

Dual State in Colombia: Administrative Department of Security (DAS). Information and Espionage Technologies¹

[*English Version*]

Estado Dual en Colombia: Departamento Administrativo de Seguridad (D.A.S). Tecnologías de la Información y Espionaje

O Estado Dual na Colômbia: Departamento Administrativo de Segurança (DAS). Tecnologia da Informação e Espionagem

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Abstract

Objective: to determine how the Administrative Department of Security (DAS) and parapolitics led to the emergence of a Dual State. **Methodology:** based on the theoretical perspective of authors such as Fraenkel and Bobbio, a reflective model of the events in the DAS and parapolitics was applied. The information was classified in three categories: a. DAS documents as primary sources, b. Press reports as secondary sources and perspectives of the moment, and c. Analyses of the aforementioned authors in analytically demonstrating the appearance of duality. **Results:** the DAS and the Parapolitics

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disintegrated the unity of the State as a guaranteeing factor for political participation, generating a duality from the politicization of a State organism and the introduction of groups outside the law in positions of power public. **Conclusions:** the ruptures in the integrality of the State as an area that guarantees the security and political participation of citizens, disintegrated at the moment in which the administrative and judicial bodies took a political side and criminalized the opposition sectors, generating a violation of civil and democratic rights.

Keywords: Dual state; Espionage; Parapolitics; Information technology; Administrative Department of Security (DAS); Administrative Security Sector.

Resumen

Objetivo: determinar cómo el Departamento Administrativo de Seguridad (D.A.S) y la parapolítica conllevaron a la aparición de un Estado Dual. **Metodología:** con base en la perspectiva teórica de autores como Fraenkel y Bobbio se aplicó un modelo reflexivo de los acontecimientos en el DAS y la parapolítica. La información se clasificó en tres momentos: a. Documentos del DAS como fuentes primarias, b. Informes de prensa como fuentes secundarias y perspectivas del momento, y c. análisis de los autores mencionados para demostrar analíticamente la aparición de la dualidad. **Resultados:** el DAS y la parapolítica desintegraron la unidad del Estado como factor garantista de la participación política, generando una dualidad a partir de la politización de un organismo del Estado y la introducción de grupos al margen de la ley en los puestos de poder público. **Conclusiones:** las rupturas en la integralidad del Estado como ámbito garantista de la seguridad y la participación política de los ciudadanos, se desintegró en el momento en que los órganos administrativos y judiciales toman partido político y criminalizan a los sectores de oposición, generando vulneración de derechos civiles y democráticos.

Palabras-clave: Estado Dual; Espionaje; Parapolítica; Tecnologías de la Información; Departamento Administrativo de Seguridad (DAS); Sector Administrativo de Seguridad.

Resumo

Objetivo: determinar como o Departamento Administrativo de Segurança (DAS) e os parapolíticos levaram ao surgimento de um Estado Dual. **Metodologia:** com base na perspectiva teórica de autores como Fraenkel e Bobbio, foi aplicado um modelo reflexivo dos eventos do DAS e da parapolítica. As informações foram classificadas em três momentos: a. Documentos DAS como fontes primárias, b. Reportagens da imprensa como fontes secundárias e perspectivas do momento, e c. Análise dos autores citados para demonstrar analiticamente o surgimento da dualidade. **Resultados:** o DAS e os parapolíticos desintegraram a unidade do Estado como fator garantidor da participação política, gerando uma dualidade a partir da politização de um organismo estatal e da introdução de grupos fora da lei em cargos de poder público. **Conclusões:** as rupturas na integralidade do Estado como espaço garantidor da segurança e da participação política dos cidadãos, desintegrada no momento em que os órgãos administrativos e judiciais tomam partido político e criminalizam os setores da oposição, gerando infração civil e direitos democráticos.

Palavras-chave: Estado dual; Espionagem; Parapolíticos; Tecnologias da informação; Departamento Administrativo de Segurança (DAS); Setor de Segurança Administrativa.

Introduction

The States of the world did not hesitate to take advantage of the changes and technological advances developed in the last half of the 20th century to equip their administrative bodies with security. In Colombia, since 2002, Álvaro Uribe's democratic security policy renewed the military and technological sectors to counteract the advance of illegal groups, reinforced with Plan Colombia, which was accompanied by an anti-insurgent discourse that was aligned with the international fight against terrorism and the strategic interests of the United States in Colombia.

In this area, administrative bodies of the State such as the DAS, ended up assuming a position as a political police force, that is; a secret police of a political party and not of an integral body of defense of the State, with the scandal of the *DAS "chuzadas"* (*phone tapings*) of politicians, opposition magistrates, journalists, artists, intellectuals, academics and university professors during the Uribe government, reducing the national security policy by using civil defense mechanisms for the protection of private interests.

