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Human rights situations that require the Council's attention

**Detailed findings of the independent international
fact-finding Mission on the Bolivarian Republic of
Venezuela**

**Crimes against humanity committed through the State's intelligence
services: structures and individuals involved in the implementation of
the plan to repress opposition to the Government**

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I. Introduction

A. Background and context

1. In its resolution 42/25 of 27 September 2019, the Human Rights Council established the International Independent Mission on the Bolivarian Republic of Venezuela (hereinafter “the Mission” and “Venezuela”, respectively). On 6 October 2020, the Human Rights Council extended the mandate of the Mission for an additional two years, until September 2022, through resolution 45/20. The Mission presented its first report to the Human Rights Council on 15 September 2020.¹ It then presented a second report on 16 September 2021.²

2. Resolution 45/20 enabled the Mission to continue to investigate gross human rights violations, including extrajudicial executions, enforced disappearances, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, and sexual and gender-based violence, since 2014. The expert members of the Mission are Marta Valiñas³ of Portugal (Chairperson), Francisco Cox⁴ of Chile and Patricia Tappatá⁵ of Argentina. The experts carry out their work *ad honorem*.

3. The Human Rights Council requested that the Mission prepare written reports on its findings to be presented to the Human Rights Council during an interactive dialogue at its fifty-first session.⁶ The Mission has produced three reports, the report presented to the Human Rights Council A/HRC/51/43 and two extended conference room papers. These include the present report, which focuses on the role of the State’s intelligence services in the commission of arbitrary detentions, enforced disappearances, acts of torture and other cruel and inhuman treatment as well as sexual and gender-based violence, against real or perceived opponents of the Government.

4. In its 2020 report, the Mission concluded with reasonable grounds to believe that violations and crimes were committed in Venezuela as part of a widespread and systematic attack directed against a civilian population, with knowledge of the attack, pursuant to or in furtherance of two distinct State policies: 1) a policy to silence, discourage and quash opposition to the Government and 2) a policy to combat crime, including by eliminating individuals perceived as “criminals”.⁷

5. The Mission also identified six main perpetrator structures⁸ involved in the commission of crimes and violations falling within three main contexts.⁹ Under the context of targeted political repression, the Mission found with reasonable grounds to believe that arbitrary detentions were used to target individuals based on their political affiliation, participation, views, opinions or expression.¹⁰ It also found that a number of detainees were

¹ A/HRC/45/33 and A/HRC/45/CRP.11, available at: <https://www.ohchr.org/EN/HRBodies/HRC/FFMV/Pages/Index.aspx>

² A/HRC/48/69 and A/HRC/48/CRP.5, available at: <https://www.ohchr.org/EN/HRBodies/HRC/FFMV/Pages/Index.aspx>

³ Appointed by the Human Rights Council on 2 December 2019.

⁴ Ibid.

⁵ Appointed by the Human Rights Council on 1 September 2021.

⁶ A/HRC/RES/45/20, para. 14.

⁷ A/HRC/45/CRP.11, paras. 2086, 2088.

⁸ The identified structures are the following: (1) Bolivarian National Intelligence Service/SEBIN (targeted repression); (2) Directorate General of Military Counter-intelligence/DGCIM (targeted repression); (3) National Guard/GNB (violations in protests); (4) Military/FANB (violations in protests, security context); (5) Special Action Forces of the Bolivarian National Police/PNB/FAES (security context); and (6) Scientific, Criminal and Criminological Investigator Corps/CICPC (security context).

⁹ Targeted political repression, security and social control operations and violations committed in the context of protests.

¹⁰ A/HRC/45/CRP.11, para. 262.

also victims of short-term enforced disappearances and acts of torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence.¹¹

6. In 2020, the Mission found with reasonable grounds to believe that key institutional actors within the Executive, law enforcement and the intelligence services played a role in the arrests and detentions of real and perceived opponents of the Government.¹² In its 2021 report, the Mission concluded with reasonable grounds to believe that prosecutorial and judicial actors, instead of providing protection to victims of human rights violations and crimes, have played a significant role in the State's repression of Government opponents, whether real or perceived.¹³

7. With respect to State intelligence services, the Mission concluded in 2020, with reasonable grounds to believe, that individuals at different institutional and hierarchical levels of the Bolivarian National Intelligence Service (hereinafter "SEBIN") and the Directorate General of Military Counter-Intelligence (hereinafter "DGCIM") played an integral part in the targeted repression of Government opponents and were involved in these violations and crimes.¹⁴ The Mission's findings on the contributions made by these individuals was included in the 2020 report's responsibility section.¹⁵

8. Expanding on the Mission's findings in the 2020 and 2021 reports, the present report focuses on the specific role played by SEBIN and DGCIM as institutions, and of individuals holding various positions within the hierarchies of these bodies, in the violations and crimes committed against real and perceived Government opponents. This report presents a deeper understanding of these structures and identifies additional roles and contributions by those at different levels in the chains of command, with a view towards advancing determinations of responsibility. A deeper analysis of the structures, dynamics, decision-making, *modus operandi* and the roles of specific individuals within their respective agencies, also reveals SEBIN and DGCIM as organizations prone to be directed or steered towards the commission of violations and crimes.

9. The crimes and violations committed by members of these structures, - which, as noted in the Mission 2020 report, amounted to crimes against humanity¹⁶ - were of particular cruelty and committed against individuals who were particularly defenceless as they were in detention. Real and perceived Government opponents and their family members were subjected to illegal detention followed by acts of torture and other cruel, inhuman or degrading treatment and sexual and gender-based violence while in detention, including through:

heavy beatings with bats and sharp objects; electric shocks to sensitive parts of the body; asphyxiation with toxic substances and water; cuts and mutilations including in the bottom of their feet and under their nails; the use of a device called the "*señorita*", to lift and distort bodies and lower them into water tanks; rape with objects; beating and electric shocks to the genitals; constant lighting or constant darkness; extreme heat or extreme cold; forceful feeding of faeces and vomit; and death threats and threats of rape to victims and their family members.

10. As will be made clear in this report, the structures of DGCIM and SEBIN remain the same and the dynamics within these agencies, as previously documented by the Mission, still persist to date. The Mission will demonstrate, on reasonable grounds to believe, that

¹¹ Ibid.

¹² Ibid., para. 260. In its 2021 report, the Mission indicated that real and perceived opponents or critics of the Government include individuals and/or organizations that document, denounce or attempt to address human rights or social and economic problems in the country, or individuals that interfere or are perceived to interfere with interests of government actors, whether political, economic or criminal. The Mission also explained that the term "political cases" was used throughout the report to refer to criminal cases in which the defendant is accused by the State of alleged crimes committed against the Government. A/HRC/48/CRP.5, para. 7.

¹³ A/HRC/48/CRP.5, paras. 469, 487.

¹⁴ A/HRC/45/CRP.11, para. 261.

¹⁵ Ibid., paras. 1975-2012.

¹⁶ Ibid., paras. 2083-2094.

several individuals may have participated in crimes and violations, and therefore their responsibility merits further investigation. Almost all of these individuals, and particularly individuals in key positions, continue to hold positions with DGCIM or SEBIN. As recently as 29 August 2022, various individuals concerned have been promoted within the same structures.¹⁷ Those who no longer work for DGCIM or SEBIN have been promoted to other positions in different agencies or have retired from service. There is no evidence that, at present, domestic proceedings are being conducted against any of these persons. The Government has failed to provide information to this effect, despite several requests sent in the form of official letters by the Mission through the relevant diplomatic channels. This is incompatible with a genuine intention to address the situation.

11. The Mission has received no information indicating that the victims of crimes and violations in SEBIN's El Helicoide and DGCIM's Boleíta detention centres documented in this and the 2020 report have been provided with reparations for the harms they suffered, including compensation, restitution or rehabilitation. Accordingly, the harm they suffered remains unaddressed. This perpetuates a situation of lack of justice and reparations. Admittedly, peak periods of illegal arrests followed by torture ended 2019. This is due to the fact that, over time, given the brutality in the execution of the plan, political dissent has been largely crushed. This compounded by the effects of the COVID-19 pandemic over demonstrations resulted in an overall decrease in the reports of incidents of this type.

12. Nevertheless, various cases documented below concern acts and conduct committed as recently as the second half of 2021 and into 2022.¹⁸ As noted in the March 2022 Oral Update delivered by the Mission, although some progress has been made in the transfer of persons out of SEBIN and DGCIM detention centres since September 2021, in accordance with a Presidential Decree of 17 May 2021, many detainees in cases involving real or perceived Government opponents have not been transferred (see para. 128 below). For instance: Javier Tarazona, director of the NGO Fundaredes, was arrested in July 2021 and continues to be detained in SEBIN's El Helicoide where he has been subjected to torture, including psychological or white torture.¹⁹ Another detainee with whom the Mission spoke stated that he was subject to torture in DGCIM's Boleíta in the second half of 2021 and identified other detainees who suffered the same treatment.²⁰ This is the case, notwithstanding the fact that, as of the end of 2021, the management of the SEBIN and DGCIM detention centres in Caracas was transferred to the Ministry for Penitentiary Services.²¹

B. Methodology

13. As before, the Mission followed established methodologies and best practices for human rights fact-finding, as developed by the United Nations. The Mission conducted its work in accordance with the principles of independence, impartiality, objectivity, transparency and integrity.

14. The Mission continued to base its information gathering on the investigation of cases, which also form the basis of the qualitative analysis with respect to violations, crimes and impunity levels contained in the present report. The current report is based on 471 interviews conducted by the Mission: 383 interviews were conducted during the 2020 and 2021 mandates and 88 interviews were conducted between November 2021 and April 2022. Of these 125 were interviews with victims; 40 interviews with family members; 65 interviews with legal representatives; 53 interviews with individuals employed by SEBIN, DGCIM or other government entities during the period covered by the Mission's mandate and 188 interviews with intermediaries, journalists, NGO representatives and others.

¹⁷ Ministry of Defence Resolution 47260, 29 August 2022.

¹⁸ Interview RWAA7623.

¹⁹ Statement by Marta Valiñas, 49th session of the Human Rights Council, 18 March 2022.

²⁰ Interview JRNO1668.

²¹ A/HRC/50/59, para. 30 et seq.

<i>Interview Period</i>	<i>Total</i>	<i>Women</i>	<i>Men</i>
2019-2020	191	85	106
2020-2021	192	82	110
October 2021-April 2022	88	24	64
Total number of interviews	471	191	280

15. The Mission has decided to focus the present investigation on deepening its understanding of the chains of command and responsibilities for violations and crimes within two detention centres, SEBIN's El Helicoide and DGCIM's Boleíta. This is due to the especially high number of violations and crimes occurring within these detention centres between 2014 and present, and the availability of information. Although the Mission decided to focus its investigations on these specific sites for this report, it recognizes that violations and crimes have also been perpetrated by actors from these same agencies in other locations, including SEBIN Plaza Venezuela and multiple regional offices of both SEBIN and DGCIM, as well as clandestine sites, as documented in the Mission's previous reports.²²

16. The Mission was able to collect information primarily through the following methods: (1) confidential interviews, both in-person and via secure telephone or video connections; (2) confidential documents obtained from individuals and organizations, including legal case files; and (3) review of open source information.

17. The factual findings on material facts made in the present report are based on at least one credible source of direct information, which was independently corroborated by at least one other credible source of information. Where the report describes patterns of conduct, these are based on the common elements established by the cases investigated, corroborated by other credible information collected.

18. The Mission considered the following to be sources of direct information, where the sources were reliable and credible:

- Interviews with victims and other witnesses with direct knowledge of incidents
- Interviews with family members and lawyers of victims with direct knowledge of certain aspects of cases/incidents
- Legal case files and other verified confidential documents
- Interviews with former Government, intelligence and military officials and others with direct knowledge of specific cases or of the internal workings of certain institutions (insiders)
- Publicly available statements or information regarding relevant facts provided by Government institutions and representatives (including televised statements or statements posted on social media)
- Laws, policies, directives and other legal documents of the Government of Venezuela

19. The Mission devoted throughout its investigations specific attention to gendered issues and impacts of violations and strove to implement a gender approach, using gender-sensitive methodologies and tools for collecting, organizing, analysing and reflecting information in the present report.

20. The Mission ensured it had the informed consent from each person it interviewed before using any information provided. It has anonymized the identities of sources, witnesses and victims, where revealing these could place the individual and/or his/her family members at risk of reprisals. While preserving the confidentiality of the interaction

²² See, for example, A/HRC/45/CRP.11, HGKR8779; A/HRC/48/CRP.5 Box 12: The case of Azul Positivo.

of victims and other witnesses with the Mission, it maintains a full database of information and evidence upon which it bases the analysis and conclusions contained in the present report. The information is stored on safe platforms, with strict and controlled access, applying best practices in terms of digital security and permanent control. Access will only be granted to the extent that witnesses or the originators of other sources of information have given their informed consent, and protection concerns have been addressed.

21. In its Resolution 45/20, the Human Rights Council urged the authorities of Venezuela to cooperate fully with the Mission, to grant it immediate, full and unfettered access to the entire country, and to provide it with all the information necessary to fulfil its mandate.²³ The Mission regrets that three years into its mandate, the Government of Venezuela still has not permitted its members or its Secretariat staff to visit Venezuela in order to undertake in-country fact-finding.

C. Standard of proof

22. In line with its previous practice, for this report the Mission used “reasonable grounds to believe” as its standard of proof. The reasonable grounds standard is met when factual information has been collected, which would satisfy an objective and ordinarily prudent observer that the incident has occurred as described with a reasonable degree of certainty.

23. The Mission applied the standard of proof to determinations as to whether: (a) the violation or crime occurred, and (b) the individual identified was responsible. This standard of proof is lower than that required in criminal proceedings for a criminal conviction (certainty beyond a reasonable doubt) as well as that required to sustain an indictment. It is also lower than the balance of probability test in civil matters (meaning that something is more likely than not to have happened). However, it is sufficiently high to indicate that further investigations are warranted.²⁴

24. The Mission spoke again with General Cristopher Figuera, former Director General of SEBIN and former Deputy Director General of DGCIM. As noted in its 2020 report, General Figuera admitted to have participated in acts against the Government. Nevertheless, the Mission relies on information provided by Mr. Figuera throughout the report given the applicable standard of proof. In this connection, the Mission notes that other information received corroborates statements provided by Mr. Figuera and that the information he provided was, on its face, internally consistent and plausible. Despite repeated requests, the Government has not provided information to the Mission contrasting the information provided by Mr. Figuera.

D. Naming of individuals in the present report

25. The Mission has concluded, on reasonable grounds to believe, that certain individuals addressed in the present report may be responsible for crimes and violations and should therefore be investigated. The Mission reiterates that it is an investigative but not a judicial body, and in essence any determination of criminal responsibility with respect to the individuals mentioned in this report must be made by the appropriate judicial authorities acting with full respect for due process guarantees and fair trial standards. The Mission has chosen to publicly name some of the individuals whose contributions to crimes and violations it investigated. It has done so in compliance with the guidelines issued by OHCHR on this matter²⁵ and in order to fulfil thoroughly and rigorously its mandate to contribute to ensuring full accountability for perpetrators and public reporting.

²³ A/HRC/RES/45/20, para. 16.

²⁴ A/HRC/45/CRP.11, paras. 11, 1977.

²⁵ OHCHR, *Who’s Responsible? Attributing Individual Responsibility for Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-Finding Missions and Other Investigations*, 2018, p. 85.

26. The Mission considers that this approach upholds the value of the publicity of the work of fact-finding bodies and carries the potential to act as a deterrent to further violations. The Mission has carefully considered all possible implications and conducted risk-assessments. In light of particular security concerns, including the risk of reprisals against victims, family members, and others, the Mission has decided to anonymize certain individuals whose contributions to crimes and violations it investigated. This was done in part to minimize the risk of possible “scapegoating” of more vulnerable suspects, and/or of individuals associated with them. The Mission has removed names and other identifying information in these cases, but retained all such information in its own records. Moreover, it has chosen to anonymize all sources of information pertaining to the responsibility of particular individuals.²⁶ Furthermore, it has chosen to withhold the name of other individuals who were said to be involved in violations but whom the Mission did not investigate in more depth.²⁷

27. The Mission has taken the right to reply of the individuals named in this report seriously. It has actively sought to gather the views of the implicated individuals and to provide them with a right to reply to the allegations made against them.²⁸ In parallel, the Mission publicly invited interested individuals, groups and organizations to submit information and/or documents relevant to its mandate. It acknowledged, also publicly, the right to rectification of all persons identified in the Mission’s reports, and invited the persons concerned to submit all relevant information and/or documents to this effect. For this purpose, the Mission made available an online form and invited interested individuals to submit any “exculpatory information” they may possess.²⁹

28. In addition, the Mission sent five letters to the Government of Venezuela requesting information regarding the existence and, if applicable, the stage of the proceedings conducted against identified officials or former officials of SEBIN and DGCIM relevant to their potential participation in the commission of violations and crimes under the Mission’s mandate. In particular, the Mission requested access to evidence-related information in the files concerning any such criminal proceedings, including any type of “exculpatory evidence”.³⁰ At the time of writing, the Mission has yet to receive a response.

29. The Mission regrets not having received any response or additional information from the relevant individuals, nor from the Government, despite its attempts of reaching out to them and its publicly announced availability to receive information from any individual. Its factual determinations are therefore based on a rigorous analysis of the information it was able to gather through the methods described above. The Mission considers that these determinations should prompt thorough criminal investigations and the adjudication of cases in line with the applicable international standards, as well as other forms of accountability that may ensure that the documented violations stop and are not repeated.

²⁶ The Mission has opted to be extra cautious in not revealing any information capable of leading to the identification of these sources. Interviews and documents are referred to by codes. To ensure anonymity, more than one code is often used to refer to one and the same interview. However, all of these sources are appropriately registered in the Mission’s records.

²⁷ As referenced throughout the report, these names are, nonetheless, registered in the Mission’s records.

²⁸ The Mission sent letters to the Public Prosecutor’s Office, the Military Prosecutor, the president of the Supreme Court and to President Maduro requesting information regarding the existence and status of any cases brought against identified SEBIN and DGCIM officials or former officials for their alleged participation in the commission of violations and crimes under the Mission’s mandate. The Mission sent reminders and a follow up letters, requesting that the Venezuelan authorities provide suitable means to ensure that if those individuals wish to contact the Mission, they may do so in a confidential, secure and unrestricted manner. The Mission, whenever possible, also sent letters to several individuals including the individuals in question.

²⁹ <https://www.ohchr.org/es/hr-bodies/hrc/ffmvv/call>

³⁰ FFMV/CG/2022-003 - 6.

II. The General Directorate of Military Counter-Intelligence (DGCIM)

A. Background

1. Legal Framework

30. The Bolivarian National Armed Force (hereinafter “FANB”) is the institution in charge of guaranteeing the military defence of Venezuela.³¹ According to its bylaw, the FANB is composed of: the Commander-in-Chief, the Ministry of Defence, the Strategic Operational Command, the Bolivarian Army, the Bolivarian Navy, the Bolivarian Air Force, the Bolivarian National Guard, the Bolivarian Militia as a special component, the Strategic Regions of Integral Defence and the various levels of the Territorial Defence System.³²

31. President Nicolás Maduro is the Commander-in-Chief of the FANB and, in this capacity, is the highest hierarchical authority of the institution.³³ The Ministry of Defence is the highest administrative organ within the FANB and is in charge, among other things, of creating, adopting, monitoring and evaluating policies, defence-related strategies, plans, programs and projects.³⁴

32. DGCIM is part of the FANB. Up until 2012, DGCIM was a State security organism that fell exclusively under the Ministry of Defence.³⁵ Currently, however, DGCIM continues to fall under the administration of the Ministry of Defence,³⁶ but the President has functional and organizational control over the agency, as Commander-in-Chief of the FANB.³⁷

33. DGCIM has its origins in the General Directorate of Military Intelligence (DGIM), which was mainly composed of analysts and was tasked with collecting information from abroad.³⁸ The Mission received information that, in its early days of operation, the office did not have a large number of operators, as investigations against military officials were carried out directly by the military justice system.³⁹ With the arrival of Hugo Chávez to power, the focus of the office started to shift.⁴⁰ Sources told the Mission that when President Maduro took office, DGCIM fully shifted to a counter-intelligence approach, by starting to target real or perceived enemies of the FANB.⁴¹

34. Under its Organic Regulations, DGCIM has broad powers to organize, coordinate and execute counter-intelligence activities.⁴² It is also tasked to “prevent and cut off the

³¹ Constitutional Law of the Bolivarian National Armed Force, published in the Official Gazette No. 6.508 Extraordinary, 30 July 2020, art. 1, available at: <https://www.mindefensa.gob.ve/mindefensa/wp-content/uploads/2020/02/GACETA-OFICIAL-Nr-6.508-Extraordinario-de-fecha-30.01.2020-Ley-Constitucional-de-la-FANB.pdf> (hereinafter “2020 Constitutional Law of the FANB”).

³² 2020 Constitutional Law of the FANB, art. 22.

³³ Ibid., art. 23.

³⁴ Ibid., art. 30.

³⁵ Organic Regulations of the General Directorate of Military Intelligence, published in the Official Gazette No. 31.806, 24 August 1979, art. 2, available at: <https://www.gacetaoficial.io/venezuela/1979-08-24-gaceta-oficial-31806>. See Interview DZZV3789.

³⁶ Organic Regulations of the General Directorate of Military Intelligence, Presidential Decree No. 1.605, published in the Official Gazette No. 40.599, 10 February 2015, art. 2, available at: https://pandectasdigital.blogspot.com/2017/10/gaceta-oficial-de-la-republica_60.html (hereinafter “2015 DGCIM Organic Regulations”).

³⁷ 2015 DGCIM Organic Regulations, art. 2.

³⁸ Interview FOSI6661; Interview KUZB1968.

³⁹ Interview DUUO1693.

⁴⁰ Interview ESKD8944; Interview TJBH5354, Interview VPCS2312.

⁴¹ Interview IPET8191; Interview TDMH3014, Interview VJSU9991.

⁴² 2015 DGCIM Organic Regulations, art. 3.

intelligence, counter-intelligence and subversive activities of enemies acting against” the FANB,⁴³ and to protect the President of the Republic.⁴⁴

35. Additionally, DGCIM has powers to exercise all necessary functions as a support body for criminal investigations, in accordance with the Criminal Procedure Code and the Organic Code of Military Justice.⁴⁵ These functions include carrying out detentions as a result of ongoing investigations.⁴⁶

36. At the head of DGCIM is a Director General, who is appointed and can be removed by the President.⁴⁷ Iván Rafael Hernández Dala has been the head of DGCIM from January 2014 to the time of writing.⁴⁸ Since September 2015, he has also served as the head of the Presidential Honour Guard, sometimes known as the *Casa Militar*. In this capacity, he is directly responsible for the protection of President Maduro, his family and other individuals designated by the President, as well as the Miraflores Presidential Palace.⁴⁹ In December 2015, some three months after Hernández Dala’s appointment, the capacity of the Presidential Guard was strengthened significantly.⁵⁰

37. The Director General serves as the highest authority within DGCIM and is responsible for the administration, regulation, planning, promotion, development, protection, coordination and monitoring of military counter-intelligence.⁵¹ Under its Organic Regulations, DGCIM, through its Director General, acts in close coordination with the President, advising him, as Commander-in-Chief of the FANB, on military counter-intelligence and State security issues.⁵² The Director General also acts as an advisor to the President regarding the appointment of diplomats, as well as of key military personnel, including the Minister of Defence.⁵³

38. Under its Organic Regulations, DGCIM is composed of: i) professional military personnel; ii) military counter-intelligence officers; and iii) civilian personnel from the Ministry of Defence.⁵⁴ The professional military personnel assigned to DGCIM may belong to any of the military components of the FANB and will be under the exclusive command and operational control of DGCIM, while working for the agency.⁵⁵ All DGCIM personnel is obliged to comply with a series of duties, including to abide by ethical and moral standards in accordance with the military legal framework.⁵⁶

39. Military counter-intelligence officers are appointed by the Director General of DGCIM.⁵⁷ They hold a position of trust and may therefore be appointed and removed at

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid., art. 6.

⁴⁸ Ministry of Defence Resolution No. 003546, 13 January 2014, published in the Official Gazette No. 40.333, 14 January 2014, available at: https://pandectasdigital.blogspot.com/2017/11/gaceta-oficial-de-la-republica_97.html.

⁴⁹ Ministry of Defence Resolution No. 011227, 4 September 2015, published in the Official Gazette No. 40.741, p. 7, 8 September 2015, available at: https://pandectasdigital.blogspot.com/2017/10/gaceta-oficial-de-la-republica_415.html. The Presidential Guard is tasked with ensuring the personal safety of the President, his or her family, and other persons designated by the President, as well as other functions. See 2020 Constitutional Law of the FANB, arts. 27-29, outlining the composition and attributions of the Presidential Honour Guard.

⁵⁰ Interview OKYY8369; Official Gazette, No 425.569, 22 December 2015, pp. 3-4, available at: <http://historico.tsj.gob.ve/gaceta/diciembre/22122015/22122015-4466.pdf#page=3>; Document NNDD023.

⁵¹ 2015 DGCIM Organic Regulations, art. 6.

⁵² Ibid., art. 7.

⁵³ Ibid.

⁵⁴ Ibid., art. 8.

⁵⁵ Ibid., arts. 9-10.

⁵⁶ Ibid, art. 11.

⁵⁷ Ibid, art. 16.

will.⁵⁸ An officer who has been removed from his or her position cannot be reinstated.⁵⁹ The Regulations establish that DGCIM officers shall be civilly, criminally, disciplinarily and administratively liable for unlawful acts, crimes, misconduct and irregularities committed in the exercise of their duties.⁶⁰

40. The DGCIM headquarters are located in an industrial zone in the northeast of Caracas known as Boleíta Norte. The building served as a factory but, as will be described in detail in section II. B. 7 below, it was subsequently transformed into administrative offices with detention cells.⁶¹

2. Organizational Structure

41. Under its Organic Regulations, DGCIM is comprised of a Directorate General, a Sub-Directorate General, Line Directorates, Military Counter-Intelligence Regions and “other operational bodies and agencies that are necessary for the full accomplishment of [its] mission”.⁶² Internally within DGCIM, the Director General is at the top of the chain of command, followed by the Deputy Director General, to which a number of directorates and units officially report.⁶³

42. The directorates include: the Special Directorate of Criminal and Criminalistics Investigations (*Dirección Especial de Investigaciones Penales y Criminalísticas*, hereinafter “DEIPC”); the Counter-Espionage Directorate; the Directorate of Operations; the Directorate of Communications; and the Military Counter-Intelligence Regions 1 to 8. In addition to these substantive directorates, there are various administrative directorates, including Human Resources and Finances,⁶⁴ as well as a counter-intelligence school⁶⁵ (not depicted in organigram below). Also within DGCIM is a Special Affairs Directorate (*Dirección de Asuntos Especiales*, hereinafter “DAE”), described as a “shock force” (*grupo de choque*),⁶⁶ which does not appear in its formal hierarchy.⁶⁷

43. The Mission has prepared the following organigram based on information received from interviews with and documents provided by former DGCIM employees. The Mission notes that this is not a comprehensive organigram of the full structure of DGCIM. The Mission has only reflected in the organigram operational sections of DGCIM that needed to be clarified, and not the administrative offices which are of less relevance to this report.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid, art. 18.

⁶¹ See A/HRC/45/CRP.11, p. 75; <https://runrun.es/noticias/388228/boleita-norte-el-vecindario-tranquilo-de-la-dgcim/>.

⁶² 2015 DGCIM Organic Regulations, art. 4.

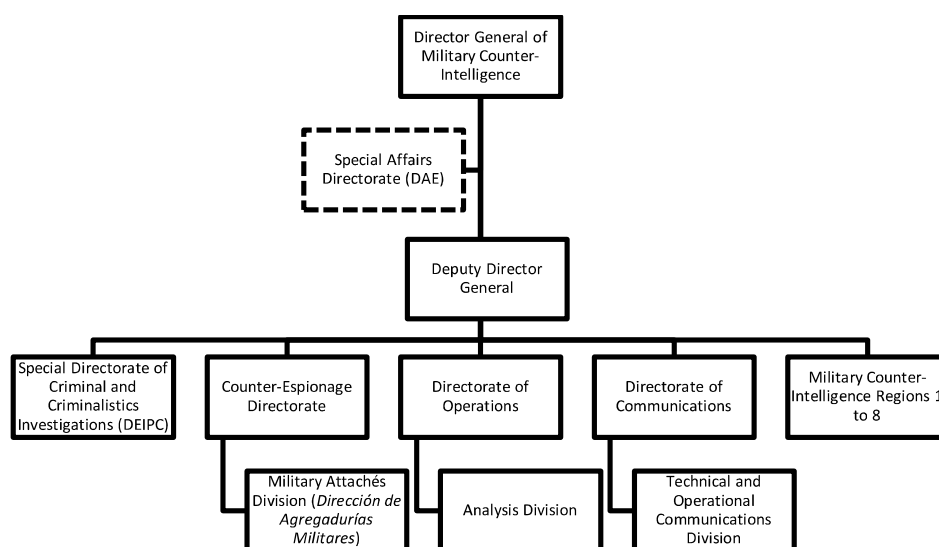
⁶³ Document NNDD019.

⁶⁴ Ibid; Interview PRJT3972; Document EKMHI495.

⁶⁵ Document NBTO2422; Interview LLZF1809.

⁶⁶ Interview UYNJ7020; Interview ULWV8612; Interview HQGS6486; Document IMNL1761.

⁶⁷ Interview JLXI2267; Document MLQV1248.



44. The Regulations state that the specific organization and functioning of DGCIM's directorates will be outlined in a bylaw.⁶⁸ However, this bylaw has yet to be published at the time of writing. Nevertheless, through its investigations, including interviews with former DGCIM employees and other Government officials, as well as the review of official documents and documents produced by former DGCIM employees, the Mission has obtained information regarding DGCIM's chain of command and the functioning of its units. The two directorates within DGCIM that are of particular relevance to the present report are the DEIPC and the DAE.

45. **The Special Directorate of Criminal and Criminalistics Investigations (DEIPC)** (prior to 2015 referred to as Directorate of Criminal and Technical Investigations) is, according to former DGCIM employees, in charge of conducting investigations and obtaining evidence against dissidents and opponents, as well as developing dossiers with information on potential targets.⁶⁹ It also carries out arrests against such targets and leads interrogations of detainees in Boleíta, sometimes working together with officials from DAE (see below). According to a former DGCIM employee, the DEIPC also manages detention cells in Boleíta.⁷⁰

46. According to information received by the Mission from a former DGCIM employee, DEIPC has its own operations, investigations and criminalistics divisions, with its own forensic laboratory.⁷¹ Within the Directorate, there is also an archive, an arms depot and a temporary custody division, which is run by a Head of Detentions (*Jefe de Custodios*), also described as a kind of "quartermaster".⁷² The Mission received information that there are about 80 to 100 officials working for the Directorate, out of offices located in Boleíta Basement 1.⁷³

47. The Mission received information that DEIPC has at some point had access to significant firepower, which included 30 Ak-2013 rifles, 15 Pietro Beretta 92F pistols, two Heckler und Koch MP5 automatic rifles and two M-4 carbines.⁷⁴ DEIPC was significantly modernised after the appointment of Hernández Dala in 2014. As noted in more detail below, officers within DEIPC participated in a number of torture cases.

⁶⁸ 2015 DGCIM Organic Regulations, art. 4.

⁶⁹ Interview QAYB6149; Interview LSTL4964; Document FXVV8351; Interview WQYG1263.

⁷⁰ Interview HANW1583.

⁷¹ Document LQXX2925.

⁷² Interview XWSE6432; Document RMYZ4666.

⁷³ Interview CBXO1238.

⁷⁴ Document ERIE2577.

48. **The Special Affairs Directorate (DAE)**, despite not appearing in the formal hierarchy of DGCIM, holds significant power within DGCIM and operates, according to former DGCIM employees, as “a separate paramilitary force”⁷⁵ and “a DGCIM within DGCIM”.⁷⁶ Former DGCIM employees told the Mission that DAE has its own budget, equipment and cyber-vigilance capacity,⁷⁷ and has full autonomy to purchase additional equipment, as required.⁷⁸

49. According to former DGCIM employees, DAE’s equipment at some point also included a “Super Puma” type helicopter, two “piraña” type patrol boats, one “value transport” type armoured vehicle, one van, 20 pick-up trucks, 150 colt M-4 assault rifles, 20 P-90 sub-machine guns, 10 tactical shotguns and an unspecified number of civilian vehicles for operational work.⁷⁹ A former DGCIM employee told the Mission that a very small part of the budget of DAE is public, as the rest comes through illegal sources.⁸⁰



50. The Mission received information that DAE has two bases located in Caracas.⁸¹ One base is located in the Los Naranjos Sector, on Avenue Sur 3, Quinta La Fontana, El Hatillo and the other base in the Lomas de Las Mercedes Sector, Baruta municipality.⁸² Two DAE subgroups, “Chacao” and “Petare”, operate within these bases. As noted in detail further below, these sites were used as covert detention centres by DGCIM to torture real and perceived dissidents and other opponents of the Government.⁸³ According to former DGCIM employees, DAE also has several offices under the façade of the Directorate of Integral Security (*Dirección de Seguridad Integral*), which works with State companies, such as Minerven, Carbozulia and Petrozamora, to manufacture and commercialize strategic products.⁸⁴

51. According to former DGCIM employees and other sources, DGCIM relied on a network of so-called “accredited workers” (*acreditados*) throughout the country to take part in operations.⁸⁵ These often belonged to *colectivos* and worked *ad honorem*, as they received no regular pay but could access other benefits, such as an official DGCIM accreditation and access to money and assets taken from detainees.⁸⁶ The *acreditados* were largely managed by a senior DAE official who worked directly under Granko Arteaga, whose name is on file with the Mission.⁸⁷ One former DGCIM official described the *acreditados* as being involved in DGCIM’s “dirty work”.⁸⁸

52. In addition, a team of 300 military counter-intelligence officers were at some point working directly under DAE’s Director,⁸⁹ operating under the name “Delta Group”.⁹⁰ This unit was trained at the Training Centre of the National Guard’s Command Actions Group.⁹¹ The Mission received information that officials had no formal employment with DGCIM, but had access to money and assets taken from detainees.⁹² The Delta Group is deployed

⁷⁵ Interview ARUA9257.

⁷⁶ Interview GZQL6682; Interview TQDD3114.

⁷⁷ Interview OKQZ6284; Interview JNFX2249; Interview BTHG8649; Document IJAY2945.

⁷⁸ Interview EHBM1255; Interview GTDJ1269.

⁷⁹ Document HJWA5571.

⁸⁰ Interview KYKY1975.

⁸¹ Document VJPO3740.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Document RQGG3042; Document NNDD047.

⁸⁵ Interview JGNT9363; Interview PRJT3972; Interview TGIX1174; Interview CEGT2676; Interview OEYB1576; Document HHDOC018.

⁸⁶ Interview BTRZ5760.

⁸⁷ Interview HXDM9599; Interview LYOF5387; Interview JIMM6981.

⁸⁸ Interview WSNA4453.

⁸⁹ Interview STNC2126; Document DPDV3892.

⁹⁰ Interview HQMM8131; Interview PCXO3350; Document KMAO3791.

⁹¹ Document BPRD9892.

⁹² Interview WOGB5253.

throughout the country, although their precise location is kept confidential.⁹³ Many of its members also belong to *colectivos*.⁹⁴ A former high-ranking officer in DGCIM referred to the DAE as a task force composed of criminals.⁹⁵

53. The Mission received information that the Office of the Assistant General (*Ayudantía General*) (not depicted in organigram above) provides assistance to the General Directorate and the DAE on administrative matters, including in the management of documents.⁹⁶ Granko Arteaga has been the director of both DAE and the Assistant General Office since 2017, which he worked for prior to assuming the leadership of DAE.⁹⁷

54. Other substantive offices within DGCIM include the following:

- **The Counter-Espionage Directorate.** According to information received from a former DGCIM employee, this Directorate is responsible for monitoring airports and other border checkpoints jointly with SEBIN, as well as the surveillance of foreign embassies in Venezuela.⁹⁸ It had a particular focus on United States diplomatic staff, at least until the suspension of operations of the United States Embassy in Caracas in March 2019.⁹⁹ The Directorate also has an External Affairs Division, which is in charge of interviewing FANB officials who ask for permission to travel abroad.¹⁰⁰
- **The Directorate of Operations.** This Directorate consists of one Analysis Division and one Information Division¹⁰¹ and is in charge of analysing and producing reports, occasionally on dissidents or opponents, but also more general reports on the FANB.¹⁰² Regional DGCIM offices supply intelligence directly to the Directorate of Operations.¹⁰³ According to one former official, all reports in DGCIM have to pass through the hands of the Directorate of Operations.¹⁰⁴
- **The Directorate of Communications.** According to three former DGCIM officials, this Directorate is tasked with surveillance including through intercepting communications, including email and instant messaging systems, even without any type of court order.¹⁰⁵ It has sub-departments that are responsible for digital and telephonic surveillance, which is carried out both from offices within Boleíta and from external locations.¹⁰⁶ Some 30 staff members in Boleíta use specialized systems, including the Italian system Genesis and previously the Israeli system Celebrite UFED, to carry out phone surveillance. External surveillance is done using vehicles, including vans with logos of fictitious companies, as well as the planting of microphones or computer viruses.¹⁰⁷
- **The Military Counter-Intelligence Regions 1-8.** The eight regional military counter-intelligence offices of DGCIM are the following: Capital, Central, East,

⁹³ Ibid.

⁹⁴ Interview LVQB9447

⁹⁵ Interview JEQW6951.

⁹⁶ Interview OKQZ6284.

⁹⁷ Ministry of Defence, Resolution No. 037291, 21 August 2020; Interview ZKXR7751; Interview NTUP6699; Interview FAMI9062.

⁹⁸ Document HHDC014.

⁹⁹ Document HHDC014.

¹⁰⁰ Document GVRE1097; Document HHDC014; Interview HQMM8131. The Mission received information that all military personnel need approval from DGCIM to travel abroad since 2012, as per an order issued by the Ministry of Defence. Document HHDC014; Interview QIOW3419; Interview HSYF4090; Document YQYG4512.

¹⁰¹ Document VGSN2779; Interview ZKXR7751.

¹⁰² Interview DZZV3789; Interview LDFA2337.

¹⁰³ Document BLAR5848; Interview VPCS2312.

¹⁰⁴ Interview XMPO6436.

¹⁰⁵ Interview VJSU9991; Interview HXLV3863; Interview EUQV3337.

¹⁰⁶ Interview LLZF1809, Document DD032, Interview HANW1583; Interview WCSV7431; Interview AZBL1450.

¹⁰⁷ Document KVVQ6058; Interview JYGX4445; Interview GZHP4080; Interview HSYF4090.

West, Los Llanos, Los Andes, Guyana and Insular.¹⁰⁸ Each regional office is responsible for between one to five sub regional zones.¹⁰⁹ These regional offices are responsible for gathering intelligence in their regions and sending them to DGCIM headquarters, as well as for executing orders of arrest and surveillance from Boleíta.¹¹⁰

3. Chain of command

55. In January 2014, President Maduro appointed Major General Iván Hernández Dala as Director General of DGCIM, at the top of its chain of command, replacing then General Hugo Carvajal Barrios. According to a former DGCIM employee and a high-level FANB officer with inside knowledge, this was to ensure loyalty and that President Maduro would be fully informed about DGCIM's actions.¹¹¹ Hernández Dala's additional role as the head of the Presidential Honour Guard, which provides security and protection services to the President,¹¹² allows Hernández Dala to have close proximity to the President.¹¹³

56. As stated above, DGCIM falls functionally and organizationally under the President as Commander-in-Chief of the FANB and administratively under the Ministry of Defence.¹¹⁴ However, according to former DGCIM employees, the Minister of Defence has little bearing over DGCIM and the Ministry is rarely involved in operational decision-making.¹¹⁵ Several sources, including former high-level DGCIM employees and FANB officers with direct knowledge of the decision-making processes within DGCIM, told the Mission that President Maduro is the one who gives direct orders to Hernández Dala.¹¹⁶ These are passed in person or by phone, never in writing.¹¹⁷

57. According to information received by the Mission from high-level former DGCIM employees and FANB officers, since 2014 the DGCIM Director General has increasingly reported directly to the President with less involvement of the Ministry of Defence.¹¹⁸ Hernández Dala spends part of his time in Boleíta and another part in the Miraflores Presidential Palace or the nearby White Palace, in his capacity of head of the Presidential Honour Guard.¹¹⁹ This constant physical proximity to President Maduro facilitates the exchange of information between the two individuals, allowing the President to give direct orders to Hernández Dala and Hernández Dala to report back to the President about what takes place in DGCIM.¹²⁰

58. Below the Director General is the Deputy Director General, who is the second in command of DGCIM. General Cristopher Figuera was Deputy Director from 2014 until 26 October 2018, when he was replaced by Division General Ramón Rafael Blanco Marrero.¹²¹ Division General Carlos Ramón Enrique Carvallo Guevara has been the Deputy Director of DGCIM since 21 August 2020.¹²²

¹⁰⁸ Ministry of Defence, Resolution No. 037291, 21 August 2020; Document DD032; Organigram provided by Cristopher Figuera, coinciding with other documents on file with Mission.

¹⁰⁹ Ministry of Defence, Resolution No. 037291, 21 August 2020.

¹¹⁰ Interview HQGS6486.

¹¹¹ Interview XAAH7940; Interview J LXI2267.

¹¹² 2020 Constitutional Law of the FANB, art. 27.

¹¹³ Interview EGOD1330; Interview QAYB6149.

¹¹⁴ 2015 DGCIM Organic Regulations, art. 2.

¹¹⁵ Interview BTRH7764; Interview KBJE6595.

¹¹⁶ Interview TRTC3724; Interview FMLV9428; Interview JUSD7963; Interview GOFT3282; Interview VRGO2448, Interview KQFR3369.

¹¹⁷ Interview QAYB6149; Interview FLIH5914; Interview ZNUI1145.

¹¹⁸ Interview XAJX4966; Interview MPWM4841; Interview UDBX6258; Interview GZQL6682; Interview SGAU6728; Interview RUPX9385.

¹¹⁹ Interview LSTL4964; Interview NCTF4030.

¹²⁰ Interview CJVO7936; Interview XWSE6432; Interview WXXF7828.

¹²¹ Presidential Decree No 3.647, published in the Official Gazette No. 41.511 Ordinary, 26 October 2018, pp. 2-3, available at: <http://spgoin.imprentanacional.gob.ve/cgi->

<i>Deputy Director General's Name</i>	<i>Period</i>
General Cristopher Figuera	2014 to October 2018
Division General Ramón Rafael Blanco Marrero	December 2018 to August 2020
Division General Carlos Ramón Enrique Carvallo Guevara	August 2020 to time of writing

59. The head of DEIPC from 2013 to 2016 was General Wilman Nabor Hernández Aquino.¹²³ Colonel Franco Quintero subsequently held the role from November 2016 until November 2018,¹²⁴ when he was replaced by Colonel Hannover Esteban Guerrero Mijares.¹²⁵ Colonel Guerrero stayed in the position until August 2019 when he was replaced by General Carlos Enrique Terán Hurtado.¹²⁶ In February 2021, Lieutenant Colonel Asdrúbal José Brito Hernández became Director and held this position at the time of writing.¹²⁷

<i>Head of DEIPC's Name</i>	<i>Period</i>
General Wilman Nabor Hernández Aquino	2013 to 2016
Colonel Rafael Antonio Franco Quintero	November 2016 to November 2018
Colonel Hannover Esteban Guerrero Mijares	November 2018 to August 2019
General Carlos Enrique Terán Hurtado	August 2019 to February 2021
Lieutenant Colonel Asdrúbal José Brito Hernández	February 2021 to time of writing

60. A former officer in the FANB told the Mission that orders regarding non-political targets follow the regular chain of command within DGCIM.¹²⁸ However, according to several sources, in the case of political targets, President Maduro approves and at times also orders the detention of real and perceived Government opponents.¹²⁹ A former DGCIM employee told the Mission that Hernández Dala would bring President Maduro investigation reports prepared by DEIPC for his approval.¹³⁰ A source with qualified knowledge of these dynamics told the Mission that President Maduro also consulted with his inner circle with respect to which detentions to make.¹³¹

61. Several witnesses also described the influence of Diosdado Cabello in the chain of command of DGCIM.¹³² One FANB official interrogated after being detained by DGCIM said that the interrogator, a high-level FANB official, ordered him to “give names” of

win/be_alex.cgi?Documento=T028700026465/0&Nombrebd=spgoin&CodAsocDoc=1611&t04=1-3&t05=png&Sesion=1404801175

¹²² Official Journal of the European Union, Council Decision (CFSP) 2021/276, 22 February 2021, p. 7, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D0276&rid=4>; Document NNDD036.

¹²³ Document MMNA1725.

¹²⁴ Document NOXS7070; Interview WOGB5253; Document NNDD029.

¹²⁵ Interview KMIW3214; Interview MXTE1040; Interview GBYK5457.

¹²⁶ Interview KEBW1671; Document NNDD029; Office of Financial Sanctions Implementation HM Treasury, Consolidated List of Financial Sanctions Targets in the UK, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057511/Venezuela.pdf.

¹²⁷ Interview TVDC1743; Interview QTOR6656; Document KTHI1538.

¹²⁸ Interview UFYD1805.

¹²⁹ Interview PEPT7918; Interview CBXO1238; Interview WXXF7828.

¹³⁰ Interview ARUA9257.

¹³¹ Interview LMQJ5754

¹³² Interview LVJV9449; interview VZTB1150; Interview TIZL6959; Interview ZDLB1966; Interview DSRP1467; DZPI9220.

suspicious military colleagues “before my Captain’s program starts”, making a specific reference to Diosdado Cabello and his television program *Con el Mazo Dando*.¹³³ Another high-profile detainee told the Mission that DGCIM officials told him that “Diosdado Cabello said you will never leave Boleíta”.¹³⁴ He was later told by contacts with close DGCIM connections that Diosdado Cabello’s order was that he stay detained for 20 years.¹³⁵

62. With respect to DAE, Alexander Granko Arteaga has served as its Director since late 2017.¹³⁶ The Mission received information that DGCIM Director General Hernández Dala gives orders directly to DAE, often bypassing DEIPC.¹³⁷ According to a former DGCIM employee, DAE has priority over DEIPC to carry out investigations into real or perceived dissidents, although in important cases, both units may work together.¹³⁸ According to a former DGCIM employee, DAE also calls on the support of the Bolivarian National Guard (hereinafter “GNB”) and the National Bolivarian Police (hereinafter “PNB”), including its Special Action Forces (hereinafter “FAES”), among others, in certain investigations.¹³⁹ Another former DGCIM employee told the Mission that DAE is known internally as Hernández Dala’s “black hand”.¹⁴⁰ Other individuals interviewed by the Mission said that Granko Arteaga also reports directly to Nicolás Maduro.¹⁴¹

63. DGCIM gathers intelligence throughout the country. According to a witness interviewed by the Mission, Director General Hernández Dala has a direct line of command to the eight regional directors, although in practice he is more regularly in touch with the more important regions.¹⁴² Officials from DEIPC and DAE often also carry out intelligence-gathering, arrests or other operations outside of Caracas.¹⁴³ A former FANB officer who was detained in a regional DGCIM detention centre told the Mission that DGCIM officials based in Boleíta would often travel to other regional detention centres to interrogate and torture political prisoners.¹⁴⁴ According to a high-level DGCIM official with qualified knowledge on these issues, all intelligence information gathered from around the country is sent to DGCIM headquarters in Caracas.¹⁴⁵

64. The Mission received information that members of *colectivos* often participate in operations together with DGCIM agents. These groups are subordinated to the corresponding DGCIM local officer and take part in specific operations.¹⁴⁶

4. Memorandum of Understanding with Cuba

65. Former DGCIM officials told the Mission that Cubans trained, advised and participated in intelligence and counter-intelligence activities with DGCIM.¹⁴⁷ Such

¹³³ Interview OFGR7369.

¹³⁴ Interview VVCF3190.

¹³⁵ Idem.

¹³⁶ Interview LDFA2337; Document NNDD025. Prior to Granko Arteaga, the role was held in succession by Col Juan Carlos Álvarez Dionisi, Capt Gómez Larez (alias “El Tigre”) and Lt Col Obregón Gutiérrez. Interview SFTP1167; *Diario República*, Apresan a primer teniente de la GNB por corrupción, 27 August 2013, available at: <https://www.diariorepublica.com/nacionales/apresan-a-primer-teniente-de-la-gnb-por-corrupcion>.

¹³⁷ Interview TQDD3114.

¹³⁸ Interview GZQL6682.

¹³⁹ Interview OKQZ6284; Interview FDJD1855.

¹⁴⁰ Interview BTHG8649.

¹⁴¹ Interview LZMO3717; Interview BFZB9416.

¹⁴² Interview ZKXR7751. For example, due to the complex situation in Apure state in 2021, the DGCIM regional office would likely have had a direct line to the Director General. Interview KYKY1975.

¹⁴³ For example, the arrest of Franklin Caldera, led by DAE. Interview EKSJ7210; Interview QOAZ4718, Interview WMYF1048.

¹⁴⁴ Interview WXKR7884.

¹⁴⁵ Interview EVCS8135.

¹⁴⁶ Interview UHQP1703; Interview LLVC1931.

¹⁴⁷ Interview UHQP1703; Interview DZZV3789; Interview GTDJ1269; Interview AZBL1450. See YouTube Video, El Pitazo, Teniente Ronald Dugarte cuenta en la OEA que presos políticos en la

collaboration can be dated back at least to a confidential Memorandum of Understanding (hereinafter “MOU”) signed in 2008 by the Governments of Cuba and Venezuela, reviewed by the Mission, which tasked the Cuban Ministry of Defence with overseeing the restructuring of the Venezuelan military intelligence services, including through the “creation of new bodies (*órganos*)”.¹⁴⁸

66. The MOU also tasked Cuban officials with training DGCIM officials, including higher-ranking officers, and with playing an active role in Venezuelan counter-intelligence efforts.¹⁴⁹ The objective of the collaboration is in part defined as “discovering and confronting subversive and intelligence efforts on behalf of the enemy as well as criminal activity”.¹⁵⁰ A separate agreement signed at the same time established a joint Cuban-Venezuelan committee comprised of Cuban military experts who would oversee inspections on, and trainings of, the FANB as a whole.¹⁵¹ According to confidential documents reviewed by the Mission, this collaboration continued over time without expiration deadlines.¹⁵²

67. Former DGCIM employees told the Mission that, after the signing of the MOU, Cuban officials began leading trainings at the Boleíta military academy, and shadowed DGCIM officials in the regional offices and in Boleíta.¹⁵³ The Cubans formulated instructions as suggestions rather than orders, but if they were not followed by a DGCIM agent, he/she would be marked as a “person of operative interest” (*persona de interés operativo*, a suspected counter-revolutionary).¹⁵⁴ Former DGCIM employees and a high-level FANB officer told the Mission that Cuban officials played a leading role in developing interrogation techniques and surveillance methods in DGCIM, as well as the structures and objectives of Directorates, including the Directorates of Communications and Operations.¹⁵⁵ It was common for DGCIM agents to travel to Cuba for trainings.¹⁵⁶

B. Modus Operandi

68. The Mission investigated the case of 122 current and former FANB officers and civilians associated with them, who were arrested, detained and tortured by DGCIM between 12 February 2014 and the present. The peak periods of detention in DGCIM’s Boleíta were 2017, 2018 and 2019. The Mission received information that 85 individuals continue to be detained in one of the various detention centres operated by DGCIM throughout the country, out of which 13 remain in Boleíta.¹⁵⁷

1. Selection and profile of targets

69. According to the Mission analysis and information received, real and perceived dissidents and Government opponents were targeted for detention based on criteria which included their alleged participation in plots against the Government, their leadership roles or leadership potential, their roles within the political opposition, their public criticism of the Government and, in some cases, their potential to be subjected to acts of extortion.

