracy and Respect for Human Rights: Colombia's New Constitution, Bogotá, 1993, articles 11-13.

²¹⁵ The normal administration of justice is primarily the responsibility of the office of the Prosecutor General. "It is the responsibility of the Office of the General Prosecutor, automatically or following an accusation or conflict, to investigate the crimes and to press charges against the suspects before the competent courts and tribunals. Excepted are the crimes committed by members of the public force in active service and related to their service." Presidencia de la República, Participatory Democracy and Respect for Human Rights: Colombia's New Constitution, Bogotá, 1993, article 250.

injunction against actions of a public authority affecting a person's fundamental constitutional rights.

Outside of the judicial system, principal responsibility for the protection of human rights rests with the Public Ministry. The main bodies within the Public Ministry are the Procuraduría General de la Nación (office of the Attorney General), and the Defensoría del Pueblo (office of the People's Defender). The Procuraduría's main task is to exercise independent disciplinary authority over government institutions. The Defensoría is responsible for overseeing the exercise of human rights by government officials, and defending the rights of citizens to habeas corpus. Other institutions designed for the protection of human rights are the Consejería Presidencial para los Derechos Humanos (the office of the Presidential Adviser for Human Rights) and the network of Personerías (municipal human rights ombudsmen). Together, the Procuraduría, Defensoría, Consejería and Personerías, operate the Oficina Permanente de Derechos Humanos (Permanent Office for Human Rights), where citizens can report human rights violations 24 hours a day.

The DAS, like the DIJIN and the different branches of the security forces, such as the police and the army, all have their own human rights offices. And since the police reform in 1993, there has been a civilian National Police Commissioner whose job it is to oversee the respect for human rights within the police force. In addition to these institutions, several joint committees have been established through which government officials and representatives of non-governmental organizations work together on human rights issues.

Despite this impressive array of laws and institutions, serious and systematic human rights violations persist in Colombia, and the perpetrators continue to enjoy impunity for their crimes. The ~~x~~ *impunity* perpetrators of "social cleansing" are no exception. Indeed, none of the Colombian government officials interviewed for this study could point to a single case in which state agents had been convicted and imprisoned for involvement in acts of "social cleansing."²¹⁶ The one case frequently mentioned by these officials, as evidence of official toughness, was an investigation into one of the mass killings of ñeros in Pereira, noted earlier. The investigation found that a large number of police had been involved in the killings of 60 street people during a single month in 1991. Of those found responsible, 15 mostly low-level police agents were punished by dismissal from the police force. Significantly, no-one was convicted of murder and no-one was imprisoned. This punishment, though considered severe by the standards of the Colombian security forces, was not in any sense commensurate with the crime committed. Judging from evidence presented earlier in this study, it seems reasonable to believe that the dismissed police officers had easy access to jobs within the Colombian private security sector. Moreover, as the sole example of punishment for crimes related to "social cleansing," it could hardly be said to have served as any effective deterrent against the commission of similar crimes in the future.

Domestic and international non-governmental and inter-governmental organizations argue that the impunity enjoyed by those who commit crimes

²¹⁶ For a list of interviewed government officials see Appendix 1.

of "social cleansing" is one of the principal reasons for the persistence of this violence. Impunity accelerates the cycle of violence and, as the United Nations has noted, "is both the cause and the consequence of violence and, in particular, of human rights violations."²¹⁷

* In Colombia, this cycle of impunity stems from at least five discernible flaws in the legal system. First, laws and mechanisms designed to protect human rights are actually undermined by other laws that subvert their intention. Second, the judicial system is severely congested, with millions of cases pending. Third, the perpetrators of "social cleansing" are effectively able to prevent witnesses or surviving victims from testifying. Fourth, many of the victims do not know enough about their rights and how the judicial system works to successfully report cases of "cleansing." Fifth, in the few cases where a formal "social cleansing" complaint is filed, the judicial system is not flexible enough to handle the particularities of the street people. It is worth looking at each of these problems in turn.

The 1991 Constitution guarantees human rights but fails to provide effective mechanisms to ensure that those who violate human rights will be punished; further it actually strengthens institutions that work to undermine due process. For example, the Constitution reaffirms the

²¹⁷ United Nations, Economic and Social Council, Joint Report of the Special Rapporteur on the Question of Torture, Mr. Nigel S Rodley, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Nidaye, submitted pursuant to Commission on Human Rights resolutions 1994/37 and 1994/82, 16 January 1995, p. 25.

dangerous rule of "due obedience,"²¹⁸ under which members of the armed forces can avoid charges by claiming that they were only following the orders of a superior. Furthermore, it reaffirms the jurisdiction of military courts, without any possibility of review by a civilian court.²¹⁹ The United Nations wrote in early 1995 that:

The impunity enjoyed by human rights violators in Colombia is almost total. The military judiciary claims, and generally obtains, competence to deal with cases involving security forces personnel accused of human rights violations. The military justice system can be tough and effective in prosecuting and punishing disciplinary offences involving manifest disobedience of orders. But it has proved itself equally effective in guaranteeing impunity for violations of the ordinary criminal law in respect of acts (murder, torture, kidnapping) committed in the line of duty. Thus, Colombia clearly fails to fulfil its obligations under international law...²²⁰

Worse still, the hotly-debated jurisdiction of military courts was actually extended in the 1991 Constitution to include the police.²²¹ In practice this means that the military courts claim, and usually win,

²¹⁸ "Due obedience" is described in article 91 of the Colombian constitution: "In the case of a manifest infraction of a constitutional precept to the disadvantage of any person, any order from a superior does not absolve the executing agent from responsibility. The military in the service are exempted from this provision. As far as they are concerned, responsibility will fall exclusively on the superior officer who gives the order"[emphasis added]. Presidencia de la República, Participatory Democracy and Respect for Human Rights: Colombia's New Constitution, Bogotá, 1993, article 91.

²¹⁹ Human Rights Watch/Americas describes the new provisions as "sanctioning what until then had been only a perverse practice." Human Rights Watch/Americas, Political Murder and Reform in Colombia: The Violence Continues, New York, April 1992, p. 94.

²²⁰ United Nations, Economic and Social Council, Joint Report of the Special Rapporteur on the Question of Torture, Mr. Nigel S Rodley, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolutions 1994/37 and 1994/82, 16 January 1995, p. 32.

