

Violence and criminality: two modalities found in the context of the Colombian armed conflict

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Abstract: Colombia is among the countries with the highest levels of violence and crime in the world, despite the peace agreements between the State and different armed groups, including the FARC. This is partly due to the fact that the Colombian case is complex and multifaceted because of the variety of participants in the armed conflict context and due to the mutation of new actors, under the modality of organized crime. Based on the above, the objective is to study the Colombian reality, contextually and diachronically, from theoretical and epistemological elements to demonstrate how violence and criminality factors intersect in the context of the armed conflict. The study concludes, among other findings, that in Colombia the ambiguity and the multiplicity of terms used to name the emerging criminal groups presents a legal problem because of their hybrid composition and regarding their treatment within or outside of the armed conflict.

Keywords: Criminality; Armed conflict (Colombia); Transitional Justice.

Violência e criminalidade: duas modalidades encontradas no contexto do conflito armado colombiano

Resumo: A Colômbia está entre os países com os mais altos níveis de violência e criminalidade do mundo, apesar dos acordos de paz entre o Estado e vários grupos armados, inclusive as Farc. Isso se deve, em parte, ao fato de que o caso colombiano é complexo e multifacetado devido à variedade de atores no contexto do conflito armado e à mutação de novos participantes sob a modalidade de crime organizado. Com base no exposto, o objetivo é estudar a realidade colombiana, contextual e diacronicamente, a partir de elementos teóricos e epistemológicos para demonstrar como os fatores violência e crime se cruzam no contexto do conflito armado. O estudo conclui, entre outras constatações, que na Colômbia a ambiguidade e a multiplicidade de termos utilizados para denominar grupos criminosos emergentes apresentam um problema jurídico devido à sua composição híbrida e em relação ao seu tratamento dentro ou fora do conflito armado.

Palavras-chave: Criminalidade; Conflito armado (Colômbia); Justiça transicional.

Introduction

Since the independence of Latin American states to date, there has been high income inequality, situations of multidimensional discrimination and a tendency towards moderate levels of violence (Reid, 2017). Similarly, Latin American states were characterized, as early as the 19th century, by a certain use of violence and the preservation of discrimination, with exceptionally high levels of state or “public” violence (Holden, 2020). However, more recent times show, according to international projection, that Latin America and the Caribbean (LAC) has developed important changes to the reduction of poverty and inequality (CEPAL, 2010; 2019), projecting a more balanced outlook in terms of financial stability.

It is also true that LAC has made great strides to generate very notable economic, social, and political changes in recent decades (Bértola & Ocampo, 2016). These advances have been affected in the last two years by the proliferation of Covid-19 and its adverse effects in the region (IACHR, 2020), destabilizing all activities, from commercial operations to the actions of local gangs and transnational criminal organizations, although at the same time, relevant facts have been presented, such as the significant reductions in violence in El Salvador, Guatemala, Honduras and Venezuela, which have historically been some of the most violent countries (Asmann & Jones, 2021) in the American continent, which has not happened in the Colombian case (Bartolome, 2018) at least after the signing of the Peace Accords in Havana, Cuba. Therefore, the research warns that in the case of LAC the situation of violence and criminality is alarming in the hemisphere (CEPAL, 2019; Hilgers & Macdonald, 2017; Lissardy, July 12, 2019; Heinemann & Verner, 2006; PNUD, 2013; Salama, 2008; Salvatore, 1998). After all, Latin America is the region with the highest homicide rate globally, performing similarly on many other insecurity indicators.

