



General Assembly

Distr.: General
17 November 2022

Original: English

Human Rights Council

Fifty-first session

12 September–7 October 2022

Agenda item 4

Human rights situations that require the Council's attention

Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela*

Summary

The present report, submitted to the Human Rights Council pursuant to its resolution 45/20, contains the findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. The report is focused on two topics that were prioritized in the mission's investigations: (a) crimes against humanity committed through structures and individuals in the State's intelligence services as part of a State plan to repress opposition to the Government; and (b) the human rights situation in the Arco Minero del Orinoco region and other areas in Bolívar State.

With this report, the mission aims to draw further attention to the unremitting human rights crisis in the country, fuelled by hollowed-out State institutions, while putting the spotlight on often-ignored situations and groups, including Indigenous Peoples.

* The present report was submitted after the deadline as to include the most recent information.



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I. Introduction

A. Background

1. In its resolution 42/25, the Human Rights Council decided to establish an independent international fact-finding mission on the Bolivarian Republic of Venezuela.

2. The mission presented its first report to the Human Rights Council at its forty-fifth session.¹ The report was focused on human rights violations and crimes in the context of targeted political repression, security operations and protests. The mission concluded that there were reasonable grounds to believe that some of the events documented in that report amounted to crimes against humanity. The report included the mission's initial assessment of responsibility for the violations and crimes identified.²

3. In its resolution 45/20, the Human Rights Council extended the mission's mandate for two years, until September 2022. The mission has continued to investigate gross violations of human rights, including extrajudicial executions, enforced disappearances, arbitrary detention and torture and other cruel, inhuman or degrading treatment, including those involving sexual and gender-based violence, committed since 2014, with a view to combating impunity and ensuring full accountability for perpetrators and justice for victims.

4. The mission presented its second report, focusing on the judicial system, to the Human Rights Council at its forty-eighth session.³ The mission concluded that the justice system directly contributed to perpetuating impunity for human rights violations and crimes and prevented victims from accessing effective legal recourse and judicial remedies and, in some cases, contributed to a State policy to quash the opposition.

5. The present report, submitted pursuant to Human Rights Council resolution 45/20, is accompanied by two conference room papers⁴ containing the mission's detailed findings on the following two subjects previously identified as requiring further examination:

(a) Crimes against humanity committed through structures and individuals in the State's intelligence services as part of a State policy to repress persons opposed to the Government;

(b) The human rights situation in the Arco Minero del Orinoco region and other areas in Bolívar State.

6. The focus of the present report should in no way be understood as being aimed at minimizing or ignoring other cases involving gross human rights violations in the Bolivarian Republic of Venezuela and should not be construed as suggesting that other violations and crimes have not occurred, nor that parts of the country not mentioned in the report have not been affected by similar patterns.

7. The investigation leading to the drafting of the present report faced a series of limitations, in particular security concerns, including victims' fear of reprisals. Although the lack of access to the Venezuelan territory created challenges, those security concerns would have likely curtailed the mission's ability to conduct effective investigations in the country. The investigations related to the situation in Bolívar State were hampered by the additional challenge of poor telecommunications infrastructure in the area.

8. Moreover, the mission's capacity to carry out in-depth investigations beyond the current areas of focus was further curtailed by staffing concerns. Unstable and short-term

¹ [A/HRC/45/33](#).

² *Ibid.*, paras. 161–166. See also the conference room paper containing the detailed findings of the mission (available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf), paras. 2084–2105.

³ [A/HRC/48/69](#).

⁴ Available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/2022-09-20/FFMV-CRP-2-English.docx> and <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/2022-09-20/FFMV-CRP-3-English.docx>.

contractual arrangements, linked to unexpected staff transfers, resulted in significant staff turnover. There is an urgent need for the Office of the United Nations High Commissioner for Human Rights to find a solution that ensures that recruitment processes are compatible with the temporary character of mechanisms such as the mission, in order to allow them to fully develop their investigative potential.

9. The mission remains concerned about continued allegations of gross violations of human rights in the Bolivarian Republic of Venezuela as a whole, including:

(a) Acts of torture and cruel, inhuman and degrading treatment, including sexual and gender-based violence, by State law enforcement and intelligence services, consistent with previously identified patterns, and conditions of detention amounting to cruel, inhumane or degrading treatment against real or perceived opponents of the Government and their families and other individuals associated with them, including Indigenous persons;

(b) Killings consistent with previously documented patterns of extrajudicial executions and other violations in the context of security operations in low-income urban neighbourhoods in various parts of the country. These require more in-depth investigation, but available information indicates that such killings have continued at a worrying level;

(c) Extrajudicial killings, enforced disappearances, forced labour and sexual exploitation, including sexual slavery and trafficking in persons, in border and remote areas. The mission remains particularly concerned about the situation in the States of Amazonas and Delta Amacuro, in particular with regard to alleged violations against Indigenous Peoples;

(d) Continued persecution, intimidation and arbitrary detention of media workers, members of civil society organizations, human rights defenders and lawyers.

10. The mission remains particularly concerned about legal and institutional reforms related to the justice system. Reforms announced since 2021 have been only partially implemented at best, and have failed to address the serious flaws in the justice system that undermine its independence and impartiality.⁵

11. In January 2022, the National Assembly approved reforms to the Organic Law on the Supreme Court of Justice,⁶ reducing the number of magistrates from 32 to 20. Under the law, serving justices, who otherwise are not able to keep serving beyond the 12-year term limit stipulated in the Constitution, are allowed to reapply. As a result, 12 of the previously serving magistrates were reappointed and continue to exercise discretionary powers over appointments and removals of provisional judges.⁷ Furthermore, the provisional appointment of public prosecutors remains unaddressed. These developments have taken place amid concerns about the independence of the Judicial Nominations Committee, as the mission has previously noted.⁸

12. Time limits in criminal proceedings, including for pretrial detention, have been reduced through the reform of the Criminal Procedure Code introduced in October 2021.⁹ However, in the cases documented by the mission, such time limits remain systematically unenforced in practice.

13. In September 2021, the National Assembly amended the Organic Code of Military Justice, establishing that no civilian may be tried by military courts.¹⁰ The mission, however,

⁵ A/HRC/48/69, paras. 14–56.

⁶ Organic Law reforming the Organic Law on the Supreme Court of Justice, *Official Gazette* No. 6,684 Extraordinary, 19 January 2022.

⁷ Venezolana de Televisión, “Presidenta del TSJ presenta informe de primeros 100 días de gestión”, 14 August 2022.

⁸ Marta Valiñas, Chair of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, statement to the Human Rights Council at its forty-ninth session, Geneva, 18 March 2022.

⁹ Organic Law for the Reform of the Organic Code of Criminal Procedure, *Official Gazette* No. 6,646 Extraordinary, 17 September 2021.

