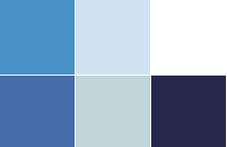


# REPORT OF ORGANIZATIONS OF THE VENEZUELAN CIVIL SOCIETY ON THE RECOMMENDATIONS OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS





# INTRODUCTION

Since 2016, various international organizations have expressed their concern about the continuous and severe deterioration of the human rights situation in Venezuela, which is showed in the deep undermining of the rule of law and the disintegration of democratic institutions, as well as in a Complex Humanitarian Emergency on a national scale and multidimensional character, with severe impacts on the massive deprivation of minimum adequate standards of living for the majority of the population. A defining characteristic of this situation is the political crisis that, for many years, has caused the lack of independent and impartial public powers, affecting in particular the Judicial, Legislative and Electoral Powers.

On October 3rd, 2018, the United Nations Human Rights Council adopted resolution A / HRC / RES / 39/1 in which it “requested the High Commissioner to prepare a comprehensive written report on the human rights situation in the Bolivarian Republic of Venezuela .... and to present it orally to the Council, during their periods of 40th and 42nd sessions, updated information on the human rights situation”. On July 4th, 2019, Michelle Bachelet, in her capacity as High Commissioner of the United Nations for Human Rights (OHCHR) issued Report A / HRC / 41/18 where it presented twenty-three recommendations to the Venezuelan State regarding to violations in the following areas: a) Arbitrary Detentions, b) Torture and Executions, c) ESC Rights, d) Women, e) Persecution, f) Indigenous People, g) Justice, h) Deprivation of liberty, i) CSOs - Defenders, j) Freedom of Speech.

Later, on September 14th and 20th, 2020, OHCHR presented two oral updates on the situation of human rights in the country, and on September 17th, 2020, a second report was made public, on the independence of the justice system and access to justice, including violations of economic and social rights, and the human rights situation in the region of the Orinoco Mining Arc. This report was followed by a third one on allegations of human rights violations of the rights to life, liberty and physical integrity. In the first quarter of 2021, OHCHR carried out a third oral follow-up update, mentioning new elements on human rights violations and reaffirming the violations and reaffirming the violations that continue to occur.

The OHCHR's investigation work reiterated what Venezuelan civil society and various international organizations have been documenting and exposing: an unprecedented multidimensional crisis characterized as a complex humanitarian emergency because it is the consequence of a large-scale, multidimensional and comprehensive violations of human rights on a large scale in Venezuela<sup>1</sup> as a result of the absence of the rule of law, the massive deprivation of economic and social rights, and the dismantling of democratic institutions.

In this regard, the purpose of this report is to evaluate compliance with the recommendations requested by OHCHR in its reports to the Venezuelan State to improve the human rights situation, based on the data and experiences that the OHCHR has gathered and verified by the field work and documentation provided by other international organizations and civil society organizations.



<sup>1</sup>IACHR, Situation of Human Rights in Venezuela, Country Report, 2017 available at: <https://www.oas.org/es/cidh/informes/pdfs/Venezuela2018-es.pdf>

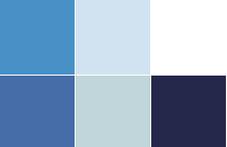
#### **a) Independence of the judiciary**

In the OHCHR Report on the situation of human rights in the Bolivarian Republic of Venezuela dated July 4th, 2019, reference was made to the crisis of independence of powers that exists in Venezuela, the following was recommended to the State:

- (c) Conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations, including killings of indigenous people, and bring those responsible to justice;**
- (j) Take effective measures to restore the independence of the judicial system and guarantee the impartiality of the Attorney General's Office and the Ombudsman;**
- (k) Guarantee the right of victims to seek remedies and reparations in a gender-sensitive approach, as well as their protection against intimidation and reprisals;**

Moreover, in its report **"Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and the human rights situation in the region of the Orinoco Mining Arc"**, the OHCHR made the following recommendations:

- a) Undertake the reforms of the judiciary announced by the Government in January 2020 in order to ensure its independence, impartiality, transparency, accessibility and efficiency;**
- b) Establish an independent, impartial and transparent mechanism to increase the number of tenured judges and prosecutors through a transparent public process;**
- c) Publish the mandate of the courts with jurisdiction over terrorism-related crimes and take all necessary measures to ensure their independence and impartiality and transparency, as well as strict compliance with international human rights standards;**
- d) End the prosecution of civilians by military courts and ensure that their jurisdiction is limited to military crimes committed by active members of the armed forces;**
- e) Conduct prompt, thorough, independent, impartial and transparent investigations into allegations of human rights violations, including deprivation of life, enforced disappearance, torture, sexual and gender-based violence involving elements of the security forces, bring the perpetrators to justice and ensure adequate reparations to the victims;**
- f) Immediately cease any acts of intimidation, threats and reprisals by members of security forces against relatives of victims seeking justice;**
- g) Guarantee that bar associations regain their independence and full autonomy by allowing them free internal elections;**
- h) Guarantee the independence of the Public Defender's Office by allocating sufficient funds and adequate training; and respect the right of the accused to assign a lawyer of their choice;**



**o Review the protocols and methods of the Public Prosecutor's Office in order to provide victims of human rights violations and their families with gender-sensitive care and support;**

**j) Restore the capacity of the Criminalistic Unit against the Violation of Fundamental Rights, under the Public Prosecutor's Office, to conduct independent forensic examinations of cases of human rights violations allegedly committed by members of the security forces;**

**k) Publish a report on the investigations and criminal proceedings regarding the deaths that occurred in the context of protests in 2014, 2017 and 2019;**

On the implementation of these recommendations:

**1.** In 2018, the Inter-American Commission on Human Rights (IACHR) exposed in its report on the situation in Venezuela the permanent interfering of the Supreme Court of Justice (TSJ) in the National Assembly (AN), seriously exacerbated with Rulings No. 155 and 156<sup>2</sup>. These rulings were a demonstration of the structural problem of lack of judicial independence affecting Venezuela. The Commission considered that this element had been a determining factor in allowing both the interference of the Executive Branch in the Judiciary, as well as the latter in the Legislative Branch.

**2.** In the same 2018 report, the IACHR expressed concern about the provisional nature of most prosecutors in Venezuela<sup>3</sup>, also describing as disturbing that those prosecutors are appointed directly by the Attorney General without following a procedure established by law. Similarly, prosecutors can be removed without following any procedure, as the disciplinary system established in the Organic Law of the Public Prosecutor's Office which is not yet operational<sup>4</sup>.



<sup>2</sup> <https://efectococuyo.com/politica/con-sentencias-155-y-156-tsj-habilita-al-presidente-maduro-a-legislar-y-bloquea-a-la-an/>

<sup>3</sup> International Commission of Jurists, Achieving Justice for Gross Human Rights Violations in Venezuela, Baseline Study, July 2017, p. 27. This was also pointed out by former Prosecutor Nieves during the hearings before the OAS on November 16, 2017, in which he stated that more than 99% of prosecutors had this condition. He further outlined that in 2015, there were only 4 chief prosecutors out of the 4,000 chief prosecutors that existed in Venezuela at the time [Livestream, Public Hearings before the OAS on Venezuela, OAS, November 16, 2017].

<sup>4</sup> International Commission of Jurists, Achieving Justice for Gross Human Rights Violations in Venezuela, Baseline Study, July 2017, p. 27. It should be noted that according to former Prosecutor Nieves, the current Attorney General Tarek William Saab would have dismissed more than 70% of prosecutors. As of November 16, 2017, he would have dismissed 20 chief prosecutors in Mérida. The situation would have been repeated in Lara, Yaracuy, Táchira and Zulia. The purpose of this action would have been to appoint government-friendly prosecutors [Livestream, Public Hearings before the OAS on Venezuela, OAS, November 16, 2017].

3. Likewise, the IACHR stated in its 2019 report that it continued to receive information on the high number of judges who do not hold the position as tenured judges and, for that reason, do not have stability or permanence in the judiciary. According to estimates by Bloque Constitucional, an organization, at least 75.63% of judges in the country are not tenured<sup>5</sup>.

4. The Public Prosecutor's Office, the holder of the criminal action and governing body of criminal investigations, has been seriously challenged in the performance of its functions. A 2014 report by the International Commission of Jurists warned that most of the complaints filed before this body were dismissed and filed away, contributing to the existing impunity rate of more than 90% in common crimes, a figure that increased in relation to crimes of human rights violations<sup>6</sup>.

5. On this situation, OHCHR noted in its 2019 report that there are patterns of impunity identified in 2018, including the lack of cooperation of security forces and armed forces with investigations, manipulation of crime scenes and evidence by security forces, undue delays in judicial proceedings, high turnover of prosecutors and judges, as well as de facto immunity of senior officials. It also highlighted the lack of independence and corruption in the judiciary as major obstacles faced by victims in their search for justice and reparations.

6. OHCHR also mentioned the failure of the Public Prosecutor's Office to investigate and prosecute those responsible for punishable acts and the silence of the Ombudsman in the face of human rights violations in the country. The OHCHR also highlighted that none of these institutions, nor the Government or the police provide protection to victims and witnesses of human rights violations. In addition, the Attorney General has engaged in a public rhetoric of stigmatization and discrediting of the opposition and critics of the Government, thus violating the principle of presumption of innocence.

7. Next, in the 2021 update of the report, OHCHR pronounced itself on the new appointment of the National Electoral Council, stating that the appointment of the next National Electoral Council is a test for the credibility of the upcoming elections.

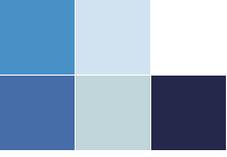
8. In June 2020, the TSJ suspended the opposition leadership of Accion Democratica and Primero Justicia, arguing that they had not observed their own statutes for the election of party authorities and that they had denied political rights to their members. Some members of both parties stated that the suspended leaders had changed the regional party authorities, municipal and local parties "at will". The sentence against Voluntad Popular is not yet available on the TSJ website<sup>7</sup>.



<sup>5</sup> Constitutional Block, Judges in Venezuela, 2019.

<sup>6</sup> International Commission of Jurists, Strengthening the Rule of Law in Venezuela, 2014, p. 27.

<sup>7</sup> <https://www.hrw.org/es/news/2020/07/07/venezuela-sentencias-ponen-en-jaque-elecciones-libres-y-justas>



**9.**In turn, the Venezuelan Attorney General has requested the Supreme Court to declare Voluntad Popular as a terrorist organization, arguing that such party has attempted to destabilize Maduro’s government. The appeal is pending before the Criminal Chamber of the Supreme Court.

**10.**On the other hand, on January 25, 2020, Diego Garcia-Sayan, rapporteur on the independence of judges and lawyers of the UN; Tlaleng Mofokeng, rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Mary Lawlor, rapporteur on the situation of human rights defenders, sent a letter to the Venezuelan State in which they requested an explanation as to how Afiuni was found guilty of “self-corruption” in 2019 if in the trial “the element of the type related to the benefit obtained” had not been accredited. This has not yet been answered by Maduro’s government.

**11.**Likewise, approximately 85% of the almost 2,200 Venezuelan judges are provisional, accidental or temporary, that is to say, they did not reach their positions through public competitions, as required by Article 255 of the Constitution, but were appointed by hand by the Judicial Commission of the TSJ. For this reason, the highest court considers them to be freely appointed and removed, and thus, removes them without any procedure to guarantee their right to defense<sup>8</sup>.

**12.**The situation is worse in the Public Prosecutor’s Office, where more than 97% of the 1,500 prosecutors are not the incumbents of their positions. In 2018 the prosecutor imposed by the Constituent Assembly, Tarek William Saab, reformed the Personnel Statute of the Public Prosecutor’s Office to establish that all officials of the agency are freely appointed and removed. This reversed the few advances achieved during the administration of Luisa Ortega Diaz, who at the end of 2012 launched the first competitions for the assignment of prosecutor positions<sup>9</sup>.

**13.**Regarding the interference of powers in the electoral sphere, in 2021, at the beginning of March, Jhannett Madriz Sotillo, member of the Electoral Chamber, was appointed by Chancellor Jorge Arreaza as Charge d’Affaires ad hoc of the Venezuelan Embassy in Panama. The appointment is included in Resolution DM 23 of March 3rd, 2021 and was published in Official Gazette 42.079 of the same day. That is to say, the official holds a position that should be independent from the executive power, however, at the same time she holds a position of direct line with the government, which violates the principles of independence, autonomy and neutrality that govern the authorities of the public power.



<sup>8</sup> <https://accesoalajusticia.org/gobierno-de-maduro-no-informa-a-onu-sobre-afiuni-y-la-independencia-judicial/>

<sup>9</sup> <https://accesoalajusticia.org/gobierno-de-maduro-no-informa-a-onu-sobre-afiuni-y-la-independencia-judicial/>

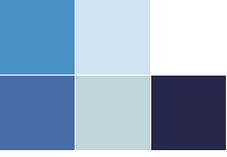
**14.** The Organization of American States (OAS) has made several statements, including that of the General Secretariat, rejecting and condemning the patterns of interference between powers, considering them contrary to the democratic rule of law and the independence of the political powers of the State<sup>10</sup>. The inter-American body recalled Resolution CP/RES. 1164, adopted on December 9th, 2020, which rejected the “fraudulent elections” held in Venezuela on December 6th, 2020, which also does not recognize their results, considering that they were not free and fair in accordance with the conditions established in international law, as well as for lacking impartiality and transparency; for not having had the participation of all political actors and citizens; for not having released political prisoners; for the lack of independence of the electoral authority; and for not having had independent and credible international electoral observation.

**15.** In the same sense, the United Nations International Fact-Finding Mission in Venezuela (FFM) asserted that the elections held on December 6th, 2020 were evaluated, both nationally and internationally, as unfair and lacking in freedom. In these elections, according to the Mission, the parties aligned with the government obtained more than 90% of the seats in the National Assembly, in the context of a high electoral abstention rate and a boycott by opposition parties<sup>11</sup>.



<sup>10</sup> [https://www.oas.org/es/centro\\_noticias/comunicado\\_prensa.asp?sCodigo=C-046/21](https://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-046/21)

<sup>11</sup> \_ UN, Human Rights Council, Statement by Marta Valiñas, Chairperson of the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 46th session of the Human Rights Council, March 10, 2021. Available at: <https://www.ohchr.org/SP/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26872&LangID=S>

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- n) Ensure that all mining activity in the Bolivarian Republic of Venezuela is carried out in accordance with human rights norms and standards, socio-cultural and environmental impact studies, and that national and international environmental standards are met;**
  - (o) Undertake and publish key studies related to the Orinoco Mining Arc, such as environmental and social impact studies, analysis of violence and homicide rates, and compilation of socio-economic data on the population living within the AMO and surrounding areas, including indicators related to economic, social and cultural rights;**
  - (p) In compliance with international human rights standards, conduct effective and transparent investigations and law enforcement operations in order to dismantle criminal gangs and armed elements controlling mining activities, combat corruption, and prosecute and punish those responsible for crimes and human rights violations in the AMO and surrounding areas;**
  - (q) Take urgent measures to put an end to labor and sexual exploitation, child labor and human trafficking within the AMO, and ensure the regularization of mining activities in conditions that respect the right to just and favorable working conditions;**
  - (r) Ensure that adequate and representative consultations are carried out with all indigenous peoples prior to the adoption or implementation of any decision, activity or measure that may affect them, including any impacts on their traditional lands, territories and resources;**
  - s) Ensure that indigenous peoples can enjoy their collective right to live in freedom, peace and security, and that they can own, use, develop and control their lands, territories and resources, including through the demarcation of traditional lands;**
  - t) Repeal Resolution 0010 regarding mining in rivers; and**
  - u) Provide reparations to indigenous peoples affected by mining activities, including in the geographic area of the AMO, acting in consultation with these peoples.**

In reference to the implementation of these recommendations:

**1.** The territory south of the Orinoco constitutes the Venezuelan Guyana and Amazon and possesses a variety of complex forest ecosystems, of immense and invaluable floral and faunal biodiversity in addition to boasting numerous and abundant rivers that represent water patrimonies of the country and the world, as well as natural scenic riches of great majesty and uniqueness. Due to these environmental values, a large part of its area is protected, making it the most extensive protected area in Venezuela. Almost 80% of its total surface area is under Special Administration Regime Zone (ABRAE), such as: 7 national parks, 20 natural monuments, 3 forest reserves, including the Imataca Forest Reserve, of great scenic value and highly developed Amazonian forests with enormous biodiversity, the Southern Protected Zone of Bolívar State, 2 biosphere reserves, among others. These areas under Special Administration Regime are protected and contemplated in the CRBV and the entire Venezuelan environmental legal framework.

2.The Orinoco Mining Arc project was unilaterally approved by the national Executive in 2016 and after more than four years detailed and reliable information has not been published regarding its execution, management and consequences, as well as about the agreements and business deals signed with companies or legal entities, nor is it accessible through the websites of the Ministry of Ecological Mining or other institutions involved in the implementation of this project.