In relation to the rates of violence and crime, the Colombian case is complex and multifaceted due to the variety of participants in the context of the armed conflict and by the mutation of new actors under the modality of organized crime. At the same time, although the Peace Agreements were developed, in the government of former president Juan Manuel Santos with the Revolutionary Armed Forces of Colombia (FARC), with the emergence of the Special Jurisdiction for Peace (JEP), the truth is that the conflict is not yet over, which is why the problematizing framework revolves around the following questions: How is criminality manifested in Colombia in the context of the armed conflict, who is involved and how are these participants identified? For this purpose, this research analyzes the evolution of criminality after the peace agreements between the Colombian State and the FARC. To this end, it contextualizes the situation of the main paramilitary groups prior to

the agreements, both in terms of statistics and geographic presence, as well as in terms of theoretical and legal approach. Similarly, a second objective of this research is to discuss the consequences for the Colombian State of the new situation of criminal groups in the country in light of the new context and how the State should respond to it.

From the framework described, the study will center in greater depth in the Colombian case in order to develop 3 basic premises: (1) Currently in Colombia the forms of criminality, both urban and rural, have had a transcendental shift, which intersect with the mutation of the armed conflict with the proliferation of the emerging criminal groups. (2). Despite the transformation of the armed conflict and the evolution of the Habana Agreements, drug trafficking has evolved as one of the means, and not of any lesser importance, that strengthens criminality. (3) The proliferation of emerging criminal groups poses a legal problem because of their hybrid composition and total clarity does not exist, legally, regarding their treatment in or outside of the armed conflict.

Methodological approach

The study is grounded in qualitative data triangulation by official data from United Nations Office on Drugs and Crimes (UNODC) and the Regional System of Standardized Citizen Security and Coexistence Indicators (SES); the Centro Nacional de Memoria Histórica (CNMH, National Center for Historical Memory), Instituto de Estudios para el Desarrollo y la Paz (Indepaz, Institute for Development and Peace), and official documents from international organizations such as the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) and the United Nations Development Programme (UNDP), among other sources.

The problematic framework is based on the following questions: How does criminality manifest itself in Colombia? Who intervenes or who are the participants? In what area and how are those participants identified? Based on the above, the objective is to develop theoretical and epistemological elements in relation to three areas of study which are criminality, violence, and armed conflict. This is articulated in a phenomenological-hermeneutic focus which is supported by the document research method in order to develop diachronically a contextual study on the Colombian reality, suggesting that in this landscape the factors of violence and criminality intersect.

Theoretical framework

Approach to the Colombian case

Colombia is a country that faces the armed conflict and drug trafficking in a parallel and diffuse way, but at the same time, these dynamics intersect with common violence and organized crime. For a long time – not only since the government of former president Álvaro Uribe – citizen security has been promoted legislatively with the election of “anti-Farc” leaders or rulers, who have developed “legislative tides” or in the terms of Carl Schmitt and García de Enterría (1999), a “legislative motorization” instituted in the idea of fighting the “internal enemy” symbolized in the guerrillas.

However, after the Havana Agreements (2016), a little more than 5 years ago, an important advance was made to achieve peace, with policies of “laying down arms”, which have involved, in a first moment, to the members of the Revolutionary Armed Forces of Colombia, FARC. It is estimated, according to international verification, that the relationship between the number of weapons per demobilized person in the case of the FARC gave a successful result (1.3 weapons per demobilized person), since the highest average had been Afghanistan, where 0.76 weapons per demobilized. This number, as expressed by Bartolomé (2018), is unprecedented in processes of this type.

The expectations, on the one hand, are very positive, while in Caguán, in 1998 (during the government of former President Andrés Pastrana), peace was “negotiated in the middle of the war, with an endless agenda, with a negotiating team of part of the guerrilla more belligerent than cooperative” (Rios, 2015, p. 63), in 2012, when the peace negotiations began in Havana, the reality was different: a persistent armed conflict, but with a lower level of intensity, the victims were involved in an attempt to reach a consensus between the parties, accompanied by the international community in the process. This has raised greater optimism and respect for international standards for the protection of human rights during this process.

