

Report No. 1 - 2022 - Illegal Drugs Micro-trafficking Gans

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Unidad de Investigación Periodística

Institución Universitaria Politécnico Grancolombiano

City:Bogotá

Country: Colombia

Juliana Castellanos Diaz

Institución Universitaria Politécnico Grancolombiano

City: Bogotá

Country: Colombia

Mauricio Barrantes Chavarro

Institución Universitaria Politécnico Grancolombiano

City: Bogotá

Country: Colombia

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ABOUT: Illegal Drugs Micro-trafficking Gans - Criminal strongholds of a business that operates with children and adolescents

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ABSTRACT: This transdisciplinary legal report represents the problem of micro-trafficking (Giommoni et al., 2021), its relationship with criminal gangs (Densley et al., 2020),

and its implications (taking Colombia as a case study) in a context where the weakness of the institutional framework and potential violations of the rights of children and adolescents prevail. Furthermore, a descriptive and communicational approach is adopted through which the information is presented in a versatile way, without resorting to complex conceptual frameworks typical of legal dogmatics and emphasizing the main points to be settled in future discussions on how, why, and for what purpose to formulate public policies and practical legal management tools to address this and other underlying social problems.

KEYWORDS: micro-trafficking, criminal law, public policies, social control, media reports.

RESUMEN: En este informe jurídico transdisciplinario se comparte una representación del problema del microtráfico, su relación con las bandas criminales y sus implicancias (tomando como caso de estudio a Colombia) frente a un contexto donde prevalece la debilidad del marco institucional y potenciales vulneraciones de derechos de niños, niñas y adolescentes. En ese sentido, se adopta un enfoque descriptivo y comunicacional a través del cual la información es presentada de forma versátil, sin recurrir a marcos conceptuales complejos propios de la dogmática jurídica y haciendo énfasis en los principales puntos a dirimir en futuras discusiones sobre cómo, por qué y para qué formular políticas públicas y herramientas de gestión jurídica efectivas para afrontar esta y otras problemáticas sociales subyacentes.

PALABRAS CLAVES: microtráfico, derecho penal, políticas públicas, control social, bandas criminales.

1. BACKGROUND

This transdisciplinary report presents a description of the problem of micro-trafficking and its implications, taking the city of Colombia as a case study. It is a cross-cutting phenomenon in the country. According to data from the Attorney General's Office, between 2015 and November 2021, 441 structures dedicated to micro-trafficking were dismantled, of which 254 involved minors. The most affected departments are Antioquia, Valle del Cauca, Caldas, Quindío, and Santander.

In this regard, it should be noted that, despite being a problem that affects the whole of Colombia, complaints do not usually come from the civilian population but through early warnings from the Ombudsman's Office, as stated by the Attorney General's Office.

For Universidad del Valle professor Leonardo Raffo López (2021), an expert in criminal economies, understanding the silence of the citizenry involves recognizing that in those areas where criminal gangs partially or dominate - parks, streets, neighborhoods, blocks - they not only control the illegal market but also security and social relations, through groups prepared to defend gang members, which involves intimidating the population and negotiating with local control agents.

For López (2021), the power that gangs consolidate in urban scenarios produces fear and, paradoxically, admiration among minors who see in these criminal groups the possibility of economic advancement, under the imaginary of success, recognition, and easy money. In addition, it can be argued that they assume roles related to the collection of information and the transport of small quantities of illegal substances, as a way

of forging a criminal career within these groups, as explained by the Attorney General's Office (2021).

Daniela Suárez (2021), an expert in criminal dynamics and current executive director of Fundación Ideas Disruptivas, reports that during a research process she interviewed 10 jibaros, adults between the ages of 21 and 35, in a prison. One of them told her that he had entered the business at the age of 11 as a bell ringer: he would stand on a corner and tell the other members of the gang if any authorities were coming. His rise in the organization allowed him to dominate an entire sector for the sale of heroin.

In addition to forging heirs of criminal structures and showing the world of drugs as a thriving business, the use of minors in micro-trafficking is part of a strategy to acquire cheap labor and have people who face fewer legal implications in case they are apprehended, explains Claudia Sanchez (2021), a social worker and technical director of World Vision International.