DGCIM son torturados, 20 March 2019, available at:

<https://www.youtube.com/watch?v=F0LaSJb39h4>.

¹⁴⁸ Document AMPN1179; Interview DVMP9088. For background, see Reuters, “How Cuba taught Venezuela to quash military dissent”, 22 August 2019, available at:

<https://www.reuters.com/article/us-venezuela-cuba-military-specialreport-idUSKCN1VC1BX>

¹⁴⁹ Document JEKX3645.

¹⁵⁰ Document HWBQ6313.

¹⁵¹ Document WGSR2117.

¹⁵² Document PNHS9666.

¹⁵³ Interview LLZF1809; Interview POIE1418; Interview JGNT9363.

¹⁵⁴ Interview HQGS6486; Document HHDC014.

¹⁵⁵ Interview JLXI2267; Interview WQYG1263; Document EKM1495; Interview HGAP7751; Interview WSNA4453.

¹⁵⁶ Interview QAYB6149; Document NNDD029; Interview UNEK8862.

¹⁵⁷ Interview GOAC1202.

70. In certain cases, the orders came from a group of high-level political actors who requested the detention of specific individuals based on their different interests, whether political, economic, criminal or even personal.¹⁵⁸ The Mission received information about the following political authorities ordering the detention of individuals: President Nicolás Maduro,¹⁵⁹ First Lady Cilia Flores,¹⁶⁰ Diosdado Cabello¹⁶¹ and Tareck Zaidan El Aissami Maddah.¹⁶²

71. First, DGCIM targeted military officers who were viewed as potential dissidents. A former DGCIM employee told the Mission that in 2013, DEIPC started to collect “negative information” on FANB officers who had requested to visit another country, as he or she was seen as hostile to the regime, in particular if the requester had travelled to the United States of America.¹⁶³ According to a former FANB officer, chiefs or commanders of units within the FANB have lists of possible “dangerous” military personnel who constitute a risk of uprising, or who do not comply with orders.¹⁶⁴ A significant number of detainees in DGCIM, especially in 2018, 2019 and 2020, were military officers and individuals affiliated with them, who were allegedly involved in attempted coups d'état to oust the Maduro regime.¹⁶⁵ At least in some cases, military officers appear to have been targeted due to the fact that they held positions of leadership, potentially represented a threat to power,¹⁶⁶ denounced irregularities within the military or Government¹⁶⁷ or were simply openly critical of the Government.¹⁶⁸

72. Second, DGCIM also targeted opposition politicians, by infiltrating opposition circles.¹⁶⁹ One former DGCIM employee told the Mission that, as of around 2013, “DGCIM’s doctrine was increasingly based on the persecution of the opposition and dissidents”.¹⁷⁰ In some cases, individuals were targeted merely for failing to be publically aligned with the regime, which President Maduro allegedly perceived as a personal affront.¹⁷¹ According to a former DGCIM employee, most high-profile members of the political opposition were under surveillance.¹⁷²

73. Third, DGCIM detained individuals who publicly criticized the Government or specific Government officials.¹⁷³ According to a former DGCIM employee, this included the non-governmental organization *Control Ciudadano*, which monitors activities of the FANB.¹⁷⁴ Cases investigated by the Mission include those of: Carlos Julio Varón and Ricardo Prieto Parra (two firefighters from the Apartaderos, Mérida state) in 2018;¹⁷⁵ the

¹⁵⁸ Interview ULWV8612; Interview KDIF9313; Interview GPSZ1067; Interview ITBE8175; Interview FHSN9619; BTQC1419; Interview CYRG9827; Interview MKWN7043.

¹⁵⁹ Interview HXLV3863; Interview HGAP7751; Interview REKK5553; Interview VFDS9095; Interview NREE3297; CVLI7448.

¹⁶⁰ Interview ASVF6496; Interview THRK4486; Interview WEHW3443.

¹⁶¹ Interview JXHA8235; Interview WZHX2920; Interview YHJU6788; Interview RGYJ9765; Interview ZRTB1825; Interview KBJE6595.

¹⁶² Interview RUAY5230; Interview ZWMV4762; Interview AYIY8271; Interview DFCT5334; Interview KQFR3369.

¹⁶³ Document ZUIK1772; Interview WQYG1263.

¹⁶⁴ Interview UHQP1703.

¹⁶⁵ The Mission recognizes the State’s right to take the necessary measures to protect itself from a situation that threatens its independence and/or security. This includes the prosecution of individuals who take part in an attempted coup d’état. However, this must be done with full respect to judicial guarantees, and in particular “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Universal Declaration of Human Rights, article 5.

¹⁶⁶ Interview WJDO5190.

¹⁶⁷ A/HRC/48/CRP.5, para. 265; Interview UHQP1703.

¹⁶⁸ Interview QNFT1201.

¹⁶⁹ Document CLVA1050.

¹⁷⁰ Interview QAYB6149.

¹⁷¹ Interview RUPX9385.

¹⁷² Interview AZBL1450.

¹⁷³ Interview KGCW8348; Interview DTLF8981; Interview XBWA1301.

¹⁷⁴ Document PMJY6564.

¹⁷⁵ See A/HRC/48/CRP.5, paras. 228-229.

clarinetist Karen Palacios in 2019;¹⁷⁶ and the members of the public health organization *Azul Positivo* in 2021.¹⁷⁷

74. Fourth, civilians linked to the military, political or economic targets, such as family, friends and associates, also increasingly became victims of repression. This includes relatives of targeted military officials or those who might know the whereabouts of the targeted officials. The Mission observed a pattern in which male and female family members of targets were detained in order to force the surrender of the intended military target. One former DGCIM official confirmed to the Mission that family members are frequently subject to monitoring.¹⁷⁸

75. Fifth, in several cases, civilians appear to have been arrested, at least partly, as a way to extort them and seize their assets, especially where such assets are of strategic advantage to the Government (See section II. C, below).¹⁷⁹ One former DGCIM employee explained that many DGCIM officials rely on illegally seized assets from detainees as their main source of income. For this reason, financial considerations play a role on which political opponents of the Government to target.¹⁸⁰ There are some indications that DGCIM agents are financially incentivized to bring in detainees; one detainee overheard a DGCIM agent say that he had received \$600 less that month than other colleagues, because he had brought in fewer detainees.¹⁸¹ As noted below, salaries range between 10 and 50 dollars.

2. Intelligence-gathering, surveillance and arrests

76. According to several former DGCIM employees, the intelligence gathering process starts with the receipt of information about a target, either through a tip, military sources,¹⁸² DGCIM's network of informants,¹⁸³ the infiltration of opposition sectors,¹⁸⁴ or telephone and digital surveillance, often without any court order.¹⁸⁵ One former DGCIM employee said that DGCIM maintains a network of informants across the country that has penetrated virtually all military units.¹⁸⁶ Informants were selected from many different ranks and were responsible for monitoring fellow soldiers for signs of dissidence.¹⁸⁷ Within DGCIM, different Directorates had their own networks of informants, but shared information with each other.¹⁸⁸

77. DEIPC and DAE both carry out investigations and may worked together to gather intelligence; the unit that took the lead in the investigation depended upon its capacity and resources at the time, as well as the origin of the informants.¹⁸⁹ Depending on the magnitude of the case, DGCIM may also elicit the support of other bodies, including SEBIN and PNB/FAES.¹⁹⁰ As the Mission has noted in 2021, DGCIM played a central role in carrying out investigations into real and perceived political and military opponents.¹⁹¹ Former public prosecutors with whom the Mission spoke said that, in certain cases, intelligence agencies virtually had *carte blanche* to carry out the investigations and the Public Prosecutor's Office stepped in as necessary to "ratify" the decisions.¹⁹²

¹⁷⁶ See A/HRC/45/CRP.11, paras. 981-997.

¹⁷⁷ See A/HRC/48/CRP.5, Box 12: The case of Azul Positivo.

¹⁷⁸ Interview JGNT9363.

¹⁷⁹ Interview YUEZ3217; Interview OIKJ8934; Interview EQOZ3910; Interview PZAW1463.

¹⁸⁰ Interview GZQL6682.

¹⁸¹ Interview UDBB1203.

¹⁸² Interview GTDJ1269.

¹⁸³ Interview STNC2126; Interview KYKY1975.

¹⁸⁴ Interview WHOP1260; Document VGPZ1127; Interview PRJT3972.

¹⁸⁵ Interview OKQZ6284; Interview NCTF4030, Interview PCXO3350.

¹⁸⁶ Interview BTRZ5760.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Interview GFGE1024.

¹⁹⁰ Interview IJRU8862; Interview WXXF7828.

¹⁹¹ A/HRC/48/CRP.5, para. 184; A/HRC/45/CRP.11, para. 267.

¹⁹² Interview LECA1966; Interview DIBW1600. See also Interview ATQK1838.

78. A former high-level DGCIM officer told the Mission that there is a constant sharing of information between President Maduro and Hernández Dala.¹⁹³ According to another former DGCIM employee, once the information was gathered, it was submitted to Director General Hernández Dala.¹⁹⁴ In some cases, Hernández Dala forwarded the reports to President Maduro for his approval.¹⁹⁵ According to this source, the Director General then called the Military Prosecutor who requested a warrant from a judge.¹⁹⁶ The source also told the Mission that the Chief Prosecutor of the Military Prosecutor's Office worked as a legal adviser for DGCIM in the past and has a close relationship to Hernández Dala.¹⁹⁷ However, in some cases, DGCIM made arrests without a warrant, as noted further below.¹⁹⁸

79. As noted, the Directorate of Communications was responsible for gathering information on targets through surveillance. Orders for surveillance operations came from the Director General or Deputy Director of DGCIM, or from the Directors of Communications, DAE or DEIPC, and almost never relied on court orders.¹⁹⁹

80. Following the period of surveillance, DGCIM arrested the targets. In many cases, DGCIM carried out the arrests alone. However, in a significant number of cases, arrests by DGCIM were carried out with the support of other State actors, indicating a broader cooperation of State agencies and a coordination at a higher level. This included arrests together with or in cooperation with: 1) FANB;²⁰⁰ 2) SEBIN;²⁰¹ 3) PNB/FAES;²⁰² 4) the Scientific, Criminal and Criminological Investigator Corps (CICPC);²⁰³ 5) local authorities;²⁰⁴ 6) the Public Prosecutor's Office;²⁰⁵ and 7) *colectivos*, who allegedly undertook advance work for DGCIM prior to searches or arrests.²⁰⁶

81. Arrests were often carried out using a significant investment of resources, including the deployment of numerous DGCIM agents, and the use of vehicles,²⁰⁷ helicopters²⁰⁸ and airplanes.²⁰⁹ One former DGCIM employee said that “everything changed” once Hernández Dala assumed the directorship of DGCIM in January 2014.²¹⁰ He had access to “limitless resources” and bought all new equipment, including weapons, vehicles and surveillance technology.²¹¹ He modernised the Boleíta headquarters, including by installing new phone booths for lawyers to speak to detainees, which were clandestinely monitored.²¹² He also decided that DGCIM agents would wear black uniforms and use black cars.²¹³

¹⁹³ Interview LMQJ5754.

¹⁹⁴ Interview STNC2126. The Mission has received extensive information of the close relationship between President Maduro and Hernández Dala. Former DGCIM and FANB officials have confirmed that Hernández Dala receives orders directly from the President, while several sources referred to him as a “right hand man” (*hombre de confianza*) of Nicolas Maduro. Since 2015, Hernández Dala has furthermore also served as the Commander General of the Presidential Guard of Honour.

¹⁹⁵ Interview BTRH7764.

¹⁹⁶ Ibid.

¹⁹⁷ Interview HQMM8131; Document NNDD027.

¹⁹⁸ Interview VRGO2448.

¹⁹⁹ Interview HSYF4090.

²⁰⁰ UQYW1527.

²⁰¹ AIAZ8234, SARJ4824, BING3942, YWWC1491, SYPT1783, FPOD1717, XBZA5314, SGNT2419, HGTH4236; Interview BWUL1226; Interview ZJQT1980; Interview XKDZ1303; Interview OBRI8070. See also A/HRC/48.CRP.5, Box 6.

²⁰² Interview UDBB1203.

²⁰³ Interview WZTN2175.

²⁰⁴ A/HRC/48.CRP.5, Box 12.

²⁰⁵ Ibid., para. 129.

²⁰⁶ Interview UHQP1703.

²⁰⁷ A/HRC/45/CRP.11 paras. 307, 408, 477, 831, 875, 933, 954, 986.

²⁰⁸ Interview EOQF1796.

²⁰⁹ Interview TVGS1341; Interview DXCE1494.

²¹⁰ Interview LSTL4964.

²¹¹ Ibid.

²¹² Document UKNT7284; Interview WOGB5253.

²¹³ Interview XWSE6432.

82. In its 2020 report,²¹⁴ the Mission documented various irregularities in arrests carried out by DGCIM. This included the failure to have or present arrest warrants or explain the reasons for the charges,²¹⁵ and the misuse of the figure of *in flagrante delicto* as a basis to conduct arbitrary arrests of real and perceived opponents, despite the fact that no crime had just been committed or was underway.²¹⁶

83. Other patterns in arrests documented by the Mission in 2020 include the failure by DGCIM officials to identify themselves at the time of the arrest, including by covering their faces, wearing civilian or unmarked clothing or using aliases.²¹⁷ Detainees were also transferred hooded, blindfolded or brought along indirect routes to detention centres, purportedly to confuse them about their whereabouts.²¹⁸ In several cases, DGCIM officials arrested subjects on false pretences,²¹⁹ such as in the arrest of Igbert José Marín Chaparro, in which DGCIM officials alleged that they had a video showing that he was a co-conspirator in a plot against the Government, which, according to someone close to Mr. Marín, was not true.²²⁰

84. The Mission documented a pattern of excessive use of force or violence by DGCIM agents during arrests,²²¹ including shooting arrestees to injure or incapacitate them,²²² even as they did not appear to have been violent or resisted arrest.²²³ As the Mission reported in 2021, one defendant described that he was in a hotel when he heard a knock at the door and, upon opening, the arresting DGCIM officials pointed a rifle at his head and threw him to the floor, beating him and asking him to identify himself.²²⁴ The Mission also documented a pattern of insults and threats by DGCIM officials during arrests,²²⁵ including the use of homophobic slurs.²²⁶

85. As previously stated in 2021, in some cases documented, DGCIM allegedly used luring tactics involving criminal acts to ensure the arrest of the principal targets, including several cases in which DGCIM orchestrated the kidnapping of their family members.²²⁷

²¹⁴ Interview HMVP1231; Interview IDJP1325; Interview TGUN1860; Interview SYPT1783; Interview BRSU1885.

²¹⁵ AWAJ1088; NBUX1995; OWSY1931; JHHS1820; WUXG1630; GILY1480; AFCD1678; MXNA1869; RGAU1879; WEMB2044; UGIY1669; WWYI1707; HJTD8012; DAAV6631; RBTW7927; DGDD7287; CWSP8672; QPAD9746; QLBN6976; RXSF6178; TVGS1341; QORT9453; JXLQ5199; UDKK3963; YQRD7736; JQBD1716; JJBND2824; PIDO6358; HLUJ1735; NNSX9319; HHJT7823; KTYR1375; CYPO1207; CJZE1203; XQIG5842; LVMR1195; YYHD4594; GBIZ8468; ZCZS1052ZCZS1052; HJCU6063; JVAR7979; BRSU1885; KIAX1456; PXCG6816; PMBZ1491; SBWF9775; FPDZ1933; ALZK5097; XEPJ1227; ENOP1954; OZUZ4248; JNJO1608; ZETM1122; NRER8561; QFJE9927; XGWO1018; OAKL1100; NVOX1921; ZWNU1105; AIRG1596; AYET9736; URZP3425; XLNO1172; ECTP6350; ZZEQ3497; MFQE1104; UAYB1611; ACTL8229; PZUJ5978; ZIRV1110; FWQH1986; CUES1355; QFYR1879; FVAD1544; RWQQ9041.

²¹⁶ LVMR1195; HKRI1324; DRZM1614; CUES1355; CKAFF1445; TAPC1504; QXSG1073; PMBZ1491; ZETM1122; KIAX1456; WPUP1741; CJZE1203; ZIRV1110; CYPO1207; QJNW1782; ENOP1954; KYOW1076; KTYR1375; MFQE1104; GKFE1422; OWSY1931. See also Interview IVSO3279.

²¹⁷ A/HRC/45/CRP.11, para. 307. See 2012 Criminal Procedure Code, art. 119.

²¹⁸ SBII4884, TJJA6290; C3DD14; C3DD15; SNFT1033; C3DD32; UIBL8877. See also Interview FYJY6296; Interview IQKB2597; Interview LHON5292; Interview QKZE1068; Interview CBVV6922; Interview SQDR6291.

²¹⁹ Interview QOMA1744; Interview CCMD1413.

²²⁰ The Mission received information that the alleged video was never publically broadcasted. Interview VAVN1212.

²²¹ EOQF1796; HMVP1231; JLAN1048; MAYF1092; OFGC1831; XSXV1619; TGUN1860; YBPQ1539; CKAFF1445; AYYK1517; LVXJ2031; QJNW1782; GZXF1212; KYOW1076; KMDY1239.

²²² Interview IWIU1282; Interview CFYS1593.

²²³ A/HRC/45/CRP.11, para. 245.

²²⁴ Ibid., para. 246.

²²⁵ Ibid., paras. 834, 835, 946, 1961.

²²⁶ Interview FAWB1150. See also Interview DXCE1494.

²²⁷ A/HRC/45/CRP.11, para. 248; A/HRC/48/CRP.5, Box 4. See also Interview BRQJ1633.

This appeared to be a specific tactic employed by military intelligence. As the Mission reported in 2021, in one case, DGCIM officials told the victim that if he did not cooperate with the interrogation, they would imprison some of his relatives as a form of pressure.²²⁸

86. Some other cases where these tactics were employed include the following:

- In the case of a businessman who was arrested by DGCIM, the Mission received information that DGCIM detained four members of his family and a domestic worker in order to lure him to DGCIM's Boleíta. The detentions lasted for four or five days.²²⁹ Later, a member of the individual's legal team was also detained.²³⁰
- Another example is the detention of Carlos Marrón's father in 2018,²³¹ who security cameras showed being pulled off the street by men in unmarked cars.²³² He recounted that a group of unknown individuals, who later identified themselves as DGCIM agents, held Mr. Marrón in a concrete cell for four days and told him that if his son did not arrive to Venezuela, they were going to kill him.²³³
- In the case of First Lieutenant Franklin Caldera,²³⁴ DGCIM kidnapped his father and tortured him for five days, including through asphyxiation with barrels of water, electric shocks, blows to his ribs and dripping water on him throughout the night. During this time, DGCIM agents attempted to procure information about his son's whereabouts.²³⁵
- In 2018, agents from DGCIM and SEBIN sought the capture of two individuals, and detained members of their families in their homes to pressure them to turn themselves in.²³⁶

87. According to witnesses with access to military intelligence, DGCIM has deployed agents to other countries, including Colombia and Panama, to gather intelligence on, and capture, real and perceived dissidents wanted by the Venezuelan Government.²³⁷ These include DGCIM agents as well as members of *colectivos* and guerrillas.²³⁸ In one case investigated by the Mission, that of First Lieutenant Franklin Caldera, DGCIM officials kidnapped him from Colombia, taking him across the border where he was tortured and subsequently detained in DGCIM's Boleíta.²³⁹ According to one former DGCIM employee, DGCIM agents are also frequently posted to Venezuelan embassies abroad to gather intelligence.²⁴⁰

3. Planting, fabrication and manipulation of evidence

88. The Mission received information that DGCIM regularly planted, fabricated and/or manipulated evidence against real and perceived Government opponents. Former DGCIM employees said that the testimonies of interrogated individuals would be modified for the benefit of the investigation being carried out; this was done by DGCIM's DEIPC.²⁴¹

89. Former DGCIM employees told the Mission about several specific instances in which DGCIM planted evidence. A former high-ranking DGCIM officer said that President Maduro told him to "plant something" on an individual he sought to be detained, despite

²²⁸ A/HRC/45/CRP.11, para. 249.

²²⁹ Interview CABT9943.

²³⁰ Interview MINE2717; NVPM1562.

²³¹ A/HRC/48/CRP.5, Box 4.

²³² See Tweet by AlbertoRodNews, 13 April 2018, available at: <https://twitter.com/AlbertoRodNews/status/984808307767562241>

²³³ Tweet by AlbertoRodNews, 13 April 2018.

²³⁴ A/HRC/48/CRP.5, Box 7.

²³⁵ Interview JSOM2356.

²³⁶ Interview CVCV4637.

²³⁷ Interview NHCZ8475; Interview XWSE6432; Document HHDOC012.

²³⁸ Interview BNHJ4726.

²³⁹ A/HRC/48/CRP.5, Box 7.

²⁴⁰ Interview VJQF2368.

²⁴¹ Document LVFL5392; Interview WOGB5253.

the lack of evidence against the person.²⁴² Other examples shared by a former DGCIM employee include cases in which DGCIM planted pamphlets with an opposition leader's picture on it, grenades and other weapons, and briefcases with large sums of money inside the targets' residences.²⁴³ According to these former officers, DGCIM Director General Hernández Dala specifically ordered the planting of evidence.²⁴⁴

90. A former DGCIM official told the Mission that DGCIM regularly manipulated or falsified intelligence gathered through telephonic or digital surveillance.²⁴⁵ Officers would edit intercepted communications in order to frame targets or otherwise benefit the Government. In one example, DGCIM manipulated the phone conversation of a FANB official to falsely portray him as a participant in a plot to free the then-imprisoned opposition leader Leopoldo López. The manipulated clip was played on national television, after which the official was arrested, detained and tortured.²⁴⁶

91. Where an arrest warrant appeared later in the legal case file the Mission noted a discrepancy between the date of the victim's last known whereabouts and the official date of detention by DGCIM or the official date on the arrest warrant.²⁴⁷ In 2021, the Mission concluded that discrepancies involved the active participation of justice system authorities to issue *ex post-facto* warrants which appeared to have been done with the intention to: 1) cover up failures to obtain arrest warrants at the time of arrest or failure to present the detainee before a judge within legal timeframes; 2) give the impression that the detainee was not under the control of the State during a certain timeframe (especially when the detainee was allegedly being held incommunicado, disappeared and/or tortured); and/or 3) provide a record portraying compliance with detainees' rights, which ran contrary to the versions of events recounted by detainees.²⁴⁸

92. The Mission has also received information that DGCIM officials forced detainees to make false accusations against the political opposition and others. A FANB high-level officer detained by DGCIM testified in court that DGCIM officials offered him freedom if he implicated opposition leaders in an alleged attempt on Maduro's life.²⁴⁹ When he refused, they beat him, leaving him with wounds that became infected.²⁵⁰ Similarly, a former detainee told the Mission that DGCIM officials tortured him by asphyxiating him with a plastic bag, and later tried to get him to falsely admit to funding opposition figures with public funds, while also demanding access to safes containing these funds.²⁵¹

93. As reported by the Mission in 2021,²⁵² one victim said that DGCIM officials had forced him to film a video in which he was required to incriminate people unknown to him and added: "they told me that if I didn't name them they would beat me again".²⁵³ The victim said that they forced him to admit to a false story that he had handed over weapons to a person in Ramo Verde.²⁵⁴ He said that the interrogation lasted about 15 days and "they took off my boots and hit me with a board on my heels and knees and they suffocated me with a bag until I fainted".²⁵⁵ Another former detainee said that his interrogations were recorded without his knowledge, edited in such a way as to falsely implicate other soldiers in crimes and then broadcast on national television.²⁵⁶

²⁴² Interview LVJV9449.

²⁴³ Document CBQJ1259; Interview NTUP6699.

²⁴⁴ Document USAB3915; Interview WCSV7431.

²⁴⁵ Interview WEOG1124.

²⁴⁶ Ibid.

²⁴⁷ Cases documented include those quoted at A/HRC/48/CRP.5, paras. 238 to 243.

²⁴⁸ A/HRC/48/CRP.5, para. 239.

²⁴⁹ Document EYUT1201; Document IPRH9877, p. 310.

²⁵⁰ Document JJDOC003.

²⁵¹ Interview XYRJ9027.

²⁵² A/HRC/48/CRP.5, para. 286.

²⁵³ Document NNDD017.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ Interview IVSO3279.

4. Disappearances and covert detention centres (“casas de seguridad”)

94. As reported in 2021, the Mission documented 16 arbitrary arrests and enforced disappearances (some of them short-term) of members of the military, in which DGCIM held detainees outside legal supervision in unknown locations for periods ranging from 48 hours to two months.²⁵⁷ During this period, they had no contact with anyone other than their captors and were not permitted to call family members or lawyers.

95. In a number of these cases, detainees’ family members approached DGCIM offices to inquire about their whereabouts. They were either not provided information or were given false or misleading information.²⁵⁸ In some cases, DGCIM officials denied the whereabouts of the individuals for weeks or even months. For example:

- A former SEBIN officer was missing for more than 50 days before DGCIM officials finally confirmed that he was in Boleíta.²⁵⁹
- A detained GNB official was held incommunicado in Boleíta for more than 30 days and badly tortured, before he was presented before a tribunal.²⁶⁰
- As the Mission reported in 2021,²⁶¹ in the Gedeón case, one of the defendants was held incommunicado for two months in DGCIM’s Boleíta.²⁶²
- At least one person under investigation by DGCIM, Lieutenant Colonel Juan Antonio Hurtado Campo, who went missing in 2018 and whose case was reported by the Mission in 2021, remains disappeared as at time of writing.²⁶³

96. In 15 cases, the detainees were brought to DGCIM Boleíta in Caracas via “safe houses”, where they were held for hours or days.²⁶⁴ The Mission’s review of cases revealed that DGCIM has used unofficial facilities mostly in 2018 and 2019, with the first case documented in August 2017 and the last case documented in February 2021. In 14 of the 15 cases, detainees held in secret detention facilities were subjected to acts of torture and sexual violence.²⁶⁵ Female relatives taken to safe houses were sexually assaulted and/or tortured with asphyxiation, beatings and electric shocks.²⁶⁶ Male relatives and military targets received electrical shocks to their bodies, were asphyxiated, stripped and held naked, threatened with death, rape and genital mutilation, and beaten.²⁶⁷

97. According to another witness, at least some of these houses were confiscated properties of drug traffickers who used them as clandestine meeting places and for private parties.²⁶⁸ Another witness told the Mission that safe houses previously belonged to affluent families but were confiscated by DGCIM.²⁶⁹ Some of the sites were originally established for protection of officials in the case of a threat or coup d’état, but were subsequently used in high-profile cases to imprison, torture and kidnap real and perceived opponents.²⁷⁰

²⁵⁷ QMGT8973, NWWX1110, TMCS1601, VFKX1601, ATRK1810, HSRO1393, CSIU1156, TKJB1036, HZYC1676, FXJW1900, DMJG1267, AUBE1341, ALYB1134, YFAY1437, KQOC1135, NFSB1511 A/HRC/48/CRP.5, para. 243.

²⁵⁸ A/HRC/45/CRP.11, para. 314.

²⁵⁹ Interview CDYW6958.

²⁶⁰ Interview SSFF1025.

²⁶¹ A/HRC/48/CRP.5, para. 251.

²⁶² Document NNDD017.

²⁶³ A/HRC/48/CRP.5, Box 8.

²⁶⁴ HUUK9941, LDCR1589, WYEL5356, OEUS1639, OWRK1959, XZSY1764, GTZF6358, ZZGE1598, IPHO1247, QLNN1907, GUXN9090, FNKD7980, VKKK9277, QNSV1156, XFDQ1088.

²⁶⁵ PEHE2060, SPCA6949, MOGM3014, RVAH1550, BJYP2696, QGMD8232, YQNR7917, VTCJ5331, GIBL6719, QNGV1242, BJPP1013, WQBM1660, KRID4411, ZQBC8083.

²⁶⁶ Cases-RGAU1879; IYMM1470; C3EE04; C3EE07; WTHX9870, GZJL1851

²⁶⁷ Cases-XCLT6235; LVMR1195; Interview JATF7734; see also A/HRC/48/CRP.5 Vuelvan Caras Case.

²⁶⁸ Interview WGDZ1821; Interview VTCI8598.

²⁶⁹ Interview OEGI3187.

²⁷⁰ Interview GIXV9493.

According to information received by the Mission, at least one of these sites also functioned as a training centre for DGCIM agents.²⁷¹

98. Witnesses with access to inside information told the Mission that DGCIM's DAE, headed by Granko Arteaga, manages the safe houses.²⁷² They said that two captains, both responding to Granko Arteaga, are in charge of the management of the safe houses, including logistics and the supply of materials used to carry out torture, sexual violence and other cruel, inhuman or degrading treatment.²⁷³ One of these witnesses said that no one enters these houses unless authorized by the two captains.²⁷⁴ Both captains, whose names or aliases are in the Mission's records, have been identified as perpetrators of torture against them in these clandestine houses.

99. As previously reported, the Mission is aware of the following 17 clandestine or unofficial detention places where the kidnapped or arbitrary detained persons were brought after capture, some within Caracas and some outside:²⁷⁵

- A site in the Prados del Este neighbourhood in Caracas²⁷⁶
- A house referred to as Tamanco, near the Hotel Tamanco, in Caracas²⁷⁷
- A house referred to as La Trinidad, in Caracas²⁷⁸
- A house referred to as Galpón, in Guarenas neighbourhood, in Caracas²⁷⁹
- A site in San Bernardino near the Crema Paraíso restaurant, in Caracas (now inactive)²⁸⁰
- A house in Bello Monte neighbourhood, in Caracas
- A house in La Mariposa sector referred to as "Granko's House No. 1"²⁸¹
- A house referred to as Galpón, in la Mariposa²⁸²
- A house in the Los Naranjos sector
- A house in the Lomas Sector of Las Mercedes
- A house in the San José development in Fort Tiuna or nearby, in Caracas
- A site in Fort Tiuna where the Defence Ministry and Army Command are headquartered. This location consists of 12 cells that are managed by DGCIM, separate from the prison managed by the Military Police.²⁸³
- A site called Sorocaima or La Mariposa in the San Antonio de Los Altos military zone, Miranda state
- A site in the mountainous area in El Hatillo municipality, Miranda state
- A house in Alto Prado, near Centro Comercial Plaza²⁸⁴
- A site near La Carlota airport

²⁷¹ Interview OKQZ6284; Interview QKII3076.

²⁷² Interview OMPK6944; Interview JEOV4691; Interview WSNA4453; LIBA1177.

²⁷³ Interview GAWK1189; Interview SWWJ1716; Interview WHNN5820; Interview PILX1579; C3EE01; Interview VZFY1225; FRNN7059.

²⁷⁴ Interview MXIQ5279; GKTR1717.

²⁷⁵ These have been updated from those listed in the Mission's 2020 report. A/HRC/45/CRP.11, para. 315.

²⁷⁶ Interview QAFJ1089; Interview MHRW3429.

²⁷⁷ Interview NWWB5415; Document QOKF6676.

²⁷⁸ Interview KGXA4524; Document LYRX4833.

²⁷⁹ Interview DGLK7845; Document KNOS7343.

²⁸⁰ Interview GJPG1866; Interview YIQJ6314 Document DKDP7020.

²⁸¹ Interview EIRR9161; See also Interview ZEXM1109.

²⁸² Interview GHGZ1457.

²⁸³ Interview SKNK1511.

²⁸⁴ Interview GASJ8612.

- The “cerro” (hill), located within Caracas (about half an hour drive from Boleíta), where detainees are taken, hooded, and given a shovel where they are made to dig their graves, after which DGCIM officials simulate shooting them.

100. One victim described the safe house in the Prados del Este neighbourhood in Caracas as the house of a former businessperson that ended up in the hands of military officials.²⁸⁵ He estimated that it was located about 15 minutes from Boleíta, on a dead-end street, with a security gate at the entrance and a dog.²⁸⁶ There, the witness claims that Granko Arteaga and a “blond woman” forced him to transfer a very significant amount of money from his bank account.²⁸⁷ He said that he went to that same house on an estimated five occasions.²⁸⁸

101. According to another witness, in 2019, a group of detainees were brought to a house in La Mariposa, in a wooded area, where they spent six days; during this time, their whereabouts were unknown.²⁸⁹ Granko Arteaga and other DGCIM officials were present at the safe house.²⁹⁰ The men were blindfolded, stripped naked and were thrown down a ditch or a ravine.²⁹¹ The witness described sensing flammable oil thrown around them and lit on fire.²⁹² A person interviewed by the Mission recounted being hung from a tree by his handcuffs, where he was left for a night.²⁹³ He said that it was cold outside and there were mosquitos.²⁹⁴ The DGCIM officials made cuts to his legs.²⁹⁵ They covered his face with a bag, threw gas on him and hit him with a board on his back and buttocks.²⁹⁶

102. A witness described how, shortly after his arrest by DGCIM agents, he was brought to a safe house in La Mariposa where he was tortured.²⁹⁷ Another witness described being brought to a safe house he believes was in La Mariposa during his detention. When DGCIM agents brought him into the house, he was seated next to another detainee who was repeatedly begging for his life. After a short while, the witness, who was hooded and could not see, heard a gunshot and the sound of a body hitting the floor. The DGCIM agents who brought him there started laughing and using homophobic insults against him before bringing him back to Boleíta.²⁹⁸

5. Torture and other cruel, inhuman or degrading treatment

103. As reported in 2021, the Mission has documented 122 cases of victims who were subjected to torture, sexual violence and/or other cruel, inhuman or degrading treatment perpetrated by DGCIM agents between 2017 and 2019.²⁹⁹ The peak periods for these acts were 2018 and 2019 (see Section II B. 6 below on sexual and gender based violence).

²⁸⁵ Interview ODXD2786.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ Interview XYZG1224.

²⁸⁹ Interview OIZU1676.

²⁹⁰ Ibid.

²⁹¹ Ibid.

²⁹² Ibid.

²⁹³ Interview YSBK7497.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ Interview IAZK7277.

²⁹⁸ Interview JATF7734.

²⁹⁹ LVMR1195; LDCR1589; UQYW1527; LGUO1621; HKRI1324; IJUX1656; BPYD1174; DRZM1614; NVOX1921; GSMB1742; CUES1355; CKAF1445; NBUX1995; TEMF1595; WGHBI849; OWRK1959; HCNS1238; XZSY1764; LUVH1449; WIHG1008; QXSG1073; XOGD1237; PLIW1748; TMCS1601; VFKX1601; DZTS1099; MOHZ1940; FWQH1986; GDVA1318; GILY1480; HSRO1393; PMBZ1491; IOVR1202; GDCB1067; ZETM1122; EEWS1612; JQIG1421; JHHS1820; AJZX1792; EUEB1524; KLKT1660; NKRE1548; JUKB1486; SYPT1783; FPOD1717; YGEI1438; KIAX1456; CSIU1156; NXGM1540; WPUP1741; CJZE1203; IPHO1247; GZXF1212; HLUJ1735; YBPQ1539; AXLB1579; EVLJ1182; TFCE1518; QLNN1907; SLNI1359; TKJB1036; AWAJ1088; LSPE1117; FXJW1900; UGIY1669; PQZT1737; RPXY1661;

104. A former DGCIM employee said that torture within DGCIM worsened after Hernández Dala's arrival, and that a turning point was the "La Salida" protests in January 2014, which DGCIM viewed as "a green light to torture political dissidents".³⁰⁰ Hernández Dala ordered both physical and psychological torture by holding detainees in complete isolation, known internally within DGCIM as the "psychology of forgetting" (*psicología del olvido*).³⁰¹ This consisted of providing the detainee with minimal hydration and food, forbidding contact with family members, and ordering that the detainee sleep on the floor under constant lighting.³⁰²

105. According to a former DGCIM employee interviewed by the Mission, Hernández Dala would tell the Director of DEIPC "we need this information quickly. You can do what is necessary".³⁰³ The DEIPC Director would then pass the instruction to subordinates. According to this former agent, if this instruction is given to a person "without limits", it will result in torture.³⁰⁴ Another former high-ranking DGCIM official told the Mission that certain DGCIM agents were selected to carry out acts of torture because they have a certain pathology and they are easy to identify. If someone is committing cruel acts and the person enjoys seen these acts, he or she is a candidate.³⁰⁵

106. Nearly all torture acts were carried out in DGCIM's Boleíta³⁰⁶ or in one of the safe houses described above.³⁰⁷ Acts of torture usually occurred during interrogations, shortly after arrest, while detainees were held incommunicado and before the initial appearance at court.³⁰⁸ The torture sessions could last for days or weeks.³⁰⁹ Some detainees were also tortured during later periods of detention in Boleíta, generally to extract new information or for punishment.³¹⁰

107. In addition to demonstrating DGCIM's control over detainees,³¹¹ acts of torture were carried out to extract a confession, obtain information, punish, intimidate, humiliate or coerce.³¹² As described in the Mission's 2021 report, in 23 cases reviewed by the Mission, victims reported being forced by DGCIM officials, under torture and/or without a lawyer present, to film or sign confession statements, including containing false information given to them by DGCIM.³¹³ According to witnesses interviewed by the Mission, the signed or filmed statements had the purpose to generate incriminating evidence and/or be used as

KMDY1239; ERFQ1971; GMKY1903; CYPO1207; XACU1049; DMJG1267; LKVB1886; EVLJ1548; JNJO1608; PRAT1669; QJNW1782; PNTI1499; WFFW1859; IYMM1470; ENOP1954; RINF1750; HVXX1617; JBCB1918; YFAY1437; ZGPR1768; PMKC1989; FYXJ1385; KYOW1076; KTYR1375; AJUN1436; BVWD1055; DZDP1733; RQLE1155; EFAP1183; MNYK1377; OWSY1931; IDXL1639; JLAN1048; JRHK1230; KQOC1135; QNSV1156; NRKM1903; NFSB1511; MXNA1869; XFDQ1088; MAYF1092; PMVS1574; PCMH1269; LSKD1529; XGWO1018; OAKL1100; QAFJ1089; QKZE1068; RIXC1014; OEYB1576; QOMA1744; UFYD1805; JMGM1137; GHGZ1457; WMYF1048; WGDZ1821; SKNK1511; CCMD1413; VHOF1647; POIE1418; JFSB1265; VQSJ1121; FDJD1855; ZDLB1966; RHTQ1014; GJPG1866; GAQJ1509; QNFT1201; LLZF1809; XKDZ1303; DXCE1494; ZJQT1980; SHEW1501; AZBL1450; TCID1780

³⁰⁰ Interview CBXO1238.

³⁰¹ Document LJRBI198; Interview LDFA2337.

³⁰² Document XCJX5731; Interview XMPO6436.

³⁰³ Interview ARUA9257.

³⁰⁴ Ibid.

³⁰⁵ Interview LVJV9449.

³⁰⁶ Interview DZPI9220; Interview KIBU6892; Interview RIXC1014; Interview JIMM6981; Interview DXUQ9953; Interview UVUB2087; Interview RHUY3878; Interview KBHR2960; Interview REJJ5363; Interview ZCJA3070; Interview SNHT3983.

³⁰⁷ Interview BTQC1419; Interview BMUD8740; Interview RWAA7623; Interview RNDZ1893; Interview FFFL3481.

³⁰⁸ A/HRC/45/CRP.11., para. 317.

³⁰⁹ Interview MYEA8717 (the person was tortured for some 15 days but held for 32 days in total so that his wounds would heal before he was presented in court).

³¹⁰ Interview RKOY8260.

³¹¹ Document ZUIK1772; Interview XMPO6436.

³¹² Interview FDJD1855.

³¹³ A/HRC/48/CRP.5, paras. 280-286.

public propaganda.³¹⁴ DGCIM officials also mistreated detainees to extract phone, social media, email or bank account passwords from them, sometimes to steal money from them, as discussed below.

108. In almost all cases, detainees were hooded during the torture sessions, but could sometimes recognize their torturers by voice or by scent.³¹⁵ In some cases, victims were eyewitnesses to acts of torture inflicted on fellow detainees, observing these acts through cracks under cell doors. Others were auditory witnesses, hearing screams in neighbouring cells.³¹⁶ Witnesses viewed other detainees return to their cells bloodied, battered and bruised. Detainees also shared information with their cellmates about the torture they received, speaking in whispers or in metaphors, to avoid guards overhearing them.

109. The Mission has information regarding patterns of conduct in the torture methods used by DGCIM officials, both male and female, against detainees. In its 2020 report, the Mission documented the following acts of torture and other ill-treatment, with individual detainees often subjected to multiple acts:³¹⁷

Physical violence	• Heavy beatings with bats and sharp objects³¹⁸ • Electric shocks to sensitive parts of the body³¹⁹ • Asphyxiation with toxic substances and water³²⁰ • Cuts and mutilations including in the bottom of the feet and under the nails • Excessively tight handcuffs • Stress positions known as “the octopus” and crucifixions” • Use of a device called the “<i>señorita</i>”,³²¹ to lift and distort bodies and lower them into water tanks³²²
Sexual and Gender Based violence ³²³	• Rape with objects³²⁴ • Threats of rape³²⁵ • Forced nudity, including during acts of torture³²⁶ • Targeted beating to the genitals³²⁷ • Electric shocks to the genitals³²⁸
Conditions of Detention	• Food and water deprivation • Eating from the floor • Constant lighting or constant darkness • Extreme heat or extreme cold

³¹⁴ Interview SLWO6884; Interview WWEE9788; Interview ZCJA3070.

³¹⁵ A/HRC/48/CRP.5, paras. 339, 771, 772, 790, 834, 942 and A/HRC/48/CRP.5 para 247.

³¹⁶ Interview YHJU6788; Interview MKWN7043; Interview VQSJ1121; Interview SNHT3983.

³¹⁷ A/HRC/45/CRP.11, para. 319.

³¹⁸ Interview UYLN3299.

³¹⁹ Interview YUEZ3217; Interview TVDC1743; Interview CVLI7448; Interview QWYS7087; Interview UOJI3572.

³²⁰ Including in the “la Piscina” (the Pool) water tank within Basement 1 in Boleíta; Interview QRVT1133; Interview TYHO4022; Interview UHRG1073.

³²¹ Also called the “polea”, consisting of a ribbed wheel, through which a chain runs around an axle; Interview TWDH6490.

³²² Document POSH1744.

³²³ See section below on sexual and gender based violence.

³²⁴ Interview UYLN3299.

³²⁵ Interview ZRTB1825; Interview YHGP4960; Interview SSRS6451.

³²⁶ Interview DFCT5334; Interview ORHX9457; GRZZ9144.

³²⁷ Interview NQKB4913; CTXU2630.

³²⁸ Interview LHON5292; Interview SVYS4816; Interview FCYQ1876.

- No access to toilets
 - Denial of medical treatment
 - Forceful feeding of faeces and vomit
- Psychological and Other types of violence
- Death threats and threats of rape to victim and family members
 - Simulation or real torture of other detainees³²⁹
 - Extended periods of isolation and solitary confinement³³⁰
 - Administration of drugs purportedly to extract confessions³³¹
 - Threats with live animals, including dogs³³²

110. As noted in 2020, some of these acts resulted in serious and/or permanent physical injury of victims.³³³ The cases identified by the Mission included loss of sensory or motor functions, reproductive injuries (including permanent damage to testicles), a miscarried pregnancy, blood in urine and broken ribs, among others.³³⁴ These acts also resulted in severe psychological trauma and depression. Detainees reported suffering from post-traumatic stress and having recurring nightmares.³³⁵ At least three individuals attempted to commit suicide while in detention.³³⁶

111. As reported in 2020, in several cases investigated, victims were not brought to a medical professional prior to their initial court appearance.³³⁷ In many cases, medical professionals from the National Service of Medicine and Forensic Sciences (SENAMECF) evaluated detainees and certified that they were in good physical condition, despite detainees showing visible injuries.³³⁸ Some victims were also forced to sign documents stating that they were in good physical condition.³³⁹ In some cases, the forensic evaluations were done days or months after the torture took place and after marks had already healed.³⁴⁰ This includes one detainee who did not receive medical attention until several months after he was tortured.³⁴¹

112. Witnesses also reported the use of harsh disciplinary measures upon reclusion.³⁴² In some cases reviewed, individuals were also subjected to severe punishment while awaiting trial, including reprisals in case of complaints.³⁴³ Detainees also suffered mistreatments when other detainees were caught breaking the rules.

The case of Rafael Acosta Arévalo and seven other men

In its 2020 and 2021 reports, the Mission documented the arrest, short-term enforced disappearance, torture and sexual violence perpetrated against Captain Rafael Acosta Arévalo and seven other men, and the resulting death of Acosta Arévalo.³⁴⁴ Since then, the Mission has received additional information about the events leading up to Acosta Arévalo's death, resulting from the acts of torture

³²⁹ Interview VHOF1647.

³³⁰ Interview KSOR5958; Interview HBQZ6916.

³³¹ Cases ZPCQ4825; EHOF1377.

³³² Interview BRQJ1633; Interview EQOZ3910; Interview XTZT9486.

³³³ A/HRC/45/CRP.11, para. 320.

³³⁴ Interview RKQY8260 and cases XTIW1276, VTDC5064, KRPI9756, MHXO1265, LVMR1195; GSMB1742; OWSY1931.

³³⁵ Interview NIAD9190.

³³⁶ Interview TOMX1530; Interview QXDX6692; Document DYTP1917; Document SHFF1105.

³³⁷ A/HRC/45/CRP.11, para. 324.

³³⁸ SBII4884; WBNT9497; TBWE2359; OQKT1077.

³³⁹ Document XMEC1766; Interview KEBW1671.

³⁴⁰ Interview RHFH1349; Interview PYY51170.

³⁴¹ Interview MKNZ1537.

³⁴² See A/HRC/45/CRP.11, para. 325.

³⁴³ Ibid.

³⁴⁴ Case SPCA6949; A/HRC/48/CRP.5 paras. 177, 243, 260, 424-439.

inflicted upon him by DGCIM officials while in their custody.

On 21 June 2019, seven men who were unknown to each other, including Acosta Arévalo, were detained and were brought to a clandestine site outside of Caracas. The Mission had access to a judicial documents according to which, the detainees described how, over the next five days, they were moved from place to place, including to a wooded mountainous area³⁴⁵ and to a location that appeared to be on a farm, where animals, church bells and a river could be heard.³⁴⁶

According to said documents, the detainees were tortured and subjected to sexual violence: they were stripped naked and held without clothing for days, tied to posts and beaten, thrown in ditches and buried to their necks, hung from ropes, beaten on the soles of their feet, sprayed wet and with irritating liquids, and threatened with rape with a meter-long stick.³⁴⁷ DGCIM officials also threatened to rape and kill their family members if they did not implicate themselves and others in the crimes alleged by DGCIM officials.³⁴⁸ One official told a detainee specifically that they had checked out his daughters and found them to be good candidates for rape.³⁴⁹ Another detainee was shown videos of DGCIM officials in the vicinity of his home, and told him they would kill members of his family.³⁵⁰

The Mission received information that the detainees were taken to a house where they were forced to film statements in accordance with a script.³⁵¹ During the five days they were at the sites, the men's whereabouts were unknown.³⁵² Subsequently, they were transferred in a vehicle, hooded, to DGCIM's Boleíta.³⁵³ The Mission received information that when six of the men were about to leave the vehicle, DGCIM officials told Rafael Acosta Arévalo "we are not done with you yet"³⁵⁴ and he was then separated from the rest of the group for the next two days.³⁵⁵

On 26 June 2019, two low-ranking DGCIM officials presented a DGCIM police report claiming to have arrested Captain Acosta Arévalo on that day (five days after the actual arrest), on orders of Col. Hannover Guerrero, Director of the DEIPC.³⁵⁶ According to a judicial document, the detainees stated that they had been detained on 21 June, but DGCIM officials forced them to sign statements confirming they had been arrested on 26 June in Boleíta and that their rights had been respected.³⁵⁷ The Mission had access to a copy of the paper that Acosta Arévalo signed, stating that he had been detained on 26 June 2019 and that his rights had been respected. His signature appears erratic and irregular.³⁵⁸

For the next two days, the other men (besides Acosta Arévalo) were held in DGCIM's Boleíta in the same cramped cell until their initial appearance.³⁵⁹ They were not permitted to use the bathroom, and were subjected to additional acts of violence by DGCIM officials.³⁶⁰ The Mission received credible information that

³⁴⁵ Interview XNAI5082; Document VFGH1556; Document JJDOC017.

³⁴⁶ Document CHYC9661; Document JJDOC017.

³⁴⁷ Document LWNF2747; Document JJDOC017; Interview NYFO9429.

³⁴⁸ Document IYBJ9274; Document JJDOC017; Interview XDIQ9044.

³⁴⁹ Document YFOD9198.

³⁵⁰ Document JJDOC017.

³⁵¹ Interview DQWV7293.

³⁵² See A/HRC/45/CRP.11 para. 905; A/HRC/48/CRP.5 paras. 177 and 243. Interview NPLT7970.

³⁵³ Interview RAPS8137.

³⁵⁴ Ibid.

³⁵⁵ Ibid.

³⁵⁶ Document JJIV016.

³⁵⁷ Document ETPZ1873.

³⁵⁸ Record JJDOC018.

³⁵⁹ Interview KIYJ2522.

³⁶⁰ Document NNAA6320; Document JJDOC017.

Acosta Arévalo was also held in Boleíta, but in a separate area from the other individuals that were arrested as part of the same case.³⁶¹

Another detainee, unrelated to the case, reported to the Mission how he heard Acosta Arévalo scream in pain during torture and interrogation sessions in the days prior to his appearance before the military tribunal.³⁶² He heard sounds of mechanical asphyxiation and the voices of Granko Arteaga, D01 and D02 interrogating the victim and demanding he provide the names of high-ranking military officers allegedly involved in a coup plotting.³⁶³

The detainee heard, in the days and hours prior to Acosta Arévalo's death, blows, voices and shouts that said: "Who else was there? You are a rat!" They called Acosta Arévalo by the alias of "Luis Miguel" and asked him who had brought him into the CIA and the Colombian Army.³⁶⁴ The detainee was able to hear the voices of D02 and the other officials given the location of his cell.³⁶⁵ The witness had been tortured in the room where Acosta Arévalo was tortured. It is the same room that appears in a video publicly presented to the Organization of American States by a former DGCIM guard assigned to DEIPC.³⁶⁶

A former DGCIM employee confirmed to the Mission that the order to torture Rafael Acosta Arévalo was made by Granko Arteaga and that Captain Acosta Arévalo died as a result of that torture.³⁶⁷

As reported by the Mission in its 2020 and 2021 reports, on the morning of 28 June 2019, DGCIM officials brought Captain Acosta Arévalo to a military hospital where a SENAMECF Forensic report revealed he presented 38 injuries, a broken nasal septum, abrasions on the shoulder, elbows and knees, and bruises on various parts of his body, including his thigh, buttocks and back. Acosta Arévalo's body also showed a fracture in one foot and signs of burns on his foot and on his wrist.³⁶⁸

During the evening of 28 June 2019, DGCIM officials brought Acosta Arévalo in a wheelchair to the military tribunal for his initial appearance, along with the six other men who had been detained on 21 June and an additional individual detained on 26 June 2019.³⁶⁹ Three eye witnesses told the Mission that the detainees showed clear physical signs of torture.³⁷⁰ One witness recalled that the other detainees requested that Acosta Arévalo be transferred immediately to a hospital, because "he clearly needed help" (*asistencia que a clara vista estaba necesitando*): "he could not articulate a single word, much less move. His motor ability was zero. He breathed with far too much difficulty. His face was too inflamed, he had blunt force injuries on his feet, and his ankles were far too inflamed."³⁷¹

Another witness confirmed Acosta Arévalo's state: he could not breathe, his body was slumped, his feet were extremely swollen and he had many wounds on his feet, like burns. When the witness asked what happened, another detainee stated that DGCIM had hung them by their arms and beaten their feet with a wood plank with nails.³⁷² The witness recalls seeing another detainee barefoot, with swollen feet,

³⁶¹ Interview NZBN2160.

