

AN IGNORED TRAGEDY

The humanitarian and human rights impact
by Irregular armed groups in Venezuela



Bogotá, June 2023

Produced with support from



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The Jacob Blaustein Institute
for the Advancement of Human Rights

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SUMMARY

Over the past decade there has been a proliferation of irregular armed groups in Venezuela, including, among others, paramilitary groups, organized crime gangs, and irregular organizations of Colombian origin. The process of growth of irregular armed groups with control of territory and governance capacity occurs in a context of fragmentation of power that generates serious governance problems and constitutes a barrier to the recovery of institutions, democracy, and the rule of law in the country.

These groups are seriously affecting the rights of the Venezuelan population and limiting access to humanitarian action. Despite the challenges that this pose, it is a topic absent from public debate, so it is expected that one of the contributions of this text will be its positioning on the agenda, in the negotiation spaces of both Venezuela and Colombia.

Considering the penetration levels of many of these groups in Venezuelan territory, it would be illusory to propose dialogue or negotiation processes for the recovery of democracy and the rule of law in Venezuela, if the presence and role of these actors is not taken into account.

On the other hand, in the context of the Total Peace policy proposed by Colombian President Gustavo Petro, it is essential to make visible information on the effects of the presence of Colombian irregular armed groups in Venezuelan territory on the rights of the population, in the understanding that the existence of binational irregular armed groups requires binational responses.

Keywords: Venezuela, Colombia, humanitarian emergency, human rights, negotiations, total peace, irregular armed groups, governance

EXECUTIVE SUMMARY

The last decade has seen a proliferation of irregular armed groups in Venezuela, including, paramilitary groups, large gangs of organized crime, and irregular organizations of Colombian origin, among others.

Their growth, with control of territory and governance capacity, occurs in a context of fragmentation of power that creates serious governance challenges and constitutes a barrier to the recovery of democracy, the rule of law and the institutions in the country.

In all three cases, these organizations perform the functions of the State in areas where it is absent, and their activity is only possible with the consent or complicity of civil and military authorities at the national or local level.

The three types of groups analyzed are moved by interests of an economic rather than political nature, in terms of the purpose of seizing power. Even in the case of irregular organizations of Colombian origin, their activity in Venezuela does not have the insurrectional purpose of contesting the authority of the Government.

Most of the time, the action of irregular armed groups with territorial control and governance capacity is functional to the Government, which intervenes only when it perceives that the group has crossed a tacit red line that should not be transgressed.

There are few differences between the irregular armed groups in terms of the type of human rights they affect as they have harmed almost all the rights described, with some exceptions.

Concerning the regional differences in the characterization of the impact on people's rights, in southern Venezuela, mining activities concentrate to a large extent the practices of human trafficking and people smuggling, internal displacement and forced migration, sexual and labor exploitation, domestic servitude, enforced disappearances, murder, and negative impacts to the right to health and other social rights.

Although some of the negative effects can also be found in other regions of the country, the actions of irregular armed groups in north-central and western Venezuela focus on the control of certain goods and services (cooking gas, food, drinking water, medical supplies, among others) that primarily affect the economic and social rights of the population under their control and, at the same time, the exercise of their civil liberties (the rights to personal liberty, peaceful assembly, freedom of expression and economic freedom), which seems to occupy a more prominent place on their agenda, partly because of an increasing interest in controlling dissent in these areas.

In the context of the Complex Humanitarian Emergency, some sectors of the population have become more vulnerable, encouraging a form of recruitment that is no longer forced, although still marked by structural violence; the non-forced nature of the recruitment is observed both in urban and rural areas and in indigenous territories.

Access to humanitarian response and the ability of humanitarian workers to act freely is being increasingly restricted by the action of armed actors with control of territory and governance capacity.

The negative impact of the action of irregular armed groups on people's rights does not exempt the Venezuelan State from responsibility as the final guarantor of the rights of the population. On the contrary, the responsibility is greater when it comes to a government that has ceded both territorial control and the monopoly on force as it constitutes a deliberate cession.

The negative impacts on the human rights of the population subject to the control of irregular armed groups often go unnoticed, especially as the existence of these groups is not even a matter of public debate nor has been incorporated into the agendas on the future governance of Venezuela and Colombia.

Taking into account the penetration of Venezuelan territory by many of these groups, it would be naive to propose dialogue or negotiation processes for the recovery of democracy and the rule of law in the country without taking into consideration the activity and role of these actors.

The absence of transition strategies that take into account the existence of the armed actors is perceived by people interviewed as a potential source of resistance and conflict actions by these groups, in the hypothetical case that the opposition wins the 2024 elections.

In the context of the Total Peace policy proposed by the president of Colombia, Gustavo Petro, it is also essential to make visible the information about the effects of the action of irregular Colombian armed groups in Venezuelan territory on the rights of the population, in the understanding that the existence of binational irregular armed groups requires binational responses.

Any process that seeks to address the recovery of governability in Venezuela inevitably involves expanding the range of actors to be taken into account, incorporating the existence of irregular armed groups with control of territory and governance capacity into the agenda.

In this context, it is necessary for the UN, the international community and civil society organizations to incorporate the phenomenon of irregular armed groups with control of territory and governance capacity and their impact on human rights and the access to humanitarian assistance into their work agenda for Venezuela into their work agenda on Venezuela, and design strategies to make the issue visible in negotiation spaces.

INTRODUCTION

The last decade has seen a proliferation of irregular armed groups in Venezuela, including, paramilitary groups, large gangs of organized crime, and irregular organizations of Colombian origin, among others. Their growth, with control of territory and governance capacity, occurs in a context of fragmentation of power that creates serious governance challenges and constitutes a barrier to the recovery of democracy, the rule of law and the institutions in the country.

Many of these structures operate with the consent of the authorities; in other cases, the coordination or complicity between uniformed officials and paramilitary armed groups has been verified. Similarly, there are cases in which the government has ceded control over portions of the country's territory to these groups or has assigned them functions within the government structure.

Although some research has been carried out on the presence and conduct of these groups, the investigations have focused on aspects related to crime and security. No study has established the impact of their presence on people's rights.

As will be seen in this study, the influence of these groups is not limited to security issues and spans through aspects of everyday life such as access to food, medicine or water; transit through tourist areas; coercion at times of elections; the invasion of indigenous territories or farming land; violence against women

and girls, and internal displacement and migration, among others. In this sense, it is necessary to explore in more detail the scope of action of these groups and their relationship with the State from a human rights perspective.

This study must also be read in the context of the Complex Humanitarian Emergency that afflicts Venezuela, not as a result of a natural disaster but as a consequence of the deliberate actions of those in power¹ that predate the unilateral sanctions agreed upon by some countries.²

Taking into account the penetration of Venezuelan territory by many of these groups, it would be naive to propose dialogue or negotiation processes for the recovery of democracy and the rule of law in the country without taking into consideration the activity and role of these actors.

In the context of the Total Peace policy proposed by the president of Colombia, Gustavo Petro, it is also essential to make visible the information about the effects of the action of irregular Colombian armed groups in Venezuelan territory on the rights of the population, and the role of the Venezuelan State in the peace talks with these groups, in the understanding that Venezuela cannot

In this sense, it is worth bearing in mind the definition of a Complex Political Emergency proposed by the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP):

A situation with complex social, political and economic origins which involves the breakdown of state structures, the disputed legitimacy of host authorities, the abuse of human rights and possibly armed conflict, that creates humanitarian needs. The term is generally used to differentiate humanitarian needs arising from conflict and instability from those that arise from natural disasters.

ALNAP. (2003). *Review of Humanitarian Action in 2003*. Annex 5 Glossary.

https://www.alnap.org/system/files/content/resource/files/main/fann02bb_0.pdf. In: CIVILIS Derechos Humanos et al.: *Manual sobre el Derecho a la Protección Internacional en Crisis Mayores* (Handbook on the Right to International Protection in Major Crises).

[http://w2.ucab.edu.ve/tl_files/CDH/recursos/Manual%20Derecho%20a%20la%20Proteccion%20Internacional%202019.doc%20\(1\).pdf](http://w2.ucab.edu.ve/tl_files/CDH/recursos/Manual%20Derecho%20a%20la%20Proteccion%20Internacional%202019.doc%20(1).pdf)

The Office of the United Nations High Commissioner for Human Rights has stated that “[t]he economy of the Bolivarian Republic of Venezuela, in particular its oil industry and food production systems, were already in crisis before any sectoral sanctions were imposed.” *Human rights in the Bolivarian Republic of Venezuela. Report of the United Nations High Commissioner for Human Rights*. Available: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/301/92/PDF/G1930192.pdf?OpenElement>

be the passive venue for a negotiation process that ignores the impact of such groups beyond the borders of Colombia.

The negative impact of the irregular armed groups with control of territory and governance capacity on people's rights and access to humanitarian action, and the challenges that this poses for the recovery of democratic institutions, is absent from the public debate. The present study aims to contribute to positioning the topic on the agenda of the negotiation spaces of both Venezuela and Colombia.

OBJECTIVES

The study intends to be a tool for reflection and analysis on the topic of irregular armed groups and human rights in Venezuela and provide the actors involved in the attention to the Complex Humanitarian Emergency with elements that facilitate the contextualization of their humanitarian and human rights work, taking into account the impact of the activity of irregular armed groups on the lives of the people targeted by their activities.

The research aims to:

1. Identify the different irregular armed groups with control of territory and population and governance capacity that operate in Venezuela and their relationship with the Venezuelan State.
2. Establish the impacts of these groups on human rights and the access to humanitarian assistance for the Venezuelan population in territories under their control, in the context of the negotiations between the Venezuelan Government and opposition and the Total Peace policy promoted by President Gustavo Petro.
3. Provide elements for the establishment of mechanisms to strengthen the protection of human rights and access to humanitarian assistance for the population affected by the action of irregular armed groups, and the recovery of governance in those territories.

SCOPE AND METHODOLOGY

The study will cover a period of approximately a decade, from 2013 to 2023, with references to its background in the early years of Chavismo, taking the creation of the so-called Peace Zones in 2013 as a starting point.³ However, it does not pretend to be a chronological or historical work but rather a reflection to address the situation from the present with a perspective of the future, taking into account that the organizations in question often mutate, disappear, re-emerge, rearrange and regroup.

To achieve the proposed objectives, a bibliographic and documentary review was carried out. In addition, around 40 semi-structured interviews were conducted with human rights defenders, humanitarian workers, religious and community leaders, victims from the affected areas, academics, and other researchers, both from Venezuela and other countries. In Venezuela, the interviews covered the states of Amazonas, Apure, Aragua, Bolívar, Lara, Miranda, Sucre, Táchira and Zulia, as well as the Capital District. For security reasons, the identity of the interviewees is kept confidential, and only general reference is made to events whose specific geographic location could put the sources at risk.

STRUCTURE

The study is composed of five sections. The first of them presents a general identification of the action of irregular armed groups with control of territory and governance capacity in Venezuela according to three categories: mega-gangs, which also include pseudo-unions; armed *colectivo* groups, and irregular organizations of Colombian origin, delving into their relationship with the authorities and the interaction between them.

The so-called *Zonas de Paz* (Peace Zones) was an initiative implemented by the Government of Maduro through the Ministry of Interior, Justice and Peace in September 2013 to achieve the pacification of armed gangs based on respect for the territories under their control. The initiative quickly degenerated into the existence of areas off-limits to the authorities, where crime reigned over the territory and its residents. For more information, see the work of Ronna Rísquez on the news site Runrun.es: <https://runrun.es/nacional/venezuela-2/212961/10-claves-para-entender-las-zonas-de-paz/>

The second section discusses the main impacts on different human rights with mention of the local specificities of each geographical area, while the third section presents the limitations and conditions imposed by irregular armed groups with territorial control and capacity to governance in terms of access to humanitarian response.

The fourth section is dedicated to examining the institutional response to the phenomenon of irregular armed groups with control of territory and governance capacity from the Venezuelan authorities, the opposition, and the Government of Colombia.

The report closes with a set of conclusions followed by a series of recommendations to the different actors in Colombia and Venezuela, as well as the international community.

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Finally, we express our appreciation to the experts who took the time to review the first draft of the text and, especially, to the administrative team of the Center for the Study of Law, Justice and Society (Dejusticia), who was always kind to meet our requests for support during this project.

A FEW CONCEPTUAL CONSIDERATIONS

The text of this study will make use of the term *negative impacts on human rights* instead of human rights violations, following the established

caselaw of the Inter-American Commission on Human Rights (IACHR)⁴ under which only the State is responsible for the violation of people's rights, either by action, acquiescence or omission. In this regard, everything described in this report does not exonerate the State from responsibility for actions committed by non-state actors in terms of its role as the final guarantor of the human rights of the population.

Regarding the classification of armed groups, the investigation will refer to them as *irregular groups* rather than *illegal groups*, given that, in the case of the armed *colectivo* groups, the institutional framework has granted them some degree of legality by including them among the community organizations that collaborate with intelligence and public order actions; however, beyond this illusion of legality, their irregular conduct does not conform to the law, as will be described.

Finally, it is necessary to distinguish between presence, territorial control and governance.⁵ An irregular armed group can have a presence without territorial control or governance capacity when, for example, it carries out an action such as an attack against a State facility, the distribution of propaganda or an assassination. Territorial control, on the other hand, supposes a higher level of dominance imposed by the arms that can include fiscal activity (extortion) and the regulation of mobility, but in coexistence with public institutions that remain under the control of the State. Finally, criminal governance includes the management of institutional spaces that are relevant to everyday life such as healthcare, education, food and justice, among others.⁶

In this regard, see Inter-American Commission on Human Rights. *Report on the situation of human rights in Argentina* (OEA/Ser.L/V/II.49, doc. 19, April 11, 1980), p. 26 and 27, and the *Report on the situation of Human Rights in Peru*, 1993. OEA/Ser.L/V/II.83. Doc. 31. March 12, 1993.

We appreciate the reflections on this topic provided by María Victoria Llorente from Fundación Ideas para la Paz.

Andreas E. Feldmann and Juan Pablo Luna offer a simple definition of criminal governance as “the creation of rules regulating behavior by criminal entities often with the collaboration of state actors.” See: <https://www.annualreviews.org/doi/10.1146/annurev-soc-030420-124931>

THE ACTION OF IRREGULAR ARMED GROUPS IN VENEZUELA

This section provides a basic description of the three types of irregular armed groups covered by this study, including their origin and evolution, areas of operation, territorial control and governance capacity; interests and activities, and interaction with the authorities. Finally, information is presented on the interaction between the groups.

Some typologies refer to at least nine criminal blocks that include megagangs; the pseudo-unions⁷ in the construction, oil and mining sector; the armed and violent *colectivo* groups, the *pranes* and their prison organizations, the Bolivarian Liberation Forces, the corruption “holding”, drug traffickers, the Colombian guerilla, and other gangs (Bacrim).⁸

Pseudo-unions were criminal organizations that made use of extortion to pressure contractor companies into granting job posts to the individuals indicated by the group. This modality was particularly prevalent in the construction, mining and oil sectors. The organizations progressively gained greater power and autonomy and extended their reach to other criminal activities unrelated to the world of labor.

Transparencia Venezuela. *Crimen organizado y corrupción en Venezuela: un problema de Estado* (Organized crime and corruption in Venezuela: a State problem) . Available: <https://transparenciave.org/project/crimen-organizado-y-corrupcion-en-venezuela-un-problema-de-estado/>

This study focuses on the three following groups because, in addition to being armed and irregular, they have the characteristic of territorial control and governance capacity:

- a. Mega-gangs, which also includes the pseudo-unions.
- b. Armed *colectivo* groups.
- c. Irregular organizations of Colombian origin.