¹⁰ Organic Law partially reforming the Organic Code of Military Justice, *Official Gazette* No. 6,646 Extraordinary, 17 September 2021.

regrets the ruling of the Supreme Court of Justice on 9 December 2021, which allows military courts to exercise jurisdiction over civilians, with the sole requirement of a reasoned order by a military judge.¹¹

14. Should the Human Rights Council decide to renew its mandate, the mission will continue to investigate these and other situations, while considering both State and individual responsibility and victims' rights to justice and redress with respect to the violations and crimes documented.

B. Methodology and standard of proof

15. The mission continued to follow established methodologies and best practices for human rights fact-finding, as developed by the United Nations,¹² paying specific attention to gender issues and the gendered impact of violations.¹³ The mission conducted its work in accordance with the principles of independence, impartiality, objectivity, transparency and integrity.

16. The mission continued to use "reasonable grounds to believe" as its standard of proof. This standard of proof is lower than that required in criminal proceedings for a criminal conviction (beyond a reasonable doubt) and that required to sustain an indictment. The standard is met when factual information has been collected that would satisfy an objective and ordinarily prudent observer that the incident has occurred as described with a reasonable degree of certainty.¹⁴

17. The mission identified several individuals responsible for human rights violations and crimes against humanity, with a view to combating impunity and ensuring full accountability for perpetrators. The mission recalls, however, that the individual criminal responsibility of those individuals must be duly investigated and a determination must be made by the competent judicial authorities, in either a national or an international jurisdiction.¹⁵

18. The mission conducted interviews with 246 individuals (140 men and 106 women) during the present cycle, both in person and remotely, by means of secure telephone and video connections. Given the lack of authorization to carry out investigations in the territory of the Bolivarian Republic of Venezuela, the mission's secretariat team conducted two missions to areas near the country's border. The mission's three experts visited border areas in July 2022.¹⁶ In addition, the mission included information from the 383 interviews (216 with men and 167 with women) conducted during previous investigations whenever relevant.

19. The mission ensured that it had the informed consent from each person it interviewed before using any information provided by them. It has anonymized the identities of sources, witnesses and victims, where revealing them could place the individual and/or their family members at risk of reprisals. The identities of certain individuals responsible for human rights violations have similarly been concealed, following a risk analysis. The mission maintains a full database of information and evidence upon which it bases the analysis and conclusions contained in the present report.

20. Owing to the limitations described above, in particular in investigating facts occurring in Bolívar State, in certain cases the mission had to rely on an analysis of secondary evidence to investigate relevant aspects of the underlying facts. In those cases, the mission has identified the need to conduct further inquiries and has abstained from making factual determinations.

¹¹ Supreme Court of Justice, Case No. 0735, Docket No. 19-479, 9 December 2021.

¹² The methodology used by the mission is set out in [A/HRC/45/33](#) (paras. 6–11).

¹³ The two conference room papers that accompany the present report include sections on sexual and gender-based violence.

¹⁴ [A/HRC/45/33](#), para. 9.

¹⁵ *Ibid.*, paras. 9 and 165–166; and [A/HRC/48/69](#), para. 13.

¹⁶ Office of the United Nations High Commissioner for Human Rights, "Fact-finding mission on Venezuela concludes field visit near the border with Venezuela", 25 July 2022. Available at www.ohchr.org/en/hr-bodies/hrc/ffmv/ffm-expert-venezuela-2022.

21. The Human Rights Council, in its resolutions 42/25 and 45/20, urged the Venezuelan authorities to cooperate fully with the mission, to grant it immediate, full and unfettered access to the country and to provide it with all the information necessary to fulfil its mandate. The mission regrets that, three years into its mandate, the Government of the Bolivarian Republic of Venezuela has neither permitted its members to visit the country nor responded to any of the 10 letters that it sent between September 2021 and September 2022.

22. The mission expresses its deepest gratitude to those who shared their traumatic experiences and for the assistance provided by human rights defenders, national and international civil society organizations, Indigenous Peoples' organizations, former State officials and United Nations agencies and partners.

II. Crimes against humanity committed through State intelligence services

A. Background and context

23. In its report to the Human Rights Council at its forty-fifth session, the mission concluded that it had reasonable grounds to believe that most of the violations and crimes documented in that report had been committed as part of a widespread and systematic attack directed against the civilian population in the context of a policy to suppress opposition to the Government.¹⁷ The mission identified six main structures as perpetrators of human rights violations and crimes falling within its mandate.

24. Among those structures were the State military and civilian intelligence services, the Directorate General of Military Counter-intelligence (DGCIM) and the Bolivarian National Intelligence Service (SEBIN), respectively. The mission concluded that individuals at different institutional and hierarchical levels in the two bodies were involved in those violations and crimes, with a view to suppressing real and perceived opposition to the Government.¹⁸

25. The present report expands on the mission's findings from 2020 and 2021 to focus on the roles of the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence as institutions, as well as in terms of specific individuals, in the above-mentioned violations and crimes. The report reflects a deeper understanding of those structures and the roles and contributions of those at different levels in the chains of command, with the objective of advancing determinations of responsibility.

26. The crimes and violations committed by members of the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence – crimes that, as noted previously, amount to crimes against humanity¹⁹ – were of particular cruelty and committed against individuals who were defenceless. 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. Admittedly, the peak periods of illegal arrests followed by torture ended in 2019. This is due to the fact that, over time and given the brutality of the execution of the plan, political dissent was largely crushed, which, compounded by the impact of the coronavirus disease (COVID-19) pandemic over people's ability to protest, has resulted in an overall decrease in the number of such incidents reported.

27. Nevertheless, the structures of the Directorate General of Military Counter-intelligence and the Bolivarian National Intelligence Service remain the same to date, and the patterns of conduct within those agencies, as previously documented by the mission, persist. Various individuals suspected of crimes and violations continue to work within the Bolivarian National Armed Forces and some were awarded promotions in 2022. Several cases concern acts committed as recently as the second half of 2021 and early 2022. Although

¹⁷ A/HRC/45/33, para. 160.

¹⁸ Ibid., paras. 34–70.

¹⁹ Ibid., paras. 161–162.

some progress has been made in the transfer of persons out of detention centres run by the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence – in accordance with Presidential Decree No. 4610 of May 2021 – many political detainees are yet to be transferred.

B. Directorate General of Military Counter-intelligence

1. Structure and chain of command

28. The Directorate General of Military Counter-intelligence is an organ of the Bolivarian National Armed Forces. It has broad powers to execute counter-intelligence activities and is also tasked with preventing subversive activities against the Armed Forces and protecting the President.²⁰ It has its origins in the Directorate General of Military Intelligence, which was mainly tasked with collecting information from abroad. The mission received information that, when Nicolás Maduro became President, in 2013, the Directorate General of Military Counter-intelligence had taken on a counter-terrorism approach by targeting real or perceived enemies of the Armed Forces.