In that same vein, the paramilitary advance promoted, in different Colombian territories, political candidates for the Senate and the House of Representatives, that forced populations and citizens to vote for certain politicians to fill the seats of Congress, mayors and governments (López, 2010).

These two events made it possible to investigate, from an analytical-reflective perspective, what type of state model emerged to allow such actions? From the theoretical analysis, authors such as Max Weber (2012) and Schmitt (2016) were found, who establish the clear differences between the sphere of the State and that of the government, as well as that of politicians and their differences with the legal-administrative function as an integral part of the State, allowing a context of unity in which there should be no ruptures.

When analyzing the situation of the DAS in Colombia, it was observed that this administrative integrity was broken, for which authors such as Fraenkel (2010) and Bobbio (2016), provided conceptual tools to understand these dualities of the States when an organism like the DAS is politicized, ceasing to fulfill the civil functions conferred by the political constitution.

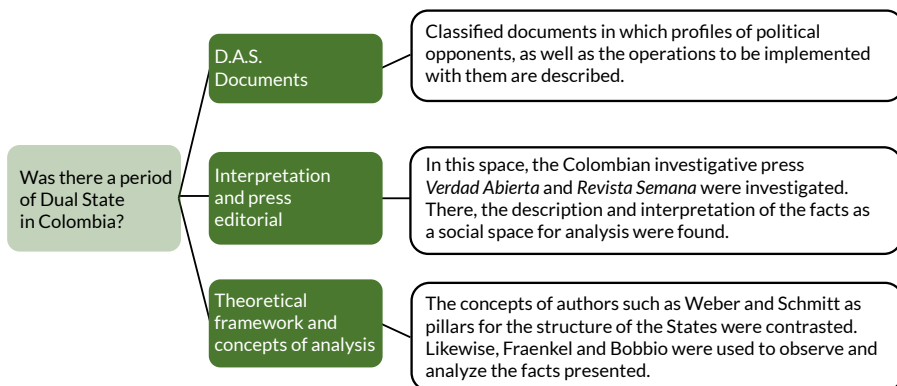
Methodology

The research applied a theoretical reflection based on the events in the Colombian political sphere over the last 20 years, from which the question arose: To what type of sociological and political phenomena do events like the *DAS "chuzadas"* (phone tapings) and the *parapolitics* correspond? Added to this content was the appearance and adaptation of new information technologies that made the field of analysis more complex.

Using theoretical analysis to understand phenomena that were detached from the unified action of the State, little-treated concepts were reviewed on issues of *failed States* or *Double States*. Authors such as Ernst Fraenkel (2010) who, from the historical perspective of National Socialism, proposed an alternative that he called *Prerogative State* and *Normative State*, allowing for the establishment of the differences that give birth to a Dual State.

These concepts made it possible to analyze, from the events in the DAS and some aspects of parapolitics, the development of the Colombian political reality. Likewise, basic analysis in the study of States, such as that of Weber (2012), allowed us to understand the historical structure of what fosters the formation of a State, leading to fundamental contrasts to demonstrate the duality in the period of government of Álvaro Uribe.

Figure 1. Diagram shows the research question and the classification of the information for reflective analysis



The investigation had access to primary sources such as the DAS reports, and press reports from the last 15 years in Colombia such as the magazine *Semana* and the news program *Verdad Abierta*. The DAS documents allowed for a direct examination of the theoretical resource and the press documents an analysis of the interpretive processes of the political reality of the moment. With this, a contrast of the primary documents, the interpretation of the investigative press and the theoretical sources was achieved, to find the ruptures of the uniqueness of the State from the theoretical aspect that leads to an analysis of duality.

Theoretical Framework

Dual State: from Weber to Fraenkel and Bobbio

It seems that duality in the social and cultural frameworks of humanity has always been present. The Catholic Church demonized those who did not establish proper behavior guidelines to Christianity, almost a millennium later psychiatry labeled them as *schizophrenics* or *multiple personality*. Literature was not far behind. Allan Poe (2019), with his story *William Wilson*, describes the life of two men with the same historical background, the same name and a similar personality, who hate, repel and detest each other, to the point that one of them murdered the other, not knowing that he murdered himself.

These human dualities are present in the emergence of modern states, which were supposed to be a solid and unified structure, with bureaucratically organized and legitimized institutions working in a systematic order, either through legal, traditional or charismatic domination (Weber, 2012). But in its internal structure, it seems to lose administrative control leading it to follow the interests of individuals and political parties, creating a kind of *William Wilson* (Poe, 2019) that wants to remain in force as absolute power, but assassinates himself with the political powers that act without validity of the constitutional order.