²²¹ "Regarding the crimes committed by the members of the security forces while in active service, and in connection with their service, they will appear before martial courts or military tribunals, in accordance with the provisions of the Penal Military Code." Presidencia de la República, Participatory Democracy and Respect for Human Rights: Colombia's New Constitution, Bogotá, 1993, article 221.

jurisdiction over cases where members of the security forces are accused of human rights violations, even if the victims are civilians. By including the police in the jurisdiction of military courts, the main perpetrators of "social cleansing" have come to enjoy even greater protection from prosecution in recent years.²²²

In effect, the new provisions in the Constitution have placed the perpetrators of "social cleansing" even further beyond civilian or judicial control, effectively guaranteeing them immunity from prosecution.²²³ Writing about the mass killing in Pereira, noted above, a European Union delegation noted that its outcome was an example of the "perverse effect of extending military jurisdiction to the police."²²⁴

And indeed, whether it is a case of "social cleansing" or some other kind of human rights violation, the result of investigations carried out by the military courts is almost always predictable - either the case is never brought to trial or, if it is, the accused is found not guilty.²²⁵ In the rare cases that members of the security forces are tried and found guilty, they generally receive very short sentences or

²²² The OAS has emphasized that the idea of service-related offenses must be clearly defined, to avoid human rights violations being considered service-related. The OAS writes that : "In fact, military criminal justice prevents ordinary judges from trying military and police, even in cases of crimes against humanity." Organization of American States, Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Colombia, Washington D.C., 1993, p. 99.

²²³ In addition, a severe congestion in the whole Colombian judicial system means that even crimes that are to be tried in civilian courts seldom reach a conviction.

²²⁴ "efecto perverso de la extensión de fuero militar a la policía." Asociación Seta, Misión de identificación de derechos humanos en Colombia: Informe de misión, Bogotá, May 1993, p. 50.

²²⁵ One example of a case taken over by the military court system is the earlier mentioned police shooting and killing in April 1995 of a young negro who could not stop scratching himself while inside a police van.

are set free.²²⁶ Both the Colombian Defensoría and Amnesty International have reported that in some extreme cases, officers found guilty have been promoted.²²⁷ Summarizing the problem of military justice in Colombia, the OAS writes:

The military tribunals do not guarantee that the right to a fair trial will be observed, since they do not have the independence that is a condition sine qua non for that right to be exercised. Moreover, their rulings have frequently been biased and have failed to punish members of the security forces whose involvement in very serious human rights violations has been established.²²⁸

The knowledge that human rights violations go unpunished naturally encourages further violations. Ironically, in the case of "social cleansing," these crimes are often carried out by police who claim to be killing because they are frustrated with an inefficient judicial system that is incapable of convicting criminals. Although the methods used to deal with this judicial inefficiency are both unacceptable and illegal, there is some truth to the "cleansers" claim that criminals are seldom punished. According to one estimate, only 4 percent of all crimes

²²⁶ The United Nations points out that "standard practice" within the military criminal courts include "cover-ups, partiality and pressuring of witnesses." United Nations, Joint Report of the Special Rapporteur on the Question of Torture, Mr. Nigel S Rodley, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolutions 1994/37 and 1994/82, 16 January 1995, p. 27.

²²⁷ Defensoría del Pueblo, Segundo Informe Anual del Defensor del Pueblo al Congreso de Colombia, serie de documentos 8, Bogotá, 1995, p. 21, and Amnesty International, Political Violence in Colombia: Myth and Reality, London, March 1994, p.76.

²²⁸ Organization of American States, Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Colombia, Washington D.C., 1993, pp. 245-246.

committed result in a conviction.²²⁹ Colombia also has one of the lowest prisoner ratios in the world, with 1 prisoner/100,000 people.²³⁰

One explanation often heard for the high level of impunity and low rate of imprisonment is the severe congestion and inefficiency of the judicial system. The Colombian Ministry of Justice reported in 1994 that the judicial system had, in the early 1990s, well over 4 million cases pending, about half of which were criminal cases.²³¹ According to the Ministry, even if there were no new crimes committed in the country, it would take the justice system more than 10 years to work its way to the bottom of its pile of pending cases.

However, the notion that a congested judicial system is the main reason for the impunity of human rights violators is not accepted by all. Critics have pointed out that the low rates of conviction and imprisonment conceal significant variations in the kind of criminals who are brought to justice. Typically, in cases involving trade unionists and others considered to be "terrorists" or "subversives," convictions are swift and sentencing is harsh.²³² By contrast, cases involving crimes by state agents, or those operating with state acquiescence, are

²²⁹ Ibid, p. 94.

²³⁰ According to statistics from the Colombian Ministry of Justice, in Colombia there is 1 prisoner/100,000 inhabitants, while in the United States there are 426 prisoners/100,000 inhabitants, and in Canada 94/100,000. This extremely low prisoner ratio co-exists with one of the highest homicide rates in the world and with the fact that Colombia has more lawyers per capita than any other Latin American country. Ministerio de Justicia y del Derecho, Justicia para la gente: Una visión alternativa, Bogotá, November 1994, pp. 6 and 19.

²³¹ Ministerio de Justicia y del Derecho, Justicia para la gente: Una visión alternativa, Bogotá, November 1994, p. 4.

²³² Representatives from the human rights organization Comisión Intercongregacional de Justicia y Paz were among the observers who expressed this criticism. Interview with Justicia y Paz representative in Bogotá, 30 August 1995.

frequently dismissed or delayed, and the suspects are released pending trial.

The cycle of "cleansing" violence and impunity is further accelerated by the readiness and ability of members of the security forces to use violence to silence witnesses and critics. This practice has been cited by the Defensoría as one of the key reasons for the problem of impunity. In its 1994 human rights report, the Defensoría writes that state agents have "intimidated those who demand justice, and have deceived investigators...and judges."²³³ Human rights organizations have also shown that acts of intimidation and retribution often are carried out by the same officers - usually still on duty - who are accused of the original human rights violation.²³⁴ And while Colombians who report crimes connected to the massive Colombian drug industry often enjoy protection through an official witness protection program, those who report "social cleansing" crimes enjoy no such protection. Gloria Robles at the Procuraduría confirmed in an interview that witnesses to "social cleansing" crimes "run extreme risks" of becoming targets of threats and violence by police.²³⁵

Examples of police threats against street people are abundant. In the case of the police killing of the "Poeta Nero," described earlier, one representative of a Colombian NGO explained: "One of the key

²³³ "se intimidó a los que pedían justicia y se engañó a investigadores... y jueces." Defensoría del Pueblo, Segundo informe anual del Defensor del Pueblo al Congreso de Colombia, serie de documentos 8, Bogotá, 1995, p. 21.

