

Chapter 4

The Military Forces vis-à-vis the Environmental Impacts of the Internal Armed Conflict*

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Abstract: This chapter examines the environment as a standard legal asset that becomes a rights-holding victim. From a critical and social perspective, it presents the systematic occurrence of war crimes and crimes against humanity and analyzes the challenges of the military in the defense and protection of the ecosystem and the concomitant challenges in territorial consolidation. It also highlights the actions of the Military Forces and the Police in protecting areas of ecological importance with plans nourished by the strengthening of institutional capacity and proposes educational initiatives in military training to protect the environment.

Keywords: conflict; war crimes; Colombian Military Forces; environment; protection; victims

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Introduction

In the current global context, a multitude of problems and complexities that have arisen in recent times have led nations to confront a series of challenges stemming from globalization. These challenges require human capital that is well-informed, innovative, critical, and adaptable, with the willingness and ability to learn, particularly in disciplines that need to be ideologically capitalized. Social and economic transformation is occurring alongside processes linked to financial and humanitarian crises, as well as climate change. This situation requires people capable of managing risk with a solid multidimensional perspective that facilitates interaction with the environment, and these people must become active actors in the process of sustainable human development.

Colombia has a protracted internal conflict that involves multiple actors, interests, and impacts on people and protected property. One of the most persistent characteristics is that historically, there has been a systematic occurrence of crimes against humanity and war crimes that violate the human rights (HR) regulatory framework and international humanitarian law (IHL), respectively. Organizations such as the Special Administrative Unit for the Comprehensive Care and Reparation for Victims (JAEARIV, by its Spanish acronym) report a total of 9,294,225 victims resulting from the internal armed conflict (Registro Único de Víctimas [RUV], 2022). This figure can be compared to what was identified by the Memory and Conflict Observatory of the National Center for Historical Memory (CNMH, by its Spanish acronym), which, based on the systematization of its extensive database, records nearly eleven categories of victimizing events: sexual violence, kidnappings, recruitment of minors, landmines, massacres, forced disappearances, attacks on civilian property, terrorist acts, selective murders, attacks on populations, and wartime actions (CNMH, 2022).

The described panorama, complex in nature, underscores the efforts to document the most painful events and impacts of the Colombian internal conflict; however, a significant omission in the careful collection of this information is the environment, a common legal asset that also constitutes a victim and has recently been recognized as a rights-holder. This is evident in the case of certain rivers, such as the Atrato, which was addressed in Ruling T-622 of 2016, and regions like the Amazon, referenced in a ruling by the Supreme Court of Justice 11001-22-03-000-2018-00319-01 or Ruling 17001-22-13-000-2017-00468-02, where the same corporation granted *habeas corpus* to a bear named Chucho, acknowledging it as a rights-holder (Méndez, 2019, para. 3).

It should be noted that the dynamics of violence and indiscriminate extraction evident in the context of the internal armed conflict have been relentless toward the environment and ecosystems, resulting in environmental disasters that significantly impact those who rely directly on these resources for survival. This issue necessitates definitive coordination among various institutional organizations, communities, and, of course, those directly involved in hostilities to carry out actions aimed at protecting and restoring ecosystems. Undoubtedly, the challenges are immense, requiring education, regulatory enhancement, and criminal prosecution as just a few of the strategies that must be integrated into all state and institutional agendas to achieve peace in the regions.

Various threats risk the right to enjoy a healthy environment. Behaviors such as illegal mining (IM), indiscriminate felling of trees, and deforestation, have frequently occurred, causing damage and irreversible impacts. There are some other conducts that have been resorted to, especially by those armed groups outside the law, such as the use of illicit methods and means of war, the indiscriminate planting of anti-personnel mines (APMs), improvised explosive devices (IEDs), and unexploded munitions. All of these are part of the blend of violent methods targeted at this legal asset common to everyone.

Illegal armed groups have resorted to unlawful methods and means of warfare, such as IEDs and APMs, as part of their tactics of violence. This situation highlights a complete disregard for the rules and principles that govern conduct during armed conflicts. As a result, there is a significant impact on individuals and assets protected by IHL, including the environment.

During Colombia's prolonged internal conflict, it became evident that the indiscriminate use of IEDs and APMs was a common tactic among illegal armed groups, particularly the now-defunct FARC-EP. This cross-cutting practice was documented in various booklets, manuals, and training courses of this illicit armed organization. Such circumstances create a complex landscape for filing complaints

and pursuing criminal prosecution and punishment, as one of the most common decisions in the ordinary justice system relates to the status of investigation files or non-initiation decisions, primarily due to the “impossibility of determining the active subject of the conduct”¹ (Código de Procedimiento Penal [CPP], 2004, Title 2, Single Chapter).

It has been proven that the use of illicit methods and means of warfare, such as IEDs and APMs and explosive remnants of war, causes impacts in various dimensions. Even the slightest suspicion of its existence profoundly alters a community's relationship with its environment. As a result, it limits the possibility of safely inhabiting a territory where there are hidden explosive devices that can injure or take the life of anyone.

