

Criminal gangs*: the continuation of violence by the same means

This article presents the results of research on the nature of Criminal Gangs their organization, actions and major characteristics. This research has been conducted at the Strategic Studies Center on National Security and Defense (CEESEDEN). This document first delves into the context that gave rise to Criminal Gangs. Then we identify the similarities between Criminal Gangs and self-defense groups in Colombia. Later we analyze the characteristics of Criminal Gangs in relation to the documents studied. Moreover, we explore current strategies designed to defeat gangs and, finally, we establish some conclusions.

Violence can only be concealed by a lie, and the lie can only be maintained by violence.

Mahatma Gandhi

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Received: 02 May 2011

Evaluated: 10-20 May 2011

Approved: 30 May 2011

Typology: Article reflection derived from research and completed.



* This article presents a result research which was developed between 2009 and 2010. This research propose a comprehensive and academic analysis of criminal gangs phenomenon. It also does integrate and update data related to concepts and Bacrim developments.

Keywords: Criminal Gangs, Emerging, Rearmed, Violence, AUC, Government, Military Forces.

Bandes criminelles: continuation de la violence parmi les mêmes moyens

Cet article expose les résultats de la recherche développée au Centre d'Etudes Stratégiques sur la Sécurité et la défense nationales (Ceesden, en espagnol), sur la nature des bandes criminelles, l'organisation, les actions et les caractéristiques. Pour accomplir cet objectif on présente le contexte où ce phénomène se reproduit. Après on identifie les éléments communs qui sont caractéristiques des bandes criminelles et des groupes paramilitaires. Après, on analyse les bandes criminelles à partir de l'analyse documentaire. Également, on expose les considérations actuelles sur la stratégie d'affrontement développée par l'État. Et finalement, on expose des conclusions.

Introduction

The real and symbolic construction of social forms require the development of social, institutional, philosophical and axiological instruments that allow modifying the causes of violence in Colombia. As a result, it can be argued that current Criminal Gangs are but one of the many sources of violence that has disturbed the social and political conditions of Colombia for over three decades. In short, this article presents the results of a research project on the origins and effects of Criminal Gangs in Colombia. Here, Criminal Gangs are identified as hybrid, complex and systemic structures that have to be fought against with sound, flexible and efficient policies on the part of the law enforcement agencies.

It is important to underline that in a first stage, the emergence of Criminal Gangs is linked to the demobilization of the United Self Defense Forces of Colombia (AUC). At first, the AUC were referred to as "Emerging Criminal Gangs¹" by the administration of President Alvaro Uribe Velez.

Therefore, the purpose of this research project was to identify the origin, constitution, activities and modus operandi of Criminal Gangs in order to develop a clear and thorough understanding of what these organizations are and what they represent for Colombia.

The first part establishes the context under which these organizations developed. Later, the nature and expansion of Criminal Gangs is analyzed by establishing the similarities and differences between them and the AUC. We later examine the conditions under which Criminal Gangs developed (the term BACRIM will also be used in this text to refer to Criminal Gangs) by providing a basic historical framework. Finally, we present some of the strategies that can be used in the fight against the BACRIM with regard to current discussions on the challenges posed by these organizations.

¹ In order to avoid confusion, the document treats the concepts of Emerging Criminal Gangs and Criminal Gangs as interchangeable or as synonyms. However, it should be noted that Criminal Gangs were initially known as Emerging Criminal Gangs, nevertheless, the word "Emerging" was dropped after it was proven that these gangs were closely related to already existing gangs. The term BACRIM will also be used to refer to Criminal Gangs.

Methodology

The research question that this paper attempts to answer has to do with the evaluation of the BACRIM in relation to their origin, constitution, activities, *modus operandi*, similarities and differences with respect to self-defense groups. This research is qualitative in nature. The type of data of the study is interviews and text taken from two data sources: primary and secondary.

This research aims at establishing the causes that gave rise to the so called BACRIM. In order to do so we have gathered information from newspapers and interviewed civilian and military experts². Moreover, other official and unofficial sources have been consulted.

The importance of the sources rests not only on their availability and accessibility but on the fact that they are the first sources on the subject. Therefore, they are fundamental for understanding the nature and origin of the BACRIM. Finally, descriptive data analysis³ has been used to conclude on the nature of such organizations.

> The origin of Emerging Criminal Gangs

The origin of Emerging Criminal Gangs is very blurry, conflictive and politicized⁴. According to officials the BACRIM seem to be a recent phenomenon which appears to be tightly linked to the demobilization of the AUC. However, unofficial sources argue that the term Emerging Criminal Gangs was created as a way for the government to categorize some of the structures that dismembered from the AUC.

