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Amnesty International Report 2017/18 - The State of the World's Human Rights - Venezuela

Venezuela remained in a state of emergency, repeatedly extended since January 2016. A National Constituent Assembly was elected without the participation of the opposition. The Attorney General was dismissed under irregular circumstances. Security forces continued to use excessive and undue force to disperse protests. Hundreds of people were arbitrarily detained. There were many reports of torture and other ill-treatment, including sexual violence against demonstrators. The judicial system continued to be used to silence dissidents, including using military jurisdiction to prosecute civilians. Human rights defenders were harassed, intimidated and subject to raids. Conditions of detention were extremely harsh. The food and health crises continued to worsen, especially affecting children, people with chronic illness and pregnant women. The number of Venezuelans seeking asylum in other countries increased.

Background

The year was marked by growing public protests due to rising inflation and shortages of food and medical supplies. The state of emergency declared in January 2016 remained in force, providing the government with special powers to attend the economic situation. Despite the political dialogue processes initiated between the government and the opposition during the year, there was no concrete progress in advancing human rights issues.

Freedom of expression

The Office of the Special Rapporteur for freedom of expression of the Inter-American Commission on Human Rights (IACHR) expressed concern about the closure of 50 radio stations by the National Telecommunications Commission. Other media outlets also faced the threat of closure, despite a 2015 ruling by the Inter-American Court of Human Rights declaring that such closures violated freedom of expression.

Anti-government protesters and some opposition leaders were accused by the government of being a threat to national security.

The government ordered the removal of some foreign news channels including CNN, RCN and CARACOL from national television cable operators. In September, journalists from the online news and research portal Armando.Info were threatened by unidentified actors for their investigations into cases of administrative corruption.

Freedom of assembly

Between April and July in particular, there were mass protests for and against the government in various parts of the country. The right to peaceful assembly was not guaranteed. According to official data, at least 120 people were killed and more than 1,177 wounded – including demonstrators, members of the security forces and bystanders – during these mass demonstrations.

There were also reports from the Attorney General's Office that groups of armed people with the support or acquiescence of the government carried out violent actions against demonstrators.

According to the local NGO Venezuelan Penal Forum, 5,341 people were arrested in the context of the protests, of which 822 were tried. Of these, 726 civilians were subjected to military justice and charged with military crimes for demonstrating against the government. At the end of the year, 216 people remained in pre-trial detention.

Excessive use of force

In January the government relaunched its public security programme, previously named Operation Liberation of the People, under the new name Operation Humanist Liberation of the People. Reports continued of excessive use of force by security agents.

In the context of the demonstrations that took place between April and July, the government announced the activation of the “Zamora Plan”, with the objective to “guarantee the functioning [of the] country [and] its security” by mobilizing civilians alongside police and military forces to “preserve internal order”. However, the details of the plan were not made public.

The Bolivarian National Police and the Bolivarian National Guard – among other civil and military security forces – continued to use excessive and undue force against demonstrators. Between April and July there was an increase in the deployment of military forces to repress protests, resulting in an increase in the excessive use of less-lethal force and undue use of lethal force, including firing tear gas directly at people's bodies, shooting multiple munitions such as rubber bullets, beatings, and use of firearms, all of which put protesters at risk of serious harm or death.

According to the Attorney General's Office, Jairo Johan Ortiz Bustamante was killed by gunshot wounds during a protest in Miranda state on 6 April and Juan Pablo Pernaleté was killed by the impact of a tear gas bomb to his chest during a protest in the capital, Caracas, on 26 April. David Vallenilla, Neomar Lander and Rubén Darío González also died from injuries sustained during the protests between April and July.

During this period, the civil society organization Micondominio.com recorded at least 47 illegal raids on multiple communities and homes in 11 states across the country. These raids were characterized by illegal use of force, threats and mass arbitrary arrests, and were often linked to police and military operations against protests that took place near the communities. The actions of the security forces during these raids were illegal and arbitrary and had indiscriminate effects. Groups of armed people also harassed and intimidated residents during the raids with the acquiescence of the state security forces present.

In August, the UN High Commissioner for Human Rights published a report highlighting the systematic and widespread use of excessive force during the protests between April and July, pointing to a pattern of violent home raids and torture and other ill-treatment of detainees. The report also expressed concern regarding difficulties faced by international organizations in accessing the country, and victims' fears of reporting abuses.