Drug trafficking was not included as a category because it is present in all other structures, while the rest of the groups were not considered for the study because they do not have permanent control over a territory or their operation has ceased or significantly decreased in recent years.

The three groups that make up the focus of the study have specific characteristics that will be discussed later, but they also have some common traits that are identified below.⁹

On the one hand, the activities in which these groups engage are related to the geographical areas where they operate, regardless of their belonging to a block in particular. Thus, for example, mining is mainly carried out in the Orinoco Mining Arc (OMA); drug trafficking in states along the border and with river corridors to the Caribbean Sea; rustling and human trafficking in border states; food control and drugs micro trafficking in urban areas, and fuel trafficking from the northern bank of the Orinoco River to the mining areas in the south of Bolívar state. All these activities have an opportunistic nature.

In all three cases, these organizations perform the functions of the State in areas where it is absent, and their activity is only possible with the consent or complicity of civil and military authorities at the national or local level. For this reason, they are considered to fill a vacuum in the fields of community life, justice administration, service management and armed protection, among others.

In this regard, we recommend consulting the five dimensions of governance, described in the article by Briceño-León et al.: '*Facções*' de Fortaleza y colectivos de Caracas: Dos modelos de gobernanza criminal (Fortaleza's '*Facções*' and Caracas' colectivo groups: Two models of criminal governance). Available: <https://doi.org/10.4322/dilemas.v15nesp4.46522>

This paves the way for the configuration of a form of criminal governance, which generates in the population a culture of acceptance that seeks to preserve their own safety in the face of irregular armed power.

Once the State has ceded the control of the territory to the organizations, the police and military either lack access to the area or their presence is symbolic and even subordinated to the irregular armed actors. Frequently, the presence of criminal groups is functional for the Government, which only intervenes when it perceives that the group has crossed a tacit red line that should not be transgressed because it would entail contesting a level of authority that has not been granted to it. Political sectors and irregular armed groups of different kinds can be articulated at one point, not under long-term alliances or loyalties but in the form of pacts that are maintained as long as they are functional for both sides.

Another element common to the three types of groups is their use of the most vulnerable sectors of the population to recruit members. The situation of violence takes young people to a limit where they have to side with an actor that provides them safety, be it institutional or irregular.

Irregular armed groups are an option in terms of economic stability, security and reputation for young people who lack alternatives for personal development because the State does not pay them due attention. In this sense, current recruitment practices involve the use of violence without the use of force; In other words, these groups take advantage of structural violence, rather than physical violence, to incorporate new members both in urban and rural areas and indigenous territories.

The three types of groups analyzed are moved by interests of an economic rather than political nature, in terms of the purpose of seizing power. Even in the case of irregular organizations of Colombian origin, their activity in Venezuela does not have the insurrectional purpose of contesting the authority of the Government. Although these groups advance in some areas a narrative that seeks to justify their presence as part of a role in the defense of the Bolivarian revolution or have carried out actions with ideological connotations, the truth is that they are especially concentrated in illicit economic activities without political motives within Venezuelan territory that serve as a source of income that may

provide support to their structures and political objectives on the other side of the border. Occasionally, some irregular organizations of Colombian origin can fulfill the role of facilitating the operation of certain sectors of the ruling party, especially concerning illegal mining, as will be seen later.

Finally, everything suggests that each sector of the Government has links with irregular armed groups of different types, depending on their illegal economic activities. The economist Asdrúbal Oliveros has pointed out that, unlike the State, the Government has resources originating in its participation in illicit economies and therefore needs to weave alliances with irregular armed groups. The illicit economy in which the Government takes part is sustained by the action of irregular armed groups and accounted for 21% of the Gross Domestic Product in 2022.¹⁰

MEGA-GANGS AND PSEUDO-UNIONS

Fermín Mármol García defines mega-gangs as

criminal structures with more than 80 members, including men and women, in possession of both short and long guns and explosive devices such as grenades. Their reach goes beyond the borders of a state, with influence in at least two states.¹¹

For their part, the pseudo-unions are groups that arose under the protection of unions in the construction, oil and mining sectors to control employment quotas through extortion, evolving as criminal structures. Currently, a number of pseudo-unions remain active in the mining sector under the name

Contrapunto. «*La gente está en el chasis y el consumo crece*»: La contradicción que explica el economista Asdrúbal Oliveros (“People are worn out but spending is growing: A contradiction explained by economist Asdrúbal Oliveros). Available: <https://contrapunto.com/economia/analisis-economia/la-gente-esta-en-el-chasis-y-el-consumo-crece-la-contradiccion-que-explica-el-economista-asdrubal-oliveros/>

Transparencia Venezuela. *Mármol García asegura que en Venezuela hay al menos 12 megabandas criminales* (Mármol García affirms at least 12 mega-gangs exist in Venezuela). Available: <https://transparenciave.org/marmol-garcia-asegura-que-en-venezuela-hay-al-menos-12-megabandas-criminales/>

of “unions”, with territorial control and governance capacity especially in the south of Bolívar state.

Origin and evolution

It is not possible to affirm that the so-called Peace Zones played a key role in the emergence of the mega-gangs but, in some regions of the country, the declaration of these areas certainly became a factor that facilitated their growth and strengthening. In other places, such as Cota 905 in Caracas, the strengthening of the mega-gangs has occurred through deals between gang leaders from nearby neighborhoods and in areas where the State does not have a presence, or this presence is symbolic. Another factor that feeds the growth of mega-gangs is the *pranato*, a local term that describes the criminal leadership that controls some prisons in the country through the *pranes*.¹² According to people interviewed, at least eight different *pranatos* control a mega-gang from the country's prisons.

By 2015, the power of many mega-gangs had grown considerably, coming to be perceived as a real threat due to their ability to challenge authority, which led the Government to try to reduce them through the so-called Operation Liberation of the People (OLP),¹³ which was responsible for multiple murders in disadvantaged neighborhoods in several cities across Venezuela¹⁴ but rarely came to subdue the gang leaders. In several areas, the OLP had the participation of members of armed *colectivo* groups that sought to regain control of the territory for their own purposes.

In Venezuela, the term *pran* denotes a negative leader who exercises control of a prison. The *pranato* refers to the *pran*'s rule, initially within the walls of the prison but nowadays reaching far beyond, with the prison as a base of operations for extortion, kidnapping, vehicle theft and other crimes in coordination with gangs on the outside, whose members obey the *pran*'s orders.

The OLP was a crime fighting initiative imposed by the Maduro government in 2015, deployed through joint operations that involved civil and military forces. The OLP was characterized by the disproportionate use of force, which led to unlawful raids; arbitrary detentions, often accompanied by torture; extrajudicial executions and other human rights violations.

At least 505 murders in the framework of the OLP were registered by the Public Ministry, while the NGO Provea registered 15,946 arrests in the context of the OLP in 2015 alone.

In the context of the political conflict in 2017, both the national government and the regional authorities reached a truce with the mega-gangs to have fewer fronts of confrontation. This was possible because the gangs seek to preserve their businesses rather than seize power, which makes the Government feel more comfortable negotiating with them than with actors of the political opposition. Many of these criminal organizations took advantage of this opportunity to strengthen and reassert themselves in the territories under their control. The withdrawal of the State during the COVID-19 pandemic also influenced a better local positioning of these groups, as will be seen later.

The truce extended from 2017 to 2021, the year when some mega-gangs, especially in Caracas, began to behave like political actors, not in a partisan sense, but in terms of the control they had at the local level and the management of resources, with the ability to challenge the faction in power, as they indeed did.

In July 2021, the Cota 905 mega-gang defied once again the limits of its convened territory, triggering a reaction from the security agencies through a major deployment in the area.¹⁵ The clashes continued for several days and resulted in at least thirty people dead and several dozen wounded. The gang leaders were not captured, raising suspicions of police complicity. A similar incident took place in February 2023 in the town of Las Tejerías, Aragua state, with two local mega-gangs.¹⁶ The leaders of Cota 905 and Las Tejerías mega-gangs were assassinated in February 2022 and March 2023 respectively.

At the time of preparing this study, the mega-gangs remain active, some of them with a high level of activity and territorial control, while others have been severely hit and will surely enter into a process of recomposition given that their members were not completely subdued nor have expressed their willingness to cease their activities. In addition, the absence of the authorities in the areas

Cota 905. *Cronología de una zona de enfrentamientos armados dominada por bandas delictivas* (Timeline of armed clashes in gang dominated areas). Available: <https://www.elpitazo.net/sucesos/cota-905-cronologia-de-una-zona-de-enfrentamientos-armados-dominada-por-bandas-delictivas/>

Crónica Uno. *Angustia renace en habitantes de Las Tejerías tras ataques perpetrados por bandas delictivas* (Distress resurfaces among Las Tejerías residents after attacks by criminal gangs). Available: <https://cronica.uno/en-las-tejerias-ahora-la-violencia-angustia-a-sus-habitantes/>

where the mega-gangs used to operate remains, opening the possibility that the groups will fill the void once they recover and reorganize their leadership.

As for the so-called pseudo-unions, the groups were very active in the second decade of the 21st century in the oil, construction and mining sectors. However, the pseudo-unions are active only in the mining sector as of 2023, with activity in Bolívar state, where a group controls the illegal extraction of gold and other precious and strategic minerals. As in the case of the mega-gangs, the pseudo-unions have been occasionally targeted by operations, in this case carried out by the military, without a severe impact on the continuation of their activity.¹⁷

Areas of operation

Both the mega-gangs and the pseudo-unions are large organized crime groups with 50 to 300 members. A study indicates that around 19 mega-bands existed by 2017, but this number has increased since.¹⁸ In fact, strong mega-gangs such as the *Tren de Aragua*, the gang of the Caracas district El Cementerio, and the pseudo-unions of the OMA were not in the records at that time.

Most of the mega-gangs have a presence in urban centers, but in some areas such as the Barlovento region of Miranda state, where the first Peace Zone was designated in 2013, the groups operate in rural areas that cover up to four municipalities. There is also a strong activity of mega-gangs in the states of Sucre and Delta Amacuro, especially in coastal areas that provide a route to the Caribbean. Mega-gangs are estimated to be present in at least 11 of the 23 states of the country, with partial territorial control in most cases.

Runrunes. *Violaciones a DDHH, destrucción y otros excesos deja operativo militar «Roraima 2022» en Bolívar* (Human rights violations, destruction and other abuses left by the Roraima 2022 military operations in Bolívar). Available: <https://runrun.es/noticias/487651/violaciones-a-ddhh-destruccion-operativo-militar-roraima-2022-bolivar/>

Mayorca. J. *Megabandas, una aproximación a la insurgencia criminal venezolana, del Observatorio de Delito Organizado* (Mega-gangs, an approximation to the Venezuelan criminal insurgency, by the Observatory on Organized Crime) . Available: <https://crimenessincastigo.com/las-megabandas/>

Exercise of territorial control and governance capacity

In the beginning, the mega-gangs used to operate with a great display of violence, which was reflected in the fact that several Venezuelan cities were among the 50 most violent urban centers on the planet, with very high homicide rates.¹⁹ Once they consolidated and reached agreements with the authorities, the mega-gangs moved on to a more organized and less spectacular type of violence because they no longer needed to murder in large numbers and with a great show of cruelty given that their message had already been transmitted and obedience by terror had been established. However, in the case of the mining pseudo-unions, extreme violence continues to be a form of action in the areas under their control, with exemplary sanctions against those who resist extortion or the collection of *vacunas*.²⁰

Through the control of the territory, the groups seek the respect of the community -even through fear- and become their benefactors. Many gang leaders organize parties for children during the Christmas season or Mother's Day, sponsor repairs to schools and health centers, and build sports fields, thus filling the void left by the State in those areas. In the same way, the mining pseudo-unions have assumed control of the organization of local celebrations, selecting the providers of entertainment and drinks and even directing the hiring of artists. Although some mega-gangs have ventured into the food distribution programs administered by the Local Supply and Production Committees (CLAP for its acronym in Spanish), no activity was recorded from the mining pseudo-unions in this field.

According to the Venezuelan Observatory on Violence, the rates of violent deaths were always above 60 per 100,000 inhabitants between 2014 and 2019, reaching a peak of 91.8 in 2016. See <https://observatoriodeviolencia.org.ve/>

A *vacuna* is an extortion fee, generally in exchange for security. However, the collection of *vacunas* is just one form of extortion since the crime encompasses different modalities.

Both the mega-gangs and the pseudo-unions also play the role of conflict resolution agents on issues of domestic violence, nuisances, and others. In general, criminal activity is prohibited and severely punished in the areas under their control, which creates a sense of security among the residents. Treachery is also severely punished, usually with one's life. In the case of the mining pseudo-unions, the groups carry out the sanitary inspection of sex workers and regulate the activity of sex work in terms of time, rates, interaction and health concerns, becoming a safety factor for the workers in exchange for the payment of a protection fee. On the other hand, within these codes of conduct, the leaders of the mega-gangs respect and promote the protection of positive role models such as priests, nuns, and young people who excel in their studies.

During the COVID-19 pandemic, some mega-gangs took charge of guaranteeing the confinement measures and facilitated access to the purchase of biosafety supplies and food so that residents did not have to leave the area. However, in the mining areas, only in some communities did they demand the use of masks, and quarantine control was not very strict since it made no sense to comply with the orders of the central government regarding "radical" and "flexible" quarantine weeks²¹ amid a *bullá*.²²

OFFICIAL INEFFICIENCY AND CORRUPTION

Right now, there is a perception of security. A young man victim of a robbery went to the police, and they asked him for a gram of gold [to work on the case]. He complained to the leader of the "union" and found the stolen goods. It is not only the absence of the State but rather an ineffective and corrupt presence.

Interview, southern
Bolívar state

During the COVID-19 pandemic, the Venezuelan Government implemented an alternative system that involved the suspension of all activities and a strict lockdown for one week (a radical week) and the lifting of restrictions the following week (flexible week).

In local mining jargon, a *bullá* refers to the discovery of a gold vein. When this happens, miners remain at the location of the *bullá* for an undetermined period to take full advantage of the opportunity to extract the ore. During the pandemic, safety measures were ignored in the presence of a *bullá*.

Interests and activities

The mega-gangs and pseudo-unions are mainly engaged in extortion, kidnapping, drug trafficking, human trafficking and smuggling, mining, theft of cargo vehicles with and their load, and contract killings. As part of the opportunistic nature of their activity, the mega-bands have expanded beyond the territory of Venezuela as a result of the reduction of business opportunities in the country; for example, the disappearance of cash makes it impossible to carry out an express kidnapping. The Complex Humanitarian Emergency has also reshaped the mega-gangs, both in their areas of operation and in the type of activities they carry out. Mining in Bolívar state became a pole of attraction, while Sucre turned into a hub for drug and human trafficking due to its strategic location.

In the case of the pseudo-unions, and due to the characteristics of the economic sector in which they operate, the groups are dedicated to the collection of *vacunas* to grant participation in the extraction and milling of minerals and other activities related to mining. However, they are no longer limited to mining, having instead extended their reach to other activities such as the control of the trade of tobacco, *chimó*,²³ drugs and alcohol and sexual exploitation. They are also active in the smuggling of fuel from the states of Anzoátegui and Monagas, on the northern bank of the lower Orinoco River, to mining areas south of Bolívar state.

Interaction with authorities

Much of the arsenal of the mega-gangs and pseudo-unions comes from the Venezuelan Corporation of Military Industries (CAVIM for its acronym in Spanish), which suggests complicity from the members of the Armed Forces. Their territorial control is exercised with the consent of the national authorities or thanks to deals with local authorities (governors, mayors and military commanders).