²³⁴ Human Rights Watch/Americas, Generation Under Fire: Children and Violence in Colombia, New York, November 1994.

²³⁵ Interview with Gloria Robles in Bogotá, 28 August 1995.

witnesses was so badly threatened by the police that we had to take him away from Bogotá."²³⁶ Other eyewitnesses to the killing refused to give further testimony after having seen one of the implicated policemen on active duty soon after the killing.²³⁷

In theory, people like the "Poeta Negro" and the street people who witnessed his fatal beating enjoy special protection in the Colombian Constitution. Article 13, which guarantees equality before the law, also states that:

The state will promote the conditions necessary in order that equality may be real and effective and will adopt measures in favor of groups which are discriminated against or marginalized...The state will especially protect those individuals who on account of their economic, physical, or mental condition are in obviously vulnerable circumstances and will sanction any abuse or ill-treatment perpetrated against them.²³⁸

However, acknowledging that the reality is very different from the theory in Colombia, the Ministry of Justice wrote in 1994, three years after the enacting of the Constitution, that:

The lack of access to justice in Colombia has become a primary cause of social exclusion and marginality, which has, in turn, deepened the divisions among citizens and has permitted civil conflict to elude the channels of the rule of law.²³⁹

²³⁶ Interview with representative of non-governmental organization in Bogotá, 15 August 1995. Name omitted here.

²³⁷ Human Rights Watch/Americas, Generation Under Fire: Children and Violence in Colombia, New York, November 1994, p. 29.

²³⁸ Presidencia de la República, Participatory Democracy and Respect for Human Rights: Colombia's New Constitution, Bogotá, 1993, article 13.

²³⁹ "La falta de acceso al derecho y a la justicia ha terminado por convertirse en Colombia en un factor de exclusión y de marginalidad social que ha profundizado nuestras diferencias internas y ha generado espacios para que el conflicto ciudadano no se encauce por las vías del Estado de Derecho." Ministerio de Justicia y del Derecho, Justicia para la gente: Una visión alternativa, Bogotá, November 1994, p. 13.

The lack of access to justice for the poorest and most marginalized highlights another problem contributing to the pattern of impunity - that is, the inflexibility in evidence requirements. While emphasizing the importance of consistent and strict rules for what evidence can be used in court, human rights activists and others have pointed at the inflexible attitudes of the Prosecutor General's office as one of the principal reasons for the acquittal of the "Poeta Nero's" killers.

The judicial system in Colombia is just not ready to respect and take seriously testimonies of street people. For example, in this case the eyewitnesses were asked at what time the kickings and beatings had happened. They didn't know. Of course they didn't know, they are poor, homeless, they don't wear watches. But they knew that it was dark. In the end the evidence they gave was considered to be unacceptable.²⁴⁰

The rigidity of the judicial system is not just criticized by non-governmental human rights observers. In an interview for this study, the lawyer, and director of the complaints office at the Defensoría, Alejandro Valencia Villa, stated bluntly that "The Colombian judicial system is just not good. It is very formal."²⁴¹ Similarly, the Ministry of Justice points out in its 1994 report that one reason for the widespread impunity enjoyed by perpetrators of human rights violations is "the excessive formality and rigidity of procedural law."²⁴²

²⁴⁰ Interview with representative of non-governmental organization in Bogotá, 15 August 1995. Name omitted here.

²⁴¹ Interview with Alejandro Valencia Villa in Bogotá, 24 August 1995.

²⁴² "el excesivo formalismo y ritualismo de la legislación procesal." Ministerio de Justicia y del Derecho, Justicia para la gente: Una visión alternativa, Bogotá, November 1994, p. 13.

The threats, ill-treatment and even killings of witnesses of "social cleansing" combined with an evident lack of successful judicial processes against the "cleansers" has resulted in a feeling of both fear and resentment among street people. The consequence of these feelings is not surprising: victims and witnesses of "social cleansing" only very rarely file formal complaints, especially if the violence has been carried out by state agents. "He who speaks, dies" say the street people. And so, they keep their silence. This silence, actively sought by the perpetrators of "social cleansing," is further aggravated by a lack of knowledge among many street people about their basic rights and lack of confidence in state institutions. The fact that most street people live without identification documents complicates matters further, as it is almost impossible to have any interaction with Colombian authorities without such documents.

Taken together, these factors have led to a situation in which government bodies such as the Procuraduría are constantly frustrated by the dramatic lack of formal complaints of "social cleansing." In an interview for this study, the Procuraduría's human rights delegate, Hernando Valencia Villa, said "we have no doubt that members of the police are involved in these crimes," but complained that it had been almost impossible to prove this in the courts.²⁴³ His colleague, the coordinator of the official "program for street people"²⁴⁴ Gloria Robles, noted that her office has had to find additional tasks because of the low frequency of formal complaints from street people about

²⁴³ Interview with Hernando Valencia Villa in Bogotá, 30 August 1995.

²⁴⁴ "programa para la población de la calle"

violence perpetrated by state agents.²⁴⁵ Both Valencia Villa and Robles agreed that the shortage of work is not the result of an improving situation in the relations between street people and state agents, but a symptom of serious flaws in the judicial system.

5.2. The Discourse of "Disposability"

The problem of "social cleansing" is further aggravated by a widespread and heavily dehumanizing discourse about the street people. While the frequently used word "disposable" is an extreme illustration of such a discourse, it is far from the only example. Garbage recyclers, ñeros, street children, prostitutes and transvestites all testify that the language used by others in interaction with them - whether spoken or unspoken - is consistently negative.²⁴⁶ So pervasive is this negative discourse that it has even been adopted by Colombia's street people themselves. In Bogotá in 1995, it was common to hear street people refer to themselves as "disposables," as objects rather than subjects with human rights and obligations.

The significance of this discourse lies not simply in the fact that it reflects prevailing views and attitudes, but that it may actually serve to reinforce them, to make them acceptable, and in so doing, to encourage acts which are both illegal and immoral. Such is the

²⁴⁵ Interview with Gloria Robles in Bogotá, 28 August 1995.

²⁴⁶ Interviews with street people in Bogotá, August and September 1995.

case with "social cleansing" in Colombia, a practice which appears to be supported, or at least tolerated, by a broad segment of society.²⁴⁷

In this sense, the Colombian situation resembles that of Indonesia in the early 1980s, during the "Petrus" killings. David Bourchier writes that "although it is impossible to accurately quantify the dimensions of support for the killings, it is clear that large sections of urban Indonesian society were either mildly sympathetic to the killings or openly enthusiastic about them."²⁴⁸ Particularly significant was the support of the middle classes, who evidently felt relieved rather than threatened by this selective violence against the poor. Just as the "limited and self-interested nature of the middle classes' demands for 'rule of law'"²⁴⁹ made it possible for Indonesian officials to carry out the "Petrus" killings in the 1980s, so it has facilitated the campaigns of "social cleansing" in Colombia until today.

