

# **VIOLENCE AND POLITICS IN VENEZUELA**

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## VIOLENCE AND POLITICS IN VENEZUELA

### EXECUTIVE SUMMARY

Every half hour, a person is killed in Venezuela. The presence of organised crime combined with an enormous number of firearms in civilian hands and impunity, as well as police corruption and brutality, have entrenched violence in society. While such problems did not begin with President Hugo Chávez, his government has to account for its ambiguity towards various armed groups, its inability or unwillingness to tackle corruption and criminal complicity in parts of the security forces, its policy to arm civilians “in defence of the revolution”, and – last but not least – the president’s own confrontational rhetoric. Positive steps such as constructive engagement with Colombia as well as some limited security reform do not compensate for these failures. While the prospect of presidential elections in 2012 could postpone social explosion, the deterioration of the president’s health has added considerable uncertainty. In any event, the degree of polarisation and militarisation in society is likely to undermine the chances for either a non-violent continuation of the current regime or a peaceful transition to a post-Chávez era.

A significant part of the problem was inherited from previous administrations. In 1999, the incoming President Chávez was faced with a country in which homicide rates had tripled in less than two decades, and many institutions were in the process of collapse, eroded by corruption and impunity. During the “Bolivarian revolution”, however, these problems have become substantially worse. Today, more than ten people are murdered on the streets of Caracas every day – the majority by individual criminals, members of street gangs or the police themselves – while kidnapping and robbery rates are soaring. By attributing the problem to “social perceptions of insecurity”, or structural causes, such as widespread poverty, inherited from past governments, the government is downplaying the magnitude and destructive extent of criminal violence. The massive, but temporary, deployment of security forces in highly visible operations, and even police reform and disarmament programs, will have little impact if they are not part of an integrated strategy to reduce crime, end impunity and protect citizens.

The presence of international organised crime groups is also nothing new, but there is evidence of increased activity during the past decade that in turn has contributed not only to the rise in homicides, kidnappings and extortion rates, but also to a growth in micro drug trafficking, making poor and urban neighbourhoods more violent. Venezuela has become a major drug trafficking corridor, and different groups, including Colombian guerrillas, paramilitaries and their successors, have been joined by mafia gangs from Mexico and elsewhere in benefiting from widespread corruption and complicity on the part of security forces, some of it seemingly tolerated by individuals in the highest spheres of government.

The government has displayed a particular ambiguity toward non-state armed groups that sympathise with its political project. Urban “*colectivos*” combining political and criminal activities, including armed actions against opposition targets, operate largely unchallenged and with broad impunity. The Bolivarian Liberation Forces have established control over parts of the border with Colombia, while the FARC and ELN guerrillas from the other side have long found shelter and aid on Venezuelan soil. In the context of the rapprochement between Presidents Chávez and Santos, the cost-benefit ratio behind the unacknowledged alliance between Colombian guerrillas and the Venezuelan government appears to have changed. However, it is still too early to be certain whether the government is willing and able to translate positive commitments and some initial promising steps into effective, sustainable action against such groups.

Violence and corruption have been facilitated by a steady process of institutional erosion that has become particularly manifest in the justice system and the security forces. While impunity levels soar, highly dysfunctional and abusive police have endangered citizen security. Heavily politicised, the armed forces are increasingly seen as part of the problem, enmeshed with organised crime and pressed by the president to commit themselves to the partisan defence of his “revolution”. The creation, arming and training of pro-governmental militias further increase the danger that political differences may ultimately be settled outside the constitutional framework, through deadly force.

In this highly charged environment, political violence has so far remained more a latent threat than a reality. However, as the country heads into what promises to be a fiercely contested presidential election, with very high stakes for both sides, this fragile equilibrium may not hold. Moreover, uncertainties provoked by the president's illness have compounded short- and medium-term prospects. The greatest danger is likely to come after the election, regardless of who wins, since the entrenched levels of violence are prone to undermine either peaceful regime continuity, hand-over to a successor or any transitional arrangement. Moreover, whatever the political complexion of a future government, the extensive presence of organised crime networks is likely to seriously threaten medium- and long-term stability. The necessary actions to avoid that scenario must begin with a commitment by all sides to peaceful constitutional means of conflict resolution and with effective government measures to disarm and dismantle criminal structures, restore the rule of law and root out corruption in state institutions.

**Bogotá/Brussels, 17 August 2011**

## VIOLENCE AND POLITICS IN VENEZUELA

### I. INTRODUCTION

Venezuela has become one of the most violent countries in the world. On average, more than ten people are killed on the streets of Caracas every day.<sup>1</sup> Yet, Venezuela is not engaged in a civil war; nor does it face an armed insurgency or a foreign military challenge. And despite the extremely polarised national political scene over the past decade, the killings are not primarily an expression of political violence. In Venezuela, people are killed for a cell phone, children die as a result of a stray bullet from one of the millions of firearms in civilian hands, and youngsters are victims of police brutality or the settling of accounts between gangs in poor neighbourhoods.

After almost twelve years of President Chávez's "Bolivarian revolution", mounting security problems threaten a regime that seems unable but in part also unwilling to safeguard military and law enforcement institutions against criminal influences and corruption, fight organised and common crime and protect the population. Having come to power with the promise to clean up corruption, the president is now suspected of tolerating the complicity of elements of the security forces and senior members of the ruling party with criminal organisations in exchange for loyalty, while failing to act decisively against armed groups that sympathise with his socialist project. The arming by the government of tens of thousands of civilians to defend the revolution raises the question to what extent violence, or the threat of it, has become inherent to its political project.

With field research carried out in Caracas, the border states of Zulia, Táchira and Apure and in Bogotá, this report analyses the nature, extent and roots of the escalation of criminal violence in Venezuela. It explains the effects that the

steady decline of the country's institutions – reflected in impunity, the politicisation of the security forces and the militarisation of society – has had on violence. It explores the links between growing violence and the ambiguity of the government's relationship with multiple armed groups. Finally, as the recourse to violence becomes more and more entrenched in society, and the country faces not only the possibility of further polarisation in the run-up to the 2012 presidential elections but also is strained by uncertainties over the president's health, the report examines the risk of a serious outbreak of political violence.<sup>2</sup>

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<sup>1</sup>“Estudio comparativo de la incidencia de homicidio doloso en ciudades y jurisdicciones sub-nacionales de los países del mundo (2010)”, Seguridad, Justicia y Paz, Consejo Ciudadano para la Seguridad Pública y Justicia Penal, January 2011. The metropolitan district of Caracas has 3.2 million inhabitants (2010). According to the NGO Venezuelan Violence Observatory (Observatorio Venezolano de la Violencia, OVV) in 2008 its homicide rate was 127 per 100,000 inhabitants. “Número de Homicidios por cada 100 mil Habitantes por entidad federal en Venezuela, período 2008”, forthcoming.

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<sup>2</sup>For a review of political, economic and social developments that have fuelled polarisation as well as social tensions, see Crisis Group Latin America Briefing N°22, *Venezuela: Accelerating the Bolivarian Revolution*, 5 November 2009. During its field research for the present report, Crisis Group repeatedly requested opportunity to speak with government officials, but its requests were not granted.

## II. ROOTS OF VIOLENCE

Violence in Venezuela did not begin with Hugo Chávez. In the 1980s, the homicide rate was around eight per 100,000 inhabitants – average by world standards – and had remained virtually unchanged for decades. But by the time Chávez took over the presidency, in 1999, the rate had tripled. This came not as a result of a steady rise, but of two major “step changes” – one in 1989, the other in 1992.<sup>3</sup> The first sharp upturn followed the so-called *Caracazo*, several days of rioting, looting and military repression sparked by a government austerity package. The second came in the wake of two failed military coups led by the then-Lieutenant Colonel Chávez. Both the *Caracazo* and the coups, following decades of relative stability,<sup>4</sup> were breakdowns in the relationship between the security forces and society. In the former, troops brought onto the streets to control the riots fired indiscriminately, killing several hundred. In the latter, members of the armed forces sought to overthrow a democratically-elected government.

Prior to the Chávez government, violence, albeit markedly worse than a decade earlier, remained roughly comparable with that in Mexico or Brazil and much lower than in conflict-torn Colombia. Nonetheless, political disintegration was already underway. 1989 and 1992 were milestones in the process of institutional erosion that accompanied the demise of the 1958-1998 political model (sometimes known as *puntofijismo*<sup>5</sup>) and the rise of “anti-politics”, best defined as the belief that politicians were by nature corrupt, which led to support for outsiders. This paved the way for the election of the former coup leader.

It can be argued that it was this process of breakdown that unleashed the latent violence in society, as it led to a collapse of the social pact that had helped ensure the peace-

ful resolution of conflicts.<sup>6</sup> Crime, common and organised, was by no means absent from pre-Chávez Venezuela; nor were corruption and impunity. Indeed, Chávez came to power explicitly committed to tackling pervasive corruption in both public and private sectors and in particular to cleaning up the judiciary, which had acquired a reputation for venality.

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<sup>3</sup> Roberto Briceño-León, “Diez años de violencia en Venezuela”, powerpoint presentation, OVV, Laboratorio de Ciencias Sociales, Caracas, 2010.

<sup>4</sup> As was later evident, stability was to an extent a mirage. Excessively dependent on oil revenue to maintain social spending, the system was unable to cope with a prolonged decline in that revenue; social indicators began to deteriorate markedly in the 1980s. In 1987, 37 per cent of the population lived in poverty, according to official figures. By 1992 this was 66.5 per cent, with 27 per cent in extreme poverty. Julia Buxton, *The Failure of Political Reform in Venezuela* (Aldershot, 2001), p. 41.

<sup>5</sup> Following the 1948-1958 military dictatorship, Venezuela for the first time experienced several decades of civilian-led democratically-elected governments, dominated by the social democrats of Acción Democrática and the Christian democrats of Copei. The so-called Punto Fijo pact ushered in this period. “*Puntofijismo*” is used as a term of abuse by Hugo Chávez, who argues that it was a deal between elites that excluded the poor and less centrist political movements.

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<sup>6</sup> Roberto Briceño-León, “Violencia, Ciudadanía y Miedo en Caracas”, *Foro Internacional*, vol. XLVII, no. 3, July-September 2007, El Colegio de México, pp. 559-560.

### III. THE RISE IN VIOLENCE UNDER CHÁVEZ

The trend of rising criminal violence did not stop when Chávez took office; crime rates have increased exponentially since 1999. While the people behind the guns are largely individual delinquents, members of smaller criminal gangs or even police officers, the ever growing presence of organised crime has indirectly and directly contributed. By contrast and despite the polarised nature of politics and society, the level of open political violence has so far remained limited, although lines between the criminal and the political have become increasingly blurred.

#### A. GROWING CRIMINAL VIOLENCE

According to the NGO Venezuelan Violence Observatory (Observatorio Venezolano de la Violencia, OVV), homicides almost quadrupled between 1998 and 2010, from 4,550 to 17,600 per year, thereby converting Venezuela into one of the most dangerous countries in the world and homicide into the first cause of death for its young people.<sup>7</sup> In 2009, non-governmental figures were topped by those of the National Statistics Institute (INE), which projected 19,113 homicides based on a broad survey of victims.<sup>8</sup> The INE numbers made for a homicide rate of 75 per 100,000 inhabitants, more than double Colombia's and more than four times Iraq's.<sup>9</sup> Once aware of the numbers,

<sup>7</sup>In a country of 29 million, this is a homicide rate of 61 per 100,000. The OVV projected 13,985 homicides in 2007 and 16,047 in 2009. "Venezuela registró 17,600 homicidios en 2010 según Observatorio Venezolano de la Violencia", informe 21. com, 30 December 2010. Roberto Briceño-León, Olga Ávila, Alberto Camardiel, *Inseguridad y violencia en Venezuela. Informe 2008* (Caracas, 2009), p. 31. The numbers are based on surveys and interviews. See also Maolis Castro, "Homicidios son la primera causa de muerte entre jóvenes", *El Nacional*, 19 January 2011.

<sup>8</sup>"Encuesta de Victimización y Percepción de Seguridad Ciudadana 2009 (ENVPSC-2009)", Instituto Nacional de Estadísticas (INE), May 2010, p. 68. The survey covered 20,055 rural and urban households. The differences between the OVV and INE numbers can be attributed to the fact that the former do not include "deaths under investigation", which according to the human rights NGO Provea were 4,205 in 2009, and cases registered as "resistance to authority" (2,685 in 2009). "Situación de los Derechos Humanos en Venezuela, Informe Anual Octubre 2009-Septiembre 2010", Provea, 2010, pp. 357-358.

<sup>9</sup>According to the director of the Colombian National Police, General Oscar Naranjo, in January 2009, Colombia's homicide rate was 33/100,000 inhabitants. "Cifra de homicidios disminuyó en 45% desde 2002 hasta la fecha", Colombian presidency, press release, 19 January 2009. Iraq's 2009 homicide rate is based on data from the Iraq body count project, [www.iraqbodycount.org/analysis/numbers/2009/](http://www.iraqbodycount.org/analysis/numbers/2009/).

the government decided not to go public, but the study was leaked and received broad coverage. Another crime that has exponentially increased since 2000 is kidnapping.<sup>10</sup> Beginning to grow at high rates in 2007, INE projected almost 17,000 cases between July 2008 and July 2009, most of them unreported to the authorities.<sup>11</sup>

Victims and perpetrators alike are predominantly young, male, urban and poor.<sup>12</sup> The vast majority of homicides, but also of robberies and kidnappings, involve guns,<sup>13</sup> reflecting the largely uncontrolled circulation of arms in civilian hands.<sup>14</sup> While homicide rates vary among the different Venezuelan states, frontrunners include states governed by the government party and the opposition alike.<sup>15</sup> This underlines that the problem is deeply and historically rooted and not primarily dependent on the person occupy-

<sup>10</sup>"Venezuela es el centro del secuestro en Latinoamérica, según prensa", *noticias 24*, 21 November 2010.

<sup>11</sup>The INE projections include the so-called *secuestro express* (express-kidnappings, ie, less than a day), which were 14,004 of the 16,917 total. Javier Mayorca, "La encuesta de victimización y el costo social del secuestro", *Crímenes sin Castigo*, <http://crimenesincastigo.blogspot.com/>, 30 October 2010. While the victim of the express-type tends to be random, conventional kidnappings target their victims and, moreover, require greater logistical capacities, so often involve ties to more organised crime structures. Crisis Group interview, journalist, Caracas, 23 November 2010. According to the director of the Venezuelan investigative police (CICPC), Commissioner Wilmer Flores Trosel, there were 688 kidnappings in 2009. María Isolieta Iglesias, "Un plagio cada dos días desde 1999", *El Universal*, 19 July 2010. The difference between INE and CICPC figures is in the high number of unreported cases.

<sup>12</sup>According to the INE survey, over 80 per cent of homicide victims in 2009 were from the two lowest social strata. The top stratum was hit by only 2.24 per cent of all crimes. Over 70 per cent of homicide victims are between fifteen and 29 years old. "Situación de los Derechos Humanos en Venezuela, Informe Anual Octubre 2009-Septiembre 2010", op. cit., pp. 417-420; "Amenazas y Restricciones a los Derechos Humanos y la Democracia en Venezuela, Informe Comprensivo de Seguimiento Enero-Septiembre 2010", Civilis, 2010, p. 70.

<sup>13</sup>79 per cent of homicides but also 74 per cent of robberies and 79 per cent of kidnappings projected by the INE survey involved firearms. "Situación de los Derechos Humanos", op. cit., p. 358; "Encuesta de Victimización y Percepción de Seguridad Ciudadana 2009", op. cit., p. 73.

<sup>14</sup>According to the Venezuelan section of Amnesty International, around 12 million illegal arms circulate in the country. "Amnistía Internacional: Hay 'total descontrol' de armas en Venezuela", *Globovisión*, 16 September 2010.

<sup>15</sup>According to the OVV, the states with the highest homicide rates per 100,000 inhabitants are 1) the metropolitan district (Caracas, 126.85) governed by the opposition; 2) Vargas (101.08) governed by the ruling United Socialist Party of Venezuela (Partido Socialista Unido de Venezuela, PSUV); 3) Carabobo (78.69) governed by the opposition; 4) Barinas (60.18) governed by the PSUV. "Número de Homicidios", op. cit.

ing the governor's seat. At the same time, the predominant role of the national government in crime prevention and control cannot be ignored.<sup>16</sup>

The situation has taken on dimensions that surpass hospital and morgue capacities. Insecurity is perceived as the country's biggest problem, with over 90 per cent of the population evaluating their personal security situation as serious or very serious.<sup>17</sup> Relatively few crimes are formally reported to the authorities, however. On average, only 31 per cent of victims filed a complaint. Asked the reasons for not reporting, almost 40 per cent of the respondents said their complaint would either not be accepted or have no consequence. These answers seemed to be based on experience, as only 18 per cent of victims said they had received any institutional assistance after the crime.<sup>18</sup>

The majority of ordinary crimes are allegedly committed by "*hampa común*" (individual delinquents or small community-based gangs consisting of five to ten members on average), and by police agents themselves.<sup>19</sup> A substantial portion of the homicides is a product of the fight for control of local territory or acts of revenge (*ajuste de cuentas*) among gangs with a high probability of collateral damage in their respective neighbourhoods. Some gangs carry out contract killings (*sicariato*), mostly for individuals but also

on occasions at the request of organised crime groups, including national and international structures.<sup>20</sup>

Official crime statistics are notoriously lacking. In 2005, the investigative police (CICPC) closed its press office, depriving journalists of an important source of information.<sup>21</sup> The interior and justice ministry stopped publishing crime statistics in 2004.<sup>22</sup> Monitoring developments in the morgues is often the only possibility for journalists to access homicides figures. After a court decision on 18 August 2010 that banned the publication of violent photos, arguably to protect children,<sup>23</sup> journalists have been reporting increasingly restricted access to relevant installations, such as morgues and hospitals.<sup>24</sup> Morgue officials are said to offer accelerated proceedings to victims' relatives if they do not talk to journalists.<sup>25</sup>

The official silence was broken, however, when Interior and Justice Minister Tarek El Assaïmi for the first time in many years responded to questions from opposition deputies in the National Assembly in January 2011, stating that there were 13,894 homicides the previous year and admitting an above Latin American average homicide rate of 48 per 100,000 inhabitants, still far below most non-government estimates.<sup>26</sup> When it comes to interpreting these numbers, the government has tended to blame the problem on

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<sup>16</sup> While sub-national governments control municipal and state police forces, the national government controls all other principal institutions in charge of crime prevention, such as the investigative police, the National Police, the National Guard and other armed forces and the intelligence services.

<sup>17</sup> "Encuesta de Victimización", op. cit., p. 77. According to Latinobarometro, insecurity became overwhelmingly perceived as the most important problem after 2003, overtaking unemployment (2001-2003), salaries (1997-2000) and education (1995-96), [www.latinobarometro.org/](http://www.latinobarometro.org/). A considerably higher percentage of the relatively well-off call the personal security situation very serious (72.45 per cent) than do the most affected stratum (59.4 per cent).

<sup>18</sup> Complaint levels ranged from 83 per cent for homicide to 1.68 per cent for corruption; 11 per cent said, "they would not accept the complaint"; 27 per cent said, "they [the authorities] would not do anything with the complaint". In homicide cases, over 50 per cent of victims said they received no institutional support. "Encuesta de Victimización", op. cit., pp. 68-69, 75.

<sup>19</sup> Ibid, pp. 106, 148, 189. Crisis Group interviews, security experts, Bogotá, 9 November 2010; Caracas, 28 February 2011. For police violence, see Section V.B below. The UN Convention against Transnational Organised Crime (Palermo Convention) defines an organised criminal group as a "structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences ... in order to obtain, directly or indirectly, a financial or other material benefit", Annex 1, Article 2 (a). This report differentiates between smaller community-based gangs (*hampa común*) and more organised criminal structures that operate at a broader territorial level (organised crime).

<sup>20</sup> Crisis Group interview, criminologist, Caracas, 13 April 2011. According to the NGO Paz Activa, 100,000 cell phones are stolen each month. Yohana Marra, "Cada mes hampa se roba 100 mil celulares", *La Voz*, 18 January 2011. The capacity required to process such numbers surpasses the capabilities of local gangs and requires help from more organised structures. Local bands include rank and file members ("robots"), who take orders from a leader (*pran*), above whom is a *caguán* (the bridge to organised crime). Crisis Group interview, security expert, Caracas, 28 February 2011.

<sup>21</sup> CICPC is the acronym for Cuerpo de Investigaciones Científicas, Penales y Criminalísticas. At the time (2005), the institution was known as the Policía Técnica Judicial (PTJ). CICPC is under the interior and justice ministry.