Recently, President Uribe embarked on a campaign against “emerging gangs”, (...) a new term in the dictionary which has been created (by the government): there is no armed conflict in Colombia but rather a terrorist threat to democracy.

(...) According to the tale, thanks to the “peace process” 32 thousand people demobilized (...) the hero in the story is former “High Peace Commissioner” whose magic wand is used to create a united front for Uribism⁵.

As a result, it can be seen that both official and unofficial reports are highly politicized. They both lack forceful arguments that help determine whether Emerging Criminal Gangs are a byproduct of the AUC or if they are a new phenomenon that responds to new motivations and a different organizational structure.

It thus appears that the new term used to designate these groups aims at describing a new phenomenon that obeys to different dynamics and whose sources differ from those which gave rise to the AUC. Therefore, it was important for the government to adopt the term Emerging Criminal Gangs. However, the conceptual ambiguity and the lack of certainty regarding the actions and motivations of Emerging Criminal Gangs have resulted in the establishment of vague connections between these groups and some social and political structures⁶.

Despite difficulties tracking the origin of Emerging Criminal Gangs (few studies present detailed information on the origins of Emerging Criminal Gangs; such studies also fail to use an accepted term to distinguish the nature and objectives of Emerging Criminal Gangs) it is important to understand that: 1. self-defense groups have always been heterogeneous organizations; 2. self-defense groups are inherent to insurgent warfare; 3. there is insufficient information about the BACRIM and their relationship with the

2 The original research includes 11 semi-structured interviews to civilian and military experts.

3 Tamayo y Tamayo, Mario. (2003). “El proceso de la investigación científica”. Limusa Noriega Editores. México. P. 42

4 Romero, Mauricio; Arias, Angélica. “Bandas Criminales” seguridad, democracia y corrupción. Online access: http://www.nuevoarcoris.org.co/sac/files/arcanos/arcanos_14_diciembre_2008_files/arcanos_14_informe_bandas_Emerginges.pdf [cited on 2 March 2010].

5 García Peña, Daniel. “Mal llamadas Bandas Emergentes” In *Diario el espectador.com* [Online Access: <http://www.elspectador.com/columna126070-mal-llamadas-bandas-emergentes>. [Cited 2 March 2010].

6 REVISTA SEMANA # 1262, #1261 de 2006 # 1284 y # 1320, # 1332 de 2007.

government, in other words, there are zero documents on the discourse, interactions and relationship between the BACRIM and the government; 4. a sound analysis of the several contra-revolutionary, autonomous and unbundled armies could shed some light on the nature of Emerging Criminal Gangs.

Now, three elements have to be analyzed in order to establish the nature of the BACRIM: 1. the differences between the AUC and the BACRIM; 2. the elements that make up the BACRIM; 3. the actions carried out by Emerging Criminal Gangs.

For example, some Criminal Gangs like “las Águilas Negras” (Black Eagles) are coming more into the open in order to advance their interests by instilling fear among the population nationally⁷. The truth is that Criminal Gangs have been occupying⁸ the empty areas left after the demobilization of the AUC⁹.

In order to give an example for the second element it is important to keep in mind that the BACRIM are recent not-very-documented phenomena. Even the government is incapable of clarifying their nature. However, it is clear that they resulted from both the demobilization of self-defense groups and residual mafia gangsters who joined forces to create a narco-trafficking-self-defense mafia¹⁰. Conversely, the government has denied them access to the legal benefits provided by the Justice and Peace Law given the criminal nature and purpose of such organizations¹¹.

Moreover, according to the National Commission for Reparation and Reconciliation (CNRR)¹² unlike the AUC, the BACRIM do not have a national structure or

any contra-insurgent purpose. However, the BACRIM do use violent means which directly influence civilian organizations participating in the justice and peace process.

As a result, both law enforcement agencies and the government have tried to counteract the influence of the BACRIM nationally. However, the initiatives designed to fight this form of organized crime lack essential elements of a strategic plan; similarly interagency collaboration is feeble. In other words:

This is a fight for national hegemony by powerful drug-trafficking organizations. Their purpose is to dominate the means of production and the trafficking of drugs as well as to control politics. This is not a war that can be fought by hiring hit-men; this is a war that has to be fought with a powerful army of a million men¹³.

Despite these analyses, a definitional problem persists regarding the differences between the AUC and the BACRIM. In addition, the government has been unable to define which structures of the self-defense groups can profit from the benefits of the demobilization programs, which, in turn, frustrate any attempts at defining which structures obey to criminal or political programs¹⁴.