Weber (2012) recognizes the State as a permanent unit for the maintenance of power through the different types of domination that, in turn, is integrated by means of administrative-bureaucratic apparatuses that support the State as a functional unit. But, for the unit to be supported, the officials of these State structures must:

1. Be free from the personal point of view and are only subject to obedience in their official impersonal obligations
2. Be organized in a clearly defined hierarchy of positions
3. Have a clear delimitation of official powers
4. Subject the civil servants to strict and systematic discipline and control of their behavior in office (2012, p. 83). [Author's translation]

For Weber, these actions by officials are what allow the historical unity of the modern State, which avoids any fracture in its formation process, as well as the appearance of *Failed States*. In that same vein, the structure of the law and the constitutions are essential to impersonalizing legal power as the administrative essence of the States.

For this reason, Carl Schmitt (2016) in *The Concept of the Political*, analyzes the French *mobile politique*, with the aim of distinguishing between governmental acts that are essentially political and administrative acts that are “non-political,” and able to bring the former under the control of administrative justice. It is there where the political and ideological action of political programs acquires a limit thanks to legal practice.

Policy for Schmitt is based on the intense practice of *friends-enemies*, as the supreme dialectic of political discussion, but not from a personalized hatred, “the enemy is not, therefore, just any competitor or adversary. Nor is the private adversary detested on the grounds of sentiment or antipathy. [...] It is only the *public enemy*” (Schmitt, 2016, p. 61) [Author's translation].

Schmitt makes clear reference to the enemy as an extreme opponent in the political debate, even ideological, but identifies the need for the unified State to generate the space for these political oppositions, without affecting the administrative and legal structure that supports it:

However, also in these cases the concept of the political continues to be built from an antagonistic opposition within the State, although this is relativized by the mere existence of the political unity of the State that encloses in itself all other oppositions (Schmitt, 2016, p. 62). [Author's translation].

It makes it clear that political differences must maintain the validity of the State, avoiding the personal use of its administrative bodies. No matter how strong the opposition, the bureaucratic organization as an administrative act

must be maintained to guarantee the opposition of ideas as the main political and *democratic* act.

Schmitt's (2016) ideas arrived at a conjunctural moment for the growing democracies of the first and second half of the 20th century. The seizure of power of some administrative bodies by the National Socialists in Germany, began to show that ideologies were superimposed on the acts and administrative tasks of the States, which began to use their administrative institutions to personalize the power of an ideology.

Ernst Fraenkel (2010) reflected in a text published by *Oxford University* in 1941, entitled *The Dual State*, the way in which the nazi party separates the unity of the administrative-bureaucratic State proposed by Weber (2012), from a State of personalized decisions, ideological validity and a decline of civil rights, identifying this division in two moments: *The Prerogative State* and *The Normative State*.

While *The Normative State* wants to keep the constitution and laws in force to guarantee political participation, *The Prerogative State* abolishes the validity of these and replaces them by the need for a *national security* to exceed the limits of the administrative and legal acts:

[The Prerogative State] No delimitation of jurisdiction is provided for. Political officials may be instruments of the state or the party. The jurisdiction of party and state officials is not subjected to general regulations and in practice is flexible (Fraenkel, 2010, p. 7). [author's translation].

Officials and administrative institutions of the State remain at the disposal not of the administrative act governed by the constitution and the law, but of the party programs and the ideological needs that they wish to impart there. In the case of Nazi Germany, Hitler exposes the decree of *February 28, 1933*, when he suspended constitutional rights and created a state of emergency in which he could promulgate any decree without institutional regulation or approval by Congress.

Fraenkel (2010) forcefully establishes the way in which *The Prerogative State* breaks its relationship with administrative and legal acts, avoiding the rule of law, thus establishing a theoretical contribution to the development of dictatorships within the framework of the nascent western democracies of the 20th century.

The duality of the States arises at that moment when civil rights and administrative institutions disappear, to leave the actions of the current government parties in full swing. But in the 21st century, the validity of these dualities is sustained in a more sophisticated way, maintaining the appearance of civil rights and the rule of law in the media, in the midst of political parties that seize the

power of the State to use its administrative organs in favor of their political agendas (Weber, 2012).

These sophisticated forms of duality, where there is an *apparent* respect for the constitution and the laws on the part of the parties and their members, bores tunnels into democracy and against the political opposition of the parties that do not govern from the same administrative offices of the State. Bobbio (2016) recognized that the origins of the division of the rule of law and democracy are hidden behind the facades of state institutions that use the constitution, laws and now, the media as a principle of opportunity.

There are party decisions that violate democratic actions. For this reason, the performance of invisible powers under the State's cloak ends up covering the same actions that would be performed in a dictatorship, only that the constitutional applicability of the concept of democracy forces us to avoid such actions in public visibility.

