

Document #2036728

HRW – Human Rights Watch

Venezuela: A Police State Lashes Out Amid Covid-19

Arbitrary Arrests, Prosecutions of Critics, Abuses Against Detainees

(Washington, DC) – [Venezuelan](#) security forces and authorities have used measures to curb the spread of Covid-19 as an excuse to crack down on dissenting voices and intensify their control over the population, Human Rights Watch said today.

Since declaring a state of emergency to combat Covid-19 in mid-March, 2020, Venezuelan authorities have arbitrarily detained and prosecuted dozens of journalists, healthcare workers, human rights lawyers, and political opponents who criticize the government of Nicolás Maduro. Many detainees are charged under an overly broad hate crimes law, before a [judiciary that lacks independence](#). The lawyers for the accused routinely have limited access to judicial files and prosecutors, due to Covid-19 related court closures. Some detainees have been subjected to physical abuse that might amount to torture.

“The state of emergency has emboldened security forces and armed pro-government groups that already have a record of torture and extrajudicial killings to crack down even more harshly on Venezuelans,” said [José Miguel Vivanco](#), Americas director at Human Rights Watch. “In Venezuela today, you can’t even share a private message criticizing the Maduro government via WhatsApp without fear of being prosecuted.”

On March 13, Maduro [decree](#)d a state of “emergency and alarm” at the national level, establishing measures to limit the spread of Covid-19, including restrictions on movement, suspension of certain activities, and mandatory use of face masks. Maduro extended the state of emergency five times, exceeding the Constitutional 60-day limit. The opposition-led National Assembly did not approve the extension, though that is required by law.

The decree authorizes security forces to carry out “inspections” whenever “they deem necessary,” if there is a “reasonable suspicion” that someone is violating the measures established in the decree. In practice, [quarantine measures have been enforced](#) by the Armed Forces; the police, including the Bolivarian National Police (*Policía Nacional Bolivariana*, PNB) and its Special Actions Force (*Fuerza de Acción Especial*, FAES), which has been implicated in [extrajudicial killings](#); and [armed pro-government gangs](#) known as “*colectivos*,” which collaborated with security forces in the crackdowns of [2014](#) and [2017](#).

The United Nations [Office of the High Commissioner for Human Rights \(OHCHR\) reported](#) in July that it had observed “discretionary implementation” of the state of emergency by the military, law enforcement, and local authorities. OHCHR has also [documented](#) how *colectivos* have intimidated and attacked political opponents, demonstrators, and journalists before and during the pandemic, as well as enforced lockdown measures in poor neighborhoods. Similarly, local groups documented that security forces have arbitrarily [detained people for not using face masks or for gathering in groups on the streets](#), and that *colectivos* have [beaten and tortured](#) civilians for allegedly failing to comply with quarantine measures.

In a review of cases reported by Venezuelan nongovernmental organizations and media outlets, Human Rights Watch identified cases involving 162 people who were allegedly victims of harassment, detention, or prosecution between March and June. The Venezuelan nongovernmental group Foro Penal [reported](#) 257 arbitrary arrests between March and July. Human Rights Watch interviewed victims and their family members and/or lawyers in eight cases via WhatsApp between May and August. Their statements and corroborating evidence are similar to the cases reported by other groups.

Human Rights Watch research revealed that authorities have harassed, detained, and prosecuted political opponents, including [several legislators](#), journalists who publish critical information, health workers who criticize the government’s handling of the pandemic, and human rights lawyers who

provide legal support to demonstrators protesting lack of access to water, gasoline, or medicines. Security forces have also confiscated cellphones and laptops from journalists and forced them to erase photos or videos.

In some reported cases, detainees suffered abuse, including verbal and physical assault, beatings, and being handcuffed for extended periods of time. In one case documented by Human Rights Watch, from March, a human rights defender detained while assisting protesters was handcuffed to a pillar inside a military installation for five hours. He was not given food or water, nor permitted to use a bathroom or call his family. A member of the Bolivarian National Guard hit him on the head and hand with a frozen water bottle, telling him he did not deserve to live.

In another case, in April, police handcuffed a lawyer, who was detained for criticizing local authorities on social media, to a metal tube about two feet off the ground in a jail yard, under the sun, for two hours. They then denied him access to the bathroom for 26 hours.