The most openly negative discourse about street people is, not surprisingly, found among the actual perpetrators of "social cleansing." Often given public expression in the form of letters to the media, or posters distributed in the areas targeted for "cleansing," this discourse is characterized by its dehumanizing message. One squad which operated in northern Colombia in the late 1980s, "Toxicol-90," sent the following communique to a local newspaper:

²⁴⁷ Socio-linguist Carlos Ivan García stated that: "I believe that if a survey was done on 'social cleansing' we would find great support for these killings." Interview with Carlos Ivan García in Bogotá, 16 August 1995.

²⁴⁸ David Bourchier, "Crime, Law and State Authority in Indonesia," in Arief Budiman, ed., State and Civil Society in Indonesia, Clayton, Monash Papers on Southeast Asia, no. 22, 1990, p. 189.

²⁴⁹ Ibid, p. 199.

National product 'Toxicol-90' comes in capsule form and should preferably be applied directly to the head. It is effective against rats, cockroaches and every kind of parasite and insect...We stand firmly behind our radical mandate to eliminate and eradicate through any means, any constituent ill-equipped or unworthy of living among the rest of society as are thieves, muggers, pot-heads, crack-addicts etc...²⁵⁰

By lowering the status of their victims to the level of vermin, "Toxicol-90" clearly signalled that their victims deserved nothing less than death. But the discourse may have an additional significance. As Colombian socio-linguist, Carlos Ivan García, explains: "The dehumanization of the victims is especially necessary for the perpetrators. Not thinking of them as human beings makes it much easier to carry out the executions."²⁵¹

The discourse of "Amor por Medellín,"²⁵² a "cleansing squad" that specialized in killing street youth, was more "moderate," focusing on good and bad people rather than comparing their victims with animals. It sent the following message to the media in the late 1980s:

²⁵⁰ "Toxicol-90 producto nacional que viene en cápsulas de aplicación directa preferiblemente a la cabeza, y se puede usar contra ratas, cucarachas y toda clase de parásitos e insectos...hemos tomado con corazón firme, la radical posición de eliminar y erradicar, por cualquier medio a toda clase de elementos no aptos para convivir en sociedad, como son atracadores, raponeros, marihuaneros, bazukeros etc..." Quoted in Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1993, pp. 27 and 46.

²⁵¹ Interview with Carlos Ivan García in Bogotá, 16 August 1995. The dehumanization of victims of abuse is also a recurring theme in U.S. history, for example, in the treatment of indigenous people in the 19th century and, more recently, during the Vietnam war. Discussing the "tacit alliance in the use of violence between the government and private vigilante groups," Lynne B. Iglitzin states that 19th century "racist attitudes...served to make the Indian dehumanized and alien for the dominant majority, and thus campaigns to exterminate the Indian tribal enclaves, their culture and way of life received widespread popular support." Lynne B Iglitzin, Violent Conflict in American Society, San Francisco, Chandler Publishing Company, 1972, p. 117.

²⁵² Amor por Medellín = Love for Medellín

We recommend that decent, law abiding citizens not be on the streets past midnight, as decent people have no business being out at those hours anyway.²⁵³

These examples suggest that "social cleansing" is not intended just to eliminate undesirable individuals, but is also about sending a message to others, explaining what is considered acceptable behaviour, and punishing severely those who do not conform. This message is not only spread verbally and in writing, but through the ritualistic ways the "social cleansing" killings and other violent "cleansing" acts are carried out. Such rituals include burning the hands of thieves, castrating homosexuals, and sealing the mouths of street children with the industrial glue they sniff. The dumping of the "cleansing" victims in infamous "body-dumping spots" is another way to spread fear to wider sectors of society. In Bogotá such spots are found, for example, in Usme, and by the highway to Choachí outside of Bogotá. Even the pre-"cleansing" activities, such as circling around selected areas in Bogotá in certain types of unmarked vehicles, form part of a wider scheme of terrorizing the potential victims and simultaneously sending a message to the wider population. Here again, Colombian "social cleansing" shows similarities to the "Petrus" killings in Indonesia in the early 1980s, as described by Bouchier:

Criminals, gang members or ex-prisoners...almost always young and male, would be met in their houses or in the streets by a group of four or five heavily built men. In many cases they would shoot their victim where they found him. More often they would bundle him (or them) into a jeep or Toyota Hardtop and drive off into the night. The victim would be taken to a quiet place and shot through the head

²⁵³ "Recomendamos a la gente de bien no permanecer después de las doce de la noche en la calle, ya que la gente de bien nada tiene que estar haciendo a esas horas fuera de su casa." Quoted in Carlos Rojas, La violencia llamada limpieza social, Bogotá, CINEP, 1993, p. 62.

and chest at close range with .45 or .38 calibre pistols. His corpse would then either be tossed into a river or left in some public place..."²⁵⁴

The Colombian media, especially the newspapers, are another manifestation, and source, of negative attitudes towards street people. The biggest newspapers, such as El Tiempo and El Espectador in Bogotá, often do not cover individual "cleansing" killings at all. This silence sends a clear message - that the lives of the urban poor are of lesser value. In smaller papers that do cover such killings, the vocabulary used to describe the victims and the perpetrators reveals a similar message. Victims tend to be described as "delinquents," "anti-social" elements, or persons with a "criminal past."²⁵⁵ Perpetrators, on the other hand, are most often described in neutral terms, like "unknown armed men."

The perception of street people as "dangerous" enemies of civilized society was clearly illustrated in the daily El Tiempo on 10 August 1995.²⁵⁶ On a map of Bogotá appeared 27 black dots. Each dot represented groups of street people deemed to be troublesome or dangerous. Accompanying articles provided details about the "problem" people. One noted, for example: "Carrera 7a. Calle 16 (Santander Park)

²⁵⁴ David Bouchier, "Crime, Law and State Authority in Indonesia," in Arief Budiman, ed., State and Civil Society in Indonesia, Clayton, Monash Papers on Southeast Asia, no. 22, 1990, p. 186.

