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Armed clientelism in Barranquilla: The case of the José Pablo Díaz Front (2003–2006)

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Abstract

The actions of the United Self-Defense Forces of Colombia (AUC, by its Spanish acronym) in the District of Barranquilla, although mainly motivated by the control of drug trafficking and organized crime activities, also reached public institutions and co-opted state agents. This article analyzes the dynamics of co-opted reconfiguration of the State to understand how armed clientelism affected the political institutionality of the city and managed to collect an income from the local administration to finance the criminal activity of the AUC. It was found that the José Pablo Díaz Front acted as an intermediary in a large part of the political-electoral relations and that there was a complementary relationship between the Front and political sectors in the city: The armed group financed electoral campaigns in exchange for contracts, concessions, support for initiatives benefiting them, and the possibility of executing criminal activities in the city without any great counteraction from the State.

Keywords: United Self-Defense Forces of Colombia (AUC), corruption, armed clientelism, organized crime, co-opted reconfiguration of the State

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I. Introduction

The discussion around the concept of clientelism in Colombia is not new. Several studies on this phenomenon have been published and discussed by specialists on the subject. Authors such as Ocampo (2014), De León (2011), Moreno (2002), Miranda (1977), Losada (1984), Gutiérrez (1998), Rubio (2003), Leal and Dávila (2010), and Pino and Cárdenas (2016), among others, have approached it from different perspectives, which range from analyzing it as a political domination scheme, as a form of privatizing public life, and as a domination mechanism of one economic class over another, to conceiving it as a form of barter in electoral times, which is also undergoing evolution and adaptation.

However, within various definitions and approaches, it is possible to identify the concept of “armed clientelism,” which, although has not been explored to the same extent, constitutes an interesting theoretical tool to approach the political and social dynamics of our country. Thus, Peñate (1999), for example, analyzed the armed clientelism used by guerrilla organizations, taking the Domingo Laín Front of the National Liberation Army (ELN, by its Spanish acronym) as a case study, which operates in the department of Arauca and manages to present how this armed organization, to build a solid social base, not only used ideological discourse but also considered that armed pressure on local administrations was necessary as an effective way to address the needs of the populations living in the territories under its control.

Thus, this paper seeks to establish how the co-opted reconfiguration of the State (CRS) operated in the case of paramilitarism in the Colombian Caribbean region as a consequence of armed clientelism. To this end, the theoretical conceptions guiding the analysis will be addressed first; followed by the explanation of the paramilitary control in the Colombian Caribbean region between 2002 and 2006. The third section will describe the capture of the public administration in the Colombian Caribbean region. The fourth section presents the influence and significance of the pacts between politicians and paramilitaries in the Colombian Caribbean, and finally, some conclusions drawn from the analysis as well as others exposed in terms of possible future research on the subject.

The analysis technique used for this work is derived from the hermeneutic analysis of documents and texts. The investigation of documents is based on mainly written testimonies. In this case, reliability is achieved by verifying the authenticity of the document, the competence of the person producing it, their knowledge of the subject, ideology, membership to any organization, movement or political party, and the purpose for which the document is intended (Ragin, 2007)¹.

II. Co-opted Reconfiguration of the State and Armed Clientelism: Conceptual Clarifications

Literature on clientelism (specifically armed clientelism) has been developed in Colombia mainly on two bases. On the one hand, there are works that used approaches developed for different contexts and then applied them to the Colombian case. On the other hand, there are authors who tried approaching the phenomenon based on an interpretation of the Colombian case, considering that it has special characteristics that make it unique and that it needs new approaches.

Garay, Salcedo, De León, and Guerrero (2008a), who belong to the latter, propose the term “state capture” (SC) as a way of referring to the act of influencing the formulation, application, and interpretation of rules to receive financial gain. For these authors, SC comprises different phases ranging from the use of corrupt practices to the capture of stakeholders in the political arena, such as parties or institutions, but always for the same purpose. Later, Garay and Salcedo (2012a) proposed the concept of CRS to explain a much more developed phase of SC consisting of transcending economic goals to seek political power, impunity, and social legitimacy². The CRS, at least in Colombia, has been driven mainly by illegal armed groups, making it a more complex phenomenon than the one understood in the SE. The characteristics that identify the CRS are the participation of individuals and social groups, both legal and illegal, the search for benefits that are

not limited to economic gain, the creation of political alliances through force or the threat of its use, and the impact it produces at all levels of public administration.

For this paper, in addition to considering that the AUC exercised a CRS in the Colombian Caribbean region, it is considered that this was part of what De León (2011) has defined as armed clientelism, which is the privatization of public administration and the appropriation of common goods through force or the threat of it. The reason why we speak of armed clientelism is because there is a political relationship between two parties, some acting as bosses and others as clients. Moreover, this relationship is mediated by an armed party, and instead of offering material benefits to voters, it secures votes through armed violence.³

Unlike traditional clientelism, wherein neighborhood leaders, mayors, and other local participants directly communicate with voters, armed clientelism is when the intermediary is an armed group that, through a power relationship, benefits a legal political stakeholder.

For authors such as Medellín (2005), armed groups found an opportunity to act due to the crisis of representation of traditional political parties⁴. Thus, violence appeared as a way of appropriating state institutions⁵. Moreover, Álvaro (2008) states that in addition to obtaining benefits such as hiring of personnel recommended by them for public positions, withholding a percentage of salaries, and awarding public works, armed clientelism helps remove other illegal groups and, consequently, the establishment of a hegemonic stakeholder that not only dominates the illegal market but also several aspects of public administration.

As Della Porta (1996) mentions, although political parties should represent the opinions and interests of citizens, political corruption can modify the structure of these electoral preferences and lead to the predominance of a clientelistic logic of votes in exchange for favors. Thus, cases of armed clientelism can be even more detrimental to the State as it “clientelizes” its income to favor certain groups without this translating into an improvement for citizens. It is violence, finally, that shapes the institutional system.⁶

Garay and Salcedo (2008b) propose that this dynamic should be observed on the basis of “capturing agents,” who capture institutions such as political parties to access the State and manipulate what they find there to achieve certain goals⁷. In other words, political parties are instrumented to consolidate certain interest groups.