<sup>22</sup> Crisis Group email communication, security expert, 9 June 2011.

<sup>23</sup> "Venezuela bans papers from printing violent photos", Reuters, 18 August 2010. The court decision (twelfth Caracas tribunal) followed publication of a photo in *El Nacional* of dead bodies lying haphazardly in an obviously overcrowded morgue. The court initially banned publication of both violent photos and related stories, but withdrew the second part of the order. Crisis Group interview, journalist, 23 November 2010.

<sup>24</sup> Crisis Group interview, journalists, Caracas, 23 November 2010.

<sup>25</sup> Crisis Group interview, journalist, Caracas, 23 November 2010.

<sup>26</sup> Ludmila Vinogradoff, "Venezuela registra el índice más alto de homicidios en América Latina", *ABC*, 10 February 2011. The average homicide rate for Latin America is 25.6/100,000. Lucia Dammert, Eric Alda and Felipe Ruz, "Desafíos de la seguridad ciudadana en Iberoamérica", FLACSO, Chile, 2008, p. 22.



the manipulation of figures by opposition agents, as well as structural causes such as poverty that it claims to have inherited from previous regimes and that continue to be fuelled by the national and international bourgeoisie and U.S. policies.<sup>27</sup> The reference to structural problems has allowed the president to reinforce ties with his constituency.

Starting with weak diagnostics, the government has failed to implement integrated and effective citizen security policies. Despite a comprehensive legal and institutional framework as well as ambitious plans,<sup>28</sup> citizen security measures in practice have so far primarily consisted of reactive, repressive and poorly integrated approaches without sufficiently concrete objectives and indicators to monitor progress. According to the human rights NGO Provea, almost 70 per cent of state interventions in citizen security matters between 2003 and 2010 consisted of “operations”, the massive and temporary deployment of security forces in particularly affected areas.<sup>29</sup>

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<sup>27</sup> On 13 July 2009, the ombudsman blamed the situation on “perception problems”. Carlos Crespo, “Sensación de inseguridad”, *TalCual*, 14 July 2009. In January 2010, the president said, “crime and violence are a political problem and one of the biggest enemies of the Bolivarian revolution. I have no doubt that these crimes and many of these criminal gangs are prepared, funded and supported by the counter-revolutionary bourgeoisie: the U.S. empire and its lackeys”. “La violencia es financiada por EEUU”, *El Universal*, 16 January 2010. In August 2010, Communication and Information Minister Andrés Izarra laughed at non-governmental crime figures in a CNN interview. “Las risas de Izarra en CNN por la cantidad de muertos en Venezuela”, video, YouTube, 11 August 2010, [www.youtube.com/watch?v=QeTIE7CcQQM](http://www.youtube.com/watch?v=QeTIE7CcQQM).

<sup>28</sup> Article 55 of the 1999 Constitution established for the first time that every individual has the right to protection by the state against threats to person, property, rights and obligations. Patricia Arias, “Mandato Policial y Conceptos de la Seguridad en América Latina”, Red Latinoamericana de Policías y Sociedad Civil, Viva Rio, Brazil, 2009, pp. 37-39. The citizen security coordination law regulates responsibilities of and interaction among the agencies in charge and establishes the Citizen Security Coordination Council as responsible for developing and coordinating the implementation of relevant policies. “Ley de Coordinación de Seguridad Ciudadana”, Gaceta Oficial no. 37,318, 6 November 2001. The national police statutory law (Ley Orgánica del Servicio de Policía y del Cuerpo de Policía Nacional), Gaceta Oficial no. 5,895, 9 April 2008, tasks the police with protecting the “free exercise of human rights, public liberties and guaranteeing social peace” (Article 4). In March 2009, the government launched the “Integrated National Plan for Prevention and Citizen Security”, which included police and penal justice reform, drug control and prevention strategies and prison reform. So far, there has been progress only on police reform (see Section V.B) and the establishment of a new inter-institutional entity, the National Council for Prevention and Citizen Security, which, however, has not yet produced a concrete plan or action.

<sup>29</sup> “Situación de los Derechos Humanos”, op. cit., p. 362.

In March 2010, the government launched the Bicentenary Security Mechanism (Dispositivo Bicentenario de Seguridad, DIBISE), a joint operation of law enforcement agencies<sup>30</sup> originally designed to last only nine months, with the proclaimed aim to promote disarmament, fight micro-trafficking, control alcohol consumption and school violence and ensure road security.<sup>31</sup> 31,550 officers were deployed to locations in ten states in which, according to the government, 75 per cent of national-level crime was concentrated. After three months, Vice Minister for the Integrated Police System Edgar Barrientos announced that homicide rates in DIBISE areas had been reduced by 50 per cent, without explaining what this calculation was based on.<sup>32</sup> The initiative has been criticised because of the leading role of the military – the National Guard heads it – and became particularly controversial with the government’s announcement in June 2010 that it would incorporate 800 militia members.<sup>33</sup>

The creation of the National Police in 2009 (see Section V.B) is the most important security sector reform in recent years. Also, in June 2011, the government installed the Presidential Commission for the Control of Arms, Munitions and Disarmament, a body consisting of governmental and non-governmental representatives and tasked with proposing policies for disarmament and the prevention of the use of arms.<sup>34</sup> A disarmament bill that passed its first reading in the National Assembly in January 2010 is to be

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<sup>30</sup> DIBISE includes the National Police, state, municipal and transit police, the National Guard, national anti-narcotics office, CICPC, the intelligence agency, the ombudsman, prosecutorial authority (ministerio público) and Supreme Court.

<sup>31</sup> “Presidente Chávez anuncia implementación de Dispositivo Bicentenario de Seguridad Ciudadana en 10 entidades del país”, Aporrea ([www.aporrea.org](http://www.aporrea.org)), 5 February 2010. DIBISE was “re-launched” in March 2011 without an indication of an end-date.

<sup>32</sup> “Balance del Dibise arroja resultados positivos”, *Correo del Orinoco*, 2 June 2010. It is common for the government and security forces to announce percentages of crime reduction sporadically. Numbers are never sustained and never match with non-state monitoring.

<sup>33</sup> “Situación de los Derechos Humanos”, op. cit., p. 364. Crisis Group interview, security expert, Caracas, 28 February 2011. The militias assumed DIBISE duties in three Libertador municipality parishes, according to National Guard General Antonio Benavides. “Milicia reforzará el Dispositivo Bicentenario de Seguridad en Caracas”, *Correo del Orinoco*, 27 August 2010.

<sup>34</sup> Yolaidy Martínez Ruiz, “Venezuela: Comisión para desarme realiza primer encuentro”, *Prensa Latina*, 6 June 2011. Five working groups were established to achieve the goals of the Disarmament Commission. María Isoliet Iglesias, “Cuatro sub-comisiones trabajan para el desarme”, *El Universal*, 7 June 2011; “Plan de trabajo de Comisión Presidencial para el Control de Armas será discutido”, Ministerio del Poder Popular para la Comunicación y la Información, 7 June 2011.

informed by the commission's work.<sup>35</sup> While the initiative has been welcomed, the fact that the government is simultaneously arming civilian militias (see Section V.D) has been interpreted by some as an indication it is motivated less by a desire to reduce civilian gun usage, than a wish to improve its standing in the run up to the 2012 elections.<sup>36</sup>

All in all, reform efforts have not been framed as part of an integrated citizen security strategy that could address the multiple dimensions of crime prevention and law enforcement. Individual measures, therefore, have been undermined by flaws in the system, such as high levels of impunity (see Section V.A) and overcrowded and dysfunctional prisons.

Venezuela's prisons, according to the Inter-American Commission on Human Rights, are the most violent in the hemisphere. In 2010, 476 inmates were murdered and almost 1,000 injured out of a population which, in February 2011, was officially said to be under 45,000.<sup>37</sup> The likelihood of dying violently while in the state's custody is, therefore, some 24 times the – already very high – rate among the general population. Firearms, including assault rifles and sub-machine guns, and drugs are available to anyone who can afford them, and the prisons are in practice run by gang bosses, known in prisoner slang as *prans*, who charge inmates a monthly fee (*la causa*) for food, a place to sleep and

protection against murder. They also run kidnap, extortion and trafficking operations by cell phone from the jails.<sup>38</sup>

Prison conditions made national and international headlines when 27 inmates reportedly died and over 70 were injured in a shoot-out between gangs at the El Rodeo prison outside Caracas on 12 June 2011. While the National Guard regained control rapidly over the Rodeo I, it took them nearly a month at Rodeo II, where some 1,000 inmates resisted and subsisted without water and food and eventually surrendered, not without some escaping and others dying in the attempt.<sup>39</sup> Once in control, the National Guard found 50 kilograms of cocaine and that sophisticated weaponry was widespread among prisoners.<sup>40</sup>

## B. INTERNATIONAL ORGANISED CRIME

Venezuela's transformation into a major centre of operations for international organised crime has indirectly and directly fuelled violence.<sup>41</sup> Located on the north-east shoulder of Latin America, it is a logical jumping-off point for illicit goods to Europe, Africa and the U.S. Its vast and relatively under-populated territory possesses a porous 2,219km land border with Colombia, a major coca cultivation, drug production and trafficking hub, as well as extensive, difficult to control borders with Brazil and Guyana. It has long coastlines and lax law enforcement, as well as business and financial sectors that offer significant opportunities for the laundering of illicitly obtained assets. Above all, it is plagued by corruption.<sup>42</sup>

According to the UN, Venezuela has become a major transit corridor for drug flows toward the U.S. and, above all, Europe and West Africa. It not only had risen by 2008 to fourth place in the world in cocaine seizures (34 of the

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<sup>35</sup>The current disarmament law (*Ley de Desarme*) came into effect in 2002. It obliges firearms owners to register them with the armed forces. Failure can lead to a fine and confiscation. It also makes it illegal to carry arms at public events such as rallies, elections and demonstrations. According to security experts, it has never been applied. Crisis Group interview, Caracas, 28 February 2011; phone interview, 14 June 2011. A second disarmament law, the Penal Law for Disarmament and Munitions Control, passed its first reading on 28 January 2010. It would introduce sentences of twelve to sixteen years for those who illegally commercialise, import, export or transport firearms. The Primero Justicia party submitted a separate bill in April 2011 that would provide anonymity and benefits for those who voluntarily turn in weapons.

<sup>36</sup>Crisis Group phone interview, security expert, 14 June 2011.

<sup>37</sup>"Cidh deplora muertos violentos en cárcel de Venezuela", press release no.57/11, Inter-American Commission on Human Rights, 16 June 2011. According to the Venezuelan Prison Observatory, in 2008 and 2009, 423 and 366 prison inmates died respectively, more than 1 per cent of the prison population. "Situación Carcelaria en Venezuela, informe 2009", Observatorio Venezolano de Prisiones, November 2009, p. 3. Crisis Group interview, NGO representative, Caracas, 24 November 2010. The prisons are chronically overcrowded. According to a criminologist, the CICPC custody cells, where three people died in May 2011, have a capacity of 40 but accommodate 300. "Criminólogo Gorriño considera difícil que los muertos en CICPC fueron torturados", Canal de Noticia, 2 June 2011.

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<sup>38</sup>"Todo sobre PRANES y la vida en una cárcel venezolana", Roger Zet Blog ([www.twittervenezuela.co](http://www.twittervenezuela.co)), 21 June 2011.

<sup>39</sup>"The fifth circle of hell", *The Economist*, 14 July 2011. "Yoifre: 'yo sí maté a mucha gente allá dentro'", Últimas Noticias ([www.ultimasnoticias.com.ve](http://www.ultimasnoticias.com.ve)), 15 July 2011.

<sup>40</sup>"Venezuela's Political Outlook: A Conversation with Pedro Nikken", Inter-American Dialogue, audiofile, 19 July 2011. ([www.thedialogue.org/uploads/Audio\\_Files/VE2.mp3](http://www.thedialogue.org/uploads/Audio_Files/VE2.mp3)). Nikken initially said 60 kilograms, but amended this to 50.

<sup>41</sup>"World Drug Report 2010", UN Office on Drugs and Crime, Vienna, 2010, pp. 233-235; Joseph Kirschke, "The coke coast: cocaine's new Venezuelan address", [www.worldpoliticsreview.com](http://www.worldpoliticsreview.com), 11 September 2008; "2011 Trafficking in Persons Report", U.S. Department of State, 27 June 2011, pp. 382-383; Moisés Naim, "Hugo Chávez's criminal paradise", *Los Angeles Times*, 10 November 2007.

<sup>42</sup>In 2010, Transparency International ranked Venezuela the worst in Latin America in public sector corruption, 164th out of 178 countries overall. "Corruption Perceptions Index" (CPI), October 2010. Again, this is not a new problem. Venezuela's score in 1999 was almost as low.

estimated 250 metric tons that transit through it annually), despite not being a drug-cultivator or producer itself, but it also appeared to be the sole source of all the clandestine shipments of cocaine intercepted along the West African route into Europe and Asia.<sup>43</sup> More than 40 per cent of cocaine shipments seized in Europe (in cases where the origin could be determined) between 2004 and 2010 and more than half (51 per cent) of shipments to Europe intercepted at sea between 2006 and 2008 (67 incidents in all) originated in Venezuela.<sup>44</sup> Between 2004 and 2007, according to the U.S. government, cocaine shipments through Venezuela for Europe and North America increased more than fourfold.<sup>45</sup> In 2010, more than 90 per cent of non-commercial flights trafficking cocaine from Colombia originated in Venezuela.<sup>46</sup>

Price and exchange controls offer excellent opportunities for smugglers and speculators, while the ongoing armed conflict in neighbouring Colombia provides a ready market for contraband arms traders. In a classic example of how the branches of organised crime often interconnect, the drugs trade pays for the weapons.<sup>47</sup> In addition, Venezuela is a source, transit and destination country for men, women and children who are victims of sex trafficking and/or forced labour. According to the U.S. State Department, it does not fully comply with the minimum standards for the elimination of human trafficking.<sup>48</sup>

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<sup>43</sup> “World Drug Report 2010”, op. cit., p. 234; “2011 International Narcotics Control Strategy Report”, U.S. Department of State, March 2011, p. 578. The report mentions some limited coca cultivation along the Colombian border, but says that “levels are historically insignificant” (p. 577).

<sup>44</sup> “World Drug Report 2010”, op. cit., pp. 26, 84.

<sup>45</sup> “Drug Control: U.S. Counternarcotics Cooperation with Venezuela has Declined”, U.S. Government Accountability Office (GAO), July 2009, pp. 5-6. According to alleged drug kingpin Walid Makled, “five or six flights a day” carry cocaine with government complicity from the southern border state of Apure to international destinations. See interview with Walid Makled by Casto Ocando, “‘Había una nominita como de 1 millón de dólares’ para los altos mandos en Venezuela”, Univisión, 31 March 2011, and “Entrevista exclusiva con Walid Makled”, video, YouTube, 4 April 2011, [www.youtube.com/watch?v=ECIhGn2coLo&feature=related](http://www.youtube.com/watch?v=ECIhGn2coLo&feature=related).

<sup>46</sup> Crisis Group interview, U.S. government official, Washington DC, 12 August 2011.

<sup>47</sup> Crisis Group interview, former military intelligence officer, 3 March 2011.

<sup>48</sup> “2011 Trafficking in Persons Report”, op. cit., p. 382. According to the report, “Venezuelan women and girls are found in conditions of sex trafficking within the country, lured from poor interior regions to urban and tourist centres, such as Caracas, Maracaibo, and Margarita Island .... To a lesser extent, Brazilian women and Colombian women are subjected to forced prostitution in Venezuela. Some Venezuelan children are forced to work as street beggars or as domestic servants ....

Many of these problems pre-date 1999, when Hugo Chávez became president.<sup>49</sup> However, in most if not all cases, they have become significantly worse under his presidency, during which a wide variety of criminal organisations have taken advantage of the opportunities provided by corruption, complicity and a weak institutional framework.<sup>50</sup> These groups range from Colombian guerrillas and paramilitaries – the latter now officially demobilised but in many cases transformed into what the Colombian government calls criminal gangs (Bacrim, bandas criminales) – to Mexican drug cartels, European and North American traffickers and even reportedly the Russian mafia, Chinese triads and Japanese yakuza.<sup>51</sup>

Some specialists believe the overall level of violence associated with organised crime in Venezuela has been limited by a government policy of avoiding across-the-board confrontation.<sup>52</sup> Nonetheless, the increasing presence of organised crime has translated into a rise in cases of kidnap and extortion (at first mainly in border areas, but increasingly in the interior) and has also contributed to the overall homicide rate. The south-western border area has been the scene in recent years of a rash of murders in which bodies are typically found dumped in the open, and some victims are even shot in broad daylight in front of witnesses.<sup>53</sup> Although no serious investigation has been carried out by law enforcement agencies, many observers believe these killings involve settling of accounts between competing armed groups fighting over control of territory and trafficking routes.<sup>54</sup>

Moreover, there are at least two areas in which the impact of international and national organised crime on the pattern and volume of violence is particularly detectable. Contract killing (*sicariato*), rather rare before the beginning of the century, is now such an established feature of the

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Organised crime is widely believed to be involved in sex trafficking in Venezuela. Venezuela is a transit country for men, women, and children from neighboring countries ... as well as a destination for migrants from China, who may be subjected to commercial sexual exploitation and forced labor in Venezuela”.

<sup>49</sup> Javier Mayorca, “Delincuencia organizada y poder político en Venezuela”, Friedrich Ebert Stiftung, September 2010, p. 6.

<sup>50</sup> *Ibid.*, pp. 6-7, 11.

<sup>51</sup> Crisis Group interview, state police chief, 1 March 2011. “Hugo Chávez’s criminal paradise”, op. cit.; “Venezuela confisca droga presuntamente propiedad de carteles mexicanos”, CNN Mexico, 25 August 2010.

<sup>52</sup> Crisis Group interviews, international NGO representative, Caracas, 22 November 2010; analyst, Caracas, 26 November 2010.

<sup>53</sup> Crisis Group interviews, Guasdalito, 28-29 April 2011; “Manifiesto del Pueblo de Guasdalito: ¡Tenemos derecho a vivir en paz!”, *Sic Semanal*, Centro Gumilla, ([www.gumilla.org](http://www.gumilla.org)), Caracas, 17 January 2008.

<sup>54</sup> Enrique Rivas, “Es difícil controlarlos”, *El Espectador*, 22 January 2008.

crime scene that some urban gangs specialise in it (though not always on behalf of organised criminals). Long present in neighbouring Colombia, the phenomenon arrived in force in Venezuela as the activities of its principal practitioners – the drug traffickers and paramilitaries – grew.<sup>55</sup> It is not only the so-called macro trade that has contributed to violence. As the flow of drugs in transit has increased, more drugs have also entered the domestic market, leading to a significant increase in micro-trafficking, which has been a major contributor to the homicide rates in poor urban neighbourhoods.<sup>56</sup>

Left-wing Colombian guerrillas (see Section IV.A) and their right-wing paramilitary rivals took part in this criminal infiltration, the latter first as the paramilitary umbrella organisation United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC) and later in the form of new illegal armed groups and paramilitary successors, the Bacrim.<sup>57</sup> In 2001, the national ranchers' federation, Fedenaga, confirmed contacts with the AUC.<sup>58</sup> Venezuelan military counter-insurgency operations before Chávez were (occasionally) allegedly supported by paramilitaries.<sup>59</sup> Since late 2010, there have been a number of arrests along the western border of individuals said to be members of the Águilas Negras, a criminal organisation that emerged from the ranks of the demobilised paramilitaries. Águilas Negras and a similar group, the Rastrojos, are said to be operating in the states of Zulia, Táchira and Apure, spreading violence, intimidating local populations and controlling some of the contraband gasoline.<sup>60</sup> There are allegations of links between the former paramilitaries and the opposition-led state governments of Táchira and Zulia.<sup>61</sup>

The U.S. State Department has “decertified” the government’s counter-drug performance – declaring that it is not meeting its international obligations in this respect – every year since 2005.<sup>62</sup> Dismissing such claims as part of a destabilisation campaign, Chávez argues that since cancelling cooperation with the U.S. Drug Enforcement Administration (DEA) in 2005,<sup>63</sup> his government has seized record amounts of illicit drugs. Its own figures, however, show a different story. In 2005, drug seizures totalled more than 77.5 tons, of which almost 58.5 tons were cocaine.<sup>64</sup> In 2010, the Venezuelan National Anti-Drugs Office (ONA) claimed seizures of more than 63.5 tons in all, including 24.6 tons of cocaine, an 11 per cent drop in that drug from 2009 and less than half the amount seized in 2005.<sup>65</sup> The government attributes lower cocaine seizures to declining production in Colombia and “the use of other routes”.<sup>66</sup> It also says it captured seventeen leading traffickers in 2010, many of whom were handed over to Colombian or U.S. authorities.<sup>67</sup>

In August 2010, at a meeting with his newly-elected Colombian counterpart, Juan Manuel Santos, President Chávez affirmed that “Venezuela neither supports, nor allows the presence of guerrillas, terrorism or drug-trafficking on

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<sup>62</sup> “2011 International Narcotics Control Strategy Report”, op. cit., p. 577.