2. FIGHT AGAINST DRUGS AND CORRUPTION

Suarez (2021) assures that the most difficult thing in the fight against drugs is to fight corruption. This is so because the issue is that the authorities carry out illegal operations to reach the goals they are asked to achieve. We have heard reports of police officers who say that they were asked to meet goals (quotas of detainees) and that they asked for this number or else they would be punished and not given permission to go see their families. They even paid 20,000 Colombian pesos to a street inhabitant and gave them more than 20 grams of marijuana and they ended up in jail for one night to meet the goal. False operations and results with which the image of effective institutions that control crime is built according to the

denunciations that have been made in a journalistic way and that this report collects.¹

Through the documentary review and in line with the opinion of Suarez (2021), it has been identified that in Colombia there are officials who operate in favor of the State but who also do so benefiting large drug trafficking groups or micro-trafficking gangs. Moreover, the complaints collected claim that these officials pass information to have control on one side and continue to operate with impunity, and upwards so that there is an illusion of legal operation that does not exist. This perverse and historical *modus operandi* has allowed, among other factors, the persistence and almost uncontrolled growth of micro-trafficking structures.

3. ON APPREHENDED MINORS

Figures delivered by the National Police (2021) to the de Investigación Periodística of the Politécnico Grancolombiano reveal that between 2015 and 2021, 29,756 minors were apprehended in the country for trafficking, manufacturing, and carrying drugs. The last of the three crimes are the most common cause due to its close relationship with commercialization in small quantities, the visible link in the complex ecosystem of micro-trafficking. For Raffo (2021), this is the tip of the iceberg, because behind this distribution surface there are very complex hierarchical structures and, therefore, difficult to identify.

1 The ideas presented here are shared with a reflective purpose and adapted from a journalistic investigation carried out between 2021 and 2022 by the Unidad de Investigación Periodística of the Institución Universitaria Politécnico Grancolombiano: <https://bandasmicrotrafico.poligran.edu.co/texto.html>. In addition, it is proposed as an academic contribution for discussion and research. Without political and/or ideological alignment, it aims to make visible a social problem, that is, to serve as a reflective input for potential actions in terms of public policies and legal management in the face of real scenarios such as micro trafficking and criminal gangs in Colombia.

In addition, testimonies have been collected from young people and older people who entered the business when they were under 18 years old, in which they state that they do not usually know the top leader of the organization and that their contract is with the person who provides them with merchandise or to whom they account for the money. Thus, in the event of being apprehended or subjected to criminal proceedings for adolescents, there is very little information they can provide.

When minors are apprehended in Colombia, the Colombian Institute of Family Welfare (ICBF) assures that in 2021 the restoration of rights will be the priority. But if they are older than 14 and younger than 18, they enter the System of Criminal Responsibility for Adolescents (SRPA), which seeks a pedagogical, specific, and differentiated criminal process concerning the adult system, guaranteeing restorative justice, truth, and reparation of the damage done by the adolescent.

This may include, in some cases, deprivation of liberty in Specialized Care Centers. According to the ICBF, between January 2015 and November 2021, 179 adolescents and young people were admitted to these Centers for cases linked to the trafficking, manufacture, and commercialization of narcotics.

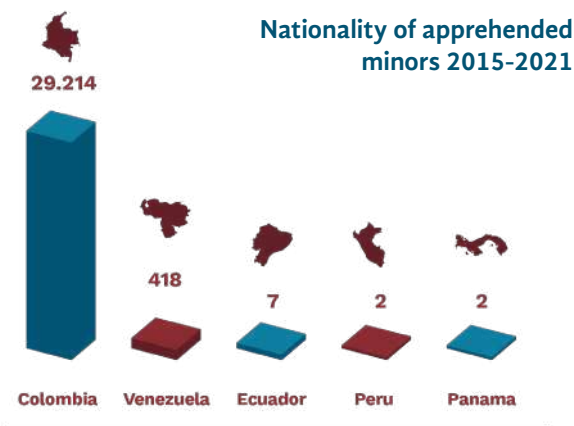
4. ON MIGRANTS TARGETED BY MICRO-TRAFFICKING GANGS

The other issue of concern is that it is not only national minors who are involved in illegal structures dedicated to micro-trafficking. The data analyzed on apprehensions also includes Venezuelans, Ecuadorians, Peruvians, and Central Americans.

From the list of countries, it is noteworthy that in the last six years, 418 children and adolescents of Venezuelan nationality have been apprehended, with significant annual increases from 2 cases in 2015 to 132 in 2021. In the period under study, there is only a decrease between 2019 and 2020, from 132 to 100 apprehensions, respectively.

There is little information on the matter. However, the interest of drug trafficking groups is to identify vulnerable populations. For Claudia Sanchez (2021), technical director of World Vision, the migration of Venezuelan people in extreme poverty is exploited because it represents cheap labor. In this context, migrants find in criminal dynamics an opportunity, but there are also cases in which they act under threats and other forms of violence.

Figure 1: Nationality of apprehended minors 2015-2021



Source: Policia Nacional (2021, n. p.)

Juan Manuel Núñez (2021), the advisor to the Directorate of Drug Policy and Related Activities of the Ministry of Justice, assures that the more isolated the migrant population is left from institutional services or the Colombian community, the more at the mercy of criminals who do act quickly and offer protection and employment.