³⁶² Interview CABT9943.

³⁶³ Ibid.

³⁶⁴ Interview QAFJ1089; Interview BFZB9416; Interview MHRW3429.

³⁶⁵ Interview ODXD2786; Interview CYRG9827; Interview XYZG1224.

³⁶⁶ Interview CRHH5256. See YouTube Video, El Pitazo, Teniente Ronald Dugarte cuenta en la OEA que presos políticos en la DGCIM son torturados, 20 March 2019, minute 18:10, available at: <https://www.youtube.com/watch?v=F0LaSjb39h>

³⁶⁷ Document CLVA1050; Interview XMPO6436.

³⁶⁸ A/HRC/48/CRP.5 para 427.

³⁶⁹ A/HRC/45/CRP.11, Case 17: Captain Rafael Acosta Arévalo, para. 908; A/HRC/48/CRP.5 paras. 425 and 428.

³⁷⁰ Interview AQPH1420; Interview VYIF1675; Interview EQYV1893.

³⁷¹ Interview UGRR3985.

³⁷² Ibid.

who said he did not think any of them would survive and that they had been terribly tortured.³⁷³

Acosta Arévalo either lost consciousness³⁷⁴ or died in the courtroom.³⁷⁵ A person with some medical training in the court at the time had stated loudly that Captain Acosta Arévalo had died, after losing consciousness, stopped breathing and was not presenting a pulse.³⁷⁶ No first aid was provided on site. DGCIM officials carried Captain Arévalo by the arms and legs out of the tribunal in compliance with the Third Military Control Judge's order to transfer him to a military hospital.³⁷⁷ DGCIM officials drove Acosta Arévalo to the hospital; the drive lasted around five minutes. Acosta Arévalo reached the hospital showing no signs of life.³⁷⁸

The initial appearance hearing resumed following the removal of Acosta Arévalo from the courthouse, naming only the seven remaining men in the proceedings. One of the co-detainees' lawyers indicated that they had been subject to enforced disappearances during the period following their arrest up until the hearing, and had been tortured, including through sexual violence.³⁷⁹ The co-defendants chose not to make statements at their initial appearance, but did speak in detail at their preliminary hearing about the disappearance, torture and sexual violence perpetrated against them during their period of short-term disappearance prior to 28 June 2019.³⁸⁰

The Mission found in its September 2020 report that there were reasonable grounds to believe that arbitrary arrest and detention and short-term enforced disappearance had been committed against Captain Acosta Arévalo. The Mission also found reasonable grounds to believe that torture and other cruel, inhuman or degrading treatment was committed against Captain Acosta Arévalo to the extent that it resulted in his death, and indicated that responsibilities may attach beyond the direct perpetrators of the crimes.³⁸¹

The Mission has further found reasonable grounds to believe that arbitrary arrest and detention, short-term enforced disappearance, torture, including acts of sexual violence, and other cruel, inhuman or degrading treatment was committed against the other six men detained on 21 June 2019.

The information collected by the Mission indicates, with reasonable grounds to believe, and as explained in detail below in the respective dossier the Mission has prepared for different individuals, that the responsibility for torture with the resulting death of Captain Acosta Arévalo of Hannover Guerrero, Alexander Granko Arteaga, D01 and D02 should be investigated by the appropriate judicial authorities. In relation to the arrest, disappearance, torture and sexual violence perpetrated against all seven men discussed above, the Mission has reasonable grounds to believe that the responsibility of Hannover Guerrero in his capacity as Director of the DEIPC and of Alexander Granko Arteaga in his capacity as Director of the DAE must also be investigated by the appropriate judicial authorities. Investigations should also address the chain of command above the DEPIC and DAE Directors.

³⁷³ Interview OBRI8070.

³⁷⁴ Supreme Tribunal of Justice, Criminal Appellate Chamber, Judgment No. 2020-0866, 6 October 2020, available at: <http://historico.tsj.gob.ve/decisiones/scp/octubre/310137-85-91020-2020-A20-86.HTML>

³⁷⁵ Interview GUGC7180; Interview OBRI8070.

³⁷⁶ A/HRC/48/CRP.5 para. 426.

³⁷⁷ Ibid.

³⁷⁸ A/HRC/45/CRP.11, Case 17: Captain Rafael Acosta Arévalo, para. 909.

³⁷⁹ Document VFGH1556; Document JJDOC017.

³⁸⁰ Document UPZD9223.

³⁸¹ A/HRC/45/CRP.11 Case Acosta Arévalo, paras. 925-926.

6. Sexual and gender-based violence

113. In at least four of the cases investigated where DGCIM held individuals in clandestine sites and at Boleíta, male and female DGCIM officials perpetrated acts of sexual or gender-based violence against military and civilian detainees during interrogation to elicit information, degrade, humiliate or punish them.³⁸² Sexual or gender-based violence may amount to torture or other cruel, inhuman or degrading treatment, in addition to qualifying as separate crimes.

114. The acts of sexual or gender-based violence documented by the Mission include rape, threats to rape of the detainees and/or their family members, forced nudity, touching of sexual organs, electric shocks or beatings to reproductive organs, and threats to mutilate genitals.³⁸³ DGCIM female and male officers subjected individuals interviewed to forced nudity including for days.³⁸⁴ At least one female detainee had a miscarriage after being subjected to acts of torture.³⁸⁵

115. In 2018, multiple female and male relatives of a former military official accused of coup plotting had been kidnapped by DGCIM officials and taken to a clandestine house. During interrogations, officials wearing DGCIM uniforms tried to elicit information about the suspect's whereabouts.³⁸⁶ One witness recalled how, although she was held outside in a patio, she could hear screams from inside the house as men were beaten and electric shocks were applied to them.³⁸⁷ At one point, the male official in charge of monitoring the victim on the patio told her that he needed to go inside the house, because he knew that officials inside might "do things" to the young women who had also been kidnapped.³⁸⁸ Inside the house, one of the male officials had sexually assaulted one of the female victims, groping her body and breasts at knifepoint while she was held immobile and blindfolded in a dark bathroom.³⁸⁹

116. DGCIM officials systematically subjected male military detainees to sexual and gender-based violence. Male detainees were raped or threatened with rape, including with sticks and bats.³⁹⁰ DGCIM administered electric shocks and blows to genitals and testicles.³⁹¹ This was done by pulling down the victim's pants to around their knees, pulling down their underwear, throwing water on their genitals and then deploying electric shocks near the bladder area.³⁹² Some specific incidents include the following:

- One detainee described how he and other military officers were stripped naked by DGCIM officials, put in a line, and forced to make contact between their buttocks and genitals, as a form of extreme humiliation.³⁹³ Similarly, another detainee said

³⁸² A/HRC/45/CRP.11 paras. 322.

³⁸³ See General recommendation No. 35 on gender-based violence against women of CEDAW, CEDAW/C/GC/35, 26 July 2017, para. 16; Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), 2004, paras. 215-216; Prosecutor v Kvočka et al., ICTY-98-30/1-T, Trial Judgment, 2 November 2001, paras. 560-1; Prosecutor v Brđanin, ICTY-99-36-T, Trial Judgment 1 September 2004, paras. 498-500, 516; Saadi Ali v. Tunisia, para 3.8, U.N. Doc. CAT/C/41/D/291/2006 (Nov. 21, 2008) (finding that a victim who was subjected to rape threats while he was half-naked constituted torture); Al Nashiri v. Poland, Eur. Ct. H.R., App. No. 28761/11, paras. 504, 511, 516 (2015) (finding that threats of sodomy, arrests, and rape constituted torture).

³⁸⁴ HUUK9941, ZZGE1598, GTZF6358, WBNT9497, YQGU2092, VEMV9293, YJTQ5239, XUFT8676, UIBL8877, QKUK7422, ALUB3239, DTLF8981, ORXU1380, DTLF8981, ORXU1380, SYPT1783, IYMM1470, WXJX5512.

³⁸⁵ Interview NXC9059.

³⁸⁶ A/HRC/45/CRP.11 paras. 927-951.

³⁸⁷ Interview NKYX1431.

³⁸⁸ Interview LRAR1284.

³⁸⁹ Interview PILX1579.

³⁹⁰ This occurred at least in the following cases: C3DD06, EUNS1946, RPNZ2355. At least one female detainee was also threatened with rape, C3EE010. Document KENL1315.

³⁹¹ Interview QXDX6692.

³⁹² Interview OEYB1576.

³⁹³ Interview RIBB9989.

that male prisoners would be tied up together naked.³⁹⁴ Another individual described how multiple male detainees were forced to take baths together.³⁹⁵

- Another male detainee described how DGCIM officials administered electric shocks to his genitals and nipples and simulated that they were going to rape him, while he was in the back of a DGCIM vehicle, being transported to an unknown site, where he was then hooded and handcuffed to a bunk bed for days.³⁹⁶
- A male detainee was raped with an object and had to be taken to a military hospital due to bleeding and problems using the bathroom resulting from the injuries.³⁹⁷ Another witness told the Mission that he had been raped with a broom handle, but had not told anyone at the time.³⁹⁸
- One male detainee told the Mission that DGCIM officials wrote the word “tit” on a stick and told detainees “they were going to give [them] the tit”. He said DGCIM officials would have detainees fall backwards on the stick to see if it would enter their anuses; “it was like a game for them”.³⁹⁹ The same detainee said he was tied up and stripped off his trousers during an interrogation session when DGCIM officials repeatedly tried to insert the “tit” into his anus.⁴⁰⁰
- One DGCIM official would force the male detainees to shout, “you are my custodian!” during acts of sexual violence. He would tell them that they were alpha males, while kicking them in the penis and testicles.⁴⁰¹
- One detainee recounted to the Mission being forced to participate in a torture session of other detainees. Guards required him to hit five men on the head, after they had been forced to jump up and down and then to kneel, while naked. The men were in their sixties and seventies.⁴⁰²
- After one detainee suffered a ruptured testicle following acts of torture by DGCIM officials, guards requested that another detainee lend them aftershave to rub onto the wounded testicle. A doctor who examined the detainee in Boleíta told Franco Quintero, then DEIPC Director, “that man is not a dog; you are killing him!” The detainee was subsequently transferred to SEBIN.⁴⁰³

117. The Mission has also documented cases in which DGCIM officials used homophobic and sexist insults against both male and female detainees while perpetrating acts investigated by the Mission, including sexual violence.⁴⁰⁴ A witness told the Mission that a female official who regularly asphyxiated detainees would say things like, “these are men who claim to be *commandos*, let’s see what kind of wood they’re made from.”⁴⁰⁵ A civilian detainee told the Mission that an officer told him that since he was a *mariquita* (faggot), they would only apply 220 volts of electricity rather than 440, before applying electric shocks to his naked body.⁴⁰⁶

7. Layout of Boleíta and detention conditions

118. After initial court appearances, detainees were brought to one of several facilities for pre-trial detention. These include: DGCIM headquarters in Boleíta and the CENAPROMIL (*Centro Nacional de Procesados Militares*) military prison, known as “Ramo Verde”, in

³⁹⁴ Interview NQKB4913.

³⁹⁵ Document JJDOC001, Preliminary Hearing Record.

³⁹⁶ Interview RCHA8065.

³⁹⁷ Interview JIMM6981; Document TOJB1947.

³⁹⁸ Interview DPVU1646.

³⁹⁹ Interview QUQS1347.

⁴⁰⁰ Interview POIE1418.

⁴⁰¹ Interview QUQS1347.

⁴⁰² Interview CEGT2676.

⁴⁰³ Ibid.

⁴⁰⁴ A/HRC/45/CRP.11, paras. 1961-1968.

⁴⁰⁵ Interview NEXN5715.

⁴⁰⁶ Interview C2EE018.

Miranda state. Pre-trial detainees were also taken to other FANB-run detention facilities, including DEPROSEMIL (*Departamento para Procesados Militares*) in La Pica prison, in Monagas state, or Fort Tiuna in Caracas. According to one former DGCIM employee, the most high-profile cases were taken to Boleíta.⁴⁰⁷

119. DGCIM headquarters are located in an industrial zone in the northeast of Caracas, known as Boleíta Norte. The complex is divided into primarily administrative offices and detention cells. There are two basement levels in Boleíta: one level containing offices and detention cells (Basement 1) and another a garage level with a mezzanine (Basement 2). The Mission received information that cells are primarily located in Basement 1 but, as explained in detail below, there are also cells in Basement 2. As noted above, the investigators with DGCIM's DEIPC also have offices within Basement 1.⁴⁰⁸

120. As of at least 2020, there were five sectors within Basement 1, A, B, C, D and E, where at least around 40 to 60 detainees were held.⁴⁰⁹ Sectors A, B, C and D shared a hallway. Sector A was around 4 x 4 metres, and had a bathroom. Sector B has been referred to as the cell where the women detainees were held. Next, down the hall was Sector C, the largest area with several small concrete cells and a common bathroom with a shower.⁴¹⁰ Sector D was separate and was the narrowest but longest area, about 2.2 x 13 metres.⁴¹¹ Behind Sector D was Sector E, also known as the "Submarine".⁴¹² Behind the "Submarine" was a large room called the "Fishbowl" (*la Pecera*), where visits took place but which was also described as a room where detainees were interrogated and mistreated by DGCIM officials.⁴¹³

121. All sectors within Basement 1 were fully hermetic with no natural light.⁴¹⁴ The cells had no windows but just a hole in the door where food was passed.⁴¹⁵ Through that hole, detainees could see other detainees, hooded, being taken to or from torture sessions. Cell 4 is also called the "Crazy Room" (*el Cuarto de los Locos*) and was used as a punishment and torture area. The cell measures some 2 x 2 metres and has no source of light or water, while its walls are covered in mattresses. Several witnesses told the Mission that conditions in the cell were extremely harsh,⁴¹⁶ while a former DGCIM employee said it was constructed to torture and psychologically pressure detainees.⁴¹⁷ Prisoners in the cells next door could hear these acts taking place. The Mission also received information on a cell which was referred to as the "Freezer" (*la Nevera*), where very cold air conditioning was constantly blowing, and where at least one detainee spent several months.⁴¹⁸

122. The Mission received information of other torture punishment cells located within Basement 1: the "Elevator" (*el Ascensor*)⁴¹⁹ and the "Pool" (*la Piscina*). The "Pool" has been described as a petroleum tank, filled with water, with a "*señorita*" torture device above, where prisoners were attached and then dunked underwater for torture.⁴²⁰ The "Elevator" is an old non-functioning elevator, where detainees slept, both inside and in the hallway outside. It was also used as a punishment cell, and detainees were held in complete darkness when the door was closed.⁴²¹

⁴⁰⁷ Interview YMGW1488.

⁴⁰⁸ Interview TQDD3114.

⁴⁰⁹ Interview DFIC4656.

⁴¹⁰ Interview CGYR4364.

⁴¹¹ Interview NZRC2928.

⁴¹² Interview MXTE1040; Interview DLIQ1503.

⁴¹³ Document IMYW1531.

⁴¹⁴ Interview OKKL9439.

⁴¹⁵ Interview DWZJ4066.

⁴¹⁶ Interview KMIW3214; Interview KEBW1671; Interview TWYS7145; Interview YGAD1374; Interview HWMY7234.

⁴¹⁷ Interview HNGD9631. A/HRC/45/CRP.11, para. 333.

⁴¹⁸ Interview XOWM7617. It appears that this cell may have been the same one as the Crazy Room but the Mission was unable to verify this information.

⁴¹⁹ A/HRC/45/CRP.11, para. 333.

⁴²⁰ Interview DSRP1467; Document NNDD042.

⁴²¹ Interview JRNO1668; Interview MCIN1807.

DGCIM Basement 1 as of 2020, rendering by a former DGCIM detainee



123. Detainees described other punishment cells outside of Basement 1. These included the “House of Dreams” (*la Casa de los Sueños*), located in a type of mezzanine above the garage in Basement 2 (see sketches below). Another punishment cell, the “Little Tiger” (*el Tigrito*) is located next to the House of Dreams on the mezzanine level. It has a low roof, making it necessary to bend down to be inside.⁴²²

124. A former high-level DGCIM official told the Mission that, in early 2020, more space was created in DGCIM’s Boleíta to house additional detainees.⁴²³ This was done in Basement 2 which is located on the opposite side of the street from Basement 1. The “House of Dreams” in Basement 2 was described as composed of 16 cells in a split-level, with 2 cells below and 14 upstairs.

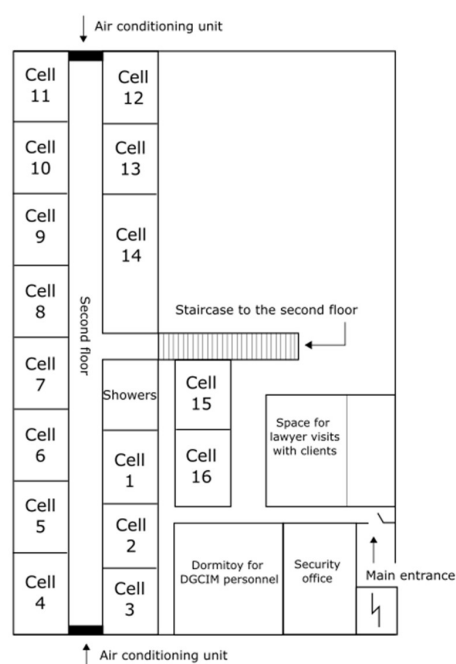
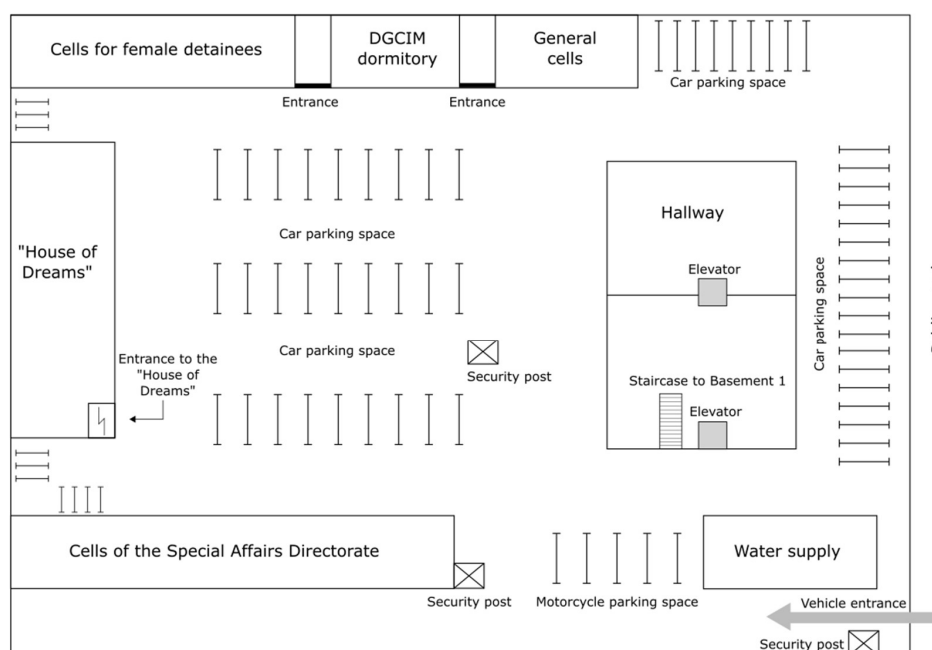
125. Within Basement 2, prisoners were held for 24 hours a day without breathing fresh air. That area is also the parking garage for around 80 vehicles and motorcycles, meaning that detainees had to inhale exhaust fumes throughout the day, resulting in respiratory problems for many of them.⁴²⁴

⁴²² Interview LROA3172.

⁴²³ Interview OFHMI320.

⁴²⁴ Document GPRJ5274; Interview RLPI6761.

DGCIM Basement 2 as of 2020, rendering by a former DGCIM detainee



Map of the “House of Dreams” (la Casa de los Sueños) area of Boleíta Basement 2. The entrance door is marked with a “high voltage” symbol.⁴²⁵

126. Throughout Boleíta, many cells lacked direct access to drinking water, while DGCIM officials also restricted access to showers and time given to detainees for their

⁴²⁵ Document NNDD020.

personal hygiene, as well as time spent outside in the sunlight.⁴²⁶ Interviewees suggested that restrictions of family visits were used as a tool of punishment, intimidation or coercion against certain detainees.⁴²⁷ Various lawyers interviewed by the Mission reported that visits to their clients were often hindered or fettered with high surveillance. Families bringing food, medicine, drinkable water and other basic hygienic items reported that the receipt of these depended on the discretion of DGCIM officers.⁴²⁸

127. Detainees interviewed complained of respiratory problems and skin diseases due to the lack of sun and extreme weight loss, as well as psychological problems and infections resulting from their conditions of detention. Lack of medical attention and serious health problems have been the subject of constant complaints by detainees within DGCIM's Boleíta.⁴²⁹ As noted in the Mission's 2020 report, in both Basement 1 and Basement 2, detainees reported disregard for their medical needs.⁴³⁰

128. Detainees reported regular searches in Boleíta, during which personal items were stolen and detainees were beaten.⁴³¹ In some instances, these raids appeared to be carried out as punishment for detainees' denouncing their detention conditions and treatment within DGCIM's Boleíta.⁴³²

129. On 12 May 2021, President Maduro adopted Decree 4.610 ordering the transfer, within 30 days, of detainees under DGCIM and SEBIN custody to detention centres of the Ministry of Penitentiary Services.⁴³³ The time-period was subsequently extended an additional 30 days via a second Presidential Decree.⁴³⁴ Between the adoption and the date of writing, the Mission has received information of people having been transferred from DGCIM's Boleíta. However, even after the adoption of the Decree, individuals arrested continued to be taken to Boleíta. Several prisoners who were arrested before 12 May 2021 have remained in Boleíta.⁴³⁵ As of the end of 2021, transfers were halted and the management of DGCIM detention centres in Caracas was transferred to the Ministry for Penitentiary Services.⁴³⁶

8. Financial benefits

130. According to former military officers, DGCIM officials are paid between \$10 and \$40 USD as their monthly salary, with some officials receiving a bonus for working in a high-risk environment.⁴³⁷ DGCIM officials allegedly supplement this income by stealing property during raids.⁴³⁸ Victims reported the theft of cash, jewellery, electrical appliances, clothes, wedding rings, cameras, cars and other items, during or following their detention.⁴³⁹ By selling these items, DGCIM officials allegedly can double or triple their monthly salary.⁴⁴⁰

⁴²⁶ Interview HAMA1578; Interview DXWV3113.

⁴²⁷ A/HRC/45/CRP.11, para. 340.

⁴²⁸ Ibid., para. 341.

⁴²⁹ Interview QDLU6249; Interview NKJP5835; Document FH77919.

⁴³⁰ A/HRC/45/CRP.11, para. 340.

⁴³¹ Interview UDBB1203.

⁴³² Document UXQ13467.

⁴³³ Presidential Decree No. 4.610, Published in the Official Gazette of 12 May 2021, available at: <https://fr.scribd.com/document/508240552/Gaceta-Oficial-42-125-Sumario>; Prolonged for a period of 30 additional days via Presidential Decree No. 4.528, Published in the Official Gazette of 11 June 2021, available at: <https://www.ojdt.com.ve/gaceta-oficial/42147-11-06-2021>.

⁴³⁴ Presidential Decree No. 4.528, Published in the Official Gazette of 11 June 2021, available at: <https://www.ojdt.com.ve/gaceta-oficial/42147-11-06-2021>.

⁴³⁵ Document NNDD015; Interview JWQY3960; Interview SHEW1501; Document DD0042.

⁴³⁶ A/HRC/50/59, para. 30 et seq.

⁴³⁷ Interview TRTC3724; Interview QTOR6656.

⁴³⁸ Interview IJRU8862; Interview WQYG1263.

⁴³⁹ Interview YLTW5773; Interview ZKGE1835; Interview GAGJ4346; Interview LHRZ4719; Interview EIQS7990.

⁴⁴⁰ Interview RYFJ7523.

131. A former DGCIM employee told the Mission that DGCIM's DEIPC carries out the raids, and has done so since at least 2014 or 2015.⁴⁴¹ The Mission has received information that the property of persons of interest targeted through raids or other proceedings was assigned to high-level DGCIM officials.⁴⁴²

132. DGCIM officials extorted several detainees during interrogations. As reported by the Mission in 2021, during the interrogation and torture of Carlos Marrón, DGCIM officials forced him to reveal the passwords to his computer, phone and bank accounts, and over the next several days over USD \$100,000 were withdrawn from several accounts, in cryptocurrency and cash.⁴⁴³ Mr. Marrón overheard a DGCIM official say "We haven't got this much in a long time: 40 percent will go to Investigations and 60 percent will go to Special Affairs".⁴⁴⁴

133. One former detainee told the Mission that, during his interrogation, Franco Quintero pressured him to make a payment of a substantial sum of money.⁴⁴⁵ The detainee was subsequently severely tortured over a period of several days.⁴⁴⁶ DGCIM officials or their superiors purportedly detained him to obtain access to valuable property in his possession.⁴⁴⁷

134. A former PDVSA worker detained by DGCIM told the Mission that, during the search of his house, DGCIM officials stole PDVSA funds, his personal savings and several other mid and low value items.⁴⁴⁸ During his interrogation in Boleíta, DGCIM custodians, who he could not see because they had their faces covered, asked him whether he had a yacht or a plane. He answered that he did not have any of those things and never had. They shouted at him: "where is the money?!", before placing a plastic bag over his head and asphyxiating him.⁴⁴⁹

C. Responsibility of Individuals

1. DGCIM Official 1 ("D01")

Background and roles

135. DGCIM Official 1 ("D01" henceforth) has worked for the FANB and later DGCIM in various roles for several years, including in its Boleíta headquarters. He has received at least one promotion during his time with DGCIM.⁴⁵⁰ Due to security risks detailed above, the Mission has withheld further identifying information in this public report.

Participation in human rights violations and crimes

136. Various witnesses, including victims, have implicated D01 in acts of torture including sexual violence, either directly or indirectly, during his time at Boleíta.⁴⁵¹ A

⁴⁴¹ Ibid.

⁴⁴² Interview PRJT3972; Interview TFGR1505.

⁴⁴³ Interview TCAA1545. The Mission has reviewed a statement from Coinbase (a crypto currency exchange platform) confirming that withdrawals were made to Mr. Marrón's account from within Venezuela between 11 April and 18 April 2018, resulting in a negative balance to the account and money owed to the company. Email from Coinbase support to Carlos Marrón, 22 October 2020, document on file with the Mission.

⁴⁴⁴ Interview WPHM7583.

⁴⁴⁵ Interview DZPI9220.

⁴⁴⁶ Ibid.

⁴⁴⁷ Interview BTQC1419; Interview REKK5553.

⁴⁴⁸ Interview KKKE2326.

⁴⁴⁹ Ibid.

⁴⁵⁰ Interview QOIN8073; Interview NOZX9061; Interview XKDZ1303; Interview NNIV016; Interview IAEB7347; Interview IAPK3342; Interview QXDX6692; Interview PRJT3972.

⁴⁵¹ Interview AYIY8271; Interview CHFU5868; Interview UDBB1203; Document MKAE4420; Interview IQKB2597; Document AFDX5744, pp. 23, 24, 27; Document PJDE1729; Document

family member of a detainee told the Mission that D01 was responsible for receiving prisoners when they first arrived at Boleíta, a period during which it was common for prisoners to be subjected to torture.⁴⁵²

137. Several witnesses told the Mission that D01 took part in joint operations with Granko Arteaga, the Director of DAE, some of which involved acts of torture and sexual violence against detainees.⁴⁵³ Two former detainees in Boleíta told the Mission that D01 also instructed subordinates in DGCIM to torture detainees.⁴⁵⁴

138. Multiple detainees apprehended in the same case said that Granko Arteaga, in coordination with D01 and other DGCIM officials, beat them and threatened to kill them.⁴⁵⁵ In a statement received by the Mission, one detainee claimed to have been taken by Granko Arteaga and other officers to an office, hanged by the wrists, beat and interrogated.⁴⁵⁶ A second detainee confirmed that D01, D02 and another officer were the ones who participated in the same interrogation and beat both detainees with a bat, a table and other objects the second detainee described in detail. The officers also kicked both detainees in the genitals.⁴⁵⁷ The first detainee added that the officers asphyxiated him with a plastic bag until he almost lost consciousness.⁴⁵⁸

139. The officers then took the first detainee to another room and continued beating him in the face and ribs. Two officers held open his legs, kicked him in the genitals, and applied electric shocks to his testicles.⁴⁵⁹ The detainee was taken to another office where Granko Arteaga, D01 and D02 insisted he film a video implicating himself and others in alleged crimes. He was told that, if he made any mistakes, they would beat him again. The officers also threatened to kill him and a close family member.⁴⁶⁰

140. Subsequently, during his preliminary hearing, one of the two detainees described to the judge how, in the subsequent months following their arrest, the group was held in Boleíta and was regularly beaten, subjected to sexual violence, and prohibited from contacting their families.⁴⁶¹

141. Another witness who was detained in Boleíta for several years, during which time he was repeatedly subjected to abuse and got to know the DGCIM officials working in the detention centre, told the Mission that D01 was present during the majority of the times that he was tortured. When he first arrived at Boleíta, D01 was among the DGCIM officers who tortured him for several days in a row, through beatings, electric shocks to his testicles and asphyxiation with a plastic bag.⁴⁶²

142. A FANB officer told the Mission that he was severely tortured by D01. When being brought to Boleíta, he was almost immediately taken to a cell where three DGCIM officers, including Granko Arteaga and D01 started beating him badly. The men also asphyxiated him with a plastic bag, causing him to nearly pass out.⁴⁶³ The beating left the officer with severe injuries.⁴⁶⁴

143. As noted, a former detainee in Boleíta told the Mission that D01, together with other DGCIM officials, including Granko Arteaga, Hannover Guerrero, D02 and another mid-

RPFZ5370; Document FDED5780; Document TONX1838; Interview VZTB1150; Interview SFDH1655.

⁴⁵² Interview KEBW1671.

⁴⁵³ Interview OIKJ8934; Interview RK0Y8260.

⁴⁵⁴ Document RGXD1374; Interview CTXY1347; Interview UCBD2817.

⁴⁵⁵ Document NMPX5066; Document VERR7824; Document DNLB3079; Document WJRF7417.

⁴⁵⁶ Document HFAC9264.

⁴⁵⁷ Document IUAN3691.

⁴⁵⁸ Document DYWF5873.

⁴⁵⁹ Ibid.

⁴⁶⁰ Ibid.

⁴⁶¹ Document MELG3712, p. 286.

⁴⁶² Interview YHJU6788.

⁴⁶³ Interview GTHQ8418; Interview MBVP4244.

⁴⁶⁴ Interview XOWM7617; Interview IHWQ7766.

level DGCIM official, participated in the torture inflicted on Lieutenant Commander Rafael Acosta Arévalo, which led to his subsequent death in June 2019.

144. During one hearing in a case against FANB officers arrested by DGCIM, one victim described that DGCIM officials applied electric shocks to his testicles. After ten days, according to his testimony, he was taken to the DAE office, where he was anally raped with a wooden stick. The detainee indicated that the act was perpetrated by an official who had tortured the detainees for several days and who made them record videos. According to his testimony, the rape was “the most horrific”.⁴⁶⁵ The Mission has been unable to verify whether the official identified by the victim was Granko Arteaga or D01.

145. Other former detainees have told the Mission that D01 ordered lower ranking officials to torture detainees. One former detainee said that D01 interrogated him, directed other DGCIM officials to torture him, and oversaw and directed his torture session.⁴⁶⁶ The detainee was stripped naked, beaten, and hung from a crane while officials applied electric shocks against him, including on his buttocks, while using homophobic insults against him.⁴⁶⁷ Another former detainee said that he witnessed D01 giving orders to a lower-ranking DGCIM official, to torture detainees.⁴⁶⁸ Another detainee in Boleíta stated that D01 ordered and led his arrest, after which he was badly tortured.⁴⁶⁹

146. Three of the accused in a high profile case said during their court hearings that they had been tortured by D01 while detained at Boleíta.⁴⁷⁰ According to one of the men, D01 and Granko Arteaga beat him severely with their fists and a wooden block, and asphyxiated him with a plastic bag until he fainted. They subsequently forced him to record a video where he falsely implicated individuals he did not know, in participating in crimes.⁴⁷¹ Another detainee in the same case told the court that, after he was pressured to make a false confession, D01 told him that his family members, who had also been detained by DGCIM, would be released.⁴⁷²

147. The Mission has also received other reports of D01 pressuring detainees to make false criminal accusations against the political opposition. A FANB officer detained by DGCIM, told the court that D01 participated in his torture, but also offered him freedom if he implicated opposition leaders in an alleged attempt on President Maduro’s life.⁴⁷³ When he refused, DGCIM officials beat him, leaving him with wounds that became infected.⁴⁷⁴ One former detainee said that, D01 tortured him by asphyxiating him with a plastic bag and later tried to get him to falsely admit to providing funds to opposition figures, while also demanding access to funds through his place of work.⁴⁷⁵

Conclusion

148. The Mission notes that the type of conduct described above is consistent with the patterns identified by the Mission concerning the torture methods used by DGCIM officials against real or perceived Government opponents, during the time D01 served in DGCIM’s Boleíta. Witnesses, including victims, stated that they were tortured or subjected to other cruel, inhuman or degrading treatment, including sexual violence, by D01 acting alone or jointly with other DGCIM officials. Witnesses also stated that D01 ordered DGCIM subordinates to commit acts of torture.

⁴⁶⁵ This information was transmitted by the detainee’s legal team via Twitter, and was confirmed by another person who witnessed the hearing and who had conversations with the victim in the months prior to his public statement. The Mission received the information about the act prior to its public disclosure. Interview YLEG1860; Interview JCHN1958.

⁴⁶⁶ Document XJYT4342; Interview SUVO6149.

⁴⁶⁷ Document RFHR8084; Interview MWCM8085.

⁴⁶⁸ Interview RIXC1014.

⁴⁶⁹ Document RYKU1624.

⁴⁷⁰ Document ONPQ7080, p. 23, 24, 27.

⁴⁷¹ Ibid., p. 23.

⁴⁷² Ibid., p. 30.

⁴⁷³ Document XUXG3945; Document VFHT6688, p. 310.

⁴⁷⁴ Document JJDOC003.

⁴⁷⁵ Interview MBVP4244.

149. Accordingly, the Mission finds reasonable grounds to believe that D01 may bear criminal responsibility for the events described above and should be investigated.

2. DGCIM Official 2 (“D02”)

Background and roles

150. DGCIM Official 2 (“D02” henceforth) has held various roles with DGCIM, including in its’ Boleíta headquarters. The Mission has received information that within the DGCIM chain of command, D02 has received orders from various Directors of the DEIPC, including and from Granko Arteaga, the Director of DAE, while also giving orders to subordinates.⁴⁷⁶ Due to security risks detailed above, the Mission has withheld further identifying information in this public report.

Participation in human rights violations and crimes

151. The Mission has collected 10 statements from detainees in Boleíta who identify D02 and refer to his direct participation in acts of torture and other cruel, inhuman or degrading treatment.⁴⁷⁷ A victim described him as a man who “hits very hard” and who uses both physical and psychological tactics against detainees.⁴⁷⁸

152. D02 tortured detainees through various methods, including the use of mechanical asphyxiation, asphyxiation with grenade smoke, submersion in water, and the “*señorita*”.⁴⁷⁹ In one interrogation, D02 fractured a detainee’s molar by hitting him with a boxing glove.⁴⁸⁰ Another detainee’s collarbone was dislocated while being subjected to acts of torture by D02 and other DGCIM officials.⁴⁸¹ Other sources stated that D02 often left detainees handcuffed against a wall⁴⁸² or placed them in the Little Tiger (*el Tigrito*) cell for four or five days, without food and limited access to water.⁴⁸³ A former detainee in Boleíta told the Mission that while he was being interrogated, D02 intimidated him by describing how another detainee was being tortured.⁴⁸⁴ During an interrogation session, D02 and a DEIPC official threatened another former detainee with “sticking something up his rear end” (*meterle algo por detrás*). According to the victim, DGCIM officials were on the verge of raping him.⁴⁸⁵

153. The Mission received information that D02 often acted together with D01.⁴⁸⁶ The two have jointly participated in acts of torture, sexual violence, and other cruel, inhuman, or degrading treatment, as well as of arbitrary detentions.⁴⁸⁷

154. The Mission also investigated the case of a former detainee who was transferred by DGCIM agents to a safe house with the purpose of extorting him for his assets and torturing him. D02 participated in this operation together with Granko Arteaga and other DGCIM officials, including D01 and a female official. The victim told the Mission that he was tortured in a “*cerradito*” (closed quarter) of the safe house, so that other DGCIM officials would not be aware of what was happening there.⁴⁸⁸ He also told the Mission that D02 and

⁴⁷⁶ Document WGOA5536; Interview GPQZ7875; Interview IHWQ7766.

⁴⁷⁷ Document UDBB1203; Interview YUEZ3217; Interview MXSH5242; Interview FHSN9619; Interview JOSM6626; Document FNAA7146; Document OGEK1222; Document LRVP7963; Document CTYR3734; Interview FYVN2470.

⁴⁷⁸ Interview RWAA7623.

⁴⁷⁹ The *señorita* torture method is described above.

⁴⁸⁰ Interview VFDS9095.

⁴⁸¹ Interview LHON5292.

⁴⁸² Interview UDBB1203.

⁴⁸³ Interview KEBW1671; Interview ASVF6496.

⁴⁸⁴ Interview JXHA8235.

⁴⁸⁵ Interview UNEK8862.

⁴⁸⁶ Interview NOPA1945.

⁴⁸⁷ Document RVPY6449; Interview UDBB1203; Interview TZJP6664; Interview BRQJ1633; Interview CVLI7448; Document RADK9779; Document JD XO8944; Document JQHN4594; Document AMME2522; Interview FYJY6296.

⁴⁸⁸ Interview CABT9943; Interview TVDC1743.

other officials repeatedly transferred him to a safe house to make bank transfers of large sums of money, while beating him and threatening to kill his family if he did not comply.⁴⁸⁹

155. A woman who was detained by DGCIM told the Mission that, when she was transferred to Boleíta, D02 interrogated her in the Fishbowl (*la Pecera*) and hit her repeatedly in the face.⁴⁹⁰ The victim added that she was laid down on a cot, half naked with her arms and legs tied. The victim said that D02 and another female DGCIM official whose name is on file with the Mission, beat her, and threatened to rape her and kill her family if she did not provide certain information.⁴⁹¹ A man who was arrested in the same case also claimed to have been tortured by the same officials. The man said that D02 hit him in the face, smashed his head against the wall and asphyxiated him with a plastic bag during interrogation.⁴⁹²

156. Two other detainees stated that they were severely beaten and tortured for several days by Granko Arteaga, D01, D02 and another DGCIM official whose name is on file with the Mission.⁴⁹³ The second detainee, also a victim of torture and ill-treatment, mentioned having been taken at some point to an office where D01 and D02 coerced him to make a confession video, under the threat of killing his relative. The detainee filmed the video and was subsequently transferred to a cell where he spent six months relieving himself in plastic bags and in pots that were removed every four or six days. He slept on the floor with the air conditioning on full blast and had to drink water from the floor when the guards poured water on his body.⁴⁹⁴

157. Additionally, as stated above, a former detainee in Boleíta identified D02, D01 and other DGCIM officers as those who tortured Lieutenant Commander Rafael Acosta Arévalo in June 2019.⁴⁹⁵

158. Criminal investigation records show that several persons detained in connection to a case identified D02 as the direct perpetrator of acts of torture.⁴⁹⁶ D02 has also testified on behalf of DGCIM in a number of legal proceedings. In one case, the victim told the judge that D02 had tortured him, demanding that the judge withdraw the testimony. The judge accepted the victim's request.⁴⁹⁷ Other statements gathered by the Mission point to D02 as responsible for drafting and signing investigation records to fabricate charges against detainees in Boleíta,⁴⁹⁸ manipulating information to pursue unsubstantiated accusations against the victims.⁴⁹⁹

159. The Mission has received information that D02 receives orders from his superiors, but also gives orders to custodians and other DGCIM officials who have been identified as having participated in acts of torture, and whose names are on file with the Mission.⁵⁰⁰ A former detainee told the Mission that D02 used to enter the torture rooms, give instructions and leave. This victim told the Mission that, in one case D02 ordered DGCIM officials to torture him applying electric shocks to the bladder, next to the testicles.⁵⁰¹ A former detainee who was beaten and tortured with electric shocks to his body, mechanical asphyxiation, and pins put inside his fingernails, stated that he was repeatedly taken to the office of D02 for interrogation while the torture sessions lasted.⁵⁰² Another victim

⁴⁸⁹ Interview QAFJ1089.

⁴⁹⁰ Document TDAL3659.

⁴⁹¹ Document AHDY1394.

⁴⁹² Document JJDCO012.

⁴⁹³ Document LSKU9660.

⁴⁹⁴ Document QPBW2062.

⁴⁹⁵ Interview ODXD2786; Interview BFZB9416; Interview ZRTB1825,

⁴⁹⁶ Document IJCY7985; Document WLSN9311; Document CDTS4532; Document ENTU9111.

⁴⁹⁷ Interview YJPQ9677.

⁴⁹⁸ Interview CYRG9827.

⁴⁹⁹ Interview GWKH4813.

⁵⁰⁰ UDBB1203; Interview JOSM6626; Interview JRNO1668; Interview DFCT5334; Interview MMIH3588.

⁵⁰¹ Interview DZPI9220.

⁵⁰² Interview SZVR3722.

interviewed by the Mission saw D02 giving orders to subordinates, together with Granko Arteaga.⁵⁰³

160. The statements of three individuals interviewed by the Mission recognize D02 as a direct participant in arbitrary detentions.⁵⁰⁴ Witnesses told the Mission that D02 was a member of large DGCIM contingencies who were deployed to arrest relatives of the detained persons.⁵⁰⁵ For example, a witness told the Mission that D02 led and was present during an operation in which his family was arbitrarily detained in order to pressure him to surrender to DGCIM.⁵⁰⁶

161. In another case, a former detainee told the Mission that D02 detained members of his family, including minors, so that he would surrender to DGCIM.⁵⁰⁷ Another person detained by DGCIM indicated at his preliminary hearing that, after being interrogated and severely tortured, he was taken to the office of D01, in the company of D02. The officers let him know that they were already satisfied with the incriminating statements he made against other people, and in exchange they would release his relatives, who had been detained without a warrant.⁵⁰⁸

Conclusion

162. The type of conduct described above is consistent with the patterns identified by the Mission concerning the torture methods used by DGCIM officials against real or perceived Government opponents, during the time D02 served in various roles with DGCIM.

163. Victims stated that they were tortured or subjected to other cruel, inhuman or degrading treatment including sexual violence by D02 acting alone and jointly with other DGCIM officials. Witnesses also stated that D02 ordered DGCIM subordinates to commit acts of torture. Moreover, witnesses indicated that he was involved in acts of arbitrary detention. This included the detention of relatives of individuals as a form of pressure.

164. Accordingly, the Mission finds reasonable grounds to believe that D02 may bear criminal responsibility for the events discussed above and should therefore be investigated.

3. Rafael Antonio Franco Quintero

Background and roles

165. Rafael Antonio Franco Quintero was born on 14 October 1973.⁵⁰⁹ He began his studies at the Military Academy of the Bolivarian Army at Fort Tiuna, in Caracas, in 1995.⁵¹⁰ Former DGCIM Director General Hugo Carvajal brought him to the agency sometime prior to 2013.⁵¹¹ According to a former DGCIM employee, Franco Quintero was the Regional Director of Operations for DGCIM in the Central Region, before his transfer to the DGCIM headquarters in Boleíta.⁵¹² From November 2016 to November 2018, Franco

⁵⁰³ Interview BTQC1419.

⁵⁰⁴ Interview YHJU6788; Interview KUZB1968; Interview ZKXR7751.

⁵⁰⁵ Interview YUEZ3217; Interview XBRW2860.

⁵⁰⁶ Interview FERU3880.

⁵⁰⁷ Interview LHON5292.

⁵⁰⁸ Document DPHC1905, p. 29.

⁵⁰⁹ US Government Office of Foreign Assets Control, Rafael Antonio Franco Quintero, <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=27042>; Gaceta Extraordinaria No 6.469, 2 August 2019, p.1, available at: http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700030818/0&Nombrebd=spgoin&CodAsocDoc=1935&t04=1-4&t05=png&Sesion=1937401495

⁵¹⁰ Segured, Promociones de la Academia Militar de Venezuela, 1 January 2000, available at: <https://segured.com/2000/01/01/promociones-de-la-academia-militar-de-venezuela/>; Interview DUUO1693, 15 March 2022

⁵¹¹ Interview ZNUI1145.

⁵¹² Interview DZZV3789.

Quintero served as the Director of DEIPC.⁵¹³ He is currently a Brigadier General of the FANB, having been promoted to this rank by President Nicolás Maduro in July 2020.⁵¹⁴

166. During his time as Director of DEIPC, Franco Quintero held the rank of Colonel. In terms of Franco Quintero's place in the chain of command, DEIPC sits directly under the Deputy General Director, who in turn falls directly under the General Director in the hierarchy of DGCIM, Iván Rafael Hernández Dala.⁵¹⁵ However, three former military officials told the Mission that Franco Quintero received orders directly from Hernández Dala, Director General of DGCIM since 2014.⁵¹⁶ At the same time, Franco Quintero gave orders to subordinates, and these included orders to carry out torture or other forms of ill treatment.⁵¹⁷

167. As Director of DEIPC, Franco Quintero led investigations against intelligence targets, including alleged military dissidents, and requested the opening of investigations to the Military Prosecutor's Office. He also directed or took part in interrogations of detainees in Boleíta.⁵¹⁸

168. In November 2018, Franco Quintero was replaced by Hannover Guerrero as the Director of DEIPC.⁵¹⁹ Quintero has since left DGCIM, at least in a formal capacity. The reason for his removal is not fully clear, but two sources told the Mission that it was a consequence of his heightened public profile amid accusations, including on social media, related to his involvement in acts of torture.⁵²⁰ The Mission received information that Franco Quintero worked as the Head of Counter-Intelligence for the FANB in the Central Region immediately after leaving DGCIM.⁵²¹

169. On 2 August 2019, Franco Quintero was appointed Director of Security of Maiquetía "Simón Bolívar" Airport in Caracas, the main international airport of Venezuela.⁵²² His appointment took place some two weeks after the United States Government imposed sanctions on Franco Quintero on 19 July 2019, citing his role in perpetrating "systemic human rights abuses and repressing dissent" (see below).⁵²³ Some witnesses told the Mission that Franco Quintero's transfer was part of an effort to shield him from international scrutiny by placing him in a role where he would not be exposed

⁵¹³ Interview ERFF8220; Interview CEGT2676; Interview NJAB4528.

⁵¹⁴ ABC, Maduro asciende a 1.000 militares entre torturadores y narcos, 6 July 2020, available here: https://www.abc.es/internacional/abci-maduro-asciende-1000-generales-entre-torturadores-y-narcos-202007061836_noticia.html?ref=https%3A%2F%2Fwww.abc.es%2Finternacional%2Fabci-maduro-asciende-1000-generales-entre-torturadores-y-narcos-202007061836_noticia.html.

⁵¹⁵ See Section II A. 2 above.

⁵¹⁶ Interview ZEXM1109; Interview VPCS2312; Interview SKFB4357; Interview TJBH5354.

⁵¹⁷ Interview PJSH8595; Interview MXTE1040; Interview VFJB3717; Interview KQJB1731; Interview UNEK8862; Document NNDD029.

⁵¹⁸ Document DGCIM 826-1-2018, on file with the Mission; DGCIM-DEIPC-AIP 335-2018, on file with the Mission.

⁵¹⁹ Interview PBTJ4027.

⁵²⁰ Interview GJKL2036; Interview JVEV1106; Examples of social media posts implicating Franco Quintero in human rights violations during his time as Director of DEIPC: https://twitter.com/TAMARA_SUJU/status/1150167496227532801, <https://twitter.com/ElyangelicaNews/status/1018677819713445888>, https://twitter.com/TAMARA_SUJU/status/958324345654464512, <https://twitter.com/LaabAkaakad/status/1094275283119730689>

⁵²¹ Interview SDCP6225; Document HHDC014.

⁵²² Gaceta Extraordinaria No 6.469, 2 August 2019, p.1, available at: http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700030818/0&Nombrebd=spgoin&CodAsocDoc=1935&t04=1-4&t05=png&Sesion=1937401495

⁵²³ US Department of the Treasury, Press Release, Treasury Sanctions Officials of Venezuela's Military Counterintelligence Agency, 19 July 2019, available at: <https://home.treasury.gov/news/press-releases/sm738>

directly to accusations of human rights violations,⁵²⁴ while others said it was a form of financial reward, and a way for the Government to better control the airport.⁵²⁵

170. The Mission has relatively limited information about Franco Quintero's activities since leaving DGCIM. According to two witnesses, he is still part of DGCIM but his function in the organisation is unclear.⁵²⁶ Another witness said that he is trying to keep a low profile in his new role, and is worried about potential international justice processes, or reprisal attacks from those connected to his victims.⁵²⁷ However, Franco Quintero personally carries out arrests of relatives of opposition figures at Maiquetía Airport.⁵²⁸

171. Franco Quintero has been subjected to the following international sanctions due to his role in perpetrating human rights violations, all of which remain in effect:

- United States: Freezing of assets under US jurisdiction and banning Americans from financial engagement (19 July 2019)⁵²⁹
- European Union: Freezing of funds and financial resources, travel ban (27 September 2019)⁵³⁰
- United Kingdom: Freezing of funds and financial resources, travel ban (27 September 2019)⁵³¹
- Switzerland: Freezing of funds and financial resources, travel ban (10 October 2019)⁵³²
- North Macedonia, Montenegro, Albania, Iceland, Liechtenstein, Moldova, Armenia and Georgia: Freezing of funds and financial resources, travel ban (31 October 2019)⁵³³

Participation in human rights violations and crimes

172. According to several former detainees, military officials and other sources, the appointment of Franco Quintero as Director of DEIPC in 2017 marked a turning point inside DGCIM that saw the level of torture and other forms of ill-treatment against detainees worsen substantially.⁵³⁴ One former DGCIM employee said that Franco Quintero instituted “mandatory torture” against all while, previously, torture had been used more

⁵²⁴ Interview RXED1673; Interview QSAV8520.

⁵²⁵ Interview ZNUI1145; Interview ZEXM1109; Interview UNEK8862; Document HHDC014.

⁵²⁶ Interview YCPT8237; Interview ZEXM1109.

⁵²⁷ Interview UFTC2382.

⁵²⁸ Interview FYJY6296.