History of Paramilitarism in Barranquilla

Paramilitarism arrived in Barranquilla toward the end of the 1990s. Because the city did not harbor large subversive structures, it could be said that it remained immune to the emergence of peasant self-defense groups flourishing around it in the Caribbean region⁸. Even so, due to its important financial position and as it possesses sea and river ports, which allows it to connect to the center of the country with the most important international markets⁹, the capital of the Atlantic ended up becoming a territory with advantages for the development of illegal activities.

- 1 Along the same lines, Pardini (1969), when referring to documentary observation, states that when conducting the traditional analysis, the textual, historical, and literary authenticity of the document under analysis must be considered. The approach of the work is qualitative, bibliographic, and descriptive.
- 2 In a sense, political and social power and legitimization, along with impunity, are complements to the economic benefit generated by illicit actions. This political power, within the framework of SC, not only enables the captor to “legalize” their actions to reduce criminal exposure but also to socially legitimize them over time (Garay and Salcedo, 2008a, p. 84).
- 3 This characterization of armed clientelism is mentioned by Jorge Gallego, professor at the School of Economics of Universidad del Rosario, in an interview given to Ángela Constanza Jerez, published in journal *Divulgación Científica* of Universidad del Rosario on August 30, 2018.
- 4 Defined as the act through which a representative (governor or legislator) acts on behalf of a represented party for the satisfaction of the interests of the latter, without implying their exemption from having to comply with the law like any other citizen (Álvaro, 2008).
- 5 The infiltration in elected positions such as Councils and Mayors’ Offices provides them with large profits due to the effect of the public contracting that they co-opt, the judicial impunity, and the possibility of creating their own clientelism network (Duncan, 2015).
- 6 According to Garay and Salcedo (2012b), it is thus possible to affirm that the electoral system of a country is an instrument that can be either beneficial or harmful, depending on the degree of democratization, social control, and effectiveness of the law.
- 7 In these cases, we can speak of Instrumental Capture of Political Parties (ICPP), in which an interest group acts to accommodate the programmatic formulation and political agenda of the party, in light of its specific interests (Garay and Salcedo, 2012a, p. 71).

Since the 1970s, the city started developing a set of activities linked to the marimba bonanza that had the Sierra Nevada de Santa Marta and the department of La Guajira as its epicenters. Barranquilla was seen as a thriving city at the forefront of trade and industry in the Caribbean, as well as an escape for marimberos, who thought it to be a place where they could keep a low profile and be unnoticed (Ardila, Acevedo, and Martínez, 2012). Barranquilla eventually came to be considered “the major urban epicenter of the boom” (Brito, 2008, p. 17), and the relocation of many people was enriched through smuggling and drug trade that incubated in the city “a whole socio-cultural tradition around drug trafficking” (Trejos, 2013, p. 122), which ended up affecting violence levels.

Although a hypothesis spread stating that the influence of the marijuana bonanza in Barranquilla had been reduced to a migratory phenomenon, with the complexities this entails, there is evidence that the city operated as one of the main centers for the collection, sale, and marketing of marijuana as its port had been used to consolidate the smuggling and drug trafficking structures that came from Maicao and other parts of La Guajira (Observatory of the Presidential Human Rights and IHL Program, 2005; González-Plazas, 2008).

In the 1980s, the so-called Cartel de la Costa (Coastal Cartel) was created, with Santa Marta and Barranquilla as its operation centers. Although it did not have the structure of powerful cartels such as those of Medellín and Cali, at the end of the 1990s, its leader, Alberto Orláñez Gamboa, known as “El Caracol”, was considered to have made it “one of the most powerful drug trafficking gangs in the country” (La Nación, 1998). Within its structure, he developed a family clan led by husband and wife Nasser Arana Julio César (known as “El Turco”) and Sheila, who between 1976 and 1999 introduced more than 25,000 kilos of cocaine and 1,000,400 kilos of marijuana to the United States. In 1999, all the members of the family were arrested. (Rodríguez, 2016).

Orláñez Gamboa was captured in 1998, and a year later, the Nasser Arana clan was completely dismantled, thereby causing the fall of Cartel de la Costa but not the end of drug trafficking in the city. During the years prior to the disappearance of the cartel, brothers Víctor and Miguel Ángel Mejía Múnera, from the north of Valle and former workers of the Cali Cartel, had entered the northern Colombian coast seeking to dominate cocaine outlets to Mexico through the ports of Barranquilla and Cartagena (Observatory of the Presidential Program for Human Rights and IHL, 2005).

Although “the twins,” as they were also known, initially acted with the approval of “El Caracol,” they survived the demise of the Cartel de la Costa and remained there until the United Self-Defense Forces of Colombia (AUC) made their appearance on the city’s criminal scene. Around this time, in the face of the paramilitary onslaught and due to the benefits of alternative sentencing obtained in the framework of the agreement reached between the Uribe administration and the paramilitary organization, “the twins” offered Vicente Castaño two million dollars to give them operational and strategic command of the Victors of Arauca Bloc, wherein Miguel pretended to quit as general commander of the counterinsurgent structure despite the fact that he was only in the region on three occasions and always kept his drug trafficker profile (El Tiempo, 2017; Verdad Abierta, 2008).

Grupo Atlántico and the José Pablo Díaz Front: Consolidation and structure

Bloque del Norte, which is part of the AUC and led by Rodrigo Tovar Pupo, was established in the department of Atlántico with two fronts: The José Pablo Díaz Front (FJPD, by its Spanish acronym), formerly known as Grupo Atlántico, and the Tomás Guillén Front operated mainly in the municipalities of Pivijay, Salamina, Ciénaga, Remolino, Cerro de San Antonio, Concordia, El Piñón, Pedraza, and Plato, all in the department of Magdalena, which is why it was also called the “Pivijay Front.” The proximity of these municipalities to the city of Barranquilla and the goal to obtain benefits from this city’s entrance and exit to the Caribbean Sea led the “Pivijay Front,” occasionally, to conduct actions in the Department of Atlántico (El Heraldo, 2015; Montes, Martínez, Martínez, Renán, and Silva, 2014; Valencia, 2009). Therefore, it can be affirmed that the FJPD was the only paramilitary structure established in Atlántico and, consequently, the one with the greatest influence in the increase of conflict and in the co-optation of the political and economic class of the city.

8 Despite this, it should not be assumed that there was no guerrilla in Barranquilla. In fact, the Kaleb Gómez Padrón Urban Front of the ELN and the José Antequera Urban Network (RUJA) of the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP) were in the city. However, most of the work of these fronts was limited to political-organizational operations, so there was no sustained military activity. For more information, see Trejos, Martínez, and Badillo (2019).