29. While the Directorate General of Military Counter-intelligence is administratively under the Ministry of Defence, the President has functional and organizational control of the agency, as the Commander-in-Chief of the Bolivarian National Armed Forces.²¹ The headquarters of the Directorate General are located in the Caracas suburb of Boleíta Norte, which houses detention cells and administrative offices. Furthermore, the agency has eight regional offices throughout the country.

30. The Directorate General of Military Counter-intelligence is headed by a Director General, who reports directly to the President.²² Beneath the Directorate General is a Subdirector General and various line directorates in charge of tasks including operations, counter-espionage and surveillance, as well as various administrative units. The two directorates most relevant for the purposes of the present report are the Special Criminal and Forensic Investigation Department and the Special Affairs Department.

31. The Special Criminal and Forensic Investigation Department is, according to former employees of the Directorate General of Military Counter-intelligence, in charge of conducting investigations against, arresting and interrogating potential targets. It manages most detention cells on the two basement levels of Boleíta Norte, where torture and other forms of ill-treatment against detainees are systematic. It is headed by a director, who reports directly to the Director General of the Directorate General of Military Counter-intelligence and his deputy.

32. The Special Affairs Department falls outside of the formal organizational structure of the Directorate General of Military Counter-intelligence and has been described as the agency's "shock force". The Department has significant autonomy in its operations and is often involved in what one former employee described as the "dirty work" of the Directorate. Both the Special Criminal and Forensic Investigation Department and the Special Affairs Department have been implicated in acts of torture, including sexual violence, arbitrary detentions and short-term enforced disappearances, by multiple former detainees and other sources. Officers from the two entities sometimes collaborate during operations, in particular in high-profile cases.

33. Former officials of the Directorate General of Military Counter-intelligence told the mission that Cuban State agents had instructed, advised and participated in intelligence and counter-intelligence activities with the Directorate. The mission reviewed confidential written agreements between the Governments of Cuba and the Bolivarian Republic of Venezuela, in which Cuba was given a formal role in restructuring Venezuelan military

²⁰ Organic Regulations of the Directorate General of Military Counter-intelligence, Presidential Decree No. 1605, *Official Gazette* No. 40,599 of 10 February 2015, art. 3.

²¹ *Ibid.*, art. 2.

²² *Ibid.*, art. 6.

counter-intelligence services and in training officers. The agreements dated back to 2006 and the cooperation is ongoing.

2. Modus operandi

(a) Selection of targets, surveillance and arrests

34. The mission investigated the cases of 122 current and former Bolivarian National Armed Forces officers and civilians associated with them who were arrested, detained and tortured by the Directorate General of Military Counter-intelligence between 2014 and 2021. The peak period of detention in Boleíta Norte was 2017–2019.

35. According to the mission's analysis and information received, real and perceived dissidents and Government opponents were targeted for detention on the basis of criteria that 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 subject to acts of extortion. In certain cases, the President and persons of his inner circle, as well as other high-level officials, were involved in selecting targets.

36. The Directorate General of Military Counter-intelligence gathered information on targets through tips, military sources, a network of informants, the infiltration of opposition sectors and telephone and digital surveillance, often without a court order. Arrests of targets were carried out by agents, usually from the Special Criminal and Forensic Investigation Department, either acting alone or working with other State police or security actors. The latter cooperation indicates coordination at a higher political level in those operations.

37. The mission has documented numerous irregularities during arrests carried out by the Directorate General of Military Counter-intelligence. They include a failure to present warrants and arrests made on the basis of false evidence. The mission has also documented several cases in which excessive force was used during arrests, including the shooting of arrestees. Another frequent tactic was to arrest or orchestrate the kidnappings of family members to pressure targets into turning themselves in.

38. According to former employees and other sources, the Directorate General of Military Counter-intelligence routinely planted or manipulated evidence to falsely frame targets. Tactics included planting weapons or political propaganda in the homes of targets and the use of torture to pressure detainees into making false accusations. It made extensive use of telephone and digital surveillance and often manipulated recordings to frame targets.

39. According to former employees and detainees, officials of the Directorate General of Military Counter-intelligence routinely raided the properties of targets to steal money and other valuables. Several detainees also reported being extorted during interrogations, including for large sums of money, by officials.

(b) Conditions of detention

40. Former detainees who were held in Boleíta Norte described being subjected to extremely harsh detention conditions. Cells lacked natural light, while time outside and access to sanitary facilities were heavily restricted. Prisoners described having to defecate into plastic bags or bottles and being forced to eat food from the floor.

41. Apart from its detention cells in Boleíta Norte, the Directorate General of Military Counter-intelligence relied on a network of covert detention centres (*casas de seguridad*) throughout the Bolivarian Republic of Venezuela, where detainees were brought to be interrogated and subjected to torture and sexual violence. Those covert detention cells were managed by the Special Affairs Department. The mission has documented multiple cases of individuals who were detained arbitrarily or subjected to short-term enforced disappearances and held incommunicado outside legal supervision in such *casas de seguridad*.

(c) Torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence

42. 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 agents of the Directorate General of Military Counter-intelligence between 2014 and 2021. Acts of torture were carried out to extract alleged confessions, obtain information, punish, intimidate, humiliate or coerce, and in some cases to steal money or other assets. Victims were tortured over a period of days or weeks. They were generally tortured during interrogations shortly after arrest, but some were also tortured during later periods of detention.

43. The Directorate General of Military Counter-intelligence relied on a range of torture methods, including heavy beatings with objects, electric shocks, asphyxiation with plastic bags and stress positions, as well as psychological torture such as “white torture”. The torture could result in serious and/or permanent physical injury, as well as severe psychological trauma and depression. The mission has documented cases of loss of sensory or motor functions, reproductive injuries and at least one miscarried pregnancy as a result of acts of torture inflicted by agents.

44. Officials also perpetrated acts of sexual or gender-based violence against military and civilian detainees during interrogation to elicit information, degrade, humiliate or punish them. Such acts include rape, threats to rape 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.

3. Individual responsibility

45. The mission has reasonable grounds to believe that six individuals, whose acts and conduct have been set out in the mission’s detailed findings, may bear criminal responsibility for the events described in this report, and should be investigated. The identities of some of those individuals, at the line directors level and above, have been provided in the accompanying conference room paper. Those conclusions were based on the consistent evidence of more than 40 witnesses, including victims, family members and former officers of the Directorate General of Military Counter-intelligence. The information received shows that persons at the low and middle levels of the Directorate were involved in the execution of crimes and violations. At higher levels of responsibility, officials issued orders and had knowledge of the crimes and violations being committed.