Chimó is a chewing tobacco paste consumed in some Venezuelan states and the eastern plains of Colombia. It has a stimulating effect and reduces hunger, which is why it is widely consumed by workers in highly demanding activities such as farming, mining, and construction.

The fact that the OLP and the subsequent operations of the Special Action Forces (FAES for its acronym in Spanish) have failed to subdue the leaders of many mega-gangs seems to respond to a system of complicity between the groups and officials who warn them about the upcoming police incursion, allowing them to flee in good time. This would explain why, at least in Caracas, a military logic was later employed to reduce the gangs that grew beyond the tolerance of the authorities.

On the other hand, the security policy seems to obey a deliberated bipolarity that oscillates between strong repression and agreements. With each security operation, the Government reminds us once again of the lines that should not be crossed, but fails to carry out an institutional occupation of the territories, which allows the gangs to regroup and resume their activities.

Regarding the mining pseudo-unions, their operation is concentrated in areas of the Orinoco Mining Arc supposedly under the control of the State, which makes their activity there only possible by the consent or complicity of the civil and military authorities. A report by the Insight Crime organization affirms that their territorial control in the area was the result of an alliance with a former governor of Bolívar state who provided them with protection and weapons.²⁴

Concerning the trafficking of fuel for the mines in the Orinoco Mining Arc, several officials from different entities have been arrested for their participation in this business, including members of the military, prosecutors of the Public Ministry and mayors. However, political leaders in the area consider this a mere rearrangement of the mafia groups dedicated to fuel smuggling, without a real impact on the roots of the business.²⁵

Insight Crime. *Las Claritas Sindicato*. Available: <https://insightcrime.org/venezuela-organized-crime-news/las-claritas-sindicato/>

Correo del Caroní. *Detenciones por tráfico de combustible confirman reiteradas denuncias de corrupción en Bolívar* (Arrests over fuel trafficking confirm the repeated allegations of corruption in Bolívar). Available: <https://correodelcaroni.com/pais-politico/detenciones-por-trafico-de-combustible-confirman-reiteradas-denuncias-de-corrupcion-en-bolivar/> and Swiss Info.

Detenidos 3 militares venezolanos por contrabando de 1.700 litros de gasolina (3 military officials detained over the smuggling of 1,700 litres of fuel). Available: https://www.swissinfo.ch/spa/venezuela-justicia_detenidos-3-militares-venezolanos-por-contrabando-de-1.700-litros-de-gasolina/47809204.

Learn more about the mega-gangs of Venezuela

Andrés Antillano. *Las bandas se transformaron en empresas capitalistas armadas*

Crisis Group. *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*

Fermín Mármol García. *En Venezuela operan unas 22 mega bandas delictivas*

Insight Crime. *All About Megabandas (Compilation)*

Javier Mayorca. *El retorno de las megabandas*

Javier Mayorca. *Las megabandas de la Troncal 9*

Javier Mayorca. *Las megabandas. Una aproximación a la insurgencia criminal venezolana*

Keymer Ávila. *Las grandes bandas dotadas con armas de guerra no pueden existir sin un apoyo*

Roberto Briceno-Leon. *Non-state armed actors in Venezuela. A domestic or international problem?*

Ronna Rísquez. *El Tren de Aragua*

Transparencia Venezuela. *Crimen organizado y corrupción en Venezuela: un problema de Estado*

Verónica Zubillaga y otros. *Gobernanzas criminales en tiempos de revolución poschavista y legitimidad cuestionada: Una mirada a los diferentes órdenes territoriales y actores armados en Caracas*

ARMED COLECTIVO GROUPS

Before Hugo Chávez rose to power, *colectivo* groups already existed as grassroots organizations in disadvantaged areas with political, community, and cultural work, some of them as remnants of guerrilla cells from the 1960s. Their activity was local and their numbers were not significant.

Origin and evolution

Under Chavismo, *colectivo* groups grew in number and were equipped with weapons, to the point of becoming paramilitary groups. At first, their relationship with the Government was not public, although there was a tacit acceptance of their existence and illegal activities by the authorities.

Between 2000 and 2013, some groups took on the task of attacking and dissolving protests of people that opposed the Chávez Government, targeting (even with explosives) independent media outlets, the headquarters of Venezuela's main business union (Fedecámaras) and several embassies. In Mérida, a well-known university city with students critical of the Government, *colectivo* groups perpetrated several attacks against the university dormitories. The repressive and violent activity of the *colectivo* groups intensifies in moments of political protest; their involvement in the repression of the 2014, 2017 and 2019 protests is widely documented.²⁶

See for example: Provea. *Colectivos se fortalecen con la anuencia del Estado* (Colectivo groups strengthen with the consent of the State). Available: <https://provea.org/paramilitarismo/colectivos-se-fortalecen-con-la-ausencia-del-estado/>; CDH UCAB. *Licencia para protestar* (Licence to protest). Available: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/licencia%20para%20protestar.pdf; Movimiento regional por los derechos ciudadanos. *Informe preliminar sobre la situación de los derechos humanos en el marco de la protesta. 12 febrero-12 abril 2014. Maracaibo-estado Zulia (Venezuela)* (Preliminary report on the situation of human rights in the context of protests. February 12-April 12 2014. Maracaibo-Zulia, Venezuela) Available: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/INFORME%20FINAL%20CDDHH%20ZULIA.pdf; Observatorio de Derechos Humanos de la Universidad de los Andes. *Informe sobre violaciones de derechos humanos en la ciudad de Mérida* (Report on human rights violations in the city of Mérida). Available: <http://www.saber.ula.ve/bitstream/handle/123456789/40296/informeDDHH.pdf?sequence=1&isAllo wed=y>; Equipo de Defensores de Derechos Humanos del Táchira. *Informe preliminar sobre la*

In 2019, the National Assembly with an opposition majority described the *colectivo* groups as terrorist organizations on the grounds of "their paramilitary actions of violence, intimidation, murder and other crimes."¹²⁷ The declaration did not have major consequences due to the nonrecognition of the legislative body by the Maduro Government.

Areas of operation

Colectivo groups are present in most of the country's states, mainly in urban areas. They are very active in Caracas and state capitals or large cities such as Maracaibo, Mérida, San Cristóbal, Barquisimeto, Ciudad Guayana, San Fernando de Apure and Los Teques, among others. With the rise of illegal mining in the Orinoco Mining Arc, *Colectivo* groups have begun to have a presence in southern Bolívar state.

According to Transparencia Venezuela, "they can number around 8,000 men deployed across different states and municipalities of Venezuela."¹²⁸

Exercise of territorial control and governance capacity

The process of arming the *colectivo* groups began in 2002, after the coup d'état of April 11 of that year. The weapons gave rise to regimes of domination through which the groups exercise territorial control through extortion; In this way, they dominate a series of activities that range from informal trade (street vendors must pay a fee to the groups) to drug micro-trafficking.

The most notable expression of territorial control by the *colectivo* groups can be found in the 23 de Enero parish in Caracas, where the presence of at least 20 of them has been registered. In this area, the groups engage in economic

situación de los derechos humanos en el estado Táchira (Preliminary report on the situation of human rights in Táchira state). Available: <https://www.civilisac.org/civilis/wp-content/uploads/Informe-DDHH-Tachira-1.pdf>.

Asamblea Nacional. *AN declaró como terroristas a los colectivos* (National Assembly declares *colectivo* groups as terrorist organizations). Available: <https://www.asambleanacionalvenezuela.org/noticias/an-declaro-como-terroristas>

Transparencia Venezuela. Op. Cit. p.14

IMPOSED TRUST

In the area of the Alexis Vive colectivo group, things work better and people trust the groups more than they trust the police.

Interview with a former resident of 23 de Enero

activities not only as a source of income but also as a means to find out more about the residents of the community for purposes of political control.

Exercised within the space under their domain, the groups' political control extends outside their territory in moments of political conflict, when they act openly as auxiliaries to the security forces or on their own in repressive actions.

Like some mega-gangs and irregular organizations of Colombian origin, the *colectivo* groups impose rules of coexistence that are enforced by coercion and terror and have become regulators of the conflict, filling spaces left by the State in matters such as robberies, fights or access hours. A *colectivo* group from 23 de Enero holds the administration of an educational center where they impose closed order, a form of military formation.

The sanctions applied by the *colectivo* groups can have a great load of violence. During the COVID-19 pandemic, they imposed punishments on those who failed to observe the confinement measures. Currently, the groups exercise territorial control, but some have lost political weight since they no longer enjoy the support of the communities.

Interests and activities

In the political sphere, the *colectivo* groups act as the armed wing of the revolution, a title allegedly awarded to them by Hugo Chávez, although the exact quote could not be traced. Their main political activities are oriented toward the

repression of protests, intimidation of opposition voters and the mobilization of Chavista voters.

Drawing the line that separates the political and economic activities of the *colectivo* groups proves difficult at times since some of the activities that may seem to pursue an economic objective also have a political significance, including the seizing of homes, the promotion of invasion to private property and the use of government food and energy subsidies as mechanisms for the political control of the population.

Besides political repression, *colectivo* groups engage in legal and illegal economic activities. In the 23 de Enero district, the main area under their control in the city of Caracas, the *colectivo* groups run a casino, a butcher's shop, bakeries, grocery stores and a brick factory, and provide cable TV service. These businesses not only provide them with a source of income but are also used for the conduction of intelligence work in the community. In different parts of the country, *colectivo* groups have started to take part in the food business through the CLAPs, the direct trade of products, and the extortion of formal and informal merchants.

Extortion is also a source of income for other types of businesses, and in some cities, it is used as a mechanism of coercion against political opponents, who are threatened and imposed a "contribution" payment for the revolution, which always ends up in the group's pockets. The kidnapping of political opponents is also used as a source of income.

Historically, the *colectivo* groups have been active in fighting crime in the areas under their control, although they also are involved in criminal activities such as drug trafficking. Since the creation of the Orinoco Mining Arc, some of these groups have moved to Bolívar state to participate in illegal mining. More recently, the groups have become involved in the so-called *Cuadrillas Defensoras de la Paz* (Crew for the Defense of Peace, CUPAZ for its acronym in Spanish), created by order of Maduro in 2019.²⁹ One of the tasks of the CUPAZ in different states of the country is the control of the sale of fuel at service stations, which

Presidencia de la República. Decreto n.º 4078 del 20-12-2019. G.O. n.º 41786 del 20-12-2019. Gran Misión Cuadrantes de Paz (20). Available: <https://www.cuadrantedepaz.org/>

degenerated into the sale of spots in the queues and other acts of corruption by members of the groups.

Interaction with authorities

Without a doubt, the *colectivo* groups are the block that concentrates the greatest amount of evidence of interaction with the authorities. Although the nature and closeness of the ties were not clear at the beginning of the Chávez government, the relationship had become evident by 2014.

In the framework of the 2014 student protests, the overt action of the *colectivo* groups was observed and documented for the first time, in the face of the passive and complicit attitude of the security forces, including the police, the Bolivarian National Guard (GNB for its acronym in Spanish), the Bureau for Scientific, Criminal and Forensic Investigations (CICPC for its acronym in Spanish) and the Bolivarian National Intelligence Service (Sebin for its acronym in Spanish). In some cases, there was also coordinated action between the groups and the officers.

On that occasion, the *colectivo* groups acted in the arrest of demonstrators, attacks with weapons and incendiary devices against university campuses and residential buildings, and destruction of private property. Although their actions were recorded on security cameras and published on the media and social networks, not a single member of these groups was investigated, prosecuted, or punished for the events.

The participation of *colectivo* groups in OLP actions aiming to displace the criminal gangs and regain the territories has been recorded since 2015. The groups have also formed alliances with the FAES and the General Directorate of Military Counterintelligence (DGCIM for its acronym in Spanish). In January 2018, a former CICPC official who had rebelled against the government was executed in a joint ambush carried out by several security agencies. A member of the Tres Raíces *colectivo* group died in the operation while wearing a FAES uniform,

despite not being a police officer.³⁰ People interviewed for this report stated that members of different *colectivo* groups are among the ranks of the FAES and the CICPC and that they are on the payrolls of several Government ministries.

At the beginning of 2017, Maduro ordered the activation of Plan Zamora, an operation that combines the participation of military and civilian elements "in the face of possible internal and external attacks that threaten the peace and sovereignty of the country."³¹ The components of the plan include politically-oriented grassroots organizations, the Hugo Chávez Combat Units (UBCh), the communal councils, the CLAP, *colectivo* groups and the Homeland Congresses. Later, during the 2017 protests, human rights organizations documented cases of overt coordination between *colectivo* groups and security forces in the repression of protesters.³²

For its part, the March 5th Front, which brings together different *colectivo* groups from Caracas, has its base of operations in the former headquarters of the Metropolitan Police, where people are taken and subjected to torture and kidnapping for ransom. The leader of the front, José Odreman, was assassinated by CICPC officials on October 7, 2014, after denouncing the deaths of other members of *colectivo* groups. When ambushed, Odreman held the CICPC responsible for whatever happened to him. In a later interview, another member

Efecto Cocuyo. «El Uno», líder del «colectivo Tres Raíces», murió en operativo contra Óscar Pérez (Leader of the Tres Raíces colectivo group dead during operation against Óscar Pérez). Available: <https://efectococuyo.com/sucesos/el-uno-lider-del-colectivo-tres-raices-murio-en-operativo-contra-oscar-perez/>

MPPPST. *Ejercicio cívico-militar Zamora 200 fortalece unión entre la FANB y el pueblo venezolano* (civil-military drill Zamora 200 strengthens bonds between the Bolivarian National Armed Forces and the Venezuelan people). 13 January 2017. Available: <http://www.mpppst.gob.ve/mpppstweb/index.php/2017/01/13/ejercicio-civico-militar-zamora-200-busca-afianzar-capacidad-operativa-para-la-defensa-nacional/>

Provea. *Protestas 2017. Colectivos. De ejecutores de un patrón a parte de un sistema represivo* (The 2017 Protests. Colectivo Groups. From pattern executors to part of a system of repression). Available: <https://provea.org/paramilitarismo/protestas-2017-colectivos-de-ejecutores-de-un-patron-a-parte-de-un-sistema-represivo/>; Human Rights Watch. *Crackdown on Dissent: Brutality, Torture, and Political Persecution in Venezuela*. Available: [Crackdown on Dissent: Brutality, Torture, and Political Persecution in Venezuela | HRW](https://www.hrw.org/report/2017/05/01/crackdown-dissent-brutality-torture-political-persecution-venezuela)

of the group referred extensively to Odreman's links with ministers, police officers and the "first combatant."³³

In several states and municipalities across the country, the relationship between the *colectivo* groups and governors or mayors has been documented.³⁴ In addition, a large part of their activity in the food sector is carried out through the CLAPs, which could not be done without the express acceptance of the Government. Likewise, food markets are controlled by *colectivo* groups associated with the police.³⁵

"The first combatant" is the nickname usually given to Cilia Flores, Nicolás Maduro's wife. Runrunes. *Líder del Frente 5 de Marzo: «Los colectivos somos un mal necesario»* (March 5th Front leader: "Colectivo groups are a necessary evil"). Available: <https://runrun.es/investigacion/164291/lider-del-frente-5-de-marzo-los-colectivos-somos-un-mal-necesario/>

Some interviewees referred to ties between the *colectivo* groups and governors or mayors in the states of Lara, Mérida, Táchira and Zulia.

