



European Asylum Support Office

Venezuela Country Focus

Country of Origin Information Report



August 2020

SUPPORT IS OUR MISSION



Venezuela

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PDF ISBN: 978-92-9485-642-5 doi: 10.2847/222503 BZ-02-20-557-EN-N

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Acknowledgements

This report was drafted by James Restrepo. Mr. Restrepo is an independent expert on Country of Origin Information (COI), particularly for Latin America, having worked 9 years in the Research Directorate of the Immigration and Refugee Board (IRB) of Canada and with over 12 years of combined experience researching migration issues in the region in both academic and institutional roles. Mr. Restrepo has led COI research missions to Colombia, Honduras, Guatemala, Mexico, and El Salvador, as well as numerous COI capacity-development projects in the Americas.

This COI report is a joint initiative of the European Asylum Support Office (EASO) and the Secretariat of the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC)¹. It builds on the first joint COI workshop between EASO and IGC, which covered Colombia and Venezuela and was held in Geneva in September 2019.

The following national asylum and migration departments contributed by reviewing this report:

Canada: Immigration and Refugee Board (IRB) of Canada, and Immigration, Refugees and Citizenship Canada (IRCC)

Norway: Norwegian Country of Origin Information Centre, Landinfo

Switzerland: State Secretariat for Migration (SEM), Division Analysis (Länderanalyse SEM)

United States: Refugee Asylum and International Operations (RAIO), US Citizenship and Immigration Services (USCIS)

In addition, EASO and IGC reviewed this report.

It must be noted that the review carried out by the mentioned departments contributes to the overall quality of the report, but does not necessarily imply their formal endorsement of the final report, which is the full responsibility of EASO.

¹ IGC participating states are: Australia, Belgium, Canada, Denmark, Finland, Germany, Greece, Ireland, Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Switzerland, United Kingdom and the United States.

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Disclaimer

This report was written according to the EASO COI Report Methodology (2019)². The report is based on carefully selected sources of information. All sources used are referenced.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’, ‘persecution’, and similar terminology are used as generic terminology and not in the legal sense as applied in the EU Asylum Acquis, the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees.

Neither EASO nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The drafting of this report was finalised on 20 July 2020. Any event taking place after this date is not included in this report. More information on the reference period for this report can be found in the methodology section of the [Introduction](#).

² The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: <http://www.easo.europa.eu>.

Glossary and Abbreviations

ACFIMAN	<i>Academia Nacional de Ciencias Físicas, Matemáticas y Naturales</i> (Academy of Physics, Mathematics and Natural Sciences)
AGC	<i>Autodefensas Gaitanistas de Colombia</i> (Gaitanist Self-Defence Forces of Colombia). Also known as <i>Clan del Golfo</i> (Gulf Clan) or <i>Los Urabeños</i>
ANC	<i>Asamblea Nacional Constituyente</i> (National Constituent Assembly)
<i>Asamblea Nacional</i>	National Assembly. Venezuela's national legislature
ASFADDES	<i>Asociación de Familiares de Detenidos Desaparecidos</i> (Association of Relatives of the Detained and Disappeared)
BCV	<i>Banco Central de Venezuela</i> (Central Bank of Venezuela)
<i>Boliches</i>	A nickname for members of the FPLN
<i>Carnet de la Patria</i>	Homeland Card, also called Fatherland Card
<i>Cartel de los Soles</i>	Cartel of the Suns
CDJ	<i>Centro para los Defensores y la Justicia</i> (Centre for Rights and Justice)
CECODAP	<i>Centros Comunitarios de Aprendizaje</i> (Learning Community Centres)
CEPAZ	<i>Centro de Justicia y Paz</i> (Justice and Peace Centre)
CICPC	<i>Cuerpo de Investigaciones Científicas, Penales y Criminalísticas</i> (Corps of Scientific, Penal and Criminalistic Investigations)
<i>Clan del Golfo</i>	Gulf Clan. Also known as the AGC or Los Urabeños.
CLAP	<i>Comités Locales de Abastecimiento y Producción</i> (Local Committees for Supply and Production)
COCE	<i>Comando Central</i> (Central Command), ELN's central command
COFAVIC	<i>Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989</i> (Committee for the Families of Victims of February-March 1989)
<i>Colectivos</i>	Organisations that are variously described as being involved in community work and promotion of government social programs, while others described them as armed groups operating as pro-government militias.
CONAPRO	<i>Coordinación Nacional para la Protección de las Víctimas, Testigos y demás Sujetos Procesales</i> (National Coordination for the Protection of Victims, Witnesses and other Persons Participating in a Judicial Process)
DGCIM	<i>Dirección General de Contrainteligencia Militar</i> (Directorate General of Military Counterintelligence)
ELN	<i>Ejército de Liberación Nacional</i> (National Liberation Army)
ENCOVI	<i>Encuesta Nacional de Condiciones de Vida</i> (National Survey on Standards of Living)
EPL	<i>Ejército Popular de Liberación</i> (Popular Liberation Army)

<i>Estados de excepción</i>	States of Emergency which permit the Executive discretionary powers ³
FAES	<i>Fuerzas de Acciones Especiales</i> (Special Action Forces)
FANB	<i>Fuerza Armada Nacional Bolivariana</i> (Bolivarian National Armed Forces), which consists of the National Army (<i>Ejército Nacional</i>), the Navy (<i>Armada Nacional</i>), Military Air Force (<i>Aviación Militar</i>) and the GNB. Two other 'secondary' bodies include the Bolivarian National Militia (<i>Milicia Nacional Bolivariana</i>) and the Presidential Guard (<i>Guardia de Honor Presidencial</i>) ⁴
FARC-EP	<i>Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo</i> (Revolutionary Armed Forces of Colombia - People's Army)
FARC dissidents	Former members of the FARC-EP who did not demobilise in 2016 and some of whom still operate on the borders between Colombia and Venezuela ⁵
FBL	Bolivarian Liberation Front (FBL, <i>Fuerzas Bolivarianas de Liberación</i>)
FPLN	<i>Fuerzas Patrióticas de Liberación Nacional</i> (Patriotic Forces of National Liberation). Also called ' <i>boliches</i> ' ⁶ , the FPLN is a splinter of the now inactive Bolivarian Liberation Front (FBL, <i>Fuerzas Bolivarianas de Liberación</i>), supports the Venezuelan government, and has reportedly worked alongside local authorities and security forces ⁷
<i>Fundaciones</i>	Foundations. Parallel entities created by the government to replace the local governments run by the opposition. ⁸ Also known as <i>protectorados</i> ('protectorates') ⁹
<i>Gestores</i>	'Agents' who operate, usually within corruption rings, to obtain national identity cards or passports for a fee. ¹⁰ The practice is known as ' <i>gestoría</i> '.
GNB	<i>Guardia Nacional Bolivariana</i> (National Bolivarian Guard)
IACHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
IMF	International Monetary Fund
INCB	UN International Narcotics Control Board
INE	<i>Instituto Nacional de Estadística</i> (Statistics National Institute)
INMLCF	<i>Instituto Nacional de Medicina Legal y Ciencias Forenses</i> (National Institute of Legal Medicine and Forensic Sciences) [Colombia]
IOM	International Organization for Migration
JRS	Jesuit Refugee Service
LACSO	<i>Laboratorio de Ciencias Sociales</i> (Social Sciences Laboratory)
LGBT	Lesbian, gay, bisexual and transgender persons

³ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 31

⁴ Venezuela, Ministerio del Poder Popular para la Defensa, Fuerza Armada, n.d., [url](#)

⁵ InSight Crime, FARC, 3 March 2017, [url](#)

⁶ InSight Crime, FBL/FPLN, 15 July 2019, [url](#)

⁷ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 56; Infobae, Así entrena el chavismo a civiles en el manejo de armas, 9 June 2019, [url](#)

