

## Understanding Colombia's False Positives

Rachel Godfrey Wood

14 July 2009

In October 2008, it was revealed that Colombian army soldiers had killed at least 11 young men hailing from Soacha, a working class municipality on Bogotá's periphery, and then presented them as killed enemy combatants (both paramilitaries and guerrillas) in the town of Ocaña in North Santander. The crimes were quickly described as "false positives," the army's term for something that initially appears to be "positive" (i.e. a killed enemy combatant) and is later proven to be something else. Since then, there has been a flood of denunciations of false positives from across the country. Current investigations by the prosecution service (*la Fiscalía General de la Nación*) implicate over 400 low and medium level members of the army in the killing and false presentation as enemy combatants of 1500-2000 innocent civilians over the last 10 years. It appears that the primary motivation in such crimes was a desire by the culprits to demonstrate "results" to their superiors, in order to gain holidays, training courses, promotions and cash rewards. Such crimes highlight the existence of a morally perverse culture in the army, undermining its claim to have a legitimate monopoly of the use of force, and demonstrating that levels of impunity in the country remain high.

In the words of Fernando Escobar, the *Personero* (a politically neutral, independent public official responsible for protecting the individual and collective rights of the population) of Soacha who first denounced the crimes, Colombia suffers from "ideologized realities".<sup>1</sup> This means that one's preconceived ideological position tends to define one's understanding of a broad range of human rights-related issues (kidnapping, forced displacement, extra-judicial executions), and this can often contravene what are generally considered to be "sound" journalistic and investigative practices. Nowhere is this more apparent than in the current debates surrounding the false positives. Supporters of the government are quick to downplay the incidents as "a few rotten apples" and denounce attempts to seek justice as propaganda for the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), while trenchant opponents of the government lose no time in qualifying the crimes as "crimes of the state" and "genocide". This occurs in spite of the fact that we still know relatively little about the causes and implications of the false positives. Such a polarized political climate means that various controversies surrounding the false positives are often stated without exposure to academic rigour. This article will argue that while the false positives are indeed a generalized phenomenon, the level of state responsibility remains ambiguous.

### Are False Positives the Exception or the Rule?

As government and army officials commonly point out, the Colombian armed forces comprise 400,000 individuals.<sup>2</sup> Taking that into account, the figures regarding the false positives at the time of writing (1500-2000 possible victims and over 400 potential culprits) suggest that the

---

<sup>1</sup> Interview with Fernando Escobar, 7 May 2009

<sup>2</sup> Claudia Hernandez, (Director of Human Rights in the Ministry of Defence), Letter to *El Espectador*, 24 May 2009

false positives are the exception, rather than the rule. This view is supported even by defenders of human rights such as Fernando Escobar and Mauricio Garcia, Director of the *Centro de Investigación y Educación Popular* (CINEP).<sup>3</sup> At the same time, the false positives have still been shown to have occurred in over half of the departments of the country.<sup>4</sup> Moreover, documents at the National Security Archive in Washington show that they have been occurring for at least 20 years<sup>5</sup>, without leading to any significant denunciations until the Soacha case in 2008. This suggests both a failure of various governments to confront the issue and a high level of impunity for those responsible. Most worryingly, the false positives have shown a marked increase under the government of Alvaro Uribe Velez, rising sharply from an average of 6 cases per year under the Pastrana administration to 370 cases in 2007 (*Fiscalia*).<sup>6</sup> Finally, it is no secret that denouncing crimes in Colombia is a highly dangerous proposition, particularly for the family members of such victims, who are generally poor, unconnected and easily intimidated, meaning the number of actual crimes could be far higher. All of this should lead us to believe that while the false positives cannot be said to implicate all, or even the majority, of the armed forces, they are indeed part of a generalized trend that has increased over time, and should therefore be dealt with as an extremely serious issue.

### **How Much Responsibility Does the Government Have?**

The increase in false positives under the Uribe administration is believed to have been driven principally by the intensification of rewards and punishments linked to whether or not army battalions could demonstrate “results”. This intensification of incentive structures has been a key aspect of the Uribe government’s Democratic Security Policy, in order to encourage aggressive actions against the FARC and *Ejército de Liberación Nacional* (ELN). A key example of this is Directive 029, which according to Senator Gustavo Petro was circulated in 2005 by then Minister of Defense Camilo Ospina, offering payments of up to 3,800,000 pesos (\$1500-2000) for killed enemy combatants.<sup>7</sup> Units who failed to show “results” were routinely criticized, and it was widely perceived that career progression depended heavily on the number of killed enemy combatants. It is unclear whether soldiers opted for false positives instead of attacking the guerrillas or in a response to a reduced guerrilla presence in their zones. One possibility, so far unrecognized in the press or academia, is that the relative success of the Democratic Security Policy in reducing the guerrilla presence in various areas of the country actually contributed to the rise in false positives. A lower guerrilla presence in an area would theoretically make it harder for army units to claim “results”, and thereby incentivize false positives as an alternative.

