

COUNTERMAPPING STATE CRIME: A CULTURAL CRIMINOLOGICAL
EXPLORATION OF ARBITRARY CONSCRIPTION IN BOGOTÁ

Summary

– Thesis summary –

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Context

The military service in Colombia is a civil duty according to Article 216 of the Political Constitution of 1991. Men over 18 years old are obliged to define their military situation when reaching age of majority, except for high school students who can register upon graduation –women can complete a voluntary military service, but there is no obligation by law. If eligible, they must serve in one of the public armed forces (Army, Navy, Air Force or Police) or in the National Penitentiary Institute (INPEC) to obtain a first-class military ID card (*libreta militar*) upon completion. If ineligible, they must pay the compensation fee and any delay fines to obtain a second-class military ID. The Direction of Recruitment and Reserves of the Army centralises the recruitment process on behalf of all military forces and police. The recruitment process is regulated by law (Act 48 of 1993 with legal amendments, and the recently passed Act 1861 of 2017), and includes specific conscription procedures as well as grounds for postponement or exemption from service.

Arbitrary detentions for military conscription (ADMC) refer to recruitment operations that violate the due process and entail a violation of constitutional rights. Until 2015 the most common practice of arbitrary conscription used to be military street round-ups (*batidas militares*). Through these irregular street operations soldiers detained youths not holding a military ID card (*libreta militar*) and transported them –usually in military trucks– to recruitment cantonments or battalions for expedited incorporation and assignment to the field. Round-ups were also conducted in specific facilities frequently visited by youths, such as football stadiums, music festival venues, and Civil Registry Offices where youths apply for their citizenship ID card (*cedula*) after reaching the age of majority. Apart from round-ups in public space, ADMC may also occur ‘on site’: youths risk being detained and incorporated expeditiously when completing their registration or exams in military facilities. A new Recruitment Act explicitly states that ‘By no means will the public armed forces be allowed to conduct detentions or surprise operations to apprehend Colombians

who have not registered for or completed the compulsory military service' (Art. 4, para. 2). This legal change only reaffirms a prohibition already stipulated in Sentences C-789 of 2011 and T-455 of 2014 of the Constitutional Court, based in turn on Opinion No. 8/2008 of the UN Working Group on Arbitrary Detentions.

The phenomenon of arbitrary conscription occurs in peripheral rural areas and deprived urban neighbourhoods throughout Colombia. Nevertheless, I focus my empirical work in Bogotá, the capital city that is both the economic centre and largest urban agglomeration.

Research questions

This thesis was elaborated before the passing of the new Recruitment Act in 2017. Before this legal change, military street round-ups were neither allowed nor formally prohibited by law. Therefore, my original interest was to understand the history, nature, conflicting discourses and social tensions around this phenomenon. This led me to four research questions. First, based on preliminary document reviews and exploratory discussions with social organisations in Bogotá, I found out that street round-ups were a long-standing phenomenon that has barely been recorded and scrutinised. This temporal dimension suggested that investigating its history could be crucial to understand the logics and legitimising discourses behind such coercive practices. My first research question surfaced: How do the particularities of colonialism and post-colonial state formation in Colombia relate to the origins and persistence of arbitrary conscription? (RQ1).

The news coverage on street round-ups, showing an unconventional military-police collaboration, revealed the ambivalence of arbitrary conscription. On the one hand, ADMC could be framed as a state-organised crime. To do so it was necessary to further understand the descriptive features (i.e. systematicity, victimisation patterns, spatial distribution, collusion of state agencies) and aetiology of ADMC. On the other hand, military round-ups could be studied as an informal policing practice, a tropical version of preventive detention running silently in Colombia. In this sense, ADMC would be another piece of the focused deterrence assemblage –articulated with hotspot policing and antisocial behaviour control – aimed at regulating and disciplining low-income youths from peripheral neighbourhoods labelled as 'problem areas'. ADMC could thus embody the paradox of

criminogenic security moving along a deviance-control continuum. These emerging ideas are summed up in my second research question: What are the characteristics, patterns, and functions of arbitrary conscription in Bogotá? (RQ2).

Although oppressive and widespread, arbitrary conscription has also found resistance. The growing popular discontent, media coverage, and denunciation efforts of social organisations resemble a process of criminalisation of state abuse. The dynamic process between normalisation of and resistance to arbitrary conscription can be studied through the interplay of state deviance, law, and culture. This triad serves as a framework to understand ways in which the legal framework affects arbitrary conscription (law – state deviance), military round-ups are accepted or rejected by communities (state deviance – culture), and legal stipulations coincide or diverge from societal values towards military recruitment (law – culture). These interrogations are summarised in my third research question: In which ways is arbitrary conscription normalised, resisted and denied? (RQ3).

Finally, a spin-off to the third research question is a reflection about the role of my research project in such equilibrium of forces between normalisation, resistance and denial. This led to my final question: How does the mapping of arbitrary conscription under a participatory and action-oriented approach play a role in leveraging resistance efforts and making popular knowledge visible to construct a spatial narrative and a spatial programme of action? (RQ4).

Thesis structure

The structure of the thesis follows the outline presented in the research questions. Chapter 2 explains the methodology, starting with an epistemological reflection on participatory action research. I argue that this approach is appropriate for cultural criminological projects and, in particular, for exploring the concealed topic of arbitrary conscription. The chapter continues with an explanation of the research design, methods, and analytical strategies. Finally, I discuss issues of reflexivity, positionality and ethical dilemmas of implementing an action-oriented research project.

Chapter 3 provides a summarised reconstruction of the history of ADMC in the context of state formation in Colombia, addressing RQ1. I insist on uncovering the continuities of colonial institutions that enable the persistence of arbitrary conscription,