3.This exploitation of minerals in the Orinoco Mining Arc has resulted in the murder of indigenous people and hundreds of others forced to work and are” displaced from their place of origin, by orders of the State security forces and armed groups that control the extraction operations. In addition to major environmental contamination<sup>12</sup>.

4.The OHCHR report describes how criminal groups, known locally as “syndicates,” exercise control over a large number of mining operations in the Orinoco Mining Arc. “They decide who enters or leaves the mining areas, impose rules, apply cruel physical punishments to those who break those rules, and extract economic benefits from all activities in the mining areas, including by resorting to extortion practices in exchange for protection,” the report says. The report details how the groups maintain their presence and illegal activities in the mines through a system of corruption and bribery that includes paying military commanders.

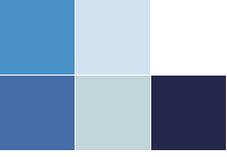
5.Due to the deep economic crisis and lack of job opportunities in Venezuela, internal migration to the mining region has increased dramatically in recent years, with workers turning to informal labor to make ends meet for themselves and their families. In addition, the activity has promoted new pockets of major corruption involving the country’s natural resources in the framework of a scheme of unbridled exploitation of the environment without any respect for human rights, nor for those who inhabit the territories, nor for the environment itself, as in the case of the Mining Arc and all that has to do with illegal mining in the territories of southern Venezuela.

6.The dynamics of gold extraction in Venezuela has expanded in recent years, largely due to the decline in oil production caused by the lack of maintenance and investment in the industry<sup>13</sup>. This scenario has led the national government to be tolerant with the practice of illegal mining, in addition to carrying out actions and establishing close links with irregular armed actors, which are manifested in the multiple existing overlaps between the military and the mining “pranato” inside the territory.



<sup>12</sup>Amnesty International, International Day of Indigenous Peoples, August 9, 2019, Available at: <https://bit.ly/2C7eZ8c>; Arco Minero del Orinoco, Crime, Corruption and Cyanide. Available at: <https://bit.ly/38wBkrD>

<sup>13</sup>Two years after the appeal for annulment “It is not about resolving mining rent-seeking with oil rent-seeking” [https:// kaosenlared.net/venezuela-no-se-se-trata-de-resolver-el-rentismo-petrolero-con-rentismo-minero-andrea-pacheco/](https://kaosenlared.net/venezuela-no-se-se-trata-de-resolver-el-rentismo-petrolero-con-rentismo-minero-andrea-pacheco/)



7. In this context, environmental rights defender and coordinator of the organization Clima 21-Human Rights and Environment, Alejandro Alvarez, commented in 2019 that, “sustainable mining does not exist and the Orinoco Mining Arc project is neither responsible nor ecological at all”.

8. The mining activity of the mining arc to which we have referred, undertaken supposedly to obtain alternative financing, has actually caused, in reality, the aggravation of the context of human rights violations in the southern states of Venezuela. The Mining Arc has not only become a focus that allows the Government to continue with its scheme of serious human rights violations, but also stimulates the infrastructure of grand corruption on public revenues and leads to higher rates of impunity. The Government of Maduro has not tried, as can be seen, to provide effective responses to the emergency, but rather to watch over the interests of those in power, to the detriment of the nation’s natural resources, which are suffering irreparable damage.

9. Contrary to the recommendation of the OHCHR, the Venezuelan State encourages continuous human rights violations in the area against its inhabitants, including indigenous populations. On November 22, 2019, only 3 months after the report, a massacre was carried out in the Pemon community of Ikararu, located in Bolivar state<sup>14</sup>.

10. On the other hand, in the course of 2020 the attacks against the indigenous community continue manifesting from a statement the violence generated by foreign guerrillas and other armed groups in the area, the illegal mining exploitation sponsored by the regime of Nicolas Maduro and the construction of clandestine tracks that force the natives to leave their ancestral home<sup>15</sup>.

11. Also, the organization Caleidoscopio Humano has pointed out that regarding the opacity of data and information, journalists in the area with whom they have contact denounce that it is difficult for them to carry out their work due to constant internet and electricity problems, threats from organized mafias and the persecution of the regional government against those who spread the word about the situation.



<sup>14</sup> SOS Orinoco - Massacre in Ikararu Available at: <https://sosorinoco.org/es/hechos/violacion-de-derechos-humanos/masacre-in-ikabaru-gran-sabana-venezuela-masacre-en-ikabaru/>

<sup>15</sup> La Patilla, Pueblo indígena denuncia agresiones de la guerrilla y pistas clandestinas en Amazonas, March 3, 2020, Available at: <https://bit.ly/3iB176H>

Moreover, the Venezuelan State has not complied with the High Commissioner's recommendations.

### c) Arbitrary detentions

OHCHR recommended included in its Report on the situation of human rights in the Bolivarian Republic of Venezuela, dated July 4th, 2019, the following:

- **Release all persons arbitrarily deprived of their liberty;**(e) **Release all persons who have been arbitrarily deprived of their liberty**
- **Stop and prevent the excessive use of force during demonstrations;**

Regarding the implementation of these recommendations:

1. since 2016, the IACHR has been warning about the continuous erosion of the right to freedom of expression. This has been reflected in the arbitrary detention and imprisonment of opponents and those who make public their dissent with the government, repression and undue restrictions on the exercise of protest, dismissals and threats to public employees with losing their positions in case of expressing political opinions against the ruling party, stigmatization and harassment campaigns against journalists, political opponents and citizens, the use of criminal law and other state controls to punish or inhibit the work of the critical press, and the hindrance to the right of access to information.

2. The Venezuelan Penal Forum, in 2016 registered 110 people in a document it categorizes as "list of political prisoners" It also reported that from January 2014 to September 30th, 2016, 3,758 detentions for political purposes were registered, for different reasons ranging from the publication of messages on social networks against the government or against a public official, having participated in a political demonstration or social protest against food or basic product shortages, insecurity or malfunctioning of a public service, among others<sup>16</sup>.

3. Within these detentions 101 persons remained in custody, and of these, 24 were convicted while 77 were detained with judicial proceedings pending. On the other hand, he indicated that 2,055 persons were subjected to restrictive measures of liberty and were under judicial proceedings. It further indicated that from January 1 to September 30th, 2016, it recorded 2,436 arrests, "of which 35 political prisoners remained incarcerated"<sup>17</sup>. Likewise, by November 19th, 2017, 317 detainees qualified as persons deprived of their liberty for political motivations had been registered<sup>18</sup>.



<sup>16</sup> FPV, Report on Venezuelan State Repression - Executive Summary, September 2016, revised as of November 8, 2016.

<sup>17</sup> FPV, Report on Venezuelan State Repression - Executive Summary, September 2016, revised 8 November 2016.

<sup>18</sup> FPV, Political Prisoners, November 19, 2017.

In addition, the IACHR noted with concern that several human rights defenders had been detained and harassed because of their defense of detained persons or for reporting on the situation in the country<sup>19</sup>. Likewise, the Commission noted in its 2016 report that there was information that 19 persons considered to have been deprived of their liberty for political reasons would not be released by the authorities despite having a release order<sup>20</sup>.

5. Additionally, the IACHR reported that during the protests that took place between April 1st and August 31st, 2017 alone, 5,341 people<sup>21</sup> were arbitrarily arrested. In the month of July alone, 1,414 people were arrested, of which 391 were detained on July 20th on the occasion of the 24-hour National civic strike<sup>22</sup>. The Commission also notes that 90% of these arrests were carried out without a warrant<sup>23</sup>.

6. Likewise, HRW reports that there is evidence of civilians prosecuted and/or tried in the military criminal jurisdiction, as a result of their detention in the framework of demonstrations, dissident acts or common crimes, has been reported since 2018. According to information from civil society, such situation would have intensified after the April-June 2017<sup>24</sup> protests and it is alerted that, since then, around 757 civilians have been brought before military courts<sup>25</sup>.

7. In 2018, the IACHR also reported a systematic pattern in illegal and arbitrary detentions in Venezuela, which by that time had reached extremely alarming figures<sup>26</sup>. Thus, between January 1st, 2014 and October 31st, 2017, 11,993 people were reportedly arbitrarily detained, of whom 7,040 were at liberty under precautionary measures<sup>27</sup>.



<sup>19</sup> For example, attorney Abraham Cantillo, FPV's Lara State Sub-Coordinator, was robbed by armed civilians and threatened on July 20, 2017, when he was outside the air base where the 7th Military Control Court of Lara State is located, and on July 27 he was threatened with death and brutally beaten while being referred to as "damned lawyer of the guarimberos" [FPV, Report on State Repression in Venezuela - July 2017, p. 9]. Likewise, as mentioned above, the IACHR has granted measures in favor of defender Theresy Malavé, who has been harassed for her work representing detained leaders [IACHR, Resolution No. 1/17, Precautionary Measure No. 475-15, Members of the Voluntad Popular party regarding Venezuela]. The IACHR also requested Venezuela to protect FPV [FPV, CIDH solicitó al Estado venezolano garantizar protección a Foro Penal y demás ONG de DDHH, 23 March 2017].

<sup>20</sup> IACHR, Violence, citizen security and freedom of expression in Venezuela, 24 October 2017.

<sup>21</sup> FPV, Report on State Repression in Venezuela - August 2017, p. 2.

<sup>22</sup> FPV, Report on State repression in Venezuela - July 2017, p. 4.

<sup>23</sup> FPV, Report on State Repression in Venezuela - August 2017, p. 2. This problem was also warned by FPV during the September 14 hearings at OAS headquarters. In them, it was pointed out that not all imprisonments were ordered by judges or requested by prosecutors, but that many times they obeyed political decisions [Youtube video, Public hearings before the OAS on Venezuela, Lo Más Trinado, September 14, 2017].

<sup>24</sup> Information delivered by Acceso a la Justicia to the IACHR in request for a hearing for the 167th period of sessions, p. 2.

<sup>25</sup> Information submitted by civil society in the framework of the hearing "Denuncias de violaciones de derechos humanos por la justicia militar en Venezuela" [Allegations of human rights violations by the military justice system in Venezuela], held at the 168th Period of Sessions of the IACHR. See also HRW, Venezuelan authorities must be punished for their crimes, January 23, 2018.

<sup>26</sup> IACHR, Press Releases No. 058/17, IACHR deplores repressive measures adopted by Venezuela in the face of protests and condemns the aftermath of deaths and injuries, May 9, 2017; and 048/17, IACHR urges Venezuela to guarantee the right to demonstrate and to demilitarize the streets, April 19, 2017.

<sup>27</sup> FPV, Report on Repression in Venezuela - October 2017, p. 2. Before the IACHR, the FPV argued on October 24, 2017, that by that date there would be 11,989 arbitrarily detained. This implies that in one week, 4 more people would have been arbitrarily detained. On that occasion, the FPV also stated that 7,030 persons were at liberty under precautionary measures [IACHR, Violence, citizen security and freedom of expression in Venezuela, October 24, 2017].

8. The number of arrests is constantly renewed, by virtue of what has been called the “revolving door effect”, with which there is the practice of releasing some from prison and detaining others. This effect explains why the monthly average of persons arbitrarily deprived of liberty is maintained over time<sup>28</sup>. Thus, while as of July 31st, 2017 there were 620 persons deprived of their liberty for political reasons in Venezuela<sup>29</sup>, as of August 31st of that year the figure was 590<sup>30</sup>.

9. Medicos Unidos de Venezuela (MUV) denounced in 2019 the detention of 11 doctors in several states of the country and some 45 cases of persecution, threats and intimidation against medical professionals for protesting or reporting on the crisis in the health system. These cases were registered by Amnesty International<sup>31</sup>. Likewise, the Venezuelan Society of Hematology expressed its rejection of the detention of Dr. Carmelo Jose Gallardo Gomez, hematologist, head of the blood bank of the Central Hospital of Maracay, professor at the University of Carabobo and human rights defender, who was deprived of his liberty for participating in a peaceful demonstration.

10. The Venezuelan Penal Forum has documented that at least 15,045 people were reportedly detained for political reasons between January 2014 and May 2019. Between January and May 2019 alone<sup>32</sup>, there were reportedly 2,091 politically motivated detentions<sup>33</sup>. It is of particular concern that many of these detentions configured enforced disappearances until the authorities revealed the whereabouts of the persons deprived of their liberty<sup>34</sup>. In the facilities of the SEBIN and DGCIM services, cases of torture and other cruel, inhuman and degrading treatment have allegedly occurred; such is the case of: application of electric current, asphyxiation with plastic bags, simulated drowning, beatings, sexual violence, deprivation of water and food, forced postures and exposure to extreme temperatures<sup>35</sup>.



<sup>28</sup> FPV, Report on State Repression in Venezuela - July 2017, p. 6, note 5.

<sup>29</sup> FPV, Report on State Repression in Venezuela - August 2017, p. 5. In the same vein, it should be noted that according to FPV figures, by October 24, 2017, there would be 391 political prisoners [IACHR, Violence, Citizen Security and Freedom of Expression in Venezuela, October 24, 2017].

While by October 31, the figure would have been reduced to 380 [FPV, Report on Repression in Venezuela - October 2017, p. 4].

<sup>30</sup> FPV, Report on State Repression in Venezuela - August 2017, p. 5. In the same vein, it should be noted that according to FPV figures, by October 24, 2017, there would be 391 political prisoners [IACHR, Violence, Citizen Security and Freedom of Expression in Venezuela, October 24, 2017]. Whereas, by October 31, the figure would have been reduced to 380 [FPV, Report on Repression in Venezuela - October 2017, p. 4].

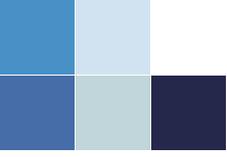
<sup>31</sup> AMNESTY INTERNATIONAL. Gabriela Buada Blondell: Health workers persecuted for making the crisis in Venezuela visible [online] <<https://www.amnistia.org/ve/blog/2019/05/10568/trabajadores-de-la-salud-perseguidos-por-visibilizar-la-crisis-en-venezuela>> Accessed 22.05.19.

<sup>32</sup> Foro Penal, Report on Repression in Venezuela, August 2019.

<sup>33</sup> Foro Penal, Report on Repression in Venezuela, August 2019.

<sup>34</sup> Office of the High Commissioner for Human Rights, Report on the Situation of Human Rights in the Bolivarian Republic of Venezuela, July 4, 2019, para. 42.

<sup>35</sup> Office of the High Commissioner for Human Rights, Report on the Situation of Human Rights in the Bolivarian Republic of Venezuela, July 4, 2019, para. 43.



11. In its 2019 report, OHCHR recognized that the government has used arbitrary detentions as one of the main tools to intimidate and repress political opposition and any expression of dissent, real or alleged, at least since 2014. However, in contrast to what was established by the Venezuelan Penal Forum, the OHCHR was only able to document detailed information on 135 cases of people (23 women and 112 men) arbitrarily deprived of their liberty between 2014 and 2019. Of these, it claims that 23 were detained in 2018 and 8 in 2019.

12. On the other hand, it establishes that some of these cases were forced disappearances until the authorities revealed the whereabouts of the detained persons, days or weeks after their detentions. It also recognizes that in most cases the detentions were carried out in response to individuals exercising their human rights, in particular freedom of opinion, expression, association and peaceful assembly. OHCHR also found serious and repeated violations of fair trial guarantees in each of these cases.

13. In its 2021 update, OHCHR continued to document cases of repression of peaceful protests in the context of the state of alarm in place since March, including arrests of protesters raising their voices over low wages and pensions, deficiencies in public services, and gasoline shortages. However, there is silence about the alarming growth of this problem reported by civil society. PROVEA and the OVCS recorded that up to August, close to 6,000 actions were documented. Of this figure, more than 80% were demonstrations motivated by the demand for Economic, Social, Cultural and Environmental Rights (ESCER), placing socioeconomic shortages at the epicenter of the mobilizations and street actions of citizens<sup>36</sup>.

14. These organizations document that the response of the Venezuelan State to these popular, legitimate and peaceful demonstrations is repression and criminalization. On September 26, 20, members of the National Anti-Extortion and Kidnapping Command (Conas), an elite group of the Bolivarian National Guard (GNB), in coordination with the Yaracuy state police and armed civilians, repressed demonstrators in the city of Chivacoa, Bruzual municipality of Yaracuy, using firearms and toxic substances. This situation left at least 30 people detained, numerous wounded and complaints of cruel, inhumane and degrading treatment, illegal searches in homes of the demonstrators or located in the vicinity of the places where the protests were staged.

15. In the month of December 2020 PROVEA reports that there were at least 33 arbitrary detentions, 7 of them women, corresponding to 21.2% of the total. Two regions shared the first place with more situations occurred: Barinas and Zulia, with 6 situations, followed by Merida, with 4 arbitrary detentions. These unlawful deprivations of liberty occurred in 11 states of the country.