⁸ Professor of political science, videoconference, 14 May 2020

⁹ Amaya, videoconference, 29 May 2020

¹⁰ CECODAP, Violación del derecho a la identidad, July 2019, [url](#), p. 25-26

<i>Lista Tascón</i>	Tascón List. A database of over 3 million people who supported a referendum to revoke the presidential mandate of Hugo Chávez in 2003-2004 ¹¹
Los Rastrojos	A Colombian drug trafficking organisation with paramilitary origins operating on the border with Colombia. ¹²
Los Urabeños	A Colombian irregular armed group with paramilitary origins also known as the AGC and <i>Clan del Golfo</i> ¹³
<i>Megabandas</i>	Domestic criminal organisations dedicated to drug trafficking, extortion and kidnapping ¹⁴
MUD	<i>Mesa de la Unidad Democrática</i> (Democratic Unity Roundtable)
MVR	<i>Movimineto V República</i> (Movement for a Fifth Republic)
NGO	Non-governmental organisation
OAS	Organization of American States
OMCT	World Organisation Against Torture
OVCS	<i>Observatorio Venezolano de Conflictividad Social</i> (Venezuelan Observatory of Social Conflict)
OVV	<i>Observatorio Venezolano de Violencia</i> (Venezuelan Observatory of Violence)
PAS	<i>Puntos de Asistencia Social</i> (Social Assistance Points)
PASI	<i>Puntos de Asistencia Social Integral</i> (Comprehensive Social Assistance Points)
PDVSA	<i>Petróleos de Venezuela, S.A.</i>
PEP	<i>Permiso Especial de Permanencia</i> (Sojourn Special Permit)
PNB	<i>Policía Nacional Bolivariana</i> (National Bolivarian Police)
<i>Pranes</i>	Transnational criminal organisations with ties to the prison system ¹⁵
PROVEA	<i>Programa Venezolano de Educación y Acción en Derechos Humanos</i> (Venezuelan Program for Education and Action on Human Rights)
PSUV	<i>Partido Socialista Unido de Venezuela</i> (United Socialist Party of Venezuela)
R4V	Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela
RAAS	<i>Red de Articulación y Acción Sociopolítica</i> (Articulation and Socio-Political Action Networks)
RNV	<i>Radio Nacional de Venezuela</i> (National Radio of Venezuela)
SAIME	<i>Servicio Administrativo de Identificación, Migración y Extranjería</i> (Administrative Service of Identification, Migration and Foreigners)

¹¹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 30, Footnote 23

¹² InSight Crime, Rastrojos, 16 February 2017, [url](#)

¹³ InSight Crime, Urabeños, 14 March 2018, [url](#)

¹⁴ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 13; Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 8

¹⁵ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 13; Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 16

SAREN	<i>Servicio Autónomo de Registros y Notarías</i> (Autonomous Service of Registries and Notaries)
SEBIN	<i>Servicio Bolivariano de Inteligencia Nacional</i> (Bolivarian National Intelligence Service)
SENIAT	<i>Servicio Nacional Integrado de Administración Aduanera y Tributaria</i> (National Integrated Service for the Administration of Customs Duties and Taxes)
<i>Sindicatos</i>	Domestic criminal groups operating on the border with Colombia and involved in illegal mining, among other criminal activities ¹⁶
TSJ	<i>Tribunal Supremo de Justicia</i> (Supreme Court of Justice)
UBCh	<i>Unidades de Batalla Hugo Chávez</i> (Hugo Chávez Battle Units)
UCAB	<i>Universidad Católica Andrés Bello</i> (Catholic University Andrés Bello)
UCV	<i>Universidad Central de Venezuela</i> (Central University of Venezuela)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Fund
UN OHCHR	Office of the United Nations High Commissioner for Human Rights
WFP	UN World Food Programme

¹⁶ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 14

Introduction

As of June 2020, over 5 million Venezuelans have fled or been displaced outside their borders.¹⁷ The Venezuela migration crisis, prompted by political upheaval, socio-economic collapse, and humanitarian crises, has led to Latin America's largest external displacement in recent history.¹⁸ According to the Brookings Institution, 'the Venezuelan refugee crisis is one of the largest in modern history [...], far outpacing the speed of displacement seen in Syria' if current trends continue.¹⁹ Most Venezuelans who have left the country migrated to other countries in the region, mainly to Colombia, Peru, Chile, Ecuador, and Brazil.²⁰

In the EU+²¹ in 2019, Venezuelan applications for international protection were the third highest nationality, after Syria and Afghanistan. Venezuelans launched twice as many international protection applications, over 45 000, as they had in 2018.²² However, following the COVID-19 pandemic, there was a sharp decline in applications from Venezuela.²³

The purpose of this report is to provide relevant information for the assessment of international protection status, including the determination of refugee status and subsidiary protection.

This is the first EASO COI report on Venezuela and the first EASO COI product resulting from the cooperation between EASO and the Secretariat of the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC), as explained in the [Acknowledgements](#) section.

Methodology

Defining the terms of reference

The Terms of reference for this report were based on a survey of information needs on Venezuela gathered from the national asylum authorities of EU+ and participating IGC countries.²⁴ The Terms of Reference were derived from the results of this survey, and jointly developed by the expert with EASO and IGC. They aim to address the main topics and questions requested by asylum and international protection authorities, decision-makers, and COI researchers. Due to the large volume of requested topics, the most common themes were chosen to be included to meet the widest needs. In addition, during the course of the research, other topics that were not identified during the consultation period such as the use of the Law Against Hate against critics of the government, were included in the report given their importance in the current context of Venezuela.

As agreed with EU+ and IGC participating states, EASO, and the IGC Secretariat, the reference period for this report was 1 June 2019 to 18 June 2020 but includes information on background trends and context as needed. The review of the report took place between 19 and 30 June 2020, and the implementation of comments provided by reviewers took place between 2 and 20 July 2020.

¹⁷ UNHCR/IOM, R4V Coordination Platform for Refugees and Migrants from Venezuela, Refugees and Migrants from Venezuela, n.d., [url](#)

¹⁸ IOM, Venezuelan Refugee and Migrant Crisis, n.d., [url](#)

¹⁹ Brookings Institution, Venezuela refugee crisis to become the largest and most underfunded in modern history, 9 December 2019, [url](#)

²⁰ IOM, Venezuelan Refugee and Migrant Crisis, n.d., [url](#)

²¹ EU Members States plus Norway and Switzerland

²² EASO, Latest Asylum Trends – 2019 Overview, 26 February 2020, [url](#)

²³ EASO, Latest Asylum Trends – April 2020, [url](#)

²⁴ IGC participating states are: Australia, Belgium, Canada, Denmark, Finland, Germany, Greece, Ireland, Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Switzerland, United Kingdom and the United States.

The Terms of reference for this report can be found in [Annex 2](#).

Collecting information

Public sources

The information gathered is a result of research using public, specialised paper-based and electronic sources, as well as oral source interviews from 3 April 2020 until 18 June 2020, with some background information collected starting on 10 March 2020. Some additional information was added during the finalisation of this report in response to feedback received during the quality control process, until 19 July 2020.

This report has relied upon mainly Spanish-language sources in order to provide added value to the available COI. The expert wrote this report in English using Spanish sources. All legislation quoted has been informally translated from Spanish into English by the expert, except for quotations from the Constitution. Interviews were conducted in Spanish and one in English. Due to the volume of Spanish sources used, for the citation of all these non-English sources, this report does not follow the EASO Writing and Referencing Guide signalling in the citation each time a source is translated. This is for maximal readability and efficiency.