46. The mission found reasonable grounds to believe that two individuals working at the low and middle levels of responsibility within Boleíta Norte were implicated in acts of torture, including sexual violence, either directly or indirectly. Multiple witnesses, including victims, provided statements and other material to the mission in support of the allegations against those individuals. For instance, at least 10 former detainees pointed to the direct participation of one of the officials in acts of torture. Testimony from the victims is consistent with the patterns of torture and other human rights violations documented by the mission. Accordingly, the identified individuals have:

- (a) Beaten multiple detainees, including with objects such as a bat and a table;
- (b) Asphyxiated detainees with plastic bags or grenade smoke;
- (c) Applied the “*señorita*”, a torture device, to lower bodies into water tanks;
- (d) Applied electric shocks to detainees, including to detainees’ testicles;
- (e) Committed acts of sexual violence, including raping detainees with wooden sticks;
- (f) Threatened to rape and kill members of detainees’ families if they did not provide certain information;
- (g) Put pins inside the fingernails of detainees;
- (h) Instructed lower-ranking officials to carry out acts of torture;

(i) Participated in operations whereby family members of targeted individuals were detained, in order to pressure targets to surrender.

47. The mission has, in addition, considered the acts and conduct of four individuals at the middle and higher levels of responsibility within the Directorate General of Military Counter-intelligence. Those individuals held or continue to hold positions such as line directors and Director General. They are all subject to international sanctions by the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union.

48. As noted above, the Special Criminal and Forensic Investigation Department has been implicated in a range of human rights violations, including torture, sexual violence, arbitrary arrest and short-term enforced disappearance. The directors participated in the violations directly, committed them through their subordinates and/or ordered subordinates to torture detainees. Moreover, individuals in those roles were responsible for the crimes and violations committed by subordinates under their authority and control. They were also implicated in sexual violence against detainees, including as direct perpetrators or through their subordinates. The witnesses stated that the directors were present at times during the torture sessions. Moreover, they ordered agents from the Directorate General of Military Counter-intelligence to raid the properties of detainees to seize their valuables and other assets, or tortured detainees until they signed powers of attorney allowing them to take their property.

49. At a similar level of hierarchy within the Directorate General of Military Counter-intelligence, the mission received information about crimes and human rights violations within the Special Affairs Department. According to consistent information received by the mission, its Director ordered, supervised and directly participated in arrests, arbitrary detentions, short-term enforced disappearances and torture, including sexual violence and other cruel, inhuman or degrading treatment or punishment.

50. The highest-level authority of the Directorate General of Military Counter-intelligence, the Director General, has direct command over all line directorates, including the Special Affairs Department and the Special Criminal and Forensic Investigation Department, which, as noted above, have been implicated in a range of crimes and human rights violations. The Director General is closely involved in operational decisions. He has command and control over his subordinates and is aware of what takes place in Boleíta Norte. He is responsible for violations carried out by subordinates. The mission received information that the Director General received orders directly from the President, including of targets for arrest, although they were not transmitted in writing, to avoid a paper trail. While the Director General rarely participated in operations or interrogations directly, the mission received information about some instances, particularly high-profile cases, in which he had played a direct role.

C. Bolivarian National Intelligence Service

1. Structure and chain of command

51. The Bolivarian National Intelligence Service was established in June 2010 to plan, formulate, direct, control and execute civilian intelligence and counter-intelligence policies and actions.²³ According to its regulations, it carries out activities to “neutralize potential or real threats to the State”.²⁴ The agency was managed by the Vice Presidency from 2013 until 28 April 2021, when it was transferred to the Ministry of the Interior, Justice and Peace.²⁵

52. The Bolivarian National Intelligence Service’s highest authority is its Director General, who is appointed by the President.²⁶ The agency has a four-tiered organizational structure, divided into managerial, administrative, substantive and regional directorates and

²³ Presidential Decree No. 7453, *Official Gazette* No. 39,436 of 1 June 2010.

²⁴ Organic Regulations of the Bolivarian National Intelligence Service, Presidential Decree No. 2524, *Official Gazette* No. 41,021 of 1 November 2016, art. 3.

²⁵ Presidential Decree No. 4601, *Official Gazette* No. 42,116 of 29 April 2021, art. 1.

²⁶ Organic Regulations of the Bolivarian National Intelligence Service, art. 2.

other offices.²⁷ These include the Directorate of Strategic Investigations, mandated to investigate alleged crimes and identify perpetrators, and the Directorate of Immediate Actions, in charge of “intervention actions” against potential threats to the nation.²⁸

53. The mission received information about two additional offices outside of the official structure of the Bolivarian National Intelligence Service that carry out important work for the agency. The Directorate of Technological Intelligence oversees telephone surveillance and other monitoring of political targets. The Division of Coordination and Protection of the Democratic Order carries out arbitrary detentions for the Service, according to a former employee.

54. The mission received evidence of a functioning chain of command within the Bolivarian National Intelligence Service, with the Director General ordering operations and lower-level units and officials complying with such orders. At the substantive level of its organizational structure, below the Director General are the line directors of the different directorates.

55. Cristopher Figuera, who was the Director of the Bolivarian National Intelligence Service from 2018 to 2019, told the mission that he had maintained constant communication with the Vice-Presidency during his tenure, but that substantive orders had mainly come from the President. Other sources also confirmed to the mission that the President issued orders directly to the Service. According to numerous sources, Diosdado Cabello also holds significant power within the Service and passes orders directly to the Director General.

56. The Bolivarian National Intelligence Service oversees detention centres in Caracas in its Plaza Venezuela headquarters and in El Helicoide, where most of its detainees are held. Until November 2021, El Helicoide was managed by the Directorate of Strategic Investigations. Many of the low-level officials in El Helicoide are very young, come from vulnerable communities and are not allowed to return home for months at a time. As of November 2021, El Helicoide has been administrated by the penitentiary system, although witnesses told the mission that the Bolivarian National Intelligence Service still holds de facto control over political detainees.

2. Modus operandi

57. The mission investigated cases involving more than 90 victims in which the Bolivarian National Intelligence Service arrested, detained and subjected individuals to torture and other serious human rights violations and crimes between 2014 and 2021. The peak period of detention in El Helicoide was 2016–2018.

(a) Selection of targets, surveillance and arrests

58. The mission has reasonable grounds to believe that orders identifying targets for investigation came directly from the President and at times from Mr. Cabello, via the Director General of the Bolivarian National Intelligence Service. He in turn passed instructions to subordinates, in particular the Directorate of Strategic Investigations and the Directorate of Immediate Actions. The principal targets of the Service were civilians, real or perceived Government opponents and high-profile critics. They included opposition politicians, journalists, student and protest leaders and individuals working for non-governmental organizations.

59. Arrests were carried out after a period of surveillance and investigation. According to a former agent of the Bolivarian National Intelligence Service, surveillance was always carried out on the direct orders of the Director General. Various methods were used to monitor targets, including phone tapping, physical bugging of rooms and the use of hidden cameras. Higher-profile targets, such as opposition politicians, were monitored for longer periods and the Service, on occasion, provided several daily updates to the President on their movements.

²⁷ Ibid., art. 5.

²⁸ Ibid., arts. 20–21.