In many reported cases since the start of the state of emergency, people who shared or published information on social media questioning government officials or criticizing policies were charged with incitement to hatred or to commission of a crime. An anti-hate law approved by the pro-government Constituent Assembly in 2017 includes vague language that forbids “messages of intolerance and hatred” published through media outlets or social media. The offense carries a sentence of up to 20 years in prison. Political opponents have, in several instances, been charged with possession of weapons or illicit association, based on what appears to have been planted evidence.

Due to the pandemic, the courts are functioning on a limited schedule. This has led to delays processing the release of detainees and providing defense lawyers with access to criminal files. It has also been used to justify arrests without [judicial orders](#). Courts prohibited several detainees who were granted house arrest from using social media or speaking about “issues of state interest,” in violation of their right to free speech.

The arrests, arbitrary prosecutions, and abuses against detainees since the declaration of the state of emergency follow the same pattern of systematic abuse by security forces that [Human Rights Watch has documented](#) in [previous crackdowns since 2014](#).

Under international law, certain basic human rights cannot be restricted even in times of emergency. These include the right to life, the prohibition on torture and ill-treatment, the right to a fair trial and freedom from arbitrary detention, and the right to judicial review of detention. Any restrictions on other rights should be provided for in the law, and they should be both necessary and proportionate to the threat posed by the pandemic.

[UN human rights experts](#) have stressed that governments should not use states of emergency in response to Covid-19 to target certain groups or provide cover to repressive actions. “Restrictions taken to respond to the virus must be motivated by legitimate public health goals and should not be used simply to quash dissent,” the UN experts said.

Selected cases reviewed by Human Rights Watch are described below.

Henderson Maldonado, 30, Human Rights Lawyer

On March 31, about 200 renal and cancer patients were waiting in line in front of Detachment 121 of the Bolivarian National Guard (*Guardia Nacional Bolivariana*, or GNB). They were [seeking tickets](#) that would let them obtain gasoline amid fuel shortages.

Alerted by a friend that some of the patients were not getting tickets and that police had injured one of them, Henderson Maldonado, a 30-year-old lawyer and member of the nongovernmental human rights group [Movimiento Vinotinto](#), arrived at the Detachment around 12:30 p.m., Maldonado told Human Rights Watch. He intended to monitor the situation and provide legal assistance to patients, if necessary. He spoke to a woman who was crying because her son, a cancer patient, had not been able to get the gasoline he needed to travel for treatments. Maldonado filmed her account, planning to circulate it on social media.

About an hour later, a National Guard agent approached, demanding Maldonado's phone and identification. Maldonado managed to call Movimiento Vinotinto before agents took him into the headquarters, where about 10 agents surrounded him. When Maldonado explained he was a human rights defender working for a nongovernmental group, Colonel Franklin Meléndez began to [hit him](#) in the face, calling him a damned unpatriotic wretch and instructing agents to handcuff him to a pillar. Movimiento Vinotinto has [filed a criminal complaint](#) against Colonel Meléndez.

Maldonado said he was not given food or water, nor permitted to use a bathroom or call his family, during the five hours he remained handcuffed. An agent hit him on the head and hand with a frozen

water bottle, telling him he did not deserve to live. Other agents threatened to frame Maldonado by planting copper on him. Possessing copper is a crime in Venezuela, as the government has declared the metal a “strategic” material for national industry.

Movimiento Vinotinto’s director and a representative of the National Ombudsman’s Office were allowed to visit Maldonado after 5 p.m. Maldonado said he spent the night in a filthy cell [crowded with gasoline containers](#). Guards shone lights and banged on the door of the cell, keeping him awake.

The next day, officials shuttled him twice to the First Municipal Court of Iribarren before a 4 p.m. hearing. [Charged](#) with resisting authority and inciting criminal activity, he was released on the condition that he report back to court every 30 days.

The investigation against Maldonado has been suspended, but it could be reopened.

Iván Virgüez, 65, Human Rights Lawyer

On April 18, two local police officers in Chivacoa, Yaracuy state, stopped Iván Virgüez, a 65-year-old Venezuelan lawyer, on the street and told him to follow them to headquarters. Virgüez is the president of DantaKultura, a local human rights group. On social media, Virgüez had criticized national and local governments for their handling of the pandemic and for fuel shortages.