In accordance with EASO COI methodology, a range of different published documentary sources have been consulted on relevant topics for this report. These include:

- COI reports by governments;
- Information from civil society, advocacy groups, and NGOs;
- Human rights reports by governments and NGOs;
- Reports produced by various bodies of the United Nations;
- Venezuelan government publications, including public statements, laws, policies, media outlets, and reports to the UN;
- Venezuela-based media and social media;
- English, French, Portuguese, and Spanish-language media sources in the region, particularly those based in Venezuela, Colombia, Peru, Ecuador and Brazil;
- Academic publications and think tank reports; and
- Reports of organisations specialised in armed and criminal groups.

Available information from these sources was consulted within time constraints. Sources were assessed based on the EASO COI Methodology, however, Venezuela is a challenging research environment, as explained below.

Oral sources

In addition to using publicly available documentary sources, 47 oral sources were contacted for this report. The types of oral sources contacted include: scholars, journalists, civil society organisations, international organisations, diplomatic missions, lawyers, regional analysts, researchers, unions, and professional associations. Of those contacted, 21 were interviewed between April and June 2020, and 14 of the interviews were included in the report, including one that was included in the report during the implementation of the feedback provided by reviewers. In addition, one source submitted the answers to questions by email which were included. Some sources who were interviewed did not want to be included in the report for security reasons and other sources wished to remain anonymous. All sources were assessed for their background, publication history, reputability, seriousness of their research, and recognition of their credentials by peers, the media, and international bodies. Oral sources are described in the bibliography.

Challenges in collecting information and research limitations

Freedom of expression is limited, and accessing information in Venezuela, especially about matters related to human rights issues, is difficult. Even though some topics are widely covered, others remain sensitive and with limited coverage. As reported by sources, the government has increased the targeting of journalists and people reporting on Venezuelan issues in the context of the COVID-19 (SARS-CoV-2) pandemic which has limited the ability to report on the development of the impact of the pandemic and wider issues in general.

The research environment in Venezuela is challenging. Source and information assessment took place in a highly polarised and politicised context. Bias was mitigated to the extent possible through methodological techniques such as crosschecking, corroborating, contrasting and comparing the information.

The government does not publish comprehensive official statistics and civil society largely fulfils this function with different methodological approaches that were included in footnotes.

Quality control

This report is produced in line with the EASO COI Report Methodology (2019)²⁵ and the EASO COI Writing and Referencing Style Guide (2019).²⁶

To ensure that this report is aligned with EASO COI Methodology, this report was peer-reviewed by COI specialists from Canada, Norway, Switzerland, and the United States as well as IGC and EASO. All comments from the reviewers were taken into consideration by the author, in line with the peer review rules of the EASO Methodology. Peer reviewers able to read Spanish source-checked the Spanish language sources during the quality review to ensure accuracy to the sources.

Structure and use of the report

This report is organised into the following chapters:

Chapter 1 provides an overview of recent developments in the economy, security situation, the implications of institutional duality, demonstrations, abuses by authorities and monitoring, and the effects of the COVID-19 pandemic. This chapter covers succinctly themes as security forces and the economy as they were not part of the terms of reference, but that were important to include to give a more contextual background for the themes in the report. This chapter also includes a brief mention about the lack of statistical information provided by the government.

Chapter 2 gives a brief summary on recent developments on the humanitarian situation and its impact on migration flows, health care, food security and access and availability of basic services such as electricity, gas, and water.

Chapter 3 discusses the most recurring targeted profiles by the government and its security forces.

Chapter 4 describes the security situation at the border with Colombia. It only covers that border as it was one of the themes identified by members states during the consultation period. Nevertheless, the border with Colombia is the most dynamic border Venezuela has with another country and it is through this border that most Venezuelans leave the country. The chapter provides information on the main armed actors present at the border, main criminal activities, and state protection for victims of crime in that area of the country.

²⁵ EASO, EASO Country of Origin Information (COI) Report Methodology, June 2019, [url](#)

²⁶ EASO, Writing and Referencing Guide for EASO Country of Origin Information (COI) Reports, June 2019, [url](#)

Chapter 5 reports on the *colectivos*, including types, activities, recruitment, areas of operation, targeted profiles, modus operandi, financing and support from the government, relationship with security forces and state response for victims of *colectivos*.

Chapter 6 provides information on two sets of documents: documents related to identification, and those related to courts and criminal proceedings. The first part provides information on the requirements and procedures to obtain birth certificates, national identity cards and passports, as well as the *Carnet de la Patria* (Homeland Card), complemented with information on the availability of fraudulent documents. The second part, on court documents, provides information on some aspects of their usage.

Chapter 7 gives information on entry and exit procedures. Information on the actual procedures was scarce among the sources consulted. Available information included in the report centres on irregular border crossings, the treatment upon entry and exit of critics of the government, and the situation of returnees.

Chapter 8 discusses the situation of lesbian, gay, bisexual, trans (LGBT) persons, including legislation, discrimination and violence, the situation of LGBT organisations, and state recourse.

Chapters and themes within chapters have a high degree of cross linkage with other parts of the report.

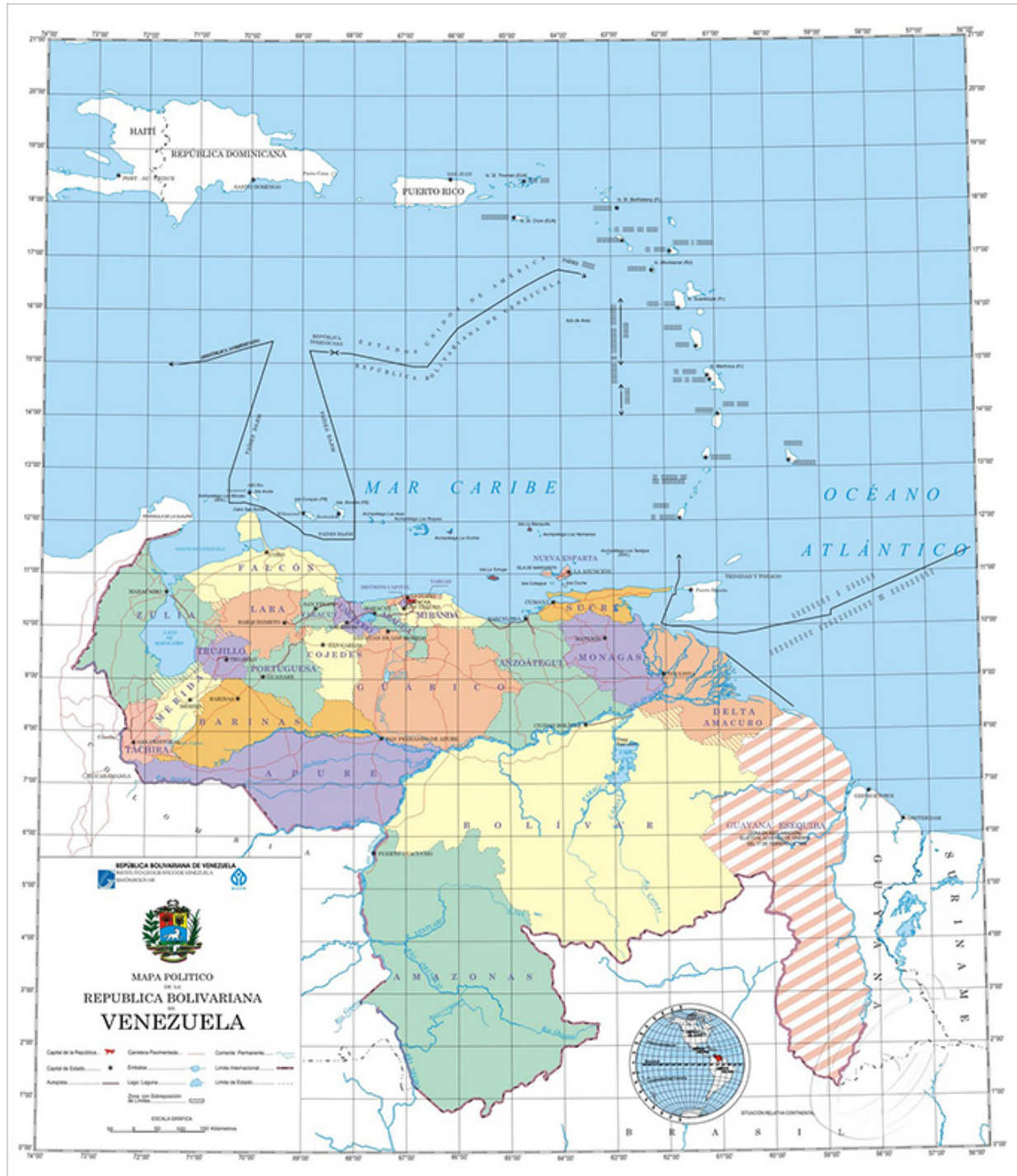
Maps



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Map 1: Administrative map of Venezuela @CIA.²⁷