<sup>36</sup> Venezuelan Conflict Observatory. Available at: <https://www.observatoriodeconflictos.org.ve/comunicados-2/provea-y-ovcs-exigen-garantizar-el-derecho-a-la-manifestacion-pacifica-libertad-de-detenedos-y-cese-de-la-represion>

16. The OHCHR also refers to the legal restrictions that have been imposed on freedom of speech in Venezuela. Specifically, the application of anti-hate speech legislation, attacks against human rights defenders and aggressions and arrests of journalists. In this regard, we should mention what Espacio Publico pointed out in its latest report on freedom of expression in Venezuela<sup>37</sup>, where limitations are documented from the circulation of information on the Covid-19 pandemic. Illegitimate deprivations of liberty, indirect restrictions on coverage and the attack on public workers, especially in the health sector, aggravated a generalized misinformation about the global health crisis and its local impact, preceded by a complex humanitarian emergency, also characterized by opacity. However, the High Commissioner does not make a categorical pronouncement on this matter, making this situation visible. Despite the omissions of the cases reported by human rights organizations, the Venezuelan State has not complied with the High Commissioner's recommendations.

#### **d) Extrajudicial executions**

In the OHCHR report on the situation of human rights in the Bolivarian Republic of Venezuela of July 4th, 2019, the State is requested to:

**(b) Immediately adopt measures to cease, remedy and prevent human rights violations, in particular serious violations such as torture and extrajudicial executions.**

**(i) Dissolve the FAES and establish an impartial and independent national mechanism, with the support of the international community, to investigate extrajudicial executions carried out in the course of security operations, ensure that those responsible are held accountable, as well as that the victims receive reparations (...)."**

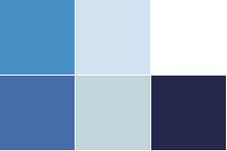
**(j) Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.**

About the implementation of these recommendations:

1. In July 2015, high-level government officials announced the launch of "Operation Liberation of the People" (OLP) as a proactive anti-crime measure. Following public outcry over abuses committed during these operations, the government subsequently had to acknowledge them, and an investigation by the Public Prosecutor's Office in mid-2017 produced a policy shift away from the model of large-scale operations. However, the security forces continued to carry out more targeted killings of criminals or persons deemed to be criminals<sup>38</sup>.

37 Public Space: <http://espaciopublico.org/situacion-general-del-derecho-a-la-libertad-de-expresion-informe-enero-agosto-2020/>

38 UN. HRC. "Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela." September 15, 2020, paras. 1017. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf)



2. The Committee of Relatives of Victims (COFAVIC), documented 1,396 cases of alleged extrajudicial executions in 2015 alone (37% more than 2014) and 2379 in 2016 (70% more than the previous year)<sup>39</sup>. According to said organization, the first quarter of 2017 presented an increase of 11% compared to the first quarter of 2016, confirming the trend of increasing violent deaths<sup>40</sup>. Regarding the alleged perpetrators, the cases of extrajudicial executions registered by COFAVIC, show that the vast majority would be alleged CICPC officers (70%), followed by alleged PNB officers or municipal police (33%), GNB troops (3%) and security forces along with armed civilian groups (8%)<sup>41</sup>.

3. Human Right Watch (HRW) reported that, as of July 2015, with the mobilization of more than 80,000 members of the OLP throughout the country, by order of President Maduro, “to address the worsening insecurity situation”, police and military raids carried out in popular communities brought numerous abuses, including extrajudicial executions.

4. Specifically, in February 2016, who was the Attorney General, Luisa Ortega Diaz, before her illegitimate dismissal, stated that 245 people had been killed during OLP raids in 2015 and dozens more had died from the same causes in 2016<sup>42</sup>. In November 2017, again the then Attorney General indicated that security forces had killed more than 500 people during these operations<sup>43</sup>. In repeated statements, government officials claimed that the deaths occurred during “confrontations” with armed criminals; however, in at least 20 cases, relatives of victims or witnesses indicated that no confrontation took place, with numerous cases in which the victims were last seen alive while in police custody<sup>44</sup>.

5. In September 2018, the OVCS counted 14 people killed in the context of protests. Among the victims were women and children. Most of the deaths resulted from the use of firearms. In many cases the participation of agents of the security forces has been denounced<sup>45</sup>. This is the case of Evelio Jose Rodriguez, 12 years old, who died of gunshot wounds, during a nighttime protest carried out by neighbors of the San José de Chirica sector to demand drinking water and in rejection of the blackouts. According to the information, four policemen from the State of Bolivar are being held for this incident<sup>46</sup>. The Commission reiterates its strong call to the Venezuelan State to stop all acts of repression against peaceful demonstrations, and to immediately adopt appropriate measures to protect the population from all forms of violence, including women, children and the elderly<sup>47</sup>.



<sup>39</sup> COFAVIC, Extrajudicial executions, 40 stories of 6385 ignored lives 2012-2017, 2017, pp. 39-40.

<sup>40</sup> COFAVIC, Extrajudicial executions, 40 stories of 6385 ignored lives 2012-2017, 2017, 2017, p. 59.

<sup>41</sup> COFAVIC, Extrajudicial executions, 40 stories of 6385 lives ignored 2012-2017, 2017, 2017, p. 68.

<sup>42</sup> HRW, World Report: Venezuela events of 2016. Available at: <https://www.hrw.org/es/world-report/2017/country-chapters/297989#>

<sup>43</sup> HRW <https://www.hrw.org/es/news/2019/09/18/venezuela-ejecuciones-extrajudiciales-en-zonas-de-bajos-recursos>

<sup>44</sup> HRW, World Report: Venezuela events of 2016. Available at: <https://www.hrw.org/es/world-report/2017/country-chapters/297989#>

<sup>45</sup> Observatorio de Conflictividad Social, Social Conflictivity in Venezuela during October 2018, November 13, 2018. In turn, the same information has been provided by civil society organizations in the framework of the hearing “Humanitarian Situation and Mechanisms of Social Control in Venezuela,” held at the 169th Period of Sessions of the IACHR. It also arises from the request for a hearing delivered to the IACHR by the Venezuelan Network of Civil Society Organizations Sinergia, Acceso a la Justicia, Instituto Prensa y Sociedad (IPYS), Centro de Justicia y Paz (Cepaz), Programa Venezolano de Educación Acción (Provea), Movimiento Ciudadano Dale Letra, Prepara Familia and Asociación Médicos Unidos de Venezuela, for the 170th Period of Sessions. Same information on deaths in context of protest in 2018 provides Sinergia, Los Derechos de Asociación y Participación en un contexto de adversidad: caso Venezuela, December 2018.

<sup>46</sup> Information available on site of the Venezuelan Observatory of Social Conflict.

<sup>47</sup> IACHR, Situation of Human Rights in Venezuela - “Democratic Institutionalality, Rule of Law and Human Rights in Venezuela”, 2018, para. 229.

6. The Venezuelan State made in 2016 a declaration of State of Exception, which since then has been renewed every 60 days<sup>48</sup>, through which the president activated different civic-military strategic security plans for the joint operation of the armed forces, militias and civilians. These policies imply an increase in the militarization of State institutions.

7. On January 17, 2017, the president of the Republic presented, in a national chain, the Carabobo 2021 Plan in matters of citizen security which, as he indicated, groups the following security policies<sup>49</sup>:

(i) Movement for Peace and Life, established in 2013 through which “peace zones” were created which, according to information received, would have become “territories liberated for crime”<sup>50</sup>;

(ii) Patria Segura and Patrullaje Inteligente, implemented towards the second half of 2013 and which, according to statements made by President Maduro, involved the deployment of the FANB<sup>51</sup>;

(iii) Cuadrantes de la Paz, a form of territory division created by the MPPRIJP in 2013 and implemented around February 2014<sup>52</sup>;

(iv) Intelligence System of Popular Protection for Peace (SP3), a citizen surveillance “strategy” coordinated by the SEBIN, whose antecedents date back to 2008<sup>53</sup>. According to reports, this system promotes the figure of “cooperating patriots” used in cases of persecution of human rights defenders, political leaders, journalists, among others<sup>54</sup>;

(v) Operation of Humanist Liberation of the People (OLHP), this is a security plan implemented since 2017 and which, according to statements by the president, constitutes a moderate and “humanist” version of the OLP, an operation launched in 2015 and which has received serious allegations of human rights violations<sup>55</sup>.



<sup>48</sup> Presidential Decree N°2323.

<sup>49</sup> Cadena completa, Nicolas Maduro activates six lines to combat insecurity, January 17, 2017.

<sup>50</sup> COFAVIC, Extrajudicial executions, 40 stories of 6385 ignored lives 2012-2017, 2017, p. 30.

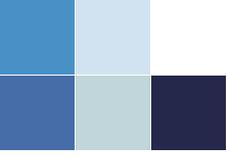
<sup>51</sup> Correo del Orinoco, El objetivo del Plan Patria Segura es establecer un sistema de protección para el pueblo, June 13, 2013.

<sup>52</sup> COFAVIC, Extrajudicial executions, 40 stories of 6385 ignored lives 2012-2017. 2017, p. 31.

<sup>53</sup> This strategy would be similar to the one attempted by former President Hugo Chávez in 2008 [Emol, Hugo Chávez repeals controversial “sapo law” in Venezuela, June 10, 2008] and in 2012 for any person to perform intelligence work if requested by the authorities. In 2012, the then President of the Republic, again tried to introduce the essence of what was nicknamed “sapo law” with the approval of the Organic Law against Crime [Tal Cual Digital, Regreso de la Ley Sapo, February 2, 2012; and El Pitazo, Gobierno reedita la ‘ley sapo’ tras últimas protestas, December 30, 2016].

<sup>54</sup> Also in police reports, the term “cooperating patriots” has been used to refer to informants or denouncers of common crimes. This practice would have derived in aggressions and murders of neighborhood leaders whom members of criminal gangs have blamed for informing on them to the authorities [COFAVIC. Ejecuciones extrajudiciales, 40 historias de 6385 vidas ignoradas 2012-2017, 2017, 2017, p. 31; and La Nación, “Patriotas cooperantes”: otra arma del chavismo contra los opositores, 30 January 2016].

<sup>55</sup> Noticias 24, Nicolas Maduro Annual Message to the Nation, 15 January 2017; Correo del Orinoco, Incorporarán 10 mil funcionarios a la PNB| Presidente Maduro ordena reforzar las OLP durante 2017 con un nuevo carácter humanista, 15 January 2017; and Venezuelanalysis, Venezuela’s Maduro Highlights Social Achievements in Annual Address to the Nation, 16 January 2017.



(vi) Plan Zamora, consists of a “civic-military” plan activated in 2017 in response to the demonstrations that took place since April, leaving a large number of complaints of disproportionate use of force, arbitrary detentions, among other serious human rights violations.

8. HRW and Provea, indicated that in the OLP operations in 2016 alone, had resulted in 445 deaths<sup>56</sup>. They denounced that this operation carries out surprise, massive and illegal raids, by police and military forces, of homes in humble sectors in the context of which serious violations of fundamental rights have occurred, without the state agents being held accountable for their actions<sup>57</sup>. They pointed out that in 24 of these operations, 14,000 massive and arbitrary detentions were carried out, of which only 100 had been charged.

9. At the same time, COFAVIC has followed up on the implementation of Operation Liberation of the People (OLP) and Plan Zamora (PZ). According to the information received, there was a sustained increase in extrajudicial executions, registering in 2015, 37% more cases than in 2014; and in 2016, 70% more than the previous year<sup>58</sup>.

10. The organizations indicated that they have received direct testimony from victims regarding that, at least, 20 people would have been executed after being neutralized. They also indicated that the raids were carried out during the night, with theft of belongings, destruction of property, burning of houses, and that during the arrests they were not informed of the reasons for the arrests. They also denounced an insufficient response from the Public Prosecutor’s Office and the Ombudsman’s Office.

11. Most of the executions examined by HRW coincide with abusive police practices that several security agencies have been employing for years. Between 2015 and 2017, Venezuelan security forces conducted raids in low-income communities as part of the OLP. Participating security forces included the Bolivarian National Guard, the Bolivarian National Police (PNB), the Bolivarian National Intelligence Service (SEBIN), the Scientific, Criminal, and Criminal Investigations Corps (CICPC), and state police forces<sup>59</sup>.

12. Through the investigations carried out in the project “A Magnifying Glass for Life”, PROVEA recorded that the Bolivarian National Police was responsible for 23.55% of the total number of murders, followed by the state police forces, with 25.71%, the Scientific, Criminal and Criminalistic Investigations Corps (CICPC), with 17.52%, and the Bolivarian National Armed Forces (FANB), with 10.61%, mostly through the Bolivarian National Intelligence Forces (SEBIN), the Scientific, Criminal and Criminalistic Investigations Corps (CICPC), with 17.52%; and the Bolivarian National Armed Forces (FANB), with 10.61%, mostly through its Bolivarian National Guard (GNB) of some 2,853 people who were killed by the different armed bodies of the Venezuelan State in 2020<sup>60</sup>.



<sup>56</sup> HRW and Provea, Poder sin Límite (2016).

<sup>57</sup> IACHR, Hearing on human rights and “Operation Liberation of the People” in Venezuela, April 4, 2016.

<sup>58</sup> COFAVIC, Ejecuciones extrajudiciales, 40 historias de 6385 vidas ignoradas 2012-2017, 2017, pp. 39-40.

<sup>59</sup> HRW, Venezuela: Extrajudicial executions in low-resource areas: A pattern of serious police abuses that go unpunished, September 18, 2019. Available at: <https://www.hrw.org/es/news/2019/09/18/venezuela-ejecuciones-extrajudiciales-en-zonas-de-bajos-recursos>

<sup>60</sup> DW, Police and military executed nearly 2,900 people in Venezuela in 2020, according to NGO, March 9, 2021. Available at: <https://www.dw.com/es/polic%C3%ADas-y-militares-ejecutaron-a-casi-2900-personas-en-venezuela-en-2020-seg%C3%BAAn-ong/a-56819643>

13. In all the cases HRW investigated, armed FAES agents wore black police uniforms. In several cases, their faces were covered, they arrived in black vans without license plates, and they broke into homes in low-income neighborhoods. The agents often forced the victims' families to leave before carrying out the executions. In several cases, they also stole food and other items difficult to obtain in Venezuela due to the economic and humanitarian crisis<sup>61</sup>.

14. Amnesty International went so far as to point out that in the framework of the OLP, many of the deaths occurred inside homes, against adolescents and in the presence of family members and children, after the officers entered the homes without identification and without presentation of a warrant<sup>62</sup>.

15. HRW also recorded that, between 2016 and 2019, almost 18,000 people died at the hands of security forces in Venezuela in situations of alleged "resistance to authority"<sup>63</sup>. Despite this, other agencies such as Amnesty International related according to their own studies that, in many of the cases analyzed, it was notorious that despite the fact that security officials alleged the existence of a confrontation or resistance against authority by the victims, it was not clear from the judicial records that any official was injured in those contexts, and even in many of the cases it could not even be proven that the victim had fired a firearm during the events that led to his death. According to most of the available autopsies that Amnesty International has analyzed, it is clear that Venezuelan state security officials have used abusive force<sup>64</sup>.

16. The practice of extrajudicial executions has reached alarming levels in Venezuela, and from 2012 to 2019 COFAVIC has registered a total of 10,971 alleged cases, of which 3684 have occurred between 2017 and 2018 alone<sup>65</sup>.

17. In fact, as they stated in their Report "Esto No Es Vida: Seguridad Ciudadana y Derecho a la Vida en Venezuela" (This is no life: Security and the right of life in Venezuela), "Amnesty International has been able to identify indications that force was used in an intentionally lethal manner and extrajudicial executions were carried out by security forces"<sup>66</sup>.



<sup>61</sup> HRW, Venezuela: Extrajudicial executions in low-resource areas: A pattern of serious police abuses that go unpunished, September 18, 2019. Available at: <https://www.hrw.org/es/news/2019/09/18/venezuela-ejecuciones-extrajudiciales-en-zonas-de-bajos-recursos>

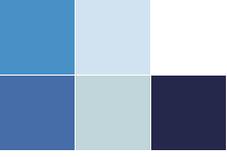
<sup>62</sup> Amnesty International, "Esto No Es Vida: Citizen Security and the Right to Life in Venezuela," 2018, p. 38.

<sup>63</sup> HRW, Venezuela: Extrajudicial Executions in Low-Resource Areas: A Pattern of Serious Police Abuses Go Unpunished, September 18, 2019. Available at: <https://www.hrw.org/es/news/2019/09/18/venezuela-ejecuciones-extrajudiciales-en-zonas-de-bajos-recursos>

<sup>64</sup> Amnesty International, "Esto No Es Vida: Citizen Security and the Right to Life in Venezuela," 2018, p. 41.

<sup>65</sup> OMCT and COFAVIC. "Venezuela: internal enemies. The defense of human rights under attack." March 2020, p. 13. Available at: [https://www.omct.org/files/2005/03/25728/venezuela\\_informe\\_2020.03\\_informe\\_completo.pdf](https://www.omct.org/files/2005/03/25728/venezuela_informe_2020.03_informe_completo.pdf).

<sup>66</sup> Amnesty International, "Esto No Es Vida: Seguridad Ciudadana y Derecho a la Vida en Venezuela," 2018, p. 42.



18. Investigations carried out by these organizations showed a high disparity between the number of people killed by members of the security forces and the number of security personnel injured or killed in OLP raids, suggesting that the illegitimate use of lethal force could be much higher than the number of cases analyzed by PROVEA and HRW<sup>67</sup>.