⁵²⁹ US Department of the Treasury, Press Release, Treasury Sanctions Officials of Venezuela's Military Counterintelligence Agency, 19 July 2019, available at: <https://home.treasury.gov/news/press-releases/sm738>

⁵³⁰ Official Journal of the European Union, COUNCIL DECISION (CFSP) 2019/1596, 26 September 2019, p. 6, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2019:248:FULL&from=EN>

⁵³¹ UK Government Consolidated List of Financial Sanctions Targets in the UK: Venezuela, 25 February 2022, p. 3, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057511/Venezuela.pdf;

⁵³² Swiss State Secretariat for Economic Affairs (SECO), Mesures à l'encontre du Venezuela, 10 October 2019, available at: https://www.seco.admin.ch/dam/seco/fr/dokumente/Aussenwirtschaft/Wirtschaftsbeziehungen/Exportkontrollen/Sanktionen/Verordnungen/Venezuela/Venezuela_Delta_2019-10-10.pdf.download.pdf/Venezuela_Delta_2019-10-10.pdf

⁵³³ Council of the European Union, Press Release, Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures in view of the situation in Venezuela, 31 October 2019, available here: <https://www.consilium.europa.eu/en/press/press-releases/2019/10/31/declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-alignment-of-certain-countries-concerning-restrictive-measures-in-view-of-the-situation-in-venezuela/>

⁵³⁴ Interview HWMY7234; Interview EMGV1670; Interview DMYN2138; Interview NJAB4528; Interview JGNT9363; Document NNDD029.

selectively to extract information from mainly political prisoners.⁵³⁵ These changes took place in the wider political context of intensifying repression against the opposition and other real or perceived Government opponents, and growing dissent against the Government within the FANB.⁵³⁶

173. Franco Quintero had his own office in Basement 1 of Boleíta; this allowed him to follow developments on the floor where several detention cells used for torture were located, as well as the offices of the DEIPC and the office of the Deputy Director General.⁵³⁷ Three former detainees confirmed seeing Franco Quintero working from the office of the Director of Investigations.⁵³⁸

174. The Mission received information from former DGCIM employees and detainees on how Franco Quintero either carried out acts of torture directly or was personally present while detainees were being tortured.⁵³⁹ One former detainee described Franco Quintero as “evil” (“*la maldad*”) and the most sadistic Directors of DEIPC during the time he was detained in Boleíta.⁵⁴⁰

175. In August 2018, two detainees witnessed through a crack under their cell door how Franco Quintero participated in the beating of another detainee. Four DGCIM officers, including Franco Quintero, placed the detainee in a chair in a bathroom and beat him severely on his head.⁵⁴¹ When the detainee tried to use his arms to protect himself from the blows, his handcuffs caused serious damage to his face. After the detainee started bleeding profusely, the officers started stitching his wounds on his head and cheek, causing the detainee to scream out in pain. The following day, a group of detainees were ordered to clean up the bathroom by one of the officers involved in the beating, who said that “last night there was a party”.⁵⁴²

176. Witnesses described how Franco Quintero ordered subordinates to carry out acts of torture or other forms of ill-treatment, or was present while other officials carried out such acts. Two former detainees described witnessing Franco Quintero give orders to torture detainees to the then Head of Detention (*Jefe de Custodios*) in DEIPC.⁵⁴³ According to information shared with the Mission by a former DGCIM employee, Franco Quintero ordered the “harsh torture” (*tortura despiadada*) of a high-ranking military officer detained in Boleíta.⁵⁴⁴ The detainee was eventually released on humanitarian grounds based on his poor medical condition as a result of injuries from his torture.⁵⁴⁵ Another detainee heard through the walls of his cell how Franco Quintero instructed subordinates to “treat worse” (“*tratar peor*”) a group of recently arrived detainees; the detainees were subsequently subjected to acts of torture during their time in Boleíta.⁵⁴⁶

177. In another example, a FANB officer detained by DGCIM said that Franco Quintero was present when he was tortured. He was taken out of his cell and moved to an office where DGCIM officers, including D02, started beating him and used a plastic bag to asphyxiate him. When the detainee’s hood was removed, he saw how Franco Quintero was in the office, filming the torture on his mobile phone and laughing.⁵⁴⁷ The victim said that this took place at a time the abuses against detainees in Boleíta intensified.⁵⁴⁸ Another

⁵³⁵ Interview VJSU9991.

⁵³⁶ Ibid.

⁵³⁷ Interview LQSS3989; Interview UEEJ7945; Interview RLPI6761.

⁵³⁸ Interview FSRU3097; Interview YJIW9635; Interview GAQJ1509.

⁵³⁹ Interview GZTX7734; Interview CEGT2676; Interview ODZH3097; Interview VZTB1150; Interview VTCI8598; Interview MXTE1040; Interview BRQJ1633; Interview ZEXM1109, Interview MXPC7345.

⁵⁴⁰ Interview BBUY2483.

⁵⁴¹ Interview DPCL3897; Interview HWMY7234.

⁵⁴² Interview RGKX4418; Interview HAMA1578.

⁵⁴³ Interview BPD14794; Interview ENVW1083.

⁵⁴⁴ Document NNDD029.

⁵⁴⁵ Ibid.

⁵⁴⁶ Interview BWUL1226.

⁵⁴⁷ Interview UHQP1703.

⁵⁴⁸ Interview VTCI8598.

individual who was detained and repeatedly tortured in Boleíta for several years, said that Franco Quintero once walked into a cell while he was being beaten. He added that Franco Quintero later interviewed him in his office, but did not react to the fact that the detainee bore visible wounds from several continuous days of torture.⁵⁴⁹

178. Franco Quintero has been implicated in sexual violence against detainees, including as a direct perpetrator, or through his subordinates. In this regard, the Mission recalls that it investigated the case of Captain Juan Carlos Caguaripano in its 2021 report.⁵⁵⁰ In it, the Mission indicated that, on 11 August 2017, at his initial appearance before a Judge, Captain Caguaripano presented serious injuries resulting from severe blows to various parts of his body, such as his feet, legs, knees, ribs, hands, face and genitals. In addition, he had received severe blows to his testicles and, at the time of the hearing, the wound was still open and bleeding visibly.⁵⁵¹ At the preliminary hearing, the victim described in detail the conditions of detention, as well as the acts of torture and sexual violence to which he was subjected.⁵⁵²

179. One former detainee who was present in Boleíta when Caguaripano was brought back to his cell after being tortured, overheard a doctor telling Franco Quintero: “This man is not a dog, you are killing him.” (*Ese señor no es un perro, ustedes lo están matando*).⁵⁵³ Another detainee witnessed subordinates of Franco Quintero moving Caguaripano into a cell, with Caguaripano having a badly swollen face and other clear signs of torture.⁵⁵⁴ According to information provided to the Mission by a former DGCIM senior official, these acts of torture were perpetrated by Granko Arteaga and Franco Quintero.⁵⁵⁵

180. The Mission has also heard reports of direct subordinates of Franco Quintero subjecting detainees to sexual violence during his time as DEIPC Director. As described in detail in Section II. C. 3 above, a former detainee in Boleíta told the Mission that, during an interrogation session, two DEIPC officials tried to insert a stick into his anus. He also described prisoners being subjected to enforced nudity as a form of humiliation.⁵⁵⁶

181. The Mission received information that prisoners in Boleíta were exposed to cruel and inhuman detention conditions during Franco Quintero’s time as Director of DEIPC. Several former detainees said that detention conditions worsened substantially after Franco Quintero’s appointment, and that previous “perks”, such as regular meals or access to time outside, books and television, were removed.⁵⁵⁷ Lights were turned on in all cells 24 hours per day (except in the Crazy Room (*el Cuarto de los Locos*), which was left in complete darkness) and visits from family members or lawyers were often cancelled arbitrarily. Detainees were only given five minutes to use the bathroom to wash themselves and see to their personal hygiene, and were beaten or subjected to other disciplinary measures if they took longer.⁵⁵⁸

182. A lawyer reported being threatened by Franco Quintero while visiting a client in Boleíta. Franco Quintero approached the lawyer in the waiting room and said that the lawyer had committed a crime by speaking on an opposition television program and could be arrested any time. Upon leaving Boleíta, the lawyer was followed, harassed and threatened by DGCIM agents in plain clothes in a car, while driving back home.⁵⁵⁹

⁵⁴⁹ Interview CABT9943.

⁵⁵⁰ A/HRC/45/CRP.11, para. 258.

⁵⁵¹ The report of the forensic medical examination requested by the victim and carried out on the day of his initial appearance, confirmed the severe injuries to the genitals, as well as other bruises on various parts of his body. A/HRC/45/CRP.11, para. 258.

⁵⁵² A/HRC/45/CRP.11, para. 259.

⁵⁵³ Interview SDYI8767.

⁵⁵⁴ Interview CJEV5594.

⁵⁵⁵ Interview TGIX1174.

⁵⁵⁶ Interview VTCI8598.

⁵⁵⁷ Interview CZIX5554; Interview FWGL3531.

⁵⁵⁸ Interview HBFW9341; Interview AZLK4222.

⁵⁵⁹ Interview GPYO1873.

183. The Mission received information that Franco Quintero played a direct or indirect role in investigations and arrests against at least three victims whose detentions were deemed arbitrary by the Mission.⁵⁶⁰ In one case, he filed documents that aided to cover up short term disappearances, including documents that led to the *ex post-facto* filing of arrest warrants for individuals already in custody.⁵⁶¹

184. Luis de la Sotta, a Captain with an elite unit of the FANB, was arrested by DGCIM in May 2018 along with 30 military officers and two civilians, accused of taking part in the so-called Operation Armageddon to prevent Nicolás Maduro's re-election.⁵⁶² On 19 May 2018, DGCIM sent the Military Prosecutor's Office a communication, signed by DGCIM DEIPC Director, Rafael Antonio Franco Quintero, transmitting an intelligence report on de la Sotta prepared by DEIPC dated 16 May 2018, and requesting that the Office open a criminal investigation against Captain de la Sotta.⁵⁶³ Two days later, a DGCIM investigator recorded in a criminal investigation report that he had implemented an arrest warrant against Captain de la Sotta "as instructed by Colonel Rafael Antonio Franco Quintero".⁵⁶⁴ The Mission concluded that Captain de la Sotta was subjected to an arbitrary arrest and a short-term enforced disappearance.⁵⁶⁵

185. Furthermore, the legal team of Igbert Marín Chaparro, a FANB Lieutenant Colonel arbitrarily detained on 2 March 2018, says that Franco Quintero led the arrest of Marín Chaparro and eight others, including Lieutenant Colonels Víctor Eduardo Soto Méndez and Deibis Esteban Mota Marrero, together with other agents from DGCIM.⁵⁶⁶ The Mission determined in its 2021 report that the arrest warrant in the case was issued *ex post-facto* on 7 March 2018, five days after the individuals' arrest.⁵⁶⁷

Financial benefits

186. According to former DGCIM employees and former detainees in Boleíta, Franco Quintero repeatedly ordered DGCIM agents to raid the properties of detainees in order to seize their valuables and other assets.⁵⁶⁸ According to a document reviewed by the Mission, Franco Quintero personally led one raid in 2018 on the house of a military detainee, during which DGCIM agents stole valuables, documents and jewellery.⁵⁶⁹ One detainee reported that Franco Quintero seized his computer and bags when he was detained, and distributed his belongings to other DGCIM agents.⁵⁷⁰ Another detainee told the Mission that Franco Quintero personally demanded a large sum of money from him to secure his release from Boleíta.⁵⁷¹

187. According to various sources, including two former DGCIM employees, assets seized during raids and arrests were added to DGCIM's so-called "spoils of war" (*botín de guerra*) and later distributed to officials, many of whom relied on this as their main source of income.⁵⁷² Such raids and illegal confiscations during arrests were carried out with the approval of the Director of the DEIPC.⁵⁷³

⁵⁶⁰ Document SBII4884; Document FXJW1900; Document UGIY1669

⁵⁶¹ A/HRC/48/CRP.5, para. 243.

⁵⁶² For a detailed description of the case, see A/HRC/45/CRP.11, paras. 760-797.

⁵⁶³ Document DGCIM 826-1-2018, on file with the Mission.

⁵⁶⁴ DGCIM-DEIPC-AIP 335-2018, on file with the Mission.

⁵⁶⁵ A/HRC/45/CRP.11, para. 795.

⁵⁶⁶ Document VZQB1211.

⁵⁶⁷ Individual Complaint to the Working Group on Arbitrary Detentions, 7 November 2019, on file with the Mission; Public Prosecutor's Office Arrest Warrant Request, 7 March 2018; A/HRC/48/CRP.5, para. 243.

⁵⁶⁸ Interview YGAD1374.

⁵⁶⁹ Document JXQL8250.

⁵⁷⁰ Interview PJSH8595.

⁵⁷¹ Interview QAFJ1089.

⁵⁷² Interview NKJP5835; Interview LLZF1809; Interview SKFB4357; Interview LDFA2337.

⁵⁷³ Interview KPFA2078.

Conclusion

188. In its 2020 Report, the Mission found reasonable grounds to believe that DEIPC officers under Franco Quintero's line of command were involved in arbitrary arrests and acts of torture and other cruel, inhuman or degrading treatment.⁵⁷⁴ The type of conduct discussed above is consistent with the patterns identified by the Mission concerning the torture methods used by DGCIM officials against real or perceived Government opponents, during the time Franco Quintero served as DEIPC Director; from November 2016 to November 2018. Prisoners in Boleíta suffered torture and other cruel, inhuman or degrading treatment during Franco Quintero's time as Director of DEIPC.

189. Witnesses, including victims, stated that they were tortured or subjected to cruel, inhuman or degrading treatment by Franco Quintero acting alone and jointly with other DGCIM officials. Franco Quintero has been implicated in sexual violence against detainees, including as a direct perpetrator, or through his subordinates. Victims also stated that Franco Quintero was present while they were being subjected to acts of torture. His own office was located in Boleíta Basement 1. Witnesses also stated that he ordered DGCIM subordinates to commit acts of torture. Moreover, witnesses indicated that he was involved in acts of arbitrary detention.

190. Accordingly, the Mission finds reasonable grounds to believe that Franco Quintero may bear criminal responsibility for the events discussed above and should therefore be investigated.

4. Hannover Esteban Guerrero Mijares

Background and roles

191. Hannover Guerrero was born on 14 January 1971, in Caracas, Venezuela. He graduated from the Venezuelan Military Academy in 1996 in the "*Brigadier General José Florencio Jiménez*" class. He was attached to the 35th Brigade of the Military Police with the rank of Lieutenant Colonel until January 2014.⁵⁷⁵ According to former FANB officials, Hannover Guerrero was detained after failing to prevent the theft of armaments from one of the vehicles of the then DGCIM Director General, Hugo Carvajal and was held in Boleíta. At the time, Guerrero was responsible for Carvajal's security.⁵⁷⁶

192. In November 2018, the then Army Colonel assumed the post of DEIPC Director, replacing Franco Quintero. According to the official chain of command of DGCIM, the DEIPC Director responded directly to the orders of the Deputy Director General who in turn responds to DGCIM Director General, Iván Rafael Hernández Dala. He served in the position until August 2019 when he was replaced by General Carlos Enrique Terán Hurtado.⁵⁷⁷ In this role, Guerrero directed investigations against intelligence targets, including alleged dissident military personnel. He also directed and participated in the interrogation of persons detained in Boleíta. According to information received by the Mission, his office was in Basement 1 of Boleíta.⁵⁷⁸

193. According to information received by the Mission, in 2019, upon his departure from the DEIPC, he was chosen to assume command of DGCIM in the Capital region,⁵⁷⁹ a role he held until August 2020.⁵⁸⁰ Also in 2019, President Nicolás Maduro promoted him to

⁵⁷⁴ A/HRC/45/CRP.11, paras. 796, 815, 2007.

⁵⁷⁵ Document HHDC013.

⁵⁷⁶ Interview TDMH3014; Document PFFC1208.

⁵⁷⁷ Office of Financial Sanctions Implementation HM Treasury, Consolidated List of Financial Sanctions Targets in the UK, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057511/Venezuela.pdf

⁵⁷⁸ Document HHDC10.

⁵⁷⁹ Interview HQGS6486.

⁵⁸⁰ Maduradas, "¿Se lo contamos! Ascendieron a un coronel acusado por intentos de violación a mujeres, torturas y muertes: Ocupa un rol clave cuando asesinaron al capitán Acosta Arévalo", 21 August 2020, available at: <https://maduradas.com/se-lo-contamos-ascendieron-coronel-acusado-intentos->

Second Commander and Chief of Staff of the 35th Brigade of the Military Police “*Libertador José de San Martín*” based in Fuerte Tiuna.⁵⁸¹

194. Guerrero has been subjected to the following international sanctions due to his role in perpetrating human rights violations, all of which remain in effect:

- United States: freezing of assets under U.S. jurisdiction and financial participation ban on U.S. persons, for the detention, physical mistreatment and death of Venezuelan Navy Captain Rafael Acosta Arévalo (19 July 2019)⁵⁸²
- United Kingdom: freezing of funds and financial resources, travel ban (27 September 2019)⁵⁸³
- European Union: freezing of funds and financial resources as well as travel ban, for serious human rights violations, including torture, excessive use of force and ill-treatment of detainees at DGCIM committed by himself and officials under his command, in particular in Boleíta, and linked to the death of Captain Acosta Arévalo (26 September 2019).⁵⁸⁴

Participation in human rights violations and crimes

195. The Mission has collected five statements from persons detained in DGCIM or from family members who identify Hannover Guerrero in the commission of and direct participation in acts of torture and other cruel, inhuman or degrading treatment, including sexual violence.

196. After being appointed DEIPC Director, Guerrero initially instituted some reforms to improve the situation of the detainees in Boleíta. For example, he personally visited the cells and ordered the guards to take the detainees to the toilets twice a day.⁵⁸⁵ This did not happen during the mandate of his predecessor, Franco Quintero, who forced detainees relieve themselves in plastic bags.⁵⁸⁶ Guerrero also discontinued the use of the Crazy Room (*el Cuarto de los Locos*)⁵⁸⁷ and allowed daily phone calls from detainees to family members.⁵⁸⁸

197. However, according to information from former detainees, two months after the beginning of his functions, he became a “tougher” person.⁵⁸⁹ He began to retaliate against the detainees.⁵⁹⁰ Reprisals ranged from isolating detainees for prolonged periods of time, making them sleep handcuffed for several days, forbidding them to go to the bathroom,

violacion-mujeres-torturas-asesinatos-ocupaba-rol-clave-regimen-cuando-mataron-al-capitan-acosta-arevalo-detalle/

⁵⁸¹ Ibid.

⁵⁸² Office of Foreign Assets Control, Sanctions List Search – Hannover Esteban Guerrero Mijares, Available at: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=27040> See also: U.S. Department of the Treasury, Press Releases, Treasury Sanctions Officials of Venezuela’s Military Counterintelligence Agency, 19 July 2019, available at: <https://home.treasury.gov/news/press-releases/sm738> [the rest of the officers subjected to sanctions are: Rafael Ramón Blanco Marrero, Alexander Enrique Granko Arteaga and Rafael Antonio Franco Quintero].

⁵⁸³ Office of Financial Sanctions Implementation HM Treasury, Consolidated List of Financial Sanctions Targets in the UK, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057511/Venezuela.pdf

⁵⁸⁴ Official Journal of the European Union, Council Decision (CFSP) 2019/1596 of 26 September 2019 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019D1596&qid=1648515046092>

⁵⁸⁵ Interview AAV034.

⁵⁸⁶ Ibid.

⁵⁸⁷ Interview XXUK9667.

⁵⁸⁸ Interview KEBW1671.

⁵⁸⁹ Interview SGAU6728.

⁵⁹⁰ Interview GJKL2036.

confiscating books, eliminating outdoor walks, denying them food sent by their relatives, and even threatening them with death.⁵⁹¹

198. The Mission received information that Guerrero repeatedly threatened one detainee with death.⁵⁹² Another detainee mentioned a situation in which Guerrero told him “I remind you that you are a prisoner and that your life is in my hands”.⁵⁹³ A family member told the Mission that, on one occasion, Guerrero threatened their detained relative that they would blow poisonous gas through the air conditioner and take away his medicine.⁵⁹⁴

199. On one occasion, Hannover Guerrero tortured a detainee to force him to sign powers of attorney so that he would hand over his property.⁵⁹⁵ However, the victim refused to sign the papers so the transfer did not take place.⁵⁹⁶ Guerrero also threatened to accuse a high-level military officer of planning an escape attempt. Following this, the officer was reportedly beaten, confined and isolated in a room on the second floor of Boleíta.⁵⁹⁷ Additionally, a former detainee in Boleíta identified Hannover Guerrero and other DGCIM officers as those who tortured Lieutenant Commander Rafael Acosta Arévalo in June 2019.⁵⁹⁸

200. One detainee told the Mission that when he was transferred to Boleíta, Alexander Granko Arteaga, Franco Quintero, D01 and D02 tortured him for a full day while Hannover Guerrero was present.⁵⁹⁹ Another detainee in Boleíta told the Mission that he was arbitrarily detained and subsequently subjected to severe forms of torture, such as mechanical asphyxiation, electric shocks to the body, and blows to the head, handcuffing him to a chair for many consecutive hours, hooding him and teargassing him for several days. The detainee said that these acts were carried out to induce false testimony admitting to his participation in acts of which he was accused.⁶⁰⁰

201. The Mission also received information that Guerrero’s power had limits, when Granko Arteaga, DAE Director, was present. A former Boleíta detainee told the Mission that Hannover Guerrero was a “subordinate” of Granko Arteaga.⁶⁰¹ On one occasion when the detainee was being tortured by Granko Arteaga, Guerrero was not able to order Granko to stop, despite observing what was happening.⁶⁰²

Conclusion

202. The Mission found reasonable grounds to believe that, during the period from November 2018 to August 2019 in which Hannover Esteban Guerrero Mijares served as Director of the DEIPC, at a time where a multiplicity of victims suffered acts of torture and/or other cruel, inhuman or degrading treatment inside DGCIM’s Boleíta. This included Rafael Acosta Arévalo, who subsequently died.

203. In its 2020 Report, the Mission already found reasonable grounds to believe that officers working for DEIPC under Hannover Guerrero were involved in acts of arbitrary arrest and detention,⁶⁰³ as well as acts of torture and other cruel, inhuman or degrading treatment or punishment during interrogation and detention.⁶⁰⁴ The type of conduct described above is consistent with the patterns identified by the Mission concerning the torture methods used by DGCIM officials against real or perceived Government opponents,

⁵⁹¹ Interview NHZA1246; Interview KEBW1671; Interview SWGL8062.

⁵⁹² Interview KEBW1671.

⁵⁹³ Interview ZDLB1966; Interview KEBW1671.

⁵⁹⁴ Interview IMSY7827.

⁵⁹⁵ Interview EQOZ3910.

⁵⁹⁶ Ibid.

⁵⁹⁷ Document QZJL1346.

⁵⁹⁸ Interview ODXD2786; Interview REKK5553; Interview MHRW3429.

⁵⁹⁹ Document HHDC024.

⁶⁰⁰ Document NNDD001; DAZJ4391.

⁶⁰¹ Interview XYZG1224.

⁶⁰² Ibid.

⁶⁰³ A/HRC/45/CRP.11, para. 863.

⁶⁰⁴ Ibid, para. 796.

during the time Hannover Guerrero served as DEIPC Director; this is between November 2018 and August 2019.

204. Witnesses indicated that he was responsible for the intelligence targeting of military personnel perceived as dissidents and participated in the interrogation of detainees, with his office located in Boleíta Basement 1. Victims stated Hannover Guerrero, acting alone and jointly with other DGCIM officials, tortured them or subjected them to other cruel, inhuman or degrading treatment. Witnesses also stated that Hannover Guerrero ordered DGCIM subordinates to commit acts of sexual violence.

205. Accordingly, despite the evidence received by the Mission on the measures implemented by Hannover Guerrero upon his arrival in Boleíta which temporarily improved the conditions of detainees, the Mission finds reasonable grounds to believe that Hannover Guerrero may bear criminal responsibility for the events discussed above and should therefore be investigated.

5. Alexander Enrique Granko Arteaga

Background and functions

206. Alexander Enrique Granko Arteaga, alias “Barba”, was born on 25 March 1981 in Puerto Cabello, Carabobo state, Venezuela. In August 1998, after graduating with a bachelor’s degree in science, he entered the Basic School of the National Armed Forces as a first-year cadet. In 1999, after being promoted to second year cadet, he joined the Military Academy of the Bolivarian National Guard, in the Officers Training School of the Armed Forces of Cooperation (EFOFAC, for *Escuela de Formación de Oficiales de las Fuerzas Armadas de Cooperación* in Spanish), II Promotion “Batalla Mata de La Miel”. He graduated in 2003 among the top of his class.⁶⁰⁵

207. After working in Regional Command 9 in Puerto Ayacucho and in the prison of the judicial boarding school in Carúpano, Sucre state, in Regional Command 7, he worked in the Directorate of Military Intelligence of the National Guard as head of counter-intelligence at the national level for the GNB, with the rank of Second Lieutenant. Subsequently, he was selected to join Hugo Chávez’s Presidential Guard of Honour where he was part of the third security ring for three years. At Granko Arteaga’s request, Hugo Chávez appointed him as security officer for one of his daughters.⁶⁰⁶

208. Before joining DGCIM in 2014, Granko Arteaga commanded a military company in the city of Puerto Cabello (Venezuela’s main seaport).⁶⁰⁷ According to a former DGCIM employee, such positions are only obtained by military officers close to the ruling party.⁶⁰⁸ According to information received by the Mission, Granko Arteaga had a close friendship with Iván Rafael Hernández Dala (Director of the DGCIM) from his time with the Presidential Guard of Honour.⁶⁰⁹

209. Granko Arteaga began his career in DGCIM as a Captain and assistant to the Assistant General’s Office (*Ayudantía*).⁶¹⁰ A former DGCIM employee told the Mission that Arteaga was the one who “carried Hernández Dala’s suitcase” and was the chief officer of his escort.⁶¹¹ In 2017, he was simultaneously appointed head of the DAE and of the General Assistant’s Office, as he was a man trusted by Hernández Dala.⁶¹² On 1 July 2020, President Maduro promoted Granko Arteaga from the rank of Major to Lieutenant Colonel

⁶⁰⁵ Interview NKJP5835; Interview VTCI8598; Interview BTRZ5760. See Emili López: Entrevista de semblanza “Capitán Alexander Granko: Un ejemplo de constancia y vocación”, 12 February 2013, available at: <https://www.buenastareas.com/ensayos/Entrevista-De-Semblanza/7363482.html>;

⁶⁰⁶ Ibid. Interview HQMM8131.

⁶⁰⁷ Interview QTOM9451.

⁶⁰⁸ Ibid.

⁶⁰⁹ Interview WGB5253.

⁶¹⁰ The Assistant General’s Office is competent for administrative matters for DAE and the General Directorate of DGCIM.

⁶¹¹ Interview NTUP6699.

⁶¹² Interview JNFX2249; Interview ITBE8175; Interview WCSV7431.

in the category of Commanding Officer.⁶¹³ On 29 August 2022, Granko Arteaga was further promoted to DGCIM Boleíta's Head of Office (*Director de la Dirección del Despacho*).⁶¹⁴

210. A former high-ranking official in DGCIM informed the Mission that, officially, Granko Arteaga is only the head of the General Assistant's Office, as the DAE does not appear in DGCIM's official organisational chart.⁶¹⁵ DAE has been commanded by Granko Arteaga since 2017, who receives direct orders from the Director General of DGCIM.

211. According to information received by the Mission from two former DGCIM employees, both Granko Arteaga and the DAE gained power within DGCIM following the "El Junquito" operation, led by Granko Arteaga, in which pilot Oscar Pérez was killed along with at least six other people on 15 January 2018.⁶¹⁶ According to the testimony of an official assigned to the DAE who participated in the "El Junquito" operation, Granko Arteaga personally directed and gave instructions in this operation together with Franco Quintero, DEIPC Director at the time.⁶¹⁷

212. As head of the DAE, Granko Arteaga received direct orders from DGCIM Director General Hernández Dala.⁶¹⁸ According to witnesses with direct knowledge of DGCIM, Arteaga is close to President Nicolás Maduro, and individuals interviewed by the Mission said that Granko Arteaga allegedly has reported directly to Nicolás Maduro.⁶¹⁹

213. Granko Arteaga has been subjected to the following international sanctions due to his role in perpetrating human rights violations, all of which remain in effect:

- United States: Freezing of assets under US jurisdiction and banning Americans from financial engagement (19 July 2019)⁶²⁰
- United Kingdom: Freezing of funds and financial resources, travel ban (27 September 2019)⁶²¹
- European Union: Freezing of funds and financial resources and travel ban for serious human rights violations against detainees in DGCIM, committed by him and officials under his command.⁶²²

Participation in human rights violations and crimes

214. The Mission has received evidence that, from 2017 to 2022, Granko Arteaga ordered, supervised and directly participated in arrests, arbitrary detentions, short-term enforced disappearances, torture including sexual violence and other cruel, inhuman or degrading treatment or punishment.⁶²³ As head of the DAE, Granko Arteaga also relied on a number of officials within DGCIM to carry out detentions, acts of torture including sexual

⁶¹³ Resolution No. 036583 published in Official Gazette N° 41912, 1 July 2020.

⁶¹⁴ Defence Ministry Resolution No. 047260, 22 August 2022.

⁶¹⁵ Interview LYOF5387.

⁶¹⁶ A/HRC/45/CRP.11, para. 87; Interview LDFA2337; Interview EHBM1255.

⁶¹⁷ Document CZMM1949.

⁶¹⁸ Interview SGAU6728; Interview NREE3297; Interview QKII3076; Interview XMPO6436.

⁶¹⁹ Interview LZMO3717; Interview BFZB9416.

⁶²⁰ Office of Foreign Assets Control, Sanctions List Search – Granko Arteaga, available at: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=27043>

⁶²¹ Office of Financial Sanctions Implementation HM Treasury, Consolidated List of Financial Sanctions Targets in the UK, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057511/Venezuela.pdf

⁶²² Official Journal of the European Union, Notice for the attention of certain persons subject to the restrictive measures provided for in Annex I to Council Decision (CSFP) 2017/2074 and in Annex IV to Council Regulation (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela (2020/C 325/05), available at: [https://eur-lex.europa.eu/legal-content/EN/TEXT/HTML/?uri=CELEX:52020XG1002\(02\)&rid=10](https://eur-lex.europa.eu/legal-content/EN/TEXT/HTML/?uri=CELEX:52020XG1002(02)&rid=10)

⁶²³ Interview JRNO1668; Interview WBHC1421; Interview HSXD1223; Interview UDBB1203; Document QLXB4120; Interview PVKV3818; Interview IPRQ8582; Interview CCMD1413; Document WOQE1437, p. 23; Interview NKJP5835; Interview FYJY6296; Interview KJQK5519; Interview JFSB1265; Interview PSSZ1549.

violence and other forms of ill-treatment, as well as raids and transfers to covert detention centres.⁶²⁴ Some of the people who have received direct orders from Granko Arteaga include D01, D02 and other DGCIM officials whose names are on file with the Mission.⁶²⁵

215. The Mission has collected seven statements from persons detained by DGCIM during the period 2017 to 2022 who identify Granko Arteaga in the commission of, and direct participation in, acts of torture, sexual violence, and other cruel, inhuman or degrading treatment or punishment.⁶²⁶ According to these victims, in many of the torture sessions, Arteaga did not cover his face like other DGCIM officials. He himself threatened the victims, delivered blows and applied other severe means of torture, while also giving orders and supervising the actions of his subordinates. These orders included acts of sexual violence such as beatings and electric shocks to the genitals of detainees and forced nudity.⁶²⁷

216. The Mission received information about the detention and torture of several detainees arrested in the same case, where Granko Arteaga participated directly, along with other DEIPC officials.⁶²⁸ The detainees indicated that Granko Arteaga, in coordination with D01, beat them and threatened them with death in Boleíta.⁶²⁹ One of the detainees testified in court that Granko received him in Boleíta after his arrest, and that as other officers removed him from the vehicle, they continued to beat him with their weapons.⁶³⁰ This and another person detained at the same time described how Granko Arteaga and other DGCIM officers interrogated them and subjected them to torture and other mistreatment immediately after their arrest, and during the months they were detained in Boleíta.⁶³¹

217. Another military officer who was detained by DGCIM testified in front of a judge during his preliminary hearing that he had been tortured by Granko Arteaga and D01 in Boleíta.⁶³² He said that, over a period of about 15 days, he was beaten in the face, kicked, hit with a board on his heels and knees, and suffocated with a bag. The officers made him film a video to incriminate other people, and when he failed to do so, they continued with the acts of torture. The detainee was able to identify the officers before they put a folder over his face. This detainee was not allowed to contact any family members or his defence lawyers for two months.⁶³³ Other detainees in the same case indicated having been victims of similar treatment, and named Granko Arteaga, D01, D02 and other DGCIM officials as the ones responsible for such acts.⁶³⁴

218. Another former FANB officer detained by DGCIM testified in court that he was anally raped with a wooden stick in the DAE office, who he identified as an official who had tortured him and other detainees for several days and who had made the detainees record videos.⁶³⁵ It is not clear from the testimony whether the official identified by the victim was Granko Arteaga or D01 (See part C.1, “DGCIM Official 1”).

⁶²⁴ Interview UHQP1703; Interview CHFU5868; Interview DTHJ8067; Interview DZPI9220; Interview OEYB1576.

⁶²⁵ Interview UHQP1703; Interview MBVP4244; Interview XUBT1479; Interview BNFS1110; Document DCKO4517, pp. 23, 24 y 27.

⁶²⁶ Interview BTQC1419; Interview XWSZ3566; Interview OXIB2185; Interview UDBB1203; Document LOUH5080; Interview DHOR8072; Interview HTID1016; Interview KBHR2960; Document CDTR4175, p. 23; Interview NOZX9061; Interview REJJ5363; Interview ZCJA3070; Interview NXQL2435; Interview IAPK3342.

⁶²⁷ A/HRC/45/CRP.11, para. 878; Document BAKV3723; Document UZMO8613; Interview RGYJ9765.

⁶²⁸ Document MXTW5249; Document VLFW5339; Document DYTP1917; Document NGFV3258.

⁶²⁹ Document POBM1153; Document SHFF1105; Document FDED5780; Document WLZX2793.

⁶³⁰ Document TJYP6019, p. 282.

⁶³¹ Document RPFZ5370; Document QLOW2236; Document DNLB3079.

⁶³² Document DFFD2657, p. 23.

⁶³³ *Ibid.*, p. 23.

⁶³⁴ *Ibid.*, p. 26-31.

⁶³⁵ This information was transmitted by the detainee’s legal team via Twitter, and was confirmed by another person who witnessed the hearing and who had conversations with the victim in the months

219. Another former detainee in Boleíta told the Mission that, after being detained and transferred to Boleíta, he remained waiting in a chair for several hours until Granko Arteaga, who directed the investigation, arrived. He videotaped the victim and interrogated him in an empty office where he was asked a series of questions, while he was handcuffed and his head was covered in cardboard with adhesive tape and a ski mask. He was then taken to a room where he remained against the wall for two or three hours. After this time, the officials interrogated him again and grabbed his feet.⁶³⁶ Granko Arteaga then punched him.⁶³⁷ The victim told the Mission that he was able to identify Granko Arteaga within the group of DGCIM officials.⁶³⁸

220. In its 2021 report, the Mission investigated the case of Captain Juan Carlos Caguaripano who was subjected to acts of torture and sexual violence while at Boleíta.⁶³⁹ According to information provided to the Mission by a former DGCIM senior official, these acts of torture were perpetrated by Granko Arteaga and Franco Quintero.⁶⁴⁰

221. With regard to arbitrary detentions, the Mission investigated multiple cases in which Granko Arteaga ordered and participated, including the arbitrary detention of family members of the detained persons. In the February 2021 case involving the detention of First Lieutenant Franklin Caldera, Arteaga travelled to the Venezuela-Colombia border to carry out the detention.⁶⁴¹ After Franklin Caldera was detained in Colombia, he was taken across the Venezuelan border and handed over by a Captain to Granko Arteaga and other DGCIM officials.⁶⁴² Subsequently, DGCIM officials took him to a house in the La Mariposa sector in Caracas, which has been described as “Granko’s House Number 1”, where he was tortured for 11 days.⁶⁴³

222. In 2019, Granko Arteaga participated in the arrest of several military personnel. Following the arrest, the detainees were taken to a wooded area where they were stripped naked and forced to walk barefoot for several hours. DGCIM agents practiced other acts of torture such as asphyxiating them with a bag, hanging them by their wrists to a tree, and hitting them with boards on their buttocks.⁶⁴⁴

223. In a high profile case documented by the Mission in its 2020 Report, a source told the Mission that Granko Arteaga was present during the detentions. The detainee, upon seeing Arteaga and recognizing him as one of the people who participated in the “El Junquito” operation, decided to gather the other sergeants to inform them that it was better to turn themselves in so as not to be killed like pilot Oscar Pérez.⁶⁴⁵ After their arrest, the sergeants were severely tortured.⁶⁴⁶ DGCIM agents beat one of the officers with a bat, kicked him, including in the testicles, suffocated him with a bag, and electrocuted him, including behind his ears and testicles. The officers forced him to eat his own faeces.⁶⁴⁷ The detainee was subjected to sexual violence, including an attempted rape with a pick-axe.⁶⁴⁸ The acts of torture lasted 15 days. When he was taken to a cell, his face was covered with cardboard and sealed with tape. At that moment he recognized the voices of Granko Arteaga and D01.⁶⁴⁹

prior to his public statement. The Mission received the information about the act prior to its public disclosure. Interview OZMT6677; Interview LUFO8121.

⁶³⁶ Interview AQVQ1584.

⁶³⁷ Interview NREE3297.

⁶³⁸ Interview AQVQ1584; Interview WZHX2920.

⁶³⁹ A/HRC/45/CRP.11, paras. 258-259.

⁶⁴⁰ Interview JEQW6951.

⁶⁴¹ A/HRC/45/CRP.11, Box 7: The case of First Lieutenant Franklin Caldera.

⁶⁴² A/HRC/45/CRP.11, Box 7: The case of First Lieutenant Franklin Caldera.

⁶⁴³ Interview CIFT1709; Interview ZEXM1109.

⁶⁴⁴ Document C3DD04; Document C3DD07; Interview IWIU1282.

⁶⁴⁵ Interview YMXE1469.

⁶⁴⁶ A/HRC/45/CRP.11, para. 880.

⁶⁴⁷ Ibid., para. 877.

⁶⁴⁸ Ibid., para. 878.

⁶⁴⁹ Interview YMXE1469.

224. The Mission received information that Granko Arteaga is allegedly in charge of the covert detention centres run by DGCIM outside of Boleíta, where key prisoners were transferred in order to torture and/or extort them.⁶⁵⁰ Other DGCIM officials whose names are on file with the Mission, under Arteaga's command, supervise the logistics of the safe houses, including the material used to carry out acts of torture, including sexual violence and other cruel, inhuman or degrading treatment.⁶⁵¹

225. According to information received by the Mission, the seven individuals detained in connection to the "Vuelvan Caras" case, among them Rafael Acosta Arévalo, were taken to a clandestine house on the outskirts of Caracas located in an area with low temperatures and mountainous vegetation. On the outside of the courtyards of this house there was a sign with the initials DAE.⁶⁵² As concluded above on reasonable grounds to believe, Granko Arteaga bears responsibility for the torture and subsequent death of Lieutenant Commander Rafael Acosta Arévalo, in June 2019.

226. In 2019 a group of detainees was taken by DGCIM officials to a clandestine house located in a wooded area called La Mariposa where Granko Arteaga and other DGCIM officials were present. The men were kept at the site for six days and at least one of them was subjected to acts of torture and other mistreatment at the hands of the DGCIM officials.⁶⁵³

227. In the case of the detention of Ariana Granadillo documented by the Mission in its 2020 report,⁶⁵⁴ DGCIM officials, armed with rifles and with their faces covered, arrived at the home of the family where Ms. Granadillo and her parents were staying.⁶⁵⁵ Ms. Granadillo and her parents were detained and taken to a clandestine three-story house from which a mountainous area was visible through the living room window. Ms. Granadillo and her father recognized the area as being in or near Fort Tiuna.⁶⁵⁶ In this house, Ms. Granadillo was tortured by a female officer whose alias is on file with the Mission⁶⁵⁷ and identified another of the officers present.⁶⁵⁸ The Mission has received information that both officials are subordinates of Granko Arteaga within the DGCIM structure.

Financial benefits

228. According to victims and other sources,⁶⁵⁹ Granko Arteaga owns large properties and is involved in arms trafficking⁶⁶⁰ as well as the illegal mineral extraction in the state of Bolívar.⁶⁶¹ A former DGCIM employee said that Granko Arteaga reportedly received mining areas in Bolívar state after the 2018 Operation Metal Hands, a DGCIM-led effort to oust non-state armed groups from mining areas.⁶⁶² One witness said that Arteaga lives "like a narco".⁶⁶³ Another former detainee told the Mission that Granko Arteaga lives in Los Naranjos, a wealthy area in Caracas, and has an entourage of escorts.⁶⁶⁴

⁶⁵⁰ Interview ZEXM1109; Interview WGDZ1821; Interview KBHR2960; Interview REJJ5363; Interview ELIR3884.

⁶⁵¹ Interview OEG13187.

⁶⁵² Document HHDOC005, p.17.

⁶⁵³ Interview QXVM8126.

⁶⁵⁴ A/HRC/45/CRP.11, Case 18: Ariana Granadillo and her family, para. 927-980.

⁶⁵⁵ A/HRC/45/CRP.11, para. 953.

⁶⁵⁶ Ibid., para. 955.

⁶⁵⁷ Ibid., para. 958.

⁶⁵⁸ A/HRC/45/CRP.11, para. 959.

⁶⁵⁹ Infobae, "Granko Arteaga, el hombre de las mil caras y negocios que controla la temible unidad de Asuntos Especiales del Servicio de Inteligencia Militar de Venezuela," March 27, 2022, available at: <https://www.infobae.com/america/venezuela/2022/03/27/granko-arteaga-el-hombre-de-las-mil-caras-y-negocios-que-controla-la-temible-unidad-de-asuntos-especiales-del-servicio-de-inteligencia-militar-de-venezuela/>

⁶⁶⁰ Interview ZCJA3070; Interview KYKY1975.

⁶⁶¹ Interview ZEXM1109.

⁶⁶² Interview HHIV059.

⁶⁶³ Interview UYLN3299.

⁶⁶⁴ Interview ZWMV4762.

229. Granko Arteaga is also implicated in the extortion of businesspersons detained by DGCIM and in the raid of properties of wealthy individuals. One former detainee in Boleíta was taken on at least five occasions, under Arteaga's orders, to a clandestine house located in the area of Prados del Este in Caracas. Granko Arteaga and other DGCIM officials coerced him under torture to make bank transfers of large sums of money to Arteaga's personal accounts or those of acquaintances. The victim said that a blond woman made the computer transfers.⁶⁶⁵ DGCIM officials stole a large sum from the detainee's business account, the password to which DGCIM officials obtained under torture.⁶⁶⁶

230. The wife of a former high-level Government official told the Mission that, while he was serving as DAE Director, Granko Arteaga appeared at her house armed and wearing a balaclava. He entered the house and he proceeded to take photos and videos inside. Arteaga then threatened the tenants that they had 15 days to vacate the house.⁶⁶⁷ Around two weeks later, hooded DGCIM agents, carrying weapons, returned in dark pickup trucks.⁶⁶⁸ The witness requested a search warrant,⁶⁶⁹ but the agents proceeded to break down the door and violently enter the house. The captain in charge of the operation phoned Granko Arteaga to receive the order to break-in.⁶⁷⁰ The woman reported that, after the raid, neighbours have seen Granko Arteaga and DGCIM agents using her property as an office and as a venue for social events.⁶⁷¹

Conclusion

231. During the time he served as DAE Director, at least 52⁶⁷² individuals were victims of torture and other cruel, inhuman or degrading treatment. The Mission has reasonable grounds to believe that during this period at least 59⁶⁷³ persons were arbitrarily detained, at least 13⁶⁷⁴ persons were victims of short-term enforced disappearance and at least 6⁶⁷⁵ persons were victims of sexual violence.

232. In its 2020 Report, the Mission found reasonable grounds to believe that DAE officers under Granko Arteaga's line of command were involved in arbitrary arrests and acts of torture and other cruel, inhuman or degrading treatment.⁶⁷⁶ The type of conduct discussed above is consistent with the patterns identified by the Mission concerning the detention and torture methods used by DGCIM officials against real or perceived

⁶⁶⁵ Interview AYIY8271.

⁶⁶⁶ Interview GDDK1619.

⁶⁶⁷ Document HHDC009.

⁶⁶⁸ Interview RGMU5654.

⁶⁶⁹ Ibid.

⁶⁷⁰ Document HHDC008.

⁶⁷¹ Interview VBLU9573.

⁶⁷² NBUX1995, GILY1480, SYPT1783, FPOD1717, PLIW1748, PNTI1499, QLNN1907, IJUX1656, CKAF1445, MOHZ1940, JUKB1486, EEWS1612, CSIU1156, SNUL1440, JQIG1421, HCNS1238, HSRO1393, IOVR1202, BPYD1174, CJZE1203, NKRE1548, XFDQ1088, GDVA1318, LVMR1195, DRZM1614, TEMF1595, YGEI1438, XOGD1237, EOQF1796, TMCS1601, GSMB1742, DZTS1099, VFKX1601, HKRI1324, QNSV1156, XZSY1764, IPHO1247, ZETM1122, LUVH1449, GDCB1067, OWRK1959, GZXF1212, LDCR1589, TKJB1036, NVOX1921, QDCW1154, KLKT1660, PMKC1989, WIHG1008, FWQH1986, WGH1849, FVAD1544.

⁶⁷³ NFSB1511, IHEV3940, FYXJ1385, WUXG1630, HVXX1617, MXNA1869, PLIW1748, UGIY1669, GRVU5414, DZDP1733, HZYC1676, RPHY1661, PRAT1669, MOHZ1940, ALYB1134, ZGPR1768, PQZT1737, NWWX1110, CSIU1156, GMKY1903, JQIG1421, HCNS1238, FXJW1900, HSRO1393, HLUJ1735, BPYD1174, NXGM1540, AJUN1436, NKRE1548, DRZM1614, LKVB1886, YFAY1437, EWNC4069, HOUK4083, CHVO5831, KQOC1135, YGEI1438, RINF1750, XOGD1237, JBCB1918, GSMB1742, TFCE1518, XACU1049, WFFW1859, VFKX1601, HYQA5583, IDXL1639, XGWO1018, TKJB1036, KPRF6848, MNYK1377, EFAP1183, FVNO7428, NRKM1903, KLKT1660, EVLJ1548, WIHG1008, WGH1849, UBZJ6230.

⁶⁷⁴ NFSB1511, HZYC1676, ALYB1134, NWWX1110, CSIU1156, FXJW1900, HSRO1393, YFAY1437, KQOC1135, DMJG1267, VFKX1601, TKJB1036, FVNO7428.

⁶⁷⁵ ULWV8612, ZVZD1663, ASIT9981, IQKB2597, CDYW6958, IAZK7277.

⁶⁷⁶ A/HRC/45/CRP.11, paras. 815, 863, 899, 2003 and 2007.

Government opponents, during the time Granko Arteaga served as DAE Director from 2017.

233. Prisoners in Boleíta were subjected to torture and other cruel, inhuman or degrading treatment during Granko Arteaga's time as Director of DAE committed by DGCIM officials under his authority. Witnesses, including victims, stated that they were tortured or subjected to other cruel, inhuman or degrading treatment by Granko Arteaga acting alone and jointly with other DGCIM officials. Victims also stated that Granko Arteaga was present while they were tortured, ordered subordinates to commit acts of torture and was involved in acts of arbitrary detention.

234. Accordingly, the Mission finds reasonable grounds to believe that Granko Arteaga may bear criminal responsibility for the events discussed above and should be investigated.

6. Iván Rafael Hernández Dala

Background and roles

235. Iván Rafael Hernández Dala was born on 18 May 1966 in Caracas. He is a Major General in the FANB and has served as the Director General of DGCIM since 2014.⁶⁷⁷

236. Hernández Dala graduated from the Military Academy in Caracas in 1988 as part of the class (*promoción*) "Manuel Manrique".⁶⁷⁸ According to former military officials, Hernández Dala's background is as an officer in the Presidential Guard of Honour (*Guardia de Honor Presidencial*).⁶⁷⁹ One high-ranking military official said that he had a close relationship with former President Hugo Chávez.⁶⁸⁰ A high level military officer told the Mission that Hernández Dala's wife was the personal nurse of Hugo Chávez before his death on 5 March 2013.⁶⁸¹ Hernández Dala was appointed Director General of DGCIM on 14 January 2014, when he replaced Hugo Carvajal.⁶⁸² As noted above, Hernández Dala modernised and strengthened the capacity of DGCIM significantly. Hernández Dala's time with DGCIM also coincided with an increase in human rights violations.

237. Several witnesses told the Mission that, during Hernández Dala's time with DGCIM, he increasingly reported directly to President Nicolás Maduro, rather than to the Ministry of Defence.⁶⁸³ According to one former senior military official, under President Maduro the presidency had the "operational responsibility" for DGCIM, while the Ministry of Defence mainly had more of an "administrative responsibility".⁶⁸⁴ The Mission received information from multiple sources, including former DGCIM employees and high-level FANB officers, of the close relationship between Hernández Dala and President Maduro. One former DGCIM employee said that Hernández Dala personally presented President

⁶⁷⁷ US Government Federal Register, Notice of OFAC Sanctions Actions, available at: <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=26397>; Gaceta Ordinaria, No 40.333, 14 January 2014, p. 11: http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700013582/0&Nombrebd=spgoin&CodAsocDoc=781&t04=11-11&t05=png&Sesion=478770135

⁶⁷⁸ TalCual Digital, "Iván Hernández Dala, el general que blindó a Maduro en dos frentes", 2 July 2019, available at: <https://talcualdigital.com/ivan-hernandez-dala-el-general-que-blinda-a-maduro-en-dos-frentes/>

⁶⁷⁹ Interview SFGM8849; Interview XFWQ7393; Interview CJVO7936; Interview BTHG8649.

⁶⁸⁰ Interview UFYD1805.

⁶⁸¹ Interview OKYY8369. See 6 to Poder, "Iván Hernández Dalas, el hombre fuerte de la Contrainteligencia de Maduro", 9 October 2014, available at: <https://web.archive.org/web/20141011225656/http://www.6topoderweb.com/2.0/1/1793/ivn-hernandez-dalas-el-hombre-fuerte-de-la-contrainteligencia-de-maduro-perfil>.

⁶⁸² Gaceta Ordinaria, No 40.333, 14 January 2014, p. 11, available at: http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700013582/0&Nombrebd=spgoin&CodAsocDoc=781&t04=11-11&t05=png&Sesion=478770135

⁶⁸³ Interview KXKG8392; Interview UXKY9923; Interview QIOW3419; Interview JLXI2267; Interview PEPT7918.

⁶⁸⁴ Interview GOFT3282; Interview FDJD1855.

Maduro files of potential targets for approval.⁶⁸⁵ Orders would be transmitted in person or over the phone, to avoid leaving a paper trail. Hernández Dala's role as the head of the Presidential Guard allowed him to spend time close to Maduro when such orders can be given. Several sources described Hernández Dala as a "right-hand man" (*hombre de confianza*) of Maduro.⁶⁸⁶

238. Hernández Dala has an office on the third floor of DGCIM's headquarters in Boleíta, Caracas, but several sources said that he splits his time between Boleíta and the office belonging to the Presidential Guard in the White Palace (*Palacio Blanco*), located opposite the Miraflores Presidential Palace.⁶⁸⁷

239. As Director General, Hernández Dala occupies the top position in the hierarchy of DGCIM. Immediately below is the Deputy Director, followed by the different Directorates, including the DEIPC and the Operations Directorate, as well as the eight different regional offices.⁶⁸⁸

240. A former DGCIM employee told the Mission that Hernández Dala has a direct line of command to the Directors of the different Directorates, although this may vary depending on the importance of each Directorate.⁶⁸⁹ Multiple sources, including former FANB officers, told the Mission that Hernández Dala gives orders and approves the operations of the DEIPC, including those leading to arbitrary arrests and detentions.⁶⁹⁰ One former DGCIM employee said that Hernández Dala personally approves all files on potential targets developed by DEIPC before they are acted on.⁶⁹¹ After approving the files, Hernández Dala often contacts the military justice system to obtain an arrest warrant, even in cases where there is no concrete evidence against the target.⁶⁹²

241. One former DGCIM employee said that DAE is known internally as "the black hand" (*la mano negra*) of the Director General.⁶⁹³ As in the case of DEIPC, multiple former detainees have said they were tortured, including with acts of sexual violence, by Granko Arteaga and other DAE officials.⁶⁹⁴ According to former DGCIM employees, Granko Arteaga was promoted to Director of DAE in 2018 by Hernández Dala because he demonstrated loyalty.⁶⁹⁵

242. The Mission received information from a former DGCIM employee that Hernández Dala has a direct line of command to the Directors of DGCIM's eight Regional Offices, in particular in the larger and more important regions.⁶⁹⁶ One source said that Hernández Dala also gives direct orders to heads of other DGCIM detention facilities, such as those in charge of the cells run by DGCIM in Fort Tiuna, where the Mission has also documented serious human rights violations against detainees.⁶⁹⁷

⁶⁸⁵ Interview GTDJ1269.