²⁷ Venezuela Administrative [map], in: US, CIA, Venezuela Administrative, 2007, [url](#)

Map 2: Political map of Venezuela @US SEC²⁸

²⁸ Venezuela, Mapa Político de la República Bolivariana de Venezuela [map], in: US, Securities and Exchange Commission (SEC), EX-99.D 2 d255060dex99d.htm EXHIBIT D, 30 September 2016, [url](http://www.sec.gov). The US SEC website indicates that 'Information presented on www.sec.gov is considered public information and may be copied or further distributed by users of the web site' (US, Securities and Exchange Commission, SEC Web Site Privacy and Security Policy, n.d., [url](http://www.sec.gov)).

1. Overview

The Bolivarian Republic of Venezuela (República Bolivariana de Venezuela) or Venezuela, is a federal presidential republic that consists of 23 states (*estados*), one capital district (*distrito capital*), and one federal dependency (*dependencia federal*). The population estimate for July 2020 is 28 644 603, and its major urban areas are Caracas (2.94 million), Maracaibo (2.26 million), Valencia (1.91 million), Barquisimeto (1.21 million), and Maracay (1.2 million).²⁹

Between 1958 and 1999, the 'peaceful transfer of power from government to opposition was an established practice' in Venezuela³⁰, a dynamic known as *puntofijismo*.³¹ In 1998, Hugo Chávez won the presidential elections³² and in 2006 Chávez created the United Socialist Party of Venezuela (PSUV, *Partido Socialista Unido de Venezuela*), a single political party that incorporated his own party, the Movement for a Fifth Republic (MVR, *Movimineto V República*), which sought to 'establish the fifth era of politics in Venezuela since the country's birth in 1811', and about 20 other political parties.³³ The International Crisis Group indicated that until 2015, his movement, *chavismo*, won 16 elections and lost two, and for over 20 years the political struggle in Venezuela has featured *chavismo* and the opposition in a 'battle for power, popularity and international support'. In 2013, Nicolás Maduro was elected president after Chávez died earlier that year, and the economy, 'which had enjoyed an unprecedented, decade-long boom thanks to record prices for oil, on which Venezuela relied almost exclusively for its foreign earnings, tipped into recession almost as soon as Maduro took office'.³⁴

1.1 Economy

Venezuela is highly dependent on revenue from oil exports, which account for almost half of the government's revenue.³⁵ According to the government, 95 % of foreign currency that enters Venezuela results from oil exports.³⁶ Venezuela is in the midst of a deep economic recession caused in part by heavy regulations on the economy and the private sector³⁷ and 'gross mismanagement of fiscal monetary, budgetary and foreign exchange policies'.³⁸ In 2018 and 2019, the economic crisis deteriorated further as the economy continued to contract.³⁹ According to the International Monetary Fund (IMF), the projected Gross Domestic Product (GDP) for 2020 is -15 %.⁴⁰ Despite the strict currency exchange and price controls, in 2019 the government relaxed economic controls to mitigate the impact of the drop in oil production'. Venezuela is heavily reliant on imports to meet basic food and consumer goods needs.⁴¹

²⁹ US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

³⁰ International Crisis Group, Imagining a Resolution of Venezuela's Crisis, 11 March 2020, [url](#), p. 2

³¹ CFR, Venezuela's Chavez Era, n.d., [url](#)

³² International Crisis Group, Imagining a Resolution of Venezuela's Crisis, 11 March 2020, [url](#), p. 2; CFR, Venezuela's Chavez Era, n.d., [url](#)

³³ CFR, Venezuela's Chavez Era, n.d., [url](#)

³⁴ International Crisis Group, Imagining a Resolution of Venezuela's Crisis, 11 March 2020, [url](#), pp. 1-2

³⁵ US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

³⁶ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 38

³⁷ OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 18

³⁸ Bertelsmann Stiftung, BTI 2020 Country Report: Venezuela, 2020, [url](#), p. 3

³⁹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 10

⁴⁰ IMF, República Bolivariana de Venezuela, n.d., [url](#)

⁴¹ US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

Venezuela experiences hyperinflation⁴², or 'chronic' inflation for the past year, with episodes of hyperinflation⁴³, affecting the purchasing power of the population⁴⁴ and making it difficult to access food, medicines, and basic goods.⁴⁵ UNICEF indicated that hyperinflation has also impacted households' incomes, and investment in infrastructure and public services.⁴⁶ Inflation figures vary among sources: on 4 February 2020, the Central Bank of Venezuela (BCV, *Banco Central de Venezuela*) indicated that the inflation rate for 2019 was 9 585.5 %⁴⁷, while the Finance Commission (*Comisión de Finanzas*) of the National Assembly (*Asamblea Nacional*) indicated that the inflation rate for the same year was 7 374.4 %.⁴⁸ The same Commission indicated that the inflation rate between January and April 2020 was 341.61 %, with the price of basic goods increasing 80 % in the month of April. The Commission further indicated that inflation rates for the month of April 2020 of basic goods and services included food (53 %), transportation (108 %), housing (112 %), alcoholic beverages (132 %), and health care (162 %).⁴⁹ According to a report by the Office of the United Nations High Commissioner for Human Rights (UN OHCHR) on the human rights situation in Venezuela⁵⁰, 'despite several increases of the minimum wage by the Government, its purchasing power has decreased to the extent that it can no longer be considered a living wage'.⁵¹ Sources indicated that Venezuela repealed currency exchange restrictions⁵² in 2018⁵³, leading to a de facto dollarisation and the liberation of foreign currency, with the Colombian peso being prevalent in the border states with Colombia and the Brazilian real in the states bordering Brazil.⁵⁴

On 17 October 2019, Chilean newspaper La Tercera reported that, after 'years' without providing official figures, the Statistics National Institute (INE, *Instituto Nacional de Estadística*) of Venezuela indicated that the poverty rate decreased from 20.4 % in 2014 to 17.3 % in 2018, while extreme poverty decreased from 5.4 % to 4.3 %. The INE also indicated that in 2018, 1.4 million households were in poverty while other 351 379 were in extreme poverty.⁵⁵ However, the National Survey on

⁴² UN, UNICEF, Humanitarian Situation Report, January 2020, [url](#), p. 2; OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 36

⁴³ International Organisation A, telephone interview, 12 June 2020

⁴⁴ UN, UNICEF, Humanitarian Situation Report, January 2020, [url](#), p. 2; OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 36

⁴⁵ OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 36

⁴⁶ UN, UNICEF, Humanitarian Situation Report, December 2019, [url](#), p. 2

⁴⁷ Agencia EFE, La inflación venezolana superó el 9.500 % en 2019, según el Banco Central, 5 February 2020, [url](#)

⁴⁸ Venezuela, Asamblea Nacional, Angel Alvarado: "La inflación en Venezuela cerro en más de 7.374% en 2019" 13 January 2020, [url](#)

⁴⁹ Venezuela, Asamblea Nacional, Inflación se ubica en 80% y la acumulada en 341,61, 11 May 2020, [url](#)

⁵⁰ OHCHR visited Venezuela between 11 and 22 March 2019 and met with a 'wide range of state and other stakeholders' in several cities. It also conducted nine visits to several countries including Colombia, Brazil, Ecuador, Peru, and Spain to interview Venezuelan migrants. In addition, the High Commissioner for Human Rights, Michelle Bachelet, visited Venezuela between 19 and 21 June 2019. OHCHR conducted 558 interviews with victims and witnesses of human rights violations, and other sources including lawyers, health care professionals, media representatives, human rights advocates, and ex-military and security forces. In addition, the High Commissioner met with president Maduro, the Vice-president, high-level officials from 17 ministries, members of the National Assembly and the National Constituent Assembly (ANC, Asamblea Nacional Constituyente), the Attorney General, the Supreme Court of Justice (TSJ, Tribunal Supremo de Justicia), members of the opposition and the Catholic Church (UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), paras. 3-6).