19. Based on its investigation and given the high number of deaths allegedly due to “resistance of authority,” the International Fact-Finding Mission found reasonable grounds to believe that the FAES and the CICPC committed extrajudicial executions during the operations described, characterized by the repetition of the conduct and the similarities in the modalities of the operations<sup>68</sup>. In fact, the Mission was able to verify that in the cases investigated and examined, there was a pattern of allegations that the police attempted to cover up the killings by simulating confrontations<sup>69</sup>.

20. According to the report of the Commission for Human Rights and Citizenship (CODEHCIU), presented in 2019, it was possible to evidence that during that year in the state of Bolivar, where there is a high presence of organized crime gangs that have control over the territory, 218<sup>70</sup> victims of alleged extrajudicial executions or potentially unlawful killings were recorded. The previous year, between April 2018 and April 2019, CODEHCIU had registered a total of 140 victims.

21. Faced with this situation, the UNHCHR makes mention of the FAES (Special Actions Force of the Bolivarian National Police) in the following terms:  
“A rapid response unit created in 2017 to combat organized crime, these have allegedly been responsible for numerous extrajudicial executions in security operations, as has the CICPC. The intelligence services (the SEBIN and the DGCIM) have been responsible for arbitrary detentions, mistreatment and torture of political opponents and their relatives”

22. In the same report, the OHCHR described a modus operandi that aggravated the actions perpetrated. Among the characteristics included were the use of black vehicles without license plates, blocking access points, wearing black clothes and lacking identification signs, with covered faces and carrying long weapons. It was common for security forces to break into homes, seize belongings, exercise gender violence and execute people with shots to the chest<sup>71</sup>.



<sup>67</sup> HRW, Provea, Power without Limits Police and Military Raids on Popular and Immigrant Communities in Venezuela, April 2016, p. 11.

<sup>68</sup> para. 1279

<sup>69</sup> para. 1282

<sup>70</sup> Codehciu, In 2019, there were 218 victims of extrajudicial executions in Bolivar, February 11, 2020. Available at: <https://codehciu.org/en-2019-hubo-218-victimas-de-ejecuciones-extrajudiciales-en-bolivar/#:~:text=In%20the%20%20C3%BAltimo%20reporte%20de,il%20C3%ADcitas%20en%20el%20el%20estado%20Bol%20C3%ADvar>.

<sup>71</sup> OHCHR. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela. July 4, 2019. Available at: <https://bit.ly/33PZJq6>, para. 12, p. 3.

23. In its recent update report, the OHCHR mentioned the situation in the La Vega neighborhood on January 12th, 2021, where at least 14 people died in security operations, requesting the Venezuelan State, among other things, to carry out the relevant investigations and put an end to this practice<sup>72</sup>. PROVEA estimates that at least 23 people lost their lives in this “security” operation led by the FAES<sup>73</sup>.

24. The FFM issued its first conclusive report in September 2020, which examined 2,417 incidents in which security forces killed 4,681 individuals including outside the context of PLOs, between the years 2014 to 2019. It dealt with 96 cases in 2014, 119 cases in 2015, 177 in 2016, 178 in 2017, 625 in 2018 and 1222 in 2019, highlighting that these do not represent the totality of cases of deaths caused by security forces. The most conservative estimates indicate that the number of people killed is more than 10 times the number of reported cases, in most years<sup>74</sup>.

However, in its 2021 update, the OHCHR does not know that the security operation was carried out by the FAES, an organization that has already been strongly questioned by NGOs and, as we have pointed out, by the OHCHR itself, failing to establish indications of possible responsibilities, but also avoided referring to the terror practices inflicted by its operations.

26. Instead of investigating the numerous allegations of human rights violations committed by members of the FAES, the Venezuelan authorities have defended their actions. As evidence, HRW highlighted in July 2019 President Maduro’s speech, where he stated: “Long live the FAES!” and expressed his full support “for the FAES in its daily work”<sup>75</sup>.

27. According to figures provided by Monitor de Víctimas, 1,231 civilians killed by the FAES in 2019, in total there were 877 alleged confrontations in which the FAES killed 1,231 people, in contrast to two dead members<sup>76</sup>.

28. In this regard, Monitor de Víctimas indicated the following figures of deaths at the hands of the FAES during 2019, 85 in January, 94 in February, 74 in March, 106 in April, 137 in May, 120 in June, 136 in July, 178 in August, 114 in September, 90 in October, 66 in November, 31 in December<sup>77</sup>.

29. In 2020, the pattern of their actions remained the same, the FAES killed 121 people during the first month of the year, they caused death in 16 states of the country, highlighting Zulia, followed by Lara and Miranda, all the dead were men<sup>78</sup>.



<sup>72</sup> (...) We continue to receive reports of extrajudicial executions in the context of security operations. In early January, at least 14 people were reportedly killed during an operation in the Caracas neighborhood of La Vega. Recalling the announcements of police reforms, I call for prompt and independent investigations to ensure accountability, prevent similar events and put an end to this practice (...)

<sup>73</sup> <https://efectocucuyo.com/sucesos/provea-registra-23-muertos-en-masacre-de-la-vega-e-insta-al-defensor-del-pueblo-a-pronunciarse/>

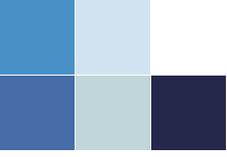
<sup>74</sup> UN. HRC. “Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela.” September 15, 2020, paras. 1267. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf)

<sup>75</sup> HRW, Venezuela: Extrajudicial executions in resource-poor areas: A pattern of serious police abuses that go unpunished, September 18, 2019. Available at: <https://www.hrw.org/es/news/2019/09/18/venezuela-ejecuciones-extrajudiciales-en-zonas-de-bajos-recursos>

<sup>76</sup> Victims Monitor, More details in #MonitordeVíctimas, February 12, 2020, Available at: <https://bit.ly/2Z2RJRH>

<sup>77</sup> Victims Monitor, More details in #MonitordeVíctimas, February 12, 2020, Available at: <https://bit.ly/2Z2RJRH>

<sup>78</sup> Tal Cual, Las FAES iniciaron 2020 mataron cuatro veces más que en diciembre, March 1 2020, Available at: <https://bit.ly/2VLjN9Z>



**30.**As evidence, testimonies and denunciations collected by the Fundaredes documentation team, reflected in their investigation called “Security Corps act as extermination groups in the border states of Venezuela”, point out the FAES, the CICPC, the National Guard and the National Anti-Kidnapping Command (Conas) as the main perpetrators of an endless number of murders committed under the most astonishing impunity. According to the analysis of the data compiled by the NGO, in the first quarter of the year 2020 there were 252 deaths in the midst of alleged armed confrontations between criminals and police and military bodies. The participation of the different State security forces in the practice of extrajudicial executions, totaling more than 250 victims, only in the first quarter of 2020, according to Fundaredes, once again re-starts “the culture of death and violence” imposed by the irregular armed groups and criminal gangs in the border states of the country”<sup>79</sup>.

**31.**According to the organization, the actions of the FAES have been emulated by other security forces, indicating that “they copy a pattern that, in many cases, includes stalking and extortion of the victims, generally ex-convicts, whom they harass to obtain money”. Thus, the complacent attitude of the State towards the actions of the FAES has led to a large extent to the fact that in the towns closest to the border line, extrajudicial executions are carried out by members of the National Guard, who end up identifying the victims as members of paramilitary groups or criminal gangs operating in these regions<sup>80</sup>.

**32.**More specifically, for the inhabitants of the state of Bolivar, potentially unlawful killings or extrajudicial executions are a daily reality. In one of the most recent reports of the Commission for Human Rights and Citizenship (Codehciu) 127 cases of this nature are denounced, corresponding to the first semester of 2020; and some relatives, who are indirect victims, deny the official versions of the security agencies. “The people interviewed constantly referred to the FAES as a “death squad” or an “extermination group”, according to the NGO’s report. The document also warns that the leading agency in terms of potentially unlawful deaths in Bolivar state is the CICPC, followed by the FAES with 22 victims and the Criminal Investigation Service of the Bolivar State Police (Sipeb), with 1181.

**33.**In this context, on April 16, 2021, in the parish of La Vega, a similar situation occurs. A new confrontation between officers of the Special Action Forces of the Bolivarian National Police and members of a criminal gang operating in the west of Caracas. Police officers, among them from the Directorate against Organized Crime and the Directorate of Criminal Investigation entered the sector to carry out an operation. To date, there has been no statement from the Venezuelan State guaranteeing due process or accountability for this operation.



<sup>79</sup> Fundaredes, “Organismos de seguridad con licencia para matar en la frontera venezolana,” July 24, 2020. Available at: <https://www.fundaredes.org/2020/07/24/fundaredes-organismos-de-seguridad-con-licencia-para-matar-en-la-frontera-venezolana/>

<sup>80</sup> El Universal, “Fundaredes: más de 250 personas han sido ejecutadas en fronteras del país,” July 24, 2020. Available at: <https://www.eluniversal.com/politica/76443/fundaredes-mas-de-250-personas-han-sido-ejecutadas-en-fronteras-del-pais>

<sup>81</sup> Codehciu, Bolivar registers 127 extrajudicial executions during the first semester of 2020, August 4, 2020. Available at: <https://codehciu.org/bolivar-registra-127-ejecuciones-extrajudiciales-durante-el-primer-semester-de-2020/>

34. Finally, HRW reports how different Venezuelan security forces began an offensive in Apure state on March 21st, 2021 with the alleged purpose of combating armed groups operating in Venezuela. The operation resulted in the execution of at least four peasants, arbitrary detentions, the prosecution of civilians before military courts, and torture of residents accused of collaborating with armed groups. These cases follow a similar pattern to the systematic abuses by the regime's security forces that have led to international investigations into possible crimes against humanity in Venezuela. In this regard, Jose Miguel Vivanco, HRW's director for the Americas, mentions:

"The atrocities committed against residents of Apure are not isolated incidents by insubordinate agents, but are consistent with systematic abuses by Maduro's security forces." "International investigations into these crimes are critical in the face of the growing volume of evidence implicating the agents who have committed abuses, as well as the commanders and senior officials who knew or should have known what was occurring during these operations."

35. The Fundaredes Organization has also reported that the Curve of Violence corresponding to the first quarter of the year 2021 reveals the situation of vulnerability experienced by the Venezuelan population, especially in the border region in the presence of irregular armed groups that, with the authorization and complacency of the State, have become the owners of these territories exercising force to intimidate. In fact, in the first quarter of 2021 there were 113 alleged clashes involving State security agencies that left 161 victims, events that should be considered extrajudicial executions, although they are officially reported as clashes to justify the use of weapons<sup>82</sup>. At the end of April of the Curve of Violence Report, Fundaredes evidenced an increase in crime figures in the states of Táchira, Zulia, Bolívar, Falcon, Apure and Amazonas leaving a balance of 99 people murdered, 55 missing, and 28 armed confrontations<sup>83</sup>.

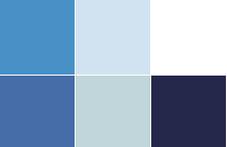
36. Regarding all this structure of unlawful deprivation of life, no effective investigations have been carried out nor have responsibilities been demanded for these deaths according to the International Fact-Finding Mission, despite the fact that the investigation of violations of the right to life must be initiated ex officio and the very failure to investigate a report of unlawful killing may in itself constitute a violation of the right to life<sup>84</sup>.



82 Fundaredes, "El Estado venezolano es el responsable de la violencia en la frontera", April 26, 2021. Available at: <https://www.fundaredes.org/2021/04/26/fundaredes-el-estado-venezolano-es-el-responsable-de-la-violencia-en-la-frontera/>

83 Fundaredes, "Grave ola de violencia se registra en la frontera venezolana," May 3, 2021. Available at: <https://www.fundaredes.org/2021/05/03/fundaredes-grave-ola-de-violencia-se-registra-en-la-frontera-venezolana/>

84 UN. HRC. "Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela." September 15, 2020, paras. 1285. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf)



To date, the Venezuelan State has not disbanded the FAES, which continue to carry out operations in popular neighborhoods and vulnerable areas in the periphery of the country, without any type of control and/or accountability. Furthermore, it has not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.

**e) Torture**

OHCHR in its report on the situation of human rights in the Bolivarian Republic of Venezuela on July 4th, 2019, recommends to the State the following;

**(b) Immediately adopt measures to cease, remedy and prevent human rights violations, in particular serious violations, such as torture and extrajudicial executions;  
In implementing these recommendations:**

1. Venezuela has had a worrying turn regarding the use of cruel treatment and torture as a pattern of systematized abuse by the security forces. As a reference we can observe the report corresponding to the period October 1988 - December 1989 published by the organization PROVEA, which even after the events of the Caracazo, managed to count a total of 10 cases of torture, with 4 people dead as a result of the punishments inflicted by police and military, more than 30 years later things have changed and not for the better<sup>85</sup>.
2. As a result of the protests against the Venezuelan government that took place in 2014, there was an aggravation of the situation of torture in Venezuela, and from that moment on the execution of such practices has come to be considered systematic. During that year at least 185 people were subjected to acts of this nature<sup>86</sup>.
3. On the same date, the Committee Against Torture (CAT) expressed its concern about the high rate of impunity in cases of torture. In this regard, it pointed out that, according to information sent by the State itself, of the 31,096 complaints filed between 2011 and 2014, the Public Prosecutor's Office only filed an indictment in 3.1% of the cases. Because of this, CAT urged the State to, among other things: (i) ensure that any act constituting complicity or participation in torture is criminalized as such and punished with appropriate penalties that take into account its gravity; (ii) investigate ex officio and in a



85 PROVEA, Annual Report 2019 | State Terrorism generated 574 victims and 23 killed under torture, January 27, 2020. Available at: <https://provea.org/actualidad/informe-anual-2019-terrorismo-de-estado-genero-574-victimas-y-23-asesinados-bajo-torturas/>

86 Provea, Venezuela: 23 killed under torture in 2019, February 9, 2020. Available at <https://www.derechos.org/ve/opinion/venezuela-23-asesinados-portortura-en-2019>

prompt, thorough and impartial manner the allegations of torture and ill-treatment allegedly committed by law enforcement officials; (iii) accelerate the process of restructuring, purging and training of the police forces; (iv) report within one year the measures adopted<sup>87</sup>.

4. According to the Venezuelan Penal Forum, between April 1st and July 31st, 2014, 5,051 people were illegally apprehended; many of them claimed to have suffered various types of affronts by their custodians. Similarly, the Casla Institute outlined 120 cases of torture executed subsequent to the arbitrary detention of the victims in the context of demonstrations<sup>88</sup>.

5. In the report “Que no quede rastro” (Let there be no trace), presented by the Human Rights Center of the Universidad Católica Andrés Bello (CDH-UCAB), it was stated that in addition to having committed the crime against humanity per se, a series of illegal practices were also carried out to hide the link between the State agencies and the people who were victims of torture, during the repression of the demonstrations that took place between February and July 2014<sup>89</sup>.

6. These strategies used by the Venezuelan State included: the incommunicado detention of detainees, the transfer of injured persons to military institutions and hospitals, pressures on victims, the use of the Public Defense to avoid complaints, omissions by judges during the presentation hearings, the transformation of victims into victimizers, the confusion between forensic medical examination and medical examination at the place of detention, the removal and disappearance of evidence of ill-treatment and torture, and pressures on doctors. The CDH-UCAB concludes that it was “evident the difficulty to file complaints of ill-treatment or torture and the timely conduct of the medical examination”, violating the United Nations Body of Principles for the Protection of Persons under Imprisonment and the Istanbul Protocol<sup>90</sup>.

7. In 2013 and 2014, the Bolivarian National Guard led the statistics coinciding with two periods of high conflict in which this component of the Bolivarian National Armed Forces played a leading role. For 2015, the CICPC resumed its historical leadership within the framework of the execution of the People’s Liberation Operation (OLP) and the decrease in social conflict in the country<sup>91</sup>.



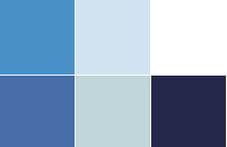
<sup>87</sup> Presidential Commissioner for Human Rights, p. 23 citing CAT, Concluding observations on the combined third and fourth periodic reports of the Bolivarian Republic of Venezuela, December 12, 2014. Available at file:///C:/Users/derec/Downloads/G1424175.pdf.

<sup>88</sup> Presidential Commissioner for Human Rights, p. 23.

<sup>89</sup> CDH UCAB, Que no quede rastro: El ocultamiento de evidencia médica y legal en el marco de manifestaciones y detenciones, April 2015.

<sup>90</sup> CDH UCAB, Que no quede rastro: El ocultamiento de evidencia médica y legal en el marco de manifestaciones y detenciones (Let there be no trace: The hiding of medical and legal evidence in the framework of demonstrations and detentions), April 2015.