9 Because of its geographic location, the city operated as a hinge between two isolated mountain systems, the Sierra Nevada de Santa Marta (with territory in the departments of Cesar, La Guajira, and Magdalena) and the Montes de María (departments of Bolívar and Sucre).

Although it is true that Tovar Pupo, alias “Jorge 40,” built a counterinsurgency discourse that went as far as to affirm that the FJPD was created to “neutralize the actions of the FARC’s Diecinueve, Francisco Javier Castaño, and José Antequera Fronts and the ELN’s Pabón Front” (Superior Court for the Judicial District of Bogotá, Justice and Peace Division, 2011, p. 8), Arias (2008) and Trejos and Posada (2014) explain that the guerrilla activity was almost inexistent when the AUC arrived; hence, the reasons could be linked to the desire to control drug trafficking and organized crime in the city.

After dismantling the Cartel de la Costa and with the submission of the Mejía Múnera twins to the power of the AUC, drug trafficking control came to be in the hands of the FJPD. Proof of this is the increase of violence levels in places near maritime terminals such as the Rebolo, La Chinita, El Ferry, and La Luz neighborhoods (Observatory of the Presidential Program for Human Rights and IHL, 2012). Between 2000 and 2003, the homicide rate in Barranquilla increased by 52%, and since 2004, together with the consolidation of the FJPD, it has been decreasing steadily, although it is still above the national average.

The number of people who suffered forced displacement increased by approximately 1,115% in just two years. In 1999, 966 people were displaced; in 2000, the number was 6,297; and in 2001, it was 10,778 (Trejos and Posada, 2014). Moreover, professors, trade unionists, and the student community of Universidad del Atlántico were subject to a violence onslaught that resulted in the death of 35 trade unionists and 12 teachers between 2000 and 2004 and the forced displacement of 20 professors and students (Observatory of the Presidential Program for Human Rights and IHL, 2005). Shopkeepers were also affected because Grupo Atlántico made them pay quotas to protect them from robberies and homicides perpetrated by the same Grupo Atlántico members (El Tiempo, 2007). At the same historical moment, the wrongly called “social cleansing” spread, which comprised threatening and subsequently murdering community members considered “undesirable.” Paramilitarism appropriated the resources of the “chance” and the so-called “daily pay” (Observatory of the Presidential Program for Human Rights and IHL, 2012).

A few years after arriving at the department, the commander of Grupo Atlántico, José Pablo Díaz (“Pablo”), was ambushed by the FARC’s XIX Front on the Caribbean highway and killed by the insurgent group. From that moment on, the front was renamed after him, and Edgar Ignacio Fierro (“Don Antonio”) took over as its leaders (Trejos, Martínez, and Badillo, 2019).

Paramilitarism in Barranquilla’s politics

“Don Antonio” or “Antonio” led the FJPD from 2003 to 2006. This front reported directly to “Jorge 40,” who commanded Bloque del Norte of the AUC. The organization of the FJPD, as per the First Instance Judgment against Edgar Ignacio Fierro Flores and Andrés Mauricio Torres León of the Justice and Peace Chamber of the Superior Court of the District of Bogotá, was carried out through commissions that allocated the tasks and territory of the Department of Atlántico as shown in Table 1 below.

TABLE 1. ORGANIZATION OF THE JOSÉ PABLO DÍAZ FRONT.

Commission	Person in charge	Geographical area of operation
Metropolitana [Metropolitan]	José de Jesús Angulo Banderas (“Blas”)	Municipality of Soledad, public market of Barranquilla, and the rest of the urban area.
Centro [Center]	Jonsi Jacinto Ramos Torres (“Cristian”)	Baranoa, Galapa, Polonuevo, and Usiacurí (together with the townships and villages of each municipality).
Oriental Norte [North-Eastern]	Luis Modesto Montero Jiménez (“Diego” or “Sebastián”)	Malambo, Sabanagrande, Santo Tomás, Palmar de Varela, Ponedera, Candelaria, Santa Lucía, and Suan.
Cordialidad [Cordiality]	Jovany José Campo Carvajal (“Bolívar”) in 2006. Before that, Pedro Ramón Soler Abellojin (“Aguas”)	Sabanalarga, Luruaco, Repelón, and Manatí (together with the townships and villages of the four municipalities).
Magdalena	Jairo Rodelo Neira (“Jhon 70”)	Sitio Nuevo (Magdalena) with their townships and villages.

Vía al Mar [Road to the sea]	Miguel Ángel Villareal Archila ("Sa-lomón")	Puerto Colombia, Juan de Acosta, Tubará, and Piojó. This commission was especially important for the FJPD because it was in charge of exporting cocaine and controlling taxes on drug trafficking operations run by the Bloque Norte on the Atlantic coast.
Financiera [Financial]	Johnny Acosta Garizábal, ("Richard," "Iván," or "28")	This commission had no geographic boundaries.
Gasolina [Gas]	Carlos Mario García Ávila ("Gon," "Gonzalo," or "el Médico")	This commission had no geographic boundaries.
Inteligencia [Intelligence]	Gabriel Antonio Suárez ("Cucho")	This commission had no geographic boundaries.

Source: Prepared by the authors based on data compiled by the Superior Court for the Judicial District of Bogotá (2011).

Although the commissions were part of the FJPD, the commanders responded to various interests. For example, of all the existing commissions, only Metropolitana, Centro, Oriental Norte, Cordialidad, Magdalena, Financiera, Gasolina, and Inteligencia depended directly on "Antonio." The Vía Al Mar and Political Commissions (which also depended partially on "Antonio"), as well as "Antonio" himself, answered directly to "Jorge 40" (Verdad Abierta, 2009a). This meant that "Jorge 40" was directly in charge of the export and drug trafficking routes in the department of Atlántico and further leads to the idea that, as Salinas and Zamara (2012) mentioned, the AUC often resembled a federation of criminal organizations.

The power and importance of the commanders who answered to "Jorge 40" were greater than those of the ones who reported to "Antonio." "Gonzalo," who was under the direct charge of "Jorge 40," was an important figurehead in the organization's political influence at the national level, so much so that he was in charge of the strategy and organization of the paramilitary political project in the Colombian Caribbean. The latter was key to show how the interests of the paramilitary blocs on the Atlantic coast were not only in the management of drug trafficking routes but also in the financing and support of politicians in the region (on the condition, of course, that they supported legislative initiatives favoring paramilitary groups). Thus, "Gonzalo" (El Espectador, 2013; Semana, 2006) assured that in the creation and enactment of Law 975 of 2005, or the Justice and Peace Law, paramilitary interests had a great influence.