However, on the other hand, despite the Legal Framework for Peace derived from the Havana Agreements, one of the concerns arising from the dialogues between the Colombian Government and the FARC, and between the Government and the National Liberation Army (ELN), “has been the sustainability of an arms deposition agreement and a massive demobilization of combatants in a social and economic context marked by the presence of illicit markets and multiple incentives for crime” (Rettberg et al., 2018, p. 3).

What is serious in this scenario is that criminality has had different manifestations and nuances, before, during, and after the wave of drug trafficking in the 1980s and 1990s. From the 1970s to 2015, for example, the historicity of the armed conflict suggests a highly rep-

representative variant, where the armed actors were relatively invisible – due to the subsequent mutation of the conflict in the 1980s – that directly linked them to drug trafficking. Rather, the data, with increasing prominence, point to another kind of crime, given the proliferation of emerging criminal gangs, as will be contextualized later, because today, the scenario that accompanies crime in Colombia must be studied from the existence of various criminal organizations, different in their *modus operandi*, from the traditional guerrilla groups.

The forms of criminality both urban and rural, have given a transcendental turn along with the levels and variations have been different and these variables should be taken into account to understand the diachronic mutation of crime in a country with heterogeneous regions, but in the majority of the cases with similar consequences.

In summary, criminality, according to the objective of this study, should be understood from its epistemological spirit, not only as a result of a criminal action, but a group of situations that convert that act into criminal (Salvatore, 1998). So then, the issue at stake is not simply “to defeat crime but to rationalize the functionality of the systems that allow criminality to be ‘managed’ on the basis of assessments of actuarial and statistical value” (Pavarini, 2009, p. 20). It should be noted that in the context of the armed conflict the phenomenon of violence and crime intersect, although the first is not necessarily a consequence of the second, they can be connected. Drug trafficking, for example, is a category that helps to understand, in part, the proliferation of emerging criminal gangs (Massé, 2011), also known as the Bacrim.¹

The framework described allows one to ponder that criminality is a phenomenon that accompanies the different manifestations of violence in Colombia. As stated by Uribe (1990), this does not constitute a pathological or exogenous event, foreign to the fate of societies or their collective existence, but, on the contrary, it is a phenomenon that accompanies the development of social relations in its widest spectrum, both in the private as well as the public sphere. “Violence is Universal, a constant, a thread of social continued existence in which the life of groups is built and destroyed, of the ethnic groups, of classes, of peoples, of the States, and of nations” (1990, p. 4-5).

That said, if criminality accompanies the different manifestation of violence in Colombia, it is worth asking the following: How does it manifest itself? Who intervenes and who are the participants? In what spheres does it develop and how do you identify those participants?

¹ Bandas Criminales (Bacrim) is a drug trafficking, criminal gang that emerged following the demobilization of the United Self-Defense Forces of Colombia (AUC), a paramilitary group, in 2006 (Mapping Militant Organizations, 2019).

Results

Legal problem related to emerging criminal gangs

In order to respond to the questions described in the section above, it is necessary to first contextualize that the violence phenomena in Colombia is more than merely circumstantial; it constitutes an enduring pivot in the history of the country. Based on that, it is necessary to approach them from, not only from the current crisis, but also from a diachronic perspective, as has been suggested by Uribe (1990, p. 4) as it is there, as the author insists, where an interpretative alternative can be found that renders account to the specificity of the phenomenon.

To that effect, it should be noted that the high rates of violence, particularly those from the latter part of the seventies, have been even more striking when drug trafficking became an important source of crime and violence extended beyond the local borders (Echeverry-Garzón & Partow, 1997). For this reason, the regions of the country have considered the emergence of cocaine trafficking as an extra-regional phenomenon that includes the rise of drug insurgency.

In general terms, throughout history drug trafficking has evolved as one of the means, and not of less importance, that strengthens criminality, along with other modalities such as illegal trade (of weapons, stolen or fake goods, illegally imported or exported goods, persons, or organs), robbery, extortion, battery and homicide, labor or sexual exploitation, kidnapping, frauds, scams and money laundering (De la Corte, 2011). Lastly, “and as its name suggests, organized crime is a criminal modality that necessarily implies the concerted action of a group of persons, but not just any group, but one with certain characteristics” (2011, p. 18).