The report “Dissidents, Rearmed Persons, and Emerging Groups: Criminal Gangs or a Third Paramilitary Generation?” published by the CNRR makes a brief description of the armed groups that were created after the demobilization of the AUC. According to the report in 2007 there were 34 new heterogeneous structures (p. 36) made up by dissidents from different groups (p 25 and 26)¹⁵. The

7 REVISTA SEMANA # 1320 ¿Qué son las Águilas Negras? , August 18 2007.

8 According to a report issued by the Comisión Nacional de Reparación y Reconciliación, there are 34 different paramilitary groups (not AUC) present in 90% of the departments that had been previously occupied by the AUC and where a process of demobilization is being carried out.

9 REVISTA SEMANA # 1262, “Relevo criminal”, July 2006.

10 REVISTA SEMANA # 1345, “Pasos de animal grande” February 2008.

11 REVISTA SEMANA, Uprimny Rodrigo # 1318 “La sedición del presidente” Agosto de 2007. Revista Semana. Ronderos María Teresa # 1318 “Justicia y paz por dentro” Agosto 2007. Revista Semana # 1317 ¿está fracasando la ley de justicia y paz? July 2007. Revista Semana # 1317 ¿sí es posible concederles estatus político a los paramilitares? July 2007.

12 COLOMBIA, COMISIÓN NACIONAL DE REPARACIÓN Y RECONCILIACIÓN. Informe # 1 Disidentes, Rearmados y Emergentes ¿Bandas Criminales o tercera generación paramilitar? Bogotá. DDR, May 2007.

13 Literally taken from the article of Gustavo Duncan. Diario el País “Los Nuevos paramilitares” 28 February 2008.

14 For more information on this topic: Bolívar Ingrid, “Transformaciones de la política”: movilización social, atribución causal y configuración del Estado en el Magdalena medio” en “Conflictos, poderes e identidades en el Magdalena medio” 1990-1991 (2006), Bogotá, editorial CINEP y COLCIENCIAS. Romero Mauricio, “Élites regionales, identidades y paramilitares en el Sinú, en

15 Comisión Nacional de Reparación y Reconciliación “Disidentes, rearmado y Emergentes: ¿Bandas criminales o tercera generación paramilitar?, CNRR área DDR, Mayo de 2007. We will not refer to the differences between the categories. However, it is important to mention that at first dissidents did not demobilize; rearmado groups followed the demobilization process but rearmado shortly after and emerging groups profited from the gaps left by the government in the process of demobilization.

report recognizes the fundamental problems of the demobilization problem which gave rise to inequality between the victims and the offenders which, in turn, increases the risk of crime and illegal activities¹⁶.

It is clear, then, that the nature and future of Emerging Criminal Gangs is complex. However, it can also be said that their origin is closely linked to the demobilization of the AUC.

Therefore, by recognizing the link between Emerging Criminal Gangs and the AUC the government also recognizes the emergence of a new form of organized crime¹⁷. As a result, from the description of the actions, operations, capacity, size and distribution (among other factors) of these organizations we can also determine their purpose, category, reach, and projection and even establish a definition of what they are and what they represent.

➤ The characteristics of Emerging Criminal Gangs

Undoubtedly, the appearance of Emerging Criminal Gangs is a consequence of the demobilization of the AUC. Therefore it is important to identify the similarities and differences between the two.

First it is necessary to underline the fact that an important number of AUC's leaders and a considerable number of drug traffickers have provided support and financing to Emerging Criminal Gangs. For example, alias "Salomon" a former self-defense commander, who after having demobilized, became leader of illegal armed structures in the north of the country:

Salomon demobilized in La Mesa, Cesar. Member of the Bloque Norte, under the command of Rodrigo Tovar Pupo, alias Jorge 40, Salomon has continued to commit crimes.

After his demobilization, Mr Villarreal Archila, alias "Salomon", became the commander of two organizations: "the New Self-Defense Group of the Atlantic" and "the Gang of the 40". These criminal gangs charge a boarding-tax to drug-traffickers in the coastal municipalities of Sucre, Bolivar, Atlántico and Magdalena¹⁸.

Similarly, old alliances that had been broken have been renewed to take over drug-trafficking. This has resulted in increasing violence, corruption, and social and institutional instability:

Paramilitary commanders went to prison after their demobilization; however, alias Don Mario created a new cartel. From Tierralta and Valencia, in Cordoba, he went to the coasts and to Arboletes and Turbo in Antioquia. He strengthened the alliance with "Elmer Cardenas" and controlled drug-trafficking routes in the Caribbean¹⁹.

In addition, it was confirmed that several former commanders of the AUC continued to carry out some of the paramilitary activities through the cartels. They also used Emerging Criminal Gangs for the same purpose. However, the chain of command remained fundamentally intact after the process of demobilization. For example:

This is the case in Medellin today: the city is undergoing a crime rearrangement phase under two main actors: the so called "The Envigado Office" whose former AUC members are loyal to alias Don Berna, and the "Bloque Heroes de Castaño" a group of mercenaries commanded by Daniel Rendon, alias Don Mario, whose intention is to "buy" the city, the Valle de Aburrá and the drug-trafficking routes to the Morrosquillo Gulf (main port for drug-trafficking in Antioquia).