In fact, "Gonzalo" was considered to be Tovar Pupo's political boss and was very close to the political class of Barranquilla, to the point that he himself claims to have supported Guillermo Hoenigsberg's candidacy for Barranquilla's Mayor through a candidate for the Barranquilla Council, Jorge Gerlein Otálora. However, the support for Hoenigsberg, according to statements by "Gonzalo," came directly from the Tayrona Resistance Front, which gave him approximately 500 million Colombian pesos in exchange for handing over 40% of the administration to Eduardo Losada, founder and owner of company Métodos y Sistemas, financier of the FJPD, and who is said to be the link between the AUC and the political class of Barranquilla (Verdad Abierta, 2010). This financial support is deemed the turning point for the AUC, which, although were already in the department controlling criminal actions, had not been able to fully influence the political class. In fact, to prevent Hoenigsberg from losing the election, Edgar Perea, his strongest opponent, was forced to withdraw his candidacy, but it was decided to continue financing the candidate that the AUC supported but with money from the FJPD instead. After Hoenigsberg's victory, he even visited "Jorge 40" in Ralito.

In addition to the counterinsurgency discourse that the AUC managed to establish, the so-called social cleansing created a fake sense of security and protection for citizens and retributive murders (those who did not pay tribute or "vaccines" to the AUC were killed). The actions of the paramilitary in the Atlántico must be supported with other sources of information confirming or complementing the descriptions of the co-optation and influence of paramilitary structures in official institutions, military forces, the private sector, and in local corporations (mayors' offices, municipal councils, and departmental meetings). Generally speaking, even politics was affected in the different contexts in which the paramilitary had an influence. The following sections will describe the form and consequences of the José Pablo Díaz Front's infiltration of Barranquilla's institutions.

Criminal infiltration of law enforcement agencies

According to Verdad Abierta (2009b), “Antonio” kept detailed information on his computer about payments to members of the GAULA, the Army, the National Police, and others belonging to the former Administrative Department of Security (DAS, by its Spanish acronym), which depended directly on the Presidency of the Republic.

As Verdad Abierta (2011) also reports, Javier Insignares, led by “Don Antonio,” was the one who linked the FJPD with the SIJIN, the DAS, and the GAULA. He also attended different meetings as a representative of the Front. His bond was so important that he even participated in the well-known return of a drug shipment to “La Banda de los 40” (The Gang of the 40), which comprised active and retired police officers (Verdad Abierta, 2008). His closeness was also physical. As Verdad Abierta (2010) explains, one of the FJPD offices in Atlántico was located just a few meters from the DAS office.

Such an infiltration ensured that the Front had a strategic position by providing it with privileged information on operations and monitoring that the security forces and other stakeholders might be conducting in relation to their actions. Likewise, they could have broad access to the areas in which the military forces and police were operating. Thus, there were specific funds for payments to members of the B-2, the Urban Forces of the Army, and police agents, among others, whose objective was to prevent them from pursuing members of the FJPD. The closeness between the State security forces and this paramilitary structure was such that they also conducted joint operations and shared exclusive military intelligence information (El Tiempo, 2006a). Approximately 718 million pesos were allegedly spent on payroll payments to military, police, and civil servants.

The DAS was the security agency on which the paramilitary structures had the greatest influence. According to Noticias Uno (2009), in an interview with Rafael García (former head of information technology at the DAS), “Jorge 40” and Carlos Castaño wanted someone they trusted to be the director of the agency in Barranquilla. This person would be Emilio Vence. This request was taken by Jorge Noguera, who was already the director of the DAS at that time. His goal was to control the intelligence information of those under investigation, to know who were considered drug traffickers, and to gather information on addresses, contacts, and how to follow people considered social leaders, human rights defenders, and trade unionists. García describes how his DAS office handled extradition requests reported by the Foreign Ministry, sent them to the paramilitary structures, and then eliminated any record of them from the department’s databases (Noticias Uno, 2009).

Using this information, the orders to assassinate the following individuals were given: Alfredo Correa de Andréis, professor and sociologist; Adán Pacheco, Electricaribe trade unionist; Pedro Pérez, from the Ombudsman’s Office; Orlando Londoño Palacio, transport overseer; Eislén Escalante Pérez, who filed complaints against regional members of the Solidarity Network for fictitious donations to NGOs; and Miguel Espinosa, member of the DANE trade union (El Tiempo, 2006a; Semana, 2006; Verdad Abierta, 2009b).

Political co-optation

Bloque del Norte of the AUC first established itself territorially and militarily in the Colombian Caribbean region; after that, it was dealt with political co-optation. The commander of this bloc, “Jorge 40,” allied himself with councilmen, mayors, deputies, governors, and congressmen from the Caribbean who, as a result of the so-called “parapolitics,” were investigated for alleged links with the FJPD. Of these investigations, several are still under process, but the duration to conduct such an investigation is lengthy. This situation is not necessarily surprising, considering that according to Salvatore Mancuso, 35% of the members of the Congress of the Republic were elected in 2003 in the AUC’s areas of direct influence throughout the country (Caracol Radio, 2005).

As indicated by Verdad Abierta (2012), some congressmen of the Cambio Radical party, others belonging to the Conservative Party, and some senators of the U party are among those investigated. It is also noted that according to some testimonies gathered in the framework of these investigations, the Carmelo Pact was a space of convergence of various political leaders of the department of Atlántico, who signed agreements with the paramilitary groups but who, nonetheless, refrained from signing documents to prove it (Arco Iris, 2012; Semana, 2009a).

In this same scenario, some of the councilmen, deputies, and mayors of the Department of Atlántico elected in the period during the existence of the FJPD were investigated by the Supreme Court, highlighting

the case of the former Mayor of Barranquilla, Guillermo Hoenigsberg and his former office secretary, José Pérez¹⁰, who, as mentioned above, were considered key in the FJPD to co-opt the politics of the department of Atlántico. Hoenigsberg's campaign was financed by the AUC, and they demanded 40% of the contracting during the years of administration in exchange. Councilmen such as Juan Carlos Ospino and Alejandro Munárriz were also investigated for having appeared in "Don Antonio's" computer as partners of the FJPD, in which it was also assured that there were close relations between important people in the city, such as the former director of the Regional Autonomous Corporation (CRA), Tony Palencia, the owner of Interaseo, William Vélez, and the contractor of the Mayor's Office of Barranquilla, David Name Terán, and the FJPD (El Tiempo, 2012).