60. The mission has documented numerous irregularities during arrests by the Bolivian National Intelligence Service. Agents systematically alleged that individuals were arrested *in flagrante delicto* to justify warrantless arrests. The Service rarely used warrants or informed targets of the reasons for their arrest. In several of the cases, agents used excessive force or violence and systematically planted evidence, such as weapons or contraband, on targets to frame them.

61. Once arrested, it was a common practice for the Bolivian National Intelligence Service to hold detainees incommunicado for hours, days or weeks; sometimes the detention amounted to short-term enforced disappearance. A former agent told the mission that the Service maintained several *casas de seguridad* in every state in the country, which were used as covert detention centres. Agents routinely interrogated detainees without lawyers present and refused to grant detainees' requests to speak to legal representatives. Several detainees were forced under duress to sign or film statements incriminating themselves in crimes that they had not committed.

62. The mission has documented that the Bolivian National Intelligence Service made frequent use of extortion against targets before or after arrest and raided targets' houses to steal money and valuables. This would often be done by lower-level employees to significantly increase their meagre salaries. In one case, an individual was extorted for hundreds of thousands of dollars after 30 agents appeared at his place of business accusing him of storing drugs there.

(b) Conditions of detention

63. The mission's investigations focused on El Helicoide, a 1950s-era building originally built as a shopping centre in central Caracas. It houses both administrative offices and detention cells, but lacks the basic facilities for hygiene, sanitation and recreation needed to function as a prison. The Bolivian National Intelligence Service occupies two floors of the building, with the lower floor hosting most detention cells, including cells specifically used to punish and torture detainees.

64. Former detainees described detention conditions as dire, with cells frequently overcrowded well past their capacity. Cells mostly lacked natural light and water, and since prisoners were only allowed daily bathroom visits, many had to urinate in plastic bottles. The conditions disproportionately affected female detainees, in particular during menstruation. There were, however, "privileged" cells with better conditions in which detainees had to pay to be kept. Visits by family members were highly restricted, while meetings with lawyers were at times monitored by guards, or recorded. Several former employees of the Bolivian National Intelligence Service recounted that release orders by judges were often ignored, and that prisoners would be released or detained arbitrarily on the basis of political decisions.

(c) Torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence

65. The mission investigated 51 cases in which Bolivian National Intelligence Service agents tortured or subjected detainees to cruel, inhuman or degrading treatment or punishment. Some victims were tortured over a period of days or weeks.

66. In the cases investigated, 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. The acts were usually committed during interrogations, to extract confessions or information, including telephone and social media passwords, or to force individuals to incriminate themselves or others, in particular high-profile opposition leaders. Former employees of the Bolivian National Intelligence Service said that torture was ordered directly by the President, by line directors or by the Director General. The Service used a range of torture methods, including beatings, electric shocks, asphyxiation with plastic bags and stress positions, as well as threats to kill or rape and other forms of psychological torture.

67. In at least seven cases reviewed by the mission, 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. During interrogation, officials

threatened to rape both male and female detainees using body parts and objects. They also threatened violence, including sexual violence, against detainees' female family members.

3. Individual responsibility

68. The mission has reasonable grounds to believe that five individuals, whose acts and conduct have been set out in its detailed findings, may bear criminal responsibility for the events described in the present report, and should be investigated. The identities of some of those individuals have been provided in the accompanying conference room paper. The conclusions were based on the evidence of more than 20 witnesses, including victims, family members and former officers of the Bolivarian National Intelligence Service. The information received shows that persons at the low and middle levels of the Service were involved in the execution of crimes and violations. At higher levels of responsibility within the Service, officials issued orders and had knowledge of crimes and violations being committed.

69. The mission found reasonable grounds to believe that two individuals working at the lower and middle levels of responsibility within El Helicoide were implicated in acts of torture and other human rights violations, either directly or indirectly. Both individuals had worked for the Bolivarian National Intelligence Service for several years and, in particular, had influence over how detainees were treated. Several former detainees and other sources implicated both individuals in direct participation in acts of torture, including through beatings and the application of electric shocks. Beatings were brutal and occurred for no apparent reason. These individuals often took two or three detainees out of their cells at a time, transferring them to a corridor to beat them. They benefited financially from detainees by, for example, extorting money from prisoners to improve their detention conditions.

70. The mission also addressed the responsibility of a Director of Strategic Investigations, as well as a prominent subordinate. Former detainees and other sources implicated both individuals in the carrying out of torture and in giving orders to subordinates to carry out torture. Furthermore, the mission has documented cases of detainees, including real and perceived Government opponents and their family members as well as protestors, who were arrested on the basis of orders by the Director of Strategic Investigations and subsequently tortured. The Director of Strategic Investigations was also implicated in other crimes, such as extortion and arbitrary arrests.

71. The highest-level authority of the Bolivarian National Intelligence Service, the Director General, holds significant power both within the agency as a whole and in El Helicoide. The Director General has a direct line of command to the heads of all substantive line directorates, including those implicated in human rights violations and crimes. He has command and control over his subordinates and is aware of what takes place in El Helicoide and elsewhere. He is responsible for violations carried out by subordinates. As detailed above, the mission received information that the General Director in turn received orders from politicians at the highest level of the Government of the Bolivarian Republic of Venezuela, including the President and Mr. Cabello. The Director General had the power to order detentions without judicial orders and to determine which individuals would be detained or tortured. The mission also received information that the Director General took part on occasion in interrogations of prisoners without the presence of lawyers, in particular in high-profile political cases.

D. Accountability: the highest-level authorities

72. As noted by the mission, the level of responsibility often increases as the analysis draws further away from the person who executes the violations and crimes, to reach the higher ranks of command. The information gathered for the present report and the mission's previous investigations shows that the acts of violence documented were not conducted by random and unconnected individuals acting alone within the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence. Rather, the mission has concluded that these violations, which, as noted, amount to crimes against humanity, were part of a deliberate policy by the Government to silence, discourage and quash opposition to

the Government. The President, Nicolás Maduro, supported by other high-level authorities, stands out as the main architect in the design, implementation and maintenance of a machinery that has the purpose of repressing dissent.

73. To arrive at this conclusion, the mission has analysed consistent information, including from former employees at the highest level of the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence, indicating the following:

(a) The President and other high-level authorities participated in coordination meetings and thereafter directly ordered actions to be taken against specific targets by the two intelligence agencies;

(b) Persons with a specific profile, or their relatives, including persons who had criticized the Government, persons who had achieved prominence or represented a particular threat to the Government and persons who had participated in alleged attempted coups to oust the Government, were targeted;

(c) Arrests were preceded by periods of orchestrated intelligence activities, including surveillance, wiretapping and electronic monitoring operations;

(d) In several cases, the Directorate General of Military Counter-intelligence and the Bolivarian National Intelligence Service cooperated with other military and police forces, which potentially implies a higher level of political coordination;

(e) Arrests and detentions by the Directorate General of Military Counter-intelligence and the Bolivarian National Intelligence Service were marked by serious irregularities, including the use of luring tactics, deliberate attempts by State officials to mask their identities, the fabrication or planting of evidence and the use of excessive force during arrests, generating fear and a sense of helplessness;

(f) Material and logistical support and human resources necessary for security and intelligence operations were provided that evidence of the involvement of authorities at the highest level;

(g) Cruel methods of torture against detainees and attempts to coerce detainees into making false admissions and providing information were systematically used;

(h) The justice system was manipulated to facilitate arbitrary arrests and other violations and to shield intelligence officers from prosecution;

(i) Officials engaging in torture were promoted and/or rewarded through other means;

(j) Frequent public statements by senior government officials were made on individuals arrested, either before, during or shortly after the arrests, which indicates the existence of a joint plan.