Bobbio (2016) cites three modalities in which the State can be divided, even to the point of destroying it. The first has to do with invisible forces, mostly clandestine, such as illegal organizations, mafias and terrorist organizations; the second form is the *political sects* that enter into corrupt alliances with private sectors giving a mold to corruption. The third modality analyzes it from the same officials who act as invisible power within the same structures of the State:

These are the secret services, whose degeneration can give rise to a form of government that is not properly hidden. The secret service available to each state is, it is said, a necessary evil. However, this is compatible with democracy with only one condition, that they are under the control of the government (Bobbio, 2015, p. 32). [Author's translation].

What is problematic is when these secret organizations for the defense of the States become organisms for the protection of the political party that owns the government of the day, confusing the defense of the State with the defense of the political ideas of the party that it leads, as argues Fraenkel (2010) with *The Prerogative State*, where all opposition becomes criminal.

Precisely the sophisticated aspect of the current dual states that govern even with illegal forces is that they turn the opponent into a criminal, closing the democratic avenues of participation and legitimizing violent actions against opponents, expanding the fields of violent action among the different political thoughts. which should compose the total unity of a State.

Another aspect of this sophistication is that the States have begun to use the media to legitimize violent actions against the opposition, not only labeling them, but also using *Fake News* and cyber espionage; This is linked to two

aspects: the proliferation of ICTs and the terrorist attack of September 11, 2001 against the United States, which justified new forms of espionage and global surveillance against *terrorism*.

September 11, 2001 and Terrorism as a Justification for Espionage

The paradox of power seems to be in giving more freedoms by risking the integrity of the State, or constantly monitoring to protect its integrity, denigrating the principles of equality and privacy. As Orwell (2018) puts it in *1984*, in a vigilant State in constant control of the actions and even the thoughts of its citizens, there were no opponents, only public enemies of the State:

The amalgamation between political delinquency (named terrorism) and criminality are used as an argument to justify the effort of repressive policies, as well as to generate a new mode of consensus based on suspicion and fear. The figure of the terrorist, both internal and external, has made it possible to synthesize threats of an international nature, as well as social and political (Mattelart and Vitalis, 2015, p. 111). [Author's translation].

That concept of *terrorism* gave space for the governments of the world's states to increase their actions of persecution and surveillance both nationally and internationally. The main event that led to the mediatization and expansion of the concept as a preventive measure of the States, was the event of September 11, 2001 with the fall of the Twin Towers in New York, which according to David Lyon (2008), allowed the intensification of espionage and surveillance, not only of enemies, but also of opponents:

Civil liberties have fallen on hard times since 9/11. New laws and technologies disregard or deny them. They are easy to demolish, difficult to repair. The much-cherished belief in the fairness of a society in which opportunities are reputedly open to all has also been tarnished since 9/11. New York's other famous symbol, the Statue of Liberty, must weep on her stand. True, the USA has never managed to live up to its noble claim to be a society of equality. But since the events of 2001, already existing inequalities and disadvantage are set to be reinforced. In wartime, hostile defenses are raised against the other, the enemy, and a culture of suspicion emerges, from which no one is exempt. This "war" is no exception (Lyon, 2008, p. 42) [Author's translation].

For Lyon, 9/11 was the key event in the transcendental changes in the internal security of the United States, it also renewed the model of diplomatic relations with extremist groups. President George Bush, through the different media, promoted the foreign policy of *Axis of Evil* and pointed out the concept of terrorism as a key against anyone who threatens the security of the United States.

The foregoing precedent was justification for US security agencies, like their allied countries around the world, to use state intelligence agencies to spy on and persecute *anyone who represented a threat to national security*, to this, new technologies were available. To this was added that a large part of the world population began to use emails and the Internet for their searches, therefore, cyberspace, an inhospitable place "also needed *security*," netizens began to assimilate the surveillance of the State on Internet as a *necessary evil*.

Alongside the more familiar state and societal surveillance, a surveillance culture is quietly appearing in which it is hard if not impossible not to participate. It is a fluid form of surveillance, constantly melting, morphing and merging, in ways that reflect the liquidity of data flows that characterizes what happens both in security intelligence agencies like the NSA and internet companies such as Amazon. But to focus on the cultural, our perspective must pull round from the panoptic to the performative, and to the roles people play across the spectrum from supporting to subverting surveillance. To grasp all this means delving more deeply into the culture of surveillance in all its variety and variation (Lyon, 2018, p. 54) [Author's translation].

The advancement of digital social networks contributed increasingly to Silicon Valley, with the support of the State, to increase its database on countries and their citizens much more. For Lyon, after 9/11, the United States introduced a culture of surveillance and approach to data in an effective and fast way. Both Lyon (2018) and the current philosopher Byung-Chul Han (2016), consider that people have implemented a panopticon in themselves, which forces them to capture their data and daily activities online, which increase not only the power of the State over them, but also the power of the markets.