After showing him one of his own Facebook posts on a cell phone, a commander at the police headquarters told Virgüez he was under arrest. [In the post](#), Virgüez had expressed concern about a decision to house Venezuelan returnees from Colombia in a quarantine center in the town of Bruzual. He had challenged Bruzual Mayor Carmen Victoria Suárez and Yaracuy Governor Julio León, both from Maduro’s party, to take the potential for the spread of Covid-19 seriously. Virgüez had also [expressed concern](#) on Facebook about fuel shortages earlier.

Police officers handcuffed him to a metal tube about two feet off the ground in the jail yard, under the sun, for two hours. Virgüez’s lawyer visited the Yaracuy police chief, but the authorities wouldn’t let him meet with Virgüez.

Officers denied Virgüez access to a bathroom. He spent the night, handcuffed, on a dirty mattress.

Virgüez’s niece was allowed to visit the next day; by then, he had spent 26 hours handcuffed, unable to use a bathroom. She found him sickened with bladder pain. The police chief ordered his transfer to a hospital, where health professionals treated him just in time to avoid lasting harm to his bladder.

Virgüez was transferred back to the police station after his treatment, and that night police held him in a cell smaller than 20 square yards, with seven other people.

After two days in detention, Virgüez appeared in court and was charged with public disturbance, contempt, defamation of authorities, and instigation of rebellion. He remains under house arrest, allowed to leave his home only for medical reasons, and with police authorization.

Citing restrictions associated with the pandemic, the authorities have denied Virgüez’s lawyers access to his criminal file and to his prosecutor.

Darvinson Rojas, 25, Journalist

Darvinson Rojas is a 25-year-old freelance journalist and member of the [Victims Monitor \(Monitor de Víctimas\)](#), an organization that gathers information on extrajudicial killings and other abuses by police forces in low-income Caracas neighborhoods. When the authorities declared a national quarantine and a state of emergency in mid-March, Rojas began researching and sharing Covid-19-related information online.

On March 20, Rojas [reported on Twitter](#) that there were 47 confirmed cases of Covid-19 in Miranda state, bordering the Capital District. He relayed information provided by the popular power for communication and information minister, [Jorge Rodríguez](#); Miranda’s governor, [Héctor Rodríguez](#); the [mayor](#) of Los Salias, one of Miranda’s 21 municipalities; and [journalists’ reports](#).

The next night, about five officials from the Special Actions Force arrived at Rojas’ home, without showing a search warrant or judicial order. An officer told Rojas they had received an anonymous call reporting a case of Covid-19 at his address. Rojas [reported](#) the events, as they unfolded, on social media and with various people, through [shared voice notes](#).

The officers hit Rojas’ [father in the head](#), pushed his aunt to the floor, and threatened to confiscate the cell phones of neighbors who were recording these actions. They seized computers and

cellphones, which have yet to be returned.

They took Rojas and his parents to a Special Actions Force station in the Caricuao neighborhood, releasing his parents upon arrival. They asked him for the sources of his tweets. Despite the alleged report of a Covid-19 case at his address, the officers never tested him for the virus.

After hours spent searching police stations and being denied information, relatives finally found Rojas around noon of the following day in the Caricuao station. But he was gone when they returned the day after, and the authorities did not tell them he was at a court hearing.

Rojas was charged with incitement to hatred, for publishing false information to destabilize the government. A judge authorized his conditional release, but paperwork was slow because judicial offices only open every 10 days during the pandemic. Rojas was released on April 2. A defense team from the press freedom group Espacio Público took his case on April 22, but it has not yet been granted access to the criminal file and corresponding evidence.

Rojas is awaiting formal charges, a process that might take longer than the statutory eight months given the pandemic.

Andrea Sayago, Bioanalyst

On April 3, Andrea Sayago, a bioanalyst, completed routine tests on the first patient diagnosed with Covid-19 who arrived at the Pedro Emilio Carrillo Hospital in the city of Valera, Trujillo state. To alert colleagues and the hospital to adopt all appropriate measures to avoid spreading the virus, Sayago sent a WhatsApp message to several colleagues and a picture of the exams, naming the patient. Her messages, which Human Rights Watch reviewed, were passed along on social media.

The following day, hospital directors pressured Sayago to resign – not because of concern over the patient’s right to privacy, but because her messages were said to constitute terrorism. Instead of following the existing administrative process to sanction her, the directors forced her to resign, telling her that she would otherwise be detained and prosecuted.