<sup>63</sup> In that year, the Chávez government renounced its agreement with the DEA and ended joint counter-narcotics operations. Chávez accused the DEA of violating Venezuelan sovereignty and spying on government officials as part of a plan to destabilise the country. Although Washington has sought to negotiate a revised agreement for DEA operations, the Venezuelan government has not relaxed its stance and has on occasions accused the U.S. agency of being a trafficking organisation.

<sup>64</sup> “Cuadro Comparativo sobre Incautaciones de Drogas Realizadas en la República Bolivariana de Venezuela, Periodo 2000-2008”, Organización Nacional Anti-drogas (ONA).

<sup>65</sup> The rest is mainly marijuana (38.6 tons). “Revista Balance de la Lucha Antidrogas en Venezuela 2010”, ONA, p. 53. Non-U.S. drug agencies continue to collaborate with the Venezuelan police and National Guard anti-narcotics units. They tend to be less critical of alleged complicity on the part of the authorities but say that a large part of the seizures that appear in the ONA’s annual statistics result from their own operations, with little or no Venezuelan participation. It is considered pragmatic to hand over drugs, suspects and credit to the government. Interviews by Crisis Group consultant in earlier capacity, non-U.S. police attachés, Caracas, 2005, 2006.

<sup>66</sup> Statement by ONA President Néstor Reverol, reported in “Venezuela dice incauta menos cocaína por caída producción y uso otras rutas”, Efe, 29 December 2010.

<sup>67</sup> “Gobierno venezolano ha capturado en 2010 a 17 narcotraficantes solicitados por Interpol”, Agencia Venezolana de Noticias, 28 September 2010. ONA says that while the DEA agreement was in force (2002-2005) none were picked up. Subsequent figures were four in 2006, five in 2007 and fourteen each in 2008 and 2009.

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<sup>55</sup> Crisis Group interview, criminologist, Caracas, 13 April 2011.

<sup>56</sup> Crisis Group email communication, security expert, 9 June 2011; Crisis Group interview, former senior public official, Caracas, 1 March 2011.

<sup>57</sup> Dissident Venezuelan General Néstor González, who in 2001 was responsible for a section of the western border with Colombia, said in 2004 that he had “always warned that behind the guerrillas would come the paramilitaries, and we have them here”. Humberto Márquez, “Paramilitares (y varios cabos) sueltos”, Inter Press Service, 13 May 2004.

<sup>58</sup> Fabiola Sánchez, “Paramilitares colombianos asesoran a venezolanos”, *El Nuevo Herald*, 7 April 2001.

<sup>59</sup> Crisis Group interview, former general, Caracas, 28 February 2011.

<sup>60</sup> C.L. Smith, “Águilas Negras: Rising from the Ashes of Demobilisation in Colombia”, *Upside Down World*, 13 April 2011, reproduced in venezuelanalysis.com. “Seguridad Binacional: Las Bacrim ya operan en Venezuela: Arco Iris”, video, Cable-noticias2, YouTube, 9 April 2011, [www.youtube.com/watch?v=rIkaP9X6R-A](http://www.youtube.com/watch?v=rIkaP9X6R-A).

<sup>61</sup> Crisis Group interviews, ex-member, military intelligence, Maracaibo, 3 March 2011; analyst, Bogotá, 20 January 2011. “Águilas Negras”, op. cit.; “Seguridad Binacional”, op. cit.

Venezuelan territory”.<sup>68</sup> In April 2011, the governments signed a bilateral agreement aimed at improving cooperation in the fight against drugs, including through intelligence sharing, strengthened judicial cooperation and joint operations.<sup>69</sup> While Colombia speaks of a sea change in attitude displayed by the authorities in Caracas,<sup>70</sup> it remains to be seen whether initial and very positive signals translate into effective and sustainable action against the drug-trade and organised crime in general (see also Section IV.A).<sup>71</sup>

There is broad evidence to suggest that high-level complicity with organised crime has indeed existed.<sup>72</sup> Two examples may indicate the scale of the phenomenon and the lax attitude of the authorities. One concerns the diamond trade, the other the smuggling of basic subsidised goods.<sup>73</sup> Venezuela is a minor producer of industrial-grade diamonds, and as such, a member of the Kimberley Process (KP), set up to halt the trade in so-called blood diamonds that have financed armed conflict in West Africa in particular.<sup>74</sup> However, Venezuela has not issued a single “Kimberley certificate” since 2005, and the entirety of its diamond exports, about which the government produces no

statistics, therefore consists of contraband.<sup>75</sup> The government refused to accept a KP supervisory delegation visit, and under pressure of expulsion agreed in 2008 with the organisation’s governing body to voluntarily suspend its membership while putting its house in order. However, the contraband trade continues to flourish.

An extensive system of subsidies for basic foods and other essential goods such as gasoline and cement has led to the establishment of a highly lucrative cross-border trade that takes advantage of often huge price differentials. In the case of rice, by 2009, Colombian growers – grouped in the Federación Nacional de Arroceros, Fedearroz – complained that some 100,000 tons were annually being illegally imported, causing a 35 per cent drop in the farm-gate price.<sup>76</sup> Simply by crossing the border, smugglers could in some cases double the value of their merchandise. The trade contributed to the corruption of civil and military officials with responsibilities for the border, food and transportation, as well as to the creation of a money-laundering web.<sup>77</sup> Despite its claims that not a single kilo of food could be transported across the country without its knowledge, the government proved incapable of curbing the flow of illicit goods.<sup>78</sup>

The same is true of gasoline smuggling. In Venezuela, a litre of gasoline sells for \$0.02 at the official rate, while on the other side of the border it costs \$0.99.<sup>79</sup> According to figures given by a business leader in Táchira state, approximately ten million gallons a month are smuggled across that section of the border alone.<sup>80</sup> The large sums of money generated have allegedly gone not only to individuals, especially in the National Guard and the army, but also to organised armed groups, including the AUC, its successors and Venezuela’s Bolivarian Liberation Forces (Fuerzas Bolivarianas de Liberación, FBL).<sup>81</sup>

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<sup>68</sup> “Chávez dice que ni permite ni permitirá presencia de guerrilla en Venezuela”, WRadio, 10 August 2010.

<sup>69</sup> Jorge Enrique Meléndez and Luis Guillermo Forero, “Así será el pacto antidrogas con Venezuela”, *El Tiempo*, 3 April 2011. According to a senior Colombian government official, the agreement is confidential. Crisis Group e-mail communication, 9 August 2011.

<sup>70</sup> Crisis Group interview, foreign ministry, Bogotá, 21 December 2010. “Relaciones Colombia-Venezuela ‘van por muy buen camino’”, *El Universal* (Cartagena), 26 April 2011.

<sup>71</sup> Crisis Group interview, foreign ministry, Bogotá, 21 December 2010. On 10 August, the director of the Colombian National Police, General Oscar Naranjo, announced the capture of ten pilots belonging to the organisation of one of the country’s most wanted drug traffickers and celebrated the cooperation with Venezuelan authorities in the operation. “Capturan a 10 pilotos de ‘El Loco Barrera’ con ayuda de Venezuela”, *Semana*, 10 August 2011.

<sup>72</sup> A respected journalist and analyst has gone so far as to describe Venezuela as a criminalised state, which “counts on the integration of the state’s leadership into the criminal enterprise”, and “franchises out part of its criminal enterprises to non-state actors”. Douglas Farah, “Terrorist-Criminal Pipelines and Criminalized States: Emerging Alliances”, *PRISM Journal*, (U.S.) National Defense University, 1 June 2011.

<sup>73</sup> For discussion of a third example, the claims of alleged drug kingpin Walid Makled, see Section V.C below.

<sup>74</sup> The Kimberley Process Certification Scheme (KPCS) imposes extensive requirements on members to enable them to certify shipments of rough diamonds as “conflict-free” and prevent those that are not from entering the legitimate trade. Participating states must put the requirements into national legislation, including export, import and internal controls; and commit to transparency and data exchange. See [www.kimberleyprocess.com](http://www.kimberleyprocess.com).

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<sup>75</sup> Venezuela annually produces an estimated 150,000 carats of diamonds but has not officially exported any since 2005. “The Lost World – Diamond Mining and Smuggling in Venezuela”, Partnership Africa-Canada, November 2006, p. 12; Interviews by Crisis Group consultant in earlier capacity, Santa Elena de Uairén, June 2007.

<sup>76</sup> Phone interview by Crisis Group consultant in earlier capacity, Fedearroz General Manager Rafael Hernández, January 2010; “Uribe anuncia medidas para atacar contrabando de arroz venezolano”, *Agence France-Presse*, 3 December 2009.

<sup>77</sup> Phil Gunson, “Contrabando como arroz”, *Poder y Negocios* magazine (Venezuela edition), 28 February 2010.

<sup>78</sup> *Ibid.*

<sup>79</sup> “Precio de la gasolina en Colombia es el cuarto más alto del continente”, *Portafolio*, 2 March 2011. “Venezuela sufre el alto costo de la gasolina barata”, *El Nuevo Herald*, 20 April 2011.

<sup>80</sup> “Venta legal de Combustible a Colombia no frenará el contrabando”, *El Mundo*, 5 November 2010.

<sup>81</sup> Crisis Group interviews, Guasdalito, 28-29 April 2011; “Águilas Negras”, *op. cit.* See also Section IV.B.

## C. POLITICAL VIOLENCE

Venezuelan politics is highly polarised, defined largely in terms of support for, or opposition to, the political project led by Hugo Chávez, and more particularly, for or against the president himself. On both sides, but specially on the part of the government and its supporters, there are those who question not only the political beliefs of their adversaries but also their patriotism and right to govern, even after winning a fair election.<sup>82</sup> Nonetheless, political killings have remained at a relatively low level. In absolute terms they are vastly outweighed by those attributable to common crime and police brutality. The situation is perhaps best described as one of constant, low-intensity political violence, with occasional peaks at moments of great political tension, especially in April 2002, when nineteen died and dozens more were wounded during a mass march on the presidential palace organised by the opposition.<sup>83</sup>

However, the fact that, more than nine years later, each side continues to blame the other for the violence of 2002; that none of the attackers have been identified and no independent inquiry held; that the only individuals sentenced for a part in the killings are claimed by the opposition as political prisoners; and that civilian gunmen on the government side were exonerated and raised to hero status is indicative of the deeply troubled environment. Moreover, the number of street protests registered annually is rising, prompted by an array of unresolved social and economic issues and the increasing radicalisation of Chávez's political project. Annual reports from the human rights NGO Provea show nearly four times as many demonstrations in 2009/2010 as there were in 1998/1999.<sup>84</sup>

The government's response to protests has combined selective repression with occasional concessions. In December 2010, the president vetoed a new educational law following mass student protests. The next month the government released some political prisoners after a hunger strike by students, and in April, Chávez announced a public sector wage package that put an end to a lengthy hunger strike

by nurses.<sup>85</sup> At the same time, it has not shied from making an example of certain individuals, with the aid of the courts,<sup>86</sup> and using a range of prerogatives that restrict the right to protest.<sup>87</sup>

While the vast majority of protests continue to be non-violent and are not met with repression,<sup>88</sup> political adversaries run the risk of being treated as guilty *a priori*, and the criminal justice system is employed as an instrument of political control, or even of political vengeance – a growing trend that human rights monitors have termed the “criminalisation of dissent”.<sup>89</sup> The risk is that, as institutional means of redress for grievances have largely been closed off by executive control over all branches of the state, protesters will grow increasingly frustrated and adopt more violent means, which could trigger a more repressive response from the authorities.

Already, political polarisation and social protest have claimed more than a few lives. Figures compiled by Provea show that, from 1999 to 2010, at least 34 people died in street demonstrations at the hands of security forces.<sup>90</sup> More than 2,500 were injured, often as a result of the indiscriminate use of weapons such as teargas grenades and pellets fired from shotguns. Human rights organisations and the Inter-American Commission on Human Rights have warned

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<sup>82</sup> Chávez frequently derides the opposition leadership as “*apátridos*” (unpatriotic, traitorous); a favourite slogan is “*no volverán!*” (they will never return). “Chávez: No volverán al poder ni en elecciones ni por otra vía”, *El Universal*, 28 February 2011.

<sup>83</sup> Following violent repression of the march, senior generals withdrew support for Chávez, and he was briefly ousted, but the interim government collapsed in mutual recrimination, and the president was restored to power in less than two days.

<sup>84</sup> “Situación de los Derechos Humanos”, *op. cit.*, p. 341. The majority of protests were related to housing, labour and education issues. For a review of social tensions and radical measures taken by the government following the president's victory in the February 2009 referendum, see Crisis Group Briefing, *Venezuela: Accelerating the Bolivarian Revolution*, *op. cit.*

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<sup>85</sup> Decreto no. 8166, Gaceta Oficial no. 3866, 25 April 2011, modified by decreto no. 8189, Gaceta Oficial no. 39666, 4 May 2011; and “Anuncian alza salarial de hasta 66% para trabajadores públicos”, *El Universal*, 26 April 2011. The concession to the nurses was not explicit. The government did not talk with them or refer to them in its announcement.

<sup>86</sup> In February 2011, Rubén González, secretary general of the Orinoco metal miners union, was arrested and sentenced to seven years for “inciting delinquency”, after he organised a strike of over 2,000 workers. The sentence was quashed three days later, though González has to appear regularly in court as part of the release conditions. “Presentación de Human Rights Watch ante el Consejo de Derechos Humanos”, Human Rights Watch, 21 March 2011.

<sup>87</sup> The establishment of “security zones” (*zonas de seguridad*) across the country, including in central Caracas, has, for instance, restricted demonstrations. “Informe Anual 2010-2011”, Asociación Civil, Control Ciudadano, 16 March 2011, p. 96.

<sup>88</sup> “Manifestaciones Públicas, Enero-Diciembre 2010”, Espacio Público y Provea, 14 March 2011, pp. 6-8. 98.8 per cent of protests were non-violent; of a total of 3,114 protests, 4.3 per cent were repressed by the state or other actors in 2010.

<sup>89</sup> “Informe Anual 2010-2011”, *op. cit.*, p. 96. An example is the case of activist Rocío San Miguel, who claimed in May 2011, on the basis of allegations published in a military journal, that she and two journalists had been accused of planning to destabilise the president and were therefore a military target. “Rocío San Miguel: Soy objetivo militar de la Fuerza Armada Nacional”, *El Nacional*, 5 May 2011.

<sup>90</sup> “Venezuela: una década de protesta 2000-2010”, Provea, pp. ccvi, ccvii.

that government campaigns aimed at denigrating activists and questioning their motives can lead directly to physical attacks by government supporters, as in December 2010 when Carlos Correa of the NGO Public Space (Espacio Público) was beaten outside the parliament.<sup>91</sup> In 2010, there were almost 160 acts of aggression against journalists and media organisations.<sup>92</sup>

The opposition has contributed to political polarisation through its initial inability to focus consistently on an alternative political project, rather than only on opposition to Chávez himself. From 2001 to 2004 in particular, this led to a series of attempts to pressure the president or oust him from power by extra-constitutional means, including strikes and business lock-outs, the failed 11 April 2002 coup and the oil strike (*paro petrolero*, termed the “oil sabotage” by the government) of 2002-2003 that crippled the vital industry. Following Chávez’s return to power after the 2002 coup attempt, his middle- and upper-class opponents in many parts of the capital set up self-defence groups and sought specialist advice on how to defend themselves and their homes, with firearms if necessary, against possible attacks by his followers.<sup>93</sup> The city became increasingly split, along political and class lines, into *chavista* and *escuálido*<sup>94</sup> zones, with each side espousing a stereotypical, negative vision of “the others”.<sup>95</sup>

Still, a great part of the blame for the climate of latent and explicit violence undoubtedly lies with the aggressive and often crude political language employed by the president and some of his leading supporters. Several aspects of this deserve particular attention, including the constant use of military terminology and dehumanisation of opponents.

Elections are described as “battles”, supporters of the ruling party are organised into “battalions” or “battle units”, schoolchildren are recruited as “communications guerrillas” to combat negative media reports. The opposition is denigrated as “fascists” or “*pitiyanquis*” (roughly, ‘little Yankees’) or belittled by animal imagery (“squealing like a truck-load of pigs”<sup>96</sup>). The president has often threatened to reduce foes to “cosmic dust” or “pulverise” them; when he lost a constitutional reform referendum in 2007, he described the opposition victory as “shit”. Individual opponents have been subjected to barrages of insults. The archbishop of Caracas was labelled a “troglodyte”, Manuel Rosales, who contested the 2006 presidential election, an “imbecile and a drug-trafficker”.

Coupled with the climate of impunity that protects aggressors (see Section V.A), such rhetoric encourages violence against political opponents, without the need for specific orders. The president and his leading supporters have frequently claimed that his words are mild in comparison to attacks on him in the opposition media, including alleged calls for his assassination.<sup>97</sup> Vigorous opposition to the government can indeed be found in some print media, on the one remaining opposition TV channel, Globovisión, and in the discourse of some radical representatives of the opposition.<sup>98</sup> However, as a collective and since its 2005 boycott of the legislative elections, the opposition (now united in the Mesa de la Unidad Democrática) seems to have toned down its discourse, virtually united in opposing the government via the ballot-box.

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<sup>91</sup> “Annual Report 2010”, Inter-American Commission for Human Rights, p. 567.

<sup>92</sup> “En 2010 se registraron 159 ataques contra periodistas y medios”, *El Universal*, 2 May 2011. On 13 August 2009, in a particularly blatant example, twelve journalists who were protesting in central Caracas against aspects of an education bill were beaten – eight severely – by pro-Chávez demonstrators. “A dos semanas del brutal ataque a periodistas de la cadena Capriles no hay culpables”, Colegio Nacional de Periodistas, 28 August 2009, [www.cnpven.org](http://www.cnpven.org).

<sup>93</sup> “Contexto 2002”, Provea, pp. 16-17. Venezuelan academic José María Cárdenas claims that the disparaging discourse against the president and his followers reflects the liberation of “hidden sensations of racist nature” on the part of the middle class and the bourgeoisie. “Diez años de polarización en Venezuela”, in Francesca Ramos et al. (eds.), *Hugo Chávez: una década en el poder* (Bogotá, 2010), p. 139. Venezuelan upper classes have historically been descended from white Europeans in contrast to the largely indigenous or African heritage of the lower classes.

<sup>94</sup> The term *escuálido* used to denigrate the opposition is in Venezuelan parlance roughly equivalent to “puny”.

<sup>95</sup> María del Pilar García Guadilla, “Politización y polarización de la sociedad civil venezolana: las dos caras frente a la democracia”, *Espacio Abierto*, vol. 12, no. 1, Jan-Mar 2003, pp. 31-62.

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<sup>96</sup> “Chávez: yo preguntaría si está de acuerdo con eliminar la CTV2”, *El Nacional*, 12 November 2000. “They go crying every day to the media. They’re like a truck-load of pigs. They squeal and squeal, but however much they squeal there’s neither force nor obstacle that will prevent it”.

<sup>97</sup> “Presidente Chávez magnicidio.flv”, video, YouTube, 20 November 2010 ([www.youtube.com/watch?v=Yb10t9soPYU](http://www.youtube.com/watch?v=Yb10t9soPYU)).

<sup>98</sup> Globovisión owners in turn have come under strong pressure by the government. Guillermo Zualoga faces an arrest warrant in Venezuela for alleged business irregularities and has fled to the U.S., where he is seeking asylum. “Venezuela orders arrest of TV owner critical of Chavez”, BBC, 12 June 2010.

#### IV. ARMED GROUPS: COMBINING CRIME, VIOLENCE AND POLITICS

In addition to the presence of criminal organisations that primarily pursue economic interests, other armed groups combine criminal activities with a political discourse sympathetic to the Chávez project: the Colombian guerrillas, the Bolivarian Liberation Forces (FBL) and the urban *colectivos*. Although fundamentally different in origins, focus, structures and strength, they have all benefited from a government attitude that is at least ambiguous, one that, while keeping them at arm's length, recognises their political utility. No serious effort has been undertaken to combat or disarm the groups, which in part have acted as supporters or enforcers of the "Bolivarian revolution" and have both indirectly and directly fuelled violence in the country. With regard to the guerrillas and the FBL, however, this attitude may now be changing.