This suggests a fragmentation in the relationship with the environment and the lives of those who reside in mined areas, even when the mines are not yet active. APMs have changed the uses and forms of land appropriation (CNMH, 2013). The presence of these artifacts has resulted in confinement, school absenteeism, forced displacement, and alterations in rural dynamics due to the inability to carry out normal peasant activities. For communities, this represents a disruption to their daily lives, means of livelihood, and social interactions. A mined territory is stripped of its most basic purposes; it ceases to be a livable and sociable space, transforming instead into a distant, warlike landscape, where the horrors and dangers hidden within these artifacts exist alongside the anguish of those who live there. The communities inhabiting these mined areas face two alternatives: to live with danger or to abandon their land. Choosing the former means enduring not only significant movement restrictions but also facing daily uncertainty, fear, anguish, and worries centered on the risk of losing one's life, part of one's body, or having loved ones fall victim to IEDs or APMs. The second option, equally tragic, leads to the disappearance, dismantling, degradation, severance, and sudden loss of the traces built in a territory (crops, roads, plots, livestock, rivers), resulting in the forced displacement from the land that held the social relationships and possibly the entire life ambitions of whole families.

This social phenomenon spreads like a shockwave, generating suspicion and distrust among local residents, who are forced to choose from the available options. Sometimes, even when some community members know the locations of APMs, they must keep that information hidden to avoid retaliation from the illegal

¹ According to Article 79 of the Code of Criminal Procedure, prosecutors have the authority to close investigations, allowing them to stop pursuing an alleged crime before presenting an accusation to the guarantee judge. Under this rule, a case can be closed when the prosecutor determines that there are no reasons or factual circumstances that classify the investigated fact as a crime, or when its existence cannot be confirmed.

armed groups that placed them. The existing relationships among individuals in the community shift: You cannot entirely trust who is on the side of security and who is not, heightening the suspicion that others might possess information that could have prevented the attacks. Additionally, there is a fear of being identified as guerrilla collaborators due to the knowledge they hold. All of this results in blaming certain community members and transferring responsibilities that rightfully fall to those who actually planted the devices.

This problem is similar for members of the Military Forces, as it presents numerous challenges due to their continuous exposure to effects, damages, and irreversible impacts, compounded by the impunity derived from the dynamics of criminal investigations surrounding this type of violence. Factors such as 1) inadequate assessment of IHL criteria, 2) ignorance of the law, 3) barriers that create inequalities among victims, and 4) the dehumanization of the military (Estatuto de Roma, 1998) are just some of the causes that contribute to the revictimization of this population. In light of this situation, the Special Jurisdiction for Peace (JEP, by its Spanish acronym) has recently initiated a comprehensive case that will address

crimes associated with illegal means and methods of warfare, particularly the forcible capture of populations through the indiscriminate use of weapons by the FARC. This encompasses social control over the population, sexual and gender violence, homicides, massacres, forced disappearances, and other unquantifiable crimes committed by the FARC's urban areas networks. (El Espectador, 2022, para. 3)

This decision raises great expectations for security forces personnel affected by this victimizing event. It is understood that, in this aspect of transitional justice, a resolution from the UAEARIV will not be necessary, which is anticipated to decrease the levels of impunity stemming from ordinary justice and improve access to truth, justice, reparation, and guarantees of non-repetition (VJRGNR, by its Spanish acronym).

Theoretical Framework

An Approach to the Environment from a Social Perspective in Context

Ten years ago, Solórzano (2014) stated that environmental protection is essential for human survival. According to the United Nations Development Program (UNDP),

around 1.6 billion people depend on forests and ecosystems for their livelihood. Forest ecosystem services, such as pollination, water provision, and purification, are a priority for modern agriculture and play a crucial role in the global fight against climate change.

In this regard, forests are crucial in mitigating and adapting to climate change. They are also sources of grazing and provide traditional medicine, contributing to the health of approximately one-third of the world's population. Numerous studies have shown that trees are capable of increasing water availability at the local level (CIFOR, 2018); that is, forests are an essential component of nature for the survival of human beings and different forms of life on this planet. Furthermore, it is well known that trees absorb water through their roots and release it through transpiration from their leaves. This process, combined with the evaporation of the oceans and other bodies of water, drives the water cycle and fills the atmosphere with water vapor.

Several studies support findings indicating that mangroves, in addition to being refuges for unique wildlife and storing large amounts of carbon, could also serve as coastal protection against sea level rise. However, despite playing a crucial ecological role in adapting to climate change, mangroves are being rapidly destroyed by human activities, with a large area of these forests being lost each year.

Extensive research demonstrates the direct benefits of forests to human diets, agriculture, and other sources of livelihood. In addition to the direct food they provide, forests also play a crucial role in maintaining the agriculture practiced in their vicinity, as they host pollinators that contribute to the reproduction of many crops.