After her resignation, in an apparent effort to intimidate her, members of the Bolivarian National Intelligence Service (*Servicio Bolivariano de Inteligencia Nacional de Venezuela*, or SEBIN) took her to their headquarters and interrogated her for several hours, then released her.

But they arrested her after Jacqueline Peñaloza de Range, the wife of Trujillo’s governor, who belongs to Maduro’s party, called for her to be punished. Peñaloza is also president of Fundasalud, a public-private partnership that manages health delivery systems. Intelligence agents took Sayago to their headquarters, where they held her for two days.

At a court hearing on April 6, Sayago was [charged](#) with a public official’s misuse of privileged information and granted house arrest pending trial.

Sayago and her lawyers have not been allowed to see her case file; authorities cite pandemic measures.

Junior Pantoja, 58, Former Opposition Municipal Councilor

Junior Pantoja, a 58-year-old member of the opposition party Primero Justicia and former municipal councilor for Petare, a low-income neighborhood in Miranda state, was arrested on May 8. Pantoja manages four soup kitchens of the nongovernmental organization [Alimenta la Solidaridad](#), feeding 200 children a day. Pantoja’s public visibility increased after the opposition leader Juan Guaidó visited one of the [soup kitchens that Pantoja managed in April 2019](#).

During a police operation supposedly in search of gang leaders who were fighting over control of Petare’s José Félix Ribas neighborhood, officers from the Special Actions Force, National Guard, and the Scientific, Criminal, and Investigatory Police (*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas*, or CICPC) arrested Pantoja at his house, witnesses reported. They did not show an arrest warrant.

Pantoja was charged at a hearing the following day. Agents allegedly found five rounds of ammunition in his left shirt pocket. Pantoja’s lawyers and a witness say agents planted the rounds on him during the arrest.

During 46 days of pretrial detention at the investigative police headquarters in the Caracas neighborhood of El Llanito, Pantoja, a diabetic who lost his left arm in an accident, suffered chronic anemia, anxiety, and swelling of the legs due to a kidney problem, a source who saw his medical reports said. The authorities took him to the hospital several times but denied his request for house arrest, his lawyers and [family members](#) report.

On June 24, a Caracas criminal court dismissed the case after hearing evidence and testimony from the defense, [finding](#) insufficient grounds for prosecution.

[Pantoja died](#) on August 23, after respiratory complications that aggravated his delicate health conditions.

Marco Antoima, Journalist

On June 20, Venezuelan authorities [arrested](#) a television journalist, Marco Antoima, who had been the news director of the television network Venevisión until being [forced out](#) in 2017 for what he suspected was his opposition to censorship.

On the morning of his arrest in the Caracas neighborhood of Los Palos Grandes, Antoima received a phone call from [his former wife](#), who told him investigative police officers were at her house, looking for him.

Antoima spoke with a prosecutor and agreed to meet them at a shopping mall to discuss the case. The officers arrived with his former wife, arrested him, and drove him home, where they confiscated some of his [personal belongings](#), including a laptop and cellphone.

After being held for two days at CICPC headquarters, Antoima was charged with [incitement to hatred](#) under the 2017 [anti-hate law](#) – allegedly for managing anonymous profiles on social media to extort and defame government supporters.

[Three other journalists](#) are under investigation on the same charges. The investigative police arrested one of them, Mimi Arriaga, [on June 18](#). The other two, Rita Di Martino and Rafael Garrido, who live outside Venezuela, [have avoided arrest](#).

The charges may be related to an old investigation. Ten years ago, an investigative police official questioned Antoima twice about Twitter profiles he allegedly managed, including [VVperiodistas](#), which has since been suspended, and [VVsincensura](#). The profiles initially exposed [censorship inside Venevisión](#), a station that did not voice open criticism of the Venezuelan government and then evolved to general government criticism. Antoima was harassed and threatened on social media and by pro-government journalists at the time. He had not been questioned about those accounts any more in recent years. However, on June 1, a pro-government journalist, Esteban Trapiello, [alleged ties](#) between the four journalists under investigation and VVperiodistas on Twitter.

Antoima awaits trial under house arrest and is forbidden to leave the country or talk about his case. His lawyers have had limited access to his file.