16 Taken from: Comisión Nacional de Reparación y Reconciliación "Disidentes, rearmados y Emergencias: ¿Bandas criminales o tercera generación paramilitar?", CNRR área DDR, Mayo de 2007. P. 54 y 55.

17 In order to clarify this point, it is important to refer to persons that have joined the Emerging Criminal Gangs. They are: a. dissidents (from other illegal armed organizations); b. rearmado (demobilized members of the AUC that rearmado) and c. Emerging (new young generations that have joined the gangs) Comisión Nacional de Reparación (2007). Therefore, Emerging Criminal Gangs are made up of different groups and the nature is very heterogeneous.

18 REVISTA SEMANA. Extraditado Miguel Villarreal Archila, alias "Salomón". Martes 2 de septiembre de 2008.

19 REVISTA SEMANA. La intensa persecución a "Don Mario". Viernes 29 Agosto 2008.

Many other gangs are part of this war. About 4 thousand young criminals who wish to remain independent or are yet to join one of the two main criminal groups²⁰.

There are several other examples of the bonds between drug-traffickers and former AUC commanders and the creation of several Emerging Criminal Gangs²¹. Additionally, it is worth noting that the number of Emerging Criminal Gangs is the result of a series of interrelated factors, thus it is impossible to refer to them as uni-dimensional phenomena. This is why several factors are used to explain the nature of such phenomena and what they represent. For example:

Although the nature of Criminal Gangs remains unclear, their activities are widely known. Criminal Gangs seem to be an expression of the inconformity of demobilized combatants against some of the government's reintegration policies. They are also the remainder of former drug-trafficking-armed-groups in search of some political façade through alliances with guerrilla groups (and the vestige of former AUC groups). Everything indicates that alias Don Mario is behind all this (...) the authority's explanation is that Emerging Criminal Gangs were formed by drug-traffickers that used demobilized people.²²

The nature of Emerging Criminal Gangs is manifold; the official version states that they are the restructuration of "dismantled" self-defense groups supported, implicitly or explicitly, by some sectors of civil society. In this sense, the report of the CNRR clearly affirms that "the demobilization and disappearance of the AUC as a decentralized military structure, with contra-insurgent objectives, a criminal organization, with a minimum of national coordination and institutional and private support, is a significant success of the Uribe administration"²³.

Therefore, Emerging Criminal Gangs are considered as a residual and subsidiary episode of the demobilization process. From this point on, we will explain the organizational, political and operational elements that support or refute this statement.

Hence, it is important to identify some of the differences between the AUC and Emerging Criminal Gangs. The AUC were a response, among others, to the guerrillas. Therefore, their military apparatus, their criminal activities, and their constant search of financing were all directed at fighting the guerrillas. On the other hand, the illegal and military activities of Emerging Criminal Gangs were established to support drug-trafficking²⁴.

This difference can be verified by studying the reasons that gave rise to the AUC and the reasons that gave rise to Emerging Criminal Gangs²⁵. At the same time, according to many officials this difference makes difficult the classification of such criminal organizations²⁶. As a result, the political character of Emerging Criminal Gangs is doubtful given that their main purpose is to profit from drug-trafficking and not to fight the guerrillas.

Two problems arise from denying the BACRIM a political status: 1) are they subject to International Humanitarian Law (IHL)? 2) Should their victims be legally or administratively repaired?

Although there is an official and formal difference between the AUC and Emerging Criminal Gangs, the consequences of their actions are identical since both

20 REVISTA SEMANA. ¿Por qué crece la violencia en Medellín? August 11, 2008.

21 The anex presents the results of the press-analysis made for this research on this matter.

22 REVISTA SEMANA. Las autodefensas Gaitanistas y el conflicto que sigue. October 19, 2008.

23 Op. Cit., Disidentes, rearmados y Emergentes: ¿Bandas criminales o tercera generación paramilitar? P. 5.

24 According to the presidential program, "Observatorio del Programa Presidencial de DD.HH y D.I.H. (2009)" the presence of Emerging Criminal Gangs in areas where drugs are being cultivated obey to economic reasons. In 179 municipalities of 28 departments where the presence of Emerging Criminal Gangs is confirmed, the area of illegal crops increased from 0,4% to 29,3%. Detailed information can be found at Observatorio del Programa Presidencial de Derechos Humanos. "Dinámica de las Bandas asociadas al narcotráfico después de la desmovilización de las autodefensas 2005- mediados de 2008" Bogotá. 2009.