Interview with Andrés Antillano. Available: <https://ph9.com.ve/entrevistas/cota-905-andres-antillano/>

Learn more about the *colectivo* groups in Venezuela

Alejandro Velasco. From «Grupos de Trabajo» to «Colectivos»: The Evolution of Armed Pro-Government Groups in the Chávez Era

CrisisGroup. *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*

Insight Crime. *In Lara, Venezuela, Criminal 'Colectivos' Control Public Services*

Insight Crime. *The Devolution of State Power: the 'Colectivos'*

Javier Mayorca. *Una nueva etapa para los colectivos*

Roberto Briceño-León. «Facções» de Fortaleza y colectivos de Caracas: Dos modelos de gobernanza criminal

Roberto Briceño-León. *Non-state armed actors in Venezuela. A domestic or international problem?*

Thairí Moya. *Civilian Armed Groups in Venezuela: Are they Actors of an 'Organized Apparatus of Power'?*

Transparencia Venezuela. *Crimen organizado y corrupción en Venezuela: un problema de Estado*

Verónica Zubillaga et al. *Gobernanza criminal en tiempos de revolución poschavista y legitimidad cuestionada: Una mirada a los diferentes órdenes territoriales y actores armados en Caracas*

IRREGULAR ORGANIZATIONS OF COLOMBIAN ORIGIN

This category comprises illegal belligerent structures, militarized and with an insurrectional character in Colombia that has dissipated upon settling in Venezuela, at least since the times of Hugo Chávez and during the Maduro government. In the period under study, it is possible to distinguish the presence in Venezuelan territory of a guerrilla organization of Venezuelan origin under the name of the Bolivarian Liberation Force (FBL for its acronym in Spanish) and two groups of foreign origin, namely the dissident factions of the former Revolutionary Armed Forces of Colombia (FARC for its acronym in Spanish) and the National Liberation Army (ELN for its acronym in Spanish). The dissident factions of the former FARC and the ELN are organizations of Colombian origin that have expanded their action into Venezuela.

Origin and evolution

The FBL had a presence mainly in the states of Táchira and Apure; nowadays, the group has weakened and even been persecuted by the Venezuelan authorities, who have detained some of its members. Their political front is the Corriente Revolucionaria Bolívar y Zamora (CRBZ) but, according to some interviewees, 'its time is gone' and they are now regrouping under a political organization named Vamos, which acts as a party at the municipal level. As it currently holds no control over a territory and is the target of persecution by the Government,³⁶ the FBL will not be considered in this study, although a resurgence cannot be ruled out in the event that its members identify a serious threat to the so-called Bolivarian revolution.

Both the dissidents of the former FARC and the ELN have had a nonpermanent presence in the country since at least the 1980s; They used the Venezuelan territory as a space to shelter and replenish.³⁷ In December 2005, a

Taken from the Facebook page Ciudad Comunal Simón Bolívar. Available: <https://www.facebook.com/CiudadComunalSimonBolivar>

For a timeline of the ELN's presence in Venezuela, see CINEP. *¿Por qué es tan difícil negociar con el ELN? Las consecuencias de un federalismo insurgente, 1964-2020* (Why is it so difficult to negotiate with the ELN? The consequences of an insurgent federalism, 1964-2020) . Available:

prominent member of the FARC, Rodrigo Granda, was captured in Caracas under unclear circumstances. Beyond the opacity that surrounded his capture and return to Colombia, the truth is that Granda was found in the capital of Venezuela, thousands of kilometers from the border. In 2015, irregular organizations of Colombian origin began to settle more permanently and exert territorial control and governance capacity.

After the peace process with the FARC in Colombia in 2016, the ELN gained a better position in border states, in the spaces left by the former. In 2019, a faction of the former FARC dissidents broke with the peace process and moved to Venezuelan territory, installed the so-called Second Marquetalia and entered into conflict with another faction of the FARC that never joined the 2016 peace process, led by Iván Mordisco. In March 2021, the Second Marquetalia allied with the ELN against Iván Mordisco, which led to a series of violent confrontations with the participation of the Venezuelan army in the state of Apure. In addition, a relatively stable presence of former FARC dissidents has been reported in the state of Amazonas state since 2016, which lasted at least 5 years until it was removed by a military operation in February 2021.³⁸

Both the dissidents of the former FARC and the ELN are currently considered binational irregular organizations as they control territories in both countries and have members of Venezuelan nationality among their ranks.

Areas of operation

The Second Marquetalia has been found mainly in the state of Apure, although activity has also been registered in Táchira. In any case, its action is concentrated in border states. Several fronts and more than 30 smaller groups of FARC dissidents are estimated to exist on Venezuelan territory. Other fronts of FARC dissidents are also found in the states of Amazonas, Bolívar and Zulia. By 2021, it was estimated that some 700 members of all these dissident factions

https://www.academia.edu/46246177/_Por_qu%C3%A9_es_tan_dif%C3%ADcil_negociar_con_el_EL_N_Las_consecuencias_de_un_federalismo_insurgente_1964_2020
Armando.info. *El discreto encanto de la guerrilla* (The discreet charm of the guerrilla). Available: <https://armando.info/el-discreto-encanto-de-la-guerrilla/>

would be in Venezuela, but the number may be lower at the time of this study due to the weakening of the organization.

The activity of the ELN extends to at least seven states in Venezuela.³⁹ Amazonas, Anzoátegui, Apure, Bolívar, Guárico, Táchira and Zulia. According to some interviewees, the disappearance of the FBL encouraged the ELN to take over new spaces, reaching Portuguesa, Barinas and part of Guárico. The expansion has allowed the group to reach areas deep inside Venezuelan territory, in at least three states that do not share a border with Colombia. It is estimated that between 1,200 and 1,800 members of the ELN would be in Venezuela.

The action of the ELN has not only expanded but become more overt and evident. In the past, the group used to occupy makeshift camps that could be quickly dismantled; it now erects housing structures of a more permanent nature. In some regions, members of the group can be found both in remote rural areas and small towns, where they arrive in brand-new trucks to buy food and other supplies.

Unlike the dissidents of the former FARC, who have a vertical organizational structure, the ELN is characterized, both in Colombia and Venezuela, by a federative structure,⁴⁰ which influences the dynamics of its action in each area.

Exercise of territorial control and governance capacity

The exercise of force alternates between the explicit and implicit use of violence. In the case of the ELN, which has greater control over the territory and its communities, the group frequently reminds the population that they are in charge of enforcing *their* rules. The group is perceived as a regulator of social coexistence and seeks to appear as a legitimate authority. They present

Other authors affirm that the ELN operates in 12 states. See:

<https://insightcrime.org/news/analysis/eln-present-half-venezuela/>

See CINEP. *¿Por qué es tan difícil negociar con el ELN? Las consecuencias de un federalismo insurgente, 1964-2020* (Why is it so difficult to negotiate with the ELN? The consequences of an insurgent federalism, 1964-2020). Available:

https://www.academia.edu/46246177/_Por_qu%C3%A9_es_tan_dif%C3%ADcil_negociar_con_el_ELN_Las_consecuencias_de_un_federalismo_insurgente_1964_2020

themselves as protectors of the community, the indigenous peoples and the environment from the threats of the 'empire'. In some areas of the state of Táchira, street signs posted by the ELN prohibit littering, the passage of kidnapped persons and the commission of crimes, calling the place a Peace Zone. However, this narrative of protection has its limits, as happened in April 2021 when 10 members of an indigenous community were murdered by dissidents of the former FARC that had offered them protection from the mining pseudo-unions.⁴¹

As regulators of conflict and community life, the ELN intervenes in situations such as debt collection between neighbors, recognition of paternity or noise control during the night. The sanctions range from community work (sweeping or painting the streets) to stripping someone of their clothes if found stealing, as has been reported in some towns. Men get beaten up, but women don't. Treachery is paid with life. In 2014, a FARC "handbook for coexistence" was released in Colombia detailing all the regulations for community life, which largely coincides with the descriptions of the people interviewed in Venezuelan territory.⁴²

On the other hand, the group acts as a benefactor of the communities with gifts for the children and repairs of schools and hospitals. It has established a close relationship with the communities, to the point that in some towns the ELN is known to provide residents with a phone number to report any misdemeanor or crime, and its response is described as "efficient and immediate". It has also been observed in some communities the celebration of

THE LAW

The ELN is the main employer in the border area. They are the law in areas neglected by the State. People prefer the guerrillas over the police or the army.

Interview, Táchira state

See Bram Ebus's thread on Twitter: <https://twitter.com/BramEbus/status/1387815903342080000>
Fundación Paz y Reconciliación. *El manual de convivencia de las FARC* (FARC's handbook for coexistence). Available: <https://www.pares.com.co/post/el-manual-de-convivencia-de-las-farc>

assemblies convened by the local community council with the attendance of members of the ELN. The group's communication tools also include radio stations that operate on FM in Venezuelan territory.⁴³

During the pandemic, the members of the group exhibited different behaviors depending on the area. In the state of Táchira, they withdrew in a sort of truce and did not act to regulate behaviors associated with the health emergency. On the other hand, an area of Apure state inhabited by an indigenous community with little contact with the outside world was protected by the ELN during the pandemic to prevent the contagion of a population that has a lower immune response to foreign diseases. The protection of this indigenous community, however, contrasts with the use of mercury in the headwaters of basins inhabited by indigenous peoples, which is not possible without the approval of the armed group.

The intimidating presence of irregular organizations of Colombian origin forces many professionals to offer their services to the groups without the need for the use of physical violence. This way, doctors are often requested to care for the health problems of the members of the organizations.

In the course of this investigation, several cases of participation of ELN members in actions of social cleansing were identified in at least four states (Táchira, Apure, Amazonas and Bolívar), which makes the ELN a group with paramilitary activity in Venezuelan territory. Cases of intimidation against specific groups were also known, including members of the LGBT community, who had to leave the areas under the control of the organization.

Interests and activities

Although an ideological political component is still present in the activity of the irregular organizations of Colombian origin, most of their operation is focused on the economic sustainability of their action in Colombia and, most importantly, their own presence in Venezuela. Their activities include smuggling,

La FM. *La prueba de que el ELN tiene emisoras operando desde Venezuela* (Proof that the ELN has stations operating from Venezuela). Available: <https://www.lafm.com.co/judicial/la-prueba-de-que-el-eln-tiene-emisoras-operando-desde-venezuela>

SUBORDINATION

At some border crossings, the orders and vehicle inspections are in charge of the ELN, while the soldier, left on his own, has no choice but to obey.

An interviewee in a border area

extortion, drug and human trafficking and others associated with mining, including the collection of a monthly fee that must be paid in gold by the miners in exchange for protection. The penetration of the ELN in the Orinoco Mining Arc is so distant from ideological considerations that the group may be providing security services to large transnational companies to keep the pseudo-unions at bay in the fields.⁴⁴

In some areas, extortion through the collection of *vacunas* is a nonrecurrent practice since the organizations have their means of production, trade, transportation, and livestock. Drug trafficking is more evident in the border states, where processed drugs from Colombia are brought into the country by using the Venezuelan rivers as corridors to reach the sea.

Interaction with authorities

The presence of the ELN and the dissidents of the former FARC in Venezuelan territory is only possible with the consent or complicity of the country's civil and military authorities. Before the rise of Hugo Chávez to power, attacks by irregular organizations of Colombian origin against the Venezuelan Army, Navy and National Guard were frequent along the border, mainly through assaults on military posts for the purpose of seizing weapons and ammunition. After 1999, this type of attack was

El Espectador. *Cómo opera el ELN en minería venezolana* (How does the ELN operate in Venezuelan mining). Available: <https://www.elespectador.com/colombia-20/conflicto/como-opera-el-eln-en-mineria-venezolana-articulo/>

no longer recorded; it seemed unnecessary to take by force what can be achieved through agreements.

After the signing of the 2016 peace agreement with the FARC, clashes have taken place once again, although more sporadic and mainly led by the ELN, until the dissidents of the former FARC announced a return to arms in 2019. Other criminal groups of a paramilitary nature in Colombia and mega-gangs on the Venezuelan side have begun to act in recent years in border areas, breeding conflict with the security bodies of both countries and other actors.

However, the relationship of the authorities with each of the two groups is different. Although the dissidents of the former FARC were welcomed after their break with the peace process in 2019, a part of the group has been the target of attacks, especially in the state of Apure after March 202, in response to their assault on a battalion of the Venezuelan army in the town of La Victoria. Other than these incidents of confrontation, no other similar episodes of clashes with other fronts of the ELN or the dissidents of the former FARC have been registered. Leaders of both groups have expressed their support for the Maduro government and the Bolivarian revolution.



Learn more about the irregular organizations of Colombian origin

CINEP. [¿Por qué es tan difícil negociar con el ELN? Las consecuencias de un federalismo insurgente, 1964-2020](#)

CrisisGroup. [A Rebel Playing Field: Colombian Guerrillas on the Venezuelan Border](#)

CrisisGroup. [A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups](#)

FundaRedes. [Informes anuales](#)

FundaRedes. [Observatorio de violencia](#)

Insight Crime. [ELN in Venezuela](#)

Insight Crime. [Ex-FARC Mafia in Venezuela](#)

Insight Crime. [FBL/FPLN](#)

Insight Crime. [Second Marquetalia](#)

Roberto Briceno-Leon. [Non-state armed actors in Venezuela. A domestic or international problem?](#)

Transparencia Venezuela. [Crimen organizado y corrupción en Venezuela: un problema de Estado](#)

INTERACTION BETWEEN IRREGULAR ARMED GROUPS

Both the conflicts and the alliances between the three types of irregular armed actors are motivated by economic rather than political factors and are thus incidental and guided by convenience and not tied to loyalties.

The mega-gangs are known to have established alliances with irregular organizations of Colombian origin on the one hand, and sustained confrontations with *colectivo* groups on the other, which shows that the ideological component does not play a determining role in their interactions. For example, Cota 905, the main drug market in Caracas, was controlled by a mega-gang that maintained ties with suppliers that are part of irregular organizations of Colombian origin to stock up on narcotics.⁴⁵ In the same territory, the *colectivo* groups took part in the OLP to regain control of the areas dominated by mega-gangs and became the new leaders in the name of crime fighting, albeit with their own criminal practices.

In some areas, the ELN has confronted the mega-gangs under its logic of social cleansing, also intending to repel the attempts by the gangs to engage in the criminal activities dominated by the guerilla group, as has been the case with the Tren de Aragua, both in the territory of Venezuela and Colombia, especially since February 2022.⁴⁶

Regarding the irregular organizations of Colombian origin, the rivalry between the FARC and the ELN in Colombia is also present in Venezuela. One of the exceptions is the Cerro Yapaçana National Park, Amazonas state, where both groups share control of a gold mining zone.

However, clashes between the two irregular organizations of Colombian origin in the state of Apure have resulted in the death of four leaders of the former FARC dissidents, leading to the strengthening of the ELN, which has expanded its action beyond the border states. In the course of the interviews for this

Interview with Andrés Antillano. Available: <https://ph9.com.ve/entrevistas/cota-905-andres-antillano/>

Journalist Ronna Rísquez registered the confrontations in her book *El Tren de Aragua*. Editorial Dahbar, Caracas, 2023.

investigation, cases of seizure of cocaine stocks belonging to the former FARC dissidents by the ELN became known.

In the mining areas of Bolívar state, The arrival of mega-gangs led to confrontations with the pseudo-unions. Members of irregular organizations of Colombian origin have also entered these areas to offer protection to other illegal mining actors.

On the other hand, the now battered Venezuelan organization FBL has also been hit by attacks perpetrated by the ELN, which took over the so-called Simón Bolívar Communal City in the Alto Apure region in January 2022,⁴⁷ whose control was regained later in May by members of the community.⁴⁸ However, in June 2022, seven community members and members of the FBL were detained by the DGCIM, allegedly due to their participation in the confrontation with the ELN. They remained detained as of July of that year, but the secrecy surrounding the case prevents obtaining updated information.