##### A. COLOMBIAN GUERRILLAS<sup>99</sup>

Given the decades-long conflict in Colombia, the lengthy and porous border with Venezuela and the traditionally weak presence of the state on both sides of the immediate border areas, it is not surprising that the presence of Colombian guerrillas – FARC (Fuerzas Armadas Revolucionarias de Colombia, Revolutionary Armed Forces of Colombia) and, to a lesser extent, ELN (Ejército de Liberación Nacional, National Liberation Army) – on Venezuelan territory is not a recent phenomenon.<sup>100</sup> Nonetheless, in 1999, when Hugo Chávez took power, he significantly shifted policy, announcing neutrality toward the Colombian conflict and equal treatment of its parties.<sup>101</sup> As the

guerrillas' need for shelter increased after 2002 due to stepped-up military pressure from the Uribe government, they moved from being an occasional military target<sup>102</sup> to becoming a tolerated, at times welcomed guest. Only very recently, under the terms of the rapprochement with the Colombian government, has Chávez appeared to be taking steps to reduce their presence or at least to render it less visible.

In May 2010, a Colombian intelligence report claimed that some 1,500 FARC combatants were present in 28 camps on the Venezuelan side of the border.<sup>103</sup> According to this and other sources, FARC was largely concentrated in the states of Zulia, Táchira, Apure and Amazonas, while the ELN was mostly based in west Apure and south-east Táchira (See map, Appendix A).<sup>104</sup> Important FARC and ELN commanders<sup>105</sup> had established their base in Venezuela, according to the intelligence report. Beyond their primary settlement in the border areas, the guerrillas spread their illicit business activities across the country.<sup>106</sup>

The groups allegedly use the neighbouring territory to rest and as a safe area for their leaders in which they can train,<sup>107</sup> hold hostages, centralise communications, acquire

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the same, because he is a combatant in an internal conflict in which we are neutral". "Chávez ofrece asilo a guerrilleros colombianos desarmados", Agence France-Presse, 23 February 1999. Although Chávez on several occasions said the Colombian guerrillas should be granted belligerent status, the Venezuelan parliament never officially did this.

<sup>102</sup> Pre-Chávez governments tried to mediate a negotiated solution to the Colombian conflict. The attitude toward the insurgents' presence on Venezuelan soil changed particularly after an ELN attack on a naval base in February 1995 in which eight marines died. See Javier Mayorca, "Farc en Venezuela: un huésped incómodo", Policy Paper 32, Programa de Cooperación en Seguridad Regional, Friedrich Ebert-Stiftung, December 2010, p. 3. The attack marked the beginning of "Teatro de Operaciones Conjuntas 1" (joint operational theatre 1), a pre-defined area along the border where combined military and police forces are coordinated under a joint command.

<sup>103</sup> "FARC tienen 1.500 hombres en 28 campamentos en Venezuela", *El Espectador*, 15 July 2010. The report is based on Colombian and U.S. intelligence operations and declarations from demobilised ex-combatants. Crisis Group interview, former Colombian intelligence officer, Bogotá, 18 February 2011. See also: "Los tentáculos de las Farc en Venezuela", *El Espectador*, 18 May 2010.

<sup>104</sup> "The FARC Files", op. cit., p. 151 (map).

<sup>105</sup> They include alias "Ivan Márquez", "Rodrigo Granda", "Timochenko", "Jesús Santrich", "Bertulfo Alvarez", "Grannobles" (FARC) and alias "Antonio García", "Pablito" and "Gabinó" (ELN).

<sup>106</sup> Crisis Group interviews, NGO representative, Caracas, 23 November 2010; security expert, Caracas, 2 March 2011.

<sup>107</sup> According to the above mentioned Colombian intelligence report, alias "Iván Márquez", who replaced "Raúl Reyes" as coordinator of FARC's international commission, had a politi-

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<sup>99</sup> For analysis of recent conflict dynamics in Colombia and state of the guerrillas, see Crisis Group Latin America Report N°34, *Colombia: President Santos's Conflict Resolution Opportunity*, 13 October 2010; and Briefing N°23, *Improving Security Policy in Colombia*, 29 June 2010.

<sup>100</sup> Roberto Giusti, *Pasión Guerrilla* (Caracas, 2009), pp. 24, 51. Also see "The FARC Files: Venezuela, Ecuador and the Secret Archive of Raul Reyes", International Institute for Strategic Studies (IISS), London, May 2011, pp. 39-54. The Colombian daily *El Tiempo* reported (Sergio Gómez Maseri, "Los Correos que revelan la relación entre Farc y el gobierno Chávez", 10 May 2011) that the FARC had high-level contacts with Caracas during the governments of Chávez's predecessors, Rafael Caldera and Carlos Andrés Pérez. It added: "There is also evidence of cooperation with militaries in the border areas, although to a lesser extent and characterised by 'pragmatic interests'". For a review of Colombian-Venezuelan relations, see Socorro Ramírez, "Colombia-Venezuela: una intensa década de encuentros y tensiones", in *Hugo Chávez*, op. cit., pp. 527-563.

<sup>101</sup> In February 1999 Chávez said, "If a Colombian soldier falls back, injured or no, in whatever condition we will take care of him. If a Colombian guerrillero falls back, we will do exactly



arms and equipment and develop their illicit businesses.<sup>108</sup> Foreign law enforcement agents on the ground suggest that around two thirds of the cocaine passing through Venezuela originates with FARC, and a former senior Venezuelan law enforcement officer stated that without a green light from the guerrillas, much of the rest would not cross the border either.<sup>109</sup> Other foreign law enforcement agents believe these estimates to be exaggerated and point to Bacrim increasing their own cross-border trafficking.<sup>110</sup> Many drug and arms operations appear to be carried out in active cooperation with, or at any rate with the silent and allegedly well paid complicity of members of the Venezuelan military, particularly the National Guard and the army (see also Section V.C).

Although systematic data are not available, press reports, Crisis Group's own research and other sources show that the increasing presence of the Colombian guerrillas in Venezuela has had a violent impact on the border population in particular. Extortion of local businesses, landowners and cattle ranchers and the kidnapping of those who do not pay have been manifestations of guerrilla presence since the 1990s,<sup>111</sup> but they increased markedly after 1999. Occasional fierce disputes over territorial control between FARC and ELN – and partly also with the Venezuelan FBL (see Section IV.B) and, more recently, with Colombian Bacrim – have put local communities in the

line of fire and subjected them to forced displacement and recruitment, particularly in Apure and Zulia states.<sup>112</sup>

Community leaders in Apure complain that guerrillas have gone from using their territory to rest and recuperate to taking over state functions and actively intervening in, and even exercising control over community life and families.<sup>113</sup> In some areas, insurgents have settled into a more “peaceful”, though still coercive, relationship with local communities, which derive income from supplying the groups with food and services.<sup>114</sup>

The absence of functioning state institutions on both sides of the border has facilitated guerrilla presence and its impact in Venezuela. Furthermore, the government has been accused of displaying a permissive, in part supportive attitude towards the groups, which parts of the armed forces have learned to take advantage of (see Section V.C). Evidence of ties between the guerrillas and the government abound, particularly prior to 2008.<sup>115</sup> They range from symbolic tributes<sup>116</sup> and the turning of a blind eye to illicit activities to giving direct material support. A number of sources confirm the offer and/or provision of arms, money, equipment and other services by the government to the insurgents. Former Interior Minister and retired naval intelligence Captain Ramón Rodríguez Chacín is said to have operated as the main link between the government and FARC.<sup>117</sup> Members of the army and the National Guard

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cal and military training center in Machiques (Zulia), with the capacity to train 700. “Así se mueven las FARC en Venezuela”, *El Espectador*, 15 July 2010. FARC leader alias “Jesús Santrich” is said to have run an “instruction centre” in Sorotaima (Zulia). In 2010, a witness protected by Colombian intelligence (DAS) reported centres in Apure, Maturín, Monagas, Aragua, Santa Cruz de Aragua and the surroundings of Maracay in which Spanish ETA members and “some Iranian groups” were allegedly trained, as well as 59 FARC members. “Los tentáculos de las FARC en Venezuela”, *El Espectador*, 18 May 2010. The intelligence report also revealed plans to recruit 3,000 Venezuelan peasants to be trained by FARC and ELN in cooperation with the Venezuelan army and Cuban advisers. “Así se mueven”, op. cit.

<sup>108</sup> “Farc en Venezuela: un huésped incómodo”, op. cit., p. 10; “The FARC files”, op. cit., p. 60; Crisis Group interviews, journalist, Caracas, 23 November 2011; ex-Colombian intelligence officer, Bogotá, 18 February 2011; ex-general, Caracas, 28 February 2011.

<sup>109</sup> Crisis Group interviews, international law enforcement officers, Caracas, September 2010; Bogotá, 9 February 2011; former senior law enforcement officer, Caracas, 1 March 2011.

<sup>110</sup> Crisis Group interview, foreign law enforcement officer, Bogotá, 27 July 2011.

<sup>111</sup> Roberto Giusti, op. cit., p. 24. Crisis Group interviews, Machiques, 3-4 March 2011; Guasdualito, 28-29 April 2011. “Pobladores de la Sierra de Perijá confirman presencia de guerrilleros”, *Venezolanos en Línea*, 1 August 2010.

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<sup>112</sup> Crisis Group interviews, Guasdualito, 28-29 April 2011. In 2006, the Jesuit Refugee Service said clashes between the Colombian guerrillas had “put in evidence the violent practices in the border strip ... using contract-killing, forced recruitment and displacement and imposing rules in the communities”. “Guerrilla asesina y desaloja a Venezolanos en la frontera”, *El Nacional*, 20 October 2006. Casto Ocando, “Guerrilla Colombiana gobierna pueblo en territorio venezolano”, *El Nuevo Herald*, 3 October 2008. FARC-ELN disputes have diminished after their 2010 ceasefire.

<sup>113</sup> “Guerrilla Colombiana gobierna pueblo en territorio venezolano”, op. cit.

<sup>114</sup> Crisis Group interviews, Zulia, 4-5 March 2011; Caracas, March 2011.

<sup>115</sup> See “Farc en Venezuela”, op. cit., pp. 7-10; and “The FARC Files”, op. cit., p. 134.

<sup>116</sup> Tributes include a monument to former FARC leader alias “Manuel Marulanda” in Caracas’s Comuna 13 neighbourhood, a minute of silence to commemorate the killing of “Raúl Reyes” in 2008 and the presidential statement the same year that FARC and ELN should be recognised as belligerents in the Colombian conflict. The latter was at the time mainly considered a jab at Colombian President Uribe, who denied the existence of an armed conflict.

<sup>117</sup> “Farc and Venezuela: Un huésped incómodo”, op. cit., p. 5. Crisis Group interviews, former military intelligence officer, Bogotá, 18 February 2011; security expert, Caracas, 3 March 2011. According to a document prepared by then-Interior Minister Chacín for the president and signed on 10 August 1999,

allegedly have not only abstained from confronting FARC on Venezuelan soil but have protected its camps and facilitated the group's operations.<sup>118</sup>

Foreign policy considerations, particularly towards Colombia but also beyond, have certainly been a major driver behind President Chávez's relations with FARC. According to analysts, FARC has been a strategic ally for spreading the Bolivarian project across the Americas and containing Colombia, perceived as the main obstacle to that expansion, particularly during the Uribe administration (2002-2010).<sup>119</sup> Evidence also indicates that the relationship between the guerrillas and the Venezuelan government, whose main counter-argument has been that Colombia was not securing its borders properly, has been marked by ups and downs and opportunism on both sides, as well as a mutual distrust that has been manifest through an at times contradictory presidential discourse on the guerrillas.<sup>120</sup>

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the Venezuelan government agreed to provide FARC "special medicine, oil, special support services, for the registration and contracting of firms in the banking, agriculture, housing and health sectors, as well as for rural development in the border region. It will also facilitate support for the asylum and transit of the guerrilla". In exchange, the government would obtain "information as well as the commitment not to carry out operations on Venezuelan territory, not to train Venezuelan militants without governmental consent, and not to engage into illicit activities". Roberto Giusti, *op. cit.*, p. 161. Messages retrieved from Reyes's computers in 2008 revealed Chávez's approval to transfer \$300 million to FARC – which did not materialise – and his instruction to build rest and medical centres, *ibid.*, p. 163. Another piece of evidence that made headlines was the confiscation by Colombian troops of anti-tank weapons from FARC in 2009 that Sweden had sold to the Venezuelan government. Chávez said they had been stolen them in an ELN attack on a naval base in Cararabo but did not explain how they reached the FARC. "Swedes quiz Venezuela on weapons", BBC, 27 July 2009. Fabiola Sánchez, "Venezuela responderá en 'momento oportuno' a Suecia", *Semana*, July 2009. "Farc en Venezuela", *op. cit.*, p. 12.

<sup>118</sup> Crisis Group interviews, Machiques, Serranía del Perijá, 4-5 March 2011; Guasualito 28-29 April 2011; former general, Caracas, 28 February 2011. "Treasury Targets Venezuelan Government Officials Supporting the FARC", press release, U.S. Treasury, Bogotá, September 2008. Again, this is not a new phenomenon. In his remarks on "The FARC Files", *op. cit.*, Nigel Inkster, director for transnational threats and political risks, International Institute for Strategic Studies (IISS), said FARC had always "had pragmatic dealings with Venezuelan security forces, which had little option but to accommodate themselves to the arrival of violent and potentially disruptive groups they lacked the capacity to expel by force", 10 May 2011.

<sup>119</sup> Crisis Group interviews, Caracas, security expert, 22 November 2010; journalist 25 November 2011. "The FARC files", *op. cit.*, pp. 13, 14.

<sup>120</sup> In 2004, President Chávez said, "I am a man of honour. If I supported FARC, be sure that I would say so. I would not hide

In May 2011, the London-based International Institute of Strategic Studies (IISS) published a study on the computer files seized after the Colombian military bombed a FARC camp inside Ecuador, killing one of the group's top leaders, alias "Raúl Reyes".<sup>121</sup> Among its conclusions was that Chávez had "effectively assigned [FARC] a role in Venezuelan civil society". According to the IISS, FARC guerrillas took part in providing training "to state security forces, to the government's paramilitary support base and to other autonomous but pro-government groups", particularly in 2002-2003.<sup>122</sup> In that sense, and while violence as a direct effect of guerrilla presence has remained mostly limited to the border areas, the groups have been an indirect driver of it in Venezuela by fuelling illicit economies as well as corruption in the security forces and training domestic armed groups.

Until recently, the Chávez government may have felt the benefits of an unacknowledged alliance with the Colombian guerrillas outweighed the disadvantages. However, the cost-benefit ratio has changed with the gradual decline of the insurgents under military pressure from Bogotá, the Chávez Bolivarian mission's loss of steam abroad and the August 2010 change in government in Colombia. In July

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it. To make it clear: I do not support, I have never supported, and I will never support the Colombian guerrilla nor a subversive movement against any democratic government". "Las amistades peligrosas de Hugo Chávez", *Infolatam*, 26 July 2010; in 2008 he said, "FARC and ELN are no terrorist bodies; they are true armies ... that occupy space in Colombia". Chávez continued that his government recognises them "as an insurgent force that has a political project, a Bolivarian project, that is respected here". "Chávez: Las FARC 'no son terroristas'", *La Nación*, 12 January 2008. That same year he called upon FARC to free all hostages. Jorge Fernández Menéndez, *Las FARC en México: De la política al narcotráfico* (Mexico, 2008), p. 132. On Chávez's defence against accusations, see "Fiscal general: Venezuela no tiene que demostrar al mundo que es inocente", *Noticiero Digital* ([www.noticierodigital.com](http://www.noticierodigital.com)), 23 July 2010.

<sup>121</sup> "The FARC Files", *op. cit.* The authenticity of the Reyes files remains controversial. Chávez called a report by Interpol "ridiculous" and a "clown show" ("Chávez se burló del informe de Interpol", Univision, 15 May 2008). The Venezuelan government expressed doubts regarding the Reyes files, which it called "the millennium farce". "Las patrañas de la Supercomputadora", communication and information ministry, May 2008. Interpol says there is no evidence the material was modified by Colombian security forces. See its media release, "Interpol reaffirms key findings of its examination of seized FARC computers in response to efforts to distort conclusions", 13 June 2008. In May 2011, the Colombian Supreme Court ruled that the computer files could not be used as legal proof, as they had been seized by the military, not the investigative police, and on foreign soil. It confirmed this decision on 31 July 2011 following a petition by the public prosecutor to the court to reconsider. "Los PC de 'Reyes' no son prueba": Corte Suprema de Justicia", *El Espectador*, 01 August 2011.

<sup>122</sup> "The FARC Files", *op. cit.*, p. 91.

2010, outgoing Colombian President Uribe had initiated a new diplomatic challenge, when his government requested a meeting of the OAS permanent council in order to present what it said was evidence of FARC camps inside Venezuela and called for a commission to be set up to verify this. Caracas dismissed the evidence and broke off diplomatic relations.

Uribe-Chávez relations were marked by personal animosity, but President Santos has taken a constructive, pragmatic approach to which Caracas has reacted positively.<sup>123</sup> Driven largely by economic interests, the presidents met twice in the first year and are gradually rebuilding cooperation in multiple areas, including security.<sup>124</sup> Under instructions from the top for “zero disqualification of Chávez”,<sup>125</sup> the Colombian government wants to build confidence and commitments. It avoids challenging its neighbour on difficult topics and celebrates the “positive signals” it receives.<sup>126</sup> The strategy seems to be yielding results. Chávez has publicly declared he will not tolerate a guerrilla presence in Venezuela and has captured and extradited seven of its members, including Joaquín Pérez, the head of the Anncol news agency, who allegedly has links to FARC, and Guillermo Torres, a leading FARC member and alleged one-time right-hand man of alias “Raúl Reyes”.<sup>127</sup> On 14 April, Santos announced that the

guerrilla camps identified by the Uribe government were no longer there, and Chávez was keeping his word.<sup>128</sup>

While Chávez surely has much to win or lose in his relationship with Bogotá, the reality behind the rhetoric is complex. There are legitimate doubts whether the president could, if he wanted to, exert control over the guerrillas, given the pervasive nature of military corruption and how entrenched, rich and well-armed the guerrillas still are. Evidence from the ground suggests that, rather than actively combating them, there is a policy of lowering their profile and taking exemplary action when necessary and convenient. Consequently, the guerrillas may simply have moved camps and be organising in smaller units.<sup>129</sup> Community representatives from the northern border states are not witnessing substantial changes in FARC and ELN presence and operations, but they report that the support provided by the security forces is less open and visible.<sup>130</sup>

This is not so, however, along the southern border. There is evidence of a considerable FARC presence in the southern Venezuelan state of Amazonas, where insurgents maintain drug trafficking networks and smuggle weapons into Colombia.<sup>131</sup> In contrast with the northern border states, FARC camps in the south can operate more or less in secret, as access to the area is restricted by the National Guard; and as long as the bilateral honeymoon lasts, Colombia has little interest in publicising what it may know about

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<sup>123</sup> Some believe that the Santos government’s main leverage has been Walid Makled, alleged Venezuelan drug kingpin captured in August 2010 on Colombian soil. President Chávez supposedly needed to ensure he would be extradited to Venezuela, not the U.S. Crisis Group interview, international analyst, phone conversation, 7 July 2011.

<sup>124</sup> Patrick Markey, “Colombia’s Santos, Venezuela’s Chavez restore ties”, Reuters, 11 August 2010. Bilateral trade was around \$7 billion before political tensions led to the suspension of those ties in 2008.

<sup>125</sup> Crisis Group interview, former military intelligence officer, Bogotá, 15 April 2011.

<sup>126</sup> Crisis Group interviews, Colombian foreign ministry officials, Bogotá, 21 December 2010, 15 March 2011.

<sup>127</sup> Pérez was caught at the Caracas international airport leaving a plane coming from Frankfurt following a phone call from President Santos on 22 April in which he alerted President Chávez and asked him to capture the alleged FARC leader. He was the first alleged FARC member to be caught by Venezuelan authorities since the re-building of diplomatic relations between Venezuela and Colombia in August 2010. Chávez dismissed protests by radical left-wing groups in his country that the government was “making concessions to North American imperialism and the Colombian oligarchy”. He also accused some of his allies of providing support to the guerrillas. “Chávez acusa a aliados suyos de apoyar a la guerrilla colombiana”, *Semana* (online), 2 May 2011. According to prominent Venezuelan security analyst Rocío San Miguel, this gesture marks the end of the president’s neutrality policy. “Fin de la neutralidad”, *Control Ciudadano*, 28 April 2011. Guillermo Torres (alias “El Cantante”), wanted in Colombia and the U.S., was captured on 31

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May 2011. “Capturado el guerrillero ‘Julián Conrado’, alias ‘el cantante de las FARC’”, *Univisión*, 1 June 2011.

