

VENEZUELA 2020

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The continuing human rights crisis in Venezuela saw further reports of extrajudicial executions, excessive use of force and unlawful killings by the security forces during the year. People expressing criticism of government policies – including political activists, journalists and health workers – were subjected to repressive measures including criminalization, unfair trials and arbitrary detention. There were reports of torture and other ill-treatment and enforced disappearance of those arbitrarily detained. Human rights defenders were stigmatized and faced obstacles in carrying out their work. The humanitarian crisis worsened with widespread shortages of services and high levels of extreme poverty. These and the ongoing undermining of health service infrastructure were exacerbated by the COVID-19 pandemic. People returning to the country were held in state-run quarantine centres in conditions and for lengths of time that may have constituted arbitrary detention and ill-treatment. The UN Fact-Finding Mission (FFM) on Venezuela established there were reasonable grounds to believe that crimes against humanity have been committed in Venezuela since 2014 and that President Maduro and senior military and ministerial figures ordered or contributed to the crimes documented in its report.

Extrajudicial executions

Reports of extrajudicial executions by the Special Action Forces of the Bolivarian National Police (FAES) and the Criminal Investigative Police (CICPC) continued. According to the OHCHR at least 2,000 people were reportedly killed in the country in the context of security operations between 1 January and September. As of June, the Zulia state Human Rights Committee had recorded 377 deaths, allegedly resulting from violence by these police forces in Zulia state. Those targeted were primarily young men living in low-income neighbourhoods who were arbitrarily detained in circumstances which the authorities claimed involved clashes with police.

Arbitrary detention

Arbitrary detentions continued to be used as part of the policy of repression targeting dissidents.

The Venezuelan human rights organization Penal Forum reported that, as of October, there had been 413 arbitrary, politically motivated arrests; these increased following the declaration of a state of emergency in response to the COVID-19 pandemic in March.

In addition to political activists, 12 health workers who made critical public statements about the government's response to the pandemic faced short-term detention and subsequent restrictions.

The COVID-19 pandemic was used to restrict notification of arrests, obliging relatives to rely on unofficial information about the whereabouts of detainees. This uncertainty and the vulnerability of detainees was exacerbated by the suspension of activities by the courts and the Public Prosecutor's Office as part of the measures to contain the pandemic.

Enforced disappearances, periods of incommunicado detention and isolation during the early stages of detention continued, increasing the risk of torture and other cruel, inhuman or degrading treatment of detainees.

Congressmen Renzo Prieto and Gilber Caro, detained in March 2020 and December 2019 respectively by the FAES, were subjected to long periods of isolation and incommunicado detention. Both were held in police stations that did not meet minimum standards for the treatment of prisoners.

Maury Carrero, an accountant, was arbitrarily detained in April, allegedly over links to an adviser to the President of the National Assembly, Juan Guaidó. She was charged by a court dealing with "terrorism" cases and transferred to the National Institute for Women's Guidance and held incommunicado for five months, during which time no official information was provided about her.

On 31 August, 110 people who had been criminalized were pardoned by President Nicolás Maduro. Renzo Prieto, Gilber Caro and Maury Carrero were among those pardoned. Further arbitrary arrests took place within days and during the rest of the year. Among those detained

was Roland Carreño, a journalist and member of the Popular Will party, who was arrested in October.

Torture and other ill-treatment

Reports of the use of torture to extract confessions or incriminating testimony continued. The OHCHR documented 16 cases, reporting the use of methods including beatings, electric shocks, asphyxiation and sexual violence. The UN Fact-Finding Mission (FFM) on Venezuela reported the use of increasingly violent methods of torture by the Bolivarian National Intelligence Service (SEBIN) and Military Counter-Intelligence General Directorate (DGCIM) and the use of clandestine facilities by the DGCIM.

Reports of torture and other ill-treatment were not investigated by the authorities and went unpunished.

Excessive use of force

Excessive and illegal use of force by the police, military and armed groups against demonstrators remained widespread. The authorities did not take any meaningful steps to prevent this.

There were numerous reports of the indiscriminate use of force during law enforcement operations. During May in Petare, a low-income neighbourhood in Caracas, an armed confrontation between alleged criminal gangs led to a joint police and military operation that lasted over a week, during which there were several reports of sustained bouts of indiscriminate shootings and allegations of extrajudicial executions.

Impunity

Impunity for human rights violations and crimes under international law remained the norm.

An OHCHR report on judicial independence and access to justice, published in July, found that victims of human rights violations could not access justice because of structural obstacles, including lack of judicial independence.

In September, the Public Prosecutor's Office announced that 565 law enforcement officials had been charged for human rights violations committed since August 2017.

In September, new evidence emerged regarding the arbitrary detention, enforced disappearance, torture and death of Rafael Acosta Arévalo in June 2019 by the DGCIM. Contradictions and gaps

in the criminal investigation highlighted the need for this and similar cases to be investigated independently.¹ The Public Prosecutor's Office reopened the case.