74. Internally, both the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence are functioning and organized entities with established chains of command. Top-level officials report to the President, to Mr. Cabello or to other high-level officials. To ensure compliance with orders, both entities maintain a sufficient pool of available individuals, recruited among those prone to committing arbitrary detentions and acts of torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence. The selection process takes into consideration the manner in which they react to violent practices. In the Bolivarian National Intelligence Service, lower-level staff are often very young and belong to poor and marginalized communities. In addition, a system of rewards (promotions and financial benefit) and punishments (retaliation against them and their families) is maintained to ensure compliance.

75. The Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence are staffed and structured in such a way as to ensure that orders by high-level authorities to carry out crimes and violations are followed with virtually automatic compliance. The mission therefore finds that there are reasonable grounds to believe that the President and high-level State officials who support him, identified in the mission's detailed

findings, should be subjected to judicial investigations for their responsibility with regard to the crimes and violations committed by officials of both entities.

III. Situation in the Arco Minero del Orinoco region and other areas in Bolívar State

A. Background and context

76. Since its first report, in 2020, the mission has called attention to the human rights violations within the Arco Minero del Orinoco region, as one of the situations requiring further investigation within the mission's mandate.²⁹

77. Since then, the situation in the Arco Minero region has been the subject of growing concern by international and regional³⁰ human rights bodies. In 2020, the United Nations High Commissioner for Human Rights presented a report that was focused on the labour exploitation and high levels of violence committed by criminal groups that control mining in the area.³¹ In its resolution 45/20, the Human Rights Council expressed deep concern at the human rights and environmental situation in the region, including with regard to the exploitation of miners, child labour, trafficking in persons and forced prostitution, and expressed particular concern about the violations of the rights of Indigenous Peoples.

78. Bolívar, located south of the Orinoco River, is the largest state of the Bolivarian Republic of Venezuela. It is home to the traditional territories of 16 Indigenous Peoples and large protected areas, and is rich in strategic minerals, notably gold, diamonds, coltan and bauxite.

79. Historically, illegal and small-scale gold mining have been common in the region, along with concessions to transnational companies. Illegal mining has continued to expand in recent decades due to the rise of international gold prices and the economic and humanitarian crisis in the country. Since the mid-2000s, criminal groups known as *pranes* or *sindicatos* have been expanding across Bolívar State, controlling mining areas and transport routes.

80. On 23 August 2011, the then President, Hugo Chávez, decreed the nationalization of the gold industry through Presidential Decree No. 8413, according to which all primary operations related to gold and other strategic minerals were reserved to the State.³² Consultations on the decree were not held with Indigenous Peoples in accordance with the requirements of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). In the decree, gold mining regions were declared to be "security zones" and a broad range of responsibilities of the Bolivarian National Armed Forces in those regions were set out, including the maintenance of "security and order" and combating "threats to the development of mining activities". Various armed forces are present in mining areas in Bolívar State, including the Bolivarian Army, the Bolivarian National Guard and the Directorate General of Military Counter-intelligence.

81. The crisis of the national oil industry, compounded by the fall of international oil prices and sanctions imposed upon the Bolivarian Republic of Venezuela, increased the State's interest in exploiting the country's mineral deposits. On 24 February 2016, the President adopted Presidential Decree No. 2248, establishing the Arco Minero as a "National

²⁹ See the conference room paper containing the detailed findings of the mission, available on the webpage of the mission (https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf), para. 16.

³⁰ In 2016, the Inter-American Commission on Human Rights held a thematic hearing on human rights in the context of the Arco Minero del Orinoco project (see https://www.youtube.com/watch?v=_9dt2rjLsCM&vq=hd1080) and has addressed the situation in the region in several thematic and country reports.

³¹ [A/HRC/44/54](https://www.ohchr.org/en/press/media/doc/A/HRC/44/54).

³² *Official Gazette* No. 388,192 of 16 September 2011.

Strategic Development Zone”.³³ The Arco Minero is divided into four areas that mostly encompass Bolívar State, while some small areas reach into the neighbouring States of Amazonas and Delta Amacuro. A non-neighbouring “special” area was announced, although never formally established, in the Ikabarú region, within the traditional territory of the Pemon people.

82. The creation of the Arco Minero attracted massive migration from other parts of the country to Bolívar State. While the Government’s stated plans to attract foreign capital through public-private partnerships have not fully materialized, the *sindicatos* and other criminal groups have continued to expand, gaining control over entire mining areas and neighbouring towns.

83. The Government has implemented various economic and military operations across Bolívar State to curtail informal mining and reinforce its control over mining areas. In 2018, the Government launched two military operations, the operation Metal Hands (*Manos de Metal*) and the *Tepuy Protector* plan, allegedly to combat illicit mining activity. Bolívar State has become increasingly militarized through the deployment of additional army units, coupled with the growing economic involvement of the Bolivarian National Armed Forces in the mining sector, such as through the Compañía Anónima Militar para las Industrias Mineras, Petrolíferas y de Gas (CAMIMPEG).

84. These dynamics have resulted in unprecedented levels of violence in Bolívar State, which in 2021 ranked as the third most violent state in the Bolivarian Republic of Venezuela. Three of the main mining municipalities in the State (El Callao, Sifontes and Roscio) were among the five most violent in the country in 2021.³⁴

85. Although the establishment of the Arco Minero in 2016 was officially driven by a State policy to combat illicit mining and enhance gold production to aid the country’s economic recovery, it has also created opportunities for individuals close to power to generate personal wealth. The mission has reviewed publicly available information indicating that members of the military and political elite have benefited and continue to benefit financially from gold mining-related activities in the Arco Minero.

B. Human rights situation in the gold-mining areas in Arco Minero del Orinoco, in north-eastern Bolívar State

86. The mission received information to the effect that State security forces and armed criminal groups have committed and continue to commit killings, kidnappings, torture and cruel, inhuman and degrading treatment, and sexual and gender-based violence, notably against residents and workers of the mining areas in Bolívar State. Illegal groups are heavily armed and routinely enter into violent conflicts among themselves and with State authorities. The mission also received information from sources with inside knowledge and eyewitnesses pointing to the collusion of some State authorities with criminal groups operating in some mining areas, and information that authorities often fail to investigate or punish the crimes committed by those groups.