Although all these cases are relevant to the Caribbean region, the case of former senator Dieb Maloof¹¹ stands out among them as it provides interesting analytical elements by reviewing the relationships between the political class of Barranquilla, drug trafficking, and paramilitary structures, elaborating the hypothesis that explains the arrival of paramilitaries in the department of Atlántico and specifically in the city of Barranquilla more complex.

Thus, there is a close relation between drug trafficking and politics in the department. In an interview given by a former member of the FJPD, Jaime Pérez Charris, the relationship between the former senator and "Boliche," who served as Salvatore Mancuso's right-hand and was one of those in charge of boosting cocaine exports from the Caribbean, was described (Semana, 2007).

According to his statements, Maloof, through "Boliche," was aware of and participated in the illegal activities conducted by the illegal group, receiving financial and electoral support from the same AUC co-commander, Carlos Castaño, and "Don Antonio". He also pointed out that there were previous agreements with Maloof, as well as meetings in which aspects of the electoral map of the Caribbean were decided (Verdad Abierta, 2013a)¹².

It is thus evident that the close relation between drug trafficking and politics allowed drug traffickers to get immersed in the political arena, either directly (as in the case of Maloof) or indirectly through politicians who knew of the criminal activities of their supporters and who, nevertheless, received money from them and favored them financially in many ways (contracts, concessions, or allowing them to operate without major problems in the department).

This dynamic can also be seen in testimonies such as that of Pérez Charris, who shows how drug traffickers were directly involved in the operation of the paramilitary structures in the Department of Atlántico. It can thus be inferred that the actions of the latter were highly influenced by the interests they had in different issues such as transportation routes and cocaine exportation, as well as the protection of shipments in the department (Semana, 2007).

There are several testimonies of this fluent and ongoing exchange between paramilitary structures and political leaders in different parts of the Colombian Caribbean. As Verdad Abierta (2013b) shows, for example, the goal of "Jorge 40" was to support politicians in the region who were sympathetic to the "paramilitary cause" and to ensure that they obtained elected office. However, his method was marked by the negotiation and contact with politicians in the region, both in Bloque Norte and in the FJPD, through the intermediation of "Gonzalo" and "El Canoso" (2013b)¹³.

10 According to "Gonzalo," who would later appear in 2010 to testify in parapolitics cases, former Mayors Soledad Alfredo Arraut Varelo and Rosa Estela Ibañez, former Mayor of Malambo, Robin Hernández Casado, and the then-mayor of Campo de la Cruz, Carlos Gutiérrez, were also supported by the paramilitary structures of Bloque Norte (Verdad Abierta, 2010).

11 The former senator has been charged and convicted of aggravated conspiracy to commit a crime, voter coercion, and electoral fraud and accused by several demobilized paramilitaries as the intellectual author of the crime of the then-mayor of Santo Tomás, Nelson Mejía (Verdad Abierta, 2011).

12 The interviewee, Jaime Alberto Pérez Charris, was murdered on November 15, 2013, a few days prior to testifying before the Attorney General's Office (El Herald, 2013).

The declarations of “El Canoso” (Arrázola, 2012) indicate that there were electoral chiefs of the department constantly holding meetings to discuss matters related to public positions in different state institutions and the strong support to electoral campaigns of former city mayors, revealing, according to what “Gonzalo” said (El Espectador, 2013), that the political class of Atlántico negotiated the distribution of political power in Atlántico directly with the paramilitary structures. This is important considering the large number of congressmen under investigation, the delays in the investigation processes (among others, due to the improper handling of judicial processes in the Supreme Court of Justice and the Prosecutor’s Office), and the fact that the paramilitary structures directly negotiated with the paramilitary structures for the distribution of political power in Atlántico (Gómez, 2017).

These political connections of the FJPD are not unimportant if it is considered that the State itself was one of the financing sources of the AUC in the Department of Atlántico. Thus, it can be affirmed that in the city of Barranquilla, there was a process of CRS, through which the paramilitaries systematically preyed on public revenues (Trejos and Posada, 2014).

In the case of Barranquilla, according to information obtained by the Attorney General’s Office, through recordings, it was proven that the FJPD seized legal revenues that were diverted from the bidding process for the management of water, sewage, and sanitation of the city, awarded to the company Triple A, wherein approximately 10% of the resources were allocated to the maintenance of pipes in the municipality (Trejos and Posada, 2014).

According to the newspaper El Tiempo (2006a), it is possible that they also received “a commission” as an advanced payment for the construction of Transmetro [subway]. Simultaneously, according to the testimony of several former paramilitaries (Arrázola, 2012; Verdad Abierta, 2010b) and information found in the computer seized from “Don Antonio” (El Tiempo, 2006a), the FJPD had a close relation with the company Métodos y Sistemas, which was in charge of tax collection in the city and through which the campaign of the then-Mayor candidate and subsequent election winner Guillermo Hoenigsberg was funded, for the FJPD to participate in the financial administration of the district (Verdad Abierta, 2012).

Another legal city revenue they also appropriated were the health resources through EPS (Health Promoting Entity) Salud Total and Solsalud. At this point, it should be noted that the FJPD had a radius of action throughout the Department of Atlántico, so it is important to review its course of actions aimed at capturing the finances of different municipalities in the Department. This financial co-optation system was led by Dieb Maloof (El Tiempo, 2006b).

According to El Tiempo (2006a), they created a fake company for the purpose of appropriating 1,500 million pesos from the Mayor’s Office of Sabanagrande, captured the finances of Soledad Maternity and Children’s Hospital through the administrative mismanagement by people close to “Don Antonio” (Romero and Ávila, 2011), in the framework of the negotiation process carried out by the National Government and the AUC, 30 million pesos were diverted from an IPS (Health Institute) in the municipality of Soledad to this armed organization, and were contractors of the administrations of Galapa, Palmar de Varela, and Malambo.

In the financial balance sheet found in “Don Antonio’s” computer, in only 7 months of 2004, the FJPD obtained approximately 3,200 million pesos from public revenues.