In this scenario, the criminalization of some armed actors generates their conversion into hybrid groups that give equal priority to their political and economic objectives or even encourages their transformation into mere criminal organizations totally depoliticized (De la Corte, 2011). However, it should be remembered that “the financing of violent campaigns and wars through illegal activities increase the probability of organized criminal activity during the conflict” (2011, p. 23).

While the FARC-EP is not the only *guerrillera* organization that carried out armed activities against the State since the decade of the seventies, it was able to convert itself into the main subversive force within the internal armed conflict and they had a noteworthy territorial expansion since the decade of the eighties (Melamed, 2018, p. 57), because of the expansion of the *guerrillas* with the drug trafficking industry and with the kidnapping of people for economic gains. This circumstance blurs even further the line between

political violence and criminality (Montenegro & Posada, 1994). In fact, Colombia became a large-scale cocaine producer until the second half of the eighties and organizational take off of the FARC preceded its complete insertion in the cocaine territories (Gutierrez Sanín, 2015; Labrousse, 2005). This circumstance is also linked to different modalities of organized crime.

From then, as stated Melamed (2018), the adoption and implementation of a gradual territorial expansion strategy becomes evident and an indirect tie with drug trafficking through the concept of *grammage*, financing with the duties per gram of processed cocaine that will be charged to the drug traffickers (Martínez, 2001). Such circumstance “was ‘made evident’ in those regions tied to the production of drugs on a large scale and would be the starting point of a more complete and integral participation of this *guerrillera* organization in the millionaire drug trafficking industry” (Melamed, 2018, p. 62).

The drug trafficking growth was accompanied by a considerable increase in the homicides and kidnappings. In the 48 developing non-African countries, Colombia had the highest rate of intentional homicides with 77.5/100 thousand inhabitants in the 1986-89 time period, followed by Brazil with 24.6/100 thousand inhabitants. In 1991 violent deaths increased to 92.6/100 thousand inhabitants, the highest record of the world and much higher than the 28/100 thousand of the 1963-1983 period, that can be considered as the indicator in peace time (Martínez, 2001, p. 12).

Even though the rise of drug trafficking was what allowed the strong consolidation of the *guerrilla* presence in the cultivation regions, allowed it to benefit from the network of weapons trafficking for drugs and to multiply with new fronts in other areas of *guerrilla* expansion, some precisions must be made. As expressed by Pécaut (2008), the peasant *ethos* of the FARC has undoubtedly had to reorient itself based on the relative mutations of the rural world and in this way the separation from the urban world has been mitigated.

The expansion of the *guerrilla* was accompanied by not only a relative increase in the actions such as kidnapping and extortion (but of assassinations, along with the commission of emblematic massacres, many catalogues as crimes against humanity by the failure of the State. Likewise, the war activity was concentrated, according to the research, in the colonization zones, particularly in those areas where illegal crops were justified in the strategy to resolve the conflicts in those regions. The *guerrilla* would control the increase in criminality, the submission of the farmers to the abuses of the mafias or the cocaine businesses, and even the super-production of that alkaloid (CNMH, 2014, p. 109).

Then, expanding and aggravating the magnitude of the criminality in Colombia, the rise of emerging criminal groups adds other elements to the analysis because after the de-

mobilization of more than 36.000 paramilitary members between 2003 and 2006 the panorama has become a bit more complex and ambiguous, in parallel. In this respect, “there still needs to be more clarity on its nature, its motivations, and its behavior, to establish the risks that they represent and the strategies to fight them” (Massé, 2011, p. 42).

In essence, the above is one key factor because when dealing with systematic conducts and that follow the pattern of crimes with international importance, the situation leaves a door open for these groups to be sanctioned, eventually, according to international standards in the subject for the commission of international crimes.