⁵¹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 11

⁵² International Organisation A, telephone interview, 12 June 2020; DW, La ANC de Venezuela deroga el régimen de ilícitos cambiarios, 2 August 2018, [url](#)

⁵³ International Organisation A, telephone interview, 12 June 2020

⁵⁴ International Organisation A, telephone interview, 12 June 2020

⁵⁵ La Tercera, Según el INE de Maduro, la tasa de pobreza cae en Venezuela, 17 October 2019, [url](#)

Standards of Living (ENCOVI, *Encuesta Nacional de Condiciones de Vida*)⁵⁶ for 2019-2020 pointed that 96 % of households experience poverty and 79 % extreme poverty.⁵⁷

The unemployment rate also varies among sources. President Nicolás Maduro indicated in January 2020 that the unemployment rate was 6 %, while the IMF assessed it to be 35.5 % for 2020.⁵⁸ The ENCOVI survey indicated that the unemployment rate for people over 15 years of age is 44 %.⁵⁹

1.2 Security situation

Venezuela has one of the highest homicide rates in Latin America.⁶⁰ The Venezuelan Observatory of Violence (OVV, *Observatorio Venezolano de Violencia*)⁶¹ indicated that 16 506 violent deaths occurred in the country in 2019, with a rate of 60.3 deaths per 100 000 inhabitants⁶², while for 2018 the rate was 81.4.⁶³ For 2019, the violent death rate consisted of 6 588 homicides (rate of 24), 5 286 deaths for 'resisting authority' (rate of 19), and 4 632 'non-determined' deaths which also include homicides (rate of 17).⁶⁴

Sources indicated that the reduction in the homicide rate is not an indicator that violence has decreased in Venezuela.⁶⁵ Armed structures in Venezuela have managed to exert effective territorial control in their areas of influence, creating 'micro-states' within the country that have led to a decrease of conflict among them.⁶⁶ According to OVV, the decrease in the murder rates is also due to, among others, increasing poverty, bankruptcy of local companies, and emigration.⁶⁷

However, crimes such as extortion⁶⁸, drug trafficking, and domestic violence have increased.⁶⁹ In a videoconference for this report, the OVV indicated that the most common crime in Venezuela is theft, followed by homicide, and bodily injuries, although there are no reliable statistics.⁷⁰ Kidnappings have decreased due to the difficulty in paying ransoms due to hyperinflation, 'express kidnappings' have practically disappeared due to restrictions imposed by banks on the withdrawals of funds from teller machines⁷¹, and bank robberies seldom take place due to shortages of cash.⁷² Extortion has increased, although there are no reliable statistics, and affect mainly commercial, transportation, and industrial

⁵⁶ The ENCOVI is an annual national survey by the Catholic University Andrés Bello (UCAB, Universidad Católica Andrés Bello), the Central University of Venezuela (UCV, Universidad Central de Venezuela, and the Simón Bolívar University (USB, Universidad Simón Bolívar) to obtain data on standards of living in Venezuela due to the lack of public data made available by the government (UCAB et al., ¿Qué es la ENCOVI?, n.d. [url](#)). The 2019-2020 survey was carried out between November 2019 and March 2020. The initial sample was 16 920 households but due to the pandemic, the number of households interviewed was 9 932 (UCAB, encovi 2019, 2020, [url](#)).

⁵⁷ UCAB, Encuesta Nacional De Condiciones De Vida 2019-2020, 2020, [url](#)

⁵⁸ VOA, El "gran confinamiento" desata ola de desempleo en Venezuela, 18 May 2020, [url](#)

⁵⁹ UCAB, Encuesta Nacional De Condiciones De Vida 2019-2020, 2020, [url](#)

⁶⁰ InSight Crime, Capital Murder: 2019 Homicide Rates in Latin America's Capital Cities, 5 March 2020, [url](#)

⁶¹ The OVV is a Venezuelan organisation that collects and generates statistical reports on criminality in the country. OVV has eight observatories in the country collaborating with local universities, and with the coordination of the Social Sciences Laboratory (LACSO, Laboratorio de Ciencias Sociales) (OVV, Historia, n.d., [url](#)). LACSO is an 'academic and non-governmental organization founded in 1993, with the mission of deepening and improving the knowledge of Venezuelan society through scientific research and the training of researchers' (UNOCHA, Laboratorio de Ciencias Sociales (LACSO), 2 December 2019, [url](#)).

⁶² OVV, Informe Anual de Violencia 2019, 27 December 2019, [url](#), p. 2

⁶³ OVV, 2018 – La violencia presenta nuevos rostros en el país, 30 December 2018, [url](#)

⁶⁴ OVV, Informe Anual de Violencia 2019, 27 December 2019, [url](#), p. 2

⁶⁵ Mármol, videoconference, 1 May 2020; OVV, videoconference, 4 May 2020

⁶⁶ Mármol, videoconference, 1 May 2020; FundaRedes, videoconference, 6 May 2020; Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 7

⁶⁷ OVV, Informe Anual de Violencia 2019, 27 December 2019, [url](#), p. 3

⁶⁸ OVV, videoconference, 4 May 2020; Mármol, videoconference, 1 May 2020

⁶⁹ Mármol, videoconference, 1 May 2020

⁷⁰ OVV, videoconference, 4 May 2020

⁷¹ OVV, videoconference, 4 May 2020

⁷² The Washington Post, How bad is Venezuela's economy? Even the criminals are struggling to get by., 8 March 2019, [url](#)

sectors, with amounts that are often 'unpayable', forcing the target to close the business and leave the country.⁷³

The Venezuelan government's reply to the UN OHCHR report of 5 July 2019 indicated that 'there is no presence of any armed foreign group in the country'.⁷⁴ However, sources indicated that armed groups, both domestic and foreign, operate in Venezuela.⁷⁵ The political and economic crisis has empowered armed groups⁷⁶ and fomented corruption.⁷⁷ According to the International Crisis Group, 'armed groups operating in Venezuela have distinct objectives, modus operandi, political loyalties and relations with the state. As political conflict has intensified, they have increasingly preyed on the state's absence, fissures or weakness, providing them with the sort of power and economic stakes that they will not easily forsake and which directly threaten the country's long-term stability'.⁷⁸ Similarly, Argentinian news website Infobae reported that political instability and the inaction of security forces has led to an increase of irregular armed actors, including guerrillas, armed *colectivos* and paramilitary successor groups^{79, 80}

Armed groups operating in Venezuela include Colombia's National Liberation Army (ELN, *Ejército de Liberación Nacional*)⁸¹, paramilitary successor groups⁸², dissidents of the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP, *Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo*)⁸³, and dissidents of the Popular Liberation Army (EPL, *Ejército Popular de Liberación*)⁸⁴, and Venezuela's Patriotic Forces of National Liberation (FPLN, *Fuerzas Patrióticas de Liberación Nacional*)⁸⁵, armed *colectivos*⁸⁶, *megabandas*⁸⁷, *pranes*⁸⁸, and *sindicatos*.⁸⁹

For information on the security situation at the border with Colombia, see [Chapter 4](#).