These resources were invested in the dynamization and expansion of its criminal activity, as revealed by El Tiempo (2006a).

Some 718 million pesos were allegedly spent on bribes; other 32 million pesos in an item called “Law,” which could have been for members of the Public Force of Barranquilla so that they would not carry out operations against the Front; there was another budget called “Settlement of legal situation,” apparently destined to pay bribes to employees of the judicial branch; 2 million pesos for “Payment of information from the Prosecutor’s Office”; in addition to the allocation of 3 million pesos to two captains of the Urban Army Forces, as well as possible accounts and items allocated to agents of the then B-2 who informed him at any time of the day to prevent the arrest of AUC members (El Tiempo, 2006a).

13 According to their statements (Arrázola, 2012; Marín, 2011; Semana, 2007; Verdad Abierta, 2010), in the department of Atlántico, the paramilitaries did not have to approach politicians, but rather, it was the politicians who approached the paramilitaries.

More recently, and with the favorable situations resulting from the execution of the Final Agreement with the FARC, there have been several cases of congressmen who sought to avail themselves of the mechanisms created within the framework of transitional justice to reduce the criminal effects of the crimes of which they are accused in the ordinary justice system, as long as they comply with the so-called conditionality regime¹⁴. In these cases, for the Department of Atlántico, former congressman Álvaro Ashton¹⁵, former senator from the Partido Liberal party, and David Char Navas¹⁶, who held his seat representing the Cambio Radical party, stand out; both are accused of being involved in parapolitics¹⁷ and are currently being prosecuted by the Supreme Court of Justice.

Both were accepted into the Special Jurisdiction for Peace (SJP) under the assumption that “the prosecution of State agents and civilian third parties who contributed to the extension and intensification of the armed conflict is necessary to clarify the truth, overcome the conflict itself and dignify the victims”¹⁸ (Jurisdicción Especial para la Paz, 2018a, p. 2). The two are accused of having used the difference and structure of the FJPD and Bloque Norte of the AUC to ensure their election as congressmen of the Republic in exchange for serving the interests of the armed group in the legislative body¹⁹.

According to the SJP, the actions of paramilitary groups in Colombia have not only been limited to military confrontation with the guerrillas; their expansion in the national territory as stakeholders in the armed conflict included mutually beneficial relationships with social, political, and economic sectors. This domination reached a consolidation peak expressed in different ways, one of which was armed political proselytism, which is electoral support achieved through the undermining of the free choice of voters by politicians who promoted and defended the interests linked to paramilitarism (Special Jurisdiction for Peace, 2018a, p. 62).

Although there are other benefits within the relationship established by the congressmen with the AUC paramilitary groups, the exchange in electoral terms is undoubtedly a key feature of this phenomenon. Table 2 shows the electoral results reached by Ashton Giraldo and Navas Char in the different periods in which they managed to get a seat in the national legislative body. The Criminal Division of the Supreme Court of Justice has decided to indict them for the crime of aggravated conspiracy to commit a crime for allegedly having established a relationship with the FJPD of the AUC. Additionally, according to the SJP’s communication No. 68 (2018a), the Court also accused former senator Char Navas of committing the crime of manufacturing, trafficking, and possessing arms and ammunition for private use of the Armed Forces and Mr. Ashton Giraldo of having committed bribery.

- 14 This involves compliance with a “Conditionality Regime” consisting of (i) laying down arms; (ii) obligation to actively contribute to ensure the success of the process of reincorporation to civilian life comprehensively; (iii) obligation to provide full truth; (iv) guarantee of non-repetition and refrain from committing new crimes, or crimes of permanent execution, after December 1, 2016, in particular, conducts associated with any link in the production chain of illicit use crops and their derivatives; (v) contribution to the reparation of the victims and mainly tell the truth related to the procedures and protocols to inventory all types of goods and assets; and (vi) handing over minors, in particular, the specific obligations established in numeral 3.2.2.5 of the Final Agreement.
- 15 Mr. Álvaro Antonio Ashton Giraldo was elected representative to the House of Representatives for the Department of Atlántico for the constitutional periods 1998-2002 and 2002-2006. Subsequently, he was elected Senator of the Republic by national constituency for the constitutional periods 2006-2010 and 2010-2014.
- 16 Mr. David Char Navas worked as a businessman before running for Congress in 2002. For the 2002-2006 period, he was elected Representative to the House of Representatives for the electoral district of the Department of Atlántico, where he remained until July 19, 2006, when the aforementioned term ended. Subsequently, he was elected Senator of the Republic for the national constituency for the 2006-2010 term, taking office on July 20, 2006, and submitted his resignation on October 29, 2008.
- 17 Defined by the Special Jurisdiction of Peace (2018b) as the illicit association between politicians and paramilitary groups that reflected the most pernicious takeover of the state apparatus by an armed party. Such conduct translated into criminal language represented the patent realization of a conspiracy to commit a crime aggravated by the promotion of an illegal armed group.

TABLE 2. ELECTION RESULTS OF CONGRESSMEN ÁLVARO ASHTON GIRALDO AND DAVID CHAR NAVAS

Congressman	Period	Party	Position	General election	Largest Departmental vote
Álvaro Antonio Ashton Giraldo	1998-2002	Partido Liberal	Representative	41.878	Atlántico
	2002-2006	Partido Liberal	Representative	73.542	Atlántico
	2006-2010	Partido Liberal	Senator	37.804	Atlántico
	2010-2014	Partido Liberal	Senator	52.793	Atlántico
David Char Navas	2002-2006	Partido Liberal	Representative	38.768	Atlántico
	2006-2010	Cambio Radical	Senator	28.062	Atlántico ²⁰

Source: Prepared by the authors based on data from the National Vital Statistics Office

The definition that the Supreme Court of Justice decided to attribute to the crime of “aggravated conspiracy to commit a crime” of which the two former congressmen are accused is interesting and relevant for the present analysis as it describes the dynamics of the illegal relationship and exchange between political stakeholders and armed groups in search of common benefits. The Criminal Appellate Division of the Supreme Court of Justice has drawn attention to its seriousness on several occasions, as follows:

[...] The contribution of the politician to the paramilitary cause when placing public duty at someone’s service must be seen not so much in the creation of institutional dysfunctions, which, of course, add greater seriousness to the wrongdoing but in the extent that this contribution increases the risk to public safety by encouraging the action of the illegal group [...] (Supreme Court of Justice, 2011).