25 There are some press documents and reports that recount the actions carried out by Emerging Criminal Gangs including massacres, bribes and killings among others. Some of these documents are: COLOMBIA. COMISIÓN COLOMBIANA DE JURISTAS. Boletín No 29: Serie sobre los derechos de las víctimas y la aplicación de la Ley 975. Neoparamilitarismo y nuevas masacres. Bogotá. 2008. Pág1. Observatorio del programa presidencial de DD.HH y D.I.H de la presidencia de la república (2009), informe # 20 de International Crisis Group "Los nuevos Grupos Armados en Colombia" (2007) and report 15 of the OAS as well as the articles and interviews published by the magazine Revista Semana.

26 REVISTA SEMANA. ¿Quién protege a las víctimas de las Bandas Criminales Emergentes? October 18, 2008.

“protect large private drug crops, attack the people and their towns, hundreds of people are forced to leave their homes and several local leaders, witnesses, lawyers and judges involved in criminal investigations against the AUC”²⁷ have been killed. According to a report by the Presidential Agency for Social Action and International Cooperation and the Observatorio Nacional para el Desplazamiento Forzado:

“Between January and June 2009, 31 massive displacement events took place affecting 27 municipalities in 14 departments throughout the country. Total displaced population in the first quarter amount to 3.191 families or 12.797 people, 33% were displaced from their homes as a consequence of the actions of Emerging Criminal Gangs”²⁸.

The same report indicates that organizations such as “Nueva Generación” and “Grupo de Liberación y Justiciero de Nuestra Sociedad” threaten ONGs, community leaders and indigenous populations²⁹.

In addition, we will list a number of massacres perpetrated by Emerging Criminal Gangs against popular leaders. Like the AUC, their purpose was to have control over the population and the land.

The Santa Marta (Magdalena) massacre where five popular leaders were killed on the 11th January 2008; The San Juan del Cesar (La Guajira) massacre where four people, all members of the same family, were killed the 23rd of February 2009; the Pizarro (Chocó) massacre where nine fishermen were killed and other six people disappeared between the 27th and 28th April 2008; the Istmina municipality (Chocó) massacre where four woodcutters were killed and 69 people were displaced³⁰.

*Therefore, the ambiguity of the rational criteria used to determine whether Emerging Criminal Gangs obey to any political order is doubtful since it bears in mind the motivation behind their actions and not the actions per se. Moreover, it is possible to assert that several groups called “Black Eagles” have been created in several regions throughout the country. These groups are all involved in the same type of criminal activities, drug trafficking, arms smuggling, levy illegal taxes, limit the mobility of goods and people, have control over illegal crops and are linked to all the stages along the drug production and trafficking chain. Moreover, there is evidence of their presence in territories formerly dominated by the AUC*³¹. Sergio Caramaga director of OAS’ Inter-American Commission on Human Rights Follow-up on the Demobilization Process of the AUC in Colombia asserted in an interview that:

“The difference is that today the gangs are fully involved with drug-trafficking and crime, unlike former “war lords” these gangs do not seek alliances with politicians or industrialists. Besides, what politician or industrialist would want to be involved with them? They would lose their credibility. In the 2007 elections voters rejected those politicians suspected of having some sort of relationship with the AUC. Also Emerging Criminal Gangs do not fight the guerrillas except maybe in Nariño. In fact, in several regions such as Bajo Cauca, Urabà, Catatumbo and Llanos Orientales, gang commanders are doing business with the guerrillas. If you go to the border between Cauca and Nariño, it is hard to tell apart the ELN from the Rastrojos”³².

Here we distinguish a fundamental difference in the concept of the BACRIM. It seems likely that previous scandals involving politicians and businessmen will make these social groups much more cautious about getting involved with irregular groups and their political or economic projects. For the *wealthy*, cooperating with either group is dangerous.

27 Ibid, moreover, report 20 of The International Crisis Group (2007) All the new groups are involved in some way with illegal activities such as drug trafficking and smuggling so seek tight grips on seaports and poorly controlled border crossings, especially to Ecuador and Venezuela. Moreover, according to a report published by the DD.HH y D.I.H and the government, the gangs charge taxes and are involved with drug trafficking in regions like Cauca, Nariño and Chocó. P 166. The same report indicates that these organizations make pressure to profit from policies directed at land redistribution. P 174. This is not exclusive of Emerging Criminal Gangs.

28 Op., cit. Observatorio del programa presidencial de DD.HH y D.I.H. (2009) P.179.

29 Ibid. P. 171.

30 COLOMBIA. COMISIÓN COLOMBIANA DE JURISTAS. Boletín No 29: Serie sobre los derechos de las víctimas y la aplicación de la Ley 975. Neoparamilitarismo y nuevas masacres. Bogotá. 2008. P. 1.