<sup>128</sup> The statement generated controversy in Colombia, to which the president responded a few days later, clarifying that the fact that the camps had disappeared did not mean that there was no longer a FARC presence in Venezuela. “‘Es probable que la guerrilla siga en Venezuela’: Presidente Santos”, *El Tiempo*, 18 April 2011; “FARC en Venezuela, ¿desaparecieron o cambiaron de lugar?”, *Semana*, 19 April 2011. On 1 August 2011, the head of the Colombian armed forces, Admiral Edgar Cely, said that “what had been demonstrated at the end of ex-President Uribe’s government (ie, FARC camps on Venezuelan territory) is still there”. President Santos swiftly responded that “on both sides there are many enemies of the prosperity of this relationship ...”. “Las Farc y el ELN siguen en Venezuela: Almirante Cely”, *Caracol*, 1 August 2011; “Santos dice que hay ‘enemigos’ del reestablecimiento de relaciones con Venezuela”, *Semana*, 2 August 2011.

<sup>129</sup> Crisis Group interviews, former military intelligence officer, Bogotá, 18 February 2011; former military intelligence officer, Maracaibo, 3 March 2011, senior member of the Colombian army, Cúcuta, 27 April 2011.

<sup>130</sup> Crisis Group interviews, Machiques, 3-4 March 2011.

<sup>131</sup> Crisis Group interviews, Caracas, March 2011; former military intelligence officer, Bogotá, 15 April 2011; “Revelan detalles de ‘compadreo’ de la GN venezolana y las FARC en la frontera”, *noticias24*, 9 February 2008.

these camps.<sup>132</sup> It remains to be seen, in other words, whether the two neighbours manage to turn their public displays of harmony into effective cooperation and joint action to help bring about the demise of the guerrillas and organised crime structures that operate across the borders.

## B. BOLIVARIAN LIBERATION FORCES

The FBL is a paramilitary organisation allegedly armed and financed by the government to consolidate its hold over a vital sector of the border with Colombia.<sup>133</sup> Its activities are largely confined to the states of Apure and Barinas, along with south-east Táchira, although it also has a presence in Mérida and Portuguesa and links with armed pro-Chávez *colectivo* groups in Caracas.<sup>134</sup> In a 2005 interview, FBL leader alias “Gerónimo Paz” said the group was founded in 1986 and retained its independence, even though it backed the Chávez regime.<sup>135</sup> However, a number of informed sources indicate that in its present form it dates from the beginning of the Chávez government, in 1999, and that it received training from Colombian guerrillas.<sup>136</sup> Like some of the urban *colectivos*, the group has occasionally been very critical of alleged corruption and ‘unrevolutionary’ attitudes on the part of some members of the government.<sup>137</sup> In June 2009, alias “Gerónimo Paz” said in a communiqué that the group had been dissolved, though it was not disarming. This appears to have been the result of an internal split.<sup>138</sup>

By 2002, Asogata, the cattle ranchers’ association of Táchira state, claimed the FBL had more than 2,000 members, although other sources said at the time only a few hundred were armed and trained.<sup>139</sup> By 2005 there were reports

that its membership had risen to 4,000.<sup>140</sup> The FBL’s very existence was long denied by official sources, and government sympathisers attributed press reports on the subject to a campaign of black propaganda against the revolution.<sup>141</sup> But as its criminal and political activities became steadily harder to conceal, the official version changed. President Chávez himself referred to the group in his speeches, generally calling on it to lay down its arms and – if it wanted to defend the government – join the militias.<sup>142</sup> All military organisations had to be under the control of the armed forces, he said. But according to sources in the border area, the government was supplying the FBL with money, weapons and infrastructure and turning a blind eye to its extortion, kidnapping and smuggling.<sup>143</sup>

The FBL’s main centre of operations has always been in and around the town of Guasqualito in Apure, in particular the villages of Chorroquero and La Gabarra. Locals say it patrols Guasqualito at night and does “social cleansing”, arresting and sometimes killing individuals accused of criminal activities or those it disapproves of.<sup>144</sup> It imposes its own law regarding consumption of alcohol and other activities such as hunting, fishing and logging. But it also extorts money from farmers and business people, runs a contraband gasoline trade across the border into Colombia, and, according to the ranchers, steals cattle and kidnaps ransom.<sup>145</sup> Its activities have in the past led to

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<sup>132</sup> Crisis Group interview, Caracas, March 2011; former military intelligence officer, Bogotá, 15 April 2011.

<sup>133</sup> Although often referred to as a “guerrilla” group, the FBL is more accurately described as “paramilitary”, in that it possesses military power and seeks to support, not to combat, the established regime.

<sup>134</sup> Javier Pereira, “Las FBL penetran el llano”, *El Nacional* (Siete Días section), 16 September 2007. Lina Ron, leader of one of the *colectivos* (see Section IV.C), told *El Nacional* and other media that she was authorised to speak for the FBL.

<sup>135</sup> “Venezuela, donde una guerrilla se arma para defender al gobierno y la constitución”, *Prensa de Frente*, 13 March 2006.

<sup>136</sup> Crisis Group interviews, Guasqualito, 28-29 April 2011. Hannah Stone, “FARC computers shine spotlight on Chavez militias”, *Insight*, 12 May 2011.

<sup>137</sup> “Basta de demagogia y corrupción, salvemos la patria Bolivariana”, FBL comunicado, 5 March 2011, [www.aporrea.org/ddhh/a118913.html](http://www.aporrea.org/ddhh/a118913.html).

<sup>138</sup> Crisis Group interviews, Guasqualito, 28-29 April 2011. “FBL se transforma y divide”, *El Universal*, 5 July 2009.

<sup>139</sup> Eleonora Delgado, “Fuerza Bolivariana de Liberación incrementa presencia en la frontera”, *El Nacional*, 21 May 2002.

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<sup>140</sup> “Aseguran que 4 mil hombres de la FBL operan en el Alto Apure”, *El Universal*, 19 July 2005.

<sup>141</sup> In 2007, President Chávez said, “I will repeat it again: those who call themselves Fuerzas Bolivarianas de Liberación, this is a lie! Neither the armed forces, nor the local governments, nor the state government, nobody here can be recognising those who pretend to be called Fuerzas Bolivarianas de Liberación”, Aló Presidente no. 285, Elorza, Apure, 10 June 2007.

<sup>142</sup> Aló Presidente no. 206, Junin, Tachira, 3 October 2004.

<sup>143</sup> Crisis Group interviews, Guasqualito, 28-29 April 2011. Former Interior Minister Ramón Rodríguez Chacín, allegedly the president’s principal intermediary with the Colombian guerrillas, has been said by some to have been among the founders of the FBL, as well as Jorge Nieves, a political activist employed by the energy ministry to control the gasoline trade in Guasqualito (and hence, allegedly, to help finance the FBL). Nieves was murdered in April 2003 by a gunman who, the FBL later said, acted on behalf of the ELN. Crisis Group interviews, Guasqualito, 28-29 April 2011. “Rodríguez Chacín es el Jefe del FBL”, *Diario de los Andes*, 16 January 2008; “Informe del Diputado Ismael García sobre dimensión y profundidad de la corrupción del régimen del teniente-coronel Hugo Chávez y su entorno militar de gobierno”, Reporte Confidencial, [www.reporteconfidencial.info](http://www.reporteconfidencial.info), 27 October 2009; Roberto Giusti, “Guerra fratricida”, *El Universal*, 12 August 2003.

<sup>144</sup> Crisis Group interviews, Guasqualito, 28-29 April 2011. See also “Child Soldiers Global Report 2008 -Venezuela”, Coalition to Stop the Use of Child Soldiers, 2008, pp. 366-367.

<sup>145</sup> Interviews by Crisis Group consultant in former capacity, local ranchers associations, Zulia, 2000, 2006, 2009.

clashes with FARC and ELN. The FBL says such conflicts result from its defence of national sovereignty against foreign forces.<sup>146</sup> It denies kidnapping, extortion and other crimes.<sup>147</sup> Border sources say that, while the latter may have been true at the beginning of the Chávez era, it began to finance itself this way after government funding began to dry up.<sup>148</sup>

The presence of illegal armed groups transformed the situation in Guasdalito and in general in Alto Apure, which stretches west toward the Táchira border. In Guasdalito, a town of some 60,000, fear inspired by the FBL is such that common crime is rare. The cost of breaking the “law” imposed by this vigilante group can be death or forced labour on farms it runs on the outskirts of the town. The same policy of controlling the community at gunpoint is applied to politics: those critical of the government or denouncing irregularities in the military are likely to receive a visit from gunmen who see their job as defending the revolution and keeping the Chávez regime in power. Since the FBL is the predominant armed group in the area, such visits have been generally attributed to it, even when the perpetrators do not identify themselves.<sup>149</sup>

In recent months, following the Chávez-Santos rapprochement, there has reportedly been an attempt to bring the FBL under control and render its activities less visible. Since late 2010, local people report a change in the relationship between the group and the security forces. The most obvious difference is that it is soldiers who now guard filling stations previously controlled by armed men in civilian clothes under the guise of “social auditors”.<sup>150</sup> Soldiers have been seen riding motorcycles formerly belonging to the FBL, whose members are no longer a daytime presence in the streets of Guasdalito, although they continue to patrol it at night. While there is no indication the government has decided to dismantle the FBL, the evidence available is consistent with a policy of lowering the profile of irregular forces in the border area.

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<sup>146</sup> In a 7 March 2002 communiqué, the Comandancia General, Bloque Occidental of the FBL proclaimed: “We are a popular reserve to accompany the armed forces in the defence of the fatherland threatened by powerful international enemies”. It also noted that businesses in the region were “hit by foreign groups and others coming from common crime”. Copy of communiqué in Crisis Group possession. In 2007, it demanded that FARC and the ELN leave Venezuela, saying they were “doing the revolutionary process no favours”. See “FBL exige a las FARC y al ELN abandonar Venezuela”, *El Universal*, 26 February 2007.

<sup>147</sup> Communiqué, FBL (Bloque Occidental), op. cit.

<sup>148</sup> Crisis Group interviews, Guasdalito, 28-29 April 2011.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid. The cross-border trade in cheap gasoline was reportedly a mainstay of FBL finances, but a recently appointed colonel in charge of the army base at La Victoria visited Chorrosequero and ordered his troops to destroy the group’s gasoline dump there.

## C. THE URBAN *COLECTIVOS*

The government’s ambivalence to violence is nowhere more apparent than in its relations with the “*colectivos*” of the *23 de Enero* slum district, close to the presidential palace of Miraflores in the west of Caracas. In the 1960s and 1970s the guerrilla organisations that fought the government used the area as a key urban base, and the *colectivos* – armed civilian groups loyal to the Chávez regime – trace their origins to that period, although most are of more recent formation.<sup>151</sup> Some members have been close allies of the president from before his February 1992 attempt to overthrow the elected government of Carlos Andrés Pérez.<sup>152</sup> Roughly a dozen armed *chavista* groups of this kind are thought to exist in Caracas, of which perhaps eight have their headquarters in the *23 de Enero*. It is rare for more than 40 or 50 armed and hooded gunmen to appear at any one time, though there have been claims that up to 2,000 members of the *colectivos* are armed.<sup>153</sup> Some groups have branches in other parts of Venezuela, notably the university campus in Mérida, where the *Tupamaros* in particular have often been involved in violent street clashes.

The groups defy simple definition. While all profess loyalty to the president and that they would defend him by force against his opponents, many are highly critical of the government and have an adversarial relationship with the government party, which they criticise for an alleged lack of true revolutionary spirit. They describe themselves as socialist, anti-imperialist and anti-capitalist, while their activities include vigilantism and “social cleansing”. They are not united. *Tupamaros* and *La Piedrita*, for example, have engaged in a shooting war, while some older groups that regard themselves as serious community organisations, such as the *Coordinadora Simón Bolívar*,<sup>154</sup> are scathing

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<sup>151</sup> The restoration of democracy in Venezuela after the 1958 overthrow of General Marcos Pérez Jiménez coincided with the revolution in Cuba, and from as early as 1960 there were Cuban-backed guerrilla cells in the country. Although the Venezuelan communist party (PCV) had helped oust the dictator, it was later excluded from power and took up armed struggle, as did other left-wing groups. A peace process, initiated by President Rafael Caldera (1969-1974), and growing oil prosperity brought the demobilisation of most guerrilla fronts in the early 1970s, though there were still some active units of the far-left Bandera Roja group as late as the 1980s. See Alberto Garrido, “El eje revolucionario Chávez-Castro”, *El Universal*, 27 June 2004.

<sup>152</sup> This is the case, for example, of Alberto “El Chino” Carías of *Tupamaros*, who was deputy director of public safety under Caracas Metropolitan Mayor Juan Barreto. See Antonio Salas, *El Palestino* (Madrid, 2010), p. 260.

<sup>153</sup> “20 Pelotones Armados en el 23 de Enero”, *El Mundo*, 13 July 2006.

<sup>154</sup> The *Coordinadora Simón Bolívar* takes pride in pointing to the abandoned Metropolitan Police (PM) offices opposite its

about the more recent rivals, such as the *Carapaicas*, who are prone to meeting the press in combat gear, wearing ski-masks and carrying automatic rifles.<sup>155</sup>

Observers say that despite their anti-crime and anti-drugs stance, some *colectivos* have combined political activities with drug trafficking, car theft and other forms of organised crime.<sup>156</sup> They have declared several parts of the *23 de Enero* no-go areas for the police, who must seek permission from the group leaders in order to enter, even if carrying an arrest warrant.<sup>157</sup> The groups have been involved in a number of armed attacks on institutions linked to the opposition. On 27 February 2008, a group led by Lina Ron, the most prominent figure in the *colectivos*' ranks until her death of a heart attack in 2011, took over the archbishop's palace in central Caracas for two hours, ejecting church employees. The church and Fedecámaras – the leading employers' organisation – Ron said, were involved in a conspiracy against the government, and Héctor Serrano – who had died days earlier while trying to place a bomb outside the Fedecámaras building – was a martyr.<sup>158</sup>

The 24-hours news channel Globovisión has several times been attacked, once with an incendiary device that started a fire outside its studios. In August 2009, an armed group led by Lina Ron invaded its premises and hurled teargas grenades. In statements to the press following the attack on the archbishop's palace, Ron had already declared the media a "revolutionary objective" that was "asking to be bombed".<sup>159</sup> She was subsequently arrested and held at military intelligence (DGIM) headquarters but was released pending trial. Earlier in 2009, Ron's close ally, Valentín Santana of the *La Piedrita* group, had given an interview to two Venezuelan journalists in which, among other things, he declared Marcel Granier, chairman of the opposition TV channel RCTV (later closed by the government), a military target. A warrant was issued for Santana's arrest, but he has not been captured. Some press reports suggested he spent time in Cuba before returning to his base in the *23 de Enero*.<sup>160</sup>

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headquarters in the La Cañada sector of *23 de Enero*, which now house a radio station and other facilities run by the Coordinadora. Their leaders say they forced the PM to leave because they were in league with the criminals who preyed on barrio residents. Interview by Crisis Group consultant in former capacity, Juan Contreras, leader of the Coordinadora Simón Bolívar, in his headquarters in *23 de Enero*, 16 October 2005.

<sup>155</sup> "Cadena de homicidios dejó tres muertos en el 23 de Enero", *El Nacional*, 23 June 2006.

<sup>156</sup> "20 Pelotones Armados", op. cit.

<sup>157</sup> Crisis Group interview, criminologist, Caracas, 13 April 2011.

<sup>158</sup> Ron's statements were carried on TV. See "Lina Ron, Globovisión es un objetivo de la revolución Parte 2", video, YouTube, 27 February 2008, [www.youtube.com/watch?v=X0NRSIK\\_GXw](http://www.youtube.com/watch?v=X0NRSIK_GXw).

<sup>159</sup> Ibid.

<sup>160</sup> "Tropezarse con la misma Piedrita", *TalCual*, 12 August 2010.

Asked about possible innocent victims of armed actions, a Ron lieutenant said they were "collateral damage".<sup>161</sup> Hector Serrano, the man died trying to bomb Fedecámaras, turned out to be a member of the Metropolitan Police (PM).<sup>162</sup> Two years later, the investigative police (CICPC) arrested an alleged accomplice of Serrano, "Juancho" Montoya, a policeman in the Libertador municipality run by allies of the president. But he was released after two months, amid allegations that he had been framed by his superiors.<sup>163</sup> This pattern of impunity became familiar in cases involving members of the *colectivos* or other violent, pro-Chávez groups, even when the accusations have included homicide, death threats or other serious crimes.<sup>164</sup>

The influence of the *colectivos* reached its apparent high point during the 2004-2008 term of Caracas metropolitan Mayor Juan Barreto, a close Chávez associate. One of Barreto's first acts was to appoint *Tupamaros* leader Alberto "El Chino" Carías as deputy director of public safety and to incorporate many *Tupamaros* members into the Metropolitan Police.<sup>165</sup> By 2008, when Barreto was replaced by an opposition mayor, Antonio Ledezma, there were allegedly some 7,000 pro-Chávez activists on the city payroll, some operating as plainclothes police, intelligence agents or bodyguards for government politicians.<sup>166</sup>

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<sup>161</sup> Meeting between Lina Ron's Unión Popular Venezuela party and the foreign press, offices of the foreign press association, Apex, Caracas Hilton, 2005.

<sup>162</sup> The Metropolitan Police are responsible for the metropolitan area of Caracas.

<sup>163</sup> Oscar Medina, "La conexión Carapaica", *El Universal*, 13 June 2010.

<sup>164</sup> Other examples are the three *Tupamaros* activists who fired on opposition demonstrators in a public square on 16 August 2004, killing 62-year-old Maritza Ron and wounding eight others. They were sentenced to seven or eight years in 2007, but the convictions were immediately reduced by seventeen months in recognition of work and studies said to have been carried out while in police custody, and they were transferred to an open prison.

<sup>165</sup> "Revelan que Chávez reclutó a los *Tupamaros* para golpe del 92", *El Universal*, 6 December 2004.

<sup>166</sup> Press conference by aides to Antonio Ledezma, December 2008. "Caracas gunmen vanish from city payroll", *Miami Herald*, 26 December 2008. Barreto was subsequently charged by the public prosecutor with corruption, but he has not been tried and no longer has an official position. The authorities never admitted or distanced themselves from the hiring of civilian gunmen and used the subsequent dismissal of the activists by Ledezma as a pretext for occupying city hall in 2008, supported by uniformed police and civilian gunmen. Ledezma has yet to recover his offices. Barreto is not the only senior *chavista* to have ties to the *colectivos*. Former Vice President Diosdado Cabello, currently a member of parliament and long considered the number two in the *chavista* hierarchy, acknowledged a close political relationship to Lina Ron, with whom he often

Although the official government line is that only the state security forces can legitimately bear arms in defence of the state, no attempt has been made to disarm the *colectivos*. Those familiar with their leadership say they would resist any such move, even if it came from the president.<sup>167</sup> Their weapons reportedly include not only automatic rifles (including AK-47s) but also submachine guns, fragmentation grenades and teargas canisters.<sup>168</sup> The latter have been used in attacks on the opposition. According to information in computer files seized from the camp of senior FARC leader alias “Raúl Reyes”, the guerrillas were in contact with some of the *colectivos* from 2002 onwards (particularly the *Carapaicas* and *Tupamaros*) and even gave them military training.<sup>169</sup> In recent years the groups’ armed actions outside the *23 de Enero* have been less visible. However, if the political situation were to deteriorate, as in 2001-2004, at least some of the extremist elements there might fulfil their promises to target anti-Chávez groups.<sup>170</sup>

## V. INSTITUTIONAL DECAY

A main characteristic of the Chávez regime has been its commitment, from the outset, to the replacement, restructuring or renaming of all national institutions. The argument, shared by a majority of Venezuelans when the president came to power in 1999, was that in all areas of national life the elites had become corrupted and with them the institutions they headed. While there was certainly much to be said about corruption and institutional decline under previous administrations, this analysis translated into a process during which the president has consistently sought to centralise all power and decision-making in his own hands and those loyal to him. For much of the Chávez presidency (in particular following the opposition’s boycott of the 2005 legislative elections) the parliament has operated virtually as a rubber stamp. In addition, the president has on four occasions sought and received authority to issue decree-laws on broadly-defined areas, not least crime and public security, thereby leaving the formulation of norms and public policies to a small group of like-minded individuals around him.<sup>171</sup>

Control of parliament has also enabled the executive to monopolise appointments to the other key organs of state: the Supreme Court, the National Electoral Council (CNE) and the members of the “citizens branch”,<sup>172</sup> with the result that none of them has in recent years challenged the government on any matter of substance. In consequence, the bureaucracy, together with the legal system and other branches of government, lost the substantial autonomy required to maintain an adequate system of checks and balances.<sup>173</sup> Corruption, impunity and inefficiency have been the obvious results. The effects of this institutional decline have been particularly manifest in the justice system and the security forces. The president has also organised and armed citizens for internal defence, thereby cre-

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appeared in public. The former pro-Chávez mayor of the Caracas municipality Libertador, Freddy Bernal, also a leading member of the government party, has defended the *colectivos*, saying they had been “demonised”, and they worked with the authorities to control crime. “Bernal niega existencia de bandas en el 23”, *El Universal*, 10 July 2006. Bernal has been accused of distributing weapons to the groups. Carlos Melo in TV documentary “Los Guardianes de Chávez”, Canal 4 de España and CNN Plus, June 2010. The leader of the *Carapaicas*, who calls himself Comandante Murachi, is said to be a Libertador policeman. Interviews by Crisis Group consultant in former capacity, former member of military intelligence (DGIM), 2009; long-time associate of Juan Barreto and member of his inner circle, Caracas, 21 April 2006.