In Defense of the Environment

It has become clear how many of the world's governments, beyond their typically ideological discourses, have established plans and actions to support ecosystems and the care of flora and fauna as a means that directly affects the survival of all living beings. These measures, of a legal and social nature, have significantly impacted the protection of ecosystems, fostering community commitments that enhance awareness of the issue and legally constraining those who, due to a lack of environmental culture, inflict irreparable harm on ecosystems.

Colombia is not indifferent to taking legal action and currently has the Environmental Crimes Act (Ley 2111 de 2021), which aims to penalize those who commit acts against the environment, such as deforestation, wildlife trafficking, invasion of areas of particular ecological importance, and illegal appropriation of the nation's wastelands. This Act also punishes those who promote and engage

in mining exploration or exploitation without adhering to legal requirements (Ministerio de Defensa Nacional [MDN], 2021). The goal is to establish state control mechanisms and reduce violence that harms the rights of the civilian population. However, the Colombian State already includes penalties for individuals who commit environmental crimes and harm biodiversity in its Criminal Code.

The national government has been very alert in this regard, and institutions such as the MDN and the National Army support environmental leaders and their communities. It has also made progress in protecting and defending the ecosystem factors of the territories, which is why the “Pact for Colombia, Pact for Equity” was established in the National Development Plan (PND) 2018–2022. This Pact serves as a legal instrument in which the government’s objectives are framed, contributing to their subsequent assessment, and focuses on finding a balance between productive development and environmental conservation to promote new economies, ensuring natural resources for future generations. Based on this premise, Operation Artemisa was defined as a government strategy aimed at preserving and defending water, biodiversity, and natural resources as strategic assets of the nation.

The use of illicit methods and means of war (ICRC, 2010) is one of the most systematic forms of violence within the framework of the internal armed conflict in Colombia. Armed groups outside the law have historically resorted to this practice prohibited by IHL to undermine the humanitarian provisions that regulate hostilities. This behavior has impacted not only the affected territories but also people and protected property, including members of security forces who have suffered from this scourge.

Such a scenario poses significant operational challenges for the Military Forces regarding its connection with the constitutional mission of defending sovereignty, independence, the integrity of the national territory, and the constitutional order. One of these challenges is protecting and conserving the environment in view of deforestation and the increase in illegal activities such as illicit crops, mining, and timber trafficking (FIP, 2020).

In this context, it is crucial for the Military Forces that the objective of protecting the environment is institutionally coordinated with the duty to preserve it, as established by the Constitution of Colombia. According to the Constitution, all individuals have the right to enjoy a healthy environment, and the State is responsible for safeguarding the diversity and integrity of the environment, conserving areas of ecological significance, and promoting education to achieve these goals (Constitución Política de Colombia, 1991). Consequently, various institutional actions are undertaken, ranging from military control operations in the

area and psychological operations to security and defense maneuvers conducted by the Force, as well as offensive operations to address the factors that threaten territorial integrity. The Ministry of Defense announced the establishment of the Environmental Protection Task Force (CGFM, 2020) to mitigate the severe damage inflicted by organized armed groups (OAG) on water, biodiversity, and the environment: "The policy guideline has been implemented through the Artemisa campaign, initiated in April 2019 in coordination with the Attorney General's Office and the Ministry of Environment and Sustainable Development" (El País, 2020).

Against this backdrop, the constitutional mission regarding the duty attributed to the Military Forces in favor of a comprehensive defense is clear. However, it is wise to consider the imminent dangers that the use of IEDs and APMs—methods of violence linked to deforestation, mining, and the safeguarding of illegal crops, among other activities—pose to military personnel. According to the Unit for Victims, there is a record of 6,602 soldiers affected by this violent event (RUV, 2022), but what is most worrying is that after the signing of the agreements, this phenomenon seems to escalate, as informed by the National Center Against Improvised Explosive Devices, with a figure of 657 uniformed personnel between 2016 and 2022 (Infobae, 2021).

Methods

This chapter examines the use of illicit methods and means of warfare, their relationship with environmental impact, and the challenges faced by Military Forces in fulfilling their constitutional mission. To this end, a general analysis of the environment is proposed, including the dynamics of violence within the context of internal armed conflict and its positioning within the peace process, as well as the Military Forces' contributions to the defense, protection, and recovery of this legal asset. This is complemented by a reflection on the following variables: the nature of this victimizing event and the challenges Military Forces members face in various justice mechanisms, along with the psychosocial impact generated by this type of violence. Finally, the chapter analyzes initiatives and educational factors in military training aimed at environmental protection. All of the above is achieved through the qualitative analysis of collected information and the hypothetical deductive method, starting from an initial hypothesis or explanation to draw relevant conclusions that address the stated problem.

Results

Armed Conflict and Environment

The interactions between armed conflict, the illegal drug trafficking economy, and the degradation of Colombia's natural heritage, mainly due to illicit crops affecting vast conservation areas such as the Amazon, cause significant damage to the environment. In this sense, peacebuilding is crucial in restoring a beneficial balance between using and conserving natural resources, protecting them from harm, guaranteeing their continuous replenishment, and safeguarding environmental activities in the territories.