<sup>91</sup> PROVEA, Informe Anual 2019 | Terrorismo de Estado generó 574 víctimas y 23 asesinados bajo torturas, January 27, 2020. Available at: <https://provea.org/actualidad/informe-anual-2019-terrorismo-de-estado-genero-574-victimas-y-23-asesinados-bajo-torturas/>



8. In July 2016, PROVEA denounced that, since May, the SEBIN and the GNB reportedly detained 21 people, most of whom claimed to have been tortured or suffered other abuses while in custody<sup>92</sup>. He also reported the identification of 18 victims of torture, which represents an increase of 300% compared to 2015<sup>93</sup>. Likewise, during 2016, 473 victims of cruel, inhuman or degrading treatment or punishment were identified, 320 less than in 2015, and highlighted “the occurrence of cases involving groups of victims exceeding ten, and which occurred in prison facilities”<sup>94</sup>.

9. In October 2016, the World Organization Against Torture (OMCT) reported on the forced disappearance of Carlos Gabriel Marchena Silva, Eliecer Ramirez, Anthony Vargas, Antonio Miguen Aladejo, Luis Alirio Sanz, Dennys Acevedo, Oscar Rodriguez, Yorman Mejias, Freddy Hernandez, Kendri Gonzalez, Víctor Manuel Martínez, Susano Farfan and Jairo Rivas; in the municipality of Acevedo, Miranda state and urged the authorities to locate them. He indicated that the arrests were made in one of the OLP operations, between October 7th and 15th, with the participation of at least 18 Army officers. He expressed his fear that the alleged victims may have suffered ill-treatment or may have been victims of extrajudicial execution, since as of November 4 there had been no news of their whereabouts or physical condition, despite the fact that the facts were denounced before the Public Prosecutor’s Office and the Ombudsman’s Office<sup>95</sup>.

10. Different Venezuelan human rights organizations also submitted an informative document to the CAT, in which they highlighted the lack of investigation, prosecution and punishment of those responsible for torture until 2017. In this regard, the organizations indicated that in the alleged investigations initiated by the Public Prosecutor’s Office, no official had been summoned to testify, much less charged for the torture carried out<sup>96</sup>.

11. Since 2018, the IACHR has followed up on information on alleged torture and cruel, inhuman and degrading treatment committed by State agents against persons deprived of liberty in Venezuela. Prior to 2017, there were already complaints about highly reprehensible acts of this nature. In particular, in 2015 the IACHR received information on 51 cases of alleged torture, cruel, inhuman and degrading treatment, only between January and June, which was an increase of 28% over the previous year<sup>97</sup>.



<sup>92</sup> HRW, Venezuela: Dissidents denounce torture and forced confessions, July 27, 2016.

<sup>93</sup> PROVEA, Human Rights Situation in Venezuela: Annual Report January/December 2016, Right to personal integrity, pp. 3 and 6-8.

<sup>94</sup> PROVEA, Human Rights Situation in Venezuela: Annual Report January/December 2016, Right to personal integrity, p. 3.

<sup>95</sup> OMCT, Case VEN 041116, Enforced disappearance / Fear for personal integrity / Fear for impunity, November 4, 2016.

<sup>96</sup> CDH-UCAB; Espacio Público, PROVEA, De aquella Impunidad vienen estas torturas, 2017. Available at [http://w2.ucab.edu.ve/tl\\_files/CDH/imagenes/Epu%20Vzla%202016/De%20aquella%20aquella%20impunidad%20FIN.pdf](http://w2.ucab.edu.ve/tl_files/CDH/imagenes/Epu%20Vzla%202016/De%20aquella%20aquella%20impunidad%20FIN.pdf).

<sup>97</sup> IACHR, Press Release No. 120A/15, Report on the 156th Period of Sessions of the IACHR, December 24, 2015; and Annual Report 2015, Chapter IV.B, Venezuela, para. 33.

12. For 2016, the Army was at the forefront as the most torturing agency when it was incorporated in the second phase of the OLP. For 2017 and 2018, the PNB and the DGCIM, respectively, accumulated the highest number of cases coinciding, the former, with its actions to crush the popular rebellion, and the latter, with its role in the persecution and harassment of military personnel accused of being part of conspiracies and coup attempts<sup>98</sup>.

13. The CICPC closed 2019 with 10 complaints involving it in the commission of torture against 259 people. This figure places the agency as responsible for 45.12% of the total number of cases registered in the period<sup>99</sup>. In its 2019 Report<sup>100</sup>, the UNHCHR recognizes the responsibility of the intelligence services (SEBIN and DGCIM) for arbitrary detentions, mistreatment and torture of political opponents and their families. It also establishes the lack of prompt, effective, exhaustive, independent, impartial and transparent investigation.

14. OHCHR also mentions that, according to the Public Prosecutor's Office, 72 complaints of alleged torture and other ill-treatment have been registered in respect of 174 persons detained in the context of protests between 2017 and 2019, without providing information regarding the status of the investigations.

15. The FFM for Venezuela, however, concluded that torture and/or ill-treatment against protesters appeared to be for punitive purposes, as revealed by the language used by security forces to humiliate or insult them. In other cases, the torture and/or ill-treatment was to extract information. In many cases, interviewees reported that security agents forced them to sign documents stating that their rights had been respected and that they had not been mistreated in detention<sup>101</sup>.

16. In 2018, PROVEA recorded more than 100 cases of torture with an equal number of individualized victims, in which, most of them were members of the Bolivarian National Armed Forces, arrested by the General Directorate of Military Counterintelligence (DGCIM), after being accused of participating in conspiracies to overthrow the dictatorship of Nicolas Maduro<sup>102</sup>.

17. The type of practices and treatment inflicted on the tortured soldiers, as observed by HRW and the Venezuelan Penal Forum, were characterized by physical and psychological abuse that included brutal beatings, attempts to



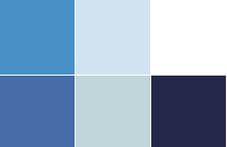
<sup>98</sup> PROVEA, Annual Report 2019 | State Terrorism generated 574 victims and 23 killed under torture, January 27, 2020. Available at: <https://provea.org/actualidad/informe-anual-2019-terrorismo-de-estado-genero-574-victimas-y-23-asesinados-bajo-torturas/>

<sup>99</sup> PROVEA, Annual Report 2019 | State Terrorism generated 574 victims and 23 killed under torture, January 27, 2020. Available at: <https://provea.org/actualidad/informe-anual-2019-terrorismo-de-estado-genero-574-victimas-y-23-asesinados-bajo-torturas/>

<sup>100</sup> Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela. July 4, 2019.

<sup>101</sup> UN. HRC. "Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela." September 15, 2020, paras. 143. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf).

<sup>102</sup> PROVEA, Venezuela: 75% of people tortured in 2018 were military, July 1, 2019. Available at: <https://provea.org/actualidad/venezuela-75-de-las-personas-torturadas-en-2018-fueron-militares/>



suffocate them with plastic bags, cuts with razor blades on the soles of their feet, electric shocks, deprivation of food and access to the bathroom, and death threats. Additionally, it was reported that several detainees did not have access to their relatives or trusted lawyers for days and that during their detention, which took place in prisons or at DGCIM headquarters, detainees have not had access to adequate medical treatment for various health problems<sup>103</sup>.

**18.** The execution of acts of torture is not the result of isolated acts, but of a state policy that follows a chain of command. Traditionally, torture has been used on common prisoners, but as dissidence and the right to demonstrate have been antagonized and criminalized, it has been progressively applied to persons detained or deprived of liberty for political reasons. The CDH-UCAB points out that given its systematic nature, this action has become a de facto policy, aimed at people who demonstrate against the government or who dissent (or are presumed to dissent) from it and concludes that its use has a double intention: the intention to punish, and the intention, through punishment, to send a threatening message to those who decide to adopt a particular behavior<sup>104</sup>.

**19.** The Venezuelan Penal Forum has highlighted that at least 15% of political detainees have reported having suffered torture or mistreatment, which HRW has also reported as cases that do not reflect the true magnitude of the problem, due to the fact that victims often do not report abuses for fear of reprisals<sup>105</sup>.

**20.** The press monitoring and compilation of complaints received by PROVEA between the months of January and December 2019, revealed that during the period 40 cases of torture were reported involving 574 individualized victims. The figures constituted an increase of 526.60% in the number of victims counted, compared to the 12 months of 2018 when it was recorded by the NGO a total of 109 people affected by torture and surpassing the 185 victims recorded in 2014<sup>106</sup>. It was highlighted in this study that 23 people died between the months of January and December 2019 as a result of torture received by law enforcement agents. Compared to the figure recorded in 2018, during the current study period there was an increase of 176.92%<sup>107</sup>.



<sup>103</sup> HRW, Venezuela: Torture of accused conspirators. Detention and abuse of military and their families, January 9, 2019. Available at: <https://www.hrw.org/es/news/2019/01/09/venezuela-tortura-de-acusados-de-conspiracion>

<sup>104</sup> Andrés Bello Catholic University Human Rights Center (CDH UCAB). "Transitional Justice in Venezuela." January 2020, p. 9. Available at: [http://w2.ucab.edu.ve/tl\\_files/CDH/Lineastematicas/LibroJT-CDH.pdf](http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/LibroJT-CDH.pdf).

<sup>105</sup> HRW, Venezuela: Torture of those accused of conspiracy. Detention and abuse of military and their families, January 9, 2019. Available at: <https://www.hrw.org/es/news/2019/01/09/venezuela-tortura-de-acusados-de-conspiracion>

<sup>106</sup> PROVEA, Annual Report 2019 | State Terrorism generated 574 victims and 23 killed under torture, January 27, 2020. Available at: <https://provea.org/actualidad/informe-anual-2019-terrorismo-de-estado-genero-574-victimas-y-23-asesinados-bajo-torturas/>

<sup>107</sup> PROVEA, Annual Report 2019 | State Terrorism generated 574 victims and 23 killed under torture, January 27, 2020. Available at: <https://provea.org/actualidad/informe-anual-2019-terrorismo-de-estado-genero-574-victimas-y-23-asesinados-bajo-torturas/>

21. Likewise, the organization Caleidoscopio Humano managed to collect testimonies of persons deprived of liberty in the Sebin Helicoide in Caracas, who indicated that in 2017 and 2018 officials resorted to ill-treatment and torture to obtain information or confessions, among them people from the LGBTIQ community.

22. In other surveillance headquarters in Caracas, between 2018 and 2019 Human Kaleidoscope had access to testimonies of those allegedly involved in different attacks against the government who affirmed the denial by their custodians of access to the right to health. It highlights the case documented by the organization together with Humano Derecho which was about a young audiovisual producer who was handcuffed for two months in 2018 and bent over 24 hours a day and as a consequence suffered cerebral thrombus and other chronic situations that currently make him convulse.

23. Regarding the responsible organs, through the report of September 16th, 2020, the experts of the United Nations International Independent Fact-Finding Mission stated that they had reasonable grounds to believe that since 2014 the security forces, including the Bolivarian National Guard (GNB), the General Directorate of Military Counterintelligence (DGCIM), the Bolivarian National Police (PNB) and the Bolivarian National Intelligence Service (Sebin), subjected several individuals to beatings, electric shocks, stress positions, exposure to tear gas in enclosed areas, sexual, gender-based violence and psychological suffering constituting torture<sup>108</sup>.

24. The FFM for Venezuela found reasonable grounds to believe that SEBIN agents tortured or subjected detainees to cruel, inhuman and degrading treatment and that this took place during the first days of detention, prior to the initial appearance in court, while the detainees were held incommunicado and learned that many former detainees also witnessed the torture of other non-political detainees in SEBIN facilities<sup>109</sup>.

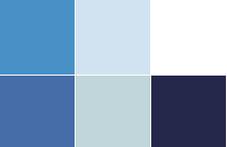
25. In its 2019 report, OHCHR denounced other equally worrying circumstances concerning the conditions of detention of persons deprived of their liberty, characterized by overcrowding, insalubrity, limited access to food, water, sanitation, sunlight and recreation facilities, and restrictions or denial of basic health care<sup>110</sup>. However, in the 2021 update, the High Commissioner did not present a follow-up on the implementation of the recommendations related to the cessation of acts of torture, a truly alarming silence.



<sup>108</sup> UN. HRC. "Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela." September 15, 2020, paras. 1267. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf)

<sup>109</sup> UN. HRC. "Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela." September 15, 2020, paras. 47. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf)

<sup>110</sup> According to the NGO Observatorio Venezolano de Prisiones, in the first quarter of 2019, 37 inmates died for health-related reasons (tuberculosis, malnutrition, hepatitis, salmonella, pneumonia, HIV/AIDS). See: [www.oveprisiones.com/desnutricion-enfermedades-y-violencia-mataron-a-46-presos-en-el-1er-trimestre-2019/](http://www.oveprisiones.com/desnutricion-enfermedades-y-violencia-mataron-a-46-presos-en-el-1er-trimestre-2019/).



26. There were no references on how detainees are subjected to forms of torture or cruel, inhuman or degrading treatment or punishment in terms similar to those reported in 2019. There is also no accurate information on the custody units and agencies that could be responsible, such as the SEBIN or the DGCIM, which were identified as security forces that regularly resorted to these measures<sup>111</sup>.

**f) Persecution and Criminalization of Dissidence**

In the OHCHR Report on the situation of human rights in the Bolivarian Republic of Venezuela dated July 4th, 2019, it recommended to the Venezuelan State, the following:

**e. Stop, publicly condemn, punish and prevent all acts of politically motivated persecution and targeted repression, including stigmatizing rhetoric and smear campaigns;**

**g. Reverse media closures and end other censorship measures against the media; ensure access to the Internet and social networks, including news websites, and the impartiality of official bodies in the allocation of radio spectrum frequencies; g. Reverse media closures and end other censorship measures against the media; ensure access to the Internet and social networks, including news websites, and the impartiality of official bodies in the allocation of radio spectrum frequencies;**

**f. Take effective measures to protect human rights defenders and media professionals; Regarding the implementation of these recommendations:**

1. The attitude of the State towards the manifestation of dissidence has been and continues to be aggressive and contrary to international standards and human rights obligations. The Venezuelan State has opted for a policy of intimidation and criminalization, using its security agencies and non-State agents to enforce it<sup>112</sup> and the judiciary to remain unpunished.

2. Specialists have indicated on this point that the increase in repression and arrests for demonstrating against the Government has had as its real motive the criminalization of the right to protest. The OVCS has expressed that it has been possible to observe a worsening of the criminalization of the right of citizens to express their discontent with the government, in 2016 the political protests developed in that year were the ones in which the highest levels of repression were registered in comparison with previous months<sup>113</sup>.



<sup>111</sup> OHCHR. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela. 4 July 2019. Available at: <https://bit.ly/33PZJq6>, para.43, p. 10.

<sup>112</sup> Center for Human Rights of the Andrés Bello Catholic University (CDH UCAB). "Transitional Justice in Venezuela." January 2020, p. 6. Available at: [http://w2.ucab.edu.ve/tl\\_files/CDH/Lineastematicas/LibroJT-CDH.pdf](http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/LibroJT-CDH.pdf).

<sup>113</sup> Foro Penal, "Foro Penal Venezolano contabiliza 2,396 detenciones por causas políticas en 2016," September 17, 2016. Available at: <https://foropenal.com/infografia%E2%94%82foro-penal-venezolano-contabiliza-2-396-detenciones-por-causas-politicas-en-2016/>

3. In January 2016, the murder of Hector Sanchez Losada, member of the Human Rights Commission of the Federation of Bar Associations in the state of Monagas, created as part of the project led by OVP in 20 states of Venezuela, who was killed by two unidentified persons in the city of Maturin, State of Monagas<sup>114</sup>, was denounced. In May 2016, the state newspaper Ciudad CCS published an article titled “Revelan Mecenases Internacionales de ONG Criollas”, with photos of Rafael Uzcategui, PROVEA advocate; Rocío San Miguel, from Control Ciudadano; and Marco Ponce of OVCS, pointing out that these organizations “are nothing more than instruments of U.S. foreign policy” and “facades for the receipt of foreign financing and have set themselves up as “citizens” elements that challenge national sovereignty<sup>115</sup>, Another article published on the “Con el Mazo Dando” website suggested that the personnel of the OVCS, FPV, PROVEA, and other civil society organizations were agents of the political opposition and were responsible for inciting violence through the “guarimbas” (street protests)<sup>116</sup>.

4. Alfredo Romero, of the Venezuelan Penal Forum points out that most of the young people who are arrested and released under precautionary measures are limited to continue exercising their right to protest. He points out that: “In practical terms they are limited because people are afraid of being arrested again and the courts apply a kind of recidivism that does not exist and keep them in prison. But if they have restrictions to demonstrate that also formally prevents them from protesting”. Concluding that this situation also points to the objective of criminalizing protest and silencing dissidence<sup>117</sup>.

5. In 2018, the IACHR reported that senior state authorities were using media to stigmatize and criminalize, labeling as “terrorists” or “armed insurgents”, those who convene and participate in public demonstrations<sup>118</sup>. Dozens of accusations and stigmatizations have been documented by authorities at the highest level, such as the Minister for Internal Relations, Justice and Peace, Néstor Reverol, and the Deputy of the National Assembly, Diosdado Cabello, who have accused demonstrators and opposition leaders who call for protests of carrying out a “terrorist plan”<sup>119</sup>. In this context, I highlight the use of criminal charges such as “treason”, “rebellion” and “attack to the sentinel” to judge civilians and demonstrators.