Results

The Colombian State and the DAS as a Political Instrument

The investigative gaze in Colombia in the construction of a duality based on the capture of the institutions and state entities is collected by Claudia López (2010) in a broad investigation that accounts for the way in which “Mayors, Governors and Congressmen of Colombia of the last decade could have been promoted by the paramilitarism and that they co-governed with them, and others with the guerrillas” (p. 30) [Author’s translation]. Like other investigations, that of López consolidates through figures from political campaigns certified by the paramilitary, how these new public officials were not so illegal and clandestine, but ended up assuming the legal power of the Colombian State (Álvaro, 2007; Rodríguez, 2017).

Factors such as the expansion and paramilitary withdrawal in the national territory of Colombia, ended up configuring specific factors of territorial power in the areas occupied by insurgencies such as the FARC, configured political hegemonies that promoted the seizure of power strengthened by a discourse of construction of the enemy and security as a priority need for Colombia (Cardona, 2016; Ávila, 2019).

The discourse on the fight against terrorism in Colombia during the government of Álvaro Uribe Vélez, became national policy as of 2002 with the Democratic Security Defense Policy program, which sought through military means, to definitively eliminate the guerrilla organizations that operated in different parts of the Colombian national territory.

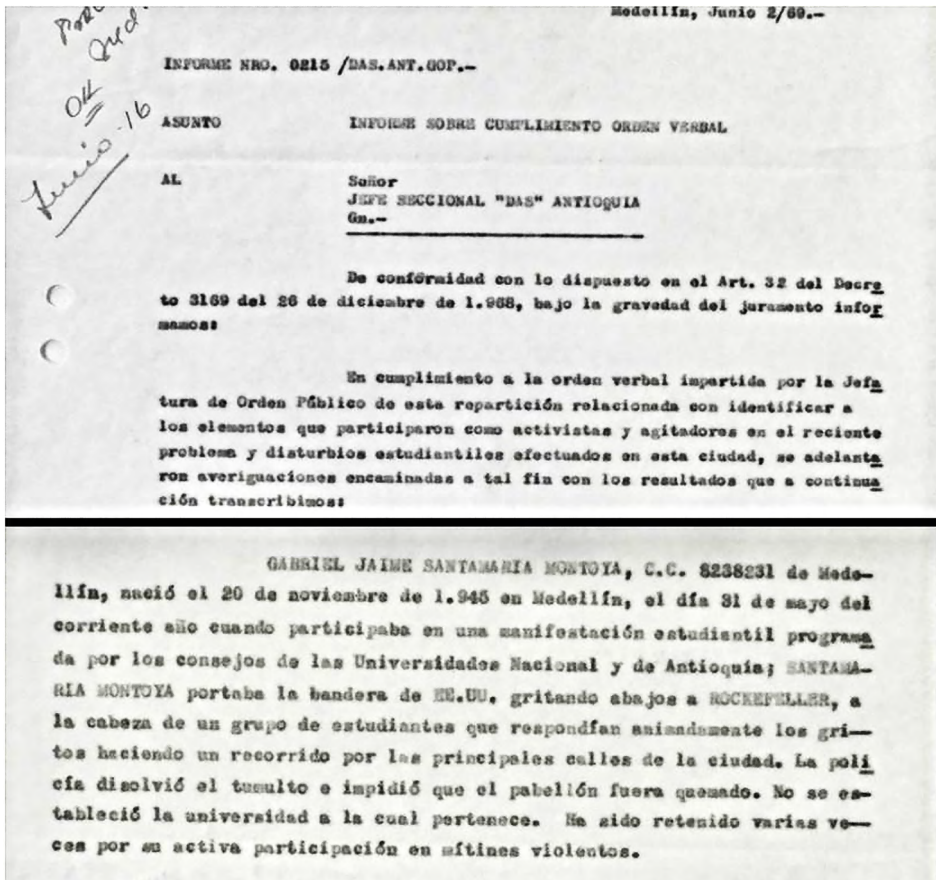
For this, all the security and defense agencies of the State were optimized, in order to close the military channels to the organizations that, from insurgents, became terrorists, according to Bush's speech and his international policy, applied and accepted in Colombia by President Álvaro Uribe.

On February 21, 2009, the magazine *Semana* “El Das sigue chuzando,” 2009 (Semana, 2009) revealed that various people from the government's political opposition at that time were being phone tapped, as their emails were also intercepted. The Administrative Department of Security (DAS) was the protagonist of this event that revealed to the country a new way to disintegrate the opposition and political participation.