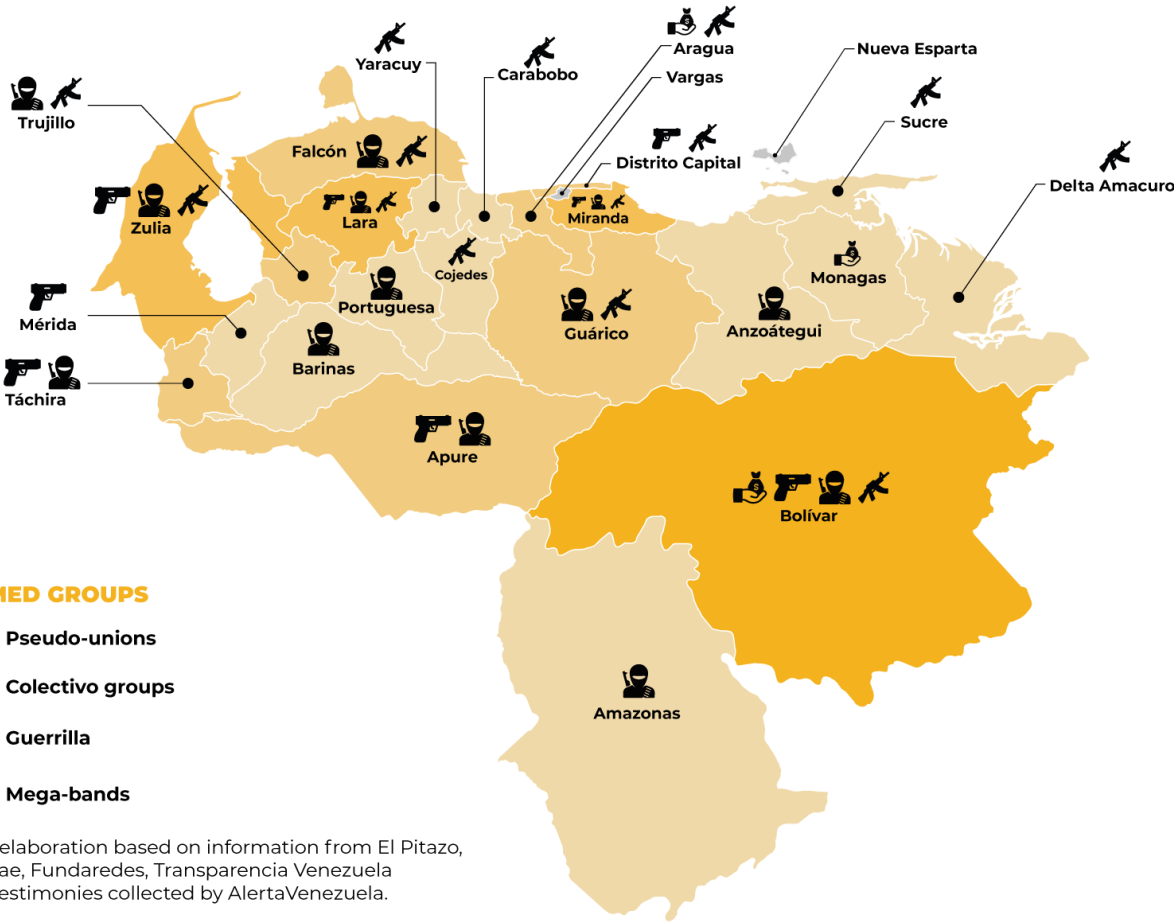
These examples show the complex web of relationships between irregular armed groups and between them and the authorities.



Brics PSUV. *La Ciudad Comunal Simón Bolívar ante la invasión de su territorio por parte del ELN* (The Simón Bolívar Communal City in the face of the invasion of its territory by the ELN). Available: <https://www.bricspsuv.com/2022/01/16/ciudad-comunal-simon-bolivar-ante-invasion-de-su-territorio-por-parte-del-eln/>

Diario VEA. *Ciudad comunal Simón Bolívar recupera espacios tomados por grupos TANCOL* (Simón Bolívar Communal City regains possession of spaces taken by TANCOL groups). Available: <https://diariovea.com.ve/ciudad-comunal-simon-bolivar-recupera-espacios-tomados-por-grupos-tancol-apure/>

MAP OF IRREGULAR ARMED GROUPS WITH TERRITORIAL CONTROL AND GOVERNANCE CAPACITY IN VENEZUELA



IMPACT ON HUMAN RIGHTS

As noted at the beginning of this study, the damage caused by the action of the irregular armed groups does not constitute, strictly speaking, a human rights violation, given that their guarantee and protection is the responsibility of the State, which violates them by direct action and by refraining from intervening to prevent abuses by third parties, as is our case. Making visible the negative impact of the actions of irregular armed groups on people's rights highlights the final responsibility of the State and the need for it to adopt all the measures within its reach to put an end to the suffering of the victims, through political, legal and social actions.

In this section, a general account is made of the negative effects on human rights of the actions of irregular armed groups with control over the population and the territory and governance capacity, by describing their general and particular implications while avoiding providing details about the specific areas and actors involved. In some cases, these details will be mentioned when they are part of publicly available information. The purpose is to provide a general overview of how the action of irregular armed groups, beyond their relationship with State authorities, has a negative impact on the human rights of the population and humanitarian assistance in the affected areas.

The assessment reveals two findings in terms of the negative impact on people's rights. The first is that there are few differences between the irregular

armed groups in terms of the type of human rights they affect as they have harmed almost all the rights described, with some exceptions that will be detailed. The second, on the other hand, does show substantive differences in terms of the characterization of the effects from a geographical point of view; although most of the reported rights have been affected in the areas where the irregular armed groups operate, some specific dimensions are more recurrent or intense at the border and respond to local economic and/or political interests.

Regarding the participation of the three irregular armed groups in affecting almost all the rights studied, three exceptions can be drawn. The first occurs in the context of the rights to peaceful assembly and political participation, which, being inherent to the manifestation of dissent, have been affected to a greater extent by the actions of the *colectivo* groups, followed by the irregular organizations of Colombian origin, with no record of the participation of mega-gangs. The second exception is social rights, particularly the distribution of food in areas under the control of irregular armed groups. The participation of the irregular organizations of Colombian origin has not been recorded in this regard, which could partially be explained by the fact that this is not part of their agenda and way of exercising power through physical violence. The last exception concerns human trafficking and exploitation, in which the *colectivo* groups were not identified as perpetrators, perhaps, among other reasons, because the crimes are not related to the group's primary function of controlling dissent.

Concerning the regional differences in the characterization of the impact on people's rights, in southern Venezuela, mining activities concentrate to a large extent the practices of human trafficking and people smuggling, internal displacement and forced migration, sexual and labor exploitation, domestic servitude, enforced disappearances, murder, and negative impacts to the right to health and other social rights. Although some of the negative effects can also be found in other regions of the country, the actions of irregular armed groups in north-central and western Venezuela focus on the control of certain goods and services (cooking gas, food, drinking water, medical supplies, among others) that primarily affect the economic and social rights of the population under their control and, at the same time, the exercise of their civil liberties (the rights to

personal liberty, peaceful assembly, freedom of expression and economic freedom), which seems to occupy a more prominent place on their agenda, partly because of an increasing interest in controlling dissent in these areas.

The effects described below occur in a context of violent imposition of a dynamic of criminal governance that fills the spaces left by an absent State, giving rise to multiple damages generated by different factors, including socioeconomic structural exclusion, abuses by the security forces of the State, and violence from criminal groups.⁴⁹

RIGHT TO LIFE

Reports indicate that the *colectivo* groups were used as the armed wing of the Government in the context of the national protests of 2014 and 2017. In 2014, these groups were responsible for the murder of at least 13 protesters, and a further 28 in 2017. The Report of the UN High Commissioner for Human Rights on the 2017 protests⁵⁰ found that “armed *colectivos* routinely broke into protests riding motorcycles and carrying firearms.” In this regard, a witness informed the OHCHR that “while armed *colectivos* were attacking a group of demonstrators, [she] asked the police to stop them [and] was told: ‘We have orders not to intervene’.”⁵¹ The vast majority of these murders remain in a situation of impunity.

Beyond politically motivated killings, the *colectivos* use execution as a way to impose their order on the communities under their rule. Two different sources revealed that, during the lockdown due to the COVID-19 pandemic, they even murdered three people who were playing dominoes. There have also been cases of execution of informers.

Interview with Keymer Avila. Available: <https://efectococuyo.com/sucesos/keymer-avila-las-grandes-bandas-dotadas-de-armas-de-guerra-no-pueden-existir-sin-un-apoyo/>.

Provea, *Protestas 2017 | Colectivos: de ejecutores de un patrón a parte de un sistema represivo*, 2018 (The 2017 Protests. Colectivo Groups. From pattern executors to part of a system of repression). Available: <https://provea.org/paramilitarismo/protestas-2017-colectivos-de-ejecutores-de-un-patron-a-parte-de-un-sistema-represivo/>

OHCHR. Human rights violations and abuses in the context of protests in Venezuela. Available: <https://www.ohchr.org/en/stories/2017/08/report-protestors-venezuela-subjected-human-rights-violations-and-abuses>

The mega-gangs have implemented "social coexistence codes" in different disadvantaged communities under which the denunciation of irregular situations is punished with disappearance and murder. These norms are established in the absence of the State and generate among the affected populations a subculture of living with restrictions on their fundamental liberties (freedom of expression or movement, economic freedom). Failure to comply with these restrictions can trigger, at least, situations that threaten people's lives. Some mega-gangs continue to use extreme cruelty in their murders, dismembering their victims, for example, to convey a message of terror to the population.

There are also reports of murders by irregular organizations of Colombian origin in the southern part of the country, including the most recent actions of the ELN as a paramilitary group through "social cleansing." According to a source in the state of Apure, the ELN often transfers the bodies of people murdered in Venezuela to Colombian territory in order to prevent the participation of the Venezuelan CICPC in forensic investigations.

When asked about the type of rights affected, interviewees who live or work in areas controlled by irregular armed groups rarely mentioned the right to life, as if its breach was the typical behavior of these armed groups.

RIGHT TO INTEGRITY OF THE PERSON

Several sources interviewed stated that *colectivo* groups have participated in the practice of torture in different areas of the country with methods similar to those of the State security forces, which suggests that members of these groups could be at the same time officials of intelligence agencies or the State police forces, or act in coordination with them. In 2017, 104 people were reported injured by members of armed *colectivo* groups during demonstrations, and 70 acts of threat and harassment attributed to their members and Sebin officials were recorded.⁵² In 2019, 15 people were detained in demonstrations and tortured by

Provea, *Informe anual 2017* (Annual Report 2017). Available: <https://provea.org/wp-content/uploads/2018/06/14IntegridadPersonal-1-1.pdf>

members of armed *colectivo* groups, and a further 297 were injured by them.⁵³ The headquarters of the former Metropolitan Police in the Caracas district of Cotiza is used as a detention and torture center by a *colectivo* group that took over the facilities.

Another situation of concern in terms of the right to integrity of the person is related to the conditions of return of Venezuelan migrants. The Human Rights Center of the Andrés Bello Catholic University documented cases of migrants returning to Venezuela who were hosted in different quarantine centers where they had to endure prison-like conditions, lack of access to water and food, and harassment and persecution by armed *colectivos* who would on the lookout for suspected political dissidents in the migrants.⁵⁴

People interviewed in border states narrated episodes of torture by the ELN against people accused of having committed robberies. The practice of stripping people of their clothes when they are suspected of having committed a crime against property and sending them back without clothes to their place of residence can be considered a form of degrading treatment.

Torture is used less frequently in the case of mega-gangs, but cases related to treachery and resistance to *vacuna* payment were reported. In some cases, executed persons show signs of having been tortured.

RIGHT TO PERSONAL LIBERTY

The interviewees referred that the arbitrary deprivation of liberty is practiced by irregular armed groups against the civilian population, in some cases for the purpose of extortion and kidnapping, and others as punishment against real or perceived dissent. *Colectivo* groups also carry out deprivations of liberty on political grounds, either for their interest or to hand over the victim to

Provea, *Informe anual 2019* (Annual Report 2019). Available: https://provea.org/wp-content/uploads/2021/08/14IntegridadPersonal_compressed.pdf

Universidad Católica Andrés Bello Human Rights Center. *El espejismo del retorno* (The mirage of return). Available: <https://saber.ucab.edu.ve/xmlui/handle/123456789/19843>

police without due process, especially in the context of repression of demonstrations.

According to some sources, the ELN has used intelligence in border areas to identify suspected opponents of Maduro so that they can be detained by the State forces. The practice would also have facilitated the commission of enforced disappearances and other arbitrary actions by the State.

RIGHT TO FREEDOM OF MOVEMENT

The mega-gangs, the irregular organizations of Colombian origin and the armed *colectivo* groups impose rules of coexistence in the areas under their control. The groups provide certain security in exchange for restrictions on freedom of movement such as banning access to certain places, demanding the payment of a *vacuna* to grant passage through certain routes, mainly from merchants; or requesting non-residents a permit to access the area controlled by the armed group. In the case of the *colectivo* groups, it is also common to force people to attend political rallies of the Government under the threat of losing social benefits, especially access to food programs.

People interviewed agree that the actions of irregular armed groups have motivated the desire of many to leave the controlled areas. However, economic restrictions and other limitations such as access to fuel have hindered freedom of movement. The Complex Humanitarian Emergency further complicates the picture as people have no choice but to remain in the areas controlled by the irregular armed groups, thus prolonging their submission to their rules of coexistence and other practices.

INTERNAL DISPLACEMENT

According to interviewed activists, indigenous groups have been displaced within the south or towards the center of the country as a result of pressure from irregular armed groups. With the increase in their territories of the activity of the organizations of Colombian origin and, more recently, the groups

dedicated to drug trafficking, internal displacement has intensified in the last two years.

The border between Colombia and Venezuela experiences a context of violence caused by clashes between irregular armed groups, which has generated the displacement of many people, including women, children and adolescents. This conflict has brought murders, disappearances, kidnappings and recruitment with the consent of the Venezuelan State.⁵⁵ For instance, the confrontations that began in January 2022 among the irregular organizations of Colombian origin and between them and the Venezuelan military in Alto Apure caused the displacement of more than 5,000 people.

In the context of internal displacement, women and girls have experienced complex and intersectional forms of violence and are particularly exposed to serious forms of gender-based violence, including human trafficking and sexual violence. Although this has been reported especially in relation to indigenous groups, it also affects non-indigenous people, depending on the areas of the country and the specific actors exerting control.

The phenomenon of displacement is also present in urban areas where mega-gangs operate, as families with young children prefer to move out in order to avoid their children being recruited by criminal organizations. In the case of the spaces under the control of *colectivo* groups, sources reported the displacement of families, especially in the Caracas neighborhood of 23 de Enero, in the context of actions of political intimidation. Other interviewees recalled that displacements have been reported in the state of Lara as a result of persecution by *colectivo* groups in the context of the 2014 protests.

Also affected by displacements are the residents of the so-called Peace Zones. Once these territories come under the control of irregular armed groups, many people are forced to relocate to other places.

Human Rights Watch. Colombia/Venezuela: Border Area Abuses by Armed Groups. Available: <https://www.hrw.org/news/2022/03/28/colombia/venezuela-border-area-abuses-armed-groups>

RIGHT TO LEAVE ONE'S COUNTRY AND RETURN

In some cases, the forced migration of people from Venezuela responds to the actions of irregular armed groups, which affect, on the one hand, the right to reside in their own country, and the right to return in dignified conditions, on the other.