²⁵⁵ On 19 January 1993, for example, the newspaper La Libertad from Barranquilla, published a story about the execution-style killings of three men, stating that: "Three well-known and dangerous delinquents were finished off by gunfire" "Tres reconocidos y peligrosos anti-sociales fueron ultimados a tiros."

²⁵⁶ See Illustration 1: Map published in El Tiempo on 10 August 1995.

12 street kids become aggressive if you do not give them money."²⁵⁷ The map was based on thousands of phonecalls from the public. Many Colombians who work with street people considered this map to be a perfect tool for a "cleansing" group, as it gave both detailed descriptions of who the "dangerous" individuals were and where they could be found.



ILLUSTRATION 1

Map published in El Tiempo on 10 August 1995

Yet the Colombian media do not work within a political or moral vacuum. The tone of many press reports is well in keeping with the

²⁵⁷ "Carrera 7a. Calle 16 (parque Santander): 12 gamines se ponen agresivos si no les dan plata."

discourse used by powerful social organizations, such as the merchants' gremio, FENALCO. While some of FENALCO's views on street people have been outlined in previous chapters, one especially illustrative element of its perspective is worth mentioning here. FENALCO's proposed solution to the "invasion of the public space" by street people is that they be forcibly removed from the cities to special agricultural farms, where they would be locked in and rehabilitated for between six months and two years. These "prisons for indigents," the organization claims, would transform the "indigents" into "productive citizens." Or as members of FENALCO's staff put it: "Indigents go in, but persons come out."²⁵⁸ By talking about an "invasion" of street people and by portraying them as dishonest and dangerous, FENALCO has managed to construct a debate in which the human rights of these groups are disregarded. Rather than debating whether it would be morally - or indeed legally and constitutionally - acceptable to imprison people who have not committed crimes, FENALCO has focused the debate narrowly on issues of financial and logistical feasibility: who should pay for the prison farms and how the street people should be transported there.

The perpetrators of "social cleansing" violence also find support for their views and actions in the discourse, attitudes, and policies of Colombian government officials. The campaign of Bogotá Mayor Antanas Mockus to "recover the public space" for the Bogotanos is a case in point. Although this campaign originally had a broad focus - seeking to change parking habits and encouraging merchants to stop doing business

²⁵⁸[Emphasis added] Interview with FENALCO economists Gabriel Antonio Gúzman and Juan Pablo Lema in Bogotá, 25 August 1995.

on the sidewalks - it has come increasingly to focus on the "invasion" of the "public space" by street people.²⁵⁹ Recent efforts to stop this "invasion" have included paving over parks where homeless people lived and turning off the water in fountains where street children bathed.²⁶⁰

Negative attitudes towards the street people are also found at the highest levels of the national government. One of many ways in which these attitudes are manifested is in the steadfast refusal of successive Colombian governments to acknowledge official responsibility for the problem of "social cleansing." In the words of Hernando Valencia Villa, human rights delegate at the Procuraduría: "The government behaves as if denying 'social cleansing' will make it go away. And unfortunately, there is little pressure from society to make the government stop denying its existence."²⁶¹

The current government has also sought to escape responsibility for "social cleansing" - and human rights more generally - by deliberately manipulating the meaning of words. In particular it has sought to construe clear human rights violations - such as "social

²⁵⁹ The current campaign to beautify and reorganize the public space in Bogotá is not the first of its kind in Colombia. In the mid-1980s the city of Cali carried out a similar campaign under the slogan "A beautiful Cali is a clean Cali." What both these cleansing efforts have in common is that they have turned heavily against the street people. In Cali a "cleansing squad" started killing undesirable people, leaving notes bearing the city's slogan on the dead bodies. Alvaro Camacho, "Public and Private Dimensions of Urban Violence in Cali," in Charles Bergquist, Ricardo Peñaranda, and Gonzalo Sánchez, eds., Violence in Colombia: The Contemporary Crisis in Historical Perspective, Delaware, Scholarly Resources, 1992, p. 256.

²⁶⁰ Local official Javier Omar Ruiz, from the Veeduría Distrital, is highly critical of the treatment of the street people in Bogotá, and he emphasized that there has to be negotiations about the public space with the street people, where their views are taken seriously: "Where are they supposed to go if they can't stay on the streets? There have to be alternatives. It is important to remember that street people also have rights. They are a social group, and they have the right to make proposals to the rest of society." Interview with Javier Omar Ruiz in Bogotá, 15 August 1995.

²⁶¹ Interview with Hernando Valencia Villa in Bogotá, 30 August 1995.

cleansing" - as common crimes. This confusion is not a misunderstanding of the meaning of human rights on the Colombian government's part, but a way to escape responsibility for actions by the security forces and their allies. The fact is that, legally and politically, there is a fundamental difference between street crime and human rights violations, and Colombian authorities are well aware of this difference.²⁶²

This is not simply a matter of theoretical debate. Official attitudes and linguistic deceptions have real consequences, as illustrated by the official reaction to the murder of an ex-convict in 1986. In June 1992 the Colombian Council of State, the country's highest judicial administrative body, concluded that two police agents in the department of Antioquia were responsible for killing the ex-convict, Javier de Jesús Londoño Arango, because they believed him to be an "undesirable" and an "anti-social person with a criminal record." The Council of State ordered the Ministry of Defence to pay the equivalent of 500 grams of gold each to Londoño's parents. However, the Ministry of Defence viewed the killing differently, and stated that:

...there is no case for the payment for any compensation by the nation, particularly for an individual who was neither useful nor productive, either to society or to his family, but who was a vagrant whose presence nobody in the town of Liborina wanted.²⁶³

²⁶² By definition violations of human rights are acts committed by, or with the acquiescence of, agents of the state. The prevention of such acts, and the provision of redress is an obligation of states under international law. The Colombian state has acknowledged this responsibility not only in its own Constitution and domestic laws, but by ratifying, for example, the International Covenant on Civil and Political Rights of the United Nations (UN), and the American Convention on Human Rights of the Organization of American States (OAS).

²⁶³ Quoted in Amnesty International, Political Violence in Colombia: Myth and Reality, London, March 1994, p. 24.

If this is the view of the national Ministry of Defence, it is hardly surprising that negative attitudes have become commonplace within the security forces. In the words of the human rights delegate at the Procuraduría, Hernando Valencia Villa:

→ The street people are not accepted as human beings. In the view of many within the security forces, not only do the street people not have rights, not only are they 'disposables,' but to eliminate them is to do society a favour. It is civic action.²⁶⁴

* Yet perhaps more shocking is the fact that the President himself has begun to employ the discourse of "disposability." When the President claims that it is necessary to carry out a "surgical cleansing"²⁶⁵ of the "delinquents," official discourse becomes indistinguishable from that of the perpetrators of "social cleansing," and far removed from the fine words of the Colombian Constitution.²⁶⁶ In Colombia to "cleanse delinquents" means only one thing: to kill them. Even if it was not the President's intention, his choice of words effectively condoned, perhaps even encouraged, the crime of "social cleansing."