The DAS had the power to protect national security, but not to prosecute political opposition. The development of this network can be seen since 1989 with the assassination of the vice president of the Departmental Assembly of Antioquia and deputy for the Patriotic Union Gabriel Jaime Santamaría, which was recorded in the DAS Antioquia report No. 0215, in which his resume and

political actions were briefly described and designated in the report as a national danger and not as a political opposition.

Figure 2. Report of D.A.S No. 0215 Antioquia Section, in Which Political Opponents are Classified in 1969



Note. Document obtained by Juan Diego Restrepo (2018)

This systematic task of the DAS for persecuting left-wing political leaders, infiltrating social movements and other organizations against the regime, demonstrated this institution of the State, not as an organ of defense, but of protection of very determined political interests.

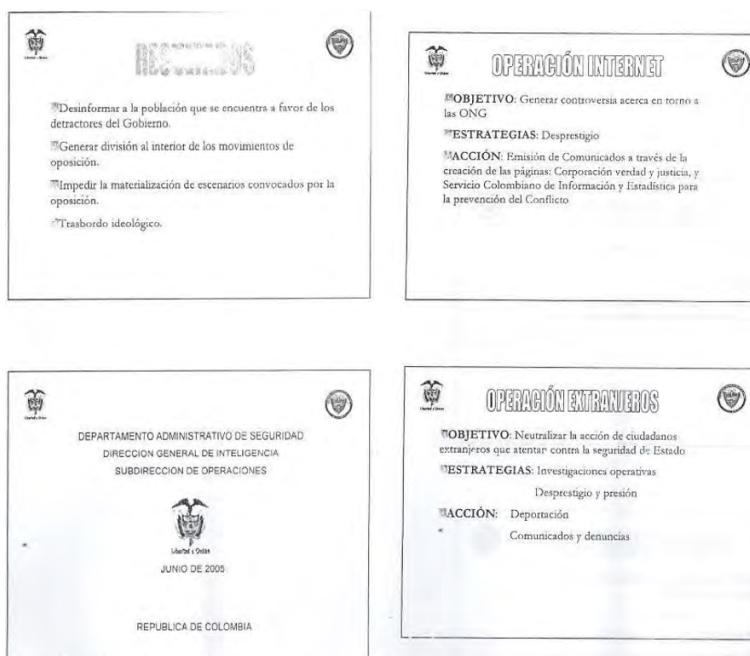
On April 13, 2010, Colombian journalist Juan Gossáin revealed to the country documents seized from the DAS by the Colombian Prosecutor's Office,

which described the procedures that the DAS officials carried out against the political opposition, which consisted of three levels:

1. Smearing political opponents through montages on social networks and the media.
2. Persecution.
3. Interception of personal information and delivery of documents and information to paramilitary organizations.

The latter was confirmed when the DAS provided the paramilitary Jorge 40 with information on activists and social leaders on the Atlantic coast, in which the murder of Professor Alfredo Correa de Andreis was carried out through a DAS setup (The DAS black list, 2011), similar to those presented below.

Figure 3. Document seized by the Office of the Attorney General of the Nation in Colombia in the archives of the DAS, obtained by the reporter José Antonio Caballero and published by the journalist Juan Gossaín on 04/13/2010



Note. Taken from the Interchurch Commission for Justice and Peace (2010)

The documents also exposed the statement of the paramilitary Diego Fernando Murillo, *also known as Don Berna*, who declared “that State agents supported the AUC in the murders of Mario Calderón and Elsa Alvarado, and Jaime Garzón” (The DAS black list, 2011) [Author’s translation].

What is stated by Weber (2012) in the basic principles for the unity and conformation of States, is violated by these actions, in principle, because one of the current activities of the secret-administrative bodies of the State is to protect the sovereignty and the national security, not to attack or criminalize opposition sectors, for example as happened with the Assemblyman of Antioquia, Gabriel Jaime Santamaría, with Correa de Andreis and other political leaders who since the 1980s were systematically persecuted, disappeared and assassinated by the DAS.

There, the delimitations of the official powers of the officials who were part of this State body were broken, causing them to put aside their official functions to assume the position of party mercenaries and adhere to a government sector with a lack of legal and administrative independence; In other words, its function of State disappears, leaving the civilian population unprotected as an integral part of it.

The other part, from the Weberian perspective, is that the civil servants follow orders of the party and do not respond to the needs of the State, like the other organizations as control factors of the due administrative processes end up mired in the Corruption factor to protect the interests of officials who act in accordance with the requirements of the ruling party.

When officials do not recognize administrative and legal principles, it is the first tear for the State in assuming a duality that in appearance is normative, but in the other aspect they use their bodies to unbalance the opposition, not through parliamentary debate, but with threats, disappearances and organized crime with the resources of the State.