According to information from the International Organization for Migration (IOM), "insecurity and violence" rank third (12%) among the four main reasons for leaving Venezuelan territory provided by the respondents.⁵⁶ The problem of insecurity is often related to the actions of irregular armed groups such as mega-gangs, whose crimes of kidnapping, extortion and the recruitment of children and adolescents encourage the forced migration of people. Insecurity and violence at the hands of irregular armed groups also appear as part of the migrants' answers to the question of what would happen if they returned to the country, which accounts for the role of these groups as drivers of migration and deterrents of return.⁵⁷

The irregular organizations of Colombian add up to the groups that have triggered forced migration. In the context of the armed confrontations in Apure in 2021, more than 5,000 people were reported to have fled Venezuela for the Colombian departments of Arauca and Vichada as of April of that year.⁵⁸ Likewise, a source specializing in migration and refugee issues has recorded a significant number of testimonies about people who had to leave the country as a result of extortion, kidnapping, torture and death threats against them and their families by armed groups.

The situation of the Venezuelan returnees amid the pandemic did not escape the range of action of the irregular armed groups either. A civil society report indicates that the return through uncontrolled land routes (locally known

Provea, *Crisis Migratoria venezolana y responsabilidad de los Estados*, informe especial a cargo de Ligia Bolívar y Carlos Rodríguez Pérez, 2019 (The Venezuelan migration crisis and the responsibility of the State, Special Report by Ligia Bolivar and Carlos Rodríguez Pérez, 2019). Available: <https://provea.org/wp-content/uploads/2019/05/MigracionLigia-1.pdf>.

Idem.

Human Rights Watch. Venezuela: Security Force Abuses at Colombia Border. Available: <https://www.hrw.org/news/2021/04/26/venezuela-security-force-abuses-colombia-border>

as *trochas*) entails the risks of human trafficking, sexual blackmail in exchange for passage, the exchange of exorbitant sums of money, abuses, fraud, humiliation and even death. The Ombudsman Office in the Colombian town of Tame (Arauca) has denounced that members of the ELN control the *trochas* and charge for passage through them. There are reports of returnees in transitory shelters who have been threatened with being handed over to the guerrillas for protesting the poor state of the food.⁵⁹

RIGHT TO PEACEFUL ASSEMBLY

The *colectivo* groups have been responsible for acts of repression of opposition demonstrations, either on their own initiative or in coordination with State agencies. The forms of repression include physical aggression, the use of firearms resulting in people wounded or dead, detentions and attacks on homes where protesters affected by tear gas were sheltering.

The action of the *colectivo* groups in the repression of protests was registered mainly in 2014, 2017 and 2019. During the protests of education workers that took place in January 2023, the presence of *colectivo* groups was observed in several cities across the country; They even went as far as to record videos showing them threatening teachers for demanding higher wages.⁶⁰

Universidad Católica Andrés Bello Human Rights Center. *El espejismo del retorno. Violaciones a los derechos de los retornados a Venezuela durante la pandemia de COVID-19* (The mirage of return. Violations of the rights of Venezuelan returnees during the COVID-19 pandemic). August 2020. Available:

http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/El%20espejismo%20del%20retorno%20END.pdf

Infobae. *Las amenazas de los colectivos chavistas no lograron impedir la marcha de los docentes de Venezuela por salarios justos: «El miedo se cambió de acera»*. (The threats by the chavista *colectivo* groups did not prevent teacher from taking the streets in demand of fair wages: Fear has just changed sides) Available: <https://www.infobae.com/america/venezuela/2023/01/17/las-amenazas-de-los-colectivos-chavistas-no-lograron-impedir-la-marcha-de-los-docentes-de-venezuela-por-salarios-justos-el-miedo-se-cambio-de-acera/>

RIGHT TO POLITICAL PARTICIPATION

The armed *colectivo* groups have been used to perpetrate physical attacks against members of the political opposition, including members of the 2015 National Assembly anytime issues sensitive to the Government would be debated in the parliamentary sessions. They have also been used as instruments of social control in the context of elections through the intimidation of sectors that receive social assistance and their participation in the so-called *puntos rojos* (Red spots), kiosks set up by the ruling party a few meters from voting centers where public officials, members of the party and beneficiaries of social subsidies must register before voting. In some cases, members of *colectivo* groups have "assisted" people in casting their vote or threatened their disposition to vote or political leanings. In addition, they have interfered through political slogans and the use of firearms with the peaceful celebration of elections in certain voting centers.

Some sources have also recorded the participation of ELN members in the practice of assisted voting, entering the voting centers with firearms.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Access to food in several areas of the country is controlled by armed groups and mega-gangs. Social control is exercised through the distribution of food in the areas under their command, either through the delivery of the CLAP food bags or the surveillance of people lining up at grocery stores not long ago. In the case of the *colectivo* groups, cases of discrimination on political grounds have been registered in the form of the denial of food to people perceived as opposing the Government.

In some places, armed *colectivo* groups also control the supply of vaccines and other supplies to hospitals and the distribution of cooking gas, drinking water, fuel at gas stations and other services in certain areas of the country, also under political criteria in addition to the collection of fees and other practices of corruption.

The intimidating presence of irregular armed groups with control of territory and governance capacity also causes the displacement of entire families, resulting in the occupation of their homes, which affects the right to housing and property.

In mining areas south of the country, conditions of health and care vulnerability among the local population have been denounced, as well as the increase in endemic diseases as a result of the indiscriminate use of mercury by irregular armed groups in mining activities and the lack of effective public policies on the part of the State. These groups have taken on the Government functions of medical assistance, provision of medical supplies, payment of medical and nursing personnel or hospitalization fees, among other services.⁶¹

Equally worrisome are the effects of the presence of irregular armed groups on the mental health of the local population, who often live in fear and with high levels of stress. Their options for socialization in community spaces are limited by explicitly or tacitly imposed curfews. According to some people interviewed, children and adolescents also see their chances of participating in recreational activities or sports affected. In addition, violence has become a daily occurrence, to the point that children's games recreate the interaction dynamics of irregular armed groups, whose negative leaders have become role models.

DANGEROUS GAMES

Violence has become a daily occurrence, to the point that children's games recreate the interaction dynamics of armed groups, whose negative leaders have become role models.

FundaRedes. *Grupos armados irregulares condicionan el derecho a la salud en el Arco Minero del Orinoco* (Irregular armed groups condition the right to health in the Orinoco Mining Arc). September 2022. Available: <https://www.fundaredes.org/2022/09/20/epa-grupos-armados-irregulares-condicionan-el-derecho-a-la-salud-en-el-arco-minero-del-orinoco/>

RIGHTS OF INDIGENOUS PEOPLES

In 2016, decree No. 2,248 created the Orinoco Mining Arc National Strategic Development Zone, a mega-mining project in the state of Bolívar spanning across indigenous territories and developed without environmental and cultural impact studies or prior, free and informed consent. Amid the Complex Humanitarian Emergency, irregular armed groups, especially the mega-gangs and pseudo-unions, have found a new source of income in mining. On the other hand, the recruitment of indigenous people has been registered in some sectors of the state of Amazonas, underpinned by the economic situation of the victims rather than the use of force.

Indigenous Rights activists confirmed during their interviews the existence of a large number of indigenous people incorporated into mining activities in conditions of modern slavery, abandoning their traditional ways of life and relations with their territories and lands as the illegal activities of the groups with control of territory have expanded under the consent of the State. At the same time, the deforestation of large swaths of jungle, the diversion of rivers and contamination by mercury and other toxic substances have been reported as part of the environmental damage.⁶²

The arrival of actors from outside the indigenous territories brings foreign diseases for which the indigenous people have no defenses, thus affecting their health. These external actors also cause a sociocultural impact, since they impose economic models alien to the local reality and changes in the cultural patterns of production.⁶³ This situation is causing conflicts between the communities (intra-ethnic conflicts) and between traditional authorities and external authorities (miners, ELN). The decisions of the indigenous councils of elders are violated,

United Nations Special Procedures. *AL VEN 5/2022*. 2023. Available: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27768>.

FundaRedes. *Grupos armados irregulares condicionan el derecho a la salud en el Arco Minero del Orinoco* (Irregular armed groups condition the right to health in the Orinoco Mining Arc). September 2022. Available: <https://www.fundaredes.org/2022/09/20/epa-grupos-armados-irregulares-condicionan-el-derecho-a-la-salud-en-el-arco-minero-del-orinoco/>

affecting the identity and cultural integrity of the peoples, as well as the internal autonomy of the communities.

Indigenous women are subjected to sexual slavery and are victims of trafficking networks and various forms of gender-based violence. Most of the indigenous people suffer labor exploitation in conditions of servitude, and others join irregular armed groups in their territories as a form of subsistence. In this context, internal displacement, forced migration and harassment against leaders are reported along with disappearances, torture, sexual violence and murders, all with the consent of the Venezuelan State.⁶⁴

People interviewed agree that the confrontation of indigenous peoples with armed actors who seek to control their territory has already claimed the lives of several leaders and defenders of the territory and has forced others to leave their communities.

HUMAN TRAFFICKING AND PEOPLE SMUGGLING

In general, most refugees and migrants from Venezuela who arrive in neighboring countries find themselves in a situation of great vulnerability. They are often forced to take irregular routes to reach their destination, risking exposure to trafficking networks controlled by irregular armed groups with territorial control along the border with Colombia and beyond.⁶⁵ In fact, the control of the *trochas* is a usual source of conflict between different irregular armed groups.⁶⁶

United Nations Special Procedures. *AL VEN 5/2022*. 2023. Available: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27768>.

UNHCR. Emergency Appeal. Venezuela Situation. 2023. Available: https://www.unhcr.org/emergencies/venezuela-situation#_ga=2.129584843.656844765.1685412676-1578989057.1685412676

Universidad Católica Andrés Bello Human Rights Center. *El espejismo del retorno. Violaciones a los derechos de los retornados a Venezuela durante la pandemia de COVID-19* (The mirage of return. Violations of the rights of Venezuelan returnees during the COVID-19 pandemic). August 2020. Available:

http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/El%20espejismo%20del%20retorno%20END.pdf

SEX AND SURVIVAL

The practice of obstructing young women's access to their rights until they agree to have sex with the guerrillas has been registered in some indigenous areas.

Human trafficking is dominated by mega-gangs along the coasts of Sucre and Delta Amacuro states, the starting point of the trip to Trinidad and Tobago.

The Darien Gap in Panama and the stretch leading to the southern border of the United States are two of the most dangerous routes due to the presence of irregular armed groups, with women and girls exposed to high levels of sexual violence during the journey. The recruitment begins in Venezuelan territory.

Most of human trafficking is in the hands of mega-gangs. Young migrants represent a particularly vulnerable group for cross-border trafficking networks. Rings offering transportation and location services along several migration routes in Brazil recruit migrants at the border, who are then trafficked for the purpose of exploitation.⁶⁷

Domestic human trafficking also exists, particularly in the Orinoco Mining Arc National Strategic Development Zone.⁶⁸ Mining in the country has caused a large internal migration to certain municipalities that concentrate the extraction activity, and from these to other countries. Some routes used by migrants coincide with the ones used by irregular armed groups in the country for human trafficking and people smuggling. These routes go through several municipalities, states and countries. People smuggling usually goes hand in hand with

United Nations Special Procedures. *AL VEN 5/2022*. 2023. Available: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27768>.

Idem.

human trafficking for different purposes, especially labor and sexual exploitation and domestic servitude in the case of members of indigenous groups.

People consulted affirmed the mega-gangs and pseudo-unions in south Bolívar state act as regulatory entities for sexual exploitation, managing everything from rates and service times to health controls, all in exchange for security that is paid with a percentage of the earnings.

On the other hand, it is reported that young people in disadvantaged communities are recruited by the mega-gangs seeking to increase their criminal activity; in the case of young women, recruitment also fulfills the function of sexual exploitation.

According to records from Transparencia Venezuela, the criminal gangs that operate in the Paraguaná peninsula, Falcón state, are involved in human trafficking for the purpose of sexual exploitation, taking women to the ships that anchor in the ports of the area.⁶⁹

To a lesser extent, irregular organizations of Colombian origin also participate in human trafficking, albeit in a more subtle way. Sources stated that the groups that operate in indigenous areas usually "take" local young women as partners, who consent without the use of force even though this still constitutes a violent practice resulting from the structural deprivations of the population.

CHILD EXPLOITATION

The dynamics of surveillance and recruitment of the mega-gangs in disadvantaged communities across the country imply a limit situation for children and adolescents. Given the absence of the State and the humanitarian emergency in the country, young people are forced to link up with an actor that offers them security. The gangs give them weapons to instill a sense of protection among them and protect the criminal organizations themselves. Community leaders in disadvantaged communities specified that the mega-gangs are present in schools through the sale of drugs and force local girls into early sexual

Transparencia Venezuela. Op . cit. p.62 et seq.

activity. A sexual initiation subculture offers "protection" as a cover-up for slavery, rape, and other serious forms of gender-based violence.

Irregular armed groups in the south of the country have recruited children and adolescents and created situations of labor exploitation against them in the form of heavy or risky work, classified as the worst forms of child labor under Convention No. 182 of the International Labor Organization (ILO). At least three modalities of high-risk labor exploitation have been identified in the context of mining areas.⁷⁰ Likewise, children are captured by trafficking networks in irregular migration routes under the control of irregular armed groups in southern Venezuela, with cases of indigenous girls in very poor living conditions being subjected to sexual exploitation.

WOMEN'S RIGHTS

The main effects of the action of irregular armed groups with control of territory and governance capacity on women's rights are expressed in gender-based violence and human trafficking for the purpose of sexual exploitation.

In addition to the impacts discussed in previous sections, the practice of obstructing young women's access to their rights until they agree to have sex with the guerrillas has been registered in some indigenous areas.

Many women in extremely vulnerable conditions who arrive in border areas alone or with one or more children are taken advantage of by groups that deceive them and force them to move to rural areas where they are placed at the service of members of irregular armed groups. The organizations that work on this issue affirm that there is an underreporting of women victims of sexual exploitation due to distrust in the country's institutions.

United Nations Special Procedures. *AL VEN 5/2022*. 2023. Available: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27768>.

RIGHT TO WORK AND ECONOMIC FREEDOM

Mega-gangs and pseudo-unions, as well as the *colectivo* groups and the organizations of Colombian origin, use extortion as a mechanism for self-financing and political submission, and those who resist may be victims of attacks, death threats, or the destruction of their businesses. The theft of cattle and crops wreaks havoc in rural areas, where paying a *vacuna* is mandatory to get the production out to the market, increasing the costs. In coastal regions, fishing is affected as irregular armed groups resort to piracy and the stealing of the catch, vessels or engines.

The insecurity caused by irregular armed groups with control of territory has also reduced tourist activity considerably; people do not dare to visit traditionally touristic places, especially Barlovento, Miranda state, and the states of Anzoátegui and Sucre. The tourist destination of Gran Sabana, in southern Bolívar state, is no longer within the reach of most people since prices have sharply risen as tour operators are forced to pay a *vacuna* to the unions to transit through the area and purchase fuel at black market prices. The impact on the tourism sector has also affected artisans and small producers of cheese, sweets and other products, who can no longer sell their products by the roadside. This prevents low-income families from making a living, accentuating the spiral of poverty.