Finally, a word about the role of international discourse and action in perpetuating the problem of "social cleansing." Colombian delegates to the UN, the OAS, and other international bodies, have frequently emphasized the importance of respecting human rights. By pointing to the wide range of - largely ineffective - human rights

²⁶⁴ Interview with Hernando Valencia Villa in Bogotá, 30 August 1995.

²⁶⁵ It is interesting to note that the "Petrus" killings in Indonesia were described by Indonesian officials as a "surgical operation." Justus van der Kroef, "Petrus: Patterns of Prophylactic Murder in Indonesia," *Asian Survey*, 25 (July 1985): 752.

²⁶⁶ "Palabras del Señor Presidente de la República, Doctor Ernesto Samper Pizano, en el acto de suscripción del Acuerdo Nacional Contra la Violencia," Bogotá, 16 August 1995.

initiatives taken by successive governments, Colombia has managed for years to escape strong international criticism. While recent reports on Colombia from the UN and the OAS have explicitly criticized both human rights violations in general and "social cleansing" in particular,²⁶⁷ this has not resulted in an appreciable change in either the government's attitude or behaviour.

One reason for this lack of change is that in spite of the strong words from major international bodies, the Colombian government has continued to receive both sympathy and concrete financial support from other governments, ostensibly for its armed struggle against guerrilla groups and drug-traffickers. This has done little to stop the violence; indeed, by providing a constant flow of funding and supplies to the security forces, and crucial international political support, it may in fact have helped to exacerbate the problem. The comparison with the "Petrus" killings in Indonesia is again revealing. While the Indonesian government has generally enjoyed considerable international support despite an ongoing human rights crisis, the international community did react strongly against the "Petrus" killings, and thereby helped to stop them.²⁶⁸ No such open international pressure has yet been applied to the Colombian government, and so the "social cleansing" continues.

²⁶⁷ See, for example, Organization of American States, Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Colombia, Washington D.C., 1994; United Nations, Economic and Social Council, Joint report of the Special Rapporteur on the question of torture, Mr. Nigel S Rodley, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolutions 1994/37 and 1994/82, 16 January 1995.

²⁶⁸ Justus van der Kroef, "Petrus: Patterns of Prophylactic Murder in Indonesia," Asian Survey, 25 (July 1985): 745-769.


6. CONCLUSION

I began this thesis by identifying three broad analytical problems raised by the phenomenon of "social cleansing" in Colombia. However, owing to the remarkable lack of scholarly literature on the subject, and particularly in view of the absence of basic historical and social information, the thesis was organized around three more manageable, substantive questions: First, who are the victims of "social cleansing" and why have they been targeted? Second, who actually carries out this violence, and how do they operate? And, third, how can "social cleansing" persist? Evidence pertinent to each of these questions was presented in Chapters 3 through 5. It is now time to review that evidence, and to reflect on its broader significance with a view to unravelling the analytical problems posed at the outset.

In Chapter 3 we learned that the principal victims of "social cleansing" in Colombia include the homeless, street children, prostitutes, transvestites, garbage recyclers, poor youth, and petty drug dealers; people known colloquially as "disposables." In contrast to many victims of state violence - who are targeted because of their political beliefs, activities, or membership in organizations considered to be "subversive" - the evidence revealed that Colombia's "disposables" are victimized mainly because they are the bearers of unwelcome social and economic attributes.

In an effort to determine more precisely the attributes that make them especially vulnerable to "social cleansing," I examined the life circumstances of four identifiable communities of "disposables" - ñeros

and street children, garbage recyclers, prostitutes and transvestites, and poor suburban youth. I found that, while there are significant differences among them, these communities share certain characteristics that make them especially despised and, at the same time, vulnerable to "cleansing": they are generally poor and suffer health problems; the streets are their workplace and often their home; they work within the large informal sector of the Colombian economy; and, many of them, although not all, are criminals, drug addicts, or both. I also found that violence against street people in Colombia appears to be more common at times of intense public concern about insecurity and crime. The available evidence suggests that this pattern is fueled by a perception, common not only in Colombia, that today's street children are tomorrow's bandits, and that the most efficient way to solve the problem is simply to kill them.

In Chapter 4 the focus shifted from the victims to the  perpetrators of "social cleansing." The evidence presented revealed the pervasive involvement of police in "social cleansing" operations. Police and government officials strenuously deny systematic involvement, but the evidence of official complicity is strong. This complicity takes several forms, ranging from the active organization of "cleansing" operations by police officers, through direct involvement as perpetrators in these operations, to acquiescence and failure to apprehend the "death squads" that often carry them out.

While noting this common thread of official complicity and acquiescence, I argued that there appear to be two dynamics at work behind the phenomenon of "social cleansing," each involving a different

set of actors, and a distinct modus operandi. In the first dynamic, which I described as "semi-spontaneous," the violence is carried out mainly by on-duty police, and sometimes by private security guards. These attacks are often perpetrated with the aim of controlling crime or punishing street people who have failed to fulfil their "duties" towards state agents. In the second dynamic, which I called "mercenary" violence, the perpetrators often belong to "death squads" which receive money and other backing to carry out the "cleansing." While the actual hitmen are usually off-duty and ex-police officers and off-duty private security guards, the chief instigators are civilians, including business people, members of civic groups called Juntas de Acción Comunal, and criminal elements.

In Chapter 5 I argued that the "cleansing" operations follow a chilling logic stemming, first, from serious flaws in the judicial system and, second, from a public discourse of "disposability." Shortcomings in the Colombian judicial system have helped to ensure that the perpetrators of "social cleansing" and other human rights violations are seldom, if ever, brought to justice, giving them the impression that they are above the law. Their actions have been further stimulated by the character of the public discourse about street people and human rights. Expressed in the media, by powerful social groups, and by high ranking officials of the government and the security forces, the discourse of "disposability" has served to make violence against street people appear uncontroversial. Both of these dynamics stem from a lack of political will on the part of the country's political and military

leadership to bring an end to "social cleansing" and other serious human rights violations.