In this case specifically, according to the classifications of the Statute of Rome (RSICC) in the International Criminal Court because Colombia is a State member of such instrument (and this instrument includes the following, among others: forced disappearances; attacks against civilians; forced deportations or movement of the population; torture; serious physical deprivation of liberty, etc.), elements that are not foreign to this new modality of criminality. While the government has qualified them as “criminal groups” committed to the service of the drug traffickers and extortion, non-governmental organization have called them *narcoparamilitares* [drug paramilitary] and “paramilitaries” (Granada, Restrepo, & Tobon, 2009; Guerra Castañeda, 2016; Ávila, 2018; Arias, 2011); “third generation paramilitaries” or simply “paramilitaries” (Massé, 2011, p. 42).

In this respect, research from the Centro Nacional de Memoria Histórica, states that if from the 36.000 demobilized paramilitaries of the Autodefensas Unidas de Colombia (AUC), and discounting the dead, captured, and condemned, plus those that are under the jurisdiction of Justicia y Paz, the situation would be as follows:

About 26.000 are left. Of those, 16.000 entered the re-insertion program that is handled by the *Agencia Colombiana para la Reintegración* [Colombian Re-insertion Agency] and that signed a commitment document in accordance to Law 1424, but, about ten thousand of those there was no knowledge of their whereabouts nor of their situation. Of 6,400, the government knows who they are, but they did not enter into the program and there is 4,000 that never enrolled (CNMH, 2014, p. 221).

The numbers stated are not the only problem, but the ambiguity and the multiplicity of the terms used. They reflect certain difficulty in describing the phenomenon, understand how it manifests itself, who are the main characters, and in what spheres they develop. At the same time, the discussion is not purely semantical, but has an imprecise scope from the legal-political standpoint. From its characterization or not, as a criminal group or an armed group, “depend on the entities in charge of fighting them. The debate about the political character of the self-defense groups and the new groups has also had implications about

how to legally define these groups based on the national and international legal standards” (Massé, 2011, p. 42).

In one first point, if one starts with the provisions established in Law 1908 in 2018 (July 9), Armed Organized Groups (GAO, Spanish acronym) are “those that under the leadership of commander in charge, exercises on a part of the territory such control that allow it to perform military operations in a sustained and concerted manner” (art. 2). Specifically, in order to identify whether one is faced with an Armed Organized Group the following elements would be considered concurrently:

- 1) That armed violence is used against the Public Force and other State institutions, civilians, civilian property, or against other armed groups;
- 2) That it has the capacity to generate a level of armed violence that is above internal tensions and disturbance;
- 3) That it has an organization or command that exercises leadership and direction on its members, that allow it to use violence against civilians, civilian property, or the Public Force in areas within the national territory.

The same law also establishes that a Grupo Delictivo Organizado (GDO) [Organized Crime Group, GDO, acronym in Spanish] is: “a structured group of three or more persons that exists during a certain period of time and that acts in a concerted manner with the purpose of committing one or more serious crimes [...] with the aim of obtaining, directly or indirectly, an economic benefit or any other benefit of a material type” (art. 2). Notwithstanding, some experts consider the above definition as too lax and they recommend that the use of the concept of organized crime be restricted to designate criminal groups of greater organization, complexity, durability and with a greater social and economic impact (De la Corte, 2011).

Accordingly, an organization with a hierarchical structure should present, according to specialized doctrine, a linear chain of command. This is identified, accordance to Granada, Restrepo & Tobón (2009), with the existence of a visible head, greater tendency to military discipline, and uniformity in its members (that is use of uniforms or insignia). While an organization with a hybrid structure has a non-linear chain of command and consisting of federations of groups that do not directly respond to a central authority, even though they have a relative autonomy. Additionally, they can be recognized because they have several visible leaders and they are distributed in the territory in such a manner that each structure acts in an independent manner, but with common objectives. At the same time, they do not respond to military type discipline and there is no uniformity in their members, and they tend to camouflage themselves in the urban population (Granada, Restrepo & Tobón, 2009, p. 475).