⁶⁸⁶ Interview FAMI9062; Interview FLIH5914; Infobae, Se acerca una decisión militar clave en Venezuela, y Maduro tiene un dilema: sacar del Ejército a la promoción de Diosdado Cabello, 1 July 2020, available at: <https://www.infobae.com/america/venezuela/2020/07/01/se-acerca-una-decision-militar-clave-en-venezuela-y-maduro-tiene-un-dilema-sacar-del-ejercito-a-la-promocion-de-diosdado-cabello/>

⁶⁸⁷ Interview UXKY9923; Interview XMPO6436; Interview QAYB6149; Interview VFFR3782.

⁶⁸⁸ Document NNDD019.

⁶⁸⁹ Interview GZQL6682.

⁶⁹⁰ Interview JIMM6981; Interview KBHR2960; Interview YDMU6652; Interview ZEXM1109; Document NNDD029.

⁶⁹¹ Interview STNC2126.

⁶⁹² Interview BTRH7764.

⁶⁹³ Ibid.

⁶⁹⁴ Interview VZTB1150; A/HRC/45/CRP.11, paras. 865-899; Document RWDM3823, pp. 23, 24, 27; Interview IAPK3342; A/HRC/48/CRP.5, para. 258-259.

⁶⁹⁵ Interview GFGE1024; Document PMJY6564; Interview QTOR6656.

⁶⁹⁶ Interview IJRU8862.

⁶⁹⁷ Interview KDMJ5277; A/HRC/45/CRP.11, para. 315.

243. Hernández Dala has been subjected to the following international sanctions due to his role in perpetrating human rights violations, all of which remain in effect to the time of writing:

- European Union: freezing of funds and financial resources, travel ban (25 June 2018)⁶⁹⁸
- United Kingdom: freezing of funds and financial resources, travel ban (25 June 2018)⁶⁹⁹
- Switzerland: freezing of funds and financial resources, travel ban (8 July 2018)⁷⁰⁰
- North Macedonia, Montenegro, Albania, Iceland, Liechtenstein, Norway, Moldova, and Georgia: freezing of funds and financial resources, travel ban (18 July 2018)⁷⁰¹
- United States: freezing of assets under US jurisdiction and banning Americans from financial engagement (15 February 2019)⁷⁰²
- Canada: freezing of all assets under Canadian jurisdiction and banning Canadians from financial engagement (15 April 2019)⁷⁰³

Participation in human rights violations and crimes

244. In his role as Director General, Hernández Dala rarely participated directly in interrogation of detainees or other operations. Multiple former detainees and former DGCIM employees, however, told the Mission that officials from the DEIPC and DAE, which report directly to Hernández Dala, tortured them, including with acts of sexual violence.⁷⁰⁴ A former DGCIM employee said that Hernández Dala personally ordered the torture of detainees, including in cases where information is needed quickly.⁷⁰⁵

245. The Mission has received reports of Hernández Dala playing a direct role on certain occasions, in particular in cases involving high-profile, political prisoners. According to multiple sources, Hernández Dala was present during the arrests of at least three detainees:

⁶⁹⁸ Official Journal of the European Union, COUNCIL DECISION (CFSP) 2018/901, 25 June 2018, available at: <https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:32018D0901&from=EN>

⁶⁹⁹ UK Government Consolidated List of Financial Sanctions Targets in the UK: Venezuela, 25 February 2022, p. 4, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057511/Venezuela.pdf;

⁷⁰⁰ Swiss State Secretariat for Economic Affairs (SECO), Mesures à l'encontre du Venezuela, 9 July 2018, available at: <https://www.seco.admin.ch/dam/seco/de/dokumente/Aussenwirtschaft/Wirtschaftsbeziehungen/Exportkontrollen/Sanktionen/Verordnungen/Venezuela/Venezuela%20Delta%202018-07-09.pdf.download.pdf/Venezuela%20Delta%202018-07-09.pdf>

⁷⁰¹ Council of the European Union, Press Release, Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures in view of the situation in Venezuela, 18 July 2018, available here: <https://www.consilium.europa.eu/en/press/press-releases/2018/07/18/declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-alignment-of-certain-countries-with-concerning-restrictive-measures-in-view-of-the-situation-in-venezuela/>

⁷⁰² US Department of the Treasury, Press Release, Treasury Sanctions Officials Aligned with Former President Nicolas Maduro and Involved in Repression and Corruption, 15 February 2019, available at: <https://home.treasury.gov/news/press-releases/sm612>

⁷⁰³ Regulations Amending the Special Economic Measures (Venezuela), Canada Gazette, Part II, Volume 153, Number 9, 15 April 2019, available at: <http://gazette.gc.ca/rp-pr/p2/2019/2019-05-01/html/sor-dors106-eng.html>

⁷⁰⁴ Select examples of torture by DEIPC officials: Interview OIKJ8934; Interview QNFT1201; Interview UDBB1203; Document NKRN8476; Document ZOXW9951; Interview RVD6777. See also A/HRC/45/CRP.11, paras. 316-326. Interview XLUX6761; Interview UCBD2817, Interview NPHL1612; Interview YLTW5773; Interview PEPT7918; Interview BTRH7764; Document VGPZ1127.

⁷⁰⁵ Interview VRGO2448.

- One example is that of FANB officer who was arrested with other military officers and accused of plotting to overthrow the Government. DGCIM agents apprehended and brought the officer to the Ministry of Defence, where he met Hernández Dala and another General, both of whom accused him of insurrection and ordered his arrest, despite not presenting an official arrest warrant.⁷⁰⁶ The officer was brought to Boleíta where he was severely tortured and held incommunicado in conditions that amount to a short-term enforced disappearance for seven days. Later, he was subjected to further physical and psychological torture.⁷⁰⁷
- Hernández Dala was also present during the arrest of a FANB official and witnessed Granko Arteaga beating the officer during the arrest.⁷⁰⁸
- The Mission received information that Hernández Dala was present during the arrest of an individual who was detained after taking part in a video criticising the Maduro Government. The victim was brought to Boleíta where he was subjected to torture and sexual violence, including forced nudity, application of electric shocks to his testicles and attempted rape.⁷⁰⁹
- As noted above, former DGCIM employees also told the Mission that Hernández Dala had ordered the planting of evidence against potential targets.

246. The Mission has also received reports that indicate that Hernández Dala was aware of prisoners being tortured or otherwise mistreated within DGCIM. For example:

- Hernández Dala was on at least one occasion informed directly by a detainee that he had been tortured. One FANB officer detained in a high-profile case was personally interrogated twice by Hernández Dala in his office during his detention in Boleíta.⁷¹⁰ Cristopher Figuera, then Deputy Director of DGCIM, was also present during one of the interrogations. The victim informed Hernández Dala that he had been tortured by a DGCIM official immediately after his detention, including through beatings and asphyxiation with a plastic bag. The Mission received information that the DGCIM official who carried out the torture was later promoted, his name is in the possession of the Mission.⁷¹¹
- Another detainee said that when he was held in the “Crazy Room” (*el Cuarto de los Locos*) which, as described in detail in section II. B. 7 above, is a punishment cell used to torture prisoners in extremely harsh conditions, Hernández Dala personally arrived with an order for him to appear before a court.⁷¹²
- Cristopher Figuera told the Mission that, on one occasion, Hernández Dala prevented him from allowing prisoners in Boleíta from going outside, to breathe fresh air.⁷¹³

Conclusion

247. In its 2020 Report, the Mission found reasonable grounds to believe that DGCIM officials were involved in arbitrary arrests and acts of torture and other cruel, inhuman or degrading treatment.⁷¹⁴ Hernández Dala rarely participated directly in the interrogation of detainees or in other operations. Nevertheless, the acts of arbitrary detention, torture and other cruel, inhuman or degrading treatment in Boleíta were committed by DGCIM officials under his authority, from 2014 to the time of writing. Officials assigned to the DEIPC, which was tasked with identifying and investigating potential target, worked under

⁷⁰⁶ Interview FFTA6461; Document UAHJ7347.

⁷⁰⁷ Document ZUFU5610; A/HRC/48/CRP.5, para. 243.

⁷⁰⁸ Interview PWBD8018.

⁷⁰⁹ Interview VZTB1150; A/HRC/45/CRP.11, paras. 865-899.

⁷¹⁰ Interview VFFR3782.

⁷¹¹ Interview RYFJ7523; Interview ZNZL8073.

⁷¹² Interview CBTR1706; A/HRC/45/CRP.11, para. 333.

⁷¹³ Interview JUSD7963.

⁷¹⁴ A/HRC/45/CRP.11, paras. 797, 864, 2007.

his supervision. The same applies to officials working for DAE. The Mission also received information that Hernández Dala played a more direct role in a number of arbitrary detentions.

248. Accordingly, the Mission finds reasonable grounds to believe that Hernández Dala may bear criminal responsibility for the events discussed above and should be investigated.

III. The Bolivarian National Intelligence Service (SEBIN)

A. Background

1. Legal Framework

249. SEBIN was established in June 2010 through a Presidential Decree, replacing the National Direction on Intelligence Services and Prevention (DISIP, *Dirección Nacional de los Servicios de Inteligencia y Prevención*).⁷¹⁵ The Decree stated that SEBIN would continue the process of restructuring the DISIP, which had commenced in 2009.⁷¹⁶ The officers and employees of the DISIP who met the requirements and profiles established by SEBIN would be transferred to this new agency.⁷¹⁷

250. The Decree set out that SEBIN would have budgetary, administrative and financial management capacity and would be hierarchically dependent on the Ministry of Interior, Justice and Peace, with the level of Directorate General.⁷¹⁸ According to the Decree, a Commissioner General, with the rank of Director General, would be in charge of SEBIN.⁷¹⁹ The organizational structure of SEBIN, including the number, organization, attributions and functioning of its units, was to be determined by its internal regulations.⁷²⁰

251. According to the Decree, the purpose of SEBIN is to plan, formulate, direct, control and execute civilian intelligence and counter-intelligence policies and actions.⁷²¹ It has been assigned a series of functions, including: advising the Executive in the formulation of policies regarding the security of the Nation; planning and executing activities aimed at contributing to the stability and security of the Nation; contributing to the detection and neutralization of external and internal threats against the security of the Nation; assisting the security agencies in the fight against organized crime; and carrying out activities as an auxiliary investigative body.⁷²²

252. In April 2013, President Maduro issued the Organic Regulations of the SEBIN, transferring responsibility of SEBIN from the Ministry of Interior, Justice and Peace to the Vice-Presidency.⁷²³ Under its Regulations, it was incumbent upon the Vice-Presidency to decide all matters related to SEBIN's restructuring process.⁷²⁴ The Vice Presidents during the period under review were the following:

⁷¹⁵ Presidential Decree No. 7.453, published in Official Gazette No. 39.436 of 1 June 2010, available at: <http://www.civilisac.org/civilis/wp-content/uploads/gaceta-sebin-y-cesna-1.pdf> (hereinafter "Presidential Decree No. 7.453").

⁷¹⁶ Presidential Decree No. 6.865 of 11 August 2009, published in Official Gazette No. 370.988 of 11 August 2009.

⁷¹⁷ Presidential Decree No. 7.453, art. 6.

⁷¹⁸ Ibid., art. 1.

⁷¹⁹ Ibid., art. 4.

⁷²⁰ Ibid., art. 5.

⁷²¹ Ibid., art. 2.

⁷²² Ibid., art. 3.

⁷²³ Presidential Decree No. 9.446, Reglamento Orgánico del Servicio Bolivariano de Inteligencia Nacional (SEBIN), art. 3, published in Official Gazette No. 40.153, 1 April 2013, available at: https://pandectasdigital.blogspot.com/2017/09/gaceta-oficial-de-la-republica_698.html (hereinafter "SEBIN 2013 Regulations").

⁷²⁴ SEBIN 2013 Regulations, third transitory article.

<i>Vice Presidents</i>	<i>Period</i>
Jorge Alberto Arreaza Montserrat	2013-2016
Aristóbulo Istúriz Almeida	2016-2017
Tareck Zaidan El Aissami Maddah	2017-2018
Delcy Eliona Rodríguez Gómez	June 2018 to time of writing ⁷²⁵

253. According to its Regulations, SEBIN carries out civilian intelligence and counter-intelligence activities to “neutralize potential or real threats of the State”, whether internal or external.⁷²⁶ SEBIN also has the authority to contribute with public security agencies in the fight against organized crime inside Venezuela, as well as with bodies and entities in charge of the defence of the country in the fight against enemy activities.⁷²⁷ All of these functions are in line with the 2010 Presidential Decree establishing this body.⁷²⁸

254. The President of the Republic has the power to appoint the Director General of SEBIN.⁷²⁹ The Director General, as the highest authority within SEBIN, makes all decisions relating to SEBIN’s personnel, including appointing and removing from office the required personnel.⁷³⁰ All SEBIN officials and personnel are obliged to comply with a series of duties, including to abide by the orders and instructions issued by their hierarchical superiors and to comply and enforce compliance with the Constitution, laws, regulations and other relevant instructions and orders.⁷³¹ The Regulations also establish that SEBIN officials will be criminally, civilly and administratively liable for crimes, misconduct, unlawful acts and administrative irregularities committed in the exercise of their duties.⁷³²

255. SEBIN’s Organic Regulations were amended in November 2016 by Presidential Decree.⁷³³ While in substantive terms the amended Regulations are similar to the Organic Regulations of 2013, there are some differences. For example, one of the amendments was intended to establish unequivocally that the intelligence and counter-intelligence functions of SEBIN are of a civilian nature, which was not expressly written in the Organic Regulations of 2013.⁷³⁴ Additionally, the reforms include the restructuring of the internal organization of SEBIN, as detailed below.

256. On 28 April 2021, Vice President Delcy Rodríguez, on behalf of President Maduro, issued a Decree ascribing SEBIN back to the Ministry of Interior, Justice and Peace.⁷³⁵ The Decree said that the transfer was “to adapt [the Executive’s] organizational structure to the new guidelines and policies of social order”.⁷³⁶ According to the Decree, SEBIN is to be

⁷²⁵ Through this same decree, Tarek el Aissami was appointed Minister of the People’s Power for Industries and National Production. See Constitutional Decree No. 3.464 of 14 June 2018, published in the Official Gazette No. 41.419, 14 June 2018, available at: <https://pandectasdigital.blogspot.com/2018/06/decreto-n-3464-mediante-el-cual-se.html>.

⁷²⁶ SEBIN 2013 Regulations, art. 3.

⁷²⁷ Ibid., art. 4(5) and (7).

⁷²⁸ Ibid., art. 4.

⁷²⁹ Ibid., art. 2.

⁷³⁰ Ibid., arts. 5-6, 21. The remaining high-level officials in SEBIN, below the Director General, are: the Deputy Director General, the Secretary General and the Line Directors. SEBIN 2013 Regulations, art. 21.

⁷³¹ SEBIN 2013 Regulations, art. 22.

⁷³² Ibid., art. 24.

⁷³³ Presidential Decree No. 2.524 of 1 November 2016, published in the Official Gazette No. 41.021 1 November 2016, available at: https://pandectasdigital.blogspot.com/2016/11/gaceta-oficial-de-la-republica_3.html (hereinafter “SEBIN 2016 Regulations”).

⁷³⁴ SEBIN 2016 Regulations, art. 3.

⁷³⁵ Presidential Decree No. 4.610 of 29 April 2021, published in the Official Gazette No. 42.116 of 29 April 2021, art. 1, available at: <https://ojdt.com.ve/archivos/gacetas/2021-05/42116.pdf> (hereinafter “Presidential Decree No. 4.610”).

⁷³⁶ Presidential Decree No. 4.610.

considered a deconcentrated organ which is hierarchically dependent on the Ministry, but retains budgetary, administrative and financial management capacity.⁷³⁷

2. Organizational structure

257. According to its 2013 Organic Regulations, SEBIN was composed of a number of offices and directorates, which were organized in two levels, as follows:

- Administrative Support Level, composed of: the Office of the Executive Secretariat; the Office of Legal Counsel; the Office of Planning and Budget; the Office of Human Talent; the Office of Information Systems and Technology; the Administration Office; the Office of Security and Internal Affairs; and the Office of Operations and Services.⁷³⁸
- Substantive or Operational Level, composed of: the Directorate of Territorial Bases; the Directorate of Intelligence; the Counter-Intelligence Directorate; the Directorate of Strategic Investigations; the Directorate of Immediate Actions; and the Centre for Intelligence Studies.⁷³⁹

258. Following the 2016 amendments to the Organic Regulations, the organisational structure of SEBIN changed to be divided into four levels:

- Management Level, consisting of the Office of the Director General, made up of the Director General, the Director of Operational Control, the Director of Administrative Control and the Secretary General.
- Administrative Support Level, composed of: the Office of Legal Counsel; the Office of Human Resources Management; the Office of Administrative Management; the Office of Planning and Budget; the Office of Information Systems and Technology; the Office of Operations and Services; the Office of Internal Affairs; and the Centre for Intelligence Studies. Units within this level have the rank of Line Directorate.
- Substantive Level, composed of: the Directorate of Intelligence Regions; the Directorate of Intelligence; the Directorate of Counter-Intelligence; the Directorate of Strategic Investigations; and the Directorate of Immediate Actions. Units within this level have the rank of Line Directorate.
- Territorially Deconcentrated Operational Level, consisting of: Strategic Intelligence Regions (REDIN); Intelligence Operational Zones (ZODIN); Territorial Bases (BT); and Intelligence Areas (ADIN). Units within this level have the rank of Coordination.⁷⁴⁰

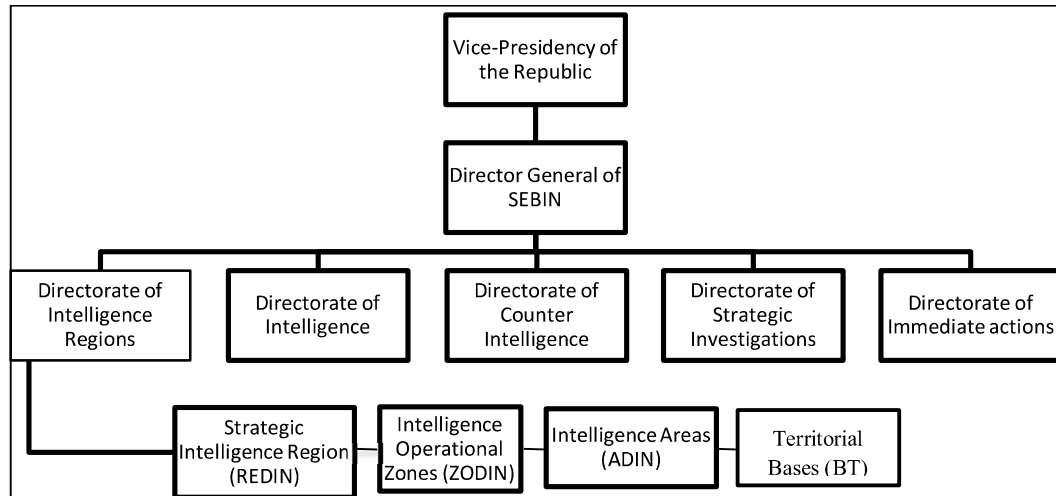
⁷³⁷ Ibid., art. 1.

⁷³⁸ SEBIN 2016 Regulations, arts. 7-14.

⁷³⁹ Ibid., arts. 15-20.

⁷⁴⁰ Ibid., art. 5.

SEBIN Organigram from 2016-2021



259. The 2016 amended Regulations contain a detailed description of the purpose of the Directorates, including the following:

- **The Directorate of Intelligence Regions** is mandated to plan, execute, supervise and control counter-intelligence actions, as well as to support strategic investigations, intervention actions and intelligence work generated in the intelligence regions located throughout the national territory.⁷⁴¹ Within the Directorate of Intelligence Regions, the specific regions are made up of four groups of units throughout the national area, the REDIN, the ZODIN, the ADIN and the BT.⁷⁴² These units enjoy a degree of autonomy in their operations, but ultimately answer to, and follow directions from, the Director of Intelligence Regions.⁷⁴³ At least as at 2018, SEBIN had some 40 bases around the country.⁷⁴⁴
- **The Directorate of Intelligence** is mandated to plan, execute, supervise and control the strategic actions of identification, recording, analysis, processing and dissemination of information related to the security, defence and integral development of the Nation.⁷⁴⁵ According to a former SEBIN agent, it is the unit in charge of extracting information of low-profile persons of interest.⁷⁴⁶
- **The Directorate of Counter-Intelligence** has the purpose to plan, execute, supervise and control strategies to detect and neutralize internal threats to the security, defence and integral development of the Nation.⁷⁴⁷ A former SEBIN agent told the Mission that this unit is in charge of gathering information clandestinely in order to identify and neutralise threats.⁷⁴⁸
- **The Directorate of Strategic Investigations** is mandated to carry out investigations and operations to discover and verify crimes and identify the perpetrators or participants involved.⁷⁴⁹
- **The Directorate of Immediate Actions** has the purpose of “planning, supervising, executing and controlling intervention actions (hostages, *guerrilla* and terrorism)

⁷⁴¹ SEBIN 2016 Regulations, art. 17.

⁷⁴² Ibid., art. 5.

⁷⁴³ See Interview ROPR9064; Interview LKYT1419.

⁷⁴⁴ Interview CBXL7480.

⁷⁴⁵ SEBIN 2016 Regulations, art. 18.

⁷⁴⁶ Interview GTOI4514.

⁷⁴⁷ SEBIN 2016 Regulations, art. 19.

⁷⁴⁸ Interview JOXH5147.

⁷⁴⁹ SEBIN 2016 Regulations, art. 20.

and anti-explosives within the national territory, in order to contribute to the security, defence and integral development of the Nation”.⁷⁵⁰ A former SEBIN employee and a former prosecutor with inside knowledge of SEBIN’s structure told the Mission that it was made up of: the Intervention Division (the “commandos”); the Explosives Division; and the Motorized Division.⁷⁵¹

260. The Mission received information about two additional offices which are not found within SEBIN’s official structure but which carry out important work for the agency. The first is the Directorate of Technological Intelligence, which is in charge of carrying out telephone tapping, as well as of the monitoring, surveillance and, on occasions, detention, of persons considered to be political targets.⁷⁵² The second is the Division of Coordination and Protection of Democratic Order which, according to a former SEBIN employee, carries out arbitrary detentions for SEBIN.⁷⁵³ The Division is also tasked with carrying out monitoring and surveillance of targets, prior to their arrest.⁷⁵⁴

261. SEBIN has a hierarchical merit structure called the “*escalafón de mérito*”.⁷⁵⁵ In descending order, the hierarchies of merit are Superior Commissioner; Commissioner General; Chief Commissioner; First Commissioner; Commissioner; Chief Inspector; First Inspector; Inspector; and Detective.⁷⁵⁶ It is the responsibility of the Director General to develop the rules regarding promotions within the system.⁷⁵⁷ The highest-level SEBIN officials do not fall under SEBIN’s merit system, given that they already hold the highest level within the agency’s hierarchical structure.⁷⁵⁸ At least until 2018, some 5000 individuals were on SEBIN’s payroll.⁷⁵⁹

3. Chain of Command

262. SEBIN’s 2016 Organic Regulations establish that SEBIN officials can only hold two levels of positions: high-level positions or trust positions (*de confianza*).⁷⁶⁰ SEBIN’s hierarchy, i.e. those holding high-level positions, consists of the Director General, the Director of Operational Control, the Director of Administrative Control, the Secretary General, and the Line Directors.⁷⁶¹ The Director General holds the rank of Superior Commissioner; the rest of the high-level officials hold the rank of Commissioner General.⁷⁶²

263. From 2010 until February 2014, Miguel Rodríguez Torres was the Director General of SEBIN. Subsequently, President Maduro replaced him with Gustavo González López.⁷⁶³ According to a high-level FANB officer, President Maduro saw Rodríguez Torres as a political adversary, and in contrast knew that González López would respect him and allow him direct control over SEBIN.⁷⁶⁴ In March 2018, Miguel Rodríguez Torres was arrested by SEBIN and later detained in DGCIM’s Boleíta.⁷⁶⁵ He remains detained in DGCIM facilities at the time of writing, accused of instigation to rebellion.

⁷⁵⁰ Ibid., art. 21.

⁷⁵¹ Interview VDWQ4124; Interview BTKS1145.

⁷⁵² Interview ASND8491; Interview OHTP1740; Interview HBFN1029.

⁷⁵³ Interview SRZA3733.

⁷⁵⁴ Interview TSON4498.

⁷⁵⁵ SEBIN 2016 Regulations, art. 27.

⁷⁵⁶ Ibid., art. 27.

⁷⁵⁷ Ibid., art. 28.

⁷⁵⁸ Ibid., art. 28.

⁷⁵⁹ Interview VYSR1141.

⁷⁶⁰ SEBIN 2013 Regulations, art. 21; SEBIN 2016 Regulations, art. 22.

⁷⁶¹ SEBIN 2016 Regulations, art. 22.

⁷⁶² Ibid., art. 22.

⁷⁶³ Interview XSRX1565.

⁷⁶⁴ Interview TCID1780.

⁷⁶⁵ See Inter-American Commission of Human Rights, Precautionary Measures No. 450-20, Miguel Eduardo Rodríguez Torres respecto de Venezuela, 11 June 2020, available at: <https://www.oas.org/es/cidh/decisiones/pdf/2020/25-20MC450-20-VE.pdf>

264. On 26 October 2018, President Maduro replaced González López with General Manuel Ricardo Cristopher Figuera.⁷⁶⁶ Cristopher Figuera explained to the Mission that his appointment followed an incident in which Diosdado Cabello's SEBIN security command stopped Maduro's private vehicle, not knowing he was inside.⁷⁶⁷ Maduro reportedly got out of the car and told them to surrender their weapons, to which they replied "you are not our boss".⁷⁶⁸ Maduro allegedly called DGCIM to arrest the men and subsequently replaced González López with Cristopher Figuera.⁷⁶⁹ Other sources reviewed by the Mission suggest, however, that González López was removed because of the pressure received following the death while in custody of Fernando Albán.⁷⁷⁰

265. On 29 April 2019, President Maduro reinstated González López as SEBIN's Director General.⁷⁷¹ This followed the participation of Figuera and other military officers in Operation Freedom 30 April 2019, which was led by opposition leader Juan Guaidó against President Maduro, and Figuera's subsequent departure from Venezuela.⁷⁷² However, the Mission notes that the Presidential Decree appointing González López as General Director of SEBIN was published in the Official Gazette on 29 April 2019; that is, one day prior to the events which allegedly led to Figuera's destitution.⁷⁷³ González López has held the position since.

266. At the substantive level of SEBIN's organizational structure, and below the Director General, are the Line Directors. According to a former SEBIN employee,⁷⁷⁴ the Line Directorates during the period under review included:

- Directorate of Intelligence Regions
- Intelligence Directorate
- Counter-Intelligence Directorate
- Directorate of Immediate Actions:
- Directorate of Strategic Investigations: General Commissioner Carlos Alberto Calderón Chirinos⁷⁷⁵ (2014 until October 2018 and from May 2019 until sometime in 2020). He was replaced by Angel Flores while Cristopher Figuera headed SEBIN⁷⁷⁶

⁷⁶⁶ Presidential Decree No. 3.647 of 26 October 2018, published in the Official Gazette No. 41.511, available at: <https://pandectasdigital.blogspot.com/2018/11/decreto-n-3647-mediante-el-cual-se.html>. See Interview LJH5227; Interview XRMQ8853; La Nación, Habrían destituido a González López como Director del Sebin, 28 October 2018, available at <https://lanacionweb.com/nacional/habrian-destituido-a-gonzalez-lopez-como-director-del-sebin/>; Efecto Cocuyo, González López salió del Sebin por incidente con caravana presidencial asegura Rangel, 18 November 2018, available at <https://efectococuyo.com/sucesos/gonzalez-lopez-salio-del-sebin-por-incidente-con-caravana-presidencial-asegura-rangel/>

⁷⁶⁷ Interview FIER1516.

⁷⁶⁸ Ibid.

⁷⁶⁹ Ibid.

⁷⁷⁰ A/HRC/45/CRP.11, Case 10: Fernando Alberto Albán, p. 153.

⁷⁷¹ Presidential Decree No. 3.836 of 29 April 2019, published in the Official Gazette No. 41.622 of 29 April 2019, art. 1, available at: <https://www.sebin.site/es/documentos/>.

⁷⁷² Interview MZXT7189; Interview FRNX1577; InfoBae, Gustavo González López, el hombre de Diosdado Cabello que vuelve a controlar el Servicio de Inteligencia chavista, 1 May 2019, available at <https://www.infobae.com/america/venezuela/2019/05/01/gustavo-González-López-el-hombre-de-diosdado-cabello-que-vuelve-a-controlar-el-servicio-de-inteligencia-chavista/>

⁷⁷³ Presidential decree number 3.836 published in Official Gazette of the Bolivarian Republic of Venezuela No. 41.622 dated 29 April 2019, available at <http://historico.tsj.gob.ve/gaceta/abril/2942019/2942019-5629.pdf#page=1>

⁷⁷⁴ Interview SOXZ7013.

⁷⁷⁵ Document RSHH01; Interview CSUL4585.

⁷⁷⁶ Interview TSON4498. General Figuera told the Mission that one of his first measures when he began his functions as Director of SEBIN was to remove Carlos Calderón Chirinos as Director of Strategic Investigations due to the allegations of mistreatment of detainees. Document RSHH01. Interview ISOJ9073.

267. Two units that are not found in SEBIN's official hierarchy are the Directorate of Technological Intelligence⁷⁷⁷ and the Division of Coordination and Protection of Democratic Order.⁷⁷⁸

268. The Mission received evidence of a functioning chain of command within SEBIN, with Gustavo González López ordering operations and lower level units and officials complying with such orders.⁷⁷⁹ According to two former SEBIN officers, Carlos Calderón Chirinos, Director of Strategic Investigations and the Division of Coordination and Protection of the Democratic Order, held significant power within SEBIN, ensuring orders by González López were followed, and issuing orders on their own accord.⁷⁸⁰ Within the Directorate of Strategic Investigations, Ronny González Montesinos and S02 held positions under Carlos Calderón Chirinos.⁷⁸¹

269. Former SEBIN Director Cristopher Figuera told the Mission that he maintained constant communication with the Vice-Presidency, "practically every day".⁷⁸² This communication included reports on wiretapping and surveillance of politicians, among others.⁷⁸³ However, he clarified that the role of Delcy Rodríguez, Vice President during Figuera's tenure as Director General, was mainly administrative and that the orders to SEBIN came directly from President Maduro himself.⁷⁸⁴ Orders were verbal, never in writing.⁷⁸⁵ Other persons interviewed by the Mission corroborated that orders came directly from President Maduro.⁷⁸⁶

270. Despite President Maduro's power over SEBIN, several witnesses interviewed by the Mission confirmed that Diosdado Cabello also holds significant power over the agency. Witnesses indicated that Diosdado Cabello has trusted relationships with SEBIN's officials, in particular with Gustavo González López⁷⁸⁷ and Carlos Calderón Chirinos.⁷⁸⁸

271. Numerous sources, including former SEBIN agents, told the Mission that Diosdado Cabello passed orders directly to SEBIN Director General González López, and that the Director unofficially reported to him.⁷⁸⁹ Orders include which people to detain, release and/or torture,⁷⁹⁰ bypassing the Vice President.⁷⁹¹ Former SEBIN Director General Cristopher Figuera told the Mission that Diosdado Cabello began to ask him for intelligence information, prompting Figuera to ask President Maduro "Who is my boss?" Maduro responded that it was him, but told Figuera to "try to maintain good relations with Diosdado Cabello".⁷⁹² A former SEBIN agent and at least a former detainee told the Mission that Cabello has "his" political prisoners in El Helicoide.⁷⁹³

272. SEBIN oversees detention centres in El Helicoide and in Plaza Venezuela, which has seven detention cells known as the "Tomb" (*La Tumba*). For purposes of this report, and as explained in detail in the Methodology section above, the Mission is focusing its analysis on the operating chain of command in El Helicoide.

⁷⁷⁷ Interview HBCP2199.

⁷⁷⁸ Ibid.

⁷⁷⁹ Interview ARRA6756; Interview HBCP2199; Interview LRV11506.

⁷⁸⁰ Interview HXCV7129; Interview MWRZ1254.

⁷⁸¹ Interview DIRT3488; Interview IWRJ1725; Interview WSCA1266; Interview LQHZ8157; Interview ZGOK1024; Interview SUW11861.

⁷⁸² Interview DQSP1140.

⁷⁸³ Interview XWIA8987.

⁷⁸⁴ Ibid.

⁷⁸⁵ Ibid.

⁷⁸⁶ Interview with TKCL1379; Interview YUXM1005; Interview HMZA9729; Interview ZIZK2843; Interview FIPX1016; Interview ZRBS7489; Interview TFVB1060.

⁷⁸⁷ Interview CEWO3099; Interview CTRG9161; Interview YHPJ2872.

⁷⁸⁸ Interview EFVZ1351.

⁷⁸⁹ Interview YRKY6560; Interview SPMO2142; Interview RMPO4353; Interview ZBDZ7186.

⁷⁹⁰ Interview YPYO1233; Interview GYOA9252; Interview SVNO2450; Interview NPGL7492.

⁷⁹¹ Interview LKYT1419.

⁷⁹² Interview ROPR9064.

⁷⁹³ Interview GTOI4514; Interview VWN2465.

273. Until November 2021, the SEBIN detention centre in El Helicoide was managed by the Directorate of Strategic Investigations.⁷⁹⁴ The Director of Strategic Investigations, General Commissioner Carlos Calderón Chirinos, was in charge of the detention centre and was considered the Director of El Helicoide.⁷⁹⁵ Immediately below him, and identified by SEBIN officials as “chiefs” or “directors”,⁷⁹⁶ was Chief Commissioner Ronny González Montesinos and another official,⁷⁹⁷ both described as “number two” within El Helicoide:

- Ronny González Montesinos was the Coordinator of Field Investigations (*Coordinador de Investigaciones de Campo*).⁷⁹⁸ Responding to him were the chiefs of the Investigation Brigades (*Brigadas de Investigaciones de Campo*) based in El Helicoide.

274. The Area of Control of Apprehended Persons was composed of two sections: the Judicial Process Area which held detainees who had been presented before a court (*Área de Control de los Procesados Judiciales*) and an area that held recently detained persons and those who had not been presented before a court (*Área de Preventiva*). Custodial officials working in these areas - mainly inspectors and detectives - were directly supervised by two Service Chiefs (*Jefes de Servicio*), normally holding the rank of Commissioner, who worked in shifts.⁷⁹⁹ Above them was a First Commissioner who was the Chief of Control of Apprehended Persons (*Jefe de Control de Detenidos*). The Chief of Control of Apprehended Persons answered to González Montesinos.⁸⁰⁰

275. Sources told the Mission that inspectors and detectives worked in shifts.⁸⁰¹ One witness said that each shift consisted of around ten officials.⁸⁰² Another witness explained that shifts lasted three to four days after which officials would be replaced.⁸⁰³ Only officials assigned to the Area of Control of Apprehended Persons and the three “Chiefs” of El Helicoide, Carlos Calderón Chirinos, Ronny González Montesinos and one other official, could freely access that area.⁸⁰⁴ SEBIN officials working in the Brigades or in the Access Area (*Área de Oficialía de los Servicios de la Dirección de Investigaciones Estratégicas*) could only enter the Area of Control of Apprehended Persons when specifically ordered or authorized by the chiefs.⁸⁰⁵

276. Officials working in the Access Area were in charge of registering entrances and exits of detainees in El Helicoide, regulating visits to detainees, informing the chiefs of any relevant issues, and coordinating transfers of detainees outside El Helicoide, including to court. All of this was carried out in accordance with the orders received by superiors, including by González Montesinos.⁸⁰⁶ Officials in the Access Area worked together with officials in the Judicial Process Area and responded to González Montesinos and another official. A SEBIN official explained that, when visitors reached the Access Area, the official present at that moment would inform González Montesinos of the visitor’s arrival

⁷⁹⁴ Interview RHIR1264; Interview with XIKJ1055.

⁷⁹⁵ Interview JOXH5147; Interview SPOR2879. Document MMDC005, Document MMDC006, Document MMDC007.

⁷⁹⁶ Document MMDC005, Document MMDC006, Document MMDC007.

⁷⁹⁷ Interview OMJW6030; Interview IWRJ1725; Interview TPDR4182; Interview C2EE04; Interview EYHG9031; Interview RWCJ3185; Interview KFAD1438; Document MMDC005, Document MMDC006, Document MMDC007.

⁷⁹⁸ Interview RBTX8532; Interview ZGMN6113; Interview ZZTP4898; Interview C2EE04; Interview HIQT2588; Interview OLGZ1971; Interview VTIP7053; Document MMDC005, Document MMDC006, Document MMDC007.

⁷⁹⁹ Interview DEWV8276; Interview PKQU9298.

⁸⁰⁰ Interview DECQ9881; Interview CUNS8342.

⁸⁰¹ Interview WYXU6382; Interview SGIF1364.

⁸⁰² Interview PHBW2342.

⁸⁰³ Interview CSEQ3558.

⁸⁰⁴ Document MMDC005; Document MMDC006; Document MMDC007.

⁸⁰⁵ Document MMDC005; Document MMDC006; Document MMDC007.

⁸⁰⁶ Document MMDC005; Document MMDC006; Document MMDC007.

and would ask their permission to let the person in.⁸⁰⁷ The same process would apply when an order to transfer an individual to court, arrived to El Helicoide.⁸⁰⁸

277. The Mission received information that many of the low-level officials in El Helicoide came from vulnerable communities outside of Caracas and were not allowed to return home for months at a time.⁸⁰⁹ Most of these officials were also very young.⁸¹⁰ There were both male and female officials, though males were predominant.⁸¹¹ A former detainee with inside knowledge told the Mission that the last promotion of detectives that he witnessed in 2016 had very low standards, as most of the individuals promoted knew nothing about the politics in Venezuela and some could not read.⁸¹²

B. Modus operandi

1. Selection and profile of targets

278. The Mission investigated a number of cases involving 93 victims in which SEBIN arrested, detained and subjected individuals to torture and other serious human rights violations and crimes between 2014 and present.⁸¹³ The peak periods of detention in SEBIN's El Helicoide were, 2016, 2017 and 2018.⁸¹⁴

279. As reported by the Mission in 2020 and confirmed by new investigations, orders identifying targets for investigation came directly from President Maduro⁸¹⁵ and at times from Diosdado Cabello,⁸¹⁶ via the SEBIN Director General.⁸¹⁷ The Director General passed instructions to the operational directorates, particularly the Directorate of Strategic Investigations and the Directorate of Immediate Actions, which operated with support from other formal and informal directorates and regional teams.⁸¹⁸

⁸⁰⁷ Document MMDC006.

⁸⁰⁸ Document MMDC006; Document MMDC007.

⁸⁰⁹ Interview GUZM1240; Interview C2EE04.

⁸¹⁰ Interview LIAO1575.

⁸¹¹ Interview DGTE3577.

⁸¹² Interview DICY1959.

⁸¹³ FYXJ1385; UCJW1379; HVXX1617; TGUN1860; VEA4097; AYGO2463; HMVP1231; NNKN1882; VOVH2465; BGQN9950; ZVKJ9083; XNDW3828; SQBZ4976; SCQQ7949; SLZD2984; ZHPO9496; IKDZ2015; XFHV5017; RVSQ1066; DSGK5815; RZKZ9986; WOQO7981; WJNF1663; PLVZ2037; WTXF3912; EENC8493; MUQV4949; FVJC6025; KLFO6034; KZVF9920; NDIC6292; HLNG2178; OFLQ5151; AYJN6999; AZQH8597; ELVY9341; NAQS1779; FIED7557; VZKU9260; IWQT4667; ZJTP4986; DZQN8566; HCQU4169; NHGZ2678; AWVA8555; CZNB6623; OIAF9621; GRHF1436; HUKR4428; IMZX3819; STLG6238; XLYS9425; VRJZ9377; WBNT9497; GFTI6246; PEAV5831; AJPT4710; VIVO1424; GAZW1557; KIOC5669; MRXT1661; OQCN6149; VVLM9620; DPKG1625; LYVC7818; ODQT8034; PPAK3976; ENDE1761; VQNY9256; NFRP8144; YAQG4029; EWMB6358; AORP7461; WGKT1474; MPOT2613; UTOT6776; ZYXK4946; HLAX2936; DBYA9831; IWVE1092; NUHY5892; BNNF7396; HEWX6052; SDWW4884; WWHD2575; BROL5253; BVMG7587; NNPX1679; YTXJ4710; QAWW7322.

⁸¹⁴ ZSYO5410; VUBS8176; OMFT6255; JUDL3194; AXCN2640; XCLT6235; PLZU4941; GJVC3031; PNTI1499; PCMH1269; DZDP1733; KYRM1098; XSXV1619; RBTW7927; IJUX1656; CKAF1445; MOHZ1940; JUKB1486; LGUO1621; EEWS1612; RQLE1155; PQZT1737; QXSG1073; FEF11428; JOQN1025; TQFO1551; IFTU1423; DBMK1676; WPUP1741; SNUL1440; JQIG1421; HCNS1238; AJZX1792; IOVR1202; KMDY1239; NXGM1540; AJUN1436; NKRE1548; BVWD1055; KYOW1076; TEMF1595; YBPQ1539; XOGD1237; EOQF1796; LSPE1117; JRHK1230; JBCB1918; GSMB1742; TFCE1518; XACU1049; DZTS1099; WFFW1859; HKRI1324; NZQX1394; IMGE1082; IDXL1639; LUVH1449; GDCB1067; GZXF1212; OKVP1453; SLNI1359; SEJO1357; MNYK1377; OFGC1831; EFAP1183; EUEB1524; KYNO1405; IYMM1470; GKFE1422; IDJP1325; QJNW1782; GSV01912; VEQM1122; QDCW1154; KLKT1660; PMKC1989; EVLJ1548; WIHG1008; WGH1849; JYNL5453.

⁸¹⁵ Interview WEOR1630; Interview LLYA3683; Interview FIER1516.

⁸¹⁶ Interview NJRO1559;

⁸¹⁷ A/HRC/45/CRP.11, para. 267; Interview YCNU7513.

⁸¹⁸ A/HRC/45/CRP.11, para. 267; Interview YZHR1650.

280. During peak periods, principal targets of SEBIN were civilians, real or perceived Government opponents, critics with high public profiles, or persons who achieved prominence and represented a particular real or perceived threat to the Government due to their opinions or actions. These included opposition politicians, social activists, student and political leaders at the forefront of protests, and journalists. Individuals working for non-governmental organizations, including human rights organizations, which were viewed as receiving foreign funding or that denounced actions of the Government, were also targeted. In some instances, social media users were perceived as a threat and targeted, despite some of them never having expressed a political view.⁸¹⁹

281. Other profiles of targets included individuals linked to the main targets, such as colleagues and family members, especially in the cases of high-profile members of the political opposition, a practice confirmed by Cristopher Figuera.⁸²⁰

2. Intelligence-gathering, surveillance and arrests

282. As reported by the Mission in 2020, SEBIN carried out most of its arrests against pre-determined individuals, following a period of surveillance and investigation.⁸²¹ According to a former SEBIN agent, the surveillance was always carried out under the direct orders of SEBIN Director General Gustavo González López.⁸²² SEBIN Director González López also gave orders directly to lower-ranking agents.⁸²³ SEBIN officials carried out any kind of work requested of them by their superiors, including investigations, searches and arrests, as described below.⁸²⁴

283. As stated above, the Directorate of Technological Intelligence, which is not part of the official structure of SEBIN, was the unit that carried out monitoring and phone tapping. The targets were followed in order to determine their movements.⁸²⁵ SEBIN agents also engaged in bugging rooms, hiding cameras and geo-referencing persons of interests to surveil them.⁸²⁶ SEBIN agents received training in electronic monitoring, which was provided by the Russian and Chinese Governments, and training in surveillance in the field, which was provided by the Cuban Government.⁸²⁷

284. According to a former SEBIN agent, high-profile targets, such as members of the political opposition, were watched daily for a period of around a year to make it clear that they were under surveillance by SEBIN.⁸²⁸ A high-level former SEBIN employee told the Mission that, in some cases, President Maduro wanted to know what the person was doing 24 hours a day, so the Director General would send him information every two hours, sometimes directly and sometimes via Vice President Delcy Rodríguez or First Lady Cilia Flores.⁸²⁹

285. According to a former SEBIN employee, SEBIN agents followed targets in civilian vehicles confiscated by the National Anti-Narcotics Office to avoid calling attention to surveillance activities.⁸³⁰ During this process, SEBIN determined a suitable place to arrest the targets, making sure that there were no cameras and a point was set up where the person could be intercepted.⁸³¹

⁸¹⁹ A/HRC/45/CRP.11, paras. 727-736.

⁸²⁰ Interview MZXT7189.

⁸²¹ A/HRC/45/CRP.11, para. 266.

⁸²² Interview SVNO2450.

⁸²³ Ibid.

⁸²⁴ Ibid.

⁸²⁵ Interview ISOJ9073.

⁸²⁶ Interview JOXH5147.

⁸²⁷ Interview PPEO7879; Interview VDWQ4124.

⁸²⁸ Interview GSNB8831.

⁸²⁹ Interview DQSP1140; Interview XQHN4158.

⁸³⁰ Interview RVBY2054.

⁸³¹ Interview ZIDM6355.

286. As the Mission described in its 2020 and 2021 reports,⁸³² SEBIN agents systematically alleged that the individuals were arrested *in flagrante delicto*⁸³³ as a basis to make warrantless arrests, despite the fact that no crime was actually underway or had just been committed.⁸³⁴ In some cases investigated, witnesses alleged that SEBIN officials planted information, such as arms or contraband, to sustain an arrest *in flagrante delicto*.⁸³⁵

287. In some cases investigated, SEBIN deployed a large number of agents and vehicles to carry out the arrests.⁸³⁶ In the case of the arrest of Rosmit Mantilla, for example, some 10 to 12 SEBIN vehicles, including motorcycles, sedans and Toyota Hilux trucks were used.⁸³⁷ In another case involving the arrest of one individual, SEBIN sent 20 patrol cars and 15 to 20 motorcycles to carry out the arrest.⁸³⁸ The Mission received information about a private plane used by SEBIN to transport political detainees to Caracas, and which was serviced by a flight crew of SEBIN agents, despite the pilot being described as dressed in civilian clothes.⁸³⁹

288. SEBIN operations leading to the arrest of targets were often carried out without search or arrest warrants.⁸⁴⁰ Furthermore, in several cases investigated, SEBIN officials used excessive force or violence during arrests.⁸⁴¹ SEBIN agents forcibly entered homes, breaking down doors or entering through windows. As one former SEBIN officer told the Mission, the arresting agents would have their faces covered, often wearing balaclavas, and would arrive in unmarked cars.⁸⁴²

289. As reported in 2020 and 2021, arrested persons were rarely informed of the reasons for arrest and/or the charges against them.⁸⁴³ In some cases, SEBIN agents requested that individuals accompany them to their offices to be interviewed, assuring them they were not under arrest and would shortly return home.⁸⁴⁴ Upon arriving at SEBIN offices, they were photographed, fingerprinted, interrogated and prevented from leaving or contacting legal counsel.⁸⁴⁵

290. In most cases, SEBIN was the sole arresting authority, though SEBIN agents were occasionally accompanied by DGCIM officials, or members of other armed forces, mainly GNB or PNB/FAES.⁸⁴⁶ In some cases investigated by the Mission,⁸⁴⁷ and as confirmed by a former SEBIN agent, SEBIN carried out the investigation and the arrest, and then handed the individual over to DGCIM.⁸⁴⁸ One source told the Mission that *colectivos* were sometimes used as “a shock force” providing SEBIN security rings in the case of a potential conflict.⁸⁴⁹

⁸³² A/HRC/45/CRP.11, para. 268.

⁸³³ See Criminal Procedure Code, art. 234.

⁸³⁴ Including in the cases of RPCD7449; ZZEQ3497; QJXD3254; IWVB5454; ZIWM1378; DGTE3577; VTIP7053; ESLK5381; VYYP9754; TVOB9552; VKWV3474; VRPG6816.

⁸³⁵ Ibid.

⁸³⁶ Interview IKMT1775; Document MMDC008.

⁸³⁷ Interview TBBQ1556.

⁸³⁸ Interview NPGL7492.

⁸³⁹ Interview VQHP6782.

⁸⁴⁰ Interview WUYM1135; Interview LOWF1117; Interview SRTV4220; Interview IENC1358; Interview ZSDT8848; Interview HSZK9362; Interview CNQX1608; Interview GMCG3123; Interview C2EE04; Interview WTDB3088; Interview OUOA1749.

⁸⁴¹ XBZA5314; NCBT102; DCJG7266; ECEU5628; ZPAL5179; DAAV6631; OMFT6255; ZNTB9737; QJXD3254; C2EE22; C2EE23; QAGV5113; C2EE20; VKWV3474; VZKU9260.

⁸⁴² Interview ZIDM6355.

⁸⁴³ A/HRC/45/CRP.11, para. 270.

⁸⁴⁴ Ibid., para. 270.

⁸⁴⁵ Ibid., para. 270.

⁸⁴⁶ Ibid., para. 271. Interview ZABU5411; Interview IKMT1775.

⁸⁴⁷ Ibid., paras. 345.

⁸⁴⁸ Interview OHTP1740.

⁸⁴⁹ Interview MKVW3130.

3. Detention, interrogation and fabrication of evidence

291. As the Mission described in its 2020 report, those arrested were brought either to the SEBIN headquarters in Plaza Venezuela or to El Helicoide, a former shopping centre in central Caracas.⁸⁵⁰ In exceptional cases, detainees were brought to regional detention centres operated by SEBIN.⁸⁵¹

292. A common practice by SEBIN was to hold the detainee incommunicado for hours, days or weeks. In some cases, these amounted to short-term enforced disappearances. In 84 investigated cases, SEBIN officials and other authorities either denied holding the person or told family members and lawyers that they had no information about the detainee.⁸⁵² The detainees' whereabouts remained unknown for periods ranging from 1 day to 12 weeks.⁸⁵³ In one case investigated by the Mission, SEBIN officials told the detainee's mother to look for her son in the morgue.⁸⁵⁴ The mother was subsequently detained and interrogated for eight hours.⁸⁵⁵

293. A former SEBIN agent told to the Mission that SEBIN also maintained a number of safe or clandestine houses in every state in the country, often in remote areas, which were used as covert detention centres.⁸⁵⁶ The Mission received information that safe houses are houses that had been confiscated by the National Anti-Drugs Office (ONA, *Oficina Nacional Antidrogas*)⁸⁵⁷ or by SEBIN itself, and were then converted into hideouts or places of torture.⁸⁵⁸

294. SEBIN officials interrogated detainees without lawyers and/or refused to allow them to contact lawyers when requested.⁸⁵⁹ During interrogations by SEBIN agents, detainees were often asked questions about their connections to high-profile opposition politicians, their involvement in political protests, their receipt of international funding or their involvement in alleged conspiracies or other crimes against the Government.⁸⁶⁰ Detainees were also forced to sign statements under duress or torture.⁸⁶¹ Additionally, detainees were coerced into revealing passwords to social media and email accounts.⁸⁶²

295. Victims described being forced under duress by SEBIN agents to film statements incriminating themselves in acts that they did not commit, many of which were subsequently made public by high-level political figures, as the Mission noted in its 2020⁸⁶³ and 2021⁸⁶⁴ reports. For example:

- Following the 4 May 2020 capture of alleged participants in Operation Gedeón, the then president of the National Constituent Assembly, Diosdado Cabello, published a video on Twitter that showed one of the detainees, Josnars Adolfo Baduel,

⁸⁵⁰ A/HRC/45/CRP.11, para. 276.