However, it goes beyond the migrant and returnee population. Sanchez (2021) draws attention at this point to the border areas of Colombia as spaces lacking state presence and, therefore, with criminal structures. This expert (2021) explains that:

One example is Buenaventura (Valle del Cauca). It is a port, and there are many interests and the control that the different groups have, and the danger they represent for many children and adolescents, mainly because they are on one side or the other, and if they are not, they go and kill them, and that is a reality. (n. p.)

The murder of minors by gangs dedicated to micro-trafficking is a topic that is rarely talked about in the country. Only in 2018, after a demonstration in the locality of Ciudad Bolivar in Bogota for the murder of 22 young people in strange and diverse circumstances, did the media deal with the issue for a few days. Among the articles published was one in the newspaper *El Tiempo*, in which neighborhood leader Luceris Segura said that micro-trafficking gangs had a lot to do with the events. But the issue did not gain relevance in the political and media agendas.

5. INSTITUTIONAL WEAKNESS AND PUBLIC POLICIES

Although the phenomenon has been growing in all Colombian cities for years, it was only in 2015 that the National Narcotics Council began to design and implement research to understand the criminal network from which micro-trafficking is built Núñez (2021). Also, Núñez (2021), advisor to the Directorate of Drug Policy and Related Activities of the Ministry of Justice has stated that:

From there we realized that we had to intervene with security issues, block criminal organizations, and, on the other hand, recover territories and disengage the population from crime through social policy. We evolved that and in 2018 we created a guide so that in the territories they can formulate projects that address micro-trafficking. (n. p.)

Both the governments of Juan Manuel Santos and Iván Duque have included these lines of action in their development plans, which can be summarized, according to Núñez (2021), as an intervention in areas of fear and micro-trafficking from a security and social inclusion perspective.

Likewise, the Presidential Council for Human Rights and International Affairs, which serves as the technical secretariat of the Intersectoral Commission for the Prevention of Recruitment, Use and Sexual Violence of Children and Adolescents by Armed Groups Outside the Law and Organized Criminal Groups (CIPRUNNA), has taken these recommendations to integrate them into its policies (2021): “The technical strengthening of the governors’ and mayors’ offices is being promoted for the implementation of routes that allow the identification of risks and the development of

institutional offerings for the activation of ways to prevent the recruitment and use of minors.”

6. RECOMMENDATIONS AND FINAL CONSIDERATIONS

Súmate por Mí and *Ruta Futuro* are two of the projects being developed in the country to try to prevent and stop the recruitment, use, and instrumentalization of minors by criminal structures linked to drug trafficking. In practice, the action tools derived from these guidelines are integrated into the security and citizen coexistence policies of each department or municipality so that, according to their conditions, they can be applied. But development is not optimal due to the lack of technological, human, financial, and academic capacity. According to Núñez (2021):

All policies must include a line that has to do with strengthening capacities in all aspects because if I tell them what to do and how to do it, but I don't give them the means to do it, it's serious. (n. p.)

In other words, the State has clear and, from the discourse, possibly effective policies, but there are no resources to implement them efficiently. Meanwhile, the problem continues to expand in streets, schools, parks, street corners, city squares, even in social networks; and, in rural areas where the phenomenon is beginning to spread. In these scenarios, criminal groups offer minors gifts, motorcycles, money, weapons, and power; a solution to the most vulnerable lives, with few expectations for the present and future, and the State is directly responsible for this.

For stopping the growth of gangs is also to reduce the possibility that many children, adolescents, and young people

build their life projects from criminal economies. Therefore, it is urgent the attention and efforts that the national and local governments put on this phenomenon that has been hidden, in the back room of discussions and policies on drug use.

Therefore, the issue that worries families and educational institutions is addiction, which is not a minor issue, but placing the prevention of joining micro-trafficking gangs at the center of the discussion can also save lives.

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Unidad de Investigación Periodística: Institución Universitaria
Politécnico Grancolombiano

City: Bogotá

Country: Colombia

Email: unidaddeinvestigaciónperiodística@gmail.com

Autor Institucional

Coordinadores

Juliana Castellanos Diaz: Unidad de Investigación Periodística
de la Institución Universitaria Politécnico Grancolombiano

City: Bogotá

Country: Colombia

Email: unidaddeinvestigaciónperiodística@gmail.com

ORCID: <https://orcid.org/0000-0003-0435-0844>

Mauricio Barrantes Chavarro: Unidad de Investigación
Periodística de la Institución Universitaria Politécnico
Grancolombiano

City: Bogotá

Country: Colombia

Email: unidaddeinvestigaciónperiodística@gmail.com

ORCID: <https://orcid.org/0000-0001-7426-8649>