LIMITATIONS AND CONDITIONS OF ACCESS TO HUMANITARIAN ACTION

Humanitarian action can be defined as the assistance to “establishing and maintaining access (...) to affected people, whether in a disaster or a complex emergency”⁷¹. The definition covers different scenarios, with armed conflict being one of them but not the only one. For the purposes of this report and considering that the existence of an internal armed conflict has not been declared, mention will be made of humanitarian action to refer to the response of national and international organizations to the Venezuelan population affected by the Complex Humanitarian Emergency. In this sense, this is a response to an emergency and, as such, is governed by humanitarian principles⁷² rather than international humanitarian law.

Humanitarian organizations such as the Venezuela Protection Cluster or the International Committee of the Red Cross (ICRC) have issued reports acknowledging the existence of irregular armed groups in the areas where they operate. In October 2021, the Venezuela Protection Cluster Venezuela reported that “the border with Colombia continues to be highly permeable, with increasing protection risks, including violence, robbery, and trafficking as main

OCHA. *OCHA on message: Humanitarian Principles*. 2022. Available: <https://reliefweb.int/report/world/ocha-en-mensaje-principios-humanitarios>
OCHA. (2022) Op. Cit.

risks.⁷³ Their January 2022 report indicated that confrontations between FARC dissidents and the ELN in the state of Apure early that month led to “incidents in El Nula, La Victoria and Urdaneta parish that could cause the displacement of populations in the affected areas, especially near the border”,⁷⁴ which translated in March 2022 into “the movement of more than 1,000 people toward Colombia”.⁷⁵ In September 2022, in recognition of the increase in human trafficking in the country, the Venezuela Protection Cluster issued a special bulletin -among other actions- to draw attention to the trends in the recruitment of victims of trafficking and their exploitation, as well as part of the responses in Venezuela.⁷⁶

For its part, the ICRC published a report under the tile *Venezuela, 2021-2022: The challenges of humanitarian work amidst armed violence and pandemic*, which highlighted the organization’s assistance to

people in areas like La Victoria, Apure and Cota 905 in Caracas, where the armed violence was causing direct harm, e.g. patients with gunshot wounds, people forced to flee their homes and others unable to access essential services easily.⁷⁷

Clúster de Protección Venezuela: Respuesta, octubre 2021 (Venezuela Protection Cluster: Response, october 2021). Available: <https://reliefweb.int/report/venezuela-bolivarian-republic/cluster-de-proteccion-venezuela-respuesta-octubre-2021>.

Clúster de Protección Venezuela, Respuesta, enero 2022 (Venezuela Protection Cluster: Response, january 2022). Available: <https://reliefweb.int/report/venezuela-bolivarian-republic/cluster-de-proteccion-venezuela-respuesta-enero-2022#:~:text=Attachments&text=A%20principios%20del%20mes%20de,afectadas%2C%20especialmente%20en%20zona%20fronteriza>

Clúster de Protección Venezuela, Respuesta, marzo 2022 (Venezuela Protection Cluster: Response, march 2022). Available: <https://reliefweb.int/report/venezuela-bolivarian-republic/cluster-de-proteccion-venezuela-respuesta-marzo-2022>

Clúster de Protección Venezuela - *Boletín Trata de Personas* Número 1, Mayo – Junio, 2022 (Venezuelan Protection Cluster - Human Trafficking Bulletin No. 1 May - June, 2022). Available: <https://reliefweb.int/report/venezuela-bolivarian-republic/cluster-de-proteccion-venezuela-boletin-trata-de-personas-numero-1-mayo-junio>.

ICRC. *Venezuela, 2021–2022: The challenges of humanitarian work amidst armed violence and pandemic*. February 2022. Available: <https://www.icrc.org/en/document/venezuela-2021%E2%80%932022-the-challenges-of-humanitarian-work-amidst-armed-violence-and-pandemic>

A 2022 report indicated that armed violence continued in different parts of the country, affecting the work, education, and health of the populations involved, among other social areas.⁷⁸

This information provides the context of the activity of irregular armed groups to the detriment of humanitarian work in Venezuela. Based on this introductory overview, details are provided on how this interaction occurs according to the perspective of different sources interviewed.

The irregular armed groups have imposed communication codes and rules for working in the field. Aid workers are forced to remain silent in order to stay in the area, as the groups guard themselves against information leaks.

The irregular armed groups have imposed access restrictions, requiring humanitarian actors to present a "permit" to enter the territory under their control. In some cases, community or religious leaders intercede before the irregular armed groups to allow the presence of humanitarian workers. Once the link has been established, the groups have requested the absence of police officers and the presentation of rosters, identification documents and information about the activities, as well as imposed limitations on the ground, among other things. Usually, the groups also request access to a part of the humanitarian supplies—generally food—, which has a negative impact on the amount of aid distributed to the recipients of the programs.

THE HUMANITARIAN AT RISK

Irregular armed groups have seized and stolen humanitarian material, including medicines, and threatened or deprived humanitarian workers of their liberty.

ICRC. Venezuela: Meeting the needs of people affected by armed violence. Available: <https://www.icrc.org/en/document/venezuela-meeting-needs-people-affected-armed-violence>

At least three modalities of interaction enable access to humanitarian action in a territory under the control of irregular armed groups. The reactive modality occurs at the initiative of an armed actor who asks to speak with the humanitarian staff and establishes the conditions. A proactive modality involves the humanitarian workers contacting the armed actors to negotiate their access to the area. A third modality is the indirect proactive interaction that, as suggested in the previous paragraph, requires the identification of local community or religious leaders, who are given information about the humanitarian activity and notify the armed group in order to avoid negative consequences.

The irregular armed groups have seized and stolen humanitarian material, including medicines, and threatened and deprived humanitarian workers of their liberty. In addition, in contexts of armed confrontations in certain areas, a general climate of insecurity has implied the halt of humanitarian assistance programs. For example, armed violence in the Caracas district of Cota 905 led to the suspension of a nutrition protection program. Grocery stores were forced to shut down, preventing people from buying food with a special card. As a consequence, and in the context of the humanitarian emergency, some children experienced severe malnutrition and had to be transferred to hospitals and other health centers.

In some areas, the irregular armed groups do not explicitly demand a share of the humanitarian aid. This is due to the fact that people linked to the groups participate in the distribution of aid. Thus, for example, the partners of the megagang leaders, being integrated into the communities under their control, participate in initiatives such as soup kitchens, where they make sure to reserve part of the menu for the members of the criminal organization.

An element of concern in this study is the presence of government officials in the spaces of coordination of humanitarian aid, on an equal footing with independent humanitarian actors. This scenario prevents a frank conversation about the challenges faced by the humanitarian actors in their work since they do not trust the representatives of the government. As a consequence, multilateral cooperation agencies do not always have accurate information on what is happening on the ground. In the course of this investigation, irregular

armed groups were known to have taken over an area through a large technological deployment, forcing humanitarian workers to abandon it. When asking the agencies about the incident, they claimed to be unaware of it, which shows that humanitarian workers do not regard the coordination spaces as a safe environment to raise this type of situation.

This recount shows that irregular armed actors exercise a significant power that interferes with the development of humanitarian assistance in the country, resulting in greater harm to the human rights of the Venezuelan population. As in human rights issues, a policy of lack of protection by the State prevails in humanitarian affairs, feeding the conditions of abuse and risks to which the territories controlled by irregular armed groups are exposed. The differentiated impacts fall on the most vulnerable, such as women, children, indigenous people, people with disabilities, the elderly, and people with chronic or catastrophic illnesses.



INSTITUTIONAL RESPONSE

In general, the question of the presence of irregular armed groups in Venezuela has been evaded or handled on a reactive and occasional basis by both the Maduro government and the representatives of the opposition, as well as the Colombian government.

The Government of Venezuela lacks a State approach to the threats posed by these groups that would facilitate the design of a strategy that allows their dismantling and the recovery of the territories under their control. On the contrary, this report has revealed the existence of a system of complicity in which armed actors are protected by impunity and their actions are frequently functional to the purposes of the Government as they fill the absence of the State and impose order in territories that the State cannot control or is not interested in controlling.

The initial response of the Maduro government to one of these groups in its early stages was the creation of Peace Zones, which, as has already been seen, became a factor in the strengthening of the criminal structure of the megagangs. Once these groups get out of control, the new response comes in the form of a ferocious but occasional repression that does not involve the recovery or occupation of the territories; thus, the problem is not solved but temporarily displaced or suffocated, only until the groups manage to reorganize and resume operation. To a lesser extent but under a similar response logic, this pattern has

been repeated with the pseudo-unions in the mining sector and with some dissidents of the former FARC.

In the case of the ELN, the group's ideological political support for Maduro implies that its territorial control does not have the same connotation as in Colombia, where it operates as an insurrectionary organization. In Venezuela, the ELN plays a role in alleviating the impact of sanctions and the oil crisis as the Orinoco Mining Arc becomes an option to obtain legal and illegal funds that replace resources no longer at reach. In this sense, the incursion of the ELN into the Orinoco Mining Arc is not a secondary initiative or one opposing the Government; on the contrary, it has a contributing role to the interests of the Government in the area.

On the other hand, the interaction of the former FARC dissidents with the Government of Venezuela is not primarily motivated by political reasons, although they share similar visions in the ideological sphere. This explains the difference in the government's relationship with the ELN and with the former FARC dissidents, which became evident in the confrontations between the two guerrilla groups and between the former FARC dissidents and the Venezuelan Army in 2021.

Only when a group crosses a tacit red line in its relationship with the Government, will it be the object of repressive actions. However, these are reactive actions deployed with extreme force that seek to exterminate—rather than subdue—the members and leaders of the groups but fail to incorporate a strategy to address the underlying reasons that empower these actors through the permanent institutional occupation of these spaces from a territorial and economic point of view, and through the creation of alternatives for those who have been trapped in the dynamics of criminal governance. There has not been a gradual handover to replace these structures with legitimate state structures.⁷⁹

For its part, the opposition also seems to avoid speaking about the activity of irregular armed groups with territorial control, either out of ignorance and fear of the unknown or because it feels incapable of handling the situation and fears

See Schuberth. *Beyond Gang Truces and Mano Dura Policies: Towards Substitutive Security Governance in Latin America*.

SILENT VIOLENCE

Nobody talks about territorial control. Violence refers to political repression, political prisoners, but not this silent violence, where the State does not set foot.

A person interviewed
in Caracas

the issue could become a Pandora's box. In the framework of the heavy confrontations of July 2021 between the security forces and the mega-gang that operates in the Caracas district of Cota 905, the Government tried to establish a connection between the gangs and the opposition but failed to present evidence to support the claim.⁸⁰

In addition, some state governors and mayors elected from opposition party platforms have been forced to negotiate with armed actors with territorial control in spaces under their jurisdictions since the might of these groups is much stronger than the force of local or state police bodies, in such a way that they reach a kind of non-aggression pacts to ensure coexistence.

As far as we know, the situation is not very different in the case of the Government of Colombia. No progress has been made in bringing the options for the demobilization of the members of the ELN or the former FARC dissidents in Venezuela. At least for now, the negotiating team of the Gustavo Petro government frames the negotiation process with the ELN factors in Colombian territory, which means that the members of the armed group in Venezuelan territory are out of the picture.

In the case of the ELN, the request made by President Petro to Maduro of having Venezuela as a guarantor in the peace talks between the

La Voce d'Italia. *Meléndez: la oposición colabora con las bandas de la Cota 905.* (Meléndez: The opposition collaborates with the Cota 905 gangs) Available: <https://lavoceditalia.com/2021/07/09/594893/melendez-la-oposicion-colabora-con-las-bandas-de-la-cota-905/>

Government of Colombia and the ELN can both facilitate and complicate the negotiation because, ultimately, Maduro does play a role in the question.

The Total Peace Policy is outlined in Law 418, which creates "Peace Regions to advance dialogue with illegal armed actors who wish to come under the law." In addition, the regulation contemplates the establishment of "temporary location zones" by specifically clarifying that these areas do not constitute demilitarized zones.⁸¹ This policy is considered by the Colombian government as a "new social contract that will guarantee the fundamental rights of the people." Within the framework of the Total Peace policy, talks have been announced with the Clan del Golfo, the Second Marquetalia and the ELN. In April 2023, the group led by Iván Mordisco in representation of the so-called Central General Staff of the former FARC dissidents announced its willingness to join the Total Peace negotiations. Although with ups and downs in the interaction with each actor, the initiative remains one of the fundamental proposals of the government of President Petro.

Beyond the Total Peace initiative, the resumption of military cooperation between Colombia and Venezuela was announced in April 2023 on the grounds of combating the actions of the ELN along the border between the two countries,⁸² which could constitute a mechanism to take the ELN back to Colombia under the assumption that Venezuela is no longer a safe space.

The announcement, however, does not occur in a vacuum. On August 10, 2022, just 3 days after Petro took office, the Venezuelan defense minister stated that Maduro had ordered him "to establish contact with the Colombia defense minister without delay."⁸³ Already in November 2022, the first meeting between

Republic of Colombia. Ministry of Interior. <https://www.mininterior.gov.co/noticias/presidente-gustavo-petro-sanciona-la-ley-de-la-paz-total/>

El Colombiano. *Atención: presidente Petro anuncia alianza militar con Venezuela para combatir al ELN* (Attention: President Petro announces military alliance with Venezuela to combat the ELN). Available: <https://www.elcolombiano.com/colombia/petro-anuncia-alianza-militar-con-venezuela-para-combatir-al-eln-HF21177231>

Voz de América. *Venezuela busca reanudar vínculos militares con Colombia* (Venezuela seeks to re-establish military ties with Colombia). 10 August 2022. Available: <https://www.vozdeamerica.com/a/venezuela-busca-reanudar-vinculos-militares-con-colombia-6696586.html>

representatives of the armed forces of both countries had been held in the Venezuelan town of San Antonio del Táchira.⁸⁴

Finally, on May 11, 2023, a meeting of the defense ministers of both countries and Maduro was held. In this regard, the Venezuelan defense minister said that “With the operations at the border, we are going to free the entire national territory of terrorists and armed groups, wherever they are from. No group has the morale or the authorization to remain in sovereign Venezuelan territory and they are going to be fought with all force”.⁸⁵

Three days after the meeting of defense ministers in Caracas, the governor of the border state of Táchira admitted that the ELN, former FARC dissidents and members of the Clan del Golfo operate on the border.⁸⁶ The comments were made in the framework of a joint operation by the Venezuelan military and police that resulted in the death of three alleged criminals who would have attacked a business in the Pedro María Ureña municipality in early May.

Bernal's statements are surprising, as they marked the first time that a Venezuelan official admits the presence of these organizations, beyond the generic reference to the TANCOL.⁸⁷ However, it remains to be seen whether the operations to combat the activity of irregular armed groups will focus only on lower-ranking actors along the border or whether there will be a plan to

Semana. Se llevó a cabo el primer encuentro entre las Fuerzas Armadas de Colombia y Venezuela (First meeting between the Armed Forces of Colombia and Venezuela held). Available: <https://www.semana.com/nacion/articulo/se-llevo-a-cabo-el-primer-encuentro-entre-las-fuerzas-armadas-de-colombia-y-venezuela/202243/>

Mindefensa. Twitter post. 11 May 2023, 3:48 p.m.