1.3 Institutional duality

In a videoconference for this report, a professor of political science and socio-political conflict based in Venezuela, who specialises in political conflict and social movements, indicated that the institutional duality is the consequence of the polarisation between the government and the opposition that has permeated Venezuelan society, where the political adversary is seen as an 'enemy' and not as a rival, and the non-recognition of the other's institutions has brought about a 'de-institutionalisation' in the country. In the context of polarisation and institutional duality, the government has sought to disband and disqualify democratically elected institutions by ignoring these

⁷³ OVV, videoconference, 4 May 2020

⁷⁴ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 61

⁷⁵ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), i; Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 8, 39

⁷⁶ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 2; WOLA, Beyond the Narcostate Narrative, March 2020, [url](#), p.4

⁷⁷ WOLA, Beyond the Narcostate Narrative, March 2020, [url](#), p. 4; InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁷⁸ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 16

⁷⁹ Note: The term 'paramilitaries' has been redefined under different names, including Criminal Bands (BACRIM, Bandas Criminales), Organised Armed Groups (GAO, Grupos Armados Organizados), 'neo-paramilitaries' ('*neoparamilitares*'), 'paramilitary successor groups' ('*grupos sucesores paramilitares*'), '*paracos*', and so on. For consistency, this paper uses the term 'paramilitary successor groups'.

⁸⁰ Infobae, Surgió un grupo paramilitar venezolano, 17 June 2019, [url](#)

⁸¹ Mármol, videoconference, 1 May 2020; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 27

⁸² Mármol, videoconference, 1 May 2020; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 44

⁸³ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 58; HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 47

⁸⁴ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 22

⁸⁵ Mármol, videoconference, 1 May 2020

⁸⁶ Mármol, videoconference, 1 May 2020; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 22

⁸⁷ OVV, videoconference, 4 May 2020; International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. 12-13

⁸⁸ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. 12-13

⁸⁹ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. 12-13; OVV, videoconference, 4 May 2020

institutions' acts, suspending rights and privileges of those who are part of these institutions, and facilitating 'persecution' and imprisonment, which is becoming more frequent.⁹⁰

As a consequence of this duality and parallel structures of power, Venezuela has two presidents, three legislative bodies, two supreme courts (one in Caracas and one in exile), and two Attorney Generals (one in Caracas and one in exile).⁹¹ Since January 2019, Venezuela has two competing presidencies.⁹² According to the Professor of political science, institutional duality has also extended to state and municipal governments with the creation, by the government, of 'foundations' (*fundaciones*) [or 'protectors' (*protectores*)⁹³] in those states and city halls that are held by the opposition. These 'foundations' are parallel entities created to replace local governments held by the opposition, and are assigned the resources that were destined to the original ones.⁹⁴ In a videoconference for this report, journalist Víctor Amaya⁹⁵ indicated that in the states held by the opposition (Táchira, Nueva Esparta, Anzoátegui and Mérida) the government created *protectores* who replaced governors and are the ones that have the relationship with the national government in areas such as health care, official media, and the distribution of food, water, and gas. Also, the city hall of Caracas was eliminated from the Constitution by the ANC since it was held by the opposition since 2008, and replaced it with the 'government of the Capital District', which is not in the Constitution. The government structure of the parishes (*Parroquias*) was also eliminated by 2013 as these were held by the opposition, and were replaced by the communal councils, whose members are not democratically elected but appointed by the government. Some communal councils, in order to obtain the renewal by the Ministry for Communes (*Ministerio del Poder Popular para las Comunas y los Movimientos Sociales*), have changed their political alignment with that of the government.⁹⁶

According to the Professor of political science, the creation of these parallel institutions not only brought about duplicity of functions in these jurisdictions and polarising conflicts among the two, but also encouraged ideological patronage from the PSUV and the government. Although constitutionally Venezuela is a decentralised country, since Chávez, there has been a move towards centralisation with an increasing delegation of power to the president who has been governing through decrees, enabling laws, and 'states of emergency'.⁹⁷

The political polarisation between the 'liberal opposition' (the opposition) and the 'socialism of the 21st century' (the government) is 'antagonistic and exclusive', in the sense that the implementation of public policy by the government privileges the poor while excluding the middle and upper classes, as these are seen by the government and its supporters as the 'other' (*el otro*), the 'enemy' (*el enemigo*), the 'traitor to the homeland' (*el traidor a la patria*).⁹⁸

'The Venezuela as "narcostate" narrative is often invoked by the hardliners to depict the Maduro government as not just authoritarian, but motivated by illicit profits and therefore unable to negotiate and perhaps impossible to respond to without the use of force'.⁹⁹ The government, in turn, blames sanctions imposed on Venezuela and limitations on banking transactions which 'hinders the State's ability to import food and medicines'.¹⁰⁰

⁹⁰ Professor of political science, videoconference, 14 May 2020

⁹¹ Amaya, videoconference, 29 May 2020

⁹² International Crisis Group, *Imagining a Resolution of Venezuela's Crisis*, 11 March 2020, [url](#), p. i

⁹³ Amaya, videoconference, 29 May 2020

⁹⁴ Professor of political science, videoconference, 14 May 2020

⁹⁵ Amaya is editor-in-chief of the economy and politics unit of Venezuelan newspaper *TalCual*. He is also editor of *España.com*, a fact-checking website supported by Transparencia Venezuela and the European Union, and foreign correspondent of *Radio France Internationale* and *La Razón* (Spain).

⁹⁶ Amaya, videoconference, 29 May 2020

⁹⁷ Professor of political science, videoconference, 14 May 2020

⁹⁸ Professor of political science, videoconference, 14 May 2020

⁹⁹ WOLA, *Beyond the Narcostate Narrative*, March 2020, [url](#), p. 4

¹⁰⁰ UN OHCHR, *Human Rights in the Bolivarian Republic of Venezuela*, 5 July 2019, [url](#), para. 26

According to the International Crisis Group,

'efforts to reach a peaceful resolution have so far proved fitful and largely fruitless. Several rounds of negotiations have taken place since 2014 but all were marred by mutual suspicion, with the opposition convinced that the government misled it. Over the last year [2019], both camps have flirted with a negotiated solution but have also banked on gaining the upper hand over their rival through the passage of time and the assistance of powerful foreign allies. The opposition felt that tightening sanctions and the government's increased international isolation would trigger a rupture within *chavista* ranks, notably among the military or, alternatively, that the U.S. might forcefully step in; the government hoped that the longer it resisted sanctions with the help of Russia, China and others, the more opposition credibility and unity would erode, the more public support for the opposition would dissipate, and the more Guaidó's external allies would lose interest'.¹⁰¹

Venezuela does not have independent government institutions that act as a check on the executive power.¹⁰²

1.3.1 Executive branch

The executive branch consists of the president, Nicolás Maduro, the vice-president, Delcy Rodríguez Gómez, and the cabinet of ministers who are appointed by the president. 'The president is both chief of state and head of government'.¹⁰³ President Maduro was elected in 2013¹⁰⁴, and exercises de facto power and control over most government institutions.¹⁰⁵ Additionally, the 'states of emergency' (*estados de excepción*), which have been renewed every 60 days since 13 May 2016, have granted 'wide, vague and discretionary powers to the Executive with the declared purpose of, inter alia, preserving the internal order'.¹⁰⁶