87. The mission received information indicating that criminal groups exert *de facto* control over large mining areas of Bolívar State through violent incursions into the mines, illegal checkpoints (sometimes located near military checkpoints), extortion and a system of rules enforced through corporal punishment such as public beatings, amputations and murder. Criminal groups have also engaged in violent territorial battles with rival groups that have resulted in the death of and injuries to unarmed civilians.

88. One emblematic incident of this type, which was subject to an in-depth investigation by the mission, is the “Tumeremo massacre”. The mission has reasonable grounds to believe that, on 4 March 2016, alleged members of the El Topo *sindicato* killed at least 17 people (15 men and 2 women) near the Bulla de Atenas mine on the outskirts of Tumeremo, Sifontes

³³ Official Gazette No. 40,855 of 24 February 2016.

³⁴ See <https://observatoriodeviolencia.org.ve/wp-content/uploads/2021/12/INFORME-ANUAL-DE-VIOLENCIA-2021.pdf>.

municipality. The official State version of the incident alleges that the killings were a result of a struggle for control between two local *sindicatos*. The mission received information that the massacre involved some level of tolerance of or cooperation from State authorities with ties to armed criminal groups and illegal mining operations. However, the evidence gathered by the mission was not enough to make such determination, and further investigation would be required.

89. The State conducted an official investigation that resulted in the arrest of 12 alleged members of the El Topo *sindicato*; however, judicial files related to the incident, reviewed by the mission, provide no indication that the authorities investigated the allegations of State participation. The mission requested information in this respect from the Venezuelan authorities, but no response has been provided. The mission therefore considers that the State failed to comply with its obligation to investigate and punish the violations and crimes related to this event.

90. The mission has also received information that the National Liberation Army (ELN), a guerrilla group from Colombia, has had an intermittent presence in various mining areas in Bolívar State since at least 2018.

C. Human rights situation in Indigenous territories and surrounding areas in Gran Sabana municipality, in southern Bolívar State

91. Although most of the Gran Sabana municipality falls outside of the official Arco Minero region, it is of strategic interest to both State and non-State actors, as it is a key hub for air and land transport and is rich in mineral resources, which are mostly located in Indigenous territories. As a result, as mining activity across Bolívar State has increased, so has the traffic of arms and illicit goods through Gran Sabana and the number of violent incursions by State and non-State actors vying to gain access to the area.

92. Since 2016, some Indigenous communities have created territorial security groups (*guardia territorial*) to stop criminal activity in their territory and to protect themselves against incursions by both armed criminal groups and the Bolivarian National Armed Forces. These groups set up checkpoints in Indigenous territory along the Troncal 10 road, the state's main transit route. The groups in Gran Sabana also mobilized to expel armed criminal groups from Indigenous territories when the State failed to respond to Indigenous communities' requests for protection.

93. Several Indigenous leaders have been threatened or attacked by State and non-State actors. Indigenous leaders who have prevented the passage of smuggled goods or access to mines in their territory, or who have opposed the armed presence of the State in Indigenous territories, have been targeted in particular.

1. Military operation in the Canaima National Park (2018)

94. The mission investigated several incidents of human rights violations committed by security forces in Indigenous territories in Gran Sabana. For example, on 8 December 2018, heavily armed agents of the Directorate General of Military Counter-intelligence covertly entered Canaima (*Kanaimö*) National Park and opened fire on a group of Indigenous men and women who were working in an artisanal mine. As a result, three men were injured, one of whom (Charlie Peñaloza Rivas) died on the same day.

95. Despite official Government statements claiming that the agents were lawfully combating illegal mining and that they had been attacked by an armed group, the mission has reasonable grounds to believe that the attack was directed against unarmed Indigenous miners.

96. The mission found reasonable grounds to believe that the agents who participated in the planning, coordination and execution of the operation may bear criminal responsibility for human rights violations and crimes, which should therefore be investigated. The mission has further found reasonable grounds to believe that the State has failed to comply with its obligation to investigate and punish those responsible for these violations.

2. Clashes over territorial control and the humanitarian aid crisis (2019)

97. In February 2019, the Venezuelan political opposition tried to ship humanitarian aid across the border from Brazil. The Government mobilized troops and groups of civilians to the town of Santa Elena de Uairén, Gran Sabana municipality, to block the arrival of the aid. Between 22 and 27 February 2019, violent clashes took place between the Bolivarian National Armed Forces and the population who supported the humanitarian aid, including Pemon communities. The mission has reasonable grounds to believe that, over those five days, members of the Armed Forces committed gross human rights violations, including the arbitrary deprivation of life, arbitrary detentions and torture and other cruel, inhuman and degrading treatment. The mission has investigated three specific incidents connected with those events.

98. The violence involved in these incidents led many people, in particular Indigenous leaders who supported the arrival of humanitarian aid and members of the *guardia territorial*, to flee to other areas of the country or to neighbouring countries. This weakened the ability of many Indigenous communities to protect their territories from external actors, allowing both State actors and armed criminal groups to increase their presence and influence in Gran Sabana. Several sources confirmed that incursions by miners and armed groups into Indigenous lands, violent clashes over control of land and resources and threats against Indigenous Peoples and leaders by armed criminal groups and the Bolivarian National Armed Forces continue to date.

(a) Kumarakapay community

99. On 22 February 2019, a military convoy consisting of two military trucks and one vehicle transporting telecommunications equipment that was travelling on the Troncal 10 road to Santa Elena de Uairén, was blocked when passing through the *guardia territorial* checkpoint at the Pemon community of Kumarakapay. The two military trucks passed through, but the vehicle with the telecommunications equipment was unable to continue. The two military trucks stopped at the exit of Kumarakapay and Bolivarian National Armed Forces soldiers walked back towards the community. In Kumarakapay, the soldiers engaged in a discussion with the local population. During the discussion, a gunshot was heard, and then the soldiers started shooting at community members gathered around the road. The mission has reasonable grounds to believe that at least 3 Pemon persons (1 woman and 2 men) were arbitrarily deprived of their lives and that at least 14 others (2 women and 12 men) were injured.

100. Over the next 36 hours, two other military convoys passed through Kumarakapay, firing tear gas and bullets into the air. At least nine Indigenous men were arrested and subsequently taken to the nearby military base known as El Escamote, where they were arbitrarily detained.

101. According to the information reviewed by the mission, the Indigenous civilian population in Kumarakapay were not carrying firearms, although some are said to have carried bows and arrows. The mission considers that the use of lethal violence was not justified in the circumstances of the case, there is no specific indication that the lives of the officers were at risk.

102. Members of the Bolivarian National Armed Forces directly committed human rights violations. The commanders of the Guayana Integral Defence Region and the Bolívar Integral Defence Zone held both de jure and de facto authority and command over the participating troops. The mission therefore has reasonable grounds to believe that the State is internationally responsible for these violations. Moreover, the mission has reasonable grounds to believe that the State officials failed to investigate and punish the violations committed during the incident.