Further, the Court affirmed that this type of criminal offense

[...] Allows the execution of agreements between politicians and these [paramilitary groups] with the intention of “co-opting” public institutions to use them as per their own interest, which is a very specific characteristic of a model of macro-criminality differentiating it from other types of illicit associations (Supreme Court of Justice, 2013).

Now, in the case of Char Navas, as in that of Ashton Giraldo, the co-optation situation of the State is structured as armed clientelism as the purpose of the illegal agreements was to place the public duty at the service of the armed group’s cause, thereby promoting and legitimizing its illegal action²¹.

18 In May 2018, and after voluntarily submitting themselves to the SJP, the Division for the Definition of Legal Situations had denied the two former congressmen entry to the SJP. In their opinion, the conducts they allegedly committed were carried out in response to a personal interest and did not have a close relationship with the armed conflict because they did not contribute to the maintenance or conduct of hostilities. However, by means of Proceedings TP-SA 19 and 20 of 2018, the Appeals Section revoked Resolutions 083 and 084 of the current year, considering that the crimes indicated are within the time and personal jurisdictions of the SJP (Special Jurisdiction for Peace, 2018a, p. 2).

19 According to a report by Fundación Nuevo Arco Iris (2007), in 2002, several events occurred that were properly analyzed and that changed the course of Colombian politics. The Partido Liberal and the Conservative Party suffered important splits, and several new parties or political groups emerged or were consolidated. These two historic parties lost their majorities in Congress. Some of these new groups had first-time political leaders who jumped into public life with the paramilitary expansion. Others simply allowed traditional leaders to leave the large groups to establish their regional commitments more freely and to organize their voting in the framework of the transactions with the self-defense groups.

In the case of Char Navas, this materializes, as per the accusation, in “having delivered money, vehicles, and municipalities to the referred armed group (AUC)” (Special Jurisdiction for Peace, 2018b, p. 4), financing the FJPD through the company ACODENSA (owned by the Char family), delivering ammunition from the military forces to “Don Antonio,” and meeting with members of the AUC to promote the election of his supporters in Congress.

As “Don Antonio” explained, Char Navas turned to the AUC in search for finances for his campaign as he was distanced from his uncle, Fuad Char, and possibly, the organization was able to get him a significant number of votes through Soledad Maternity and Children’s Hospital. He also stated that although “Gonzalo” had initially asked to promote Char’s campaign, he decided against it because he noticed that Char “was very irresponsible.” Despite this, Fierro Flórez insisted to help him, not only because they were friends but also because “later [he] was going to help him as a Senator” (Special Jurisdiction for Peace, 2018b, p. 76)²².

With respect to the alleged aggravated conspiracy to commit a crime, the Court indicated that

[...] it allegedly occurred precisely within the framework of mutual agreements related to electoral support [...] [since its] purpose was none other than to obtain electoral help from the José Pablo Díaz Front, in exchange for using the legislative function for their benefit once David Char secured a seat²³ (Special Jurisdiction for Peace, 2018b, p. 6).

According to the court, the plaintiff claimed

[...] to obtain from the AUC the support that would allow him to reach, without a doubt, the seat for which he ran in the years 2002 and 2006, and it can be inferred from those agreements that the final intention of that agreement was to promote such a criminal structure [...] (Special Jurisdiction for Peace, 2018b, p. 5).

Moreover, Álvaro Ashton Giraldo is accused of allying with the FJPD to obtain bureaucratic benefits in the Departments of Atlántico and Magdalena and, like Char Navas, of ensuring his contact with Congress in exchange for using the legislative function for the benefit of the paramilitary group. The former Congressman is also being investigated by the Criminal Appellate Division of the Supreme Court of Justice for the crime of aggravated conspiracy to commit a crime as he is accused of having promoted and collaborated with illegal armed groups.

The alleged cooperation consisted of using the legislative function for the benefit of the illegal armed group to serve their purposes through his parliamentary powers (Special Jurisdiction for Peace, 2018c). Ashton obtained support from paramilitarism in Magdalena during the election at the time and received a bureaucratic quota in Soledad Maternity and Children’s Hospital, which, by that time, was a financial fortress for the AUC and had even appointed Luis Francisco Romero Racedo, a member of the political group, as manager and his nephew Fabián Arturo Ashton as medical coordinator.

In exchange, Ashton supported, by virtue of his position as a representative to the Chamber of Deputies, the enactment of the Justice and Peace bill (Special Jurisdiction for Peace, 2018c).

Due to the foregoing, his arrest was ordered for the purpose of questioning him, which occurred on December 10, 2017. The documentary, testimonial, and circumstantial evidence obtained by the Court allowed it to conclude the following:

- 20 Char Navas’ vote in 2006 was distributed among the departments of the Caribbean Region as follows: Atlántico: 19,888; Magdalena: 1,377; and Sucre: 1,256. Moreover, the municipalities that contributed most votes to this candidacy in the three departments mentioned were Barranquilla, Soledad, Palmar de Varela, Sabanalarga, Luruaco, Ciénaga, Santa Marta, Pueblo Viejo, Zona Bananera, Fundación, Pivijay, Majagual, Sincelejo, San Marcos, Corozal, and San Pedro (Corporación Nuevo Arco Iris, 2007).
- 21 For the Court, this was precisely the reason why the criminal offense included conducts by state institutions to favor the illegal cause and generate or increase risks to public security.
- 22 According to Mario Rafael Marenco Egea, another member of the FJPD, alias “El Gordo” or “El Rey,” was openly presented as “the candidate of the AUC” and had been charged with developing, under the instructions of the AUC leaders, the political and electoral efforts of the armed structure. He said that this political activity, whose goal was to capture legislative power to ensure the approval of the Justice and Peace Law, led to alliances with different political leaders, among them, the then Representative of the House.
- 23 The accusation was formulated in relation to the facts around the campaign of Mr. Char Navas in his aspiration to the Senate of the Republic for the year 2006, the Court expressly stated that “[t]he evidence in the file do not allow us to consider as proven the links of Char Navas with the AUC during the 2002 campaign; therefore, with respect to that specific factual situation, it will not make an accusation” (Special Jurisdiction for Peace, 2018b, p. 6).