To achieve this purpose, it is imperative to promote productive and sustainable exploitation strategies that help communities in affected areas achieve greater economic benefits, improve employment opportunities, and increase income levels through the provision of environmental goods and services. The contributions of international cooperation regarding development ideas related to environmental protection and climate change offer significant opportunities to build peace in territories during a potential post-conflict scenario.

Peacebuilding

In September 2018, the special report from the Ombudsman's Office on the development of illegal economies, armed actors, and new risk scenarios in the post-agreement period specifically highlighted that the FARC-EP's withdrawal from its areas of influence had caused the Army of National Liberation (ELN), post-demobilization armed groups (Autodefensas Gaitanistas de Colombia [AGC], Clan del Golfo [CG], Puntilleros, and Pelusos), and the dissident factions of FARC-EP to engage in violent activities aimed at controlling the mining economies and the environment, participating in the development of circuits associated with these activities. These groups established themselves in these areas through criminal strategies, ranging from confrontations with rival armed groups to forming operational alliances, which heightened the risks of victimization for the population in the affected regions.

This highlights the need for more active intervention by the State, particularly the Military Forces, in areas of ecological and environmental interest in Colombia. Peacebuilding in the country cannot be separated from the requirements of environmental sustainability, which include the development of agreed territorial planning, the protection of natural reserves and protected areas, the prevention

of socio-environmental conflicts, and the regulation of land use according to its vocation. Therefore, promoting sustainable local development processes in the territories, especially those most affected by armed conflict, is a priority, considering that many have some form of protection or regulation in even up to 100 % of their area (OCDE, 2014).

When conducting a general diagnosis of the peacebuilding situation, there is a noticeable increase in mining activities and the emergence of new exploration and exploitation fronts in areas predominantly inhabited by Indigenous and Afro-descendant populations, posing a threat to the community's peace and harmony. Some leaders and environmentalists oppose both industrial and ancestral mining practices based on their ideological beliefs.

These environmental leaders argue that informal mining brings severe environmental consequences, negatively impacting soil and water sources, which threatens communities' food security and undermines their cultural traditions. Furthermore, they oppose the existence of illegal armed groups and mining activities in their territories. These conflicts exacerbate disorderly conduct and result in the loss of human lives.

Social Advances in Environmental Protection

The media report that following the implementation of the Artemisa campaign, several military operations have been conducted in National Natural Parks (NNP). These efforts have led to the recovery and positive intervention of a significant number of hectares of forest, the capture of approximately 400 individuals for environmental crimes, and reforestation initiatives.

These operations are essential for the Army as they contribute to the joint strategies involving defense and security policies outlined in the Héroes de la Libertad Bicentennial Campaign Plan (CGFM, 2018). Since the start of Operation Artemisa, the Military Forces have planted numerous native trees, frailejón, and wax palms, and have established frailejón nurseries, which are being renovated with the support of the Ministry of Environment and Sustainable Development to aid in the restoration of the Colombian páramos. These operations have received guidance and support from the national government, which is dedicated to protecting the environment. Consequently, institutions like the National Police, the Attorney General's Office (FGN), and environmental authorities have engaged to combat OAG, organized crime, transnational crime, and criminal activities that threaten natural resources and the environment. Through this operation, the Military Forces have collaborated with communities, focusing on the individuals responsible for deforestation and other environmental crimes.

An increase in mining activities has been observed across various regions of the country, and the affected areas are experiencing displacement and crime in multiple forms. The exploration and exploitation of minerals without complying with legal requirements have become a primary source of funding for groups that engage in violence, even surpassing traditional drug trafficking, which significantly impacts governance and national security.

Of note is that military intervention in the areas most affected by deforestation, where Operation Artemisa has focused, has proven effective (El Espectador, 2020). These areas include the La Macarena Special Management Area, situated between the Tinigua and Sierra de La Macarena NNPs. In these regions, a deforestation pattern similar to that observed in the Guaviare Peasant Reserve Zone, the Amazon Forest Reserve, and the Nukak Makú Indigenous Reservation (Guaviare) has been noted, where land is being illegally appropriated, trees are being cut down, and livestock is being introduced as a means to demonstrate land occupation.

These protected areas of the Amazon face the dilemma that clearing one hectare of forest could cost between COP 500,000 and COP 1,000,000, which exceeds the economic capacity of low-income farmers to undertake this activity across hundreds of hectares. Although they are not responsible for the deforestation and logging, it is they who have borne the pain of displacement due to criminal networks and armed groups in the region, alongside environmental authorities such as Corpoamazonia, Cormacarena, and NNPs, as well as officials like park rangers. This situation has resulted in five officials from Amazon parks, such as Chiribiquete, Cahuinarí, Río Puré, La Paya, and Yaijagé Apaporis, being declared “military objectives” and expelled from the region by FARC dissidents. Furthermore, park rangers have been murdered, including Wilton Fauder Orrego León, a ranger in the Sierra Nevada de Santa Marta, and Yamid Alonso Silva Torres of the El Cocuy NNP.