On 20 May 2018, Venezuela held presidential elections that reportedly presented 'irregularities' such as low turnout and the prohibition for some parties and candidates from running for office.¹⁰⁷ On 23 January 2019, Juan Guaidó, member of the opposition and president of the opposition-controlled National Assembly, 'self-proclaimed "interim president of Venezuela"'¹⁰⁸ in order to 'end the usurpation [by Maduro], create a transition government, and call for free elections'.¹⁰⁹ According to the International Crisis Group, what the opposition considered as the 'restoration of democracy', the government regarded as a 'foreign-backed coup'.¹¹⁰ Guaidó was recognised as 'interim president' by 13 countries in the Americas, including the US, Canada, Brazil, Colombia, Peru, and Ecuador, in addition to the Organization of American States (OAS).¹¹¹ As of April 2020, over 60 countries have recognised Guaidó as 'interim president'.¹¹²

¹⁰¹ International Crisis Group, *Imagining a Resolution of Venezuela's Crisis*, 11 March 2020, [url](#), p. i

¹⁰² HRW, *World Report 2020*, 2020, [url](#), p. 625; FundaRedes, videoconference, 6 May 2020

¹⁰³ US, CIA, *The World Factbook: Venezuela*, 4 August 2020, [url](#)

¹⁰⁴ International Crisis Group, *Imagining a Resolution of Venezuela's Crisis*, 11 March 2020, [url](#), pp. 1-2

¹⁰⁵ International Crisis Group, *Imagining a Resolution of Venezuela's Crisis*, 11 March 2020, [url](#), p. i; US, CIA, *The World Factbook: Venezuela*, 4 August 2020, [url](#)

¹⁰⁶ UN OHCHR, *Human Rights in the Bolivarian Republic of Venezuela*, 5 July 2019, [url](#), para. 31

¹⁰⁷ CEPAZ, *2019 Encrucijada política en Venezuela*, 16 July 2019, [url](#), p. 5; Transparencia Venezuela, *Las irregularidades del proceso electoral convocado por la Constituyente*, 16 September 2018, [url](#), pp. 2,4

¹⁰⁸ Agencia EFE, *Acorralan a Nicolás Maduro*, 24 January 2019, [url](#); BBC, *Juan Guaidó, president de la Asamblea Nacional de Venezuela, se juramenta como "president encargado" del país*, 23 January 2019, [url](#)

¹⁰⁹ BBC, *Juan Guaidó, president de la Asamblea Nacional de Venezuela, se juramenta como "president encargado" del país*, 23 January 2019, [url](#)

¹¹⁰ International Crisis Group, *Imagining a Resolution of Venezuela's Crisis*, 11 March 2020, [url](#), p. i

¹¹¹ Agencia EFE, *Acorralan a Nicolás Maduro*, 24 January 2019, [url](#)

¹¹² AP, *Sources: Guaido Allies Take Slice of First Venezuela Budget*, 23 April 2020, [url](#)

The Professor of political science indicated that the opposition has created a parallel system that includes representatives at the Inter-American Development Bank, PDVSA, a supreme court and an Attorney General (Fiscal General) of the Public Ministry (Ministerio Público).¹¹³ Spanish news agency Agencia EFE reported that Guaidó has also appointed 'ambassadors' to several countries, including Argentina, US, Canada, Chile, Colombia, Costa Rica, Ecuador, Brazil, Peru; 'diplomatic envoys' to countries including Spain, Germany, France, Portugal, Malta, Sweden, and Belgium; and 'special envoys' to countries such as Morocco.¹¹⁴ The UN Protocol and Liaison Service's list of 'Heads of State' considers Nicolás Maduro as 'President' of Venezuela.¹¹⁵

1.3.2 Legislative branch

The legislative branch consists of a unicameral National Assembly of 167 seats, of which about 108 are from the opposition¹¹⁶, 55 from the PSUV, and 3 indigenous peoples¹¹⁷, since the last elections in December 2015.¹¹⁸

As the opposition won most of the seats in December 2015¹¹⁹, they had the constitutional powers to limit Maduro's government.¹²⁰ As a response, president Maduro used his control of the remaining branches of the state, particularly the Supreme Court of Justice (TSJ, *Tribunal Supremo de Justicia*), to nullify the powers of the National Assembly.¹²¹ On 11 January 2016, the TSJ declared the National Assembly 'in contempt' due to 'irregularities' in the election of three candidates in the state of Amazonas, and declared that all future acts emerging from that institution will be 'invalid'.¹²² In March 2017, the TSJ issued Rulings 155 and 156 which granted the executive branch the power to legislate without the National Assembly.¹²³ The reaction from civil society led to protests against the government of Maduro.¹²⁴

The Justice and Peace Centre (CEPAZ, *Centro de Justicia y Paz*¹²⁵) indicated that, in reaction to the opposition winning control of the National Assembly, the government decreed the election of an alternative to the constitutional National Assembly: the National Constituent Assembly (ANC, *Asamblea Nacional Constituyente*). On 1 May 2017, the government called for elections for an ANC¹²⁶, which took place on 30 July 2017.¹²⁷ The ANC started to operate on 4 August 2017.¹²⁸ The call for elections was made through a government decree instead of a public referendum, as required by the

¹¹³ Professor of political science, videoconference, 14 May 2020

¹¹⁴ Agencia EFE, Guaidó designa nuevos enviados diplomáticos de Venezuela ante Grecia e Israel, 21 August 2019, [url](#)

¹¹⁵ UN, Protocol and Liaison Service, Heads of State, Heads of Government, Ministers of Foreign Affairs, 16 June 2020, [url](#), p. 64

¹¹⁶ AS/COA, The Pressure on Venezuela's National Assembly, 15 January 2020, [url](#); US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

¹¹⁷ US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

¹¹⁸ International Crisis Group, Imagining a Resolution of Venezuela's Crisis, 11 March 2020, [url](#), p. 1; CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 5

¹¹⁹ International Crisis Group, Imagining a Resolution of Venezuela's Crisis, 11 March 2020, [url](#), p. 1; CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 5

¹²⁰ International Crisis Group, Imagining a Resolution of Venezuela's Crisis, 11 March 2020, [url](#), p. 1

¹²¹ International Crisis Group, Imagining a Resolution of Venezuela's Crisis, 11 March 2020, [url](#), p. 1; Professor of political science, videoconference, 14 May 2020

¹²² CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 5; BBC, Tribunal Supremo de Venezuela declara "en desacato" a la Asamblea Nacional de mayoría opositora, 11 January 2016, [url](#)

¹²³ Efecto Cocuyo, Con sentencias 155 y 156, TSJ habilita al presidente Maduro a legislar y bloquea a la AN, 30 March 2017, [url](#)

¹²⁴ CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 5

¹²⁵ CEPAZ is a Venezuelan NGO that advocates for the defense of human rights and democracy (CEPAZ, Sobre Cepaz, n.d., [url](#)).

¹²⁶ CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 5

¹²⁷ The Washington Post, With low turnout, Venezuela's election will create what opponents call 'puppet congress', 31 July 2017, [url](#)

¹²⁸ CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 5

Constitution.¹²⁹ BBC reported that the opposition refused to participate in these elections, and Smartmatic, the company that managed the electronic vote for these elections, indicated that 'there was manipulation with the data'.¹³⁰ The ANC is made up of government supporters¹³¹ and took over the constitutional role of the National Assembly of promulgating laws.¹³² To date, the ANC has not issued an article or a proposal on the content of the new proposed Constitution.¹³³ The ANC is not recognised by several countries, including Colombia, Brazil, Spain, Switzerland, and the US, as well as the OAS and the European Parliament.¹³⁴