⁸⁵¹ Ibid, para. 276.

⁸⁵² Interview C2EE08; Interview C2EE15.

⁸⁵³ Ibid.

⁸⁵⁴ Interview ESLK5381.

⁸⁵⁵ Ibid.

⁸⁵⁶ One of these sites was located in Santa Mónica, Caracas, in a place called Los Chaguaramos and another in Caurimare. Interview OHTP1740.

⁸⁵⁷ Interview TSON4498.

⁸⁵⁸ Interview TVMI1562.

⁸⁵⁹ GREP7821; ECEU5628; ZPAL5179; EYHG9031; HTMC8376; RPCD7449; FWTF5394; VZTH4318; RFKE1730; SPOR2879; ICIC4125; ZZEQ3497; ZNTB9737; QJXD3254; IWVB5454; ZIWM1378; DGTE3577; VTIP7053; ESLK5381; VYYP9754; TVOB9552; VKWV3474; WOQO7981; UDKK3963.

⁸⁶⁰ A/HRC/45/CRP.11, para. 256.

⁸⁶¹ Interview ARRA6756.

⁸⁶² Interview PIKH7118; Interview IJYE9167; Interview QKFF1847.

⁸⁶³ A/HRC/45/CRP.11, para. 283.

⁸⁶⁴ A/HRC/48/CRP.5, para. 275, 281, 286.

answering potentially self-incriminating questions while SEBIN Director Gustavo González López posed questions to him without a lawyer present.⁸⁶⁵

- On 7 August 2018, three days after the drone attack on President Maduro which took place on 4 August 2018,⁸⁶⁶ SEBIN agents arrested National Assembly member Juan Carlos Requesens,⁸⁶⁷ holding him incommunicado for the following week. During that week, Jorge Rodríguez, then Communications Minister, presented another interrogation video, this time from Mr. Requesens. As noted in the Mission's 2020 report, his family and lawyers suspect Mr. Requesens had been drugged prior to filming the video, possibly with scopolamine or a derivative to induce a testimony.⁸⁶⁸
- In October 2020, PNB officials arrested journalist Roland Carreño⁸⁶⁹ and brought him to a sound studio in SEBIN's El Helicoide where they forced him, without a lawyer present, to film confession statements.⁸⁷⁰ The videos were played during a press conference of the former Communications Minister and then PSUV party leader Jorge Rodríguez.⁸⁷¹
- One detainee said that he was required by SEBIN agents to record several WhatsApp audio messages saying that he had received international funding and that he had connections to opposition politician Henrique Capriles. SEBIN agents told the detainee the information that they wanted him to record, and forced him to make the recording several times. Once the agents' supervisor agreed to the statement, it was sent to Diosdado Cabello's TV show *Con el Mazo Dando* where it was broadcasted.⁸⁷²

296. Several other victims said that SEBIN agents required them to film or record different versions of statements, under coercion. One detainee told the Mission that she was required to re-record a statement multiple times because according to the official filming her, the "boss didn't like it". He required her to answer a series of questions about her relationship with high-profile opposition politicians and about her involvement in political protests, to all of which she responded in the negative.⁸⁷³

297. The Mission has reasonable grounds to believe that SEBIN regularly planted, fabricated or manipulated evidence in order to frame real or perceived Government opponents. A former SEBIN agent interviewed by the Mission confirmed that planting evidence was "a common practice"; if there was not sufficient evidence against the person of interest, they would plant it.⁸⁷⁴ As stated by the Mission in 2021,⁸⁷⁵ one former prosecutor said that in cases involving the detention of protesters in 2014, prosecutors worked with SEBIN and police to construct case files, including planting evidence if none had been found on the detainees. He told the Mission that "most of those cases were lies".⁸⁷⁶ A former SEBIN agent told the Mission that it was in the safe houses where evidence was fabricated and where weapons and money were planted against the detainees.⁸⁷⁷

⁸⁶⁵ See Tweet by Diosdado Cabello, 4 May 2020, available at: <https://twitter.com/dcabellor/status/1257412588046032898?lang=en>

⁸⁶⁶ A/HRC/48/CRP.5, Box 9.

⁸⁶⁷ Document DDDOC021.

⁸⁶⁸ A/HRC/45/CRP.11, para. 620.

⁸⁶⁹ A/HRC/48/CRP.5, para. 275.

⁸⁷⁰ Interview WTIS6669.

⁸⁷¹ See YouTube video, Luigini Bracci Roa, Jorge Rodríguez muestra confesión de Roland Carreño por uso de dinero de Citgo para Voluntad Popular, 30 October 2021, minute 12.20, available at: <https://www.youtube.com/watch?v=fJaHjt0Brxc>

⁸⁷² Interview KFAD1438.

⁸⁷³ Interview C2EE04.

⁸⁷⁴ Interview HXCV7129.

⁸⁷⁵ A/HRC/48/CRP.5, para. 291.

⁸⁷⁶ Interview DWDR1002.

⁸⁷⁷ Interview RMPO4353.

298. In 16 cases investigated by the Mission,⁸⁷⁸ victims or witnesses alleged that SEBIN agents had covered-up or falsified information, including planting items, especially firearms, to justify the arrest and incriminate victims.⁸⁷⁹ In some cases, SEBIN used testimony of anonymous “cooperating patriots” as evidence against defendants.⁸⁸⁰ In its 2021 report, the Mission referred to several such examples:⁸⁸¹

- During the 2 May 2014 search of Voluntad Popular member Rosmit Mantilla’s residence, Mr. Mantilla claims that armed SEBIN officials planted envelopes containing money labelled with the names of protest sites around the city.⁸⁸²
- In the January 2017 case of Steyci Escalona,⁸⁸³ the defence alleged that SEBIN officials had planted an automatic rifle in her car, and that the chain of custody had been broken, as the pictures of the rifle presented as evidence were taken at the SEBIN premises in Nguanagua, rather than at the moment it was supposedly found.
- In the March 2019 case of Roberto Marrero,⁸⁸⁴ the SEBIN inspector involved in the case later allegedly testified that no investigation had actually been carried out, but that his supervisor had told him what he should write down as “investigation” results. Former SEBIN Director General Cristopher Figuera⁸⁸⁵ also later said that he had received orders directly from President Maduro to plant weapons in Mr. Marrero’s apartment.⁸⁸⁶
- In 2017, a military prosecutor charged three activists with theft of military belongings⁸⁸⁷ based on SEBIN’s claim they had recovered a rifle during the search of their residence without warrant, which led to their subsequent arrest. The accused claim that SEBIN planted the rifle, which was allegedly found in the building’s joint trash chute.⁸⁸⁸

⁸⁷⁸ A/HRC/45/CRP.11, para. 272.

⁸⁷⁹ OHMG9031;LRVH7889; AORP7461; SXTA2793; AKJB9291; RWCJ3185; IWVE1092; JJVY6253; AYYK1517; LVXJ2031; UAYB1611; WAMU8777; YAQG4029; FVJC6025

⁸⁸⁰ Interview HKBO6613.

⁸⁸¹ A/HRC/48/CRP.5, para. 292.

⁸⁸² Interview IUMY3158.

⁸⁸³ A/HRC/45/CRP.11, KLFO6034.

⁸⁸⁴ A/HRC/45/CRP.11, YAQG4029.

⁸⁸⁵ See #DeFrenteConLaPacheco, Acábenlo, ordenó Maduro, 14 February 2020, minute 16:40, available at: <https://www.youtube.com/watch?v=A7vNVArahJU&feature=youtu.be>. See also #HablaFiguera Maduro solo levanta el teléfono y ordena torturar - Aló BN ETV - 06/12/19 SEG 1, 12 July 2019, available at:

https://www.youtube.com/watch?time_continue=525&v=L6EqQ8cGaQE&feature=emb_title, minute 3:30 and América Digital Noticias, El exjefe del Servicio Bolivariano de Inteligencia (Sebin), conversó con César Miguel Rondón sobre el poder de Maduro y su círculo, la tortura en el Sebin y su papel (y el de otros funcionarios aún en el gobierno) en la Operación Libertad, 11 July 2019, minute 6:30, available at: <https://www.youtube.com/watch?v=GjtuUIQpNoI&feature=youtu.be>.

⁸⁸⁶ See #DeFrenteConLaPacheco, Acábenlo, ordenó Maduro, 14 February 2020, minute 16:40, available at: <https://www.youtube.com/watch?v=A7vNVArahJU&feature=youtu.be>. See also #HablaFiguera Maduro solo levanta el teléfono y ordena torturar - Aló BN ETV - 06/12/19 SEG 1, 12 July 2019, available at:

https://www.youtube.com/watch?time_continue=525&v=L6EqQ8cGaQE&feature=emb_title, minute 3:30 and América Digital Noticias, El exjefe del Servicio Bolivariano de Inteligencia (Sebin), conversó con César Miguel Rondón sobre el poder de Maduro y su círculo, la tortura en el Sebin y su papel (y el de otros funcionarios aún en el gobierno) en la Operación Libertad, 11 July 2019, minute 6:30, available at: <https://www.youtube.com/watch?v=GjtuUIQpNoI&feature=youtu.be>.

⁸⁸⁷ Article 570.1 of the Organic Code of Military Justice states that “Those who steal, embezzle or degrade funds, securities or effects belonging to the Armed Forces shall be punished with imprisonment from two to eight years”.

⁸⁸⁸ A/HRC/45/CRP.11, Case 5: Detention of Three Individuals – “Operation Tun Tun”.

- In the March 2018 arrest of Luis Carlos Díaz, SEBIN records of the search of his house referred to items that he allegedly did not have in his house, specifically a map of the electric grid of Caracas.⁸⁸⁹
- A former SEBIN agent confirmed that SEBIN also planted weapons on opposition politician Gilbert Caro.⁸⁹⁰

299. As the Mission reported in 2021, there were also discrepancies in SEBIN police reports. In the case of Luis Carlos Díaz,⁸⁹¹ for example, the version of events described in SEBIN's record of the arrest⁸⁹² differs significantly from the version described by Mr. Díaz.⁸⁹³ According to the official record, the SEBIN detective approached Mr. Díaz, informed him he was the subject of an arrest warrant, read him his rights⁸⁹⁴ and transferred him to SEBIN headquarters.⁸⁹⁵ However, Mr. Díaz recounts being forced into a van after having been intercepted by SEBIN agents while biking home from work, being handed over to DGCIM officials and taken to a covert detention centre, where he was subjected to cruel, inhuman or degrading treatment throughout the night, before being brought to El Helicoide the following day.⁸⁹⁶

4. Torture and other cruel, inhuman or degrading treatment

300. The Mission investigated 51 cases in which SEBIN agents tortured or subjected detainees to other cruel, inhuman or degrading treatment or punishment.⁸⁹⁷ Cases occurred primarily between 2014 and 2018, with the majority of violations documented occurring during 2017 and 2018. Some torture sessions would last for days or weeks.⁸⁹⁸

301. The Mission reported in 2020 that former SEBIN director Cristopher Figuera said that, upon taking up his position in October 2018, he found a policy and a “cultural behaviour” of torture in place in SEBIN.⁸⁹⁹ He said that the acts would start out as ill-treatment, such as denying food or water, and then became more severe, depending on the victim's reaction and/or the attitude of the officials involved.⁹⁰⁰

302. As the Mission has noted previously, the torture and ill-treatment were usually carried out within the first few days of detention, prior to initial court appearances, while the detainee was held incommunicado.⁹⁰¹ The acts were usually committed during interrogations, to extract confessions or information, including phone and social media passwords, or to force an individual to incriminate themselves or others, particularly high-profile opposition leaders.⁹⁰² Two former detainees said that guards may have been incentivized to torture “to look good to those at the top”, given that such practices were seen as a sign of loyalty and were rewarded through access to trainings and promotions.⁹⁰³

303. According to Cristopher Figuera, President Maduro decided who would be tortured, who would remain detained and who would be released.⁹⁰⁴ Another former SEBIN agent told the Mission that the torture was mostly ordered by Gustavo González López and

⁸⁸⁹ Document AADOC009.

⁸⁹⁰ Interview RMPO4353.

⁸⁹¹ A/HRC/48/CRP.5, Box 6.

⁸⁹² Document EVCY1639.

⁸⁹³ Document AADOC007.

⁸⁹⁴ Document LNSN1191.

⁸⁹⁵ Ibid.

⁸⁹⁶ A/HRC/48/CRP.5, Box 6.

⁸⁹⁷ IMZX3819; OHMG9031; LRVH7889; AORP7461; PXCG6816; VMBL5731; SLZD2984; USHN2032; IJYA9842; OWRK4633; FKNL3199; CZNB6623; XEGL5510.

⁸⁹⁸ Interview IJYA9842.

⁸⁹⁹ A/HRC/45/CRP.11, para 280; Interview NPFL7799.

⁹⁰⁰ Ibid., para 280.

⁹⁰¹ Ibid., para 279.

⁹⁰² Ibid., para 282; Interview WYNC5872.

⁹⁰³ Interview UUGR7961; Interview LXZX9760.

⁹⁰⁴ A/HRC/45/CRP.11, para 280.

Carlos Calderón Chirinos.⁹⁰⁵ If SEBIN agents refused to participate in acts of torture, Calderón Chirinos would beat them in order to intimidate them “and thus command respect”.⁹⁰⁶

304. As noted in the Mission’s 2020 report,⁹⁰⁷ many former SEBIN detainees told the Mission they had witnessed others being tortured in SEBIN facilities, including those held for non-political reasons.⁹⁰⁸ Minors under the age of 18 were also tortured, according to witnesses, including one 14 year-old boy, who SEBIN agents asphyxiated with a plastic bag and beat, in order to extract information about the killing of a PSUV leader, in which he was allegedly involved.⁹⁰⁹

305. As stated above, detainees who were taken to safe houses upon detention, and prior to their transfer to El Helicoide, were also subjected by SEBIN agents to acts of torture and other forms of cruel, inhuman or degrading treatment while held incommunicado in such safe houses.⁹¹⁰

306. Within El Helicoide, witnesses described seeing acts of torture at close quarters or sharing cells with visibly injured detainees.⁹¹¹ In addition, witnesses located in some cells in El Helicoide, particularly the women’s cell from 2014 to 2018 and the neighbouring cell Preventive II, consistently described overhearing frequent acts of torture, including sexual violence, of both men and women, during interrogations.⁹¹² Due to a false ceiling in the women’s cell, the female detainees could hear screams, blows and electric shocks.⁹¹³ The area above the detention cells housed the offices of the Directorate of Strategic Investigations, including those of the Investigation Brigades.⁹¹⁴ One of these offices was called “*Samán seis*”.⁹¹⁵ A former detainee told the Mission that the five brigades located on the second floor of El Helicoide were the ones in charge of torturing inside the premises, under the command of their respective Commissioners.⁹¹⁶

307. Other locations where detainees were tortured or subjected to other cruel, inhuman or degrading treatment included the stairwells, a room across from surveillance post, the gymnasium, a punishment cell called the “Little Tiger” (*el Tigrito*),⁹¹⁷ a bathroom cell called the “Little Bathroom” (*el Bañito*),⁹¹⁸ and a blind spot called the “Little Corner”.⁹¹⁹ One former detainee said that he witnessed a SEBIN Commissioner take detainees to the “Little Corner”, place bags over the detainees’ heads and beat them.⁹²⁰ Another former detainee confirmed that some officers, including the Commissioners in charge of the detainees, would bring detainees they wanted to punish to those blind spots and beat them.⁹²¹

308. As noted in its 2020 report, the Mission documented the following acts of torture, sexual violence, and other ill-treatment against detainees:⁹²²

⁹⁰⁵ Interview RMPO4353.

⁹⁰⁶ Ibid.

⁹⁰⁷ A/HRC/45/CRP.11, para 287.

⁹⁰⁸ Ibid., para 287.

⁹⁰⁹ Interview VTIP7053.

⁹¹⁰ Interview SVNO2450.

⁹¹¹ A/HRC/45/CRP.11, para 287.

⁹¹² Interview LLBQ1659; Interview OSKG9641; A/HRC/45/CRP.11, para 287.

⁹¹³ Interview VYYP9754.

⁹¹⁴ A/HRC/45/CRP.11, para 290; CBQY1453.

⁹¹⁵ Interview YDIL1823.

⁹¹⁶ Interview HZYP4145.

⁹¹⁷ Interview VQHP6782; A/HRC/45/CRP.11, paras. 330-331.

⁹¹⁸ Interview ASEG4550.

⁹¹⁹ Interview PIHL7068.

⁹²⁰ Ibid.

⁹²¹ Interview OQRO1474.

⁹²² A/HRC/45/CRP.11, para 285.

- Stress positions called the “crucifixion” (arms spread out and handcuffed to pipes or grilles) and “the octopus” (*el pulpo*) (a metal belt with chains attached to immobilize the wrist and ankles)
- Asphyxiation with plastic bags, chemical substances or a bucket of water
- Beatings, sometimes with a stick or other blunt objects
- Electric shocks to the genitals or other parts of the body
- Death threats or threats of additional violence
- Threats of rape against the victim and/or their relatives
- Forced nudity including in rooms kept at extremely low temperatures
- Being chained for extended periods of time⁹²³

309. According to one victim, one SEBIN Commissioner had a very specific technique in which he would take a board, similar to a cricket bat, which had different tally marks on it.⁹²⁴ Depending on whichever tally mark he grabbed the bat, he would give the victim that number of blows on the head, torso or buttocks. If the person resisted, they were hit in the eyes or the genitals.⁹²⁵

310. A former SEBIN agent who spoke with the Mission also confirmed these torture tactics, saying that they were employed with the goal of obtaining information “at any cost”.⁹²⁶ He told the Mission about the kinds of acts of torture he witnessed, including: handcuffing detainees and lifting their hands up behind their backs, causing them serious pain; giving them electric shocks with pocket devices that would emit the charges; and asphyxiating them with bags of water.⁹²⁷ If detainees were going to appear in court in the next days, SEBIN agents would hit them with open hands, foam rubber or a pillow on top of an object, so as not to leave marks.⁹²⁸

311. The Mission investigated the death of two people who died while in SEBIN custody: Mr. Fernando Albán,⁹²⁹ a case previously investigated and reported by the Mission, and Mr. Rodolfo González, a retired pilot accused of plotting against the Government.⁹³⁰ According to a former prosecutor who investigated his case, Mr. González died after committing suicide, having received significant pressures from SEBIN officials with the Directorate of Strategic Investigations for several weeks before his death.⁹³¹ The officials had allegedly extorted Mr. González and threatened to transfer him to a common prison.⁹³²

312. Detainees were also subjected to psychological torture and other forms of psychological violence. This included, for example: threats of physical abuses; announcements that they would be released but never were; the arbitrary denial of visits from family or legal counsel; and 24-hour surveillance.⁹³³ Detainees were also subjected to other forms of cruel, inhuman or degrading treatment, such as being tied and forced to tip toe during hours;⁹³⁴ denial of access to the toilets;⁹³⁵ being given limited food and hydration; being held in constant lighting or constant darkness; restricting access to sun and exercise; and being held in extreme heat or extreme cold.⁹³⁶

⁹²³ Interview YLEY8261.

⁹²⁴ Interview PKQU9298.

⁹²⁵ Ibid..

⁹²⁶ Interview PPEO7879.

⁹²⁷ Ibid.

⁹²⁸ Interview CUNS8342; Interview BLFG1789.

⁹²⁹ A/HRC/45/CRP.11, Case 10; A/HRC/45/CRP.5, paras. 482–423.

⁹³⁰ Interview WPVJ1657; Interview UJEN1623; Interview IQAT8428.

⁹³¹ Document MMDC005.

⁹³² Interview DPNQ4225.

⁹³³ Interview VWNP2465; Interview C2EE04; Interview LXOY8426.

⁹³⁴ Interview C1AA01; Interview DHL6876.

⁹³⁵ Interview DIRT3488; Interview DHL6876; Interview WYAC9323.

⁹³⁶ Interview CGUS1296.

5. Sexual and gender-based violence

313. In seven cases reviewed by the Mission, SEBIN agents perpetrated acts of sexual or gender-based violence against detainees in an attempt to elicit confessions or information implicating others, or to degrade, humiliate or punish them.⁹³⁷ During interrogation, SEBIN officials threatened to rape both male and female detainees using body parts and objects.⁹³⁸ They also threatened sexual or other violence against detainees' female family members.⁹³⁹

314. Several witnesses also described incidents when SEBIN guards in El Helicoide were noticeably under the influence of alcohol and/or other intoxicants.⁹⁴⁰ While under the influence of these substances, lower-ranking male and female guards sometimes pointed their weapons into the cells of inmates and threatened to kill or rape them.⁹⁴¹ SEBIN officials threatened to put both male and female detainees in situations "where they could be raped" by other prisoners, either in El Helicoide or in the general population of other prisons.⁹⁴² The Mission documented instances where these threats or insults were specifically directed against known members of the LGBTQI community.⁹⁴³

315. Specific examples of sexual and gender-based violence perpetrated by SEBIN agents include the following:

- One female detainee said that two male SEBIN agents told her "You're going to talk. Look, both of us are going to fuck you; we're going to fuck you in the ass". They also said that they would shock her with electricity if she did not "collaborate".⁹⁴⁴
- On at least two occasions during searches, female detainees were digitally penetrated by female SEBIN agents looking for contraband or cell phones. The female detainees were taken out into the hallway and forced to undress in front of the guards.⁹⁴⁵
- SEBIN agents kicked and slapped one male detainee with an open hand, leaving marks. They called him "faggot" and threatened to rape him, saying that "they would bring in "El Negro", who had a huge penis, to rape him, and that he should get ready". They also passed around a picture of his girlfriend and said that she was pretty and that they would rape her too.⁹⁴⁶
- One male detainee reported that SEBIN agents threatened to rape him, and forced a gun insider his mouth. When he started crying, they laughed. The agents then made him ask for their blessing.⁹⁴⁷
- One male LGBTI detainee said that, during searches, SEBIN officials ransacked his cell and told him that they were going to send him to a common prison where the prisoners would rape him for being gay.⁹⁴⁸

316. As noted in the Mission's 2020 report, SEBIN officials also engaged detainees in sexual relationships in exchange for essential goods and privileges.⁹⁴⁹ The Mission concluded that such acts constitute rape or other forms of sexual violence as, under

⁹³⁷ Including the cases of IMZX3819; WGUR3188; BHNJ2025; UCVU5826; QJXD3254; IJYA9842; FKNL3199.

⁹³⁸ A/HRC/45/CRP.11, para 286; Interview JJVY6253.

⁹³⁹ A/HRC/45/CRP.11, para 286.

⁹⁴⁰ See A/HRC/45/CRP.11, para. 299. Interview CFUW3643; Interview BUOG1059; Interview C2EE04; Interview GBHE8629; Interview QHLY9267.

⁹⁴¹ A/HRC/45/CRP.11, para 288.

⁹⁴² Interview CONS1630; Interview QQWS7954.

⁹⁴³ Interview XZSV1051.

⁹⁴⁴ Interview USHN2032.

⁹⁴⁵ Interview SZGH7687.

⁹⁴⁶ Interview NGIA6856.

⁹⁴⁷ Ibid.

⁹⁴⁸ Interview WSCA1266.

⁹⁴⁹ Interview JPXX6952; Interview C2EE04; Interview WAMU8777; Interview IIGA9159; Interview RFKE1730.

international law, the inherently coercive environment created by detention has been determined to vitiate the possibility of genuine consent to sexual acts between officials or custodians and the detainee.⁹⁵⁰

6. Layout of El Helicoide and detention conditions

Layout of El Helicoide

317. Between 2014 and March 2022, of the cases investigated by the Mission, a total of 40 real or perceived opponents of the Government (29 men, 13 women – 40 civilians and 2 military) were detained in SEBIN's El Helicoide.⁹⁵¹

318. As the Mission reported in 2020, El Helicoide is a 1950s-era spiral-shaped building originally built as a shopping centre in central Caracas but which was never used for this purpose.⁹⁵² According to information received by the Mission, El Helicoide hosted SEBIN's Directorate of Strategic Investigations, SEBIN's aerial unit, as well as the offices of the national police.⁹⁵³ The area assigned to SEBIN's Directorate of Strategic Investigations used to house a number of administrative offices, dormitories for SEBIN officials and a detention area. El Helicoide was not built to function as a prison and lacks the basic facilities required for adequate hygiene, sanitation and recreation.⁹⁵⁴

319. As of November 2021, El Helicoide is administrated by the Penitentiary System, which has reportedly helped improve conditions of detention, including access to food and the enjoyment of the right to visits.⁹⁵⁵ In October 2021, El Helicoide was renamed *Centro de Procesados, Penados y Anexo Femenino del Área Metropolitana de Caracas I Máxima Seguridad*.⁹⁵⁶ However, witnesses reported that SEBIN continues holding *de facto* control over cases concerning people detained due to their real or perceived affiliation to Government opposition or because of their dissent.⁹⁵⁷

320. SEBIN occupied two floors of the building, connected through a stairway. In the lower level were the detention cells and in the upper level were offices belonging to higher-ranking officers, including the Directorate of Strategic Investigations. Both floors follow the circular shape of El Helicoide. As stated above, the lower part partially coincided with a basement, with very little light.⁹⁵⁸ Part of the external ramp of El Helicoide was used as a recreation area, where detainees were occasionally allowed to be in open air under the strict control of numerous guards.⁹⁵⁹

321. The Mission received information that, upon arrival into El Helicoide, detainees passed through the Access Area (*Oficialía*), where they were registered and searched.⁹⁶⁰ In this area, there was a waiting area, a metal staircase leading to the second floor and a door leading to the Area of Control of Apprehended Persons. The Access Area also hosted a cell called Preventive I (*Preventiva I*) also referred to as the Little Hell (*el Infiernito*), a 3 x 5 metres cell that held new arrivals and those who were detained without being presented

⁹⁵⁰ A/HRC/45/CRP.11 para 1926-1928. See also, See, for example, ICTY, Prosecutor v. Furundžija, "Judgment", IT-97-17/1-T, 10 December 1998, para. 271.

⁹⁵¹ ODIS6069; VMBL5731; CVAV6834; HBVW4111; KCOV1455; ASWW4420; NYOX1623; XRSG1169; UPIA6416; UYGF1387; YJYY9866; PRBQ4384; PVYI8877; OGPY3393; PQEL6039; DSP11606; TIVN1058; DRZM1614; VKWV3474; ZNTB9737; HTMC8376; PZMZ6585; KHD14785; DTSV4730; ZOBF1428; AXLB1579; LOHI1121; GKRR7879; OYFN6954; XYRY4984; VRPG6816; ZPAL5179; TAPC1504; FOFL1923; JLY14161; QAGV5113; GGIU9467; DRBU2542; FANJ2390; RSIV9741.

⁹⁵² A/HRC/45/CRP.11, para. 295.

⁹⁵³ Interview PWEL2246; Interview EHVA7249; Interview VVPW4991.

⁹⁵⁴ Interview KGWW4618; Interview VAOJ7478; Interview CBXE9915.

⁹⁵⁵ Interview ETVT2767; Interview TEPF4197.

⁹⁵⁶ Interview MYFS3093.

⁹⁵⁷ Interview JEOQ9293; Interview JFMX9728.

⁹⁵⁸ Interview HVGG5679.

⁹⁵⁹ Document MMDC005.

⁹⁶⁰ Interview CEWO3099; Interview KFSH1350; Interview AGQY7976.

before a judge. This area had a bathroom described as “in terrible conditions” that detainees were rarely allowed to use.⁹⁶¹

322. A detainee explained that, in 2014, Preventive I was simply called Preventive (*Preventiva*), as that was the only such cell.⁹⁶² Later on, when detentions started to increase, three additional areas were dedicated to new arrivals and those were called Preventive II (*Preventiva II*), Preventive III (*Preventiva III*) and Preventive IV (*Preventiva IV*). A SEBIN officer said that, in 2015, Preventive I held common detainees, while the other three held students, Twitter users and “*guarimberos*”.⁹⁶³ A detainee told the Mission that, during that same period, a section of Preventive I was partitioned out and the punishment cell called the “Little Tiger” (*el Tigrito*) was created.⁹⁶⁴ As Preventive I neighboured the door giving access to the Area of Control of Detainees, the “Little Tiger” would be accessible from that area.

323. From the Access Area, detainees would reach the Area of Control of Apprehended Persons. As explained above, this area would comprise an area that held prisoners who had been presented before a court (*Área de Control de Los Procesados Judiciales*) and the Preventive Area (*Área de Preventiva*), an area where recently detained persons and those who had not been presented to court were held. The Preventive Area was composed of a long corridor that hosted some offices, a few spaces used for visits, the cell where female were held, Preventive II, Preventive III and Preventive IV, the “*Guantánamo*” cell (known for holding a large number of common prisoners in very harsh conditions), the “*Guarimbero*” cell, which was an annex to the Guantánamo cell, and a cell called the “Cell of the Mirror” (*Celda del Espejo*). Former detainees told the Mission that, in or around 2015, when the detainee population started growing significantly, all available spaces started being converted into cells. The detention areas were composed of both formal cells and areas including stairwells and bathrooms adapted to hold additional prisoners.⁹⁶⁵

324. At the end of the corridor of the Preventive Area, there was a large gate that gave access to three rooms used for visits. A former detainee explained that some of these visit areas were of exclusive use of some privileged detainees.⁹⁶⁶ Following the circular corridor (like the shape of El Helicoide), another gate gave access to the Judicial Control Area. In this zone, on the right, there was a zone called Odontology (*Odontología*) and a lobby that was the post of the officer in charge of the area (*Jefe de Servicio*). On the left was a staircase that was transformed into a cell called “The Stairs” (*las Escaleras*), a bathroom also transformed into a cell called the “Little Bathroom” (*el Bañito*), an area used by officers, and a room for visits. Following the corridor, on the right end, there was the penultimate gate that led to the prisoners’ cells. Passing the gate there were about three steps before reaching another gate which lead to the cells.⁹⁶⁷

325. Upon entering the cells area, on the right side, there was a cell called the “Fishbowl” (*la Pecera*) because it had a 24/7 surveillance camera and anyone could see everything that was going on. Next to it, there was a corridor with refrigerators with chains where individuals who had been detained the longest could keep the food brought by their relatives. In front, there was another corridor that led to the gym. All prisoners had access to the gym, but only some privileged prisoners could use certain machines.⁹⁶⁸ To the left side there was another gate with a public telephone that could only be used by detainees on rare occasions and two other corridors (A and B). The two corridors were identical; each corridor had about ten cells and a bathroom at the end. A detainee told the Mission that Corridor B measured 35 x 1.5 metres. Corridor A hosted detainees connected to organized

⁹⁶¹ Interview OKMI5390; Interview YRKY6560; Interview OMJW6030.

⁹⁶² Interview RBTX8532.

⁹⁶³ Document MMDC005.

⁹⁶⁴ Interview BMHL6566.

⁹⁶⁵ Interview IBGY1156; Interview FHLF1265; Interview IYMM8038; Interview XWZF4474.

⁹⁶⁶ Interview AVBZ8739.

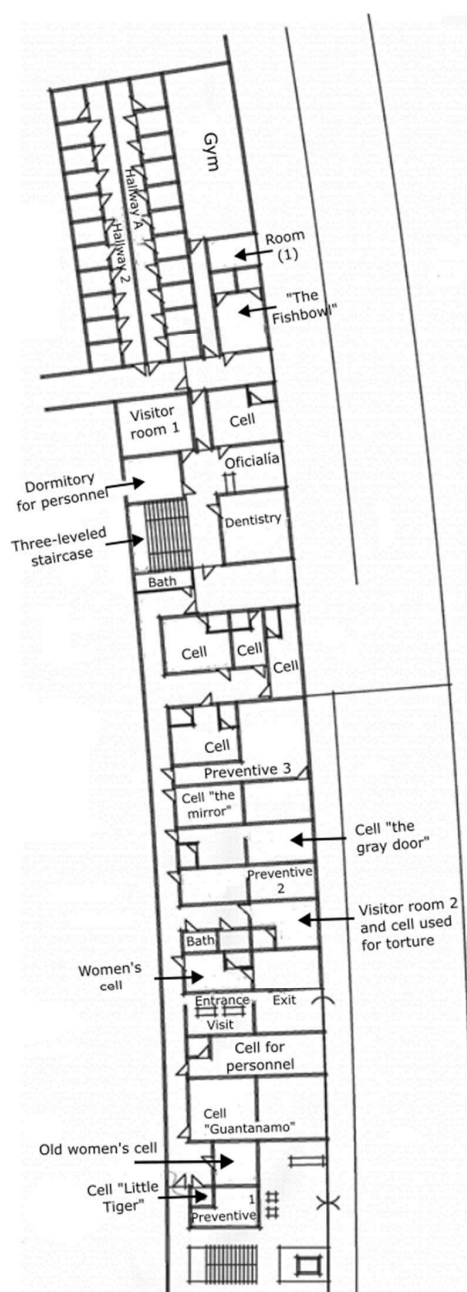
⁹⁶⁷ Interview RZAH9696.

⁹⁶⁸ Ibid.

crime. Their corridor had air conditioning and different types of commodities. Corridor B was mostly used to hold prisoners considered “political”.⁹⁶⁹

326. The Mission also received information that SEBIN officials used certain specific cells within El Helicoide for punishment. This included the “Little Tiger”, the “Little Bathroom” and “The Stairs”. Depending on the overcrowding of El Helicoide at certain points in time, these cells also held detainees or were used for visits, including conjugal visits.⁹⁷⁰

El Helicoide as of 2018, rendering by former SEBIN detainees



⁹⁶⁹ Ibid.

⁹⁷⁰ Interview HBLM2474.

Detention conditions

327. According to information received by the Mission, detainees in El Helicoide were segregated by sex, but not by the severity of the crimes they were accused of having committed. Prisoners considered “political” were normally kept separated from common prisoners, unless officials wanted to punish them, in which case they would have them share cells.⁹⁷¹ Conditions in cells and makeshift cells were dire as they often held a large number of detainees, well past the cell’s capacity.⁹⁷² A SEBIN official mentioned that González Montesinos had the authority to allocate prisoners to the different cells.⁹⁷³ However, former detainees mentioned that lower-ranking officials, including the Head of Service, enjoyed large freedom to move detainees from one cell to the other.⁹⁷⁴ SEBIN guards often separated and isolated detainees.⁹⁷⁵

328. Witnesses told the Mission that the cells were under 24-hour surveillance.⁹⁷⁶ SEBIN custodians told detainees that the Director of Strategic Investigations, Calderón Chirinos, monitored the cameras from a tablet and guards would be punished if they were seen granting favours.⁹⁷⁷ There were also two SEBIN guards present at all times in the area where the detainees’ cells were located.⁹⁷⁸

329. The conditions within El Helicoide were subject of numerous complaints received by the Mission. Cells did not have consistent lighting; they had a few or no windows and therefore limited access to natural light.⁹⁷⁹ Former detainees also explained that there was no bathroom access in most of these cells and prisoners were only allowed to visit the bathroom once a day, so they often urinated in bottles or paper containers.⁹⁸⁰ Conditions for female detainees at El Helicoide were also dire. Cells were overcrowded and lacked any sort of hygiene or access to water, disproportionately affecting female detainees during menstruation.⁹⁸¹ Former detainees reported that some cells had better conditions than others, and some were considered “privileged cells” where detainees had to pay to be kept there.⁹⁸²

330. Detainees in El Helicoide were allowed to receive visits twice a week on specific days only. A first group of detainees was allowed to receive visits on Wednesdays and Saturdays, while another group could receive visits on Thursdays and Sundays. However, some detainees did not enjoy visitation rights or their visitation rights were restricted.⁹⁸³ When visits were allowed, family members reported that in order to enter El Helicoide, they had to check in at the front gate, lining up outside, often under the hot sun. Once at the entrance, guards would check to see if the visitor’s name was on that day’s list.⁹⁸⁴ Family members were told that authorization was given from the higher-ups: “if you were not on the list, you were not allowed to enter”.⁹⁸⁵

⁹⁷¹ Interview C2EE04.

⁹⁷² A/HRC/45/CRP.11, paras. 297-301; Interview TPDR4182.

⁹⁷³ Document MMDC006.

⁹⁷⁴ Interview HIEC1095; Interview ZZTP4898; Interview DNGR3317.

⁹⁷⁵ Interview EYUP3755.

⁹⁷⁶ Interview NJXN2169; Interview YCRE9418.

⁹⁷⁷ Interview PIHL7068.

⁹⁷⁸ Interview BTKS1145.

⁹⁷⁹ Interview QALD4978; Interview TBBQ1556; Interview LAKG9334.

⁹⁸⁰ See A/HRC/45/CRP.11, para. 297, 299; Interview IENC1358; Interview HSZK9362; Interview HHRK2768.

⁹⁸¹ A/HRC/45/CRP.11, para. 302-303; Interview C2EE04; Interview SUWI1861. See also Una Ventana a la Libertad, Situación de los Derechos Humanos de las personas privadas de libertad en los calabozos del Servicio Bolivariano de Inteligencia Nacional (SEBIN) en El Helicoide y Plaza Venezuela, June 2019, available at: <http://unaventanaalalibertad.org/wp-content/uploads/2017/01/UVL-Informe-Sebin-22-junio-2017.pdf>

⁹⁸² Interview QLBB5197.

⁹⁸³ Interview C2EE04; Interview OWRK4633; Interview LLPA7822.

⁹⁸⁴ Interview RONG1686.

⁹⁸⁵ Ibid.

331. A SEBIN official explained that when a visitor arrived at the front gate, the officer on duty would inform the Access Area by radio call.⁹⁸⁶ Officers in the Access Area would notify Chief Commissioner González Montesinos and another official, who would then authorize or deny access to the visitor.⁹⁸⁷ Prisoners considered political were often denied their right to visits during the first months of their detention, particularly those not having a highly public profile.⁹⁸⁸ In those cases, visitors were arbitrarily rejected at the entrance. If the person was given access, officers in the Access Area would register the visitor, ask the visitor to leave all his or her personal belongings behind and perform a body search.⁹⁸⁹ Visitors were thoroughly inspected.⁹⁹⁰ One female visitor told the Mission that, during inspections, SEBIN officials routinely lifted up her shirt and touched her breasts.⁹⁹¹

332. Meetings between detainees and their legal representatives were often conducted in the glass-walled room referred to above as the “Fishbowl”. Families and lawyers believe that communications were recorded. At times, meetings took place in the presence of a plainclothes SEBIN guard.⁹⁹² One lawyer reported not visiting her client in El Helicoide given that the conversations were monitored; she resorted to receiving information from her client during court hearings instead.⁹⁹³ During the days of visits, some cells were turned into private rooms where detainees would pay by minute or by hour to enjoy intimacy with their partners.⁹⁹⁴

333. The Mission also received information that SEBIN recurrently failed to release or transfer detainees even after receiving court orders in that respect.⁹⁹⁵ As noted in the Mission’s 2020 report, a former SEBIN employee confirmed to the Mission that “there were people in El Helicoide with release orders and they wouldn’t let them out”.⁹⁹⁶ Mission received reliable information that at least as of 2015, Commissioner González Montesinos was the official informed about the SEBIN transfer slips, and that he had to make phone calls to the Area of Control so that detainees could be released.⁹⁹⁷ A former SEBIN employee said that release and transfer orders were first received by SEBIN’s General Director in Plaza Venezuela and from there sent to the Director of Strategic Investigations in El Helicoide, who would give the go-ahead.⁹⁹⁸

334. Many detainees said that SEBIN arbitrarily detained and arbitrarily released people, so that when they were finally released, it was not due to a judicial decision, but as a result of a political decision.⁹⁹⁹ Some detainees said that they were released without a judicial order justifying the release. Others said that they were informed of their release minutes before being put on a bus and brought to the Yellow House (*Casa Amarilla*) – which currently hosts the Ministry of Foreign Affairs – where they were obliged to make public statements in order to be released.¹⁰⁰⁰ A former prosecutor told the Mission that transfer and release orders started to be executed during the time Cristopher Figuera occupied the post of SEBIN Director General.¹⁰⁰¹

335. As noted above, President Maduro adopted Decree 4.610 on 12 May 2021, ordering the transfer of detainees under DGCIM and SEBIN custody to detention centres of the Ministry of Penitentiary Services within 30 days (subsequently extended by an additional

⁹⁸⁶ Document MMDC005.

⁹⁸⁷ Ibid.

⁹⁸⁸ Interview C2EE04; Interview ESLK5381; Interview TTOJ2346.

⁹⁸⁹ Document MMDC005.

⁹⁹⁰ Interview XFNN7243.

⁹⁹¹ Ibid.

⁹⁹² A/HRC/45/CRP.11, para. 304.

⁹⁹³ Interview IEEI1050.

⁹⁹⁴ Interview VFVT7113.

⁹⁹⁵ A/HRC/48/CRP.5, para. 186.

⁹⁹⁶ Interview HSSE6456.

⁹⁹⁷ Document MMDC006.

⁹⁹⁸ Document MMDC007.

⁹⁹⁹ Interview HLQL1437; Interview C1AA01.

¹⁰⁰⁰ Interview OQJQ4099; Interview HZVH7211; Interview C2EE04.

¹⁰⁰¹ Interview LJH5227.

30 days).¹⁰⁰² Between the adoption of the Decree and the date of writing, the Mission has received information about people having been transferred from SEBIN's El Helicoide. However, even after the adoption of the Decree, individuals arrested continued to be taken to El Helicoide, such as in the case of Javier Tarazona and two others from the Fundaredes organization.

7. Financial benefits

336. The Mission received information from a defence lawyer of detainees in El Helicoide that, over time, SEBIN's activities became a lucrative business, allowing SEBIN officials to significantly increase their very low salaries.¹⁰⁰³

337. Several sources told the Mission that extortion was a common practice by SEBIN. As one former detainee put it, "SEBIN is part of a network of extortion and mafia that sustains the regime".¹⁰⁰⁴ The Mission received credible information about an individual who was extorted by SEBIN for hundreds of thousands of dollars, after 30 agents appeared at his place of business accusing him of storing drugs there.¹⁰⁰⁵ SEBIN agents, including Calderón Chirinos, allegedly told him that SEBIN had an investigation file on him, but that it could be resolved if he transferred them the money.¹⁰⁰⁶

338. The Mission also received information about one businessman who was detained by SEBIN and was pressured to hand over the title to a house¹⁰⁰⁷ and about another businessman who, while detained by SEBIN, was required to pay for remodelling the area occupied by the Directorate of Strategic Investigations in SEBIN's El Helicoide.¹⁰⁰⁸ One lawyer told the Mission that he had clients whose family members were detained by SEBIN and who were forced to transfer their property to SEBIN officials in exchange for their release.¹⁰⁰⁹ He said that "these spoils of war are the properties of high-ranking officials with high purchasing power".¹⁰¹⁰

339. Guards regularly searched detainees' cells and stole items.¹⁰¹¹ Cristopher Figuera said that SEBIN officials were rewarded "by doing raids and dividing up the assets".¹⁰¹² Numerous victims told the Mission that SEBIN agents stole assets from them during searches of their homes.¹⁰¹³ As reported in 2021, in the case of Luis Carlos Díaz, during the search of his home, SEBIN officials stole around USD \$6,000 which he had saved up to pay for a surgical operation for his wife who had cancer. That money did not appear in the corresponding SEBIN investigation report or in the chain of custody.¹⁰¹⁴

340. The Mission received information that, within El Helicoide, SEBIN agents charged money for everything in order to generate income for their personal benefit.¹⁰¹⁵ Under this system, detainees collected money from the other detainees, handed it to inspectors, who would then give it to the Commissioners for benefits.¹⁰¹⁶ A former prosecutor who

¹⁰⁰² Presidential Decree No. 4.601, Published in the Official Gazette of 12 May 2021, available at: <https://fr.scribd.com/document/508240552/Gaceta-Oficial-42-125-Sumario>; Prolonged for a period of 30 additional days via Presidential Decree No. 4.528, Published in the Official Gazette of 11 June 2021, available at: <https://www.ojdt.com.ve/gaceta-oficial/42147-11-06-2021>; Presidential Decree No. 4.528, Published in the Official Gazette of 11 June 2021, available at: <https://www.ojdt.com.ve/gaceta-oficial/42147-11-06-2021>.

¹⁰⁰³ Interview TVMI1562.

¹⁰⁰⁴ Interview GBSW7614.

¹⁰⁰⁵ Document MMDC008.

¹⁰⁰⁶ Ibid.

¹⁰⁰⁷ Interview WEOR1630.

¹⁰⁰⁸ Interview FRNX1577.

¹⁰⁰⁹ Interview UZRE2020.

¹⁰¹⁰ Interview APQM4362.

¹⁰¹¹ Interview HCZB2957; Interview WTDB3088.

¹⁰¹² Interview XWIA8987.

¹⁰¹³ Interview OSKG9641.

¹⁰¹⁴ A/HRC/CRP.5, Box 6.

¹⁰¹⁵ Interview WZAL7589.

¹⁰¹⁶ Interview OQRO1474.

interviewed SEBIN detainees said that detainees had to pay for everything.¹⁰¹⁷ According to several witnesses, including former SEBIN officials, Calderón Chirinos would direct a notorious drug-trafficker detained in El Helicoide, to administer extortions in exchange for benefits within the detention centre, such as access to visits, food and liquor.¹⁰¹⁸

C. Responsibility of Individuals

1. SEBIN Official 1 (“S01”)

Personal background and roles

341. SEBIN Official 1 (henceforth “S01”) has worked for SEBIN for several years, including in various roles in El Helicoide.¹⁰¹⁹ According to a former detainee, his superiors at one point included González Montesinos.¹⁰²⁰ Due to security risks detailed above, the Mission has withheld further identifying information in this public report.

342. Former detainees described S01 as cruel, brute and aggressive towards detainees,¹⁰²¹ as well as misogynistic and especially bitter towards women.¹⁰²² One detainee indicated that S01 displayed all his anger to torture; he was “corrupt, abusive, mistreating, unfair, resentful”.¹⁰²³ He assaulted and physically abused detainees.¹⁰²⁴ S01 would conduct searches of detainees’ cells, and manage and limit privileges for detainees, by for example prohibiting visits, phone calls or exercise.¹⁰²⁵ S01’s reputation for brutally meant that his presence led to fear and anxiety among detainees, and on occasion among subordinates.¹⁰²⁶

Participation in human rights violations and crimes

343. Various individuals, witnesses and/or victims, provided consistent statements that S01 committed acts of torture and other cruel, inhuman or degrading treatment against detainees. A witness who was detained in El Helicoide said that, the first month after his admission, S01 ordered the custodians to keep him handcuffed by one hand to a sewage grille in a corridor. The detainee was forced to eat on the floor and with one handcuffed. Every morning during that month, S01 would pass by and hit the detainee’s legs with a board and ask him if he had already loosened up. When the victim asked how long he was going to last like that, S01 replied that “those were the orders”.¹⁰²⁷

344. A victim who was detained in El Helicoide for more than two years told the Mission that he witnessed how S01 would take detainees to a blind spot in a corridor, a place called the Little Corner (*la Esquinita*), where he would put a bag over their heads, apply electricity and beat them.¹⁰²⁸ Another former detainee confirmed that, during her stay in El Helicoide, she observed that S01 had the habit of taking two or three detainees out of their cells at a time, transferring them to a corridor and beating them for no apparent reason.¹⁰²⁹

345. According to yet another former detainee, S01 would come to his cell during the early hours of the morning and take out detainees, who would return days later with visible

¹⁰¹⁷ Interview CTRG9161.

¹⁰¹⁸ Interview PPEO7879; Interview LXOY8426; Interview ROPR9064; Interview HWOK7179.

¹⁰¹⁹ Interview ASND8491; Interview OOIV001; Interview IUMY3158; Interview DSQS8090.

¹⁰²⁰ Interview OOIV001.

¹⁰²¹ Interview DGCM7369.

¹⁰²² Interview JKPW4566.

¹⁰²³ Interview AKJB9291.

¹⁰²⁴ Interview WYXU6382.

¹⁰²⁵ Interview WYAC9323; Interview PHBW2342; Interview SRTV4220.

¹⁰²⁶ Interview JPTE9535; Interview PTXW9573; Interview HHRK2768; Interview HHRK2768; Interview JPTE9535; Interview PTXW9573.

¹⁰²⁷ Interview ZSUK9313.

¹⁰²⁸ Interview TSHM4543.

¹⁰²⁹ Interview JRTD4364.

injuries. One person who returned badly beaten got peritonitis, presumably as a result of his injuries.¹⁰³⁰ Another witness indicated that he saw S01 hit another detainee with a pipe.¹⁰³¹

346. A former detainee told the Mission that, during a search of his cell, S01 grabbed a detainee by his long hair and slammed his head against the wall. After beating him, he sent him to the Little Bathroom (*el Bañito*) punishment cell.¹⁰³² Another detainee confirmed that he could hear acts of torture being committed by SEBIN agents, including S01, in the Little Bathroom (*El Bañito*). The witness heard the electric current being turned on with electric tasers, and detainees being beaten and suffocated with bags.¹⁰³³

347. Detainees stated that S01 also ordered subordinates to torture detainees.¹⁰³⁴ A former detainee told the Mission that, while in detention, he witnessed S01 ordering guards to torture a detainee to the point of disfiguring his face. According to the witness, under the authority of S01, acts of torture and other forms of mistreatment were committed, such as hanging detainees upside down by one foot and covering their faces with cardboard tied with adhesive tape, so that they could not identify who was torturing them.¹⁰³⁵

348. A witness reported that, he saw S01 ordering other SEBIN officers to carry out acts of torture against detainees, as well as participating directly in these acts. For example, he saw S01 giving orders to his guards to torture several former police officers who were detained. Torture was carried out with electricity, placed on the persons' body, including their ankles, ears and genitals, through electric cables and wet paper so as not to leave visible marks.¹⁰³⁶ The witness heard the screams and moans of these people being tortured.¹⁰³⁷

349. Another person who was detained in El Helicoide stated that he observed, through an air conditioning duct, a man being subjected to acts of torture. SEBIN agents put a mat on the man's chest and beat him repeatedly with a stick. They also put a bag over his face and suffocated him. As confirmed by the witness, this type of action could not be carried out without the prior authorization of S01.¹⁰³⁸

Conclusion

350. S01 was in El Helicoide during times where multiple acts of torture and other cruel, inhuman or degrading treatment were committed against detainees. The Mission has reasonable grounds to believe that S01 was aware that detainees, including real or perceived Government opponents, routinely suffered mistreatment, sometimes amounting to torture, and other forms of physical and mental violence. Multiple witnesses told the Mission that S01 inflicted torture and other cruel, inhuman or degrading treatment upon detainees and that he ordered subordinates to inflict those acts upon detainees.

351. Accordingly, the Mission finds reasonable grounds to believe that S01 may bear criminal responsibility for the events discussed above and should be investigated.

2. SEBIN Official 2 ("S02")

Background and roles

352. SEBIN Official 2 (henceforth "S02") has worked for the Venezuelan civilian intelligence for several years.¹⁰³⁹ He has held various positions including in El Helicoide,

¹⁰³⁰ Interview WVUP5928.

¹⁰³¹ Interview DICY1959.

¹⁰³² Interview IJYE9167.

¹⁰³³ Interview OIDB1422.

¹⁰³⁴ Interview UNTE4730; Interview RPPV2151.

¹⁰³⁵ Interview TFVB1060.

¹⁰³⁶ Ibid.

¹⁰³⁷ Ibid.

¹⁰³⁸ Interview SPOR2879.