The systematic murder and abuse of marginal social groups in Colombia, and the broader pattern of human rights violations of which these form a part, are often described as a paradox or an inevitable product of the country's uniquely violent "culture." I believe that the substantive evidence presented in this study, and summarized above, demonstrates that the problem of "social cleansing" in Colombia is neither mysterious nor culturally unique, but a logical consequence of discernible and generalizable social, political and economic forces. To understand better how these conclusions have been reached, and their broader implications, let us now return to the three analytical problems posed at the outset.

I asked first: How can we explain the systematic murder of marginal social groups in a country widely regarded as an economic success story, and considered to be one of Latin America's most stable democracies? The question is best answered in two parts, referring first to the issue of democracy, and then to the matter of economic success.

Colombia's reputation as one of Latin America's most stable democracies is misleading. For while the country has established and maintained over several decades many of the formal mechanisms of democracy - such as an elected legislature, some competition between political parties, and several decades of civilian rule - in some respects Colombian political life remains deeply undemocratic. An appreciation of the disjuncture between the formal and the informal structures of political power takes us some way toward an explanation of

the phenomenon of "social cleansing," and of human rights abuse more generally.

The political role of the security forces has been a particularly important dimension of this problem. For more than four decades the Colombian security forces have avoided the most conventional and dramatic form of military intervention in politics, the coup d'état. Yet, this has not meant that the security forces have been politically insignificant. On the contrary, as this study has shown, despite their formal subordination to the civilian government, the Colombian security forces appear to have achieved a considerable degree of autonomy from civilian interference. Indeed, it is arguably because their freedom has been so great that they have found it unnecessary to resort to forceful intervention. After the imposition of a state of emergency in August 1995, Sonia Zambrano of the Comisión Andina de Juristas commented: "Samper is no longer the master of his government. He has presented it as a gift to the right. Here, a military coup is not necessary. The security forces are happy."²⁶⁹

The connection between the autonomy of the security forces and the persistence of "social cleansing" is clear. As this study has shown, many of the perpetrators are drawn from the security forces, or are members of paramilitary groups that operate with their acquiescence. To the extent that they are given the freedom to commit such crimes without fear of punishment, there is no reason to believe that they will stop.

But the explanation of "social cleansing" cannot stop there. The autonomy of the security forces implies a significant degree of

²⁶⁹ Interview with Sonia Zambrano in Bogotá, 31 August 1995.

acquiescence by other elements of the state. Colombian government authorities have frequently claimed that "social cleansing" and other political violence is beyond their capacity to control. Yet, the evidence in this study suggests a different conclusion: that key elements of the state, including the Presidency and the judiciary, effectively condone "social cleansing."

Turning now to the second part of the question, it might be argued, for example, that the government policies that have been instrumental in making Colombia an economic "success story" have contributed to the problem of "social cleansing." Impressive aggregate growth statistics have not spared the country from serious poverty and inequality. Alongside a prosperous and powerful economic elite, there has emerged a deeply impoverished and marginalized urban underclass. This study has shown that the gap between the two is not simply a matter of unequally distributed material wealth. It is also a social and a political gap which significantly influences attitudes, discourse, and behaviour on both sides of the divide. This gap appears to lie at the heart of the problem of "social cleansing."

Moreover, it might also be argued that the economic strategies pursued by successive Colombian governments have encouraged the view that fundamental human rights - such as the right to life, and the right to be free from torture - should sometimes take a secondary position to economic growth and "stability." The government's economic policies are consistent with, and tend to support, the view that the concern for civil and political rights is premature and inappropriate in a country still struggling to achieve sustained economic growth. This marketplace

philosophy appears to have fostered the sort of attitudes and discourse which have allowed "social cleansing" to breed and thrive.

An even clearer manifestation of state responsibility for, and acquiescence of, "social cleansing" lies in its conspicuous reluctance or inability to punish the perpetrators. This shortcoming lies at the heart of the answer to the second broad question posed at the outset: How can we reconcile the failure of the state to bring to justice the perpetrators of this violence with the government's statements of support for human rights, and with the country's supposed tradition of respect for the rule of law? Here again, the question is best answered in two parts, referring first to the matter of government statements regarding human rights and second, to the issue of respect for the rule of law.

With respect to the first, this study has demonstrated that the government's rhetoric of unequivocal respect for human rights cannot be accepted at face value. For, alongside that rhetoric, designed primarily for consumption by a local middle class and the international community, is a discourse of "disposability" that paves the way for, perhaps even encourages, repression. Once this duality is understood, it is a relatively simple matter to reconcile the rhetoric of human rights with the reality of impunity for the perpetrators of "social cleansing."

Unfortunately, the government's rhetorical claims in support of human rights and democracy have won uncritical acceptance both among Colombia's middle classes, and within the international community, while the state's responsibility for human rights abuse has generally been obscured or ignored. The reasons are not difficult to discern. While

recognizing the importance of the democratic veneer, Colombia's middle classes, and in particular its powerful business groups (the gremios), have grown impatient with the myriad social and political problems that seem to interfere with their own economic objectives, and have begun to demand swift and "effective" measures by the government. "Social cleansing" provides a simple answer to these demands. The motives of members of the international community are similarly self-interested. Geoffrey Robinson's observations about human rights in Southeast Asia are equally pertinent to the case of Colombia.

Even those most vocal in their insistence on adherence to and respect for universal human rights standards have found it expedient to modify their rhetoric and adjust their action to accommodate other foreign policy needs, such as the maintenance and improvement of trade relations, investment opportunities, and security arrangements. Only where these other foreign policy goals have been positively served, or not unduly disrupted, have human rights considerations actually been accorded a significant priority, and the rhetoric matched by concrete action. Where, on the other hand, these objectives have collided in a significant way, concern over human rights has almost uniformly taken a back seat.²⁷⁰

With respect to the second part of the question, this study makes it clear that Colombia's supposed tradition of respect for the rule of law needs to be critically reexamined. As in the case of the political system, so in the case of the legal system, it is necessary to distinguish between the formal elements and the informal reality. Colombia does have an elaborate network of institutions and laws designed, ostensibly, to protect human rights, and its new Constitution does guarantee many fundamental rights and freedoms. Yet, on the

²⁷⁰ Geoffrey B. Robinson, "Human Rights in Southeast Asia: Rhetoric and Reality," in David Wurfel and Bruce Burton, eds., Southeast Asia in a New World Order, Macmillan Press Series in International Political Economy, forthcoming 1996.

evidence presented in this study, this impressive legal infrastructure is often rendered meaningless either by other laws and decrees which are more authoritarian in their intent, or by the simple failure of the state to abide by its own laws.