In this setting, updated data on a report from Indepaz regarding drug paramilitary groups in the country for the second semester of 2018 and 2019 and Post-Farc-EP Groups, allow one to observe the evaluation on the dynamics of the groups and the risk to the population afflicted by this phenomenon, making visible the armed restructuring that intensified the violence, mainly in the zones of the departments of Antioquia, Bolívar, Caquetá, Cauca, Chocó, Córdoba, Guaviare, Meta, North of Santander, Putumayo and Valle.

On the other hand, the report warns of a decrease of violent action because of the strengthening and consolidation of the structured urban-rural mafias that combine “the interlocking of regional drug paramilitary groups, criminal groups or local gangs, control of urban territories, legal businesses, money laundering chain, explicit or factual alliances with politicians, businessmen, and agents of the State” (Indepaz, 2020, p. 9). There is a move from a disputed zone to a consolidated zone, with a focalization that is not random, but on the contrary:

Responds to the opportunities of appropriation of illegal economies for the exploitation of the natural resources, the appropriation of the lands and territory with potential for investment in macro projects and large infrastructure works, creation of ties with the local political and economic powers and for the utilization of their geographic conditions (mobility and withdrawal) (Indepaz, 2020, p. 9).

In this setting the criminal organizations that appear as key players in Colombia are: “los Urabeños” (Clas Úsaga, Autodefensas Gaitanistas de Colombia, or Clan del Golfo) and the “Rastrojos”, while the rest of the groups with considerable activity (Bloque Meta, Libertadores del Vichada, Machos Cordillera, etc.) are, in many occasions, a result of internal battles, territorial agreements, patronage from more important organizations and they reduce their action to that sphere” (Guerra Castañeda, 2016, p. 26). If in the year 2007 it was stated that 34 groups were present, the research indicates a slow process of concentration of resources, members, and controlled territories by the two main organization which resulted in new dynamics and actions of force (2016, p. 26).

In this regards, one study states (see Graph 1) that despite the paramilitary organizations do not exist for the Government and that what is presented within the country is a phenomenon of Criminal Groups (Bacrim), the magnitude of the drug paramilitary phenomenon demonstrates that “from 2014-2015 these organizations have become present in 338 municipalities, particularly in Costa Caribe and Cesar, Pacifico and in Orinoquía” (Indepaz, 2015).

In terms of the criminality, it is worth asking what implications has the proliferation of this neo-paramilitarism had for a country like Colombia? Indeed, relevant data confirms that a redirection toward the predominance of economic interests in the conduct of the

majority of the illegal actors, especially the paramilitaries, drug traffickers, and organized mafia, without the guerilla being the exception in all of the cases (Velásquez, 2009; CNMH, 2015; 2016).

Graph 1 – Presence of drug paramilitary groups January 2014 – September 2015

DRUG PARAMILITARY GROUP	OF MUNICIPALITES
Urabenos (also including Clán Úsuga and Autodefensas Gaitanistas)	274
Rastrojos	111
Águilas Negras	50
FIAC	26
Bloque Meta	8
Oficina de Envigado	7
Libertadores de Vichada	7
Cordillera	3
Lo botalones	2
Llaneros	2
La Empresa	4
Renacer	1
Los Soto	1
Autodefensas Unidas del Tolima, Comando Niche AUC	2
Los de Policarpa	1
Los del ejido	1
Total of the municipalities with one or several of these groups	338

Source: Indepaz (2015)

In other words, the relation to the territory tends to be marked in a predominant manner by the search for profit and the accumulation of capital (represented by the purchase of lands, the monopoly of businesses, in extortion and scams, or in the investment of infrastructure mega-projects or agro-industrial sector). This includes the new emerging groups that arose after the demobilization of the paramilitaries. By the other, the Bacrim commit crimes under three typical criminal behaviors: the most worrisome is contract killing, the second is drug trafficking, and the third is micro-extortion because they are essentially looking for sources of income and even though they are not in uniform and do not exercise territorial control they do apply intimidation and fear on civil-

ians (Bandas Emergentes, 18 dic. 2010). This is a category that can promote on the public agenda a wave of legislation in the topic.