¹⁰³⁹ Ministerio del Poder Popular para el Trabajo y Seguridad Social, Resolution No. 8322, published in Official Gazette No. 40.188, 13 June 2013, available at: <http://virtual.urbe.edu/gacetas/40188.pdf>

where he at some point was a subordinate to Calderón Chirinos, the Director of Strategic Investigations.¹⁰⁴⁰ Due to security risks detailed above, the Mission has withheld further identifying information in this public report.

Participation in human rights violations and crimes

353. The Mission received information about S02 performing numerous tasks within El Helicoide related to detainees,¹⁰⁴¹ while he was regularly present in the area where the cells were located and took part in formal interrogations and informal questionings.¹⁰⁴² He also participated in operations outside El Helicoide. On at least one occasion, he participated in the raid of the house of an individual perceived to be a Government dissident.¹⁰⁴³

354. S02 also contributed to luring individuals to El Helicoide for interviews and, once they were in the premises, he prevented them from leaving the detention site. On at least one occasion, S02 asked a person who had been brought to El Helicoide for questioning to call their partner and have them come to El Helicoide to also speak with SEBIN. When the partner arrived, S02 prevented them both from leaving the detention site, and both individuals ended up being arbitrarily arrested and detained in El Helicoide for nearly two weeks before being presented before a judge.¹⁰⁴⁴

355. A former SEBIN official told the Mission that S02 directly participated in acts of torture such as beating prisoners and suffocating them with a plastic bag to extract information.¹⁰⁴⁵ A former detainee said that when prisoners heard that S02 was coming through the hallways they knew that torture would start.¹⁰⁴⁶ In one incident, according to a former detainee, S02 sprayed pepper spray at short range, directly into an overcrowded cell where some minors were held, causing at least one detainee to vomit.¹⁰⁴⁷ The Mission has also received information that S02 ordered subordinates to torture detainees.¹⁰⁴⁸

356. On several occasions, detainees received inhumane forms of punishment. A former detainee who spent almost three years in El Helicoide told the Mission that, on at least three different occasions, S02 handcuffed two detainees to the bars in the stairs, and left them hanging there for twelve hours, having to hold themselves up on their toes.¹⁰⁴⁹ According to this individual, in one of those instances, subordinates of S02 – guards rotating in the prisoners’ area – showed surprise in finding the detainees in such positions, but did not have the authority to free them.¹⁰⁵⁰

357. S02 exercised several forms of psychological violence on detainees. A female detainee recalled that when she arrived to El Helicoide, S02 asked about her sexual orientation and told her that he was going to put her with lesbians as an attempt to intimidate her.¹⁰⁵¹ In another case, he called an openly homosexual detainee a “*mariscal*” (faggot), and told S01 not to allow the other detainees to speak to him.¹⁰⁵² On one occasion, S02 sat with a detainee who was on hunger strike and started reading apocalyptic excerpts from the chapter of Revelations from the Bible, while mentioning that he knew where his sister worked and that she was pregnant. The detainee felt that S02 was threatening his

¹⁰⁴⁰ Interview KHCY9313; Interview IYMM8038; Interview WSCA1266; Interview NCOF5729; Interview RWCJ3185; Interview C2EE04; Interview JKTF3976; Interview IVGR3660; Interview CEWO3099; Interview C2EE04; Interview HJTR2083; Interview OLGZ1971; Interview PIKH7118; Document MMDC005, Document MMDC006, Document MMDC007.

¹⁰⁴¹ Interview TPDR4182; Interview KONF4925; Interview RGXX5263

¹⁰⁴² Interview RGXX5263.

¹⁰⁴³ Interview MSJA5596; Document JJDOC001.

¹⁰⁴⁴ Interview DEWV8276.

¹⁰⁴⁵ Interview GSNB8831.

¹⁰⁴⁶ Interview C1AA27.

¹⁰⁴⁷ Interview IJYA9842.

¹⁰⁴⁸ Interview QGRE5189; Interview YRKY6560; Interview C2EE04; Interview C1AA27.

¹⁰⁴⁹ Interview C1AA27.

¹⁰⁵⁰ Ibid.

¹⁰⁵¹ Interview ZGOK1024.

¹⁰⁵² Interview NJXN2169.

family members and felt forced to stop the strike.¹⁰⁵³ On several other occasions, detainees said S02 threatened to send them to “punishment cells” or place them in solitary confinement if they did not stop protesting or making requests.¹⁰⁵⁴ S02 threatened one detainee with punishment in isolation for the mere fact of being affiliated with the Government opposition.¹⁰⁵⁵

358. In the case of a detainee who committed suicide in his cell after being subjected to severe psychological pressure, a former judicial official identified S02 as one of the officers who exercised mental violence on the detainee. According to the former judicial official, S02 repeatedly threatened to transfer the victim who committed suicide to a regular prison, where the victim feared he would be hurt.¹⁰⁵⁶ The source recalled that a SEBIN agent specifically warned the judicial official about S02.¹⁰⁵⁷

359. S02 held authority over the rights of detainees to receive visits and have contact with their families.¹⁰⁵⁸ According to detainees, he appeared to exercise this power based on his own personal like or dislike of detainees.¹⁰⁵⁹ A former detainee accused of being a Government dissident said S02 arbitrarily denied her visits and phone calls with her family.¹⁰⁶⁰ Another detainee described being told by guards that S02 denied her such visits with lawyers and family members because she was a perceived dissident, even though other detainees were allowed to have such visits twice a week.¹⁰⁶¹

Financial benefits

360. S02 allegedly benefited from his position within SEBIN to extort money in exchange for improving prisoners’ conditions of detention.¹⁰⁶² According to a former detainee, S02 was known for having close relationships with individuals allegedly involved in organized crime, who received significant privileges in El Helicóide, including deliveries of gourmet food, electronic equipment and game consoles, and the ability to conduct their business from detention.¹⁰⁶³ The cells of these individuals were turned into party places at night, where alcohol was consumed and they received visits from women, including female detainees and sex workers.¹⁰⁶⁴ The hallway of their cells had air conditioning and the prison gym area had machines for their exclusive use.¹⁰⁶⁵

361. Former detainees mentioned that S02 would go to their cells on a daily basis and on occasions come out with big envelopes with money.¹⁰⁶⁶ According to another detainee, S02 gave these individuals the authorization to charge incoming detainees large sums of money in exchange for amenities and the use of telephone.¹⁰⁶⁷ Calderón Chirinos was allegedly aware of this activity.¹⁰⁶⁸ After being released, a former detainee said that an inspector approached her to tell her that S02 wanted USD \$100 to give back her passport, which had been confiscated, and to reach out to him if she decided to pay.¹⁰⁶⁹

¹⁰⁵³ Ibid.

¹⁰⁵⁴ Interview C1AA27; Interview HSZK9362.

¹⁰⁵⁵ Interview IUMY3158.

¹⁰⁵⁶ Interview AUGQ1021.

¹⁰⁵⁷ Interview EFVZ1351.

¹⁰⁵⁸ Interview C2EE04; Interview CAET3125.

¹⁰⁵⁹ Interview DECQ9881.

¹⁰⁶⁰ Document JJDOC001.

¹⁰⁶¹ Interview C2EE04.

¹⁰⁶² Interview KGEZ3570.

¹⁰⁶³ Interview DICY1959.

¹⁰⁶⁴ Interview C2EE04; A/HRC/45/CRP.11, para. 303.

¹⁰⁶⁵ Interview WSCA1266.

¹⁰⁶⁶ Interview CEWO3099; Interview HBLM2474.

¹⁰⁶⁷ Interview QSDQ1928.

¹⁰⁶⁸ Ibid.

¹⁰⁶⁹ Interview QLBB5197.

Conclusion

362. Due to the position of S02 in the hierarchy in El Helicoide and his regular presence in the area where prisoners were detained, the Mission has reasonable grounds to believe that S02, was aware that detainees, including real or perceived Government opponents, routinely suffered mistreatment, sometimes amounting to torture, and other forms of physical and mental violence. He also contributed to arbitrary arrests of detainees.

363. Accordingly, the Mission finds reasonable grounds to believe that S02 may bear criminal responsibility for the events discussed above and should be investigated.

3. Ronny González Montesinos

Background and roles

364. Ronny González Montesinos was born on 14 May 1974. González Montesinos started his career within the Venezuelan civilian intelligence in or around 1995, when SEBIN was still called DISIP, and ascended within the service. In 2011, he held the rank of Sub-Commissioner and worked with the Regional Unified Command for Extortion and Kidnapping, under the Directorate of Counter-Intelligence of SEBIN.¹⁰⁷⁰ Between at least 2014 and 2019, González Montesinos worked in the Directorate of Strategic Investigations as Commissioner and later as Chief Commissioner, directly under the Director of Strategic Investigations.¹⁰⁷¹

365. González Montesinos played a leadership role in the Directorate of Strategic Investigations and in El Helicoide from 2014 to at least 2018. During this time, he functioned as the number two in the detention centre, under the direction of Carlos Calderón Chirinos.¹⁰⁷² González Montesinos was the Coordinator of Field Investigations (*Coordinador de Investigaciones de Campo*) of the Directorate of Strategic Investigations.¹⁰⁷³ Responding to him were the chiefs of the Investigation Brigades (*Brigadas de Investigaciones de Campo*) based in El Helicoide.¹⁰⁷⁴ While working in El Helicoide, González Montesinos was known by detainees as “Comisario Ronny” alias “Cabeza de Caja” or “Cara de Ancha”.¹⁰⁷⁵ A former detainee described him as tall, big, with white skin and big eyes.¹⁰⁷⁶

366. On at least one occasion, detainees saw González Montesinos accompanying the Director of SEBIN, Gustavo González López, during a visit to El Helicoide and pointing out the prisoners. A detainee who was arrested in an operation where González Montesinos participated alongside Calderón Chirinos described the relationship between the two as “almost horizontal”.¹⁰⁷⁷ Another detainee said it was “of great trust”.¹⁰⁷⁸

367. González Montesinos, like Calderón Chirinos, exercised particular authority in the identification, arrest and interrogation of detainees, leaving the circumstances of their more prolonged detention to other officials including lower-ranking officials, who nonetheless recognized their authority. One female detainee told the Mission that SEBIN guards told her that González Montesinos was “the boss” (*el jefe*),¹⁰⁷⁹ and another woman said that González Montesinos commanded, established prohibitions and gave orders, and the other

¹⁰⁷⁰ A/HRC/45/CRP.11, para. 1990.

¹⁰⁷¹ Document MMDC002, Tribunal Especial Primero de Primera Instancia en Funciones de Control con Competencia en Casos vinculados con delitos asociados al terrorismo, corrupción y delincuencia organizada con jurisdicción a nivel nacional, Acta de Audiencia Preliminar No. 01-CT-006-18 del 22 de febrero 2019, p.54.

¹⁰⁷² Interview SUSE6876; Interview UMCD5830; Interview YRKY6560; Interview OSLQ3660.

¹⁰⁷³ Document MMDC004.

¹⁰⁷⁴ Document MMDC004; Document MMDC005.

¹⁰⁷⁵ Interview C1AA01; Interview ULDJ2577.

¹⁰⁷⁶ Interview GYOL9976.

¹⁰⁷⁷ Ibid.

¹⁰⁷⁸ Interview TPDR4182.

¹⁰⁷⁹ Interview UIDD2590.

officials complied.¹⁰⁸⁰ SEBIN officials told the Mission that González Montesinos and others held the authority to decide over visits and distribution of prisoners to cells.¹⁰⁸¹

368. Since May 2020, González Montesinos has held the rank of Commissioner General within SEBIN and was seconded to the PNB FAES as Director of the Counter-Intelligence Division.¹⁰⁸² According to two defence lawyers and a detainee, this secondment followed a *de facto* transfer of powers from SEBIN to FAES that occurred after SEBIN started receiving international attention for its human rights violations.¹⁰⁸³ On 3 May 2020, González Montesinos led the command of FAES related to Operation Gedeón in the city of Macuto, La Guaira state, in which four individuals were detained and at least six others killed.¹⁰⁸⁴ In December 2020, rumours circulated that the FAES would be renamed the Directorate of Intelligence and Strategy (DIE) of the PNB¹⁰⁸⁵ and that González Montesinos would become its director.¹⁰⁸⁶ However, this change never came about for reasons unknown to the Mission.

Participation in human rights violations and crimes

369. The Mission has received information on González Montesinos' participation in identifying targets affiliated with the political opposition for surveillance and arrest. An intelligence report recommended surveillance to "neutralise" participants in these groups.¹⁰⁸⁷ A former SEBIN officer - working for a different Directorate - confirmed to the Mission that occasionally he would receive direct orders from González Montesinos to carry out intelligence against real and perceived Government opponents and to participate in their subsequent arrests.¹⁰⁸⁸ The Mission has copies of intelligence reports ordered by González Montesinos against individuals and organizations suspected of affiliation with political opposition¹⁰⁸⁹ and carried out without a warrant.¹⁰⁹⁰ Individuals from these organizations were subsequently arbitrarily detained, without arrest warrants.¹⁰⁹¹ At least one of those detained was tortured, including with sexual violence.¹⁰⁹²

370. González Montesinos also directly participated in arbitrary detentions and house raids performed without arrest or search warrants.¹⁰⁹³ In 2017, a detainee was arrested in the early morning by a group of around 30 SEBIN officials who forced their way into his residence without presenting a search or arrest warrant.¹⁰⁹⁴ The detainee told the Mission that González Montesinos was the one giving the orders during the operation.¹⁰⁹⁵ González Montesinos threatened and beat him, before arresting him.¹⁰⁹⁶ He was then taken to El

¹⁰⁸⁰ Interview ZCKN9721.

¹⁰⁸¹ Document MMDC005; Document MMDC006; Document MMDC007.

¹⁰⁸² Document AADOC001, Public Prosecutor's Office Accusation of 11 December 2020, Ref: MP-206184-2020 (p. 19 and p. 66. Document signed by PNB Commissioner Yohan Gimenez of the Criminal Investigation Unit (Dirección de Investigación Penal de Brigada Especial de la PNB), dated 27 October 2020.

¹⁰⁸³ Interview RQLN7392; Interview EISQ2211; Interview ESBK7394.

¹⁰⁸⁴ Document MMDC003, Acta de Investigación Penal. A/HRC/48/CRP.5, Box 13, p. 155.

¹⁰⁸⁵ PROIURIS, Un enroque de dependencias permitiría actuación encubierta de las FAES, 28 December 2020, available at <https://www.proiuris.org/?p=63830>; TalCual, Provea denuncia «operación maquillaje» en las FAES para evadir petición de Bachelet, 28 December 2020, available at <https://talcualdigital.com/provea-denuncia-operacion-maquillaje-en-las-faes-para-evadir-peticion-de-bachelet/>

¹⁰⁸⁶ Ibid.

¹⁰⁸⁷ Document JJDOC009.

¹⁰⁸⁸ Interview GSNB8831.

¹⁰⁸⁹ Document JJDOC009.

¹⁰⁹⁰ Ibid.

¹⁰⁹¹ A/HRC/45/CRP.11, p.129, paras. 499-500.

¹⁰⁹² Ibid, p.131, para. 503.

¹⁰⁹³ Interview GBHE8629; Interview SGIF1364.

¹⁰⁹⁴ Interview NGIA6856.

¹⁰⁹⁵ Interview FHLF1265.

¹⁰⁹⁶ Ibid.

Helicoide where he was tortured during interrogation.¹⁰⁹⁷ In 2018, according to another detainee, González Montesinos participated in an operation by the Directorate of Strategic Investigations, led by Calderón Chirinos, and which targeted political opposition figures.¹⁰⁹⁸

371. The Mission has information that González Montesinos also participated in interrogations of detainees and was aware of the orders of torture given by his superiors. A well-known prisoner told the Mission that, during his first interrogation upon arriving in El Helicoide, González Montesinos was nice to him.¹⁰⁹⁹ Later, while waiting outside Calderón Chirinos's office for a second interrogation, the prisoner heard Calderón Chirinos ordering González Montesinos to torture the victim until he spoke, and to threaten him with specific acts of torture, including beatings, electric shocks and asphyxiation.¹¹⁰⁰ While González Montesinos did not torture the detainee on that occasion, on another occasion he intimidated the detainee by letting him know that all he had said during a family visit was recorded, thereby insinuating that there was no safe and private space in El Helicoide.¹¹⁰¹ The detainee said that, later on, during his detention, some of his private conversations were released to the public.¹¹⁰²

372. González Montesinos was also aware of the conditions of detention and the non-implementation of transfer and release orders, and not only took no visible action to remedy these abuses, but also directly contributed to their commission. One former detainee told the Mission that in 2016 González Montesinos installed a camera in the Guantánamo cell, one of the most overcrowded cells that held around 60 men at that time. González Montesinos told the detainees that the camera saw everything.¹¹⁰³ Another former detainee, who spent over a month handcuffed to a grille in a hallway, recalled that González Montesinos saw him and asked him why he was there.¹¹⁰⁴ After the detainee explained that one of the commissioners in charge of the detainees had kept him there, González Montesinos gave the order to untie him but took no action against his subordinate.¹¹⁰⁵

373. Two former detainees and a defence lawyer also told the Mission that González Montesinos directly participated in acts of torture.¹¹⁰⁶ One detainee said that González Montesinos was known to be one of the officers who applied physical torture.¹¹⁰⁷ Investigative Brigades known for torturing detainees in the offices of the Directorate of Strategic Investigations also responded to González Montesinos.

374. The detainees only occasionally saw González Montesinos in the area where the cells were located. However, one former detainee explained that González Montesinos was very aggressive and when he entered the detention area, they would tremble.¹¹⁰⁸ Although he was not involved in the daily management of the detainees, González Montesinos intervened in specific instances, when circumstances required senior management involvement.¹¹⁰⁹

375. For example, witnesses told the Mission that González Montesinos intervened on two occasions in 2018 when male and female detainees protested their conditions with hunger strikes. In one case, female detainees demanded an end to torture, the implementation of pending release orders and to improve detention conditions.¹¹¹⁰ In the second case, a male detainee demanded that his transfer order be implemented and access to

¹⁰⁹⁷ Ibid.

¹⁰⁹⁸ Interview CSEQ3558.

¹⁰⁹⁹ Interview ZZTP4898.

¹¹⁰⁰ Ibid.

¹¹⁰¹ Ibid.

¹¹⁰² Ibid.

¹¹⁰³ Interview TFVB1060.

¹¹⁰⁴ Ibid.

¹¹⁰⁵ Ibid.

¹¹⁰⁶ Interview CEVA4175; Interview C1AA01; Interview NPGL7492.

¹¹⁰⁷ Interview C1AA01.

¹¹⁰⁸ Interview IWRJ1725.

¹¹⁰⁹ Ibid.

¹¹¹⁰ Interview GUZM1240.

lawyers.¹¹¹¹ In both cases, after being notified by lower-ranking officials, González Montesinos intervened and successfully convinced the protesting individuals to desist of their hunger strikes, using his figure of authority to promise changes to their conditions or contact with their lawyers. However, rather than improving conditions, the protesters faced retaliation. In the case of the female detainees, while negotiations were happening with González Montesinos, officials searched the women's cell destroying and stealing some of their personal items.¹¹¹² In the second case, over 20 officials entered a cell and started beating detainees. The detainee who had started the protest was brought to the Little Bathroom (*el Bañito*) punishment cell and beaten.¹¹¹³

Conclusion

376. In its 2020 Report, the Mission found that González Montesinos held a key position within the Directorate of Strategic Investigations under Carlos Calderón Chirinos.¹¹¹⁴ He ordered that intelligence be carried out on individuals and organizations suspected of affiliation with political opposition and participated in the identification, arrest and interrogation of detainees. Witnesses told the mission that he directly participated in acts of torture or other forms of ill treatment. Also, individuals working for the Directorate of Strategic Investigations under his supervision committed acts of torture or other forms of ill treatment.

377. Accordingly, the Mission finds reasonable grounds to believe that González Montesinos may bear criminal responsibility for the events discussed above and should therefore be investigated.

4. Carlos Alberto Calderón Chirinos

Background and roles

378. Carlos Alberto Calderón Chirinos was born in Venezuela on 3 July 1970.¹¹¹⁵ He is a long-serving SEBIN official, having worked since at least 2007 in the former DISIP,¹¹¹⁶ the intelligence agency that was later renamed SEBIN.¹¹¹⁷ Between 2014 and October 2018 and between May 2019 until sometime in 2020, Calderón Chirinos served as General Commissioner and Director of the Directorate of Strategic Investigations and Director of El Helicoide, under the command of González López.¹¹¹⁸ As stated, he was removed from the post by Cristopher Figuera in 2018. According to a former SEBIN officer and a former detainee with inside knowledge, Calderón Chirinos is currently appointed as an official with the PNB/FAES.¹¹¹⁹

379. The Mission received information that Calderón Chirinos was very close to González López and this is why he was placed as Director of the Directorate of Strategic Investigations.¹¹²⁰ This position granted Calderón Chirinos *de jure* and *de facto* authority and responsibility in SEBIN and El Helicoide.¹¹²¹ One witness told the Mission that, during the tenure of González López as Minister of Internal Relations, Justice and Peace, Calderón Chirinos acted as his substitute in SEBIN.¹¹²² Cristopher Figuera told the Mission that, upon taking on the position of Director General of SEBIN in 2018 he dismissed Calderón

¹¹¹¹ Interview DNGR3317.

¹¹¹² Interview SZGH7687.

¹¹¹³ Interview YCRE9418.

¹¹¹⁴ A/HRC/45/CRP.11, para. 1990.

¹¹¹⁵ Office of Foreign Assets Control (OFAC), Sanctions List document, 23 March 2022.

¹¹¹⁶ Interview ASND8491.

¹¹¹⁷ Diario La Gaceta, Decreto No. 6865, 11 August 2009.

¹¹¹⁸ His name and position appear in official SEBIN documents, such as official communications from subordinates under his charge. See Document JJDOC009. Interview RVBY2054.

¹¹¹⁹ Interview ZIDM6355; Interview NUFL3127.

¹¹²⁰ Interview SRZA3733.

¹¹²¹ Interview CBXL7480.

¹¹²² Interview ZBDZ7186.

Chirinos because of a large number of allegations of mistreatment and torture of detainees in El Helicoide.¹¹²³

380. The Mission reviewed multiple judicial communications from 2018 directed at SEBIN, in connection to cases of individuals who the Mission determined to have been subjected to arbitrary detention. Judges sent orders directly to Calderón Chirinos as the Director of Strategic Investigations, either requesting that detainees be transferred to court or ordering their release, or informing him that individuals were to be held until their guarantors posted bail.¹¹²⁴ Some of these communications were officially received by officials ascribed to the Directorate of Strategic Investigations,¹¹²⁵ while others were refused with the justification that the officials had received superior orders not to accept any such communications.¹¹²⁶

381. Other State bodies similarly appear to recognise the authority of Calderón Chirinos over individuals detained in El Helicoide, in his capacity as the Head of the Directorate of Strategic Investigations. For example, in one case in 2018, communications about detentions of individuals accused of “hate crimes” in the context of demonstrations were sent from FAES to General Gustavo González López in his role as Director General of SEBIN, with Calderón Chirinos in copy, in his capacity as Director of Strategic Investigations.¹¹²⁷ One of the documents reviewed by the Mission states that “the process is with [SEBIN], at the hands of Commissioner General Carlos Calderón Chirinos, Head of [the Directorate of] Strategic Investigations”, which confirms Calderón Chirinos’ role and command capacity within the structure.¹¹²⁸

382. A former detainee told the Mission that, from 2014 until his removal by Figuera in 2018, Calderón Chirinos was perceived as “the boss”.¹¹²⁹ He intimidated detainees by pointing out that he knew everything and was the one who gave the orders in El Helicoide.¹¹³⁰ One witness stated that Calderón Chirinos played the role of the “bad cop”.¹¹³¹ He was perceived as the one who directed all operations in El Helicoide, including departures and transfers of detainees to clinics and hospitals.¹¹³²

383. Calderón Chirinos would often enter the cell area where detainees were held and talk to them.¹¹³³ He was regularly present near the sites in El Helicoide where acts of torture, sexual violence, and other cruel, inhuman or degrading treatment were carried out. Sometimes Calderón Chirinos participated in interrogations of detainees, as confirmed by a former detainee who was interrogated by him in 2019. Similarly, when detainees were being interrogated, Calderón Chirinos interacted with other detainees in the corridors of El Helicoide, very near to where the interrogations were taking place.¹¹³⁴

384. According to a source with direct knowledge of how SEBIN operated, there was a functioning chain of command in El Helicoide. This means that Calderón Chirinos had the power to issue orders to his subordinates, in particular Commissioners González Montesinos¹¹³⁵ and was responsible for overseeing the behaviour of his subordinates.¹¹³⁶ As stated above, the Mission has concluded that there are reasonable grounds to believe that

¹¹²³ Interview HBFN1029.

¹¹²⁴ Document JJDOC009.

¹¹²⁵ Ibid.

¹¹²⁶ See, for example, Document JJDOC009.

¹¹²⁷ Document JJDOC009.

¹¹²⁸ Ibid.

¹¹²⁹ Interview LAKG9334.

¹¹³⁰ Interview DGSC3263.

¹¹³¹ Ibid.

¹¹³² Interview NJXN2169.

¹¹³³ Interview TBBQ1556; Interview JPXX6952.

¹¹³⁴ Interview IENC1358.

¹¹³⁵ Interview VYSR1141.

¹¹³⁶ A/HRC/45/CRP.11, paras. 286, 287 and 288.

González Montesinos and others perpetrated acts of torture and ill-treatment inside and outside El Helicoide while working under Calderón Chirinos' supervision.¹¹³⁷

385. Calderón Chirinos has been subjected to the following international sanctions due to his role in perpetrating human rights violations, including torture, the use of excessive force and the mistreatment of detainees in SEBIN facilities, and in particular participating in and being responsible for acts of torture and other cruel, inhuman or degrading treatment of detainees in El Helicoide, all of which remain in effect to the time of writing:

- European Union: freezing of funds and financial resources, travel ban (12 November 2020)¹¹³⁸
- United Kingdom: freezing of funds and financial resources, travel ban (31 December 2020)¹¹³⁹
- United States: freezing of assets under US jurisdiction and banning Americans from financial engagement (5 November 2019).¹¹⁴⁰

Participation in human rights violations and crimes

386. Under the direction of Calderón Chirinos, lower-ranking officials from the Directorate of Strategic Investigations conducted surveillance and investigations, and filed subsequent reports on individuals with perceived affiliation to the opposition, including those belonging to NGOs and social organizations. In one case in 2018, officials produced intelligence reports that recommended surveillance to “neutralise” participants in political opposition groups, prior to the official opening of an investigation by the Public Prosecutor’s Office.¹¹⁴¹ A number of these individuals were subsequently detained arbitrarily by officials working in the Directorate for Strategic Investigations.¹¹⁴²

387. A former SEBIN official with direct knowledge of the events told the Mission that Calderón Chirinos gave explicit orders to subordinates to torture detainees.¹¹⁴³ Both Calderón Chirinos and Gustavo González López gave such orders directly, indicating to their subordinates that they had to extract information from the detainees at all costs. This led to the agents carrying out the practice to apply acts of torture, such as putting a bag over victims’ heads and giving electric shocks to the detainees’ bodies, including their genitals, to extract information.¹¹⁴⁴

388. A former detainee in El Helicoide in 2014 told the Mission that one night he was brought to a room for interrogation. He heard Calderón Chirinos giving orders to González Montesinos to grab the detainee, hang him, electroshock him, and put a bag over his head until he answered their questions. Even though the agents did not carry out the physical threats, the psychological torture prompted the detainee to answer the questions.¹¹⁴⁵

389. One detainee said that Calderón Chirinos himself interrogated detainees with questions of a political nature, unrelated to the alleged offences for which detainees were arrested. This interrogation took place during a period of almost two weeks in which the

¹¹³⁷ Interview EYHG9031.

¹¹³⁸ Council of the European Union, Council Regulation 2017/2063, 13 November 2017, available at EUR-Lex - 32017R2063 - EN - EUR-Lex (europa.eu); Council Implementing Regulation 2020/1696, 12 November 2020 available at: EUR-Lex - 32020R1696 - EN - EUR-Lex (europa.eu)

¹¹³⁹ UK Government, Consolidated List of Financial Sanctions Targets in the UK: Venezuela, 25 February 2022, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057511/Venezuela.pdf;

¹¹⁴⁰ OFAC Sanctions list, Updated available at: C4ADS sanctions explorer https://sanctionsexplorer.org/entity?id=ZMddCXYBk1V_YZVWGe-; Office of Foreign Assets Control, Sanctions List Search, available at: <https://sanctionssearch.ofac.treas.gov/>

¹¹⁴¹ Document JJDOC009.

¹¹⁴² Ibid.

¹¹⁴³ Interview ZIDM6355.

¹¹⁴⁴ Ibid.

¹¹⁴⁵ Interview HSZK9362.

detainee was held completely incommunicado, without being brought before a judge and after having been arrested without a warrant. During that time, SEBIN officials held this person in an office area, outside the holding cell area.¹¹⁴⁶

390. A former SEBIN official with privileged knowledge of the events and access to relevant information told the Mission that, in 2014 during the anti-government protests (*guarimbas*), Calderón Chirinos selected *guarimberos*, ordered their arrest and sent them to El Helicoide for interrogation and torture.¹¹⁴⁷ On occasion, where several *guarimberos* were being held in detention, the source witnessed how Calderón Chirinos participated directly in their mistreatment. He would handcuff them and put their hands behind their backs, to then lift them up, inflicting severe pain. He would also put a plastic bag over their heads, or pour water over them to asphyxiate them. Then he would beat them to extract information. In addition, he would give the detainees electric shocks with charged pocket devices.¹¹⁴⁸ The witness described how Calderón Chirinos behaved violently towards SEBIN officials who did not carry out these practices, kicking them to the ground if they did not comply.¹¹⁴⁹

391. The same reliable source told the Mission that, at least from 2014 to 2019, this type of torture was not only carried out inside El Helicoide, but also in safe houses which had been confiscated by ONA, as described above. Detainees were taken to these places and interrogated and tortured before being brought back to El Helicoide. According to the former SEBIN official, this was usually done because El Helicoide was a visible place and had many witnesses who could hear the screams of the victims while being tortured. Nevertheless, confirming what the Mission has previously found on reasonable grounds to believe, acts of torture and other forms of mistreatment were also carried out in El Helicoide systematically, usually to extract information from “enemies of the regime”.¹¹⁵⁰

392. A victim of an arbitrary detention related to a high-profile case previously documented by the Mission reported that Calderón Chirinos personally led and participated in the SEBIN operation during which he and other detainees were arrested.¹¹⁵¹ Although Calderón’s name does not appear in the police report, the report indicates that the agents were carrying out orders from SEBIN’s Director of Strategic Investigations.¹¹⁵² During the warrantless search of the location where the victims were arrested, Calderón Chirinos demanded the victims to give information about opposition leaders. When the victims did not give the desired information, one of the officials threatened the victims. Upon transfer to El Helicoide, one of the victims was tortured with blows, electric shocks and threats of rape.¹¹⁵³

393. As head of El Helicoide, Calderón Chirinos had the obligation to execute the order to release the detainee. However, as documented in the Mission’s 2020 report, requests for transfer and release were often ignored, resulting in serious delays to detainees’ trials and the continued arbitrary detention of individuals ordered to be released by the court.¹¹⁵⁴ A former detainee told the Mission Calderón Chirinos frequently disregarded orders for the release of detainees issued by the Courts.¹¹⁵⁵ Nevertheless, Calderón Chirinos made detainees state that they had been treated well at El Helicoide before they were released or to film a video to this effect.¹¹⁵⁶

394. Cristopher Figuera also reported to the Mission that Calderón Chirinos was one of the people with the most complaints against him in El Helicoide. Figuera added that in 2018, shortly after taking office, the mother of a detainee confided to him that she was

¹¹⁴⁶ Document JJDOC001.

¹¹⁴⁷ Interview OHTP1740.

¹¹⁴⁸ Interview TSON4498.

¹¹⁴⁹ Ibid.

¹¹⁵⁰ Ibid.

¹¹⁵¹ Document MMDC001.

¹¹⁵² Ibid.

¹¹⁵³ Interview HZVH7211.

¹¹⁵⁴ A/HRC/45/CRP.11, p. 101.

¹¹⁵⁵ Document JJDOC001.

¹¹⁵⁶ Interview XRMQ8853; Interview NPGL7492.

selling all her assets to collect the sum of US\$30,000, which had been requested as a condition for executing her son's release order. Figuera indicated that he immediately instructed Calderón Chirinos to release the detainee.

Conclusion

395. In its 2020 Report, the Mission found reasonable grounds to believe that SEBIN officers from the Strategic Investigations Directorate, under the leadership of Carlos Calderón Chirinos, were involved in arbitrary arrests and detentions, and in acts of torture and cruel, inhuman or degrading treatment.¹¹⁵⁷ He held a position of authority within SEBIN, as Director of Strategic Investigations, being responsible for the intelligence carried out on persons suspected of affiliation with political opposition. Witnesses told the Mission that he ordered subordinates to commit, and directly participated in, illegal detentions and acts of torture or other forms of ill treatment. As demonstrated, individuals working for the Directorate of Strategic Investigations under his supervision committed illegal detentions as well as acts of torture and other ill treatment and sexual and gender-based violence. He was also responsible for the lack of execution of release orders.

396. Accordingly, the Mission finds reasonable grounds to believe that Calderón Chirinos may bear criminal responsibility for the events discussed above and should be investigated.

5. Gustavo Enrique González López

Background and Roles

397. Gustavo Enrique González López was born on 2 November 1960 in Carrizal, Miranda state. He graduated from the Military Academy of Venezuela in 1982.¹¹⁵⁸ González López ascended the military ranks and, on 1 July 2017, President Maduro promoted him to Chief General, the highest military rank in Venezuela.¹¹⁵⁹

398. González López was General Director of SEBIN twice. His first tenure, from 17 February 2014 to 31 October 2018, was characterized by a high number of human rights violations. The Mission has investigated 55¹¹⁶⁰ arbitrary detentions, 19¹¹⁶¹ of which included acts of torture and/or sexual violence which it has reasonable grounds to believe were committed by SEBIN agents within this period. During that time, González López concurrently held the position of Minister of Internal Relations, Justice and Peace, thereby also exercising control over the PNB. On 30 April 2019, President Maduro reinstated González López to the position of General Director of SEBIN.¹¹⁶² González López has held the position since.

¹¹⁵⁷ A/HRC/45/CRP.11, paras. 448, 521, 576, 1990.

¹¹⁵⁸ <https://juangomezmirole.wordpress.com/2016/04/12/promocion-1982/>

¹¹⁵⁹ Gobierno Bolivariano de Venezuela, Ministerio del Poder Popular para la Comunicación e Información, Presidente Maduro ascendió a General en Jefe a Gustavo González López, 1 July 2017, available at <http://www.minci.gob.ve/presidente-maduro-ascendio-general-jefe-gustavo-gonzalez-lopez/>.

¹¹⁶⁰ UCJW1379; TGUN1860; GILY1480; HMVP1231; SYPT1783; FPOD1717; KCOV1455; PNTI1499; KYRM1098; XSXV1619; XRXG1169; IJUX1656; CKA1445; JUKB1486; LGUO1621; EEWS1612; UYGF1387; RQLE1155; QXSG1073; TQFO1551; IFTU1423; DBMK1676; SNUL1440; AJZX1792; IOVR1202; KMDY1239; BVWD1055; DSP11606; TIVN1058; KYOW1076; TEMF1595; YBPQ1539; EOQF1796; LSPE1117; JRHK1230; GAZW1557; HKRI1324; NZQX1394; LOHI1121; LUVH1449; GDCB1067; GZXF1212; ENDE1761; SLNI1359; OFGC1831; EUEB1524; KYNO1405; IYMM1470; GKFE1422; IDJP1325; QJNW1782; GSVO1912; QDCW1154; PMKC1989; LRV11506.

¹¹⁶¹ TGUN1860; GILY1480; PNTI1499; CKA1445; SNUL1440; AJZX1792; KMDY1239; BVWD1055; KYOW1076; YBPQ1539; JRHK1230; HKRI1324; LUVH1449; GZXF1212; SLNI1359; QAGV5113; DRBU2542; FANJ2390; HMAZ9729.

¹¹⁶² Presidential decree number 3.836 published in Official Gazette of the Bolivarian Republic of Venezuela No. 41.622 dated 29 April 2019, available at <http://historico.tsj.gob.ve/gaceta/abril/2942019/2942019-5629.pdf#page=1>

399. In 2020, the Mission concluded with reasonable grounds to believe that González López, in his capacity of Ministry of Interior, had knowledge of the commission of the violations and crimes under the Mission's mandate and that, as General Director of SEBIN, he also knew, participated and contributed to the commission of serious human rights violations and crimes, some of which amounted to crimes against humanity.¹¹⁶³

400. Over the past ten years, González López occupied high-level military and political positions, including Security and Intelligence Advisor to the President of the Republic (2 January 2019-present);¹¹⁶⁴ Minister of Internal Relations, Justice and Peace (10 March 2015-2 August 2016); Director General of the Strategic Centre for Homeland Security and Protection – CESPPA on two occasions (the first from October 2013-June 2016 and the second from March-July 2019);¹¹⁶⁵ and General Commander of the Bolivarian Militia (30 July 2010-6 July 2013).¹¹⁶⁶

401. González López is considered a trusted ally of Diosdado Cabello.¹¹⁶⁷ The relationship between the two supposedly began before González López entered SEBIN. In 2003, González López was appointed General Director of the Office of Planning and Human Resources Development of the Ministry of Infrastructure, then headed by Diosdado Cabello.¹¹⁶⁸ According to several witnesses, in his role as General Director of SEBIN, González López would receive direct orders from Diosdado Cabello and unofficially report to him.¹¹⁶⁹ González López openly spoke about Diosdado Cabello to a former detainee, who described the relationship between the two as a “command - cooperation relationship”.¹¹⁷⁰ Another source who has documented violations committed by SEBIN told the Mission that SEBIN was at the service of Diosdado Cabello, through its director González López, who is Cabello's “right-hand man”.

402. Two sources told the Mission that Diosdado Cabello could request the General Director to carry out detentions and, in those cases, the release of detainees would depend on the authorization of Diosdado Cabello.¹¹⁷¹ One detainee said that Diosdado Cabello broadcasted his photo on his TV show “*Con el Mazo Dando*” and threatened that he would be detained. The following day he was arrested by SEBIN officials and brought to El

¹¹⁶³ A/HRC/45/CRP.11, p. 414, para.1989, and p. 437, paras. 2100, 2103 and 2104.

¹¹⁶⁴ Presidential decree number 3.735, published in Official Gazette of the Bolivarian Republic of Venezuela No. 41.558, available at: <https://www.vtv.gob.ve/juramentan-a-consejero-de-seguridad-e-inteligencia-de-la-presidencia-de-la-republica/>.

¹¹⁶⁵ Presidential decree number 465, published in Official Gazette of the Bolivarian Republic of Venezuela No. 40.268 dated 9 October 2013; Presidential decree number 3.791 published in Official Gazette of the Bolivarian Republic of Venezuela No. 41.604 dated 22 March 2019; <https://runrun.es/nacional/venezuela-2/268620/designan-al-coronel-leonardo-alfredo-bello-ortega-presidente-director-general-cesppa/>.

¹¹⁶⁶ Ministerio del Poder Popular para la Defensa, Resolution 014648, published in Official Gazette of the Bolivarian Republic of Venezuela No. 39.477 dated 30 June 2010; Ministerio del Poder Popular para la Defensa, Resolution 001475, published in Official Gazette of the Bolivarian Republic of Venezuela No. 40.202 dated 8 July 2013.

¹¹⁶⁷ Interview FIER1516; Interview CBQY1453; Interview SPMO2142; InfoBae, Gustavo González López, el hombre de Diosdado Cabello que vuelve a controlar el Servicio de Inteligencia chavista, 1 May 2019, available at <https://www.infobae.com/america/venezuela/2019/05/01/gustavo-gonzalez-lopez-el-hombre-de-diosdado-cabello-que-vuelve-a-controlar-el-servicio-de-inteligencia-chavista/>

¹¹⁶⁸ <https://poderopediave.org/persona/gustavo-gonzalez-lopez/>; Carlos Tablante y Marcos Tarre, El gran saqueo: Quiénes y cómo se robaron el dinero de los venezolanos, p. 70 available at https://books.google.com.pa/books?id=0aRcEAAAQBAJ&pg=PA70&lpg=PA70&dq=En+2003+fue+designado+como+director+general+de+la+oficina+de+planificaci%C3%B3n+y+Desarrollo+de+Recursos+Humanos,+del+Ministerio+de+Infraestructura&source=bl&ots=Y_PLftr66&sig=ACfU3U2nhAIOVc4dSknKkPGcKBF84ybsjA&hl=es&sa=X&ved=2ahUKewjrtJaU9en2AhVQRjABHbfUDJEQ6AF6BAgEAM#v=onepage&q=En%202003%20fue%20designado%20como%20director%20general%20de%20la%20oficina%20de%20planificaci%C3%B3n%20y%20Desarrollo%20de%20Recursos%20Humanos%2C%20del%20Ministerio%20de%20Infraestructura&f=false

¹¹⁶⁹ Interview IUMY3158; Interview QAWW7322; Interview ARRA6756; Interview DPNQ4225.

¹¹⁷⁰ Interview JYNL5453.

¹¹⁷¹ Interview HXCV7129; Interview VQHP6782.

Helicoide.¹¹⁷² Another detainee associated with the political opposition recalled that his private conversations in El Helicoide would be recorded and then publicly broadcasted on “*Con el Mazo Dando*”.¹¹⁷³ He noted that this could not happen without the agreement of the SEBIN General Director.¹¹⁷⁴

403. The international community has sanctioned González López for human rights violations and other acts allegedly committed during his tenures as Director General of SEBIN:

- In 2015, the US Office for Foreign Assets Control (OFAC) sanctioned him for human rights violations and alleged abuses linked to the 2014 anti-government protests.¹¹⁷⁵
- In 2017, Canada included him in its list of officials sanctioned for being “responsible for, or complicit in, serious violations” of human rights, “significant acts of corruption, or both”.¹¹⁷⁶
- In 2018, the European Union approved sanctions against him and other senior Venezuelan Government officials for human rights violations.¹¹⁷⁷
- In 2018, Switzerland included him in its list of officials sanctioned for “human rights violations and undermining the rule of law”.¹¹⁷⁸
- In 2018, Panama included him on the list of high-risk individuals for money laundering and financing of terrorism.¹¹⁷⁹
- In 2020, the United Kingdom included him in the consolidated list of financial sanctions targets for human rights violations.¹¹⁸⁰

Participation in human rights violations and crimes

404. A former SEBIN official told the Mission that nothing would happen in SEBIN without González López’s knowledge or his direct order.¹¹⁸¹ González López would receive daily or weekly reports, and directly ordered phone tapping of conversations and collection of intelligence on specific individuals.¹¹⁸² He also had the power to order detentions without

¹¹⁷² Interview AGQY7976.

¹¹⁷³ Interview WYAC9323.

¹¹⁷⁴ Ibid.

¹¹⁷⁵ Presidential documents. Executive Order 13692 of 8 March 2015 Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela. Available at <https://home.treasury.gov/system/files/126/13692.pdf>

¹¹⁷⁶ Special Economic Measures (Venezuela) Regulations, available at https://www.canada.ca/en/global-affairs/news/2017/09/venezuela_sanctions.html

¹¹⁷⁷ EU Council Decision (CFSP) 2017/2074 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela, Annex I, available at <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32017D2074> ; COUNCIL DECISION (CFSP) 2020/1700 of 12 November 2020 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela, Annex I, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020D1700&rid=2>

¹¹⁷⁸ Tal Cual, Suiza congela bienes y sanciona a varios funcionarios venezolanos, 28 March 2018, available at <https://talcualdigital.com/suiza-congela-bienes-y-sanciona-varios-funcionarios-venezolanos/>

¹¹⁷⁹ Efecto Cocuyo, Panamá sanciona a Nicolás Maduro, 54 funcionarios chavistas y a 16 empresas relacionadas, 29 March 2018, available at <https://efectococuyo.com/politica/panama-sanciona-a-nicolas-maduro-54-funcionarios-chavistas-y-a-16-empresas-relacionadas-lista/>

¹¹⁸⁰ List of Consolidated Financial Sanctions Targets in the UK, Office of Financial Sanctions Implementation, HM Treasury, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057511/Venezuela.pdf

¹¹⁸¹ Interview DDHO1672.

¹¹⁸² Interview FVRE6946.

judicial orders, decide where individuals would be detained and whether they would be subjected to torture.¹¹⁸³

405. For example, in the 2018 detentions linked to the Drone case, the official recalled González López giving orders to the source's immediate superior to go and arrest National Assembly Congressman Juan Requesens,¹¹⁸⁴ without a judicial order.¹¹⁸⁵

406. An individual working in El Helicoide also mentioned that release orders would first be received by the Director General in Plaza Venezuela and then sent to El Helicoide.¹¹⁸⁶ While Calderón Chirinos held authority over the release of prisoners, compliance with transfer also directly depended on González López.¹¹⁸⁷ Cristopher Figuera recalled that when he took the post of SEBIN Director General in October 2018, he found out that at least 30 people who had release orders were being kept arbitrarily detained in El Helicoide.¹¹⁸⁸ When Cristopher Figuera asked Calderón Chirinos why those individuals were still detained, Calderón Chirinos told him that those were "the orders".¹¹⁸⁹ Calderón Chirinos did not say from whom, but Cristopher Figuera understood that it was from the Director General, González López.¹¹⁹⁰

407. A former prosecutor stated that in 2017, several minors were detained by SEBIN in connection with protests, without judicial order.¹¹⁹¹ When families started protesting and the Public Prosecutor's Office was informed about the arrests, the former prosecutor was sent to see González López and to discuss the release of the minors.¹¹⁹² The Director General responded that he did not receive instructions from judges or prosecutors, and only received instructions from the President of the Republic.¹¹⁹³ The prosecutor recalled that, after this exchange, González López made a call – supposedly to a superior – and only after the call agreed to release about 15 minors.¹¹⁹⁴

408. A former SEBIN official with direct knowledge of the events told the Mission that Calderón Chirinos and González López ordered subordinates to torture detainees, to extract information, at all costs applying methods such as putting a bag over victims' heads and giving electric shocks to the detainees' bodies, including their genitals.¹¹⁹⁵ A former SEBIN detainee explained that González López would play the role of the "good cop", while Calderón Chirinos was the "bad cop".¹¹⁹⁶

409. As Director General of SEBIN, González López was directly involved in high-level political cases, most of them reportedly involving serious human rights violations and crimes, including arbitrary detentions and acts of torture, including sexual violence, and other forms of cruel, inhuman or degrading treatment. For example, in the Gedeón case,¹¹⁹⁷ following the 4 May 2020 capture of alleged participants in Operation Gedeón, the then president of the National Constituent Assembly, Diosdado Cabello, published a video on Twitter which showed one of the detainees, Josnars Adolfo Baduel, answering potentially self-incriminating questions posed to him off-camera while in custody and without a lawyer present.¹¹⁹⁸ Mr. Baduel said that SEBIN Director General, Gustavo González López, was

¹¹⁸³ Ibid.

¹¹⁸⁴ A/HRC/45/CRP.11, Case 9, pp. 148-153.

¹¹⁸⁵ Interview SDDA6044.

¹¹⁸⁶ Document MMDC007.

¹¹⁸⁷ Interview SOXZ7013.

¹¹⁸⁸ Interview MZXT7189. A/HRC/45/CRP.11, pp.141-142 paras. 160-163 and p. 414, para.1985.

¹¹⁸⁹ Interview ISOJ9073.

¹¹⁹⁰ Ibid.

¹¹⁹¹ Interview GZNL3291.

¹¹⁹² Ibid.

¹¹⁹³ Ibid.

¹¹⁹⁴ Ibid.

¹¹⁹⁵ Interview RMPO4353.

¹¹⁹⁶ Interview YCNU7513.

¹¹⁹⁷ A/HRC/48/CRP.5, p.155, Box 13.

¹¹⁹⁸ A/HRC/48/CRP.5, p.143, para. 284; See Tweet by Diosdado Cabello, 4 May 2020, available at: <https://twitter.com/dcabellor/status/1257412588046032898?lang=en>.

the person asking the questions.¹¹⁹⁹ Mr. Baduel alleges having been subjected to torture, including asphyxia by immersion underwater and with plastic bags, causing him to lose consciousness on four occasions; electric shocks to his genitals with continued effects; suspension from his arms, including using the octopus ¹²⁰⁰ torture device, resulting in the dislocation of his shoulder; and blows with boards on his feet and ankles.¹²⁰¹

410. A detainee arrested in connection with a high profile case stated that SEBIN officials subjected him to two days of interrogations, beatings and threats.¹²⁰² On the third day, the detainee received a phone call from González López, who told him that he was one of SEBIN's biggest adversaries. According to the detainee, González López asked him who was financing him, what political party he belonged to, if he was homosexual and if he used drugs. The call lasted approximately fifteen minutes, during which time the officials also hit the detainee. Three days after this call, the detainee was transferred to El Helicoide. Upon his arrival, an official told him "We finally have you", before beating him further, threatening to kill him and demanding he film a video. After 12 days of interrogations and beatings, having finally filmed a video that satisfied the officials, the detainee was taken to a cell with other individuals. He was held incommunicado for 45 days, without access to a bathroom. The detainee told the judge about these facts at his preliminary hearing.¹²⁰³

411. González López was regularly informed about what was happening in El Helicoide and complaints about torture and poor detention conditions were publicly denounced nationally and internationally during his tenure as Director General of SEBIN. As noted above, a former judicial official spoke to the Mission about an event involving psychological pressure from SEBIN officials on a detainee, who then committed suicide in El Helicoide. Rather than investigated potential involvement of SEBIN officials, González López requested that family members of the detainee be investigated for incitement to suicide.¹²⁰⁴

412. In November 2021, El Helicoide was put under the direction of the regular penitentiary service. However, according to witnesses interviewed by the Mission, the Director General of SEBIN still holds control over political cases.¹²⁰⁵

413. González López's involvement, however, is not limited to El Helicoide but extended to other locations. For example:

- In the case of a man who was detained in SEBIN's detention facility known as the "Tomb" (*La Tumba*) for several months and subjected to white torture,¹²⁰⁶ González López personally went to the detainee's cell several times to interrogate him.¹²⁰⁷ The former detainee explained that every time González López's visited, he would offer him things in exchange for his information, including a conditional release, and he would tell the detainee that everything had already been agreed with Diosdado Cabello and President Maduro.¹²⁰⁸
- In the case of another man detained in the "Tomb" (*La Tumba*) for several months and subjected to white torture, González López told a detainee's family member that he knew the detainee was innocent, but that "this was politics".¹²⁰⁹

¹¹⁹⁹ Interview WHKG7586.

¹²⁰⁰ A/HRC/45/CRP.11, para. 285.

¹²⁰¹ Interview KYOF8032.

¹²⁰² Document JJDOC006.

¹²⁰³ Document YPLV1350, p. 288.

¹²⁰⁴ Interview PWEL2246.

¹²⁰⁵ Interview RMPO4353; Interview RCAJ3036.

¹²⁰⁶ "White torture" included holding detainees naked in freezing temperatures, under bright lights and in total isolation, causing feelings of helplessness and loss of all sensation. See A/HRC/45/CRP.11, p. 408, para.1958.

¹²⁰⁷ Interview GMCG3123.

¹²⁰⁸ Ibid..

¹²⁰⁹ Interview BECC1532.