Arbitrary arrests and detentions

Amnesty International documented 22 emblematic cases of people arbitrarily detained for political reasons through the implementation of various unlawful mechanisms since 2014. These mechanisms included the use of military justice, arrests without a warrant, and the use of ambiguous and discretionary criminal definitions, among others, that demonstrated a much broader pattern of efforts to silence dissent.¹ (<https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/#endnote-1>) At the end of the year, 12 of these people were granted alternative measures to detention; the other 10 remained arbitrarily detained, although the courts had ordered the release of many of them.

These documented cases included those of MP Gilber Caro and activist Steyci Escalona, both members of the opposition party Popular Will, who were arbitrarily detained in January after senior government authorities publicly accused them of carrying out “terrorist activities”. Despite Gilber Caro’s trial requiring authorization by Parliament, he remained arbitrarily detained and his case was submitted to military courts. Steyci Escalona was granted conditional release from pre-trial detention in November. By the end of the year, neither had been brought to trial.

Hundreds of people reported that they were arbitrarily detained during the protests that took place between April and July. Many were denied access to medical care or a lawyer of their choice and in many cases were subjected to military tribunals. There was a notable increase in the use of military justice to try civilians.

In December, 44 people arbitrarily detained for what local NGOs considered to have been politically motivated reasons were released with alternative restrictions on their freedom.

Torture and ill-treatment

Many new reports of torture and other ill-treatment were received. Wilmer Azuaje, a member of the Legislative Council of Barinas state, was arrested in May. His family reported that during his detention he was locked in a noxious-smelling room, handcuffed for long periods of time and sometimes kept incommunicado, conditions that constitute cruel treatment. In July, the Supreme Court of Justice ordered his transfer to house arrest; however, at the end of the year Wilmer Azuaje remained at the 26 July Detention Centre without any charges against him or any improvement in his conditions of detention.

During the demonstrations between April and July, there were reports of ill-treatment by state officials during arrests of protesters, including kicking, beatings and sexual violence.

Human rights defenders

Human rights defenders and individuals who sought justice for human rights violations continued to be subjected to attacks and smear campaigns, in an apparent attempt to halt their human rights work.

In February, transgender lawyer Samantha Seijas was threatened by a police official while filing a complaint at a police station in Aragua state accompanied by his daughter.² (<https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/#endnote-2>)

In May, authorities raided the home of human rights defender Ehisler Vásquez in the city of Barquisimeto, Lara state. When he requested information on the reason for the raid, the Public Prosecutor's Office threatened to charge him with a crime.³ (<https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/#endnote-3>) Later that month in the same city, a group of unidentified people stormed the home of human rights defenders Yonaide Sánchez and Nelson Freitez.⁴ (<https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/#endnote-4>)

Human rights defenders were intimidated by state media and high-ranking government officials, who publicly announced their names and contact details while accusing them of “terrorism”.

Lawyers representing people on trial before military courts reported being harassed and intimidated by government authorities, putting great pressure on those defending people critical of the government.

Justice system

The justice system continued to be subject to government interference, especially in cases involving people critical of the government or those who were considered to be acting against the interests of the authorities. The Bolivarian National Intelligence Service continued to ignore court decisions to transfer and release people in its custody.

Two police officers from the Chacao municipality remained arbitrarily detained since June 2016, despite a warrant being issued for their release in August 2016. Twelve other officers accused in the same criminal case who had also been arbitrarily detained since June 2016 were released in December. In June 2017, the 14 officers went on hunger strike, some for 23 days, in order to demand that the authorities release them in compliance with the judicial order.⁵ (<https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/#endnote-5>)

In August, four opposition officials who had been elected to public office were arrested and five others had arrest warrants issued against them. These warrants were issued by the Supreme Court in a proceeding that was not enshrined in law. A total of 11 officials elected by popular vote were removed from office in irregular proceedings.

Prisoners of conscience

Leopoldo López, leader of the opposition party Popular Will and a prisoner of conscience, was moved to house arrest in August. During his detention at the National Centre for Military Proceedings in Ramo Verde, Caracas, there had been several reports of abuses against him, including torture and denial of visits from his lawyers and family.

Villca Fernández, a student and political activist from the state of Mérida and a prisoner of conscience, remained arbitrarily detained by the Bolivarian National Intelligence Service in Caracas. He had been repeatedly denied urgent medical care and had reported other ill-treatment since his detention in January 2016.⁶ (<https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/#endnote-6>)

International scrutiny

In May, Venezuela announced that it was withdrawing from the Organization of American States and therefore from the authority of the IACHR, further limiting the protection for victims of human rights violations in Venezuela.