This setting is what allows the undermining (given the extortion, the fear and the unease) of the preservation of the social value of “security” as a sacred element of social order, relegating to a second level the discussion and solution of diverse social problems that are equally important to achieve social coexistence; the continuity of the collective representations of the identification of the guerilla, the criminality and drug trafficking as the “original sins” or the essential causes of the diverse problems that afflict society (CNMH, 2014, p. 326).

An adequate understanding of the phenomenon is urgent, not only in political terms, but also in legal terms in order to unify the public policies derived from the adoption of the effective strategies, plans, and action geared towards the construction of peace, that is stable and, above all, lasting. Finally, this means that the construction of peace is an exercise that “goes beyond the ceasing of the traditional hostilities between the disputing groups. This fact is pertinent, even more so in the current circumstances in which the national Government and the FARC-EP intend to overcome a long history of armed confrontation and consolidate a transition setting towards the post-conflict” (Melamed, 2018, p. 2). Additionally, note that it will only be possible to revert the negative security indicators with more efficient and reliable policies and institutions which requires their professionalization, modernization, and democratization (Costa, 2012).

Final considerations

The study shows with sufficient clarity that the outlook of Colombia case in the face of criminality is persistent and complex. In a differentiated manner, the outlook is worrisome because a unique and ambivalent situation in the continent continues. As an example of this, there has been a hybridization of certain armed actors with a conversion that seeks political and economic objectives.

At the same time, it is demonstrated that in order to overcome the phenomenon of violence given the multifaceted and sometimes incomprehensible as far as its dimension, an in-depth diachronically study is necessary in order to understand the variations and persistency with the view of developing public policies that, in essence do not center themselves only in some occurrence but in the whole (protagonists, effects, persistency, quality of life, poverty rate, etc.). To this must be added the geographic variable, given the heterogeneity of the paramilitary groups in terms of their territorial operations, objectives, and form of action.

Despite the Agreements of Habana, Colombia shows a mutation between the partici-

pants, placing other protagonists that act in a zone of penumbra based on the lack of clarity on what treatment corresponds to the emerging criminal groups in, or outside, the armed conflict. In essence, the above is a key factor because when dealing with systematic conducts, and that fit a pattern of international crimes, the situation would leave a door open so that these groups can be sanctioned in the future for the commission of international crimes in the International Criminal Court, according to the provisions established in the Statute of Rome.

The mutation of the conflict, despite its lower level of intensity, strengthens the idea that in relation to the drug trafficking, extortion, illegal arms trafficking, among other factors described, are some of the many sources of criminality that sustain an important sector of the drug trafficking economy. Thus, we face the rise of the narco-insurgency.

On the other hand, the figures studied are not the only problems, but the ambiguity and multiplicity of the terms used in the Colombian case when placing the analysis in neo-paramilitarism. The truth is that a new period exists of expansion of different groups to the traditional groups faced, in circumstances where crime advances and there is certain amount of difficulty in not only describing the phenomenon but, in understanding how it manifest itself and who are the protagonists.

In sum, the discussion goes beyond the idea of criminology of life, given that the variables of the Colombian case should allow a study with greater depth of the mutation of the actor and the implications of their behavior in a setting where the governing authorities continue dialoguing with the FARC in the path to transitional justice but leaving an uncertain zone in the relation to the proliferation of the emerging criminal groups, in the context of the peace accords, but with new forms of organized crimes.

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