<sup>167</sup> Interview by Crisis Group consultant in former capacity, Lisandro Pérez alias “Mao”, prefect of the *23 de Enero* parish and a former *Tupamaro*, 2007.

<sup>168</sup> “20 Pelotones Armados”, op. cit.

<sup>169</sup> “Las FARC mantienen contacto con grupos armados Bolivarianos de Venezuela desde 2002”, *El Tiempo*, 7 February 2010.

<sup>170</sup> Crisis Group interview, criminologist, Caracas, 13 April 2011.

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<sup>171</sup> For a review of institutional developments since 2005, see Crisis Group Latin America Reports N°19, *Hugo Chávez’s Revolution*, 22 February 2007; and *Venezuela: Accelerating the Bolivarian Revolution*, op. cit. Ramón Guillermo Avelo, “Consecuencias institucionales de la presidencia de Hugo Chávez”, in *Hugo Chávez*, op. cit, pp. 47–68.

<sup>172</sup> The 1999 constitution increased the branches of government to five, from the traditional three. Added were the electoral authority (Consejo Nacional Electoral, CNE) and the Poder Ciudadano (Citizen’s Branch, or Moral Branch), comprising the ombudsman (Defensoría del Pueblo), public prosecutor’s office (Fiscalía) and the comptroller general (Contraloría General).

<sup>173</sup> “A Decade under Chávez”, Human Rights Watch, September 2008. In the “Rule of Law Index” published on 13 June 2011 by the World Justice Project, Venezuela is the worst performer of all 66 countries included in accountability and effective checks on executive power, [www.worldjusticeproject.org/rule-of-law-index](http://www.worldjusticeproject.org/rule-of-law-index).

ating the threat of resolving internal conflicts outside democratic and institutional channels.

## A. IMPUNITY

Although the sharp rise in violent crime in recent years has many causes, there is a broad consensus that impunity is one of the main – if not the main – reasons.<sup>174</sup> Organisations loyal to the government, and even at times the president himself, have lambasted the institutions in charge of combating crime, such as the public prosecutor's office, for failing to deal adequately with criminals.<sup>175</sup> The pro-Chávez Frente Nacional Campesino Ezequiel Zamora, a national peasant organisation, for example, complained in 2009 that the public prosecutor's office seemed to have no interest in investigating over 200 murders of peasant activists since 2000.<sup>176</sup> Perhaps the most telling example of the government's apparent lack of interest in ending impunity is that of the Barrios family of Aragua state, seven of whose members were murdered, allegedly by state police, on separate occasions between 1998 and 2011. The last murder followed a declaration that the Venezuelan state should protect them by the Inter-American Commission on Human Rights, which has also said the state has never seriously investigated the case.<sup>177</sup>

In 2009, according to the Venezuelan Violence Observatory (OVV), 91 per cent of murder investigations did not lead to the arrest of a suspect.<sup>178</sup> This compares, the organisation says, with 58 arrests per 100 homicides in 1998, the year before Chávez took office. Asked the reasons for the increase in impunity, some experts say too little is done to train and properly equip police, prosecutors and judges in how to operate under the new criminal justice

system, which took prosecution out of the hands of the police and gave it to a new prosecutorial authority, the *ministerio público*.<sup>179</sup> Prosecutors are over-worked, with one handling as many as 4,000 cases, most of which are simply filed. Police report that in some communities, neighbours protest when criminals are arrested, because they expect they will be easily released, then return to their communities and punish those who did not protect them.<sup>180</sup>

Yet, the overloaded, corrupt and ill-prepared system is only part of the problem. The courts are also subject to political pressures that are hard to resist because more than half the judges lack tenure and can be dismissed at a moment's notice.<sup>181</sup> Judge María Lourdes Afiuni was arrested on 10 December 2009 after Chávez publicly called her a "bandit" and said she should be jailed for 30 years. Her offence was to sign a release warrant for banker Eligio Cedeño, who had been detained without trial for almost three years, in violation of Venezuelan law. Accused of "corruption", though prosecutors could not show she had benefited from her ruling, she remains under arrest, despite calls by three UN rapporteurs for her unconditional release.<sup>182</sup> In another case, the government dismissed five judges and closed a court that had issued rulings it regarded as hostile.<sup>183</sup> Two, seen as pro-government, including the current president of the Supreme Court, were later reinstated, but in disregard of an Inter-American Court of Human Rights ruling, the others are neither reinstated nor compensated, and the court remains closed.

## B. THE POLICE

Another important factor that has driven citizen security problems is the dysfunctional and abusive police. In December 2009, the interior and justice minister, Tarek El Assaïmi, admitted that the police were involved in 15 to 20 per cent of crimes,<sup>184</sup> a figure some believe may be

<sup>174</sup> "Una década de impunidad en Venezuela", OVV, March 2010, p. 10.

<sup>175</sup> "Chávez: declaraciones de Presidenta del TSJ fueron 'muy buenas'", Noticiero Digital, 6 December 2009.

<sup>176</sup> "Campesinos Asesinados en Venezuela desde el 2001, Impunidad se Mantiene y Resiste", Frente Nacional Campesino Ezequiel Zamora, 25 June 2009, updated on 26 October 2010, p. 3.

<sup>177</sup> "La Comisión Interamericana condena atentado contra otro miembro de la familia Barrios en Venezuela" and "CIDH deplora asesinato de séptimo miembro de la familia Barrios en Venezuela", press releases, Inter-American Commission on Human Rights, 14 January 2011, 2 June 2011. The harassment of the Barrios family is said by them and by human rights organisations to have stemmed originally from a petty dispute over free service at a business run by the first victim. It was the family's pursuit of justice that is seen to have led to many of them being killed or harassed. The case is with the Inter-American Court for Human Rights. "Resolución del Presidente de la Corte Interamericana de Derechos Humanos, Caso Familia Barrios vs. Venezuela", 1 June 2011.

<sup>178</sup> "Una década de impunidad en Venezuela", op. cit., p. 26.

<sup>179</sup> "Código Orgánico Procesal Penal", Congreso de la República; Crisis Group interview, state police chief, 1 March 2011.

<sup>180</sup> Crisis Group interview, state police chief, 1 March 2011.

<sup>181</sup> "Democracia y Derechos Humanos en Venezuela", Inter-American Commission on Human Rights, December 2009, p. 66.

<sup>182</sup> See "Informe Anual de la Comisión Interamericana de Derechos Humanos 2010, Sección del informe referida al caso de la Juez María Lourdes Afiuni", OEA/SER.L/V/II.Doc.5.corr1, 7 March 2011; Gabriela Carina Knaul de Albuquerque e Silva, "Report of the Special Rapporteur on the Independence of Judges and Lawyers", A/HRC/14/26, 9 April 2010. "Venezuela: Stop Attacks on Judicial Independence", Human Rights Watch, April 2008.

<sup>183</sup> "TSJ eliminó Corte Primera de lo Contencioso Administrativo", Venpres, 23 October 2003; Juan Carlos Apitz, "Si se puede ganar", www.juancarlosapitz.com/cidh.php.

<sup>184</sup> "El ministro de Interior afirma que hasta un 20% de los crímenes violentos los comete la policía", informe21, 6 December 2009.



understated.<sup>185</sup> 93 per cent of respondents to a 2007 poll believed the police were involved in criminal activities.<sup>186</sup> Cases of extrajudicial executions allegedly by the police are in the thousands. Between January 2000 and November 2007, the public prosecutor registered 7,243 victims of extrajudicial executions by the security forces, leading to the imprisonment of 412 officers.<sup>187</sup> According to the NGO Cofavic, multiple homicides committed by security forces have increased since 2007.<sup>188</sup> Over 20 per cent of registered killings are attributed to the investigative police (CICPC).<sup>189</sup>

Yet, these numbers paint only part of the picture. Many police killings are disguised under the vague concept of “resistance to authority”, a figure that Provea says has risen from 1,355 in 2005 to 2,685 in 2009.<sup>190</sup> Police rarely have to account for this, since they are first at the crime

site, which gives them ample opportunity to manipulate the facts.<sup>191</sup>

Pressured by a public outcry following several prominent cases of killings by police, the interior and justice minister announced in April 2006 the establishment of a commission to work out a police reform proposal (Comisión Nacional de Reforma Policial, CONAREPOL).<sup>192</sup> Consisting of sixteen state and non-state representatives,<sup>193</sup> it formulated recommendations after conducting a broad diagnosis of the 123 state and municipal police forces at the time,<sup>194</sup> regulations and perceptions.<sup>195</sup> It detected overlap and confusion of functions among the forces, as well as lack of clear and uniform standards, all of which contributed to discretionary behaviour, political interference, inefficiency and abuse. Clear entry and promotion policies were missing, as were disciplinary and performance management mechanisms and standards for training and use of firearms.<sup>196</sup> For example, at entry only 17 per cent of

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<sup>185</sup> Interview, Crisis Group consultant in former capacity, European diplomat, Caracas, July 2010.

<sup>186</sup> “Encuesta Nacional de Victimización y Seguridad Ciudadana”, results of the Laboratorio de Ciencias Sociales (LACSO) poll presented in Roberto Briceño-León, “La Policía y su reforma en Venezuela”, *Urvio Revista Latinoamericana de Seguridad Ciudadana*, no.2, Quito, September 2007, p. 167. A consequence of the high level of citizen distrust is the low level of crime reporting mentioned above.

<sup>187</sup> “Informe Anual de la Fiscal General de la República. Año 2007”, Ministerio Público, p. 493.

<sup>188</sup> Cofavic stands for *Comité de familiares de las víctimas de los sucesos ocurridos entre el 27 de febrero y los primeros días de marzo de 1989*. “Informe para el Examen Periódico Universal de Venezuela de conformidad con la Resolución 5/1, aprobada el 18 de Junio de 2007”, Cofavic, March 2011, p. 3. The term “extermination group” (*grupos de exterminio*) was coined in 1999 in reference to a death-squad that began to operate in Portuguesa state and which, according to the then chief prosecutor of Portuguesa, Elizabeth de la Cueva, killed 101 people in its first few months. The practice subsequently spread to many other states, including Falcón, Lara, Aragua, Guárico, Anzoátegui, Yaracuy and Bolívar. There have occasionally been accusations, denied by the government, that this form of “social cleansing” is not merely a response by certain police officers but also official policy. In 1999, the criminal chamber of the Supreme Court acquitted a police officer who had shot dead an innocent man who allegedly failed to stop his car when ordered to do so. In a dissenting opinion, Judge Jorge L Rossell described the policeman’s action as an “extremely grave violation of the right to life”. Judge Rossell subsequently resigned from the Supreme Court, alleging that the government had a “criminal policy of extermination”. Irma Alvarez, “Pretenden implantar la política antidelictiva del ajusticiamiento”, *El Universal*, 24 September 2000.

<sup>189</sup> “Informe para el Examen Periódico Universal de Venezuela de conformidad con la Resolución 5/1, aprobada el 18 de Junio de 2007”, op. cit.

<sup>190</sup> “Situación de los Derechos Humanos”, op. cit., p. 358.

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<sup>191</sup> The great disparity between victims on the side of the police and civilians in situations reported as “resistance to authority” (1 to 13.5) also relativises the concept of confrontation and underlines the extremely punitive (lethal) style of policing. “Situación de los Derechos Humanos”, op. cit., p. 385.

<sup>192</sup> Three scandals are considered the moral triggers for creating CONAREPOL. Three university students were mistakenly shot in a suspicious police operation in the capital neighbourhood of Kennedy (the “Kennedy massacre”); a businessman was kidnapped and murdered in Aragua; and three adolescent sons of another businessman and their driver were kidnapped and murdered in Caracas. All three cases involved the direct participation of police personnel.

<sup>193</sup> CONAREPOL had representatives of the interior and justice ministry, the public prosecutor’s office, the National Assembly, the Supreme Court, the ombudsman’s office, sub-national governments, the investigative police, the business community, human rights organisations and universities. Only one police representative participated. Luis Gerardo Gabaldón, “La experiencia de CONAREPOL: Lecciones aprendidas e implicaciones sobre las políticas estatales de seguridad ciudadana”, conference paper, Seminario: La Seguridad Ciudadana como problema de estado, Instituto Latinoamericano de Investigaciones Sociales (ILDIS), 25 June 2009, p. 2.

<sup>194</sup> In 2006, Venezuela had 24 state and 99 municipal police forces totalling 69,000 officers, and five national police corps: the National Guard, formally part of the armed forces; investigative police (CICPC); traffic police; intelligence service (DISIP, now SEBIN); and maritime police. “Características de la Policía Venezolana”, CONAREPOL, Caracas, 2006, pp. 33-35.

<sup>195</sup> The diagnosis included a national victimisation and police perception survey of over 5,000 households and 121 focus group exercises involving over 5,000 members of specific groups. CONAREPOL worked for nine months.

<sup>196</sup> “Características de la Policía Venezolana”, op. cit., p. 49. This is in part the result of a badly managed proliferation that took place in the context of the national decentralisation that started in the late 1980s. The new democratically elected authorities wanted to create their own direct line of control over

the forces required a specific level of education and only 16 per cent a particular level of physical proficiency. 70 per cent did not check recruits for criminal records; over 75 per cent had no procedural manual.<sup>197</sup>

Political interference with the police has been a constant. Against a background of growing polarisation, state and municipal forces are subjected to a tug-of-war between local and national governments. The case of the Caracas Metropolitan Police (PM) is emblematic. Accusing it of participating in the April 2002 coup against him, President Chávez seven months later sent troops with armoured vehicles to seize its installations and wrest control of the 9,000-strong force from the opposition mayor, Alfredo Peña. The justification was an ostensibly internal police dispute, supported from outside by political forces loyal to the national government.<sup>198</sup> The “intervention” lasted a year, during which time the PM lost its arsenal of automatic weapons, which were never returned.<sup>199</sup>

With 429 police officers per 100,000 inhabitants, the Venezuelan ratio is among the highest in Latin America.<sup>200</sup> It does not, however, result in effective crime control and prevention. According to the CONAREPOL findings, only 52 per cent of officers perform citizen security-related tasks.<sup>201</sup> And those are too often large-scale operations that, a police chief interviewed by Crisis Group said, frequently produce the “cockroach effect” – that is, the targets simply disappear from their old location and reappear elsewhere.<sup>202</sup> In addition, police numbers in the various municipalities and states bear little correlation with crime

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security issues. The number of sub-national police forces increased from 22 (1989) to 123 (2006) and then over 125 (2009). “La policía y su reforma en Venezuela”, op. cit., pp. 165-166. Kiraz Janicke, “Venezuela launches new national police force to transform policing model”, venezuelaanalysis.com, 21 December 2009.

<sup>197</sup> “Características de la Policía Venezolana”, op. cit., pp. 49, 95.

<sup>198</sup> See the chronology of the takeover (*intervención*) in “Situación de los Derechos Humanos en Venezuela, Informe Anual Octubre 2002-Septiembre 2003”, PROVEA, pp. 369-372.

<sup>199</sup> “Ministro Rincón afirma que las armas de la PM no serán devueltas”, Noticiero Venevisión, 13 October 2003. Peña was succeeded by Chávez loyalist Barreto in 2004, under whom the PM was allegedly infiltrated by *colectivos* and other armed groups. (See Section IV.C.)

<sup>200</sup> “Características de la Policía Venezolana”, op. cit., p. 40 (only the Dominican Republic and Argentina had a higher ratio at the time of the CONAREPOL report). According to a 2009 study, the Latin American average was 346 per 100,000. “Venezuela es el quinto país con más policías en la región”, *El Nacional*, 17 September 2009.

<sup>201</sup> Almost 35 per cent of officers work as guards, escorts and “general services”, “Características de la Policía Venezolana”, op. cit., p. 44.

<sup>202</sup> Crisis Group interview, 1 March 2011.

rates.<sup>203</sup> CONAREPOL also identified a strong military influence and doctrine in the police, along with underdeveloped internal control and accountability procedures.<sup>204</sup>

In 2008, a year after CONAREPOL submitted its report,<sup>205</sup> the president decreed creation of an integrated police system and a National Police through a new organic law that mirrored many of its recommendations.<sup>206</sup> The law provided for the PM’s progressive elimination and maintained state and municipal forces. The general police council, an inter-institutional body responsible for advising the interior and justice ministry on police-related policies, as well as unified standards and procedures, was introduced in 2009, the same year in which the National Police force became effective.<sup>207</sup> Also in 2009, the National Experimental Security University (Universidad Nacional Experi-

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<sup>203</sup> “Características de la Policía Venezolana”, op. cit., p. 43. Crisis Group interview, criminologist, Caracas, 13 April 2011.

<sup>204</sup> Less than 20 per cent of the forces open an investigation when an officer is involved in a civilian’s death or harm. “Características de la Policía Venezolana”, op. cit., p. 60. CONAREPOL described the police as a “paramilitary organisation”, as reflected in military leadership (the majority of state and municipal forces are under military command), the prevalence of military symbols and terms, training modalities, armament and a relationship with citizens based on a war logic that in turn generates a greater propensity to abuse and use of physical force. Ibid., pp. 52-54.

<sup>205</sup> CONAREPOL’s recommendations centred on creating an integrated system with a clear delimitation of functions and effective coordination mechanisms among the police forces, all under civilian command. It proposed establishing a professional police career and called for enforcement of human rights principles, as well as clear accountability and independent control mechanisms. Unregistered arms and munitions should be prohibited, the wearing of uniforms and proper identification made obligatory. “Recomendaciones Generales”, Comisión Nacional para la Reforma Policial, May 2007. According to analyst Briceño-León, the recommendations were particularly focused on preventing and controlling abuse rather than on efficiency issues: “La policía y su reforma en Venezuela”, op. cit., pp. 170-171.

<sup>206</sup> “Ley Orgánica del Servicio de Policía y del Cuerpo de Policía Nacional”, op. cit. The law contains provisions on delimitation of functions between police forces, recruitment, training, promotions, coordination, control and operations.

<sup>207</sup> The council is headed by Soraya El Achkar, former technical secretary of CONAREPOL, who is also the director of UNES. The National Police are tasked to become active in those cases where engagement surpasses (a) the geographical boundaries or (b) the capacities of state and municipal forces. Among the specific areas of responsibility of the National Police are customs, diplomatic custody and protection of individuals, migration and kidnapping. “Atribuciones de la Policía Nacional”, Consejo General de la Policía, Ministerio del Poder Popular para las Relaciones Interiores y Justicia, [www.policianacional.gob.ve/index.php/la-nueva-policia-nacional/atribuciones-policia-nacional](http://www.policianacional.gob.ve/index.php/la-nueva-policia-nacional/atribuciones-policia-nacional).

mental de Seguridad, UNES) was founded to train members of the police, including recruits, at all levels.