Unfair trials

Unfair trials continued to be used to criminalize those with opinions that differed from those of the Maduro government. The use of military jurisdiction to prosecute civilians or retired military personnel continued.

Rubén González, a prisoner of conscience and trade union leader detained in 2018 serving a sentence imposed following an unfair trial by a military court, was released as part of the 31 August pardon.

The OHCHR highlighted major shortcomings in the justice system, courts and the Public Prosecutor's Office, emphasizing cases of lack of independence and interference by other public authorities.

From 15 March onwards, most judicial circuits suspended their activities due to COVID-19 restrictions; only those courts with *in flagrante* jurisdiction continued functioning.

International scrutiny

Despite efforts by Nicolás Maduro's government to elude scrutiny by the Inter-American human rights system, the Inter-American Commission issued seven precautionary measures during the year in favour of individuals in Venezuela.

Monitoring of the situation in the country continued through the Special Follow-Up Mechanism for Venezuela (MESEVE) created by the Inter-American Commission.

The OHCHR maintained a team of two officers on the ground and in September announced the strengthening of its presence in the country and committed to the visit of three Special Procedures to Venezuela in 2021.

The FFM on Venezuela issued its first report in September. This stated that since 2014, the Venezuelan authorities and security forces had planned and carried out serious human rights violations, some of which – including arbitrary killings and the systematic use of torture – amounted to crimes against humanity, with reasonable grounds to believe that President Maduro and ministers in his government ordered or contributed to the crimes documented in the report.

Repression of dissent

The policy of repression to silence dissent and control the population continued and intensified during the COVID-19 pandemic and in the run-up to parliamentary elections in December.

Members of the National Assembly were subjected to a pattern of repression including arbitrary detention, misuse of the justice system and smear campaigns.

Prisoners of conscience remained subject to severe restrictions and prosecution.

The justice system continued to be politically instrumentalized against dissent, including ruling against political parties critical of the government.

Freedom of assembly

Restrictions on freedom of peaceful assembly and association remained common.

According to the NGO Venezuelan Observatory of Social Conflict, by November there had been more than 9,000 protests. These were sparked by a variety of issues, such as lack of health care during the COVID-19 pandemic, low wages, high food prices, delays in the distribution of food aid funds and lack of basic services, including fuel. Some 402 of these protests were attacked by the police, military or pro-government armed groups, resulting in the deaths of six protesters and the injury of 149 others.

Freedom of expression

The civil society organization Public Space reported that between January and August there were more than 747 attacks on the press and journalists, including intimidation, digital attacks, censorship, arbitrary detentions and physical assaults. Many of these attacks took place after the state of emergency was declared in March in response to the COVID-19 pandemic.

On 21 August, journalists Andrés Eloy Nieves Zacarías and Víctor Torres were killed in an FAES security operation in Zulia state. The Public Prosecutor's Office launched an investigation into their possible extrajudicial execution and an arrest warrant was issued for six FAES officers.

Darvinson Rojas, a journalist and prisoner of conscience, was arbitrarily detained for disseminating information about COVID-19. He was released after 12 days but remained subject to restrictions and criminal proceedings.

Journalist and prisoner of conscience Luis Carlos Díaz also remained subject to severe restrictions and prosecution.

Human rights defenders

Women human rights defenders continued to face threats and stigmatization when carrying out their work. The Centre for Defenders and Justice reported that as of June, there had been more than 100 attacks against women human rights defenders, including criminalization, harassment, digital attacks and arbitrary detention.

In August, the humanitarian organization Solidarity Action was raided by FAES officials and eight people were detained for several hours.

In October, Vannesa Rosales, a human rights defender in Merida state, was arbitrary detained for providing a 13-year-old girl who was pregnant as a result of rape with information on procedures for the termination of the pregnancy.

Health workers and journalists reporting on the COVID-19 pandemic were harassed and threatened. Some were charged with inciting hatred.

Rights of refugees, asylum-seekers and migrants

The number of Venezuelan refugees and migrants fleeing to other countries seeking international protection continued to increase, reaching 5.4 million by the end of the year.

The authorities restricted entry to Venezuela during the COVID-19 pandemic to a maximum of 100-300 people per day, limiting the entry and departure of Venezuelan nationals; many of those seeking to return had been excluded from care measures during the pandemic in host countries. People who sought to enter Venezuela through informal channels were criminalized and stigmatized.

Mandatory quarantine in state custody was one example of the repressive response to COVID-19. Officially, 90,000 people were reported to have passed through the state-run centres known as Comprehensive Social Service Points (PASI) by August in order to comply with the mandatory quarantine on their return to Venezuela. However, the centres adopted arbitrary and militarized procedures that resulted in punitive and repressive measures and failed to prioritize health care and infection prevention. The conditions in the PASI were precarious and, in many cases, ignored WHO protocols. For example, lack of clean water, adequate food and access to medical care were reported. The length of time for which people were held was in many cases arbitrary and not based on objective criteria. This, combined with inadequate conditions in state-run quarantine centres, may have constituted ill-treatment and arbitrary detention.