31 Op. Cit., Disidentes, rearmados y Emergentes: ¿Bandas criminales o tercera generación paramilitar? P. 20.

32 Ronderos, María Teresa; PEÑA, Andrea. REVISTA SEMANA “¿Si los desmovilizados son sólo delincuentes comunes, de qué proceso de paz estamos hablando?”: Caramagna. Online access at: <http://www.semana.com/noticias-on-line/desmovilizados-solo-delincuentes-comunes-proceso-paz-estamos-hablando-caramagna/113443.aspx> [Accessed online 20 January 2011]

Therefore, it can be argued that the terminology used to describe these organizations and the government's policies towards them have caused the idea that these are completely different phenomena when, in fact, their actions are very closely related. However, it is also true that the absence of a unified command has provoked the dispersion of Emerging Criminal Gangs throughout the country making it sometimes difficult to link different violent episodes to the same type of organization. This is confirmed in a report by the Instituto de Estudios para el Desarrollo y la Paz –INDEPAZ–:

“According to INDEPAZ, the number of illegal armed groups was 84 and their members 9 thousand dispersed in 26 departments. Unlike the reports published by MAPP/OAS and the national police, INDEPAZ's reports fail to distinguish among organizations that were actually involved in criminal activities”³³.

To sum up, several elements can be identified in relation to the composition and the effects of the BACRIM.

- Clearly, demobilized commanders of the AUC have continued to commit crimes from prison by supporting the actions of Emerging Criminal Gangs.
- The debate regarding the political character of the AUC still persists. A legal limbo has been deepened after the creation of the BACRIM. What criteria can be used to link these groups with a political program?
- The consolidation of the BACRIM has increased violence in Uraba, Cordoba, Antioquia, Medellin, Cucuta, and in the border with Venezuela.
- The political character of an illegal organization seems to depend on its motivations and the government's political strategy in a demobilization process while discrediting a number of groups associated with the AUC.

The most important difference between the AUC and the BACRIM is that the former was created to fight the guerrillas under a unified command and supported, explicitly and

implicitly, by the civil society, while the latter is a criminal organization aiming at spreading terror and profiting from drug-trafficking without any support from society. With regard to their activities both seem to follow the same *modus operandi*.

➤ Criminal Gangs: current considerations and the strategy against them

During the past two years Criminal Gangs have considerably affected security conditions in many cities³⁴ and have disrupted the country's mobility networks³⁵. In fact the Corporación Nuevo Arcoiris³⁶ has identified three networks associated to Criminal Gangs: 1. The Rastrojos and the Paisas network active in Medellin, Antioquia and some coastal regions in the Caribbean; 2. the Urabeños, Black Eagles and Gaitanistas network active in the coasts of Uraba, and Cordoba and the coastal line from Cordoba to Venezuela and 3. the Popular Revolutionary Antiterrorist Army of Colombia (ERPAC) a criminal network active in the Eastern plains³⁷.

The establishment new criminal gangs implies the perpetuation of violence³⁸ which has become inherent to the demobilization processes since

34 “Las BACRIM cometen la mitad de los asesinatos en Colombia”. On line access at: <http://america.infobae.com/notas/18039-Las-bacrim-cometen-la-mitad-de-los-asesinatos-en-Colombia> [Accessed Online 10 March 2011]

35 “Cayó líder de una peligrosa BACRIM colombiana”. [En línea] Disponible At: http://www.xn--eldiariodesaenzpea-30b.com/index.php?option=com_k2&view=item&id=295:cay%C3%B3-lider-de-una-peligrosa-bacrim-colombiana&Itemid=57 [Accessed Online 10 March 2011]

36 Corporación Nuevo Arcoiris is a Non-Governmental Organization created for the peace agreements signed between the government and the Corriente de Renovación Socialista in 1994. For over a decade the ONG has been working towards the development of social peace. Online access at <http://www.nuevoarcoiris.org.co/sac/?q=node/1> [Online Access 1 April 2011]

37 REVISTA SEMANA. Una radiografía a las llamadas BACRIM. Online access at: <http://www.semana.com/noticias-nacion/radiografia-llamadas-bacrim/154287.aspx> [Accessed the 1 April 2011] This reference is supported on the document “Dinámicas, ubicación y estructuras de las Bandas Criminales en Colombia que la Corporación Nuevo Arco Iris presenta al Senado de la República el día 1 de Abril de 2011”.

38 Borrero, Armando. Mecanismos de auto-perpetuación de la violencia primera parte: las Bandas Criminales Emergentes o BACRIM. En Revista Estudios en Seguridad y Defensa del Centro de Estudios Estratégicos sobre seguridad y Defensa Nacionales, Escuela Superior de Guerra. Vol 5. No 1. Edición No. 9 Julio de 2010.