The professor of political science indicated that the stagnation of the National Assembly by the government has led to the suspension of the rights and privileges of its deputies, including the loss of their immunity and exposure to prosecution.¹³⁵ According to CEPAZ, the TSJ issued 28 rulings against the National Assembly in 2019, 12 in 2018, 34 in 2017, 44 in 2016, and one in 2015. Among the 2019 rulings are the declaration as 'void' of several resolutions passed by the National Assembly, the charging of several National Assembly deputies for 'treason', and requesting the ANC to lift their parliamentary immunity.¹³⁶ A report by the National Assembly similarly indicated that the rulings of the TSJ have effectively brought about the invalidation of that body's decisions, the withdrawal of its funding, the illegal appropriation of its spaces and assets by the ANC, physical intimidation by pro-government armed groups under the auspices of the Bolivarian National Guard (GNB, Guardia Nacional Bolivariana), and the suspension of salaries for its deputies.¹³⁷ Since some of the deputies are in exile and unable to take their seats, in December 2019 the National Assembly passed a motion to allow deputies who cannot attend sessions in person to vote virtually.¹³⁸ Some of the TSJ rulings in 2019 have declared as 'constitutional' several prorogations of 'states of emergency' (*estados de excepción*).¹³⁹ According to the Professor of political science, the constant renewal of 'states of emergency' has led to forms of authoritarianism where government institutions adhere to the government line, and constitutional attributions of other institutions such as the National Assembly are delegated by the government to the TSJ or the ANC.¹⁴⁰

On 15 June 2020, the TSJ suspended the boards of directors of the political parties Justice First (*Primero Justicia*) and Democratic Action (*Acción Democrática*), and ordered their takeover¹⁴¹ by two deputies who were former members of these parties and are associated with president Maduro.¹⁴² Efecto Cocuyo reported that since 2012, the board of directors of eight political parties have been changed by TSJ decisions.¹⁴³

Split of the National Assembly

On 5 January 2020, the National Assembly was set to elect its new leader. While many opposition members, press agencies and foreign diplomats were blocked from entering the National Assembly¹⁴⁴,

¹²⁹ HRW, World Report 2020, 2020, [url](#), p. 629

¹³⁰ BBC, Smartmatic, la empresa a cargo del sistema de votación en Venezuela, 2 August 2017, [url](#)

¹³¹ HRW, World Report 2020, 2020, [url](#), p. 629

¹³² OVV, videoconference, 4 May 2020

¹³³ Amaya, videoconference, 29 May 2020

¹³⁴ BBC, ¿Qué implica que grandes países desconozcan la Constituyente de Maduro en Venezuela?, 31 July 2017, [url](#)

¹³⁵ Professor of political science, videoconference, 14 May 2020

¹³⁶ CEPAZ, Sentencias del Tribunal Supremo de Justicia que afectan a la Asamblea Nacional, 2019, [url](#), pp. 1, 10-13

¹³⁷ Venezuela, Asamblea Nacional, Informe especial sobre la situación de parlamentarios venezolanos, 14 August 2019, [url](#), p. 35

¹³⁸ AS/COA, The Pressure on Venezuela's National Assembly, 15 January 2020, [url](#)

¹³⁹ CEPAZ, Sentencias del Tribunal Supremo de Justicia que afectan a la Asamblea Nacional, 2019, [url](#), pp. 10-13

¹⁴⁰ Professor of political science, videoconference, 14 May 2020

¹⁴¹ BBC, Venezuela's top court ousts leaders of two opposition parties, 17 June 2020, [url](#); PBS, Venezuela Supreme Court orders takeover of 2 major political parties, 16 June 2020, [url](#)

¹⁴² BBC, Venezuela's top court ousts leaders of two opposition parties, 17 June 2020, [url](#)

¹⁴³ Efecto Cocuyo, El TSJ ha cambiado la directiva de siete partidos de oposición, 16 June 2020, [url](#)

¹⁴⁴ International Crisis Group, Seizure of Parliament Plunges Venezuela into Deeper Turmoil, 7 January 2020, [url](#)

pro-government National Assembly deputies took to the chamber and elected Luis Parra as president despite not having the quorum of 84.¹⁴⁵ Guaidó eventually entered the National Assembly on the same day and was reappointed president of the National Assembly¹⁴⁶ by opposition deputies at the El Nacional newspaper headquarters, with the diplomatic corps.¹⁴⁷ According to the International Crisis Group, 'the resulting split between a government-controlled assembly of dubious origin and a legitimate parliament stripped of its physical home and legal status is another escalation of Venezuela's long-running political conflict'.¹⁴⁸

1.3.3 Judicial branch

The judicial branch consists of the TSJ, which is made up of 32 judges organised into constitutional, political-administrative, electoral, civil appeals, criminal appeals, and social chambers. Judges are appointed by the National Assembly and serve a non-renewable 12-year term.¹⁴⁹ The judicial branch also consists of Superior or Appeals Courts (*Tribunales Superiores*), District Tribunals (*Tribunales de Distrito*), Courts of First Instance (*Tribunales de Primera Instancia*), Parish Courts (*Tribunales de Parroquia*), and Justices of the Peace.¹⁵⁰

According to sources, the justice system in Venezuela is considered an 'appendice of the government'.¹⁵¹ For more information on the functioning of the justice system, see [Chapter 3.11](#).

1.3.4 Security forces

According to a Bertelsmann Stiftung 2020 country report on Venezuela, 'law enforcement is the state administration's Achilles heel. Several agencies at the national, regional and local levels operate in an uncoordinated fashion and sometimes contravene each other'. At the national level, there are the GNB, the Corps of Scientific, Penal and Criminalistic Investigations (CICPC, *Cuerpo de Investigaciones Científicas, Penales y Criminalísticas*), the Bolivarian National Police (PNB, *Policía Nacional Bolivariana*), and the Bolivarian National Intelligence Service (SEBIN, *Servicio Bolivariano de Inteligencia Nacional*), which is part of the Ministry of the Interior, Justice and Peace (*Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz*)¹⁵² and has around 2 800 employees, including administrative personnel.¹⁵³ Twenty-three state police departments comprise 50 000 officers, and 114 municipal police departments about 20 000. Altogether, there are some 115 000 police officers.¹⁵⁴

The GNB is one of the branches of the armed forces and is responsible for the 'preservation of order within the country, [cooperation] in the development of military operations to safeguard the defense of the nation, engage in activities related to policing and penal investigation according to the law, and actively participate in the national development'.¹⁵⁵ Other responsibilities include border security;

¹⁴⁵ AS/COA, The Pressure on Venezuela's National Assembly, 15 January 2020, [url](#); France24, "El único respaldo que necesitamos es el que está aquí", Luis Parra en France 24, 10 January 2020, [url](#)

¹⁴⁶ France24, "El único respaldo que necesitamos es el que está aquí", Luis Parra en France 24, 10 January 2020, [url](#); International Crisis Group, Seizure of Parliament Plunges Venezuela into Deeper Turmoil, 7 January 2020, [url](#)

¹⁴⁷ VPitv, EN VIVO - Elección de la nueva directiva de la Asamblea Nacional 2020, 5 January 2020, [url](#), 6:57:00

¹⁴⁸ International Crisis Group, Seizure of Parliament Plunges Venezuela into Deeper Turmoil, 7 January 2020, [url](#)

¹⁴⁹ Venezuela, TSJ, La Institución, [url](#)

¹⁵⁰ US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

¹⁵¹ Professor of political science, videoconference, 14 May 2020; CIJ, El Tribunal Supremo de Justicia de Venezuela: un instrumento del Poder Ejecutivo, July 2017, [url](#), p. 5

¹⁵² Bertelsmann Stiftung, BTI 2020 Country Report: Venezuela, 2020, [url](#), p. 24

¹⁵³ BBC, Crisis en Venezuela: qué está pasando en el Sebin, el temido servicio de inteligencia al que señalan de conspirar contra Nicolás Maduro, 6 May 2019, [url](#)

¹⁵⁴ Bertelsmann Stiftung, BTI 2020 Country Report: Venezuela, 2020, [url](#), p. 24

¹⁵⁵ Venezuela, GNB, Misión, n.d., [url](#)

migration control; prevention, investigation and apprehensions in crimes related to 'human trafficking, forced prostitution and sexual enslavement'.¹⁵⁶ The GNB has 35 000