Corroborating Accounts

Even before the state of emergency, security forces in Venezuela were committing serious abuses. In its July report, which covered the human rights situation in Venezuela from June 2019 to May 2020, OHCHR reported documenting 16 cases of alleged torture and ill-treatment, saying the actual number could be “significantly higher.” The cases documented include severe beatings with boards, suffocation with plastic bags and chemicals, waterboarding, electric shocks to eyelids and genitals, exposure to cold temperatures and/or constant electric light, being handcuffed for extended periods of time, and death threats. OHCHR received reports that in some cases, doctors issued false or inaccurate medical certificates not disclosing the signs of torture.

Nongovernmental organizations, human rights activists, and media outlets have reported arrests and prosecutions similar to those documented by Human Rights Watch during the pandemic. For example:

Special Actions Force agents detained [Andrea Bianchi](#), the partner of Voluntad Popular member Rafael Rico, for several hours on March 30, [the Center for Justice and Peace \(CEPAZ\) said](#). Family members said she was beaten, stripped naked, threatened with sexual abuse, and eventually released along a highway. Officers from the force had beaten her family members earlier that morning, when they went to Bianchi’s home looking for her.

Media outlets reported [that National Guard officers detained Julio Molino](#), a 72-year-old doctor, for saying that the Núñez Tovar Hospital in Monagas state was not prepared to treat Covid-19 patients, media reported. He was detained for three days at the National Anti-Extortion and Kidnapping Command (*Comando Nacional Antiextorsión y Secuestro* or CONAS) headquarters. He was charged on March 19 with incitement to hatred, unlawful association, and stirring up the population.

Foro Penal [reported](#) that early on April 2, at least 15 agents from the Military Counterintelligence Directorate (*Dirección General de Contrainteligencia Militar*, or DGCIM) forcibly entered the home of

[Maury Carolina Carrero, an accountant](#), arresting her for alleged links to the office of the interim presidency of Juan Guidó. Agents interrogated Carrero about Luis Somaza, former councilor of a municipality in Miranda state, for whom she had worked. Her family was unable to determine her whereabouts for almost two days. She was charged with conspiracy and weapons possession.

The Peruvian media outlet [360 Grados Internacional](#) reported the arrest on March 25 of their correspondent in Caracas, [Yarnaldo Tovar](#), whom national police officers verbally and physically assaulted outside Caracas's Periférico de Coche Hospital for covering Covid-19 cases and the state of the health care system.

On July 13, the media outlet *Crónica Uno* reported that investigative police and military counterintelligence agents [had detained](#) Nicmer Evans, a government critic who directs the media outlet [Punto de Corte](#). Agents had also detained his lawyer, [Álvaro Herrera](#). The court [ordered](#) the pretrial detention of Evans and charged him with incitement to hatred for comments made against Maduro and the pro-government television channel *Globovisión*.

Espacio Público reported that intelligence agents arrested nurse [Ligia Margarita Gamboa](#) on March 19, after she shared a WhatsApp video showing that the Periférico de Coche Hospital in Caracas had refused to treat her, even though she had Covid-19 symptoms. Gamboa was charged with terrorism.

Caracas police officers briefly detained [Ariadna García and Tairy Gamboa](#), journalists for *Crónica Uno* who were covering people shopping at Catia's market in Sucre state during the government quarantine, Espacio Público reported. Police forced them to delete the video they had recorded.

National Guard [officers arrested a local television channel director, Arnaldo Sumoza](#), while he was covering a protest about the lack of water in Guárico state on April 14, *Efecto Cocuyo* reported. Sumoza was prosecuted for “disturbing public order.”

On July 23, [media outlets](#) and [Espacio Público](#) reported that National Guard officers arrested Carlos Julio Rojas, a journalist, while he was covering a protest outside the Institute for Social Security (*Instituto Venezolano de Seguros Sociales*, or IVSS) in Caracas. [Rojas said](#) he was held for eight hours and security forces stole his phone, which contained photos and videos of the protest.

[Gabriel Arangueren](#), director of the Centro de Acción y Defensa por los Derechos Humanos (Cadeh), was detained for several hours on April 23 for delivering masks on behalf of his organization, the nongovernmental organization Front Line Defenders reported.

ecoi.net summary:



Security forces use Covid-19 state of emergency for crackdown on persons critical of the government

Country:

Venezuela

Source:

HRW – Human Rights Watch

Original link:

<https://www.hrw.org/news/2020/08/28/venezuela-police-state-lashes-out-amid-covid-19>

Document type:

Appeal or News Release

Language:

English

Published:

28 August 2020

Document ID:

2036728

Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telefon) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
--	---	---

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