From this scope, Bobbio (2016) opens the debate in a more specific and concrete way, by blurring the idea that the enemies of the State with all its constitutional and legal acts are external, such as guerrillas and criminal organizations.

What Bobbio illustrates is that these dark sectors have managed to penetrate the spheres of the States, as happened with the relationship between a high sector of the DAS with the paramilitaries, as well as the appearance of the Parapolítica (paramilitary politicians) as the hegemony of parliamentarians and local governments promoted by a criminal organization:

At the time of writing this balance, the national press reports that 34 of 102 Senators elected in 2006, 33%, are being investigated for links with narco-paramilitarism, as well as 25 of 168 Representatives to the House, 15%. These figures show that narco-paramilitarism far exceeded the infiltration capacity that

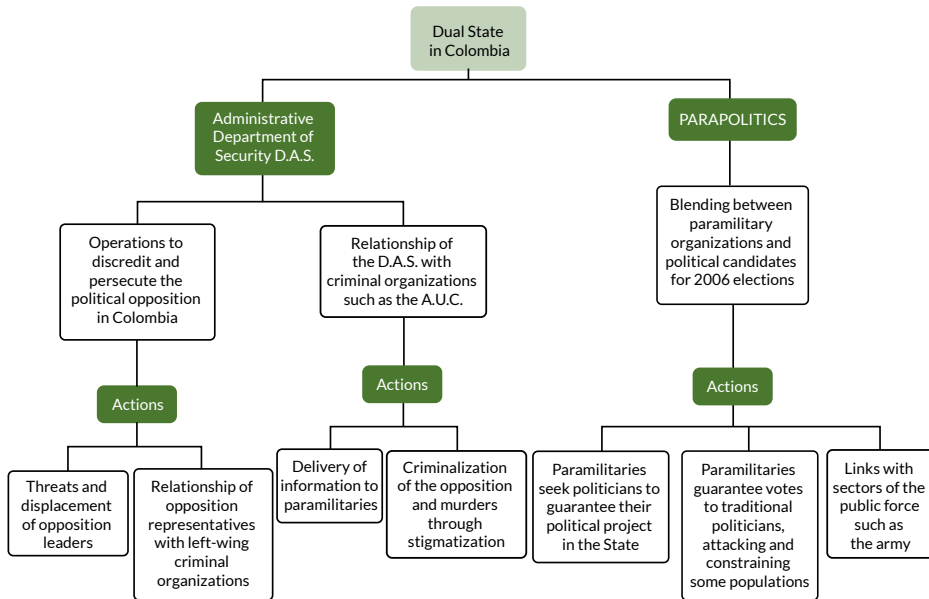
drug trafficking had previously. When Pablo Escobar was elected to the House of Representatives in 1982, his vote and his formula were equal to less than 1% of the Senate vote. When it was discovered that the Cali Cartel massively infiltrated the campaigns in 1994, those convicted represented the equivalent of 8% of the Senate vote and if others involved in the process were added 8,000 would equal 12% of the Senate vote. Those investigated for drug paramilitarism are equivalent to 35% of seats and 25% of the Senate vote in 2006. This constant growth indicates that drug trafficking has been refining the methods of infiltration of political power and increasing its level of "success" (López and Sevillano, 2008, p. 1). [Author's translation].

The most representative sectors of democracies, such as the representatives of the Congress, were elected in 2006 under the influence of paramilitary sectors where voters were threatened, democratic participation was provoked through fear, that is, a terrorist organization such as the AUC ended up shaping the political landscape of Colombia in that period (Rodríguez, 2017). In terms of Fraenkel (2010), *The Prerogative State* annulled in itself the constitutional act of the right to free and secret vote and used this as a mechanism to tear the State apart in its democratic uniqueness.

At this level, some factors end up intervening, analyzed by Bobbio (2016), such as those organizations that want to destroy the State in order to establish a political and ideological order through it and the officials and institutions that use the organs and means of the State for protection of their political agendas. The DAS, as a secret and protective body of the Colombian State, ended up granting administrative instruments and means to criminal organizations, leaving a sector of the population unprotected.

This infiltration of representatives of paramilitarism and their ideas demonstrates an instrumentalization of the State, a duality between government members and opponents of the government, where the only ones who could use the instruments of protection of the State ended up being the political party that governed at that time. Like the metaphor of Allan Poe's story with *William Wilson*, this environment sought the division and murder of the state itself as a guarantor of opposition participation, as illustrated below.

Figura 4. Development, Connections and Actions of the DAS and Paramilitarism. It illustrates in a general way the procedures and structures of its development



As the diagram supports, the actions of the DAS are structured in two moments:

- a. The smear of the opposition with the information obtained through illegal interceptions (Phone tapping).
- b. The criminalization of the opposition to cauterize and even justify the murder at the hands of parastatal organizations.