<sup>114</sup> Frontline Defenders, Murder of Héctor Sánchez Losada, 22 January 2016; OVP, Observatorio de Prisiones exige investigación sobre el asesinato de Héctor Sánchez Lozada (Comunicado), 23 January 2016.

<sup>115</sup> Ciudad CSS, Revelan mecenases internacionales de ONG criollas, 5 May 2016; Frontline Defenders, Defensor de derechos humanos Marco Antonio Ponce blanco de campaña de desprestigio, 15 June 2016.

<sup>116</sup> Con el Mazo Dando, Más de 15 millones de dólares ha destinado la NED a ONG en Venezuela (+infografía), May 20, 2016.

<sup>117</sup> Foro Penal, “Foro Penal Venezolano contabiliza 2,396 detenciones por causas políticas en 2016,” September 17, 2016. Available at: <https://foropenal.com/infografia%E2%94%82foro-penal-venezolano-contabiliza-2-396-detenciones-por-causas-politicas-en-2016/>

<sup>118</sup> IACHR, Press Release No. 058/17, IACHR deploras repressive measures adopted by Venezuela in the face of protests and condemns the aftermath of deaths and injuries, May 9, 2017.

<sup>119</sup> NTN24, Diosdado Cabello accuses opposition of generating chaos in the country through “terrorism”, April 11, 2017; VTV, Minister Reverol: Actos terroristas ejecutados este lunes por la derecha causaron muerte de tres personas y varios heridos, April 25, 2017; Efecto Cocuyo, Ministro Reverol acusó a Julio Borges por muertes de manifestantes en protestas, May 10, 2017; Con el Mazo Dando, Cabello: La derecha necesita un muerto con periodicidad para mantener la violencia en la calle, May 12, 2017; and Con el Mazo Dando, “Responsable de los muertos y fracaso como político” Lo que piensan de Julio Borges, May 11, 2017.

6. Human rights organizations denounced before the IACHR, in 2018, the practice of using social networks (Twitter) by the security forces to point fingers at people demonstrating against the TSJ and the government of President Maduro. According to reports, the Scientific, Criminal and Criminalistic Investigations Corps (CICPC) disseminated through a Twitter account identified as “Prensa CIPC”, the faces of seven people whom it considers “generators of violence” and invited to report them<sup>120</sup>, under the phrase “Requested. If you see this terrorist, inform the authorities who will go after his capture” and with the tags “#SeBuscaTerroristas, #TerroristasVanPresos and #DenunciaTuZona” (#Terroristsaresearched, #Terroristsgotoprison).

7. Likewise, since 2018, the IACHR has received information suggesting the existence of acts of harassment consisting of both state authorities<sup>121</sup> and private individuals<sup>122</sup> breaking into the homes of human rights defenders. It should be noted that the Commission granted precautionary measures in favor of Theresly Malave, a human rights defender. Ms. Malave has been subjected to threats and acts of intimidation as a result of representing various Voluntad Popular activists who are allegedly deprived of their liberty, including the attempted kidnapping she allegedly suffered in December 2014 and verbal statements made by Diosdado Cabello<sup>123</sup>. In this regard, the IACHR reiterated that the execution of threats and harassment with the purpose of diminishing the physical and mental capacity of human rights defenders constitute violations of the right to personal integrity<sup>124</sup>.

8. According to at least 43 human rights organizations, patterns of violations against human rights defenders have increased in recent years. Human rights defenders, including activists, lawyers, community leaders, health professionals and journalists, have been subjected to persecution and many have been victims of arbitrary detentions, forced disappearances and acts of torture, cruel, inhuman and/or degrading treatment, for having denounced situations that affect rights or for having investigated violations, often with the collaboration of armed civilian groups<sup>125</sup>.



<sup>120</sup> Noticiero Venevisión, Provea denuncia que CICPC intimida a manifestantes a través de Twitter, April 8, 2017; and IPYS Vzla, Se impone discurso de odio contra manifestantes y activistas de DDHH en redes sociales, April 11, 2017.

<sup>121</sup> Authorities reportedly raided the home of defender Ehisler Velásquez and accused him of causing damage to a prosecutor’s office [Amnesty International, Venezuela: Human rights defender harassed, May 16, 2017].

<sup>122</sup> Freitez, teachers of the Human Rights Chair at the Lisandro Alvarado University, was raided for the third time and her belongings rummaged through by unidentified persons. According to the information received, the invaders left a pickaxe and two knives in the dining room, which would appear to be a way to intimidate the defenders [Front Line Defenders, Urgent Appeal, Intimidation against human rights defenders Yonaide Sánchez and Nelsón Freitez, May 11, 2017]. Despite having made the corresponding complaints, they have received no response from the authorities and there appear to be no ongoing investigations into the matter [Amnesty International, Venezuela: Residence of defenders invaded, security at risk, May 22, 2017].

<sup>123</sup> IACHR, Resolution No. 1/17, Precautionary Measure No. 475-15, Members of the Voluntad Popular party regarding Venezuela.

<sup>124</sup> IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.LV/II., Doc. 66, December 31, 2011, para. 41.

<sup>125</sup> Joint Report on Patterns of Violations of the Right to the Defense of Human Rights in Venezuela”. June 2020, p. 15. Available at: <https://codehciu.org/wp-content/uploads/2020/06/Informe-sobre-Patrones-de-Violaci%C3%B3n-de-DDHH-Completo.pdf>

9. CEPAZ has determined that the acts of persecution and criminalization by the government of Nicolas Maduro are exercised through patterns such as arbitrary detentions, threats, indiscriminate use of force, irregular searches, cruel and inhuman treatment, stigmatization, censorship, disqualifications, among other acts that have been widely documented<sup>126</sup>. It highlights the case of two deputies released from prison in 2019 after alleged pardons granted by the Venezuelan government and then arbitrary detentions in 2020 against those same people who in their capacity as deputies carried out political acts.

10. In its 2019 report, OHCHR documented several cases of arbitrary detentions of individuals for expressing opinions on social networks. In the last ten years, the NGO Espacio Publico has recorded arbitrary detentions and criminal charges against 55 people for publications on social media - 24 of them in 2018<sup>127</sup>. It also condemned the strategy of communicational hegemony carried out by the government, which seeks to impose a single version of the facts and create an environment that restricts independent media.

11. OHCHR also recognizes that dozens of print media have been forced to close, and the Government has closed radio stations and caused them to stop broadcasting television channels. It also notes the increase in arrests of journalists, including foreign journalists who were expelled or left the country immediately after their release.

12. During 2019, the policy of repression and persecution, aggravated since 2014, continued. CDH-UCAB affirmed that in 2019 the State continued the narrative against political dissidence and the exercise of human rights in Venezuela<sup>128</sup>. In the same vein, the UNHCHR made mention in its 2021 update of cases of intimidation, harassment, disqualification and criminalization of journalists, dissidents, parliamentarians, among others<sup>129</sup>. However, the OHCHR failed to mention that these actions are largely carried out by State officials<sup>130</sup>. In this context, it is relevant to mention what Carlos Correa, director of the NGO Espacio Publico, pointed out<sup>131</sup>:

13. Up to May, 112 violations of freedom of expression occurred in the country, among which intimidation and censorship stand out. Most of the victims are journalists and security forces, state institutions and officials have been identified as responsible. Likewise, the organization published that from March



<sup>126</sup> CEPAZ. "Monitoreo de persecución y criminalización en Venezuela," April 2021, pp. 5 and 7. Available at: <https://cepaz.org/wp-content/uploads/2021/05/Monitoreo-de-persecucion-y-criminalizacion-abril-2021.pdf>.

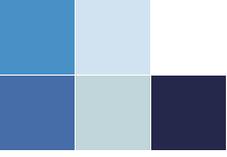
<sup>127</sup> Espacio Público, "Online detentions. Prisoners for using social networks," May 2, 2019, [http://espaciopublico.org/detenciones-en-linea-presos-por-usar-las-redes-sociales/#.XPBMhY9S\\_cs](http://espaciopublico.org/detenciones-en-linea-presos-por-usar-las-redes-sociales/#.XPBMhY9S_cs).

<sup>128</sup> CDH - UCAB [http://w2.ucab.edu.ve/tl\\_files/CDH/Lineastematicas/LibroJT-CDH.pdf](http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/LibroJT-CDH.pdf)

<sup>129</sup> (...) I am disturbed by the increasing signs of shrinking civic space. Since September, my Office has documented at least 66 cases of intimidation, harassment, disqualification and criminalization of journalists, media outlets, human rights defenders, humanitarian workers, trade union leaders and opposition members or supporters, including elected members of the 2015 National Assembly and their family members(...)

<sup>130</sup> <https://transparencia.org.ve/periodismo-en-venezuela-la-censura-la-persecucion-y-las-agresiones-arrecian-en-tiempos-de-pandemia/>

<sup>131</sup> <https://transparencia.org.ve/periodismo-en-venezuela-la-censura-la-persecucion-y-las-agresiones-arrecian-en-tiempos-de-pandemia/>



16th to June 14th, 65 deprivations of freedom and 28 arrests of media workers were recorded, while they were exercising their right to seek, receive and disseminate information. Of the latter total, 25 are directly linked to COVID-19 coverage. “There is an upsurge. Before it was just a quick arrest, but now the prosecution is criminal. The most terrible thing is that the courts are not working and are giving them custodial sentences,” said Correa.

**14.** The update highlights that only in the month of January at least 3 search and seizure operations were carried out in the media. The above, ignores (1) that the actions of the State since March 13th, 2020 are being legitimized by a state of “exception and alarm”, which allows the violation of the rule of law and the right to defense and (2) that HRW identified cases in which 162 people would have been victims of harassment, detention or criminal prosecution between March and June 2020. In this context, they revealed that the authorities have harassed, detained and prosecuted political opponents, including several legislators, journalists who publish critical information, health workers who question the authorities’ handling of the pandemic, and human rights lawyers who provide legal support to demonstrators protesting against the lack of water, fuel or medicines<sup>132</sup>.

**15.** On the other hand, activists are currently still facing charges related to terrorism and money laundering for having provided humanitarian assistance as part of the United Nations Humanitarian Response Plan, referring to the case of the members of Azul Positivo<sup>133</sup>.

**16.** However, it did not mention at this point that a smear and criminalization campaign persisted by the state apparatus, in general, against human rights defenders, a matter that in 2019 had already been clarified when it was indicated that these people are victims of smear campaigns in pro-government media, and subjected to surveillance, intimidation, harassment, threats and arbitrary detention<sup>134</sup>. This aspect was not included, and may lead to the conclusion that the case of Azul Positivo is an isolated event, when this is clearly not the case.

**17.** Likewise, following the questioned December 2020 elections of the National Assembly, the International Fact-Finding Mission specified that, with the new concentration of power in the chamber of parties allied to the regime, the political climate of exclusion of dissident voices seems to continue, marked by the repression of the political opposition that we highlighted in its first report. In fact, they recorded that during the first days of assuming power, the new legislature formed a “Special Commission to Investigate the Actions Perpetrated against the Republic by the Directive and members of the National



<sup>132</sup> <https://www.hrw.org/es/news/2020/08/28/venezuela-estado-policial-avanza-en-el-contexto-del-covid-19>

<sup>133</sup> As of today, five activists remain on terrorism-related and money laundering charges for providing humanitarian assistance as part of the UN Humanitarian Response Plan. More NGOs remain under investigation on similar grounds.

<sup>134</sup> OHCHR. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela. July 4, 2019. Available at: <https://bit.ly/33PZJq6>, para. 36, p. 8.

Assembly in the period 2016-2021”, with the mandate to investigate the previous members of the opposition-led legislature and that on February 25, former parliamentarian Gilberto Sojo was detained by the FAES, in connection with pending terrorism charges linked to his participation in political protests in 2014. He had previously been held in pre-trial detention on these charges, but was released in 2016 with substitute measures<sup>135</sup>.

18. At the close of the first quarter of 2021, civil society counted a high number of cases of persecution and criminalization by the government of Nicolas Maduro against the Venezuelan population. In March alone, CEPAZ recorded at least 10 arbitrary detentions, 72 acts of threats, harassment and/or aggression, and 6 acts involving the closure of radio stations and radio programs, blocking of websites and confiscation of equipment<sup>136</sup>.

19. In April 2021, the organization CEPAZ registered 104 attacks against persons linked to the political opposition. In total, 100 people linked to the legislative management of the opposition between 2016 and 2021 were cited and accused of causing damage against the Republic. Which, according to the civil society, responds to a clear pattern of persecution exercised since the past against political dissidence that seeks to silence them. In such a short period of time, they also registered 2 arbitrary detentions, a threat and an extradition request that seeks to submit an important political figure to the persecutory justice of the government of Nicolas Maduro<sup>137</sup>.

#### **g) ESC Rights**

In its report on the human rights situation in the Bolivarian Republic of Venezuela dated July 4, 2019, the Venezuelan State was requested to:

**a) Take all necessary measures to ensure the availability and accessibility of food, water, essential medicines and health care services, including comprehensive preventive health care programs, with special attention to mother and child services;**



<sup>135</sup> UN, Human Rights Council, Statement by Marta Valiñas, Chairperson of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 46th session of the Human Rights Council, March 10, 2021. Available at: <https://www.ohchr.org/SP/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26872&LangID=S>

<sup>136</sup> CEPAZ. “Monitoring of persecution and criminalization in Venezuela.” March 2021, p. 4. Available at: [https://cepaz.org/wp-content/uploads/2021/04/Informe-de-persecucion\\_-Marzo.pdf](https://cepaz.org/wp-content/uploads/2021/04/Informe-de-persecucion_-Marzo.pdf)

<sup>137</sup> CEPAZ, “Monitoreo de persecución y criminalización en Venezuela”, April 2021, p. 3. Available at: <https://cepaz.org/wp-content/uploads/2021/05/Monitoreo-de-persecucion-y-criminalizacion-abril-2021.pdf>

**(a) Regularly publish comprehensive health and nutrition data, disaggregated by sex, age, ethnicity and place of residence, which can be used, inter alia, to design and implement a comprehensive humanitarian response to the crisis;**

**(b) Allocate the maximum possible quantity of available resources to the progressive realization of economic and social rights in a transparent and accountable manner that allows for the evaluation of expenditures;**

**(c) Increase vaccination coverage against preventable diseases and take appropriate measures to control outbreaks of communicable diseases;**

Considering that to date there are no institutions that regularly publish disaggregated data, since all the data collected were obtained from civil society organizations working in the field, the following is presented in relation to these recommendations:

### **g.1) Food**

**1.** According to data collected by HumVenezuela, until March 2020, the food and nutrition situation due to the impacts of the complex humanitarian emergency presented a dramatic drop in food available for consumption in Venezuelan households. The economic resources available to the population to cover the costs of essential goods and services decreased considerably due to the increasing deterioration of the economy and the fragility of the social, political and institutional environment of the country. In this context, 26.1 million people are affected by the emergency (91.4% of the population) due to difficulties in accessing food and other basic services. Of this population, 17.5 million people (61.3%) have lost livelihoods, including assets, resources and economic livelihood activities<sup>138</sup>.

**2.** In Venezuela there is a context of food shortages and food shortages. The State has acknowledged that it is facing a serious economic situation and attributes it to the decrease in oil revenues and certain actions aimed at disrupting its economy<sup>139</sup>. Food production decreased, food costs increased and there are limitations to access them<sup>140</sup>. From 2014 began to rise alarmingly total and extreme poverty rates<sup>141</sup>. The quality of the diet also worsened, according to data yielded by the ENCOVI<sup>142</sup> between 2014 and 2017<sup>143</sup>. Specifically in 2016 there was a loss of 8 kg of weight on average<sup>144</sup>.



<sup>138</sup> HumVenezuela: National Monitoring Report on the Complex Humanitarian Emergency in Venezuela. Impacts, Response and Complexity Factors. 2019-March 2020. Published September 2020. At: <https://humvenezuela.com/wp-content/uploads/2020/10/Informe-de-Seguimiento-HumVenezuela-Marzo-2020.pdf>

<sup>139</sup> IACHR, Impact of the political and economic crisis on children in Venezuela, July 5, 2017.

<sup>140</sup> Transparencia Venezuela, Informe sobre situación de derechos humanos en Venezuela 2017, prepared for the IACHR, pp. 29-31; CEPAZ, Asociación Civil Mujeres en Línea, Freya and Avesa, Informe sobre situación de los derechos de las mujeres en Venezuela, September 2017, p. 15; and Cecodap, Comunicación a la CIDH, September 2017, para. 20.