(...) Álvaro Antonio Ashton Giraldo had close relations with the José Pablo Díaz Front but also that the purpose [of] these relations was not social, personal, or of any other criminally irrelevant nature, but rather, their explicit purpose was to ensure that he would secure a seat in Congress so as to promote the interests of the organization from the Congress of the Republic. (...) Ashton Giraldo held a position before the organization that can only be explained or understood based on the existence of an agreement aimed at achieving its political strengthening and, likewise, that he would promote the interests of the organization from the Congress of the Republic (...). In such a scenario, it can be concluded that the concurrence of two individuals close to the Congressman in relevant positions within the health institution [referring to Soledad Maternity and Children's Hospital] does not correspond to a fortuitous, causal (sic), or random circumstance but to one that could only originate in the influence that Ashton Giraldo had over the armed structure and its members, precisely because he had agreed with them to obtain reciprocal benefits (Special Justice for Peace, 2018c, p. 11).

Thus, regarding this type of crime and specifically with respect to parapolitics and its nature as armed clientelism, the truth-building exercises carried out by the Judicial Branch allowed the Court to reach major conclusions about the alliances forged by the paramilitaries with congressmen and other public administration officials. It is argued that these alliances had at least two objectives. The first was to become a key source to finance paramilitary action²⁴. In the words of the Justice and Peace Division of the Superior Court for Bogotá, the financing of Bloque Norte of the AUC was based on contributions to the "paramilitary cause" collected from businessmen, cattle ranchers, public officials, and contractors. Moreover, the Division relies on the information found in the computers seized from Edgar Ignacio Fierro Flores, where irregularities in state contracts in the Departments of Atlántico, Magdalena, and Bolívar in bodies such as Mayors' offices, Governors' offices, hospitals, and other healthcare companies are reported (Superior Court of Bogotá, 2011).

According to the Judicial Branch, Edgar Ignacio Fierro Flores, commander of the FJPD, has always been interested in finances, as evidenced, for example, by the percentages that were required for public contracting in Atlántico and Magdalena. Moreover, it is affirmed he controlled

The investments made in the health sector in these municipalities, and even more so the direct supervision he exercised over the finances of the Soledad Maternity and Children's Hospital, where everything indicates that in protection of his economic interests, he supervised appointments, supplies (SJP), and the financial management of the Soledad Maternity and Children's Hospital (Special Jurisdiction for Peace, 2018c, pp. 42-43).

The second goal of these alliances, according to the Judicial Branch, was the construction and consolidation of the AUC's project of political and territorial domination. In fact, it is known that by establishing close relations with members of the political class, the paramilitary groups sought greater visibility in national and regional life so as to legitimize and strengthen their actions²⁵.

III. Conclusions

As noted at the beginning of this paper, the alliances created between paramilitarism and part of the political class in Barranquilla represent an action framed in what Garay et al. (2008a) called the CRS as in the cases of both Char Navas and Ashton Giraldo, all the conditions for this phenomenon occurring in situations of developed and complex corruption are met: i) Participation of legal and illegal individuals and social groups; ii) Benefits sought not only of an economic nature but also criminal and social legitimacy; iii) Coercion and establishment of political alliances complementing or substituting bribery; and iv) Involvement of different branches of public power and different levels of the administration.

In the same way, the cases described can fit this conceptual category because, as the authors indicate, there is evidence of the actions of legal and illegal social agents who, through illegal or legal practices, systematically seek to modify the system from within and influence the formulation, interpretation, and application of the rules of the social game and public policy.

24 It is particularly known that Bloque Norte of the AUC charged a percentage of the value of the contracts signed for public works and the provision of health services in the Departments of Atlántico, Bolívar, and Magdalena, and it strictly controlled the appointments made within the Soledad Maternity and Children's Hospital (Special Jurisdiction for Peace, 2018, p. 42).

Another characteristic of the paramilitary phenomenon and the control they exerted in the Department of Atlántico, through their strong relations with local political stakeholders, is the goal of obtaining long-term benefits and the validation of their interests in political and legal terms. As stated by Garay and Salcedo (2012), this seeks to socially legitimize their cause even when it is not governed by the fundamental principle of the common good.

Thus, the establishment of alliances and political agreements in the processes of the CRS constitutes a classic and essential mechanism of social interaction between individuals and legal, illegal, public, and private groups. As evidenced in the cases of Ashton Giraldo and Char Navas, these relationships always contemplate the participation of public officials who are co-opting or being co-opted, which as per Garay et al. (2008) shows the manipulation and reconfiguration of the formal institutions of the State from within.

This general strategy of the CRS finds one of its main forms in armed clientelism, which is also seen in the two cases mentioned. The alliance between these two former congressmen and the paramilitary group structures the situation described by García and Revelo (2010) as the transition from the traditional weakness of Colombian institutions to their takeover by illegal armed organizations that ally with local elites and are tolerated by the main elites²⁶. There is also a strong intention to privatize public life by appropriating naturally common goods through force or the real threat of its use, as stated by De León (2011), with respect to armed clientelism.

The AUC's FJPD ultimately acted as an intermediary between the politicians and voters and participated directly in the campaigns of mayors, councilmen, and congressmen, among others, in Barranquilla and the Department of Atlántico, in exchange for benefits such as revenue from the public administration and freedom of action of this armed group. Whether through campaign financing or the use of armed violence (or the threat of its use), the AUC managed to enter local and national political institutions to reconfigure the existing system and thus benefit them economically. Armed clientelism was, then, a prior step to reach the CRS. Moreover, it was a strategic interaction as those who participated in these processes from a legal point of view did so voluntarily and in exchange for an individual goal, which was to secure enough votes for a popularly elected position.

As mentioned above, other similar investigations are needed regarding the actions of the FJPD in the rest of the Department of Atlántico. Several municipalities were involved in dynamics of armed clientelism and CRS that have yet to be uncovered. With the admission of Álvaro Ashton and David Char Navas to the SJP, a path has opened to clarify the role of the FJPD in Atlántico and to delve deeper into the way in which the AUC contributed in urban areas to electing candidates supporting their cause in exchange for criminal, political, and economic benefits.

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25 The paramilitaries resorted to these alliances with congressmen and other public administration officials to finance themselves and build and consolidate their political and ideological project. With regard to the Department of Atlántico, they infiltrated the Soledad Maternity and Children's Hospital with people related to their interests, who diverted resources intended for the provision of health services (Special Jurisdiction for Peace, 2018, p. 50).

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