(b) Santa Elena de Uairén airport

103. On 22 February 2019, Bolivarian National Guard agents took control of the entrance to the airport in Santa Elena de Uairén, which is located on the territory of the Maurak community. Upon learning of the attack in Kumarakapay and that armed Bolivarian National Guard agents were stationed at the airport, approximately 300 people, mostly Indigenous

residents of Maurak and other surrounding communities, went to the airport with the intention of evicting the military from the area. The group disarmed and unlawfully detained 43 Bolivarian National Guard officials.

104. Later that day, three Bolivarian National Guard armoured vehicles arrived, firing tear gas at the group of civilians gathered at the airport gate. The civilians responded by attacking the vehicles with sticks and stones. The confrontation continued until approximately 5 p.m.

105. On 27 February 2019, armed soldiers arrived at the airport in military vehicles and took over the Bolivarian National Guard post. They arrested the son of an Indigenous leader and two Indigenous persons who worked at the airport. They were transferred to a nearby Bolivarian National Guard base and, subsequently, to El Escamoto military base. While in detention, soldiers threatened the three men, beat them with sticks, punched and kicked them, and applied electric shocks.

106. The mission has reasonable grounds to believe that officials of the Bolivarian National Guard violated the right to physical integrity of at least nine persons, including at least two women, through an excessive use of force. Three Indigenous men were arbitrarily detained and subsequently tortured by the Bolivarian National Guard and army troops. In addition, the State breached its international obligation to investigate and punish these human rights violations, as none of those responsible have been held to account in relation to this incident.

(c) Santa Elena de Uairén town and outskirts

107. Between 22 and 24 February 2019, the Bolivarian National Guard and the Bolivarian Army launched a violent crackdown on protesters in and around the town of Santa Elena de Uairén, including at the Troncal 10 road in the direction of the border with Brazil. According to the testimonies gathered by the mission, the crackdown left approximately 60 people dead, although estimates vary significantly.

108. On 22 February, people started protesting at the outskirts of Santa Elena de Uairén against the military violence in Kumarakapay and the authorities' blockade of humanitarian aid. Groups of civilians started riots in some cases by setting fire to vehicles and using Molotov cocktails. Security forces responded by firing tear gas and rubber bullets and charging at protesters with armoured vehicles. On 23 February, Bolivarian National Guard and Bolivarian Army troops fired indiscriminately with live ammunition and rubber bullets at protestors, passers-by and people travelling in vehicles in the urban area of Santa Elena de Uairén. The security forces then hid the bodies of the people who had been killed.

109. The mission has reasonable grounds to believe that, on 23 February 2019, security forces were responsible for the arbitrary deprivation of the lives of a number of people. According to the testimonies provided, the number of fatal casualties could amount to 60. These deaths require further, objective and independent investigation.

110. The mission found reasonable grounds to believe that, in the days following the protests, at least 24 people were arbitrarily detained and subsequently transferred to El Escamoto. The mission has also reasonable grounds to believe that at least four of them were tortured by an official of the Bolívar State government. However, the mission received allegations that the number of persons detained and tortured ranged from 50 to 100.

111. The mission has reasonable grounds to believe that the State is responsible for the above-mentioned human rights violations, perpetrated by the Bolivarian Army, the Bolivarian National Guard and officials of the Bolívar State government, as part of a deliberate military operation aimed at impeding the arrival of the humanitarian aid announced by the political opposition. In addition, the mission has reasonable grounds to believe that the State breached its international obligation to investigate and punish those violations.

D. Sexual and gender-based violence in the mining context

112. There are indications that sexual and gender-based violence may be largely underreported in Bolívar State, in particular with respect to marginalized groups such as Indigenous persons and lesbian, gay, bisexual, transgender and intersex persons. This conclusion is based on factors such as a lack of State reporting mechanisms, fear of reprisals, and social stigma. Nevertheless, the mission was able to gather information indicating that sexual and gender-based violence, including rape and sexual exploitation, in particular against women and girls, is commonplace in Bolívar State, perpetrated by State actors and armed criminal groups.

113. In almost all of the mines in Bolívar State there are places, colloquially known as *currutelas*, where sexual services can be bought. Most of the premises are run by private individuals, under the authorization and “protection” of members of a *sindicato*. According to information received by the mission, women and girls are at times coerced into sexual relations, through abuse of power, threats of violence and, at times, recruitment under false pretences, as well as restrictions on their freedom of movement, which provide indicia of trafficking in human beings and of sexual slavery.

114. The mission received information that, within mining areas, if a *sindicato* member wants to have sex with someone, this person cannot refuse or denounce the commission of rape. Such a refusal or denunciation could lead to beatings or killings. Women who do not obey the demands of *sindicato* members or other men are often subjected to specific punishments, including rape or other forms of sexual violence, cutting their hair against their will or disfiguring their faces or scalps.

115. Several witnesses spoke to the mission about children, mostly girls between the ages of 11 and 17, engaging in prostitution in numerous mining areas across Bolívar State between 2016 and 2022, which would constitute sexual exploitation and/or forced prostitution. In some cases, witnesses described seeing members of security forces in *currutelas* where girls were being exploited.

116. The mission also received information and direct testimonies about sexual violence at checkpoints and border control posts across Bolívar State. Women and girls have reported sexual violence by Bolivarian National Armed Forces agents working at checkpoints and by armed actors controlling transport routes.

117. In order to establish these findings in individual cases according to the mission’s standard of proof, reasonable grounds to believe, the above allegations require additional investigation.

IV. Conclusions

118. **The human rights situation in the Bolivarian Republic of Venezuela remains grave. The country has endured a decade of spiralling humanitarian, social, economic and human rights crises, coupled with a breakdown of State institutions, all exacerbated by the impact of the COVID-19 pandemic. Stark evidence of this is the more than 6 million people who have felt compelled to leave the country.**

119. **The mission’s investigations demonstrate that crimes and violations, amounting to crimes against humanity, including extremely grave acts of torture, were committed by individuals holding various positions within the hierarchies of State bodies as part of a plan designed by high-level authorities to repress opponents of the Government.**

120. **The mission’s analysis of the situation in Arco Minero and other areas in Bolívar State further demonstrates how human rights violations and crimes extend into remote areas of the country, in a context marked by widespread criminal activity, impunity and governance failure. The mission has found reasonable grounds to believe that the Bolivarian Republic of Venezuela and specific officials are responsible for human rights violations that fall within the mandate of the mission.**

121. The two conference room papers that accompany the present report contain specific recommendations addressed to the Venezuelan authorities, the international community and other relevant actors.

122. The mission urges members of the Human Rights Council to continue to pay close attention to developments in the Bolivarian Republic of Venezuela and to monitor whether credible progress is being made in advancing justice, accountability and respect for human rights.