Examples of the former problem include the protection of the security forces from the civilian judicial process through the preservation of the military court system, and the routine invocation of emergency rule by a series of governments. The clearest possible example of the latter problem is the involvement of the state in the extrajudicial execution of its own people. As David Bouchier notes with respect to the Petrus killings in Indonesia:

...they demonstrated the ease with which the state is able to sidestep constitutional restraints and deploy extra-legal violence against people when it chooses to do so. There can be no more fundamental expression, after all, of the despotic power of a state over its citizens than is represented by their selective murder.²⁷¹

This study suggests that the long term legacy of these tendencies in Colombia has been a weakening of the tradition of respect for the rule of law. Apart from helping to explain the ever widening spiral of societal violence in Colombia, that weakening appears to have contributed to the peculiar persistence of "social cleansing" and to the pattern of serious human rights violations more broadly. The state's own lack of respect for the rule of law may also help to explain the resort to increasingly violent methods by other political groups, including left-wing guerrillas. In a depressing development, some such groups have

²⁷¹ David Bouchier, "Crime, Law and State Authority in Indonesia," in Arief Budiman, ed., State and Civil Society in Indonesia, Clayton, Monash Papers on Southeast Asia, no. 22, 1990, p. 200.

begun to conduct their own "social cleansing" campaigns, apparently mimicking the methods employed by the Colombian state.

To sum up, this study argues that "social cleansing," and other kinds of human rights violations in Colombia, are the product of a political system which, despite its democratic veneer, is both highly authoritarian and oriented toward the demands of powerful business groups, and in which the security forces and their paramilitary allies have been granted considerable autonomy. It also argues that "social cleansing" persists because there is an absence of political will on the part of Colombia's political, military, and economic elites to tackle the problem at its roots. This lack of will appears to stem, in part, from the fact that "social cleansing" actually serves the interests of these elites.

A further conclusion of this study is that the political and legal responsibility for "social cleansing" rests in large measure with the Colombian state. This finding is based on three related considerations: state agents are among the main perpetrators of "social cleansing" violence; the state has provided all perpetrators with encouragement in the form of a supportive discourse and legislation; and the state has failed to take the necessary political and legal action to stop the violence.

Turning now to the final question posed at the outset: What can the Colombian experience with "social cleansing" tell us about similar phenomena in other parts of the world? Though any general conclusions must be considered only tentative hypotheses deserving further study, the Colombian case suggests, first, the need to look beyond the outward

forms of a political system in assessing the likelihood of all kinds of human rights violations. It also reveals that the formal institutions of democracy provide no guarantee against state repression, and that no political system is free from the danger of human rights abuse. Writing in the early 1970s, Lynne B. Iglitzin observed that:

The conventional wisdom...sees democracies as resting on a consensual basis, with violence occurring only sporadically and on abnormal occasions. Totalitarian systems, on the other hand, are seen as employing violence methodically to maintain themselves in power. This simplistic view is totally inaccurate in both its allegations: democracies do regularly employ a variety of coercive techniques as part of the normal functioning of the system, and totalitarian governments do strive at building consent and support for their regimes, which could not function long on terror and coercion alone.²⁷²

Yet, if all states employ violence in some measure to secure political compliance, the evidence from Colombia indicates that there may be certain structural characteristics that make serious violations more likely to occur in some systems than in others. It suggests, first, that the likelihood of serious human rights violations increases dramatically where the security forces are given substantial autonomy, regardless of the formal mechanisms or laws designed to check them. Second, it reveals the potential significance of public rhetoric not only in encouraging human rights abuse, but also in obscuring the issue of responsibility or culpability. And finally, it offers a warning of the serious consequences when a state, or important elements within it, exhibit contempt for the rule of law.

²⁷² Lynne B. Iglitzin, Violent Conflict in American Society, San Francisco, Chandler Publishing Company, 1972, p. 103.

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El País

La Prensa

Semana

Su Defensor

El Tiempo

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Utopías

Appendix 1 - Interviews Conducted during Field Research in Bogotá

For reasons of security, a number of interviews conducted for this study are not listed here. They include interviews with victims of "social cleansing," members of the police, staff at private security companies, local human rights observers, and some NGO-representatives. In some cases, interviewees explicitly requested anonymity while in others the decision to protect their identity was my own.

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Appendix 2 - Selected Definitions

"Cleansing squads" - Paramilitary/parapolice groups specializing in "social cleansing." (See also, Paramilitary groups, "Social cleansing," and Vigilantes)

Human rights - the inherent civil and political rights of every human being - such as the right to life, and the right not to be subjected to torture - as expressed in the United Nation's Universal Declaration of Human Rights and in international human rights conventions.²⁷³ There are two other categories of human rights: first, economic, cultural, and social rights and, second, collective rights. While most governments in the world have committed themselves to fully respect the civil and political rights, the two other categories are still merely goals. In this thesis, the term human rights means civil and political rights.

Human rights violation - a violation of any of the civil or political rights as defined above. Only governments can ratify the international conventions that guarantee respect for human rights. It follows that only state agents, or those who work with the acquiescence or support of the state, can violate human rights. When an armed opposition group commits an act of violence it is, in law, not a human rights violation per se, but rather a violation of international humanitarian law,²⁷⁴ or simply an act of criminal violence.

Impunity - the failure of a state's judicial system to bring to justice those who break the law. Most commonly used to describe immunity from prosecution by members of police and armed forces.

Paramilitary groups - organized armed groups working with some degree of state acquiescence or support. Some paramilitary groups do in fact consist entirely of members of the security forces. Here the term paramilitary includes what is sometimes called parapolice (See also, Vigilantes).

Political killings - politically motivated killings committed by state agents, with state acquiescence, or by armed opposition groups. Not all political killings can be classified as human rights violations (See also, Human rights violation).

²⁷³ These include, for example, the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

²⁷⁴ International humanitarian law is spelled out in the rules of armed conflict, as stipulated in the Geneva Conventions.

"Social cleansing" - the systematic elimination and abuse of marginalized and/or impoverished sectors of a population, often defined as "disposable" people by the perpetrators. Victims commonly include street children, the homeless, prostitutes, transvestites, petty criminals, drug addicts and garbage recyclers.

Vigilantes - individuals or groups who carry out violent acts designed to enforce their own view of a desired social or political order. In defending that order they themselves violate the law. Paramilitary groups are only one type of vigilante, distinguished by their links with the state. Other types include lynch mobs. (See also, Paramilitary groups).