This antecedent of division between an administrative area of the State such as the DAS and its union with the paramilitaries, demonstrates the fragmentation of the State as an autonomous power proposed by the theorists Weber (2010) and Schmitt (2016).

The parapolitics demonstrated that the disintegration of the rule of law finally consummated the legal and constitutional alternatives that kept it alive, to give way to a politicized sector that did not have the constitutional factor as

a current act for political participation, but instead instrumentalized weapons as a factor of mobilization for the democratic act of voting. There, the rule of law disappears, as well as the administrative bodies that protect it, leaving a wide state vacuum for the defense of the constitution and the laws that protect political thoughts and the free right to debate and democratic participation.

The concept of terrorism was also used by paramilitary organizations to intensify their armed actions. Therefore, the goal of the relationship between DAS officials and the paramilitaries was always the elimination of the insurgency, giving way to the illegal organizations of the State, which, in turn, destroyed the administrative structures of same (Bobbio, 2016), thus achieving the capture of their administrative instruments.

All the events with the DAS, until its final closure in October 2011, finally led to a political debate about the responsibility of the State with the protection of the personal data of each citizen (Martínez, 2016); From there came Decree 1704 of 2012 (Ministry of Information Technologies and Communications [MINTIC], 2012) that repealed Decree 075/2006, which allowed the interception of calls or any other type of technological communication, without prior court order. This did not mean an advance in the area of Human Rights in Colombia, but a constraint on due process that requires judicial permission for such exercise.

However, technological processes continued to advance, as did their adaptation to state security. Thus, in 2013, after the implementation of Decree 1704 of 2012, the National Police of Colombia put into operation the Unique Monitoring and Analysis Platform (PUMA), in which all types of content exposed on social networks that operate on the internet (Facebook, Twitter, etc.) can be intercepted (Cortés, 2014). After the platform was adapted, the following year the magazine *Semana* ("The Raids Begin," 2014) published an investigation in which it revealed that conversations with the FARC Guerrilla in Havana were being spied on.

This only showed that the political mechanisms of the DAS had been transferred to another state control body such as the police. Again, another stage of violation in which privacy and political participation are threatened by the injection of technological means into the lives of citizens.

The need to be connected for these new forms of socialization does not involve the infiltration of State agents, as happened with the Assemblyman of Antioquia Gabriel Jaime Saldarriaga, but as stated by Assange himself (2013):

When you communicate over the internet, when you communicate using cell phones, which are now fused with the internet, your communications are being intercepted by military intelligence organizations. It is like having a tank in your room. Or a soldier between you and your wife while you sleep (p. 39). [Author's translation].

Conclusions

The origin of the State is allowed in social spheres as a mode of protection in power relations (Hobbes, 2017), as well as a dominant factor that regulates these relations through the administrative act of maintaining justice. The justice factor is decisive in the maintenance of peace and social order; without justice, diversionary factors begin that lead to armed violence.

Until today, no more powerful factors are known for the social order such as States (Tilly, 1992); they concentrate in themselves the monopoly of arms and the legitimate force that allows violence against those who do not adapt to the established social order. It is from civil disobedience, where the insurgency is born that leads the States to seek internal and external defense mechanisms for their own maintenance and validity in society.

As analyzed in the theoretical corpus, the States must function as an administrative unit that guarantees all the processes of social and political order. That is why Schmitt (2016) himself, who participated in the National Socialist movement in Germany, recognized the difference between the administrative and political spheres and that the confusion between the functions of both can lead to the emergence of dictatorships, failed states, recruitment of public power or States with duality functions.

These dualities appear when another entity in the same state corpus develops functions other than administrative and legal control processes. There, the importance of the theoretical development of Fraenkel (2010) is recognized, who identified in the social structures of National Socialism, *A Prerogative State* that does not take into account the constitution or the laws when making political decisions. And it is that every political decision has a *friend-enemy* opposition load as characterized by Schmitt (2016), so it needs legal regulation.

In the Colombian case, the DAS demonstrated how the State that guarantees political participation is cauterized and externalizes the other as a potential

enemy. In the first place, it is pursued as a latent danger, not for the social sphere of citizens, but for the political party that governs at that time. The DAS caused a fracture in the concept of legitimate trust that citizens place in the administrative entities of the State, and a tear in the unity of the State, causing a duality of political origin.

When there is no administrative unit, the anarchic function takes power in the space of participation, as the case briefly analyzed with parapolitics. And as for the use of arms and organizations outside the law to promote political representatives, it shows that these counter-state and para-state organizations cannot guarantee civil or constitutional rights because they are not in the order of the law, but of an ideology or a particular interest such as drug trafficking.

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