Even though the system of incentives was widely denounced by NGOs, opposition senators and even some army generals from 2005 onwards, the government failed to take action until the Soacha case, preferring to accuse its critics of “making propaganda”. At this point it seems clear that the government and high-ranking army officials must accept significant responsibility for the crimes in imposing a system that incentivized such actions and failing to act in the face of mounting evidence of the dangers of such a system. Such facts have been interpreted by some

---

<sup>3</sup> Interviews with Mauricio Garcia and Fernando Escobar, 7 May 2009 and 11 May 2009

<sup>4</sup> CINEP, *Informe Especial: Falsos Positivos, Balance del Segundo Semestre del 2008*, April 2009

<sup>5</sup> Michael Evans, “Body Count Mentalities,” *Colombia’s False Positive Scandal, Declassified*, 7 January 2009

<sup>6</sup> *Semana*, *426 Militares han sido Detenidos por Ejecuciones Extrajudiciales*, 7 May 2009

<sup>7</sup> *El Tiempo*, *A Víctimas de Falsos Positivos Escuchó Relator de Naciones Unidas para Ejecuciones Extrajudiciales*, 9 June 2009

sectors as proving that the Colombian state has actively been pushing for the assassination of innocent civilians in order to inflate statistics of killed enemy combatants, or simply to sow terror across the country. Such direct complicity, though, is hard to demonstrate, and Mauricio Garcia of CINEP believes it to be “improbable”. As long as we assume that the prime government objective has been to defeat the FARC, it is hard to see how actions like that in Soacha have served this purpose.

### **Are All False Positives the Same?**

At the same time, it is worth noting the existence of a second form of “false positive”, which can be traced back to the previous decade. This involved the killing of members of the population (mainly peasants) believed to have “suspect” affiliations, and their presentation as “enemy combatants” in order to disguise the reality of human rights abuse. US Embassy documents in the National Security Archives indicate that such actions often involved collusion with paramilitaries, who carried them out in order to assert their control over a given region and then allowed the soldiers to claim the rewards. This idea has been verified by demobilized and captured paramilitaries. In these types of false positives, it is possible that the state actually stood to benefit from the elimination of “suspect” peasants or community leaders without the door being left open for human rights litigations. It remains to be seen, therefore, whether there is a significant relationship between the two “types” of false positives, and the extent to which the Colombian state knowingly contributed to their generalization within the armed forces.

Given this history, it is reasonable to ask whether such cooperation is still a serious factor driving false positives. After all, Colombia is currently undergoing a new surge of paramilitary violence, and traditional paramilitary practices such as forced displacement and so-called “social cleansing” have increased in the last year. Leading figures such as Senator Gustavo Petro have stated that some para-military groups (such as the *Aguilas Negras*) have been active in the “recruitment” of victims for false positives, who often believed that they themselves were going to join the paramilitaries.<sup>8</sup> Moreover, critics of the false positives like Escobar have been threatened in pamphlets signed by would-be *Aguilas Negras*. Beyond this, there remains a lack of clear evidence demonstrating paramilitary involvement in the recent crimes.

### **The Government Response**

On one level, the government’s recent decision to forcibly retire 27 medium and high-ranking army officials was an unprecedented step in Colombia’s history, and one that should, theoretically, have sent a strong message that false positives are not considered acceptable. Moreover, the Ministry of Defence claims to have reformed the notorious incentive system, a move which should reduce false positives. Since these changes in late 2008, there have been six denunciations of false positives, but the extent to which the phenomenon is ongoing is unclear. Logically, it might be believed that the government and army have a high interest in eliminating the phenomenon in order to protect their damaged international reputation. Independently, the *Fiscalia* is currently investigating cases involving 1666 potential victims, has detained 426 soldiers and formally sentenced 67.<sup>9</sup>

---

<sup>8</sup> Gustavo Petro, Interview on *Pregunta Yamid*, 6 November 2009

<sup>9</sup> *Semana*, 7 May 2009

On the other hand, the government's constant reference to what it terms "false denunciations" based on "hatred and ideological bias"<sup>10</sup> has been an extremely unconstructive, and potentially dangerous, response to the revelations. As previously mentioned, there can be no doubt that some of the government's critics have looked to take advantage of the scandal and to delegitimize the armed forces, but the government has failed to demonstrate any solid proof of such "false denunciations". Such unsubstantiated assertions, as well as President's Uribe's demand that state resources be used to defend members of the army, suggest the government is more interested in defending the reputation of the armed forces than searching for truth and justice.

## **Conclusion**

There are many things we still cannot know about the false positives scandal, particularly regarding the extent of the phenomenon, the level of complicity of government officials and/or paramilitary groups, and whether or not it increased as a result of the guerrillas getting weaker. Possibly the greatest question is quite how such a perverse culture could have developed in the armed forces. While the issue of extrajudicial executions is not new to Colombia or to the region, the willingness of army officials to target innocent civilians solely to claim rewards seems to be a new type of crime. At the very least we can tentatively conclude that the false positives demonstrate the extent of moral degradation that can occur in a society with such a long history of violence. Beyond that, the ease with which the soldiers and their recruiting "agents" in the Soacha underworld managed to dupe these youths into accepting mysterious, and probably illegal, "work" opportunities in the Colombian countryside highlights the country's ongoing failure to offer dignified life projects to its youth. One major effect of this is that violence and human rights abuses, in one form or another, are likely to remain destructive features on Colombia's national landscape.

**Rachel Godfrey Wood, Research Fellow for the Council on Hemispheric Affairs:  
rachelgodfreywood@yahoo.co.uk, rachelincolombia.wordpress.com**

---

<sup>10</sup> El Espectador, *Uribe Denuncia Política de "Falsas Acusaciones" Contra Fuerzas Armadas*, 8 May 2009