- A journalist who was beaten and detained in Plaza Venezuela said that González López saw him from a distance but did not speak to him.¹²¹⁰ Instead, González López sent an officer to ask the journalist if he had been beaten and, upon confirmation that this was the case, González López, through the officer, told the detainee that these were not the orders he had given.¹²¹¹

Conclusion

414. In its 2020 Report, the Mission found reasonable grounds to believe that Gustavo González López had knowledge of, participated, and contributed to the commission of serious violations and crimes against targeted political opponents to the Government taking place in SEBIN from 2014, including arbitrary detentions and torture and cruel, inhuman and degrading treatment, including acts of sexual violence.¹²¹² Gustavo González López served as SEBIN Director during the times at which SEBIN officials under his ultimate authority committed acts of arbitrary detention, torture and cruel and inhuman treatment including sexual violence in El Helicoide, as documented above. The Strategic Investigations Directorate, where potential targets were identified and investigated, worked also under his supervision with Calderón Chirinos as Commissioner at relevant times. The Mission received information from privileged sources that Gustavo González López ordered officials to commit acts of torture or cruel and inhuman treatment. Witnesses also indicated that he played a role in a number of arbitrary detentions, including through failure to execute release orders.

415. Accordingly, the Mission finds reasonable grounds to believe that Gustavo González López may bear criminal responsibility for the events discussed above and should be investigated.

IV. Accountability: The highest-level authorities

Introduction

416. According to the Mission's 2020 report, the violations and crimes documented therein may give rise to individual criminal responsibility, both as crimes against humanity and as distinct crimes established in national law.¹²¹³ The evidence gathered during the investigations supported, with reasonable grounds to believe, that the President knew of violations and crimes and that at times he gave orders to the Director General and to Directors of other units in SEBIN. The Mission also found that the Vice President knew or should have known of the same crimes in SEBIN. Although they had the effective authority to do so, they failed to prevent the crimes and violations, or to repress them.¹²¹⁴ The Mission also found that Diosdado Cabello exercised significant influence within the SEBIN, despite not having had a position within the hierarchy of the organisation during the period under review.¹²¹⁵ In relation to violations committed in DGCIM, the Mission found reasonable grounds to believe that the President ordered or instigated certain criminal acts and that, knowing that violations were being committed, he failed to take necessary measures to prevent these acts from occurring, or to repress them.¹²¹⁶

417. Since the publication of that report, the Mission has received additional information that, when evaluated together with the information previously obtained, allows for a deeper analysis of the role played by individuals at this level of responsibility and leadership. The additional information received includes statements of high-level insiders (individuals who left the institutions they used to work in for ideological or security reasons) who spoke to the Mission, documents received under conditions of confidentiality and additional

¹²¹⁰ Interview ERV1772.

¹²¹¹ Ibid.

¹²¹² A/HRC/45/CRP.11, paras. 1982, 1989.

¹²¹³ Ibid., para. 2095.

¹²¹⁴ Ibid., para. 1988, 2103.

¹²¹⁵ Ibid., para. 1980, 1991.

¹²¹⁶ Ibid., para. 2005, 2103.

information from victims of crimes and violations. The Mission has relied on 88 additional interviews for purposes of the present report. The information received allows a fuller understanding of the structures and *modus operandi* within SEBIN's El Helicoide and DGCIM's Boleíta.

418. It has not been possible for the Mission to reconstruct and assess, in detail, all dynamics and potentially responsible individuals who worked in El Helicoide and Boleíta since 2014. Nonetheless, such an assessment would not be necessary in order to obtain an overall picture of their roles and the practices followed. Instead, the Mission has focused on persons who worked at different levels, from bottom to top, within these detention centres. From this, it emerges with sufficient clarity that these institutions were designed as, or transformed into, mechanisms at the service of high-level government agents to implement a strategy to quash opposition.¹²¹⁷ These acts of violence were not committed by random and unconnected individuals acting alone within SEBIN and DGCIM. Rather, SEBIN and DGCIM were steered towards the commission of crimes and violations providing a structural framework that ensured, when necessary, that violations and crimes would be executed and would go unpunished.

419. The Mission has received information that individuals working in other parts of the Government made significant contributions to the violations and crimes and may therefore hold responsibility. In its previous reports, the Mission has already identified some aspects concerning the participation of persons in these positions.¹²¹⁸ However, additional information and research would be required for a deeper analysis of the role played by these individuals.

Legal framework

420. The Mission adopts the principle that the level of responsibility increases as the focus draws further away from the person who executes the violations and crimes to reach the higher ranks of command.¹²¹⁹ Individuals at the highest level of the State's hierarchy may provide contributions to violations and crimes committed by subordinates and may fail to prevent such crimes and violations. However, if demonstrated that they acted pursuant to a common plan, for instance one that included the commission of crimes against targeted individuals in order to suppress dissent, they may incur a higher degree of responsibility.

421. International criminal jurisprudence confirms that a plan amongst a plurality of individuals may be explicit or implied, previously arranged or materialising extemporaneously.¹²²⁰ The plan, which justifies the imputation of their respective acts,¹²²¹ need not be directed at the commission of a specific crime or designed to further a criminal

¹²¹⁷ Ibid., para. 2088.

¹²¹⁸ Ibid., paras 2095-2105.

¹²¹⁹ District Court of Jerusalem, Criminal Case No. 40/61, Judgment, 11 December 1961, Attorney General of the Government of Israel vs Adolf Eichmann, para. 197.

¹²²⁰ ICC, *Prosecutor v Lubanga*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, ICC-01/04-01/06-3121-Red, para. 445, "[T]wo or more individuals worked together in the commission of the crime. This requires an agreement between these perpetrators, which led to the commission of one or more crimes under the jurisdiction of the Court. It is this very agreement – express or implied, previously arranged or materialising extemporaneously – that ties the co-perpetrators together and that justifies the reciprocal imputation of their respective acts. This agreement may take the form of a 'common plan'". ICC, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled "Judgment pursuant to Article 74 of the Statute", 8 March 2018, ICC-01/05-01/13-2275-Red, para. 133.

¹²²¹ Ibid.

purpose.¹²²² However, it must be at least virtually certain that, if events take their ordinary course, the implementation of the plan will result in the commission of crimes.¹²²³

422. Moreover, to be considered responsible, the individuals in question need to provide essential contributions or play essential roles with respect to the plan,¹²²⁴ with the resulting power to frustrate the commission of crimes and violations.¹²²⁵ Essential contributions need not be made at the execution stage of the crimes, they need not form the *actus rea* of the crimes and need not be “criminal” in nature.¹²²⁶ The *actus rea* may be executed by persons working within organized structures of power that, once triggered, ensure that violations and crimes would be executed.¹²²⁷ Yet, despite not executing the elements of the crimes, those who mastermind the organization need to be personally responsible, which depends on a “cumulative assessment” of the activities they carried out.¹²²⁸

423. As for the subjective aspect, the Mission has also adopted the interpretation that it is not necessary to prove that these persons knew the details of each incident, including whether and which specific criminal acts were going to be committed in the implementation of the plan,¹²²⁹ or the identity of the victims.¹²³⁰ Knowledge that crimes will be committed is sufficient.¹²³¹ This also defines, as noted above, the contours of the plan.¹²³²

¹²²² ICC, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute”, 8 March 2018, ICC-01/05-01/13-2275-Red, para. 133.

¹²²³ ICC, *Prosecutor v Lubanga*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, ICC-01/04-01/06-3121-Red, para. 445-447.

¹²²⁴ ICC *Ntaganda* Appeals Judgment, ICC-04/02/06-2266-Red, para. 20: “Consistent with the principle of causation, which requires a causal link between the conduct of an accused and the crime, an accused’s essential contribution must be to the crime for which he or she is responsible. However, the contribution of a coperpetrator which, on its face, is not directly to a specific crime, but to the implementation of the common plan more generally may still suffice”.

¹²²⁵ ICC, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute”, 8 March 2018, ICC-01/05-01/13-2275-Red, para. 820: “What is required is a ‘normative assessment of the role of the accused person’, with a view to determining ‘whether the accused had control over the crime, by virtue of his or her essential contribution to it and the resulting power to frustrate its commission, even if that essential contribution was not made at the execution stage’. The decisive consideration for determining whether an accused person must be qualified as a co-perpetrator is whether the individual contribution of the accused within the framework of the agreement was such that without it, the crime could not have been committed or would have been committed in a significantly different way”.

¹²²⁶ ICC-01/05-01/13-2275-Red, para. 810.

¹²²⁷ ICC *Ongwen* Trial Judgment, ICC-02/04-01/15-1762-Red, 4 February 2021, para. 2783-2785; ICC, *Ntaganda* Trial Judgment, 8 July 2019, ICC-01/04-02/06-2359, para. 778; Argentina, Federal Appeals Chamber, *Juntas Trial*, Case N° 13/84, 9 December 1985, consideration 7. Germany, Federal Supreme Court, “Indirect perpetration in case of a fully responsible intermediary (criminal liability of members of the National Defense Council of the GDR for the intentional killing of refugees by GDR border guards)”, East German Border Trials, 26 July 1994, BGHSt 40, 218 et seq; Chile, Supreme Court, *Fujimori* Extradition judgment, 21 Sept 2007, para 97; Peru, Supreme Court of Justice, Special Criminal Chamber, *Fujimori* Judgment, A.V. 19-2001, paras. 723 et seq.

¹²²⁸ ICC, *Prosecutor v Lubanga*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, ICC-01/04-01/06-3121-Red, para. 490, 499.

¹²²⁹ ICC *Ntaganda* Appeals Judgment, ICC-04/02/06-2266-Red, para. 23: “In order to find an accused criminally responsible as a co-perpetrator for specific criminal acts of murder or rape that took place on particular dates and in particular locations, it need not be established that he or she was aware of the details of these events, including whether and which specific acts had been committed. Rather, what must be established is that the person possessed the requisite mens rea with respect to the crimes as such in the sense of murder, rape, persecution, pillage et cetera, committed in implementation of the common plan”.

¹²³⁰ Argentina, Federal Appeals Chamber, *Juntas Trial*, Case N° 13/84, 9 December 1985, consideration 7.

¹²³¹ See ICC *Ntaganda* Appeals Judgment, ICC-04/02/06-2266-Red, para. 23 [quoted above].

A. The State's plan and policy

424. In the 2020 report, the Mission has concluded with reasonable grounds to believe that some of the crimes reported therein amount to crimes against humanity.¹²³³ They were committed in the context of a widespread and systematic attack directed against a civilian population, with knowledge of the attack.¹²³⁴ They were also committed pursuant to or in support of a State policy.¹²³⁵

425. The Mission identified the policy pursuant to which these acts were committed. A policy may well consist of a pre-established design or plan.¹²³⁶ To the extent relevant for the purposes of this report, the crimes were committed pursuant to a plan or policy to:

[S]ilence, discourage and quash opposition to the Government of President Maduro, including by targeting individuals who, through various means, demonstrated their disagreement with the Government, or were perceived as being against the Government, and their relatives and friends who were targeted for being associated with them.¹²³⁷

426. The information collected indicates that there has been concerted efforts to remain in power by resorting to means that include the commission of crimes and violations against opponents of the Government and persons perceived as such. The President, seconded by other high-level individuals, stand out as the main architects in the design, implementation and maintenance of a machinery at the service of dissidence repression.¹²³⁸ This is established, with reasonable grounds to believe, based on a cumulative consideration of a number of factors.

427. At the outset, the Mission has received consistent information that certain orders for DGCIM and SEBIN to proceed against targeted individuals came from the highest-level authorities. The Mission has received information about such orders being issued by the President directly to DGCIM¹²³⁹ and SEBIN General Directors and other individuals within these agencies.¹²⁴⁰ The Mission will not find, on reasonable grounds to believe, that any such orders concerned specific persons as targets. Although some information has been received in this respect,¹²⁴¹ the level of detail provided by the witnesses does not allow for these conclusions. This detail however need not be established to support liability, pursuant to the standard, noted above, that there is no need for awareness of the details of each individual criminal act committed in the implementation of the plan, the identities of victims or the circumstances of their victimization.¹²⁴²

428. Moreover, the Mission has received consistent information from qualified sources with inside knowledge regarding weekly meetings attended by the Minister of Defence, the

¹²³² ICC, *Prosecutor v Lubanga*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, ICC-01/04-01/06-3121-Red, 1 December 2014, para. 446.

¹²³³ A/HRC/45/CRP.11, paras. 2086-2094.

¹²³⁴ A/HRC/45/CRP.11, para. 2090, 2091. See *Prosecutor v. Bemba*, "Judgment pursuant to Article 74", 21 March 2016, ICC-01/05-01/08-3343, par. 149; *Fiscal c. Bosco Ntaganda*, "Judgment pursuant to Article 74", 8 July 2019, ICC-01/04-02/06-2359, par. 2. 662, 689.

¹²³⁵ A/HRC/45/CRP.11, paras. 2088.

¹²³⁶ ICC, *Prosecutor v Ntaganda*, "Judgment pursuant to Article 74", 8 July 2019, ICC-01/04-02/06-2359, par. 674.

¹²³⁷ A/HRC/45/CRP.11, para. 2088. As substantiated by the Mission, there was a second policy articulated as follows "to combat criminality, including the elimination of persons perceived as 'criminals' through extrajudicial execution". This policy, which coexisted with the policy of repressing the opposition, both aimed at maintaining power, is not relevant for the purposes of this report.

¹²³⁸ A/HRC/45/CRP.11, para. 2103.

¹²³⁹ Interview FDJD1855; Interview UFYD1805; Interview SMAB1826.

¹²⁴⁰ Interview UGGP5792; A/HRC/45/CRP.11, para. 267.

¹²⁴¹ Interview DQSP1140; Interview ULWV8612; A/HRC/45/CRP.11, para. 280.

¹²⁴² See ICC *Ntaganda Appeals Judgment*, ICC-04/02/06-2266-Red, para. 23; Argentina, Federal Appeals Chamber, *Juntas Trial*, Case N° 13/84, 9 December 1985, consideration 7. ICC, *Prosecutor v Lubanga*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, ICC-01/04-01/06-3121-Red, 1 December 2014, para. 446.

Minister of Foreign Affairs, the Minister of Interior and Justice, as well as the Directors General of DGCIM, SEBIN and CESSPA, where decisions were taken in support of the policy which included the commission of crimes.¹²⁴³ Reliable insider information indicates that the President has an inner-circle of trusted advisors, including Diosdado Cabello, Tareck Zaidan El Aissami Maddah and the Minister of Interior who are consulted for purposes of such orders.¹²⁴⁴ Decisions were then communicated down the chain of command resulting in the commission of violations and crimes.¹²⁴⁵

429. The victims' profiles at DGCIM and SEBIN provide clear indication that their victimization responded to a plan. Victims included:

- Military officers allegedly involved in attempted coups to oust the Government as well as officers that, due to their leadership, were considered to pose such a risk.¹²⁴⁶
- High profile Government critics or individuals who achieved prominence or represented a particular threat to the Government due to their actions, including social activists, political leaders at the forefront of protests and opposition politicians.¹²⁴⁷
- NGO workers in the field of human rights or that publicly criticize the Government or specific Government officials.¹²⁴⁸
- Individuals that interfere with the interests of Government actors, whether political, economic or criminal.¹²⁴⁹
- Family and friends of targeted individuals, subject to detention in order to produce the intended target.¹²⁵⁰

430. The fact that a plan works to a person's benefit may indicate that person's participation in the plan.¹²⁵¹ Witnesses told the Mission that the orders to persecute targeted individuals by SEBIN and DGCIM are intended to "send a dissuasive message to those who are thinking of doing something similar",¹²⁵² to intimidate leaders in order to prevent the growth of their leadership,¹²⁵³ or to spread terror. As a result, the Executive "maintains control"¹²⁵⁴ over "internal threats",¹²⁵⁵ and preserves power.

431. Coordination from high-level individuals may also be considered an indication of the existence of a plan as well as the leadership's participation in the plan.¹²⁵⁶ The Mission has taken into account, in addition to the coordination meetings highlighted above, that orchestrated intelligence activities preceded the selection and detention of targets.¹²⁵⁷ Former SEBIN and DGCIM officials stated to the Mission that these individuals, their family members and associates were subject to surveillance, wiretapping and electronic

¹²⁴³ Interview AGWF1556; Interview HXLV3863.

¹²⁴⁴ Interview KBJE6595.

¹²⁴⁵ Interview FCGP5660; Interview KQFR3369.

¹²⁴⁶ Interview UHQP1703.

¹²⁴⁷ Interview VJQF2368; Interview CGUS1296; Interview CNQX1608; Interview ZGMN6113; Interview HCZB2957; Interview HFDJ2256; A/HRC/45/CRP.11, Case 11: Roberto Marrero.

¹²⁴⁸ See A/HRC/48/CRP.5, paras. 228-229. Interview KFAD1438; Interview C2EE04; Interview ESLK5381.

¹²⁴⁹ A/HRC/48/CRP.5, para. 7.

¹²⁵⁰ Interview JMGM1137, 17 February 2022; Interview IJYE9167; Interview CFUW3643; Interview AJTK1239.

¹²⁵¹ ICC, *Bemba et al*, Judgment pursuant to Article 74 of the Statute, 19 October 2016, ICC-01/05-01/13-1989-Red, para. 805.

¹²⁵² Interview SCHH04.

¹²⁵³ Interview NKMW2453.

¹²⁵⁴ Interview SBTK6884.

¹²⁵⁵ Interview NRAR3534.

¹²⁵⁶ ICC *Ntaganda* Appeals Judgment, ICC-04/02/06-2266-Red, para. 674; ICC, *Prosecutor v Lubanga*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, ICC-01/04-01/06-3121-Red, 1 December 2014, paras. 474 and 475; Argentina, Federal Appeals Chamber, *Juntas Trial*, Case Nº 13/84, 9 December 1985, consideration 2/XX.

¹²⁵⁷ A/HRC/45/CRP.11, para. 267.

monitoring operations,¹²⁵⁸ including at the hands of infiltrated informants.¹²⁵⁹ There was a well-functioning system of production of reports and transmission of information,¹²⁶⁰ which ensured that the information reached the highest levels of SEBIN and DGCIM and, from there, the Executive branch.¹²⁶¹ Decisions were made on the basis of this information.¹²⁶²

432. It is important to underline that, in a significant number of cases, arrests were carried out with the participation of various State agencies, which provides further indication of broader State cooperation and a higher-level coordination. These include: 1) FANB;¹²⁶³ 2) SEBIN;¹²⁶⁴ 3) PNB/FAES;¹²⁶⁵ 4) CICPC;¹²⁶⁶ 5) local authorities, including state intelligence;¹²⁶⁷ 6) the Public Prosecutor's Office;¹²⁶⁸ 7) DGCIM;¹²⁶⁹ and 8) *colectivos*.¹²⁷⁰ A former SEBIN agent confirmed that, in some cases, SEBIN carried out the investigations and the arrests, and then handed the individuals over to DGCIM.¹²⁷¹

433. Some of the irregularities and excesses committed during arrests and detentions conducted by SEBIN and DGCIM clearly indicate concerted activity pursuant to a plan as opposed to unconnected criminality by perpetrators exceeding their prerogatives:

- DGCIM deployed agents to Colombia to capture real and perceived dissidents wanted by the Venezuelan Government.¹²⁷²
- DGCIM allegedly used luring tactics involving criminal acts to ensure the arrest of the real or perceived opponents targeted, including several cases in which DGCIM orchestrated the kidnapping of family members.¹²⁷³
- Measures were put in place to confuse targets and conceal the operations. SEBIN and DGCIM agents often failed to identify themselves at the time of the arrest, including by covering their faces, wearing civilian or unmarked clothing or using aliases,¹²⁷⁴ as well as by arriving in unmarked cars.¹²⁷⁵ Detainees were transferred hooded, blindfolded or brought along indirect routes to detention centres.¹²⁷⁶
- SEBIN and DGCIM used excessive force or violence, in several arrests investigated, to intimidate targets.¹²⁷⁷
- Evidence of coordination with the Justice System includes the abuse of the *in flagrante delicto* principle, as basis to conduct arrests of real and perceived opponents.¹²⁷⁸
- SEBIN and DGCIM officials were reported to have planted false evidence, such as arms or contraband,¹²⁷⁹ a practice so widespread that it was known internally by the

¹²⁵⁸ Interview BGSP5289; Interview WEOG1124; A/HRC/45/CRP.11, para. 266.

¹²⁵⁹ Interview DEFH6961; Interview RMPO4353.

¹²⁶⁰ Interview IUGJ1119.

¹²⁶¹ Interview VFRX3892; Interview SVNO2450.

¹²⁶² Interview RUPX9385; Interview BBWA2261.

¹²⁶³ Interview AAIV027.

¹²⁶⁴ Interview VYIF1675; A/HRC/48.CRP.5, Box 6.

¹²⁶⁵ Interview QUQS1347.

¹²⁶⁶ Interview SARG2273.

¹²⁶⁷ Such as in the 2021 case of Azul Positivo organizations, whose members were arrested allegedly at the request of the governor of Zulia. A/HRC/48.CRP.5, Box 12.

¹²⁶⁸ A/HRC/48.CRP.5, para. 129.

¹²⁶⁹ Interview with GROH1183. A/HRC/45/CRP.11, para. 266.

¹²⁷⁰ Interview UHQP1703.

¹²⁷¹ Interview PPEO7879.

¹²⁷² Interview with GCYG8377.

¹²⁷³ A/HRC/45/CRP.11, para. 248; Interview QAFJ1089; Interview SKFB4357; Interview CICV4637.

¹²⁷⁴ A/HRC/45/CRP.11, para. 307. See 2012 Criminal Procedure Code, art. 119.

¹²⁷⁵ Interview GSNB8831.

¹²⁷⁶ Cases AJUJ5932; FYGU1944; C3DD14; C3DD15; PNGX9619; C3DD32; USLT1141.

¹²⁷⁷ Cases HTSX7717, PFMV5165, MMFJ1722, SUXP9424, EUCZ3588, CKDB9773, ENFU8458, UICK8567, TSJA3885, DAFK2968, UUUK3287, NGIA6856, EBSS3336, ITUM8311, LTBH9185.

¹²⁷⁸ Cases of HBBK6113, LQHQ6776, TCDO6073; HCAL3597; KPPI7958, XGGU8788, EIFH4638, YCRE9418, FUYD5987; INRT8211, NANN5142, HVPG7854.

phrase: “make a lie from the truth and the truth from a lie”¹²⁸⁰ or by planting “seeds” (“*semillas*”).¹²⁸¹

434. The involvement of high-level individuals in the provision of supplies may be considered an indication of the essential role they played in the implementation of the common plan.¹²⁸² The Mission received information that supplies included the material, logistical and human resources necessary for security and intelligence operations,¹²⁸³ including very expensive and valuable equipment (such as armoured vehicles and helicopters).¹²⁸⁴ The Mission has reviewed information suggesting that a significant part of DGCIM DAE’s budget is provided from sources outside the regular budget.¹²⁸⁵

435. The *modus operandi* followed by both SEBIN and DGCIM officials against targeted individuals also implies concerted action pursuant to a plan. The acts of torture were brutal, intended to obtain confessions, information, to punish, intimidate, humiliate or coerce victims. Torture usually occurred during interrogations, shortly after arrest, while detainees were held incommunicado and before their initial appearance at court.¹²⁸⁶ In various cases reviewed by the Mission, victims reported being forced by DGCIM officials, under torture, to film or sign confession statements, and additional victims reported that SEBIN officials used the same tactics. The filmed statements were prepared for purposes of generating incriminating evidence as confessions or information, including phone and social media passwords,¹²⁸⁷ incriminating others - particularly high-profile opposition leaders,¹²⁸⁸ and/or public propaganda purposes.¹²⁸⁹

436. The Mission has also taken into account the jurisprudence that the design and maintenance of a justice system that affords impunity to those involved in the commission of crimes against real or perceived political opponents is indicative of high-level authorities’ involvement in the successful implementation of a plan.¹²⁹⁰ As the Mission has

¹²⁷⁹ Cases of DLZH3864, OJMN3081, DWIQ3850, CKKV3190, HOUM2179, IIGA9159; DBNY1176, QTHD5152, JTQK8761, NDTE4196, LAKG9334, HBMH1957, KHPO8582; YXJQ2711.

¹²⁸⁰ Interview FPSR9870.

¹²⁸¹ Interview FNKE5623.

¹²⁸² ICC, Prosecutor v Lubanga, Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction, ICC-01/04-01/06-3121-Red, 1 December 2014, paras. 474, ICC *Ntaganda Appeals Judgment*, 30 March 2021, paras. 20, 1041. Argentina, Federal Appeals Chamber, *Juntas Trial*, Case N° 13/84, 9 December 1985, consideration 7: “the direct perpetrators could not have carried out the ordered crimes if they had not been provided, by order of the commanders, with the necessary means for this purpose. Clothing, vehicles, fuel, weapons and ammunition, places to accommodate captives, provisions, etc., constituted an indispensable aid for the execution of the crime”.

¹²⁸³ Interview JGNT9363; A/HRC/45/CRP.11, para. 2102.

¹²⁸⁴ In the case of the arrest of Rosmit Mantilla, for example, some 10 to 12 SEBIN vehicles, including motorcycles, sedans and Toyota Hilux trucks were sent; Interview WSCA1266. In another case involving the arrest of one person, SEBIN sent 20 patrol cars and 15 to 20 motorcycles to carry out the arrest; Interview AGQY7976. The Mission received information about a private plane used by SEBIN, which was used to transport political detainees to Caracas, and was serviced by a flight crew of SEBIN agents; Interview HIEC1095.

¹²⁸⁵ Interview KPFA2078.

¹²⁸⁶ A/HRC/45/CRP.11, para. 317.

¹²⁸⁷ Ibid., para 282.

¹²⁸⁸ A/HRC/48/CRP.5, para. 286.

¹²⁸⁹ Interview RFLC1905.

¹²⁹⁰ Argentina, Federal Appeals Chamber, *Juntas Trial*, Case N° 13/84, 9 December 1985, considerations 2/XX and 7. Peru, Supreme Court of Justice, Special Criminal Chamber, *Fujimori Judgment*, A.V. 19-2001, para. 657. “In this way, impunity, designed and carried out from the highest State authority, the Presidency of the Republic - which, as has been repeatedly stated, could not have been achieved in any other way, given its dimension, risks and effects - was what was ultimately achieved. In addition, mechanisms of persecution were used against complainants and any effort, individual or collective, to clarify the facts, prosecute the perpetrators and punish those responsible was blocked. Such a complex, extensive, intense and persistent mechanism of impunity, as is patently clear, could not have been the autonomous work of the military structure or of a sector of the intelligence apparatus or secret services of the State. It would have to be, and in effect must have been, part of a plan organized by the Head of State. The involvement of all the public authorities and the state bodies

determined, there has been judicial inaction, and a lack of sufficient investigation and prosecution of these crimes.¹²⁹¹ As noted in the 2021 report, there is no information indicating that there have been investigations into most of these crimes. Only in a few cases, judgments have been handed down. However, in these instances, the most serious crimes were not taken into consideration and immediate superiors were not investigated, let alone those further up the chain of command.¹²⁹²

437. In its 2021 report, the Mission underlined that the appointment and discipline of judges and prosecutors outside of the requirements of the 1999 Constitution and subsequent laws has been especially detrimental to the independence of the justice system. In particular, the Supreme Tribunal of Justice's appointment of provisional judges, as opposed to career judges, has allowed it to select and dismiss judges on the basis of improper personal or political considerations. The provisional appointment of public prosecutors has had a similar effect within the Public Prosecutor's Office. Had the prosecutorial and judicial actors performed their constitutional role appropriately and fully, they could have prevented or placed impediments upon state security agencies' ability to commit crimes and violations.¹²⁹³

438. Individuals involved in these crimes and violations have not only escaped investigations and prosecutions but have received career promotions. Several high-ranking DGCIM officers identified as being involved in the direct perpetration of crimes have been promoted to higher military ranks.¹²⁹⁴

439. In 102 out of the 183 detentions of real or perceived opponents occurring between 2014 and 2021 reviewed by the Mission, high-level Government officials made public statements about the case, prior to or within hours or days of a detention carried out by security or intelligence forces.¹²⁹⁵ Government representatives who often made public statements included President Maduro,¹²⁹⁶ Diosdado Cabello (in his television show "*Con el Mazo Dando*"),¹²⁹⁷ Minister of Communications, Jorge Rodríguez Gómez;¹²⁹⁸ Minister of

responsible for investigation and prosecution can only be explained by the involvement of the President of the Republic, the only authority with the political weight and institutional dimension to be able to bring together such a vast array of interests that ran counter to the most cherished values of a democratic society."

¹²⁹¹ This includes medical professionals from SENAMECF, who reportedly evaluated detainees and certified that they were in good physical condition, despite detainees showing visible injuries; AJUJ5932; FDYR7642; PGE01565, PJKQ1311. and/or were forced to sign documents stating that they were in good physical condition; Document WYVO7358, on file with the Mission; Interview KEBW1671.

¹²⁹² A/HRC/45/CRP.11, para. 2101.

¹²⁹³ A/HRC/48/CRP.5, para. 472 and 486.

¹²⁹⁴ This includes Major Alexander Granko Artega, head of the Special Affairs Unit, who was promoted to the rank of Lieutenant Colonel in July 2020 by a resolution of the Ministry of Defence, Ministry of Defence, Resolution No. 036583, 1 July 2020; Colonel Franco Quintero, former director of the DEIPC in DGCIM, who was promoted to the rank of General also in July 2020; and Mr. Hannover Guerrero Mijares, current director of the DEIPC, who was promoted to the rank of Second Commander and Chief of Staff of the 35th Brigade of the Military Police by resolution of the Ministry of Defence in August 2020, Ministry of Defence Resolution No. 037274 of 18 August 2020.

¹²⁹⁵ A/HRC/48/CRP.5, para. 173.

¹²⁹⁶ See Cara de Lente, Presidente Maduro informa de 4 nuevos capturados por asesinato de Robert Serra, 17 October 2014, <https://www.youtube.com/watch?v=2VUXPwGvY3Q>

¹²⁹⁷ See Noticias Venezuela, Cabello confirma detención de "la negra Hipólita, 16 October 2014, https://www.youtube.com/watch?v=CZv7fnQqMhg&lc=Ugi_HLh_rC5qx3gCoAEC; YouTube Video, Noticias24, Con el Mazo Dando 24/01/2018, 24 January 2018, minute 03:16:10, available at: <https://www.youtube.com/watch?v=fXQPAulhGpU&t=12165s>; YouTube Video, Noticias Venezuela, Con El Mazo Dando 17/01/2018, 17 January 2018, minute 03:31:50, available at: <https://www.youtube.com/watch?v=bJiiZ6bpdFc&t=3004s>; YouTube Video, Luigino Bracci Roa, Diosdado Cabello muestra cronología y antecedentes del golpe intentado por mercenarios en lanchas, 5 May 2020, available at: <https://www.youtube.com/watch?v=IxGy5dAygaw>

¹²⁹⁸ YouTube Video, Luigino Bracci Roa, Jorge Rodríguez, rueda de prensa sobre Oswaldo García Palomo, 7 February 2019, available at: <https://www.youtube.com/watch?v=Emf7rsZ4yMw&t=2056s>; YouTube Video, Luigino Bracci Roa, Detuvieron a García Palomo haciéndole creer que militares

Defence, Vladimir Padrino López;¹²⁹⁹ Minister of the Interior, Néstor Reverol;¹³⁰⁰ Tarek El Aissami;¹³⁰¹ and Chief Prosecutor Tarek William Saab.

440. A former SEBIN officer told the Mission that Diosdado Cabello receives intelligence information from SEBIN.¹³⁰² In one example, Government officials announced detentions as part of the *Tun Tun* Operation against political dissidents. Diosdado Cabello first announced the arrests in his television programme “*Con el Mazo Dando*” in reference to detention of political dissidents and associates (“tun tun” mimics the sound of a knock on the door).¹³⁰³ On 24 June 2017, during a commemorative military event in Carabobo, President Maduro stated that all those detained during the Tun Tun Operation were being tried under military justice and would be “severely punished”.¹³⁰⁴

441. As noted in 2021, the Mission identified patterns including that, during these public statements, high-level officials presented the theory of the respective case, identified specific individuals referring to allegations regarding their participation in criminal acts, and publicized what high level officials claimed to be admissions, confessions, or other statements purportedly made by persons under investigation. This included statements made without a lawyer present, under duress/torture or while being held incommunicado.¹³⁰⁵

B. Control over the crimes through SEBIN and DGCIM

442. In the 2020 report, the Mission found, on reasonable grounds to believe, SEBIN and DGCIM to be functioning and organized entities, operating generally in accordance with established chains of command or authority and with established communication and reporting procedures.¹³⁰⁶ The Mission also found that the management level of these entities exercised effective control over their subordinates, in accordance with a functioning disciplinary system.¹³⁰⁷ Subsequent investigations carried out by the Mission have confirmed this, as set out below.

443. Individuals who have worked for these entities indicated to the Mission, as noted above, that the President had the ability to bypass established chains of command and sometimes gave orders directly to mid-level members of these entities.¹³⁰⁸ This does not suggest that these agencies were malfunctioning. Rather, it suggests that their design and

iban a alzarse en Caracas, 7 February 2019, available at:

<https://www.youtube.com/watch?v=M7dGFdxI54s>; YouTube Video, Luigino Bracci Roa, ¿Quién era Rafael Acosta Arévalo y por qué fue detenido? Videos mostrados por Jorge Rodríguez, 26 June 2016, available at: <https://www.youtube.com/watch?v=QhUPIRf-EIM>

¹²⁹⁹ Press Release of the FANB, 21 January 2019, available at:

<http://www.mindefensa.gob.ve/mindefensa/2019/01/21/comunicado-de-la-fuerza-armada-nacional-bolivariana-13/>

¹³⁰⁰ See e.g., YouTube Video, Luigino Bracci Roa, Néstor Reverol sobre captura de Oswaldo García Palomo, vehículo falso de FAES y sicarios, 31 January 2019, available at:

<https://www.youtube.com/watch?v=7Wi7PePInGo&t=318s>

¹³⁰¹ See, for example, YouTube Video Noticiero venesol, El Aissami ofreció detalles sobre la detención de Gilber Caro, available at: <https://www.youtube.com/watch?v=BMMIRgTtNtM>; other videos on file with the Mission. Link not provided for purposes of confidentiality.

¹³⁰² Interview JSHP5827.

¹³⁰³ See <https://www.facebook.com/DenseMemesHighlyCarteluo/photos/ya-te-cayo-la-operacion-tun-tun-mmghavista-sapo/468217607005293/>; YouTube Video, NTN24, “Con El Mazo Dando - Programa 301 | 13/05/2020, 13 May 2020, minute 37:15, available at: <https://www.youtube.com/watch?v=OQXj-UDpBU4>.

¹³⁰⁴ See Bien Dateao, Todos los detenidos en la operación tun-tun están bajo justicia militar, 25 June 2017, available at: <http://biendateao.com/todos-los-detenedos-en-la-operacion-tun-tun-estan-bajo-justicia-militar/>

¹³⁰⁵ A/HRC/48/CRP.5, para. 174.

¹³⁰⁶ A/HRC/45/CRP.11, para. 2097.

¹³⁰⁷ Ibid., para. 2097.

¹³⁰⁸ Ibid., para. 2098. Interview FGZU9056; Interview WYNC5872; Interview UDBX6258; Interview NCTF4030.

operation was tailored to the Government's need to maintain control. To be sure, the Mission does not intend to suggest that the attribution of liability for arbitrary detentions and acts of torture to those in the highest positions of authority requires proof of specific orders to proceed against identified individuals. To the contrary, such attribution is acceptable in situations where lower level participants are granted wide discretion with regard to the identification and fate of detainees.¹³⁰⁹

444. As stated above, the President has the authority to appoint the DGCIM Director General. The DGCIM Director, General Hernández Dala, reports to the President and has been appointed on the basis of his loyalty to the latter.¹³¹⁰ There is frequent contact¹³¹¹ and a close relationship¹³¹² between the two: the President is informed about what happens at DGCIM¹³¹³ and gives orders directly to the Director.¹³¹⁴ Within DGCIM, officers also hold a position of trust. They are freely appointed and removed by the Director General.¹³¹⁵ Evidence suggests that the President has the power to circumvent official lines of hierarchy within DGCIM, granting additional power to specific individuals, as for instance Granko Arteaga.¹³¹⁶

445. As stated above, the President also has the authority to appoint SEBIN's Director General.¹³¹⁷ SEBIN fell under the responsibility of the Vice President until 28 April 2021, when it was moved again under the oversight of Ministry of the Interior, Justice and Peace.¹³¹⁸ The Mission received information that the President maintains close communication with superiors within SEBIN and exercises control over the agency.¹³¹⁹ Several witnesses indicated to the Mission that President Maduro gave orders directly to the SEBIN Director General.¹³²⁰ The Mission also received evidence of a functioning chain of command within SEBIN, with its Director General, Gustavo González López, ordering operations (several of which involved human rights violations and the commission of crimes) and lower level units and officials complying with such orders.¹³²¹

¹³⁰⁹ ICC *Ongwen* Trial Judgment, ICC-02/04-01/15-1762-Red. 4 February 2021, para. 970; Argentina, Federal Appeals Chamber, *Juntas Trial*, Case Nº 13/84, 9 December 1985, consideration 7 "As established in the case, on a date close to 24 March 1976, the day on which the Armed Forces overthrew the constitutional authorities and took over the Government, some of the defendants, in their capacity as Commanders-in-Chief of their respective Forces, ordered an approach to the fight against terrorist subversion which basically consisted of: a) capturing those suspected of having links with subversion, according to intelligence reports; b) taking them to places within military units or under their command; c) once there, interrogating them with the use of torture, to obtain as much information as possible about other persons involved; d) subjecting them to inhuman treatment, with the aim of breaking their moral resistance; e) carrying out everything described above in utmost secrecy, kidnappers had to conceal their identity; the operations had to be carried out preferably at night, the victims had to be kept totally incommunicado, blindfolded and any authority, relative or friends had to be denied the existence of the kidnapped person and any possible places of detention; f) lower ranks had wide discretion to determine the fate of the detainee, who could then be released, referred to the National Executive, subjected to military or civil proceedings, or physically eliminated".

¹³¹⁰ Interview NSNM5712; Interview OKQZ6284.

¹³¹¹ Interview WEHW3443.

¹³¹² Interview ZKXR7751.

¹³¹³ Interview CSFL4523.

¹³¹⁴ Interview WSIZ8148; Interview MVMH1050; Interview PVYH9653.

¹³¹⁵ DGCIM Organic Regulations, art. 16.

¹³¹⁶ Interview WXXF7828; Interview PEPT7918.

¹³¹⁷ SEBIN 2013 Regulations, art. 2.

¹³¹⁸ Decree Nº 2524, Reglamento Orgánico del Servicio Bolivariano de Inteligencia Nacional (SEBIN), published in Official Gazette No. 40.153, 24 April 2013, available at: <http://www.franciscosantana.net/2013/04/reglamento-organico-del-servicio.html>; Presidential Decree No. 4.601 of 29 April 2021, published in the Official Gazette No. 42.116 of 29 April 2021, art. 1, available at: <https://ojdt.com.ve/archivos/gacetas/2021-05/42116.pdf> (hereinafter "Presidential Decree No. 4.601").

¹³¹⁹ Interview LJUG2079; Interview QALD4978; Interview XWIA8987; Interview LXZX9760.

¹³²⁰ Interview OFHM1320; Interview EMBB1353; Interview DLYP5015.

¹³²¹ Interview GSNB8831.

446. Diosdado Cabello, as referred to by witnesses, holds significant power over SEBIN and has also given direct orders to the SEBIN Director General.¹³²² As noted above, various witnesses confirmed that Diosdado Cabello has developed a trusted relationship with SEBIN's Director General over the years, Gustavo González López.¹³²³ In his role as Director General of SEBIN, González López receives direct orders from Diosdado Cabello and unofficially reports to him.¹³²⁴ Orders include which people to detain and which individuals to release.¹³²⁵ A former SEBIN employee told the Mission that Mr. Cabello has "his" political prisoners in El Helicoide.¹³²⁶

C. Compliance with orders

447. As stated above, the information received by the Mission leads to the conclusion that the crimes in question were not committed randomly but are the result of a plan masterminded by the President, seconded by other officials at the highest level of State authority. This plan was implemented through well-organized structures, as are SEBIN and DGCIM.

448. Attributes of SEBIN and DGCIM ensure a virtually automatic compliance with orders. They reveal a functioning disciplinary system that ensures compliance with lawful orders.¹³²⁷ But they also exhibit characteristics that ensure the execution of violations and crimes under the mandate of the Mission, when this is necessary or convenient for the purpose of silencing, discouraging and quashing opposition to the Government.

449. First, measures have been taken to ensure that both DGCIM and SEBIN possess a sufficient pool of potential perpetrators of violations and crimes. As a result, refusal of one person to comply with an order would not frustrate the commission of the crime because there will always be someone else available to do it. In other words, "[i]t is enough for the perpetrator to control the levers of the apparatus, for if one of the executors fails to carry out the task, another who will do it will immediately become available, without jeopardising the execution of the overall plan".¹³²⁸

450. A person with inside knowledge interviewed by the Mission concluded that a plan was in place to ensure the availability of torturers: "[t]here are people with a certain pathology who are easy to identify. If someone is committing bad acts, and the person enjoys watching these acts, he or she is a candidate. If they don't, they are taken out. There is a way of identifying people who would take part in these practices because of the way they react to these violent practices."¹³²⁹ Some are psychopaths, who enjoy committing acts of torture.¹³³⁰ Initially, there were few people willing to take part in these practices, but this methodology has generated a larger pool of potential perpetrators.¹³³¹ A former detainee told the Mission that there are five brigades in charge of carrying out arbitrary detentions and of carrying out acts of torture against detainees inside El Helicoide.¹³³² According to persons with inside knowledge, the fact that there are enough perpetrators available for

¹³²² Interview GPQZ7875; Interview ZMQX1458; Interview SEGS9337.

¹³²³ Interview LMQJ5754; Interview CEWO3099; Interview RSIV9741.

¹³²⁴ Interview YRKY6560; Interview LRVII506; Interview RVBY2054; Interview KGWW4618; Interview HHRK2768.

¹³²⁵ Interview SOXZ7013; Interview ZIDM6355; Interview ZSUK9313.

¹³²⁶ Interview CSUL4585.

¹³²⁷ A/HRC/45/CRP.11, para. 2097.

¹³²⁸ Peru, Supreme Court of Justice Special Criminal Chamber, Barrios Altos, La Cantuta and SIE Basement cases, Judgment, 7 April 2009, Decision No. AV 19-2001 (the 'Barrios Altos Judgment'), para. 720; Argentina, Federal Appeals Chamber, *Juntas Trial*, Case N° 13/84, 9 December 1985, consideration 7.

¹³²⁹ Interview LVJV9449.

¹³³⁰ Interview ODZH3097.

¹³³¹ Interview XXUN1763.

¹³³² Interview ZGMN6113.

these practices has led to the idea, among potential perpetrators, that torture will not be prevented simply by not engaging in it, since “if one does not do it, someone else will”.¹³³³

451. The Mission received information that many low-level officials serving in El Helicoide were very young,¹³³⁴ belonged to vulnerable communities outside of Caracas¹³³⁵ and some were illiterate.¹³³⁶ Several witnesses also described incidents when SEBIN guards in El Helicoide were noticeably under the influence of alcohol and/or other intoxicating substances.¹³³⁷ Recruiting and putting to operation in these positions very young individuals without sufficient training and under the influence of intoxicating substances further supports the assumption they would not object to the commission of crimes and violations.

452. Once involved in these practices, perpetrators can no longer opt out or distance themselves at the risk of suffering professional consequences or punishment against themselves or their families.¹³³⁸ One reliable source explained that the system operates in a way that ensures that participating individuals cannot leave and speak about what goes on inside. In so doing, the system assimilates them, as this individual put it, the system “eats them up”.¹³³⁹

453. A former DGCIM employee told the Mission that those who participated in arbitrary detentions could not refuse to carry them out, because if they did, they would be investigated as possible dissidents, which could lead to their disappearance.¹³⁴⁰ A former SEBIN agent told the Mission that the torture of detainees was mostly ordered by Gustavo González López and Carlos Calderón Chirinos.¹³⁴¹ If SEBIN agents refused to participate in acts of torture, Calderón Chirinos would beat them up to intimidate them “and thus command respect”.¹³⁴²

454. Those who committed acts of torture could do so without fear of reprisals, either from superiors or the wider justice system. According to a witness with inside knowledge, committing torture in these detention centres “has no cost”.¹³⁴³ This is confirmed by the absence of criminal investigations and prosecutions in relation to this practice, as outlined above.

455. Conversely, those obtaining the requested results, i.e. obtaining information through acts of torture, would be rewarded.¹³⁴⁴ Witnesses interviewed by the Mission with in-depth knowledge of DGCIM practices have confirmed that the individuals who carried out torture in SEBIN and DGCIM benefited, in the first place, from the possibility of remaining in their posts and positions within the detention centres. In this way, they are guaranteed receiving their salaries and benefits from other privileges.¹³⁴⁵ The Mission received information that those who participated in acts of torture would “look good to those at the top”.¹³⁴⁶ As a result, they were rewarded if they carried out the mission.¹³⁴⁷ They were awarded promotions, were chosen for courses and gained respect in the institution.¹³⁴⁸ They

¹³³³ Interview HMZA9729; Interview VNUW9391.

¹³³⁴ Interview C2EE04.

¹³³⁵ Interview JKPW4566; Interview C2EE04.

¹³³⁶ Interview CGUS1296.

¹³³⁷ Interview IIGA9159; Interview OSUC7123; Interview C2EE04; Interview IJYA9842; Interview VTIP7053.

¹³³⁸ Interview FDJD1855; Interview LJUG2079.

¹³³⁹ Interview RIXC1014.

¹³⁴⁰ Interview AZEK1390.

¹³⁴¹ Interview OHTP1740.

¹³⁴² Ibid.

¹³⁴³ Interview SPMO2142.

¹³⁴⁴ Ibid.

¹³⁴⁵ Interview LZMO3717; Interview BMZK3962.

¹³⁴⁶ Interview LOWF1117.

¹³⁴⁷ Interview QAWW7322.

¹³⁴⁸ Interview JYNL5453; Interview ZABU5411; Interview HGAP7751.

acted with the conviction that those who were most loyal would be protected and rewarded; “this was the culture of the system”.¹³⁴⁹

456. In addition, by remaining in these positions, they were also exposed to opportunities for financial benefits.¹³⁵⁰ A witness interviewed by the Mission confirmed that people who participate in the commission of violations and/or crimes obtain financial resources and that this is the reason for their loyalty.¹³⁵¹ According to another witness, the salary of DGCIM officials can be as low as around \$10/month.¹³⁵² DGCIM officials allegedly supplement this income by taking the assets from raids.¹³⁵³ Those who intervene in raids have the opportunity to steal cash, jewellery, electrical appliances, clothes, wedding rings, cameras, cars and other items.¹³⁵⁴ In an example discussed above, DGCIM officials forced a victim to reveal the passwords to his computer, phone and bank accounts, and over the next several days withdrew significant amounts from several accounts, in cryptocurrency and cash.¹³⁵⁵ Officials have also been accused by victims of appropriating real estate from private citizens.¹³⁵⁶

D. Determinations

457. In chapters II. C. and III. C. above, it has been established on reasonable grounds to believe that individuals who operated within SEBIN and DGCIM were involved in the commission of crimes and violations falling within the Mission’s mandate. In this chapter, the Mission has analysed the factors that indicate responsibility of certain individuals above the Directors of SEBIN and DGCIM.

458. Information gathered by the Mission, both from present and previous investigations, supports that the President, seconded by other high-level State officials, put in place a policy/plan that included acts aimed at silencing, discouraging and quashing opposition to the Government, by targeting opponents, persons perceived as such and their relatives or friends. This conduct included the commission of violations and crimes through individuals serving in DGCIM’s Boleíta and SEBIN’s Helicoide.

459. SEBIN and DGCIM operate as hierarchical and organized institutions under the control of the President, seconded by other high-level State officials. To ensure compliance with orders, SEBIN and DGCIM maintain a sufficient pool of available individuals, recruited amongst those prone to commit arbitrary detentions and acts of torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence. The selection takes into account the manner they react to violent practices, they are often very young and belonged to vulnerable communities. In addition, a system of rewards (promotions and financial benefit) and punishments (retaliation against them and their families) is maintained to ensure compliance. SEBIN and DGCIM are staffed and structured in such a way as to ensure high-level individuals that orders to carry out crimes and violations would be followed, with quasi-automatic compliance.

460. As reminded above, the level of responsibility increases as the analysis draws further away from the person who executes the violations and crimes to reach the higher ranks of

¹³⁴⁹ Interview UUGR7961.

¹³⁵⁰ Interview WEHW3443; Interview WHOP1260.

¹³⁵¹ Interview KNEH1939.

¹³⁵² Interview WJDO5190.

¹³⁵³ Interview QTOM9451.

¹³⁵⁴ Interview JNFX2249; Interview OIZU1676 ; Interview FJGK7596; Interview QIQM3896.

¹³⁵⁵ Interview JHWJ1571, 31 March 2021. The Mission has reviewed a statement from Coinbase (a crypto currency exchange platform) confirming that withdrawals were made to Mr. Marrón’s account from within Venezuela between 11 April and 18 April 2018, resulting in a negative balance to the account and money owed to the company. Email from Coinbase support to Carlos Marrón, 22 October 2020, document on file with the Mission.

¹³⁵⁶ Interview ODXD2786; Interview KEVI5995.

command.¹³⁵⁷ The Mission finds, with reasonable grounds to believe, that the President and the high-level State officials that seconded him should be subjected to judicial investigations for their responsibility with regard to the crimes and violations committed through DGCIM and SEBIN officials, described and discussed in the present report.

V. Recommendations

A. Recommendations to the Bolivarian Republic of Venezuela

461. Carry out prompt, effective, thorough, independent, impartial and transparent investigations for human rights violations and crimes of those individuals identified in the present report. In doing so, ensure that they are subjected to due process and fair trial guarantees, in line with international human rights norms and standards. The relevant conduct should include the use of torture and cruel and inhuman treatment and sexual and gender-based violence in SEBIN's El Helicoide and DGCIM's Boleíta, committed against real and perceived Government opponents:

Heavy beatings with bats and sharp objects; electric shocks to sensitive parts of the body; asphyxiation with toxic substances and water; cuts and mutilations including in the bottom of their feet and under their nails; the use of a device called the "señorita", to lift and distort bodies and lower them into water tanks; rape with objects; beating and electric shocks to the genitals; constant lighting or constant darkness; extreme heat or extreme cold; forceful feeding of faeces and vomit; and death threats and threats of rape to victims and family members.

462. Ensure that the investigations carried out encompass perpetrators, both direct and indirect, and accomplices at all levels in the chain of command, with respect to all violations and crimes documented herein.

463. Guarantee that victims, direct and indirect, are granted appropriate and gender-sensitive reparations, including compensation, restitution and rehabilitation, whenever applicable with respect to the harm they have suffered.

464. Ensure that victims, direct and indirect, are granted effective protection measures.

465. Suspend those members of SEBIN and DGCIM while they are being investigated with respect to the violations and crimes identified in the present report.

466. Reform SEBIN and DGCIM, including their leadership, establish an independent oversight mechanism to ensure a real/effective and lasting change in practice.

B. Recommendations to the International Community

467. States should consider initiating legal actions against individuals responsible for violations and crimes identified in the present report, in accordance with their relevant domestic legislation and applicable international principles.

468. The International Criminal Court should, in its consideration as to whether Venezuela is investigating and prosecuting genuinely crimes falling under its jurisdiction, analyse whether proceedings are being conducted against the individuals identified in the present report, particularly those at mid and high levels of responsibility.

469. The Trust Fund for Victims of the International Criminal Court should consider, in the implementation of its assistance mandate and at the relevant procedural stage, the harms suffered by victims set out in the present report.

¹³⁵⁷ District Court of Jerusalem, Criminal Case No. 40/61, Judgment, 11 December 1961, Attorney General of the Government of Israel vs Adolf Eichmann, para. 197.