33 Ibid. P. 21.

2004. The government of Juan Manuel Santos and the Ministry of Defense have designed a number of policies directed at dismantling criminal gangs in the country. These policies include Strategy D6 and Operation Troy³⁹.

According to the Minister of Defense, Rodrigo Rivera, Operation Troy “is an unprecedented joint-action plan prepared by the National Army, the Navy, the Air Force, the National Police and the DAS (a governmental security agency), designed to gather intelligence in order to asphyxiate the finances of drug-trafficking organizations and illegal mining and to protect the population from criminal threats”⁴⁰. Strategy D6 is designed to dismantle Criminal Gangs through six axes: break up, dismantle, deny, dissuade, direct and diffuse.

These plans are directed at strengthening interagency collaboration and abating the finances of these organizations; reducing the negative impact on the population and the government; increasing the operational and legal costs for these organizations; making a follow up of their evolution and extend the strategies in order to gather the community around the idea of defeating and prosecuting the members of these gangs. Therefore, it is necessary to remember that Criminal Gangs are fundamentally supported by drug-trafficking, kidnapping, extortion, smuggling, and money laundering especially after the reactivation of mining projects in Colombia⁴¹.

To this point, we have insistently warned about the rearming of demobilized paramilitary units, the existence of groups that did not disband because they did not participate in the government-AUC negotiations and the merging of former paramilitary elements with powerful criminal organizations, often deeply involved with drug trafficking⁴².

Consequently, it is the government’s responsibility to effectively fight and defeat such organizations. We analyze next some of the aspects that are fundamental in order to achieve this goal.

First, it is necessary to develop a consensual definition of the term *Emerging Criminal Gangs*. Such definition should comprise the general characteristics of such organizations including their dynamics, complexity and the multiplicity of factors that have contributed to their emergence and consolidation. As a result, it is also important to bear in mind that the use of military force should only be a last resort, and that it be in response to certain characteristics of the organizations involved: they should have a unified responsible command and the chain of command and their mission should be well defined⁴³. Therefore, it is fundamental to determine clear criteria and procedures for the Armed Forces in their fight against the BACRIM.

Strategy D6 includes a list of seven major criminal gangs that have to be defeated⁴⁴. Conversely, decree 2374 of 2010 identifies six major criminal gangs. These differences provoke confusion when fighting or confronting these organizations. This is why the BACRIM should be viewed as a dynamic constantly changing actor within a complex mutating system which makes it difficult for the law enforcement agencies to predict crimes before they occur. The BACRIM’s mutating capacities is better exemplified by their size; being small organizations they are less visible and can rapidly adapt to any environment.

Moreover, according to Strategy D6 “the emergence of these organizations (the BACRIM) did not imply the rearmament of the AUC or a new form of para-militarism”. This contradicts the reports published by the CNRR, the MAPP-OAS and the Crisis Group⁴⁵. Therefore, it is important to clarify that the

39 Santos presentó el plan D6. [En línea] Disponible At: <http://www.seguridadydefensa.com.co/noticias/santos-presento-el-plan-d-6--23253.html> [Accessed Online 1 April 2011].

40 REVISTA SEMANA. D6, la estrategia nacional contra las BACRIM. [En línea] Online access at <http://www.semana.com/noticias-nacion/d6-estrategia-nacional-contra-bacrim/151477.aspx> [Accessed online 1 April 2011]

41 MAFIA&co. Colombia: la minería ilegal financia al crimen. [Online access at] <http://mafiaandco.wordpress.com/2011/03/20/colombia-la-mineria-ilegal-financia-al-crimen/> [Accessed online 1 April 2011]

42 The first report of the National Commission for Reconciliation and Reparation and the sixth report of the OAS (MAPP/OAS) mission of March 2006, as well as its following reports of 2007 and 2008 recognize the classification of Criminal Gangs.

43 TPIY, The Prosecutor v. DuskoTadic, Judgment, IT-94-1-T, 7 May 1997, para.561-568; v. también TPIY, TheProsecutor v. FatmirLimaj, Judgment, IT-03-66-T, 30 de noviembre de 2005. P. 84.

44 EDICIONES JURÍDICAS. Decreto 2374 de 2010. Por el cual Por el cual se crea la Comisión Interinstitucional contra las Bandas y Redes Criminales, y se dictan otras disposiciones. [Online access at: <http://www.dmsjuridica.com/CODIGOS/LEGISLACION/decretos/2010/2374.htm>] [Accessed online 3 March 2011]

45 Such documents have already been mentioned in this research. However, it is worth noting that these documents warned that while paramilitary ceased to exist as before, a new generation is in the making. The new generation, is the result of the atomization of actors that had been more or less united under the AUC umbrella.

establishment and development of the BACRIM is the result of an unsuccessful demobilization process with the AUC⁴⁶.