In summary, these threats highlight the need for sustainable development to ensure the well-being of regions and the people who inhabit them. Since institutional, geographical, and violent conditions have been obstacles to permanent social, economic, and environmental advances in the country, these advances must be distributed equitably at the territorial level.

Peace Agreements and Environment

After the development of the internal armed conflict, violence-driving agents have been linked to the gas and oil sector through kidnappings and extortion of officials and contractors. Armed attacks against the critical infrastructure of the State are

the preference of these agents, including the FARC-EP and ELN guerrillas and paramilitary groups.

Several illegal armed groups emerged after the demobilization of paramilitary structures in the Province of Nariño. In the first phase of these violent demonstrations, the so-called Águilas Negras [Black Eagles] stood out, who focused their work on controlling the trafficking of coca paste and cocaine in mangroves and rivers, considered strategic corridors disputed by the FARC-EP, the Rastrojos, the Urabeños, and the ELN (Defensoría del Pueblo, 2018). These post-demobilization groups have solid connections with drug trafficking cartels and have given rise to more violent deforestation groups in various areas of the country. This form of criminality is the one that most confronts the FARC-EP and has caused the disappearance and emergence of different criminal groups that the Autodefensas Gaitanistas have co-opted.

The Colombian guerrillas, especially the ELN, have used the environment as a strategic resource of war, attacking the oil infrastructure, which has been their most recurrent action. These attacks not only have economic motivations but have also become sociopolitical objectives and war tactics.

In 2017, a year after the signing of the peace agreement, the country lost 219,973 hectares of natural forest, representing a 23 % increase compared to the previous year. This situation foreshadowed the future of these territories, but many people in the country did not recognize this new reality and those who did, exploited it. It was predictable that, with the signing of the agreement and the departure of the former FARC from some areas historically occupied by the group, there would be an increase in deforestation and impacts on the ecosystem and the environment, driven by multiple factors intertwined with both settlers' and own interests.

This state of affairs can be analyzed based on two factors: firstly, the de facto actions taken by the FARC, who viewed themselves as the sole authorities in difficult-to-access areas, where residents and other criminal actors were either limited or controlled through violence as they imposed their orders; and secondly, the eagerness of coca growers, who exploited the absence of this long-standing "authority" to deforest indiscriminately, expanding the boundaries of illicit crops.

Faced with this threat and projecting strategic plans to neutralize this destabilizing factor, the CGFM launched Operation Artemisa in April 2019. This operation aims to stop deforestation in the country, recover the tropical rainforest, and bring to justice those responsible for deforestation and forest burning. In April, the first phase began in the Serranía de Chiribiquete and Sierra de la Macarena NNPs. It was then extended to the Llanos de Yarí Reservation (Caquetá) and the La Paya NNP (Putumayo).

Discussion

Military Victims of IEDs and APMs, Challenges for Access to Justice

The Colombian soldier faces various challenges in fulfilling his constitutional mission, which positions them among the most victimized public servants in the context of the internal armed conflict, even after the signing of the agreements. The difficulties identified in the accreditation of this population as victims reflect the process of institutional transition that they must undertake in the search for recognition and vindication. On the contrary, the soldier is re-victimized and excluded from access to legitimate possibilities of VJRGNR that dignify them in their human condition.

The evolution of the concept of military victims has been a relatively recent process, during which they have been stigmatized not only by society but also by institutions. This has led many to renounce the recognition of such a condition, given the constant obstacles they must face in the process. Below are some of the difficulties and challenges that military personnel encounter before the Unit for Victims, ordinary justice, and the JEP in their pursuit of recognition of their status as victims, access to justice, the right to reparation, and guarantees of non-repetition.

Challenges before the Unit for Victims

Currently, there are some challenges regarding access to and implementation of measures of protection, reparation, and restoration of rights of security forces as victims of armed conflict, as follows:

- Law 1448/2011 is precarious regarding sufficient incentives for the affected security forces members and their families and the recognition process before the UARIV that grants victim status. This law limits their access to all comprehensive reparation measures related to satisfaction, rehabilitation, restoration, and guarantees of non-repetition, leaving out administrative compensation because they belong to the special scheme.

Through this process, direct victims—we, the military—and indirect victims—our families—will be able to know the truth about the facts that caused us so much pain and left scars on our bodies, and the perpetrators will be forced to tell the truth. (Giraldo, Corporación Militares Víctimas del Conflicto [MilVíctimas], 2021)

- Recognition and reparation become an arduous, complex process full of barriers imposed by the legal system and the assessment criteria used,

resulting in up to 275.36 % (RUV, 2022) of cases not included in the Single Registry of Victims (RUV, by its Spanish acronym).