<https://twitter.com/mindefensa/status/1656748014453547008>

NTN24. Freddy Bernal admite que el ELN, el Clan del Golfo y las disidencias de las FARC operan en Venezuela (Freddy Bernal admits that the ELN, Clan del Golfo and FARC dissidents operate in Venezuela). 15 May 2023. Available: <https://www.ntn24.com/noticias-actualidad/freddy-bernal-admite-que-el-eln-el-clan-del-golfo-y-las-disidencias-de-las-farc-operan-en-venezuela-419088>

In 2021, the Maduro government coined the term TANCOL to refer to criminality originating from Colombia. At that time, Maduro specified that “they are neither guerrillas, nor pseudo-guerrillas, nor paramilitaries; they are the TANCOL, terrorists, armed, drug traffickers from Colombia”, and that the groups “have been infiltrating Venezuelan territory”. A campaign was then launched against a type of criminal organization that no one had heard of before that made invisible the presence and criminal activity of all the other groups (guerrillas, pseudo-guerrillas and paramilitaries).

dismantle the presence of all types of irregular armed actors both in the border states and the rest of the country.

Despite small recent progress, the responses to the specific situation of the border continue to lack an understanding of the area beyond the borderline. This is reflected both in the dynamics of trade and mobility, as well as in the security policies and how the presence of irregular cross-border armed groups is addressed. The "mechanisms to process, coordinate and build joint responses"⁸⁸ of the past have been dispensed with, and the dynamics of the border are now sought to be reduced to a matter of crossings that are opened or closed by decisions made in Bogotá or Caracas. A centralist institutional response that fails to take into account the specificities of this vast strip of territory.

In the course of this investigation, some interviewees were asked about what could happen to these irregular armed groups in the hypothetical scenario of an opposition victory in the 2024 presidential elections in Venezuela. Almost all of the interviewees affirmed that such an event would lead to a situation of armed conflict. Without hesitation, the interviewees mentioned expressions such as "disaster" and "chaos", and affirmed that "it would be met with resistance", "would be horrible for the border", or "could give rise to an armed conflict". This shows the need to start working on transition strategies that take into account the existence of armed actors.

In a context where no one talks about the armed actors or the implications of their action in the governability of the country, the effects on the human rights of the population under their control often go unnoticed. These people are the victims of an undeclared conflict to whom no attention is being paid and who can occasionally play the double role of victims and perpetrators. This silent suffering perpetuates as political actors continue to ignore or evade the existence of a diversity of irregular armed groups.

El Espectador. "La frontera entre Colombia y Venezuela no es como una cremallera": Socorro Ramírez (The Colombia-Venezuela border does not work like a zipper: Socorro Ramírez). Available: <https://www.elespectador.com/mundo/america/la-frontera-entre-colombia-y-venezuela-no-es-como-una-cremallera-socorro-ramirez-noticias-hoy/>

CONCLUSIONS

The information collected from witnesses, victims, and experts allows verifying the existence of several irregular groups with territorial control and governance capacity in Venezuela, whose actions have a negative impact on the human rights of the population that inhabits or transits through the territories under their control. Similarly, their activity is becoming an obstacle to the free activity of organizations that provide humanitarian assistance.

The actions of these irregular armed groups are opportunistic and only possible with the consent or complicity of national or local civil and military authorities.

The irregular armed groups that operate in Venezuela perform the functions of the State in areas where it is absent; hence, they are considered to be filling a vacuum through imposition in the field of community life, justice administration, service management and armed protection, among others, in what is known as criminal governance.

In areas under the control of these groups, the presence of police and military officers is symbolic and even subordinated to their rule. Most of the time, the action of irregular armed groups with territorial control and governance capacity is functional to the Government, which intervenes only when it

perceives that the group has crossed a tacit red line that should not be transgressed.

In Venezuela, the alliances between irregular armed groups or between them and the authorities are incidental, do not consolidate in the long term and are not based on loyalties, except for the case of the ELN, whose relationship with the Government has a political-ideological component. For the other irregular groups, the interactions are based on interests of an economic rather than political nature without the purpose of insurgency, at least for now. However, this could change in the hypothetical scenario of a change of government for which a transition process has not previously been designed to offer viable options for alternative life projects, especially for members in the lower ranks of the organizational structure of the irregular armed groups.

In the context of the Complex Humanitarian Emergency, some sectors of the population have become more vulnerable, encouraging a form of recruitment that is no longer forced, although still marked by structural violence; the non-forced nature of the recruitment is observed both in urban and rural areas and in indigenous territories.

Neither the Government of Maduro nor the representatives of the opposition or the Colombian government have incorporated the issue of the presence of irregular armed groups in Venezuela into the agendas for the re-democratization of Venezuela or the realization of Total Peace in Colombia. On the contrary, the subject has been evaded or addressed on a reactive and occasional basis.

The activity of irregular armed groups with control of territory and governance capacity affects the entire range of civil, political, economic, social, cultural, and environmental rights. Its impact goes beyond the direct manifestations of violence in its relationship with the population, as the presence of the groups imposes modes of social, cultural, economic and power interaction that disrupt the entire community dynamic.

The negative impacts on the human rights of the population subject to the control of irregular armed groups often go unnoticed, especially as the existence

of these groups is not even a matter of public debate nor has been incorporated into the agendas on the future governance of Venezuela and Colombia.

Except for some variations in political rights, all three types of irregular armed groups analyzed affect people's rights almost equally. However, the type of rights affected varies by region, frequently linked to the type of activity carried out by each irregular armed group with control of territory and governance capacity.

Access to humanitarian response and the ability of humanitarian workers to act freely is being increasingly restricted by the action of armed actors with control of territory and governance capacity. The presence of government officials in humanitarian coordination spaces has become an inhibiting factor for a frank conversation about the obstacles faced by humanitarian workers and the possible ways to overcome these barriers.

The negative impact of the action of irregular armed groups on people's rights does not exempt the Venezuelan State from responsibility as the final guarantor of the rights of the population. On the contrary, the responsibility is greater when it comes to a government that has ceded both territorial control and the monopoly on force as it constitutes a deliberate cession.

The relationship with armed groups goes beyond the consent of the Executive branch. The justice system contributes to impunity for crimes against human rights, including acts committed by irregular armed groups, as documented by the Independent International Fact-Finding Mission, created by the United Nations Human Rights Council in 2019.⁸⁹ Some of the complaints presented by the Mission are part of the investigation into crimes against

OHCHR. *Venezuela: UN report urges accountability for crimes against humanity*. Available: <https://www.ohchr.org/en/press-releases/2020/09/venezuela-un-report-urges-accountability-crimes-against-humanity>

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humanity carried out by the International Criminal Court. This reveals a State policy of impunity for human rights abuses, which also responds to the absence of democratic institutions that serve as checks and balances to the arbitrary exercise of power. In this context, the issue of the presence of irregular armed groups is far from being on the State agenda.

In a context of territorial fragmentation, the State not only does not have a monopoly on force but has also opted for a model based on the dissolution of unity through the promotion of the so-called communal State. In Venezuela, this phenomenon is the breeding ground for irregular armed groups, which, in turn, maintain and reproduce said fragmentation.

In addition to the fragmentation, and as a result of it, a diversity of irregular structures marked by dispersion is being observed. On the one hand, the megagangs are rapidly mutating in response to the attacks to which they are sporadically subjected, which force them to lower their profile, rebuild alliances, regroup and move to other territories, according to the case. On the other hand, the *colectivo* groups have high territorial stability but present variations in the intensity and purpose of their activity. In periods of political conflict, their action focuses on repression and violence, while in times of less tension, they keep a lower profile and concentrate on legal and illegal economic activities. Finally, the dispersion of the irregular organizations of Colombian origin is expressed differently, reflecting their internal conflicts or forms of organization in Colombian territory. This way, the factions of the former FARC (dissidents and the sectors that never accepted the peace process) do not necessarily obey a single command nowadays, while the ELN exhibits a federative structure⁹⁰ as it lacks a vertical organization.

A double phenomenon of fragmentation is then observed. On the one hand, territorial fragmentation is expressed in the loss of control by the State over the entirety of the territory and, on the other, the absence of monolithic structures within the other actors. Hence, it would be naive to imagine a

See: *¿Por qué es tan difícil negociar con el ELN? Las consecuencias de un federalismo insurgente, 1964-2020*. CINEP, 2021 (Why is it so difficult to negotiate with the ELN? The consequences of an insurgent federalism, 1964-2020). Available: <https://www.cinep.org.co/producto/por-que-es-tan-dificil-negociar-con-el-eln-las-consecuencias-de-un-federalismo-insurgente-1964-2020/>

negotiation between the Venezuelan government and the opposition as the only two blocs, with the omission of a diversity of actors whose particular interests and control over the territory pose challenges for the process in Venezuela that have not been made visible until now.

The absence of transition strategies that take into account the existence of the armed actors is perceived by people interviewed as a potential source of resistance and conflict actions by these groups, in the hypothetical case that the opposition wins the 2024 elections.

Any process that seeks to address the recovery of governability in Venezuela inevitably involves expanding the range of actors to be taken into account, incorporating the existence of irregular armed groups with control of territory and governance capacity into the agenda.

THE OHCHR ON GOVERNANCE AND HUMAN RIGHTS

Good governance is the process whereby public institutions conduct public affairs, manage public resources, and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law.

An environment that respects and protects human rights through good governance must be fostered. This means ensuring legal frameworks, institutions, political, managerial, and administrative processes respond to the rights and needs of the population. Human rights standards provide a set of values to guide the work of governments and other political and social actors – and also ensure they can be held accountable.

The Human Rights Council has identified the key attributes of good governance:

- transparency
- responsibility
- accountability
- participation
- responsiveness (to the needs of the population)

<https://www.ohchr.org/en/good-governance>

<https://www.ohchr.org/en/good-governance/about-good-governance>

RECOMMENDATIONS

Good governance is not possible without development, and there can be no development without good governance. Irregular armed groups emerge and become stronger in contexts of lack of good governance and, at the same time, feed on the lack of development that reproduces deprivation among the population, which they seek to fill through criminal governance. Breaking this vicious circle is essential for the recovery of good governance.

In view of this, the following recommendations are formulated.

To the Government of Venezuela

- Design a strategy that allows the dismantling of irregular armed groups and the recovery of the territories through a repressive response that is proportional and adjusted to international standards.
- Combine the repressive response with mechanisms that make it possible to address the structural causes of the emergence and development of said groups, including the permanent territorial occupation of the recovered spaces.
- Specify the role of the Government of Venezuela in the Total Peace process concerning the presence of the ELN in Venezuelan territory,

taking into account the binational nature of the group and its differentiated political purposes on each side of the border, which calls for a definition of Venezuela's role.

To the parties and partners of the negotiations between the Venezuelan Government and the opposition

- Recognize, from the Government and the opposition, the existence of irregular armed groups with control of territory and governance capacity and their impact on the governability of the country.
- Recognize that irregular armed groups with control of territory and governance capacity have negative effects on the human rights of the population and their possibilities of access to humanitarian action.
- Assume a political agreement to achieve territorial security, with advice and accompaniment of the UN and based on the recovery of governability.
- Agree on plans between the Government and the opposition, with the support of international cooperation, to enable the social investment that allows addressing the factors that give rise to the emergence of criminal governance.
- Start working on transition strategies that take into account the existence of irregular armed actors by incorporating the need to regain control of the territory in the spaces for negotiation and dialogue between the Government and the opposition.
- Incorporate the considerations and commitments contained in the Geneva Declaration on Armed Violence and Development⁹¹ into the spaces for negotiation and dialogue between the Government and the opposition.

The 2006 Geneva Declaration on Armed Violence and Development is endorsed by 113 countries. Venezuela has not signed it. The full text of the declaration can be downloaded at <http://www.genevadeclaration.org/the-geneva-declaration/what-is-the-declaration.html>

- Open spaces for negotiation and multilevel dialogue in which a broader number of sectors are incorporated, including other political actors, civil society, unions, academia, indigenous peoples, rural organizations and other groups in the areas of development and humanitarian work, and incorporate a human rights-based approach and the recovery of governance.

To the parties, facilitators and partners of the Total Peace process

- Take into account the territorial fragmentation of Venezuela and the federative nature of the ELN as contexts that add complexity to any negotiation that aims at the recovery of governance in Venezuela and the realization of Total Peace in Colombia.
- Establish articulation mechanisms in the spaces for negotiation and dialogue between the Venezuelan Government and opposition and in the Total Peace process advanced by the Government of Colombia, in the understanding that the existence of binational irregular armed groups requires binational responses.
- Identify possibilities to overcome potential conflicts of interest in terms of the roles of the presidents of Colombia and Venezuela as guarantors or facilitators of conflict resolution processes in their respective countries, bearing in mind the challenges of being a mediator in the conflicts of a country that is simultaneously a mediator in our own conflicts.
- Incorporate the issue of migration into the Total Peace policy agenda, taking into account the challenges of integration, the care for migrants victims of the conflict, and the specificities of the Colombian population returning from Venezuela.

To the United Nations system

- Guarantee from the UN system an environment of trust in which humanitarian workers can share information about the operational challenges of their work.
- Provide advice and support to the Government of Venezuela on mechanisms to achieve territorial security, based on the recovery of good governance.
- Assist in facilitating the establishment of gradual handover mechanisms to replace criminal governance structures with legitimate State structures.
- Carry out an exploratory consultation on the pertinence of appointing a special envoy of the Secretary-General with a mandate to address the multiple dimensions of the Venezuelan crisis, including the presence of irregular armed groups with territorial control and governance capacity.

To the international community

- Incorporate the phenomenon of irregular armed groups with control of territory and governance capacity and their impact on human rights and the access to humanitarian assistance into their work agenda for Venezuela.

To civil society

- Bear in mind in their planning the existence of irregular armed groups with control of territory and governance capacity and their impact on the human rights of the population and the access to humanitarian action.
- Document and make visible the impacts that irregular armed groups with control of territory and governance capacity have on the human rights of the population and their possibilities of having access to humanitarian action.

- Advance international advocacy of this phenomenon, both in Venezuela and in the context of the Colombian government's Total Peace proposal.



LIST OF ACRONYMS

OMA	Orinoco Mining Arc
CICPC	Bureau for Scientific, Criminal and Forensic Investigations
ICRC	International Committee of the Red Cross
CLAP	Local Supply and Production Committees
CRBZ	Corriente Revolucionaria Bolívar y Zamora
CUPAZ	Crew for the Defense of Peace
DGCIM	General Directorate of Military Counterintelligence
ELN	National Liberation Army
FAES	Special Action Forces
FARC	Revolutionary Armed Forces of Colombia
FBL	Bolivarian Liberation Force
GNB	Bolivarian National Guard
OHCHR	Office of the High Commissioners for Human Rights
ILO	International Labor Organization
OLP	Operation Liberation of the People
UN	United Nations
SEBIN	Bolivarian National Intelligence Service
UBCh	Hugo Chávez Combat Units

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Over the past decade there has been a proliferation of irregular armed groups in Venezuela, including, among others, paramilitary groups, organized crime gangs, and irregular organizations of Colombian origin. The process of growth of irregular armed groups with control of territory and governance capacity occurs in a context of fragmentation of power that generates serious governance problems and constitutes a barrier to the recovery of institutions, democracy, and the rule of law in the country.

These groups are seriously affecting the rights of the Venezuelan population and limiting access to humanitarian action. Despite the challenges that this pose, it is a topic absent from public debate, so it is expected that one of the contributions of this text will be its positioning on the agenda, in the negotiation spaces of both Venezuela and Colombia.

Considering the penetration levels of many of these groups in Venezuelan territory, it would be illusory to propose dialogue or negotiation processes for the recovery of democracy and the rule of law in Venezuela, if the presence and role of these actors is not taken into account.

On the other hand, in the context of the Total Peace policy proposed by Colombian President Gustavo Petro, it is essential to make visible information on the effects of the presence of Colombian irregular armed groups in Venezuelan territory on the rights of the population, in the understanding that the existence of binational irregular armed groups requires binational responses.