In the light of this information, it is possible to underline the lack of a coherent evaluation on the part of the government of the actions carried out by the AUC; therefore, their inexistent categorization leads to a series of strategic pitfalls. In fact, the report published by Corporación Nuevo Arcoiris, warns about this definitional gap⁴⁷.

Strategy D6 also assigns resources to the program objectives which include: the creation of one joint-force unit for each BACRIM; the development of strategies to stop drug-trafficking and crime gangs in major cities as well as the financial mechanism to halt money-laundering⁴⁸. However, the government lacks the physical and economic resources necessary to deploy such strategies. Besides, interagency efforts have not been established to effectively weaken the finances of these organizations.

As a result the government needs to implement, sound diagnostic efforts, including more systematic analysis of the nature, composition, modus operandi, associations, motivations, networks and organization of the BACRIM. Therefore, important investigations are nonetheless necessary to deal with politicians linked to paramilitary groups.

It is worth noting that the BACRIM are the result of years and years of violence and several other factors which began with the drug dealers' boom in the 1980s. The many forms of violence in Colombia have even adapted to modern forms of international crime, as a result, it is important that the Armed Forces, in particular, lead the fight through technological and organizational innovation.

Criminal Gangs are, in brief, some sort of mafia in which command is completely top down; whose main

motivation for its "counter-insurgency" activity is clearly control of drug crops and processing facilities; these are organizations that constantly act as drug-trafficking militias whose job includes territorial and population control and fighting over coca plantations and drug-trafficking routes.

Keeping this in mind, we can reiterate that the BACRIM are one of the many other sources of violence in Colombia, a form of recycled violence after the demobilization of the AUC. This is why, the BACRIM are constantly linked to the FARC and are regarded as organizations without any ideology whose objective is to profit from drug-trafficking and the international demand of drugs. This is the globalization of crime and illegality.

It is also truth that Criminal Gangs have profited and learned to use the political and social links established by the AUC; this has resulted in extra pressure on the local authorities. Although the levels of violence have decreased in comparison to the period when self-defense groups were active, crimes like kidnapping, drug-trafficking, corruption, smuggling and money laundering are still prevalent today.

As a result, it is difficult for the Military to fight the BACRIM. It is essential to equip the Military with all the legal, political, logistical, structural and organizational instruments necessary to develop effective plans against criminal gangs. Political coordination and a structured and consistent anti-gang-policy are also important for a better implementation of the efforts of the military and the police.

It is fundamental that the government, while directing the armed forces, funds research and develops a clear and interdisciplinary definition of the risks posed by criminal gangs in order to develop suitable strategies, plans and programs.

Conclusions

Firstly, it is necessary to conclude that the idea that the BACRIM are a byproduct of the demobilization of the AUC is wrong. Likewise, there is a lack of agreement in the literature as to clearly pinpoint the origin of the BACRIM. The prevalent believe points

46 CNRR. Op cit.,

47 An oral report presented by the Corporación Nuevo Arcoiris before Congress. Access online at: <http://www.nuevoarcoiris.org.co/sac/?q=node/1073> (Accessed 20 April 2011)

48 Revista semana.D6, la estrategia nacional contra las BACRIM. Op cit.,

at the idea that these are criminal organizations that existed before, during and after the demobilization of the AUC. However, the demobilization of the AUC had an important impact on the BACRIM's drug-trafficking activities and the establishment of small armies directed by former members of the AUC. As a result, there is disagreement regarding the nature and extend of these criminal organizations.

There is also great difficulty in establishing the number of gangs operating at any point or the number of men associated with them. Similarly, these organizations seem to be under constant transformation (either because while some disappear new ones are being formed). As a result, these organizations are of heterogeneous nature and their objectives are constantly changing (drug-trafficking being the central activity). Despite these problems Criminal Gangs represent a smaller threat when compared to the AUC (in relation to homicides, massacres, displacement etc.).

This researched allowed us to recognize two opposing tendencies. First, it has been confirmed that criminal gangs are different from other forms of criminal organizations. Second, by confirming that drug-trafficking is the central source of economic support for criminal organizations, we can argue that drug-trafficking is the common denominator for their participation in criminal activities.

The relationship of criminal organizations with former AUC fighters and drug trafficking is also clear. Therefore, these organizations do not function as military units but as gangs charged with the protection of their interests in drug-trafficking. They serve drug-trafficking and are closely linked to crimes associated with drug-trafficking like money-laundering, smuggling and robbery among others.

Finally, this research concludes that the BACRIM are not only a transnational threat but represent a sort of consolidated threat for Colombians in the future. It is clear that that these organizations are well equipped and are prepared to defend their criminal interests under any conditions.

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Volume 6 • N. 1 • 11th Edition • July 2011

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