They have denied me access to the Unit for Victims as a victim who had to endure all of that; it is so wrong for us combatants to be treated this way. There is no recognition, no support, and we are human too. We nearly lost our lives defending our nation, our homeland, so that people could feel at ease and live peacefully. (Duque, MilVíctimas, 2021)

- Typically, many events within the assessment criteria are not considered to violate IHL, such as the effects of IEDs, APMs, and unexploded ordnance. The burden of proof falls on the military victim, who must establish the cause, manner, and mechanism in their testimony to effectively demonstrate a violation of IHL by the OAG and the selective and indiscriminate use of means and methods prohibited by IHL, such as IEDs, which are employed due to a widespread and systematic practice.

Since 2005, I have tried to access the benefits of the Victims Act, but I have always been rejected. To date, I have not been able to do so; I have exhausted all resources, yet I still have not succeeded. They informed me that, as a combatant, this outcome was expected and that the terms had expired. The device that caused my injuries was a non-improvised explosive, which is prohibited by the rules of war; it was an indiscriminate attack that also harmed civilians. I have not been assisted in accessing the Victims Act; not only civilians are victims, but many individuals like me also deserve recognition. It would be beneficial if they included us so we could participate. Many soldiers like me should be classified as victims, and I do not understand why they are not. (Camargo, MilVíctimas, 2021)

- Ignorance of the law has become another criterion for recognizing victims, as the entity argues that *ignorantia juris non excusat* or *ignorantia legis neminem excusat*, Latin expressions of the legal principle indicating that ignorance of the law does not constitute an excuse. According to Article 9 of the Civil Code, it is presumed that all citizens must be aware of duly enacted laws. Based on this premise, victims cannot claim during their testimonies that they failed to comply with the law due to ignorance, particularly when they are expected to be aware of it given their positions. Nevertheless, it is overlooked that military personnel may be stationed in remote areas without access to mobile networks for extended periods due to their constitutional mission.

The obstacles arise, first of all, when the oversight bodies (Inspector General's Office, Ombudsman's Office, etc.) responsible for handling requests for testimony and processing before the Unit for Victim Care and Reparation (UARIV) deny the possibility of completing the process of giving testimony. The most common response when approaching these bodies is, "Don't waste your time; you are not a victim." Major Cifuentes emphasizes that these circumstances forced them to hold special sessions coordinated with the UARIV nationwide so that soldiers and police officers could be heard. (El Espectador, 2019)

Challenges before Ordinary Justice

As mentioned in previous sections, the military population affected by this form of violence while performing their constitutional functions lacks an effective justice system that prosecutes crimes and punishes those responsible for the actions and modes of violence related to the use of IEDs and APMs. This situation results in impunity and, in turn, signifies a failure of the court system to provide satisfaction for all victims under equal conditions.

At this point, it is important to note that the judicial outcomes concerning this conduct have not been substantial. The most suitable solution has consistently been to close and inhibit these investigations, as Article 79 of the CPP allows for the adoption of such decisions:

It was established that when the Attorney General's Office is aware of a fact regarding which it confirms there are no factual reasons or circumstances to characterize it as a crime or indicate its possible existence as such, it will order the discontinuation of the proceedings. (Congreso de la República, 2004)

The cases in this investigation are clear examples of denial of justice by the prosecution, which does nothing to favor victims, given the importance of knowing the truth, non-repetition, and compensation for damage. According to *Ámbito Jurídico* (2019), which evaluates the operational capacity of the FGN:

The FGN processes, on average, close to 75 % of the cases with discontinuation decisions over which there is no judicial review or evidentiary discussion. The Colombian justice system considers inhibitory decisions a denial of justice that seriously affects victims; Colombian justice considers the concept of closing a case comparable to inhibitory decisions.

Challenges before the Special Jurisdiction for Peace

Without a doubt, the Comprehensive System of Truth, Justice, Reparation, and Guarantees of Non-Repetition (SIVJRNR) builds up expectations for the universe of victims of the internal conflict in Colombia, wherein it would be unjust to exclude victims belonging to security forces. Five years have passed since the signing of the agreement, and consequently, the judicial mechanism of the JEP has come into effect. The outlook for police and military personnel affected by illicit methods and means of war remains unfavorable concerning access and participation. This is especially true considering that only with the delivery of the report *The Devastation of a People: Illicit Methods and Means of War Used by the FARC* (MilVíctimas et al., 2019) did the judges of the Truth Recognition Chamber realize the significance of this document for initiating investigations related to this type of violence. Despite the reasons given, it was not until March 2022, three years after the report, that the Chair of the JEP, Eduardo Cifuentes, officially announced the opening of a macro-case to investigate these events formally.

As will be seen below, an example of disproportion regarding the rate of events and participation in the JEP is evident in Case No. 005, which prioritized the situation in northern Cauca and southern Valle del Cauca and where only one soldier was recognized as a victim due to injuries sustained after an APM was activated. This indicates that the access difficulties for victims of security forces are related to the lack of actions or strategies that enhance and encourage their participation. It is important to remember that this region of the country has been most affected by the systematic use of IEDs.