Humanitarian emergency

The humanitarian emergency continued and deepened. Prevailing conditions, including the continued shortage of basic services such as water, electricity and fuel; a weakened health infrastructure; and difficulty in accessing medicines and food, were aggravated by COVID-19 and seriously hampered people's ability to cope with the containment measures imposed to curb the pandemic.

In July, the UN Humanitarian Response Plan noted that US\$762.5 million was needed to provide humanitarian assistance to 4.5 million people.

Solidarity Action estimated that 10 million people did not receive medical care for conditions and diseases such as hypertension, diabetes, Parkinson's, cancer and malaria, among others.

Despite the recommendation of the OHCHR and the insistence of civil society, the UN World Food Programme (WFP) was not allowed access to the country.

Economic measures, such as the limited increase in minimum wages to US\$1.71 a month, deepened the pressing economic situation and hyper-inflation was rampant at the end of the year.

Over-compliance with sanctions imposed by the USA led to obstacles in accessing goods and services in Venezuela.

Women's rights

According to a coalition of NGOs in Venezuela, existing gender gaps, already aggravated by the complex humanitarian emergency, were further exacerbated by COVID-19. The OHCHR and the Inter-American Commission on Human Rights highlighted impacts on women, including lack of access to maternal and sexual and reproductive health services and health services in general.

Although no official information on femicide rates has been issued since 2013, NGOs reported a steady increase in violence against women in the country. NGOs also reported that no shelter for women survivors of violence was operational during 2020.

The FFM on Venezuela documented gender-based crimes against humanity, including torture and sexual violence against women detained by the DGCIM and SEBIN and in the context of protests.

Right to health

Health services continued to deteriorate. Shortages of basic medicines, which were unaffordable for most people, intensified. Lack of access to adequate health services seriously impacted the state's response to COVID-19.

Medical and health personnel were not provided with personal protective equipment (PPE) or adequate protection measures against COVID-19. Many of those who voiced concerns about this were arrested and criminalized. There were also concerns about the lack of transparency on the part of the authorities regarding testing, rates of infection and deaths due to COVID-19.

There were reports that pregnant women suspected of having COVID-19 were denied adequate care by public health services.

Right to food

In May, the Centre for Documentation and Social Analysis of the Venezuelan Federation of Teachers (CENDAS-FVM) reported that the basic monthly family food basket – a list of basic foodstuffs deemed necessary for an average family in Venezuela – cost US\$513.77. In August CENDAS-FVM reported that it would require an income 184 times the minimum wage to purchase a basic monthly basket.

In July, the National Survey of Living Conditions (ENCOVI) reported that 96% of households in Venezuela were in income poverty and 79% in extreme income poverty and unable to purchase the basic food basket.

In February, the WFP reported that 7.9% of the Venezuelan population was severely food insecure, 24% (7 million people) were moderately food insecure and one in three people were food insecure and needed assistance, classifying the situation as one of the 10 worst food crises globally.

Food distribution systems, such as the Local Supply and Production Committees (CLAPs), continued to fail to meet nutritional needs and operated according to politically discriminatory criteria.

Right to water

Problems with the supply of drinking water and sanitation continued and deepened, adversely affecting living conditions and heightening the risk of COVID-19 infection.

ENCOVI stated that only one in four households had running water every day, while the majority had access to running water in their homes only on certain days of the week (59%) or several days a month (15%). The most vulnerable sectors of the population continued to be forced to look for sources of water supply from water trucks, wells and springs.

Prison conditions

Deaths in custody and the lack of investigations into them persisted. The NGO Window to Freedom reported 118 deaths in custody between January and June.

Serious overcrowding and insalubrious conditions in prisons put detainees at heightened risk of COVID-19 infection.

The Venezuelan Prison Observatory reported in May that 46 detainees died in violence in the Los Llanos Penitentiary Centre (CEPELLA) in the city of Guanare, Portuguesa state. An investigation was opened by the Public Prosecutor's Office, but no progress had been reported in the investigation by the end of the year.

Indigenous Peoples' rights

In the Orinoco Mining Arc and other parts of the country, illegal mining continued to seriously affect the rights of Indigenous Peoples. The OHCHR reported that levels of labour exploitation, trafficking and violence were high because of corruption and bribery by criminal groups who controlled the mines and operated a system of bribes to military commanders.

According to Penal Forum, 13 Pemón Indigenous men were held in pre-trial detention over 1,200km from their community, without adequate measures being taken to protect their cultural identity or ensure a fair trial.

In April, the Indigenous Wayuu community in Zulia state held a protest to demand basic conditions, including access to clean water, a long-standing issue that acquired even greater urgency with the need to combat COVID-19. Military officials responded with excessive use of force, injuring a Wayuu woman.

1. [Venezuela: Dying before a judge: The arbitrary detention, enforced disappearance, torture and death of Rafael Acosta Arévalo \(AMR 53/2909/2020\)](#)

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