Decisions and rulings from international human rights monitoring mechanisms were still not implemented at the end of the year, especially regarding the investigation and punishment of those responsible for human rights violations.

In November, Venezuela received a visit from the UN Independent Expert on the promotion of a democratic and equitable international order. Visits from the UN Special Rapporteur on the right to development, and the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, were announced for 2018.

Enforced disappearances

Former Minister of Defence and detained government critic Raúl Isaías Baduel was unexpectedly taken from his cell at the National Centre for Military Proceedings in Ramo Verde, Caracas, on the morning of 8 August; he remained disappeared for 23 days. The authorities then acknowledged that he was being held at the facilities of the Bolivarian National Intelligence Service in Caracas, where he was held incommunicado and denied access to his family and lawyers for more than a month.⁷

(<https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/#endnote-7>)

Impunity

Most victims of human rights violations continued to lack access to truth, justice and reparation. Victims and their families were often subjected to intimidation.

In April, two officers of the Bolivarian National Guard were sentenced for killing Geraldine Moreno during demonstrations in Carabobo state in 2014. The majority of victims of murder, torture and other violations by state actors were yet to receive justice or reparation.

The Attorney General's Office announced investigations into killings in the context of protests between April and July 2017. The National Constituent Assembly, established on 30 July, appointed a Truth Commission to investigate cases of human rights violations during the protests; there were concerns about its independence and impartiality. There were reports of victims or their families being pressured by authorities to testify and agree on facts that could waive the responsibility of state agents for these violations, as well as obstacles to the work of defence lawyers working with human rights organizations.

detention

Despite reforms to the penitentiary system in 2011, prison conditions remained extremely harsh. Lack of medical care, food and drinking water, insanitary conditions, overcrowding and violence in prisons and other detention centres continued. During clashes inside penitentiary centres, the use of firearms remained commonplace among inmates. Many detainees resorted to hunger strikes to protest against the conditions of their detention.

The IACHR expressed concern over the deaths of 37 detainees at the Amazon Judicial Detention Centre in August during clashes that took place when the Bolivarian National Guard and the Bolivarian National Police reportedly attempted to search the premises.

Right to food

The Documentation and Analysis Centre for Workers reported that in December the basket of consumer goods for a family of five, which is used to define the consumer price index, was 60 times the minimum wage, representing a 2123% increase since November 2016. The humanitarian organization Caritas Venezuela found that 27.6% of children studied were at risk of malnutrition and 15.7% of them suffered mild to acute malnutrition.

The government failed to acknowledge the worsening food shortage caused by the economic and social crises. In its *Global Report on Food Crises 2017*, the UN Food and Agriculture Organization stated that it lacked reliable official data on Venezuela and that the deepening of the critical economic situation could lead to a greater absence of consumer goods such as food and medical supplies.

Right to health

After almost two years of publishing no official data, in May the Ministry of Health published the weekly epidemiological bulletins from 2016. The data revealed that during 2016, there were 11,466 reported deaths of children under the age of one, an increase of 30.1% from 2015, when this figure stood at 8,812. The most common causes of infant mortality were neonatal sepsis, pneumonia and premature birth. In addition, the bulletins showed that 324 cases of diphtheria were reported in 2016.

Women's rights

The Ministry of Health bulletins indicated an increase in instances of maternal mortality of 65.8% from 2015 to 2016, with a total of 756 deaths recorded in 2016, 300 more than in 2015.

Lack of official data made it almost impossible to monitor the rate of femicides and other crimes against women. However, the NGO Women's Metropolitan Institute estimated that there were at least 48 femicides between January and May.

Ten years after the implementation of the Organic Law on Women’s Right to Live a Life Free of Violence, local NGOs reported that prosecutors, judges, police officers and other officials remained poorly equipped to protect women’s rights, and women often suffered re-victimization because of institutional violence. Other obstacles to implementing the law included a lack of official data to plan and programme public policies to prevent and eradicate violence against women.

Sexual and reproductive rights

The economic crisis continued to limit access to contraception. In June, in an online survey carried out by the local NGO AVESA, 72% of respondents had not been able to access any contraceptives during the previous 12 months, and 27% said that they could not afford to buy contraceptives from pharmacies.

Refugees and asylum-seekers

There was a notable increase in the number of Venezuelans seeking asylum in Brazil, Costa Rica, the USA, Spain, Peru, and Trinidad and Tobago. Other countries in the region, including Colombia and Ecuador, also continued to receive large numbers of Venezuelans seeking refuge.

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