Figure 1. *Comunicado 009 of 2021, Case No. 005. JEP*



The image is a screenshot of the official website of the Special Jurisdiction for Peace (JEP). The header features the JEP logo and the text 'JURISDICCIÓN ESPECIAL PARA LA PAZ'. Below the header is a navigation menu with links such as '¿Qué es la JEP?', 'Participa', 'Los casos de la JEP', 'Acreditación', 'Normativa', 'Relatoría', 'Sala de prensa', 'Transparencia', and 'Portal niños, niñas y adolescentes'. The main content area displays a press release titled 'COMUNICADO 009 DE 2021' with the headline 'La JEP acredita como víctima a un soldado lesionado por una mina antipersonal'. A bullet point states: 'Con esta acreditación se comienza el estudio formal de crímenes de guerra cometidos por las Farc-EP contra integrantes de la fuerza pública, en los municipios priorizados en el Caso 05.' The text below the bullet point, dated 'Bogotá, 04 de febrero de 2021', explains that the Sala de Reconocimiento de la JEP accredited a professional soldier of the Ejército Nacional as a victim due to injuries from an antipersonal mine explosion in the prioritized municipalities of Case 05.

Source: JEP (2021).

Later, in Comunicado 081 of 2021, the JEP reported on the recognition of five security forces members in Case No. 005. As mentioned, this case addresses the situation in northern Cauca and southern Valle del Cauca, specifically in 17 municipalities: Buenos Aires, Caldono, Caloto, Corinto, Jambaló, Miranda, Morales, Padilla, Puerto Tejada, Santander de Quilichao, Suárez, and Toribío in the Province of Cauca, and Candelaria, Florida, Jamundí, Palmira, and Pradera in the Province of Valle del Cauca.

Figure 2. Comunicado 081 of 2021, Case No. 005. JEP



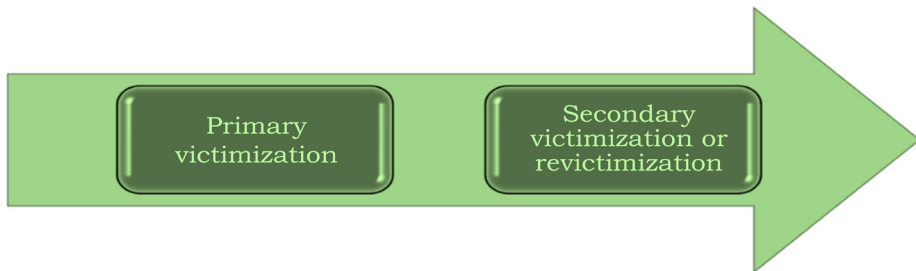
Source: JEP (2021).

Regarding the described panorama, it is crucial to promote mechanisms that strengthen participation for the benefit of both direct and indirect victims of security forces. This way, they can be recognized in significant numbers, ensuring their involvement in scenarios such as the JEP that provide access to the truth and promote non-repetition.

Damage and Impacts on Military Personnel Due to Revictimization

It is important to understand the definitions of primary and secondary victimization (Mantilla, 2015). The former arises from the traumatic impact of a criminal act; instead, secondary victimization, or revictimization (Bezanilla, n.d.), occurs as a consequence of the relationship between the victim and the legal system, other entities, individuals, or the community at large. This type of victimization arises when an individual who has experienced trauma comes into contact with authorities or institutions, potentially facing unfair treatment and even being criminalized for the very act of which they were a victim.

Figure 3. *Victimization Diagram*



Source: Own elaboration based Mantilla (2015).

These damages may have consequences on four levels (Mantilla, 2015): 1) physical: minor, severe, and very serious injuries to the victim; 2) emotional: difficult to determine due to their complexity, although they include actions that impact individuals' mental health, such as questioning the victim, failing to acknowledge the harm caused, blaming the victim, and unnecessarily reliving the traumatic event without adherence to proper protocol, or actions that may lead to perceptions of rejection, feelings of hopelessness, emotional distress, exclusion, and stigma; 3) sociocultural: effects on the victim's interpersonal relationships and psychosocial spheres; and 4) economic: all the damage resulting from the event, encompassing material losses along with the physical and emotional effects on the individual's overall functioning, thereby altering their quality of life.

The consequences or damages of revictimization can affect any individual, group, population, or community that has experienced significant trauma. One such group includes members of security forces who are victims of armed conflict, along with their families.

Some situations related to revictimization in security force members who were victims of illicit war methods at the time of their interviews involve actions by close people, such as relatives, friends, institutions, and the general community. These actions arise from discrimination or stigmatization by third parties who doubt the events that transpired, make judgments about the expected outcomes of belonging to military and police institutions, and assume that economic reparations can compensate for all damages incurred. They suggest that being or having been part of such institutions does not classify them as victims of armed conflict in Colombia. Furthermore, they face systematic exclusion from various actors to the extent that they are ridiculed and indiscriminately singled out simply for wearing a uniform.