<sup>141</sup> Econoanalítica, "A Different Venezuela Perspectives 2021," p. 22. Available: <https://elecciones7oenbilbao.wordpress.com/2021/01/04/una-venezuela-diferente-perspectivas-2021-econoanalitica-diciembre-2020/>

<sup>142</sup> ENCOVI: The National Survey of Living Conditions is a leading informative and statistical reference at the service of public advocacy, which promotes a platform of encounter between Academia and civil society, knowledge and social transformation. Available at: <https://www.proyectoencovi.com/>

<sup>143</sup> Landaeta-Jimenez M, Herrera Cuenca M, Vásquez M, Ramírez G. (2016), "The feeding of Venezuelans. In: Venezuela la caída sin fin ¿hasta cuándo?". Encuesta Nacional de Condiciones de Vida. ENCOVI 2016." Universidad Católica Andrés Bello, Caracas, Colección Visión; pp. 51-75. In: <https://encovi.ucab.edu.ve/wp-content/uploads/sites/2/2018/02/encovi-2016-venezuela-lacaida-sin-fin-hasta-cuando.pdf>

<sup>144</sup> Landaeta-Jimenez M, herrera-Cuenca M, Ramírez G and Vásquez M, "La Alimentación de los venezolanos Encuesta Nacional de Condiciones de Vida (ENCOVI 2017)". Available at: <https://encovi.ucab.edu.ve/wp-content/uploads/sites/2/2018/02/ucv-ucab-usb-encovialimentacion-2017.pdf>

As of October 2016, a large part of Venezuela's population could only acquire products subject to price control by the State, such as rice, pasta and flour, and these were very scarce. Products such as sugar and toilet paper disappeared for months from supermarkets<sup>145</sup>. In 2017, hunger levels worsened. By this year, 78% of the population claimed not to be able to buy enough; 61% stated going to bed hungry and 64% had lost 11 kg of weight<sup>146</sup>.

3. In turn, since 2014, domestic production and food imports fell simultaneously in Venezuela. The decrease in agricultural products was compensated with high levels of imports, equivalent to 65% of caloric intake; but imports also plummeted falling 70% between 2014 and 2016<sup>147</sup>.

4. Information provided by civil society organizations indicates that, in 2016, the shortage of products of the food basket reached 82.8%<sup>148</sup>. On the other hand, the ENCOVI of that year on food reported that approximately 9.6 million people ate two or fewer meals a day with the frequent absence of proteins on their plates, with food insecurity existing in 9 out of 10 Venezuelan households. More than 70% of respondents indicated that during 2016 they had lost weight by an average of 8.7 kg, a figure that increased to 9 kg in the case of people in extreme poverty. 93.3% of the sample considered that their income was insufficient to buy food<sup>149</sup>. The Venezuelan Confederation of Agricultural Producers' Associations (FEDEAGRO) determined that the income of the sample was insufficient to buy food. FEDEAGRO determined that by 2018 national agricultural production had been constantly reduced for 11 years<sup>150</sup>.

5. The report on food and nutritional security prepared by the Food and Agriculture Organization of the United Nations (FAO) in collaboration with the Pan American Health Organization (PAHO), verified an increase of 1.3 million undernourished people in Venezuela for the period 2014/2016, i.e., an additional 3.9% over the previous three-year period. This estimate corresponds to the amount of population that would not be meeting the minimum nutritional requirements to lead a healthy and active life. According to the information received, during 2017, between five and six children would have died weekly due to lack of food, and at least 33% of the child population would present indicators of stunted growth. Likewise, an average of 4.5 million people would only be fed once a day, and sometimes every two days, resulting in 11.4% of the child population already being undernourished<sup>151</sup>.



<sup>145</sup> HRW, Humanitarian Crisis in Venezuela, The Government's Inadequate and Repressive Response to Severe Shortages of Medicine, Supplies and food, October 2016, pp. 14-17.

<sup>146</sup> Landaeta-Jimenez M, herrera-Cuenca M, Ramírez G and Vásquez M, "La Alimentación de los venezolanos Encuesta Nacional de Condiciones de Vida (ENCOVI 2017)". Available at: <https://encovi.ucab.edu.ve/wp-content/uploads/sites/2/2018/02/ucv-ucab-usb-encovalimentacion-2017.pdf>

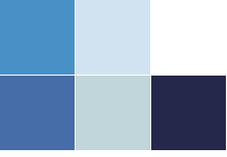
<sup>147</sup> Douglas Barrios and Miguel Ángel Santos, "Venezuela: Anatomy of a collapse," 2016. Available at: <https://politikaucab.files.wordpress.com/2018/04/venezuela-anatomia-de-un-colapso.pdf>

<sup>148</sup> CEPAZ, Asociación Civil Mujeres en Línea, Freya and Avesa, Informe sobre situación de los derechos de las mujeres en Venezuela, September 2017, p. 17.

<sup>149</sup> Living Conditions Survey - Venezuela 2016 (Food).

<sup>150</sup> El Carabobeño, "Fedeagro a Maduro: Venezuela only produces 25% of food and the rest is imported," October 17, 2018. Available at: <https://www.el-carabobeno.com/fedeagro-a-maduro-venezuela-solo-produce-el-25-de-los-alimentos-y-el-resto-se-importa/>

<sup>151</sup> IACHR, Press Release No. 016/2018, February 1, 2018.



6. The IACHR reported the death of 6 newborns in Menca de Leoni Hospital<sup>152</sup>, 3 babies died of malnutrition in Children’s Hospital of Maracaibo<sup>153</sup>, figures that accumulate to several deaths recorded in various parts of the country as a result of the lack of guarantees on the rights to health and food. According to civil society organizations, it is likely that by 2018, at least 280 thousand children could die due to malnutrition<sup>154</sup>. While by 2017, these same organizations were able to provide care to more than 3 thousand children in a state of malnutrition, the inventories of nutritional supplement had been exhausted in several parts of the country<sup>155</sup>. As of August 2018, 48% of pregnant women in poor parishes had some degree of malnutrition and 21% severe malnutrition<sup>156</sup>. In 2019, the Venezuelan Chamber of the Food Industry (Cavidea) reported a reduction in food consumption of 96%, with special emphasis on processed foods. The most affected items were animal protein and dairy products<sup>157</sup>.

7. In this context, the guarantee of ESCR since 2016 has been reflecting a great deterioration. The former United Nations High Commissioner for Human Rights, Prince Zeid Ra’ad Al Hussein, stated in September 2016 that Venezuela was experiencing a “drastic deterioration in the enjoyment of economic and social rights, while hunger is spreading and there is a sharp deterioration in health care”. The situation of shortages and scarcity of food, medicines, water and energy has continued to generate a serious crisis, which has led to outbreaks of disease and other health problems. Faced with this scenario, the response has been deficient and, in situations, with a lack of access to necessary medical care, which has severely affected children, sick people, pregnant women, people with disabilities and the elderly, among other especially vulnerable groups.

8. It is relevant to mention that the only measure taken by the government to solve this situation is the CLAP box. PROVEA reported that the nutritional contribution of the food contained in the CLAP box represents 15% of the daily calorie needs, and between 11% and 13% of the protein, fat and carbohydrate needs of a household of four members. The adequacy of vitamins A and C and calcium is less than 2%. Iron is covered at 15%. Both the proteins and the iron provided by these foods are of very low biological value because they come from foods of vegetable origin. The only case in which the protein quality improves is when a cereal is combined with a legume, such as arepa, rice or pasta, with grains.

9. The Civil Association Convite through a study conducted between September and October 2019, concluded that 77% of older adults do not have access to food and that three out of five regularly go to bed without eating<sup>158</sup>.



<sup>152</sup> Panorama, Denounce death of six newborn minors in Bolívar, March 25, 2018.

<sup>153</sup> El Nacional, Three babies died from malnutrition in Maracaibo hospital, July 6, 2018.

<sup>154</sup> El Espectador, In 2018, 280 thousand children could die in Venezuela due to malnutrition, January 19, 2018.

<sup>155</sup> El Impulso, 280 thousand children could die from malnutrition, January 19, 2018.

<sup>156</sup> Excubitus Human Rights, National Report: Complex Humanitarian Emergency in Venezuela: Right to Health, September 2018.

<sup>157</sup> El Universal: Cavidea estimates 96% drop in food consumption [online] <[https:// eluniversal.com](https://eluniversal.com)> Accessed 09.09.19.

<sup>158</sup> Convite, “Food and Health: Seniors’ Concerns in Pandemic,” May 11, 2020. Available at: <https://conviteac.org.ve/alimentos-y-salud-preocupaciones-de-personas-mayores-en-la-pandemia/>

Similarly, the organization's researchers have found that nine out of ten seniors are unable to consume protein and those who do, only consume it once a month, as they also rely heavily on the CLAP food box, whose content is basically composed of products high only in carbohydrates, which can increase the risk of diseases such as diabetes, among others<sup>159</sup>.

**10.** According to the data offered by the organization Caritas Venezuela, for the month of December 2019, of the 8 poorest states of the country in which the sentinel monitoring was carried out, the parishes of Falcón, Yaracuy and Zulia states stood out for having the highest proportion of global acute malnutrition, which reached 31% in children under one month in the moderate and severe acute modalities. The organization also indicated that 41% of the pregnant women attended had nutritional deficiencies<sup>160</sup>.

**11.** As reported by PROVEA in its 2020 report regarding how food production and distribution was also affected by the crisis of public services, including water, electricity and transportation, affecting mainly perishable goods such as meat, fish, milk and its derivatives, fruits and vegetables. Some states in the country collapsed with crop losses and food spoilage, as reflected in the cases of Merida with meat and milk spoilage and the case of the city of El Vía with spoilage of 2.8 tons of sardines.

**12.** On the other hand, Caritas Venezuela reported that 83% of the households interviewed are consuming food of a poor or inadequate diversity, 65% of households have resorted to unconventional places to acquire food; 85% of households report having had to deteriorate their food; 56% of households have incurred some form of food deprivation; 49% of households have resorted to some form of destitution from their household resource base in order to purchase food; and 34% of households have had to disincorporate a family member in order to lower food consumption pressure and cope with food insecurity<sup>161</sup>.

**13.** By 2020, the UN World Food Program declared that Venezuela is in the fourth position of the 10 worst food crises in the world<sup>162</sup>. This position is attributable to the inability of the Venezuelan population to guarantee itself a balanced diet due to the destruction of its purchasing power and the induced dependence that has been created around social programs and subsidies.

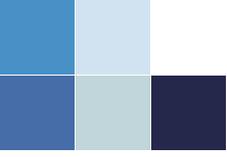


<sup>159</sup> Convite, older adults are hostages of Clap and are at food risk, September 14, 2020. Available at: <https://conviteac.org.ve/convite-adultos-mayores-son-rehenes-del-clap-y-estan-en-riesgo-alimentario/>

<sup>160</sup> Caritas, XIII Newsletter October and December 2019, Available at: <https://bit.ly/3dYUo2Z>

<sup>161</sup> Caritas, XIII Newsletter October and December 2019, Available at: <https://bit.ly/3dYUo2Z>

<sup>162</sup> United Nations World Food Programme, "2020 - Global Report on Food Crises" United Nations World Food Programme." 20/04/2020. [Online]. Available: <https://www.wfp.org/publications/2020-global-report-food-crises>



14. PROVEA, in its annual report 2020 reports that, according to humanitarian standards, Caracas and Barinas are the states which have been most severely affected by the food crisis. Thus, in the first two quarters of 2020, the values of acute malnutrition are 17% in the first and 14% in the second, being higher in children under 6 months (20%) and between 6 and 23 months (16%). The behavior of chronic malnutrition is similar to that reported by the National Survey of Living Conditions (ENCOVI) at the beginning of the year, with 29% of children stunted and 59% vulnerable (deficit plus risk).<sup>163</sup>

15. Likewise, despite the announcement of the reactivation of the AgroVenezuela Mission, in September 2020, the behavior of the sector was characterized by a generalized crisis in the entire supply chain of the agri-food system. According to the Confederacion de Asociaciones de Productores Agropecuarios de Venezuela (FEDEAGRO), the area planted in white and yellow corn was 20% of the ordinary production, rice 27% and sugarcane one third. The reduction in production capacity was due to low access to seeds and agrochemicals, due to their scarcity and high cost; also, the maintenance of machinery and irrigation systems, freight and labor affected the profitability of production.<sup>164</sup>

16. Transparencia Venezuela has considered this program as one of the emblematic ones in the so-called “Great Corruption of the 21st Century”, of an economic, administrative and political nature. Among these, price and exchange control, massive promotion of food imports, culture of improvisation and voluntarism tending to partisanship and disregard for the evaluation of policies and programs; concentration of powers in the Executive, militarization of management and predominance of illicit clientelism. Thus, the 2021 update fails to make reference to what it had already pointed out in 2019 that it is precisely the “diversion of resources, corruption and lack of maintenance in public infrastructure”, which has resulted in the deterioration of basic services and ultimately in violations of the right to an adequate standard of living<sup>165</sup>.

17. Even after the issuance of the OHCHR report with recommendations on this matter, the food situation in Venezuela has not presented positive advances. In its 2019 report on the situation in Venezuela, the OHCHR mentions that the information verified confirms violations of the right to food, including the State’s obligation to ensure that the population does not suffer from hunger. In this regard, it notes that the main food assistance program, known as “CLAP boxes”, does not cover the nutritional needs that are elementary for the people. As a result, it has not been possible to demonstrate that the available resources are being used to guarantee the progressive realization of the right to food, nor that international assistance has been sought, unsuccessfully, to address these deficiencies.



163 PROVEA. <https://provea.org/wp-content/uploads/securepdfs/2021/06/04Alimentacio%CC%81n.pdf>

164 PROVEA <https://provea.org/wp-content/uploads/securepdfs/2021/06/04Alimentacio%CC%81n.pdf>

165 OHCHR. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela. July 4, 2019. Available at: <https://bit.ly/33PZJq6>, para. 12, p. 3.

18. In the 2021 update, the OHCHR again refers to the serious health and food insecurity situation faced by the most vulnerable population. Thus, it highlights that around a third of Venezuelans would be in a situation of food insecurity and mentions that according to some organizations the average salary would be below 1 US dollar per month, but does not establish responsibilities, nor does it demand guarantee measures from the Venezuelan State. Also, in this update, the OHCHR mentions the lack of basic services such as water and electricity<sup>166</sup> (which were already in a critical situation and have worsened in the current pandemic situation) as an aggravating factor of the humanitarian situation. However, it is not clear in establishing the obligations that the Venezuelan State has in this sector, silencing the fact that the State is indebted to the organization for lacking a public policy by 2021 that aims to resolve the situation described above.

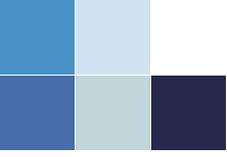
## **g.2) Health**

19. In health, according to the data collected by HumVenezuela until March 2020<sup>167</sup>, the public health system in Venezuela was in a severe condition of collapse, having been deteriorated for more than two decades in its physical, institutional and financial capacities. The collapse of the system affects 23.7 million people (83.4% of the national population) in their health needs, most of them in a situation of poverty, without any financial protection or economic resources to face health expenses.

20. According to the data reported by HumVenezuela, the fall of health capacities in the country has generated a triple affectation to the health of the population: an excessive prevalence of diseases, with greater weight of chronic diseases, without diagnosis or not diagnosed in time due to the loss of services, nor adequately treated due to severe exhaustion or absence of treatments; the reappearance of eradicated diseases and their conversion into epidemics; and a growing mortality associated with the physical and operational deterioration and lack of sanitation of health centers. Under these difficult circumstances, at least 18.4 million people with diseases are in great vulnerability; of these, 14.8 million have lost health services, 11.4 million lack minimum resources for medical expenses; and 7.9 million present serious problems, without guaranteed care in the available public health centers, which put their lives and physical integrity at risk.

166 (...) Since September, access to basic services such as medical care, water, gas, food and gasoline, already in short supply, has been further limited by the effect of the pandemic. This has generated social protests and aggravated the humanitarian (...)

167 HumVenezuela: National Monitoring Report on the Complex Humanitarian Emergency in Venezuela. Impacts, Response and Complexity Factors. 2019-March 2020. Published September 2020. At: <https://humvenezuela.com/wp-content/uploads/2020/10/Informe-de-Seguimiento-HumVenezuela-Marzo-2020.pdf>



**21.** Health capacities in Venezuela are diminished as a consequence of the dismantling policies of the public health system for decades, affecting more than 80% of the population served by this system. Public hospitals under the Ministry of People’s Power for Health (MPPS) and the Venezuelan Institute of Social Security (IVSS), where the highest resolution services of the health system were concentrated at the national level, were centers of care for 8.3 million people in 2011. This capacity was decreasing over the years, accumulating a drop of over 70% until 2019, much of it occurring between 2016 and 2019, a period during which services collapsed as a product of the confluence of multiple problems in infrastructure, endowment, equipment, personnel, security and basic services, including water, electricity and food<sup>168</sup>.