While the initiative has received much credit from government supporters and critics alike, implementation has been rather slow. Despite the president's announcement that by the end of 2011 there would be 16,722 National Police, only 4,600 were reported to be on active duty in mid-June, with 2,690 from the UNES scheduled to join in September. Moreover, the force's presence is still limited to the capital.<sup>208</sup> Critics have pointed to flaws in the vetting process and to the fact that the new body has not escaped the general process of politicisation of most public institutions, reflected not only in the name change to National Bolivarian Police (PNB), but also in the existence of irregular entry mechanisms, which they regard as confirmation that the government is more interested in reinforcing its control of the police than in professionalising them.<sup>209</sup> Another concern is the risk that the thousands of Metropolitan Police officers who will not be taken into the PNB and for whom the government does not seem to have any alternative plan will turn to crime.<sup>210</sup>

### C. THE MILITARY

A key pillar in the Bolivarian project, the armed forces, have been subjected to a number of interventions and alignment processes under Chávez. Together with the new constitution in 1999, four subsequent reforms to the organic law of the armed forces (Ley Orgánica de las Fuerzas

Armadas, LOFAN)<sup>211</sup> changed their character, doctrine and internal structure profoundly.

First, they centralised command structures and reinforced the executive's control of the military. The 1999 constitution abolished the autonomy of the four armed forces vis-à-vis each other by creating a Joint Chiefs of Staff (Estado Mayor Conjunto) under the president as commander in chief. In 2005, the president added operational command.<sup>212</sup> The constitution also eliminated legislative control over senior military promotions.<sup>213</sup> In addition, Chávez has made extensive use of a provision in the 2008 organic law that forces officers into retirement if they have not been promoted after two years.<sup>214</sup> In defiance of internal hierarchies and promotion orders, he thus achieved removal of hundreds of real or potential opponents.<sup>215</sup> The recent conversion of former non-commissioned officers (*suboficiales profesionales*) into technical officers (*oficiales técnicos*) generated a situation, in which individuals ended up commanding former superiors or equals.<sup>216</sup> Presidential control is allegedly enforced by Cuban advisers, who are said to keep close scrutiny of the military leadership.<sup>217</sup>

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<sup>208</sup> Information provided by PNB Director Luis Fernández, who stated that the additional recruitments in September would allow the force to expand into the Caracas parishes of Antimano and La Vega and that 34,000 more applicants (including 12,000 in Caracas) are being evaluated. "2.690 pasantes se incorporarán a la Policía Nacional Bolivariana en septiembre", Agencia Venezolana de Noticias, 17 June 2011.

<sup>209</sup> Crisis Group interview, former police officer, Caracas, 28 February 2011. The vetting process refers to the transition of PM members into the PNB, in the course of which aspirants underwent psychological tests and training. Some PM officers claim many good police officers were left out, while "*malandros*" (thugs) were hired; 50 members of the PNB had already been accused of crimes as of April 2011. "La peligrosa agonía de la PM", op. cit.

<sup>210</sup> On 29 March 2011, the government ordered dissolution of the PM in three months, with the possibility of another three-month extension. By April 2011, 3,238 PM officers had been migrated into the national police. "La peligrosa agonía de la PM", op. cit. The initial three months had passed at the end of June with some 4,800 PM officers still without alternative prospects. "Metropolitanos piden al MIJ cargo de policía", Últimas Noticias, 29 June 2011. See also: "Policías metropolitanos protestan ante MIJ", *El Universal*, 29 June 2011.

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<sup>211</sup> The Ley Orgánica de la Fuerza Armada Nacional (LOFAN) was approved in 2005 and replaced a 1995 law; it was reformed into the Ley Orgánica de la Fuerza Armada Nacional Bolivariana (LOFANB) in 2008. Since then, LOFANB 2008 has been twice partially reformed, in 2009 and 2011.

<sup>212</sup> In most Latin American countries, the president is the commander in chief but does not exercise operational control over the armed forces. "Ley Orgánica de la Fuerza Armada Nacional", Gaceta Oficial no.38.280, 26 September 2005; this reform (LOFAN 2005) split lines of command: the operational command was given to the president; the defence ministry took administrative command. See also, Francine Jacome, "Venezuela: Defensa y Seguridad. Bolivarianismo y socialismo del siglo XXI", in Hans Mathieu, Catalina Niño Guarnizo (eds.), *Seguridad Regional en América Latina y el Caribe, Anuario 2010*, Bogotá, p. 287.

<sup>213</sup> Article 236 of the constitution gave the president the authority to promote officials from the rank of colonel upwards. Formerly this had been a prerogative of the Senate. Francesca Ramos and Andrés Otálvaro, "La Fuerza Armada Nacional en la Revolución Bolivariana", *Revista Desafíos*, vol.18, 2008, p. 23.

<sup>214</sup> The provision is contained in Article 92 of the LOFANB 2008, Gaceta Oficial, 5891.

<sup>215</sup> Crisis Group interview, security expert, Caracas, 3 March 2011. On 13 April 2010, the defence ministry announced the retirement of 193 members of the military. "Informe Anual 2010-2011", Asociación Civil Control Ciudadano, op. cit., p. 74. See also: Rory Carroll, "Venezuela: army unrest grows over Chávez reforms", *The Guardian*, 7 July 2008.

<sup>216</sup> Crisis Group interview, security expert, Caracas, 3 March 2011. "Informe Anual 2010-2011", Asociación Civil Control Ciudadano, op. cit., pp. 15-16.

<sup>217</sup> Around 5,000 Cubans are said to work in the various organs of Venezuelan intelligence and counter-intelligence. Crisis

Secondly, the 1999 constitution and subsequent laws reinforced the notion of a civic-military alliance in defence, security and development matters, thereby giving the military a central responsibility in carrying out the Bolivarian project.<sup>218</sup> Over the years, the armed forces have become increasingly active in crime fighting,<sup>219</sup> but have also been tasked with expropriating land and repressing civilian protests.<sup>220</sup> In addition, there are estimates that over 2,000 members of the armed forces occupy public administration posts,<sup>221</sup> at the same time as military officials actively participate in social and economic projects, starting with Plan Bolívar in 2000.<sup>222</sup> Another expression of the civic-military alliance was creation of the Guardia Territorial in 2005 – transformed into the militia and formally integrated into the armed forces in 2008 – which meant the mobilisation and militarisation of civilians for defence purposes (see Section V.D).

Thirdly, the armed forces underwent a profound process of politicisation. In 2007, a constitutional amendment that the president submitted to the National Assembly declared that:

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Group interview, security expert, Caracas, 3 March 2011. See also “Special report: Venezuela’s Control of the Armed Forces”, Stratfor Global Intelligence, 3 May 2010, p. 4.

<sup>218</sup> The constitution establishes a shared responsibility between state and society for security and defence. This is reinforced in the 2002 Organic Law on National Security (Ley Orgánica de Seguridad de la Nación), Gaceta Oficial no. 37.594, 18 December 2002, in the framework of the concept of “integral security and defence” (*seguridad y defensa integral*). Francine Jacome, op. cit., pp. 286-287. The 1983 and 1995 LOFANs already gave the military internal development tasks. However, these were reinforced by a constitutional mandate in 1999 that specified participation should be “active”. “La Fuerza Armada Nacional en la Revolución Bolivariana”, op. cit., p. 25.

<sup>219</sup> Article 328 of the constitution assigns the armed forces the role of “cooperating in the maintenance of internal order”. The National Guard (GN), which has traditionally intervened when police riot squads were inadequate, is part of the armed forces; its performance in repressing civil unrest has sparked many accusations of human rights violations. It continues to be used in crime control, especially in the framework of the Dispositivo Bicentenario de Seguridad (DIBISE) (Section III.A). “Informe Sobre Situación de Convivencia y Seguridad Ciudadana en Venezuela”, Paz Activa, 18 March 2011, p. 3.

<sup>220</sup> Francine Jacome, op. cit., p. 287. Deborah Norden, “Civilian Authority without Civilian Dominance? Assessing Venezuelan Political-Military Relations under Chávez”, *Revista Nueva Sociedad* no.213, January-February 2008, p. 14. “Informe Anual 2010-2011”, Asociación Civil Control Ciudadano, op. cit., p. 72.

<sup>221</sup> Crisis Group interview, international NGO, Caracas, 2 March 2011. “Fuerzas Armadas de Venezuela: A los 200 años”, authored by an anonymous group of mid-ranking and junior officers (Comacates), December 2010, p. 2.

<sup>222</sup> Norden, op. cit., p. 14.

The Bolivarian Armed Forces constitute an essentially patriotic, popular and anti-imperialistic body .... The Bolivarian Armed Forces will be organised by the state to guarantee the independence and sovereignty of the Nation, defend it from any external and internal attack, and assure the integrity of the geographic space through the study, planning and execution of Bolivarian military doctrine, the principles of integral defence and the popular war of resistance, and cooperation in the tasks of maintaining citizen security and internal order, as well as active participation in plans for the economic, social and technical development of the Nation, in accordance with the Constitution and the law.<sup>223</sup>

The constitutional reform was not adopted, but the president implemented it *de facto* through an enabling law and a decree.<sup>224</sup> Contrary to the 1999 constitution, which established the armed forces as an “essentially professional institution, without political activism”, the 2008 LOFANB converted the military into the “Bolivarian National Armed Forces” (FANB). “Fatherland, socialism or death” (“*Patria, socialismo o muerte*”)<sup>225</sup> became the official salute of the institution. General Henry Rangel Silva, head of the Strategic Operational Command (CEO), said in November 2010 that the “national armed forces are not half but completely loyal towards a people, a life project and a commander in chief. We are married to this project”.<sup>226</sup>

The above developments have not been without costs. The president’s unorthodox promotion policies, the politicisation of the military and the creation of a parallel armed body – the militias – provoked discontent across and divisions within the institution.<sup>227</sup> In April 2010, former army

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<sup>223</sup> Article 328, Proyecto de Reforma de la Constitución de la República Bolivariana de Venezuela; Norden, op. cit., pp. 14, 16.

<sup>224</sup> The National Assembly, by an enabling law, can authorise the president to rule by decree. Francine Jacome, op. cit., p. 288.

<sup>225</sup> Later converted into “Socialist fatherland or death” (*Patria socialista o muerte*).

<sup>226</sup> “Informe Anual 2010-1011”, Asociación Civil Control Ciudadano, op. cit., p. 90; Yolanda Valery, “Venezuela: Ascendido general ‘casado’ con gobierno de Chávez”, BBC Mundo, 18 November 2010. The general added that the people and the armed forces would not accept an opposition government, which was interpreted by some as a warning of a rebellion in case of an opposition victory. Two days later, OAS Secretary General José Miguel Insulza expressed concern that an army commander would threaten rebellion, but his concern was dismissed by Chávez. “Informe Anual 2010-1011”, Asociación Civil Control Ciudadano, op. cit., p. 91. Control Ciudadano notes that active members of the military, including senior officers, are members of the ruling PSUV party. “Informe Anual 2010-1011”, Asociación Civil Control Ciudadano, op. cit. pp. 65-66.

<sup>227</sup> Some experts say the military is vertically divided into “constitutionalists”, who hold to a non-political mandate; “neutrals”, who make up the biggest share; and Chávez loyalists. Predominant tendencies are said to differ in the service branches. The

General Antonio Rivero González, an erstwhile Chávez loyalist, publicly explained his request for retirement as due to the intrusion of the Cuban military into the Venezuelan armed forces.<sup>228</sup> Around 200 members of the military, mainly from the higher ranks, are retiring annually because of discontent, claims an expert on military issues.<sup>229</sup> Former allies of the president who have resisted the changes have ended up in jail, the most prominent being the ex-defence minister, General Raúl Isaías Baduel, who protested the proposed constitutional reform in 2007.<sup>230</sup> A 40 per cent pay rise for all ranks announced in April 2010 has been interpreted as a general appeasement measure.<sup>231</sup>

The other rather high price that the president seems prepared to pay in exchange for loyalty is the implication of senior military members and their subordinates in crime. Allegations abound not just since the capture of an alleged Venezuelan drug kingpin, Walid Makled, in August 2010. In September 2008, the U.S. Treasury Department added three senior Venezuelan officials to its drug kingpin list, accusing them of “materially aiding the Colombian FARC guerrillas in drug trafficking”. Among them was the above-mentioned General Silva.<sup>232</sup> The so-called Sun Cartel (Cartel de los Soles, a reference to the *soles* – suns – on the epaulets of generals) is said to be a major player in the Venezuelan drugs trade.<sup>233</sup> Corruption in the middle and lower ranks is reportedly facilitating the operations of organised crime across the country. Young national guards are competing for posts in the border regions, attracted by possibilities for lucrative bribes from gasoline and other

illicit trade, even though a large share has to be given to superiors.<sup>234</sup>

Walid Makled was captured in August 2010 by Colombian authorities on their territory. Believed to have a wealth of information about the involvement in dirty business of senior military and parts of the Venezuelan political leadership, he became a central pawn in relations between Caracas and Bogotá. While still in Colombian custody, he said that he had had 40 active Venezuelan generals on his payroll and had massively bribed and cooperated with senior government officials and militaries in his drug-business.<sup>235</sup> Cooperation included more than \$2 million in campaign contributions to the government party, PSUV.<sup>236</sup> The U.S. calculates that Makled introduced up to ten tons of cocaine into its territory each month.<sup>237</sup> Anticipating a high return for the gesture, President Santos in late 2010 announced that Makled would be extradited to Venezuela, not the U.S., which had also filed a request.<sup>238</sup>

Venezuelan authorities have generally not taken significant action against alleged military complicity with or active participation in crimes that some experts claim could not occur without the president’s tacit consent.<sup>239</sup> On the contrary, those under suspicion have been promoted to very high positions, as the case of General Silva shows. Analysts suspect that a permissive attitude allows the president to enforce loyalty from senior officers.<sup>240</sup> The government has an opportunity to dispel doubts, when the case of Makled, who was finally extradited to Venezuela on 11 May 2011, goes into the courts. It has committed to satisfy all

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navy has traditionally been against Chávez; the air force is divided; the army and National Guard support Chávez the strongest. There are also horizontal divisions: the anti-Chávez line is stronger in the lower ranks, because of lack of pay rises and perks. Crisis Group interviews, former general, Caracas, 28 February 2011, security expert, Caracas, 2 March 2011.

<sup>228</sup> “Informe Anual 2010-1011”, Asociación Civil Control Ciudadano, op. cit., p. 76.

<sup>229</sup> Crisis Group interview, Caracas, 2 March 2011.

<sup>230</sup> Baduel was convicted of corruption and sentenced to almost eight years of prison in May 2010.

<sup>231</sup> “Special Report”, Stratfor, op. cit., p. 2.

<sup>232</sup> The other two were former Interior Minister Ramón Rodríguez Chacín and Hugo Carvajal (then head of military intelligence, DGIM, now president, state telecommunications corporation Cantv). “Additional Designations, Foreign Narcotics Kingpin Designation Act”, Office of Foreign Assets Control, U.S. Department of the Treasury, 19 September 2008. “Treasury targets Venezuelan government officials supporting the FARC”, press release, Washington DC, 12 December 2008.

<sup>233</sup> Crisis Group interview, former senior public official, Caracas, 1 March 2011. See also, Geoffrey Ramsey, “Venezuela seizes almost 7 tons cocaine hidden in heavy machinery”, InSight, 8 July 2011.

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<sup>234</sup> Crisis Group interview, humanitarian organisation, 28 April 2011.

<sup>235</sup> In the framework of these deals, Makled acquired the majority of shares of the major private airline Aeropostal S.A. and obtained concessions to operate an important airport in Valencia (Venezuela), as well as approximately half the deposits and docks at Puerto Cabello port. “Walid Makled habla en ‘El Nacional’: ‘Hasta regalé carros último modelo a Diputados de la AN’”, *noticias24*, 10 October 2010. “Vea la entrevista a Walid Makled”, Globovisión, 4 April 2011.

<sup>236</sup> Jeremy McDermott, “Makled’s window into trafficking in Venezuela closing”, InSight, 19 April 2011.

<sup>237</sup> Ibid.

<sup>238</sup> Santos explained that Venezuela’s extradition request had preceded that of the U.S., and Makled faced severer charges in his home country. However, it is widely believed that economic considerations (including repayment of some \$800 million in trade debts) and the expectation Venezuela would capture and extradite guerrillas in turn were behind this gesture. The Colombian authorities ratified Santos’s decision in April 2011, *ibid*.

<sup>239</sup> Crisis Group interviews, former military intelligence officer, Maracaibo, 4 March 2011; security expert, Caracas, 28 February 2011; former general, Caracas, 2 March 2011.

<sup>240</sup> Crisis Group interviews, security expert, Caracas, 2 March 2011; former general, Caracas, 28 February 2011.

due process requirements.<sup>241</sup> However, his revelations could carry a high political cost, so some experts believe the case will be kept under tight presidential control.<sup>242</sup>

#### D. THE MILITIAS

The concept of the civil-military alliance is nowhere better incarnated than in the militias, established in 2005 under the name of Guardia Territorial.<sup>243</sup> The 2008 LOFANB spelled out for the first time the mission and functions of the institution, which was renamed the National Bolivarian Militia (Milicia Nacional Bolivariana, MNB) and formally integrated into the armed forces as their fifth component.<sup>244</sup> Frequently denounced as the president's private army,<sup>245</sup> the MNB's official mission is "training, preparing and organising the people toward integrated defence in order to ... contribute to maintaining the internal order, security, defence and the integrated development of the nation".<sup>246</sup> Thousands of citizens have been enlisted, trained on weekends and equipped. While the government projects to build a force of several million, the current estimate is 300,000 to 800,000.<sup>247</sup>

The MNB is organised at three levels. The Territorial Militias (milicias territoriales) are formed at community level, closely connected to the communal councils, which are local structures that report directly to the presidency. The Combat Corps (cuerpos combatientes) are formed by public and private institution employees.<sup>248</sup> In July 2010, for example, the women and gender issues ministry (ministerio del poder popular para la mujer y la igualdad de género) initiated a combat corps, into which, the minister later said, 1,200 women were to be sworn.<sup>249</sup> In early 2010, President Chávez announced economic sector bodies: the peasants militia (milicia campesina) and the workers mili-

tia (milicia obrera).<sup>250</sup> The Socialist Front of Venezuelan Oil workers reported in June 2010 that 150,000 members from state companies had been organised in militias.<sup>251</sup> While the law makes enlistment voluntary, there have been complaints about coercion. Some offices of the Labour Inspectorate reportedly refuse to approve labour contracts of companies whose employees have not formed militias or are not members of the government party.<sup>252</sup>

The government has made no secret of its objective to create a "people in arms", ready to defend the revolution by force if need be.<sup>253</sup> At the same time as the National Assembly is discussing a new control of firearms law, a 2011 amendment of the 2008 LOFANB establishes a separate officer corps for the militia that, some experts say, guarantees permanent access to war weapons.<sup>254</sup> Furthermore, what the law describes as "obtaining, processing and disseminating the information ... of the communal councils, public and private institutions, necessary to elaborate integrated development plans, programs and projects ...",<sup>255</sup> has been translated by the head of state in a 2009 speech as the "capacity to establish networks of intelligence against infiltrations",<sup>256</sup> thereby raising concerns about the president's intentions to raise an army of citizens spying on each other.

<sup>241</sup> "Venezuela promete que Makled gozará de un debido proceso", CaracolTV.com, 9 May 2011.

<sup>242</sup> Crisis Group phone interview, security analyst, 14 June 2011.

<sup>243</sup> "Ley Orgánica de la Fuerza Armada Nacional", 2005, op. cit., Article 11, Guardia Territorial.

<sup>244</sup> "Ley Orgánica de la Fuerza Armada Nacional Bolivariana", 2008, op. cit.

<sup>245</sup> Rocío San Miguel, "Carta al diputado Rafael Gil Barrios", informe21, 31 March 2011.

<sup>246</sup> "Ley Orgánica de la Fuerza Armada Nacional Bolivariana", Gaceta Oficial no.5933, 21 October 2009, Article 44; also, www.milicia.mil.ve.

<sup>247</sup> Crisis Group interview, security expert, Caracas, 2 March 2011. "Armar a la Milicia Bolivariana impone miedo en la sociedad", *El Nacional*, 13 October 2010. "Special Report", Stratfor, op. cit., p. 4.

<sup>248</sup> www.milicia.mil.ve; "Ley Orgánica de la Fuerza Armada Nacional Bolivariana" (2008), op. cit., Chapter V.

<sup>249</sup> "Ministra León anunció juramentación de 1200 mujeres combatientes para el mes de agosto", analítica.com, 29 July 2009.

<sup>250</sup> "Chávez advierte que Milicia Campesina actuará contra agresor interno y externo", *El Universal*, 21 February 2010; Suhelis Tejero Puentes, "El gobierno define la línea de las milicias obreras", *El Universal*, 28 January 2010.

<sup>251</sup> "Amenazas y Restricciones a los Derechos Humanos y la Democracia en Venezuela", op. cit., p. 27.

<sup>252</sup> Ibid.

<sup>253</sup> On 2 July 2009, the president said, "the army, the navy, the air force, the National Guard, the militia, the armed forces are the people in arms"; on 13 April 2010 he stated: "You must be ready to take up your arms at any time and give your life if necessary for the Bolivarian revolution ... you know what you would have to do, simply seize all, absolutely all power in Venezuela, sweep the bourgeoisie from all political and economic spaces, deepen the revolution". Quoted in "Amenazas y restricciones a los derechos humanos y la democracia en Venezuela, informe de seguimiento, enero – septiembre 2010", Civilis, 2010, pp. 27-28.

<sup>254</sup> The government had always said the militias were not full-time enterprises; they were only active when training or called up for a specific purpose. The creation of a professional officer corps suggests they may now have permanent access not only to regular arms but possibly also to more powerful weapons. Crisis Group phone interview, security expert, Caracas, 9 June 2011. Chávez has frequently said it was necessary to arm the militias. "Chávez exige acelerar y armar a milicias populares", *Vanguardia*, 4 October 2010.

<sup>255</sup> "Ley Orgánica de la Fuerza Armada Nacional Bolivariana" (2009), op. cit., Article 46.

<sup>256</sup> Hugo Chávez Frías, "La doctrina militar bolivariana y el poder nacional", *Aló Presidente Teórico*, no.5, 23 July 2009, p. 7.

Creation of the militias has been a cause for discontent among parts of the regular military.<sup>257</sup> Complaints include that the existence of a separate army under direct presidential command suggests distrust of the institution, and its incorporation into the security forces is a move to put a check on the military elite and prevent a potential coup; that citizens who have other jobs now officially form part of the armed forces is an effort to de-professionalise the regular institution; and there is hardly any control over who enters the militias.<sup>258</sup>

It is difficult to judge the MNB's real potential. Its members are poorly trained, and many join under pressure, for convenience or for the money earned by attending training, rather than conviction.<sup>259</sup> According to an analyst, despite the high numbers on paper, those actually capable of being mobilised do not exceed 40,000,<sup>260</sup> and their fire-power compared to the regular armed forces is minimal.<sup>261</sup> The potential for abuse of war weapons in civilian hands should not be underestimated, but more than constituting a serious military threat, the militias seem to be primarily a means for further indoctrinating the population, securing electoral support and intimidating opponents. Moreover, the constant evocation of a possible civil war scenario and cultivation of the image of internal aggressors can have a profound impact on the social fabric and lower the bar for deadly political violence.

## VI. CONFLICT RISKS

Venezuela has become a much more violent country under President Chávez. As the above analysis has shown, violence not only appears to be a price the government is willing to pay for loyalty and political control but is also a result of inadequate crime prevention policies. The president and his allies have directly fuelled violence by arming civilians, failing to disarm criminal groups and exacerbating political divisions with aggressive rhetoric. The executive has systematically co-opted the other branches of state, thereby in large measure blocking the mechanisms which in a democracy enable the peaceful resolution of disputes. The president's announcement of a "violent revolution led by the revolutionary military and the Venezuelan people",<sup>262</sup> should there be an opposition government, poses the question whether the state's capacity to effect peaceful, democratic change has been entirely eroded, and the land is on the brink of serious political violence.

The answer depends on many factors, and the president's illness has added considerable uncertainty. If he stays in control, the situation is unlikely to come to a head before the 2012 presidential elections, and while there may be trouble during the campaign, the real danger would be likely to come in the post-election scenario, whoever wins.

Short-term conflict risks are mitigated by several factors. The opposition is united in its purpose to defeat Chávez electorally, even if the playing field is not level.<sup>263</sup> Overall, its leaders are making a disciplined effort to avoid falling into the trap of provocation, which could give the government an excuse to resort to drastic measures. Social protests are still fragmented, a reflection of successful containment by the government and the fact that discontent has not reached a critical level.<sup>264</sup> Those who make up the president's traditional constituency are increasingly fearful of the possible consequences of taking a critical attitude towards the government.<sup>265</sup> Persuaded by the presi-

<sup>257</sup> Crisis Group interviews, security expert, Caracas, 2 March 2011; former general, Caracas, 28 February 2011.

<sup>258</sup> Crisis Group interview, security expert, Caracas, 2 March 2011.

<sup>259</sup> Crisis Group interview, international NGO representative, Caracas, 22 November 2011.

<sup>260</sup> The number of militia members sufficiently well-trained to use weapons effectively. Crisis Group interview, security expert, Caracas, 2 March 2011.

<sup>261</sup> Crisis Group interview, security expert, Caracas, 2 March 2011.

<sup>262</sup> Aló Presidente, no. 366, Miranda, 31 October 2010.

<sup>263</sup> The opposition Mesa de Unidad Democrática (MUD) has agreed on two principles: it will select a single candidate in primaries in February 2012 and run on a single ballot. "Pronóstico reservado", *Semana*, 2 July 2011.

<sup>264</sup> The experience of the failed general strike in 2002-2003 is another disincentive. Between October 2002 and February 2003, the opposition sought to oust President Chávez through a *paro cívico* (general strike), focused primarily on the oil industry. Although oil production almost ceased, the government rode out the protest, then retaliated by firing almost 20,000 at PdVSA, the state oil corporation.

<sup>265</sup> This fear has particularly increased due to the so called *Listas Tascón* and *Maisanta*. Those who signed a series of petitions in 2002 and 2003 calling for a recall referendum against the president have been systematically excluded from govern-

dent's promises of future benefits, many prefer to keep silent rather than risk being thrown off a waiting list or losing existing benefits. Others do not perceive an attractive alternative to Chávez.<sup>266</sup>

Despite its internal divisions, the president appears to have no need to fear the military in the short term. Targeted promotions and other benefits have installed a loyal leadership, and the discontented have left the forces instead of stirring up opposition from within. The level of control the president exercises over senior officials is so strong that reportedly most do not dare to speak to the opposition.<sup>267</sup> Last, but not least, memories of the unsuccessful occupation of the Plaza Altamira in 2002-2003 are still fresh so that no one seems keen to repeat the experience.<sup>268</sup>

This equilibrium is very fragile, however. Street demonstrations and protests have continued their upward trend in 2011<sup>269</sup> – a reflection of unresolved social and economic problems that have been exacerbated by heavy rain storms at the end of 2010 and further radicalisation of the Boli-

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ment jobs and state benefits ever since, as a result of the *Lista Tascón*, named after the government legislator who circulated their names and identity-card numbers on a CD. The *Lista Maitasanta* is an enhanced version, including information from other databases of the government; it classifies some 12 million Venezuelans according to political affiliation. "La Lista: un pueblo bajo sospecha", video, YouTube, 24 May 2006, [www.youtube.com/watch?v=jS\\_4TLvphW8](http://www.youtube.com/watch?v=jS_4TLvphW8).

<sup>266</sup> According to a survey by the Hinterlaces firm, released on 1 June 2011, four out of ten citizens think the president has the "best ideas to resolve the problems of the country"; only three out of ten think the same of the opposition. 42 per cent would vote for the president, 40 per cent would vote for a hypothetical opposition candidate. On the other hand, 51 per cent of interviewees favour a change at the top from the 2012 elections. The gap between the 40 per cent who would vote for the opposition and the 51 per cent who want a change may be attributable to the fact the opposition does not yet have an official candidate; it is also thought to reflect that the opposition is not considered to have capitalised yet on the president's decline in support. Eugenio G. Martínez, "51% cree necesario cambiar de Presidente en 2012", *El Universal*, 1 June 2011.

<sup>267</sup> Crisis Group interview, opposition leader, Caracas, 26 November 2011.

<sup>268</sup> In a bid to force the resignation of the president, a group of military officers, led by dissident generals and admirals, occupied the Plaza Francia in Altamira (east Caracas) for several months. The government opted not to confront them, and the protest eventually fizzled out, with several of its leaders fleeing into exile.

<sup>269</sup> According to the Social Conflict Observatory (Observatorio de Conflictividad Social), over 1,670 protests were recorded between January and the end of May 2011 alone. Human rights NGO Provea registered 3,315 protests between October 2009 and September 2010 compared to 2,893 between October 2008 and September 2009. "Situación de los Derechos Humanos", op. cit. p. 341.

varian project.<sup>270</sup> Some protesters are turning to more radical methods, such as hunger strikes or even sewing their lips together. The country is only now recovering from the 2009-2010 economic recession, which contributed to a drop in Chávez's popular support.<sup>271</sup> To the extent that rising oil prices put cash in the public purse, the president will be able to grant pay-rises, fund social programs and maintain or re-expand his electoral support base. Given the economy's vulnerability, however, this is not guaranteed.<sup>272</sup> If social discontent cannot be managed in this way, the government might resort to more drastic ways of dealing with protests.

Political tension could also increase in the run-up to the elections, especially if polls show the contest to be close. The government has repeatedly demonstrated that it does not shy away from tilting the playing field in its favour, and its institutional control provides the means to do so.<sup>273</sup> The new National Assembly has been ineffective as a legislative body; its functions were severely curtailed by the president in December 2010, causing huge opposition resentment.<sup>274</sup> Despite occasional conciliatory gestures, deep animosity persists between the two camps, as became clear

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<sup>270</sup> Between September 2010 and January 2011, when the newly elected National Assembly with considerable opposition presence came in, the government-controlled old legislature adopted a raft of controversial legislation. The most inflammatory item, an enabling law, granted Chávez decree powers for eighteen months in a wide range of areas, thereby severely curtailing the powers of the legislature and undermining electoral results.

<sup>271</sup> *Consultores 21 SA's* June 2009 poll found that less than 38 per cent of respondents believed Chávez was doing a good job, compared to 52 per cent in 2006. In September 2010, Chávez's candidates in national legislative elections obtained less than half the popular vote, despite the fact that he campaigned alongside them, claiming the future of his presidency was at stake. Also see Crisis Group Briefing, *Venezuela: Accelerating the Bolivarian Revolution*, op. cit., p. 8.

<sup>272</sup> Venezuela's greatest economic vulnerability comes from the fact that, according to the 2009 numbers of the Organisation of Petroleum Exporting Countries (OPEC), 94 per cent of its export earnings come from oil. These proceeds also account for over half the federal budget revenues and 30 per cent of GDP. The inflation rate is close to 30 per cent (2010) [www.opec.org/opec\\_web/en/about\\_us/171.htm](http://www.opec.org/opec_web/en/about_us/171.htm).

<sup>273</sup> Prior to the legislative elections of September 2010, for example, the regime changed the electoral law to eliminate proportional representation (which was mandated by the 1999 constitution). It also gerrymandered constituency boundaries in order to reduce the number of seats available to the opposition. The result was a legislature in which the government – though it received a minority of the popular vote – holds a majority, with 98 of 165 seats.

<sup>274</sup> Only one law was passed in the first half of 2011. The opposition has tried to use its enhanced presence to reinforce parliamentary oversight and challenge the PSUV government, which it had been unable to do since boycotting the 2005 parliamentary election.



when government and opposition deputies came to blows in the parliament on 10 February 2011, only stopping when the National Guard intervened.

Conditions are such that it is hard to see any electoral result bringing relief in the short run. On the contrary, the degree of polarisation and militarisation of society entails serious risks of an outbreak of political violence once the option of democratic conflict resolution by election is out of the way. While the president and the head of the armed forces have already indicated that they would not accept an opposition victory, the perspective of six additional years of *chavismo* could well cause the opposition's unity and discipline to disintegrate and radical elements to resort to violence.

Moreover, the extensive presence of organised crime networks will continue to represent a serious threat to the country's institutions, stability and state authority whatever the complexion of the next government. Indeed, if the post-2012 authorities make a serious attempt to combat organised crime, the short-term outlook will be one of more violence, since the groups concerned are unlikely to give way without a serious fight.

Concerns regarding the president's health triggered by his hospitalisation in Cuba and his confirmation on 30 June 2011 that he has cancer have generated uncertainty over his ability to lead the country into the 2012 elections and beyond.<sup>275</sup> His absence from public view for some weeks highlighted the lack of an alternative leadership and the extremely personalised character of the regime.<sup>276</sup> It also

gave a foretaste of what could happen if the power vacuum became real in the event of a serious deterioration in his health. Evidence emerged of faction-fighting in the ranks of the ruling PSUV party, as well as in the armed forces, and analysts warned that opposition unity might not last if the common presidential foe were no longer in charge.<sup>277</sup>

It is difficult to predict the impact that Chávez's health will have. It is, however, fair to say that the dismantling of autonomous institutions and disregard on the part of the government for constitutional norms have left the president as the *de facto* principal arbiter of disputes; his absence from the scene, or even his perceived weakness, could lead to increased chaos and possible violence, exacerbated by the large number of firearms in circulation and the presence of multiple armed groups, many of them entirely outside the law. If the president remains in control, he will retain the ability to employ violence (by state agents or loyal irregular groups) to keep power *in extremis*. If he does not, the latent political violence he has helped foment could take a more chaotic form. In that case, the military would likely take some action.<sup>278</sup> In a more positive scenario, a weakening of Chávez could open space for new coalitions and a realignment of political forces, possibly decreasing the polarisation. The economy is another key variable that will influence medium- and long-term prospects.

In order to prevent serious bloodshed in the run up to and beyond the 2012 elections, the government, members of the ruling party, the armed forces and the opposition should publicly pledge to abide by the constitutional rules and condemn violence as a means of gaining or retaining power. Moreover, the 2012 presidential election offers both government and opposition a chance to present detailed proposals for tackling the crime problem that has become the principal concern of all Venezuelans, regardless of political affiliation.

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<sup>275</sup> Chávez has not specified the type of cancer he has. On 13 July, he revealed that he might require chemotherapy and/or radiotherapy but did not provide further details on the treatment or its duration. After a brief stay in Caracas for the bicentenary celebrations, he returned to Cuba on 16 July to initiate treatment. On 25 July he was back in Caracas underlining his firm intention to run for the presidency in 2012 but returned again to Cuba to continue treatment. According to Article 233 of the constitution, if the president becomes definitively unable to govern, because of death or physical incapacity, in the last two years of the mandate, the vice president takes over until the end of the term. Article 234 states that the vice president can also take over the office for up to 90 days, in case of temporary absence, and this can be prolonged for another 90 days by the National Assembly. If the temporary absence exceeds 90 consecutive days, the National Assembly decides by majority vote whether the absence is to be considered definitive.

<sup>276</sup> Despite being in intensive care for several days, Chávez initially did not delegate his power to the vice president; his ministers asserted that he was running the government from Havana. Before returning to Havana, he delegated for the first time some administrative and budgetary powers to Vice President Elías Jaua and Finance and Planning Minister Jorge Giordani. Chávez has not given any indication about possible successors. One possible contender, his brother Adan Chávez, governor of

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Barinas state, openly embraced violence as legitimate, stating in June that "it would be inexcusable to limit ourselves to only the electoral and not see other forms of struggle, including the armed struggle". "Chavez brother raises possibility of armed struggle as Venezuela ponders president's health", InterAmerican Security Watch, 27 June 2011.

<sup>277</sup> "Chávez returns but big questions remain – and not just for Venezuela", Latin American Weekly Report, 7 July 2011; "Pro-nóstico reservado", op. cit. "Análisis AP: el Ejército será un actor crucial en medio de la incertidumbre en Venezuela", *noticias 24*, 5 July 2011.

<sup>278</sup> In one scenario, the armed forces split, which would be very dangerous. Another is that they prop up a mainly civilian government. A third would have them take power on their own.

Isolated or half-hearted measures will have little impact: there must be an integrated strategy to reduce crime and safeguard the right to life and property. The government needs to prove it can control weapons, reinstate the rule of law and root out corruption in state institutions, starting with the police and the armed forces. Disarming and dismantling the FBL, urban *colectivos* and other groups outside the law would remove major potential risks of uncontrolled violence. It also needs to develop and implement effective strategies as follow-up on its commitments to address drug trafficking, the presence of illegal armed groups in Venezuela and organised criminal violence.

Regarding neighbours and the wider international community, constructive engagement with Colombia and the initial restoration of cross-border cooperation and crime control seems to show that the government will take action when vested interests are at stake, and the correct approach is used. Friendly neighbours and commercial partners should use their leverage to remind the government to respect its own constitution, as well as the democratic standards of intergovernmental organisations of which it is a member.<sup>279</sup> Close neighbours and trading partners in particular have an interest in ensuring democratic stability and in minimising the possibility that “de-institutionalisation” and chaos will lead to further proliferation of organised crime. In the event of serious tensions, or violence, they should be prepared to engage in mediation efforts.

## VII. CONCLUSION

In 1999, President Chávez assumed power with the promise to root out corruption and tackle violence, which had both increased under previous administrations. Twelve years later, criminal violence is out of control, fuelled by soaring impunity, massive, uncontrolled circulation of weapons, police corruption and brutality and the presence of multiple armed groups in collusion with elements of the security forces. While many of these problems precede the current government, it cannot wash its hands of them. Under the “Bolivarian revolution”, institutional decline – particularly manifest in the absence of an independent and functioning justice system and in dysfunctional, politicised and corrupt security forces – has exacerbated citizen security problems. Armed groups and high-level complicity with crime have gone unpunished, while citizen militias are armed and trained to defend the revolution by force. Violence, or its threat, has become inherent to President Chávez’s political project.

In a context of high levels of politicisation and militarisation of society, the prospect of the 2012 presidential election does not bring much relief. On the contrary, whatever the result, it might unleash what is currently latent political violence. Moreover, the president’s problematic health has increased the uncertainties regarding short- and medium-term stability. To safeguard Venezuela from an outbreak of deadly violence, it is imperative that the government, members of the ruling party, the armed forces and the opposition publicly commit to resort exclusively to peaceful and constitutional means of conflict resolution. The government needs to prove that it is serious about its anti-crime stance, starting by disarming and dismantling criminal groups and implementing comprehensive policies to protect the population. A failure to defuse the time bomb would mean the loss of thousands of lives and seriously threaten the country’s stability.

**Bogotá/Brussels, 17 August 2011**

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<sup>279</sup> This includes the Organisation of American States and the principles of the Inter-American Democratic Charter.

## APPENDIX A MAP OF VENEZUELA



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## APPENDIX B

### GLOSSARY

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CAANNAUC	United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia), umbrella body of paramilitary groups whose demobilisation started in 2003 and officially ended in 2006.
BACRIM	Criminal groups (bandas criminales), term used by the Colombian government to refer to illegal armed groups formed after the end of paramilitary demobilisation.
CICPC	National Investigative Police (Cuerpo de Investigaciones Científicas, Penales y Criminológicas)
CNE	National Electoral Council (Consejo Nacional Electoral)
CEO	Strategic Operational Command (Comando Estratégico Operacional)
CONAREPOL	National Commission for Police Reform (Comisión Nacional de Reforma Policial)
DEA	(U.S.) Drug Enforcement Administration
DGIM	Military Intelligence Agency (Dirección General de Inteligencia Militar)
DIBISE	Bicentenary Security Mechanism (Dispositivo Bicentenario de Seguridad)
ELN	National Liberation Army (Ejército de Liberación Nacional), Colombia's second largest guerrilla group.
EVPSA	Victimisation and Citizen Security Perception Survey (Encuesta de Victimización y Percepción de Seguridad Ciudadana)
FANB	Bolivarian National Armed Forces (Fuerza Armada Nacional Bolivariana)
FARC	Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia), Colombia's main insurgent group and the oldest guerrilla force in the Americas.
FBL	Bolivarian Liberation Forces (Fuerzas Bolivarianas de Liberación)
GNB	Bolivarian National Guard (Guardia Nacional Bolivariana)
IISS	International Institute for Strategic Studies
INE	National Statistics Institute (Instituto Nacional de Estadística)
KP	Kimberly Process
LOFAN	Organic Law of the Armed Forces (Ley Orgánica de las Fuerzas Armadas)
LOFANB	Organic Law of the Bolivarian Armed Forces (Ley Orgánica de la Fuerza Armada Nacional Bolivariana)
MNB	National Bolivarian Militia (Milicia Nacional Bolivariana)
OAS	Organisation of American States
ONA	National Anti-Drugs Office (Oficina Nacional Antidrogas)
OVV	Venezuelan Violence Observatory (Observatorio Venezolano de la Violencia)
PM	Metropolitan Police (Policía Metropolitana)
PNB	National Bolivarian Police (Policía Nacional Bolivariana)
Provea	Venezuelan Human Rights Education-Action Program (Programa Venezolano de Educación-Acción en Derechos Humanos)
PSUV	United Socialist Party of Venezuela (Partido Socialista Unido de Venezuela)
SEBIN	Bolivarian Intelligence Agency (Servicio Bolivariano de Inteligencia)
UNES	National Experimental Security University (Universidad Nacional Experimental de Seguridad)