In contrast, various institutional efforts have been made to reduce revictimization and its effects. In Colombia, for example, the National System of Comprehensive Care and Reparation for Victims (SNARIV) was established as a government agency responsible for ensuring compliance with the provisions of Law 1448/2011 and other national decrees, adhering to international standards for the protection of victims of attacks, whether psychological or physical, as well as violations of their rights, including revictimization. The UAEARIV, in the framework of Law 1448/2011, provides measures for the care, assistance, and comprehensive reparation for victims of armed conflict registered in the RUV.

The RUV is an instrument that allows people who consider themselves victims of armed conflict in Colombia to provide testimony, offering the necessary information in a format specifically designed for this purpose. This testimony outlines the circumstances of the time, manner, and place where the victimizing events occurred (Corte Constitucional, 2019). According to the latest data report published in 2022 by the UAEARIV, members of security forces have also been victims of numerous events.

Table 1. *List of Victims per Security Force*

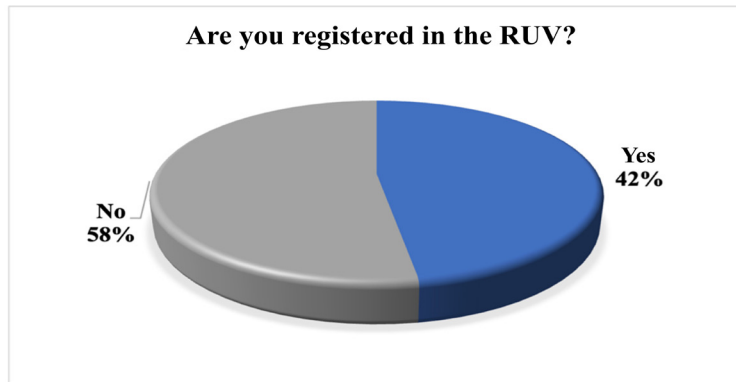
Security force	Total victims
National Army	288.421
National Navy	37.825
Air Force	6126
National Police	70,980
Total	403.352

Source: Own elaboration based on UAEARIV (2022).

However, the study conducted by Corporación MilVíctimas could determine the systematic denial experienced by security forces members and their families in the RUV. This is a concerning situation, as the Unit for Victims is responsible for protecting and promoting victims' rights and should not be a setting for discrimination or distinction against any group within the victim population affected by armed conflict in Colombia.

Considering the above, Figure 4 shows the results obtained regarding registration in the RUV for the individuals in the study sample: 58 % of them have not been recognized as victims.

Figure 4. Figures of the Study Sample – RUV



Source: Own elaboration.

On the other hand, within the universe of victims, there is a lack of understanding regarding the reality of the members of security forces and their status as victims of the Colombian conflict, which also reveals some degree of rejection. In the collective conscience, it is inconceivable that a direct actor, such as the members of security forces, in the performance of their duties, can simultaneously be a direct victim of the conflict, overlooking the human being that precedes the uniform and the institutions to which they belong.

Now, and seeking to get closer to the latent reality of members of security forces and their families about revictimizing experiences in various scenarios, we find explicit facts that show how this phenomenon occurs. Below are some statements made before MilVíctimas that account for the multiple actions against the victims, classified as acts of re-victimization.

"In a call for victim recognition, I wasn't included." "While I was going through the process to obtain victim status, it seemed to me that there were many requirements. I thought to myself: 'The facts are already documented and supported by medical records. There's a report.' The process took so long that I lost the desire to continue with it." "Just because we're working with an institution like the Police and receive a salary, we're not considered part of the conflict; that's the saddest part." "We face discrimination. A bandit today earns millions and enjoys many perks; he has an escort, a cell phone, a pick-up truck, while we must rely on prosthetics, walk, or take a bus." "Once, I was told, 'You joined the Police; you knew that one day you could end up dead or

disabled.” “Discrimination is acknowledged, yet we’re discriminated against by the same people, the same society we serve. It’s a bit depressing; it’s up to oneself to learn to live with that.” “What left a mark on me was the death of my sisters—young girls who had no part in this conflict—simply for being relatives of a police officer.” “It pains me to see those individuals who caused us harm working in Congress and receiving benefits that should belong to others.” (MilVíctimas, 2021)

The above only partially reflects the perception of damages from revictimization, actions carried out by various actors that wound victims. In this case, the victims are the members of security forces, who, in addition to enduring the effects of the victimizing event, are often subjected to constant stigmatization for their affiliation with the Military Forces and the Police. Moreover, there is a silent phenomenon: invisibilization. “The conflict has reproduced dehumanization, a lack of accountability, the denial or concealment of reality, as well as the invisibilization and silencing of victims” (CNMH, 2013).

The situation afflicts the members of security forces and their families since they are not heard. The existence of the paradigm that denies their status as victims has resulted in a strong social invisibility, preventing them from accessing the spaces to which they are entitled. This, in turn, revictimizes them and adds to the physical, psychological, and social effects, leaving this population with deep scars in their lives and rendering them vulnerable.

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