**22.** This is evidenced by the records of the PROVEA database as there was a significant jump of 97.8% in the number of complaints of lack of care in public hospitals between 2016 and 2017, followed by a further 247% jump in complaint cases, from 16,186 in 2018 to 56,175 in 2019. This notorious increase placed the reduction of the capacities of hospital centers on a scale of great magnitude, with devastating consequences for the right to health of the Venezuelan population. Among the first nine complaints, which together represented 69% of the total, the following stood out: 1) lack of basic supplies, medicines and vaccines;

2) inoperability of medical equipment; 3) lack of medical-surgical supplies and materials for tests or examinations; 4) closure of services; 5) lack of water; 6) unhealthiness and contamination; 7) disabling of infrastructure; 8) lack of maintenance, and 9) lack of food and therapeutic milk formulas.

**23.** In its 2019 report, OHCHR is concerned about the right to health in Venezuela. It notes that those interviewed consistently described a deteriorating health care infrastructure characterized by an exodus of doctors and nurses, as well as serious shortages of basic medical care and medicines. In this context, patients’ families have to provide all basic necessities, including water, gloves and syringes. Shortages of 60 to 100 percent of essential drugs have been reported in four of Venezuela’s major cities, including Caracas.

**24.** The National Hospital Survey (ENH) reported in 2019 the worsening of operating conditions in public hospitals due to lack of water, electrical failures, unsanitary conditions and lack of hygiene, just as it showed a severe insufficiency of food in nutrition services for hospitalized persons. In reference to basic services, the results of the 40 most important public hospitals (type III and IV) in the 24 states of the country evaluated showed that 70% presented recurrent water failures and 20% were without water service all year round; 63% presented electricity failures with an average of 342 interruptions per month, due to frequent and prolonged interruptions. The survey reported that due to electrical failures some 164 people may have died and that due to the precarious sanitary conditions in these hospitals some 4,858 people died in 2019.



<sup>168</sup>Provea. <https://provea.org/wp-content/uploads/securepdfs/2020/12/09Salud.pdf>

25. Similarly, mention is made of the situation of the prison population where there has been a significant increase due to tuberculosis, malnutrition and other diseases<sup>169</sup>. This seems to sweeten the serious health crisis faced by prisons in Venezuela, as a result of the opacity of the state in attending to this population, thus the Venezuelan Prison Observatory (OVP) has reported since 2015<sup>170</sup> that “prisons do not offer medical treatment to inmates who require it, being the relatives the ones who must cover the health expenses of persons deprived of liberty”.

Furthermore, such statement errs in reducing the serious prison situation in Venezuela to the presence of such alarming medical conditions. The truth is that the reality goes much further. On the one hand, the OHCHR was consistent in 2019 in denouncing other equally worrisome circumstances concerning the conditions of detention of persons deprived of liberty, characterized by overcrowding, insalubrity, limited access to food, water, sanitation, sunlight and recreational facilities, restrictions or denial of basic health care<sup>171</sup>. On the other hand, there are no references to how detainees are subjected to forms of torture or cruel, inhuman or degrading treatment or punishment in terms similar to those reported in 2019. There are also no certain indications about the custody units and agencies that could be responsible, such as the SEBIN or the DGCIM that were identified as security forces that regularly resorted to these measures.

27. The Covid 19 pandemic dramatically worsened the situation of the right to health. Even though Venezuela has registered a low rate of transmission in comparison with other countries in the world and Latin America, the statistics show a high underreporting due to the severe weakness of the diagnostic and epidemiological surveillance systems. On the other hand, according to PROVEA, by allocating the few operational health centers in the country to treat Covid 19 cases, people with chronic and acute diseases had almost no access to public health services. In addition, in most of these services, there was an increase in the withdrawal of personnel due to economic shortages and an increase in deaths due to the lack of adequate equipment to protect against transmission. Medicos Unidos de Venezuela (MUV) has registered more than 600 deaths of health personnel due to Covid (medical, nursing and other personnel), which are not counted in the official figures. In addition, vaccination against epidemic diseases such as Diphtheria and Measles decreased below international standards, due to quarantine measures and lack of personnel. For the same reasons, underreporting of mortality and morbidity statistics in the country also increased significantly.



<sup>169</sup> (...) I welcome the ad hoc solutions adopted to reduce judicial delays and overcrowding in detention centers. A country is judged by how it treats its most vulnerable, including its detainees. I am concerned about reports of deaths in detention from tuberculosis, malnutrition and other diseases. Ensuring adequate food and health care is crucial to prevent further tragic deaths like that of Salvador Franco. I reiterate my call for the unconditional release of all those arbitrarily detained, and I welcome my Office's new access to police detention centers (...)

<sup>170</sup> Venezuelan Prison Observatory. Prison Situation in Venezuela 2015. Nuevo Régimen y Calabozos Oficiales, Informe 2015. Available at <https://oveprisiones.com/informes/>

<sup>171</sup> According to the NGO Observatorio Venezolano de Prisiones, in the first quarter of 2019, 37 inmates died for health-related reasons (tuberculosis, malnutrition, hepatitis, salmonella, pneumonia, HIV/AIDS). See: [www.oveprisiones.com/desnutricion-enfermedades-y-violencia-mataron-a-46-presos-en-el-1er-trimestre-2019/](http://www.oveprisiones.com/desnutricion-enfermedades-y-violencia-mataron-a-46-presos-en-el-1er-trimestre-2019/).

## **(h) Migration**

In the Report on the situation of human rights in the Bolivarian Republic of Venezuela dated 4 July 2019, OHCHR requests the State to:

**(i) Protect persons, including those who are migrating, from abuse, corruption and extortion by State agents;**

**(l) Guarantee the right to identity and documentation to all persons, including children;**

In relation to these recommendations:

1. The IACHR has been reporting since 2016 that Venezuela is going through a humanitarian crisis characterized by food and medicine shortages, the constant suspension of public services such as drinking water and electricity, a public health system in precarious conditions, and high rates of violence and insecurity. This situation has contributed to the fact that millions of people have left the country. According to figures from the Interagency Coordination Platform for Refugees and Migrants in Venezuela (RV4), by 2021, 5,636,986 people forced to emigrate had fled the country for different reasons and have sought asylum and protection in different countries of the region<sup>172</sup>.

2. In its 2019 report, the OHCHR devotes a section to the description of the situation of vulnerability in which the Venezuelan migrant population finds itself. Thus, it makes special mention of the difficulty that migrants have in accessing documentation proving identity and/or regular stay. It also mentions how the situations of vulnerability generated in Venezuela are aggravated by the problems that migrants face in transit and destination countries, such as the lack of regular migrant status, undignified living conditions, labor exploitation, discrimination and xenophobia. These vulnerability factors, combined with hyper-sexualized stereotypes, increase the exposure of migrant women, adolescents and girls to trafficking, sexual exploitation and other forms of gender-based violence during the journey and at destination.

3. In the 2021 update, the OHCHR refers to the death of 28 Venezuelan nationals, who on December 6th set sail from Güiria (Sucre state, northeastern Venezuela), to Trinidad and Tobago<sup>173</sup>. However, there is silence by not mentioning that to date there is no evidence of investigations on this issue. Additionally, it seems to be a first step to recognize the human rights crisis that Venezuela is experiencing, forcing its nationals to make desperate decisions and placing them in a situation of extreme vulnerability to trafficking networks, although it does not recognize that there are differentiated effects and risks based on gender, although it did so in the 2019 report<sup>174</sup>.



<sup>172</sup> RV4. <https://www.r4v.info/es/home>

<sup>173</sup> The tragic death of at least 28 Venezuelan migrants in the Caribbean Sea in December 2020 was a reminder of the choices some are forced to make, as well as their vulnerability to migrant smuggling and trafficking networks. The Attorney General denounced practices of bribery, corruption and intimidation of victims.

<sup>174</sup> OHCHR. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela. July 4, 2019. Available at: <https://bit.ly/33PZJq6>, para. 72, p. 15.

## 1. Women

In the Report on the Situation of Human Rights in the Bolivarian Republic of Venezuela dated 4th July 2019, OHCHR requests the State to:

**(f) Prioritize measures to decrease early pregnancies and ensure that all plans relating to sexual and reproductive rights contain measurable indicators and a monitoring mechanism;**

Next, its report "Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and the human rights situation in the Orinoco Mining Arc region", OHCHR made the following recommendations:

(l) Adopt the necessary regulations and protocols to ensure compliance with all rights and obligations under the Organic Law on the Right of Women to a Life Free of Violence, and take effective measures to assist and protect victims, including women and children, from all forms of violence;

(m) Establish a system for the systematic collection of statistical data on violence against women, disaggregated by forms of violence, number of complaints, prosecutions, convictions and sentences imposed on perpetrators;

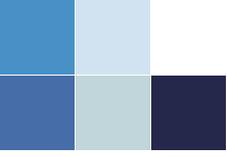
In relation to these recommendations:

1. In relation to the figures, it is important to indicate that there is no systematization of data, i.e., there is a palette of scattered figures that have no relationship between them, which makes it very difficult to analyze the impact of public policies implemented by the State, another scenario is the outdated official figures. For example, between 2007 and 2014, one out of every 10 births, was to an adolescent mother. According to figures from the Ministry of Popular Power for Health, adolescent fertility rates are higher than those of the total population of women, however this assertion is made with statistics from 7 years ago, which is really alarming considering that there is no data from 2015 onwards, time in which the humanitarian crisis begins in the country.

2. The teenage pregnancy rate in Venezuela is the third highest in Latin America: 95 births per 1000 adolescents between 15 and 19 years of age (UNFPA, 2019).

According to *Equivalencias en Accion* (2019), 27% of all births in four health centers were to adolescent mothers under 19 years of age. In addition to this, the shortage rate for all contraceptive methods in Venezuela is between 83.3% and 91.7%, so that in the absence of sufficient and adequate access to contraceptive methods, Venezuelan women and adolescents do not have the possibility of deciding on their sexuality and reproduction (*Equivalencias en Accion*, 2019).

4. 12% of adolescent girls between 12 and 17 years old stopped attending school due to pregnancy and home care (Encovi, 2017).



5. According to the latest official figures available, maternal mortality in Venezuela increased 65% between 2015 and 2016. Venezuelan mothers do not receive sufficient, specialized and high-quality medical care.

6. In sum, there are no public policies to guarantee the sexual and reproductive health of women and adolescents, given the collapse of the public health system, the shortage and high costs of contraceptive methods, and the absence of comprehensive sexuality education programs. These failures impact the increase in maternal mortality, adolescent pregnancy, sexually transmitted infections and unsafe abortions (Equivalencias en Accion, 2019). Given this context, the State has not complied or shown progress in complying with this recommendation.

#### **j. Recommendations with little or no information**

In the Report on the Situation of Human Rights in the Bolivarian Republic of Venezuela dated July 4, 2019, the OHCHR requests the State:

**(h) Disarm and dismantle pro-government civilian armed groups (the so-called “colectivos armados”) and ensure the investigation of their crimes;**

In relation to this recommendation, it is very relevant to clarify that no indication of compliance was found, in other words, there are no records that show any progress by the Venezuelan State in this matter, so we could say that compliance has been scarce or null.

#### **a) Special procedures visits**

The 2019 recommendations of the OHCHR included that, within the next two years of the adoption of the resolution, there should be visits by at least ten of the special procedures to Venezuela<sup>175</sup>, on enforced disappearances, arbitrary detentions, judicial independence, extrajudicial executions, food, health, torture and indigenous peoples. However, there has been no progress on the part of the government to make the visits concrete<sup>176</sup>. The only visit to date was the one conducted by the Rapporteur on the Negative Impact of Unilateral Measures, and despite this, in the 2020 update, the OHCHR did not mention of this important point that reflects the government's lack of commitment to fulfill its international human rights obligations.



<sup>175</sup> ACNUDH. Informe de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos sobre la situación de los derechos humanos en la República Bolivariana de Venezuela. 4 de julio de 2019. Disponible en: <https://bit.ly/33PZJq6>, párr. 5, pág. 2

<sup>176</sup> CEPAZ, “Los mecanismos internacionales de los derechos humanos para Venezuela y la agenda internacional”, 28 de junio de 2020. Disponible en: <https://cepaz.org/noticias/los-mecanismos-internacionales-de-los-derechos-humanos-para-venezuela-y-la-agenda-internacional/>

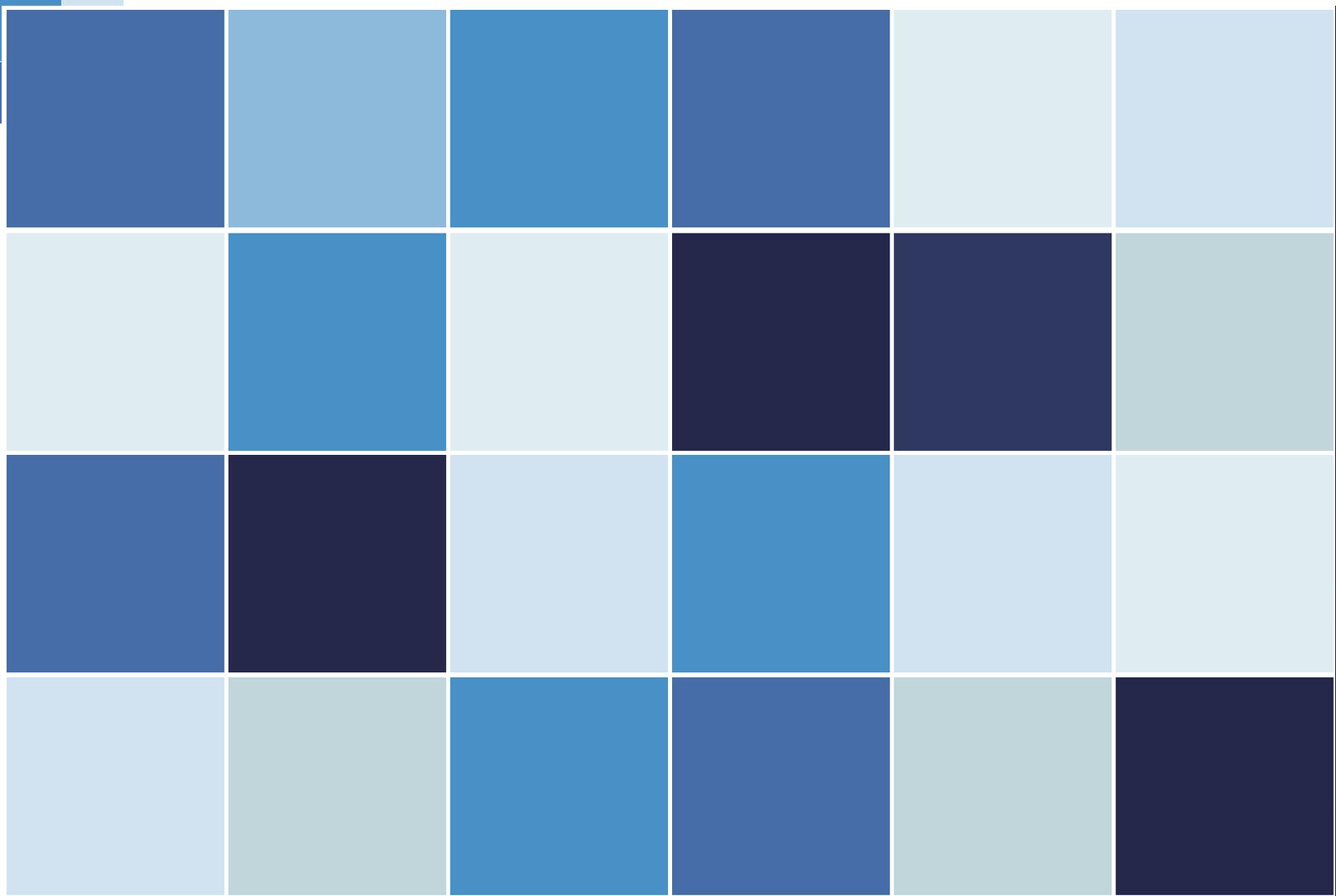
# CONCLUSIONES

Civil society undoubtedly values the effort of the OHCHR and its Office to give visibility to the human rights situation in Venezuela and, specifically, the determination to present reports and oral updates, despite the persistence of a hostile environment for the exercise of human rights in the country. However, on several occasions it has left aside the examination of the State's compliance with its own recommendations, and has omitted relevant issues that, had they been included, would have provided a broader and more accurate picture of the reality of the situation.

More than a year after the visit of the OHCHR and the formulation of its first report, a deepening of the complex humanitarian emergency has been evidenced, which also occurs in a context aggravated by the Covid-19 pandemic, which has increased the vulnerability of all Venezuelans. In spite of this, the oral update incurs in a certain benevolence and obviates a series of aspects that deserved a special reference in order to be consistent with the needs and sufferings of the victims in Venezuela.

Taking the above into consideration, it is evident that in 2019, 2020 and 2021 the High Commissioner has issued a total of 43 recommendations; thus, the Venezuelan State has not complied with any of them, showing in a total of 33 recommendations a clear setback, especially those referring to: arbitrary detentions, separation of powers, situation of the mining arc and economic, social and cultural rights.

Finally, we consider that the OHCHR should have taken into account time as a determining factor in its work, since all the complaints exposed on July 4th, 2019 were supposed to have been taken into account with immediacy. However, today we can affirm that this has not been the case, and High Commissioner Bachelet should have made this known to the Venezuelan authorities.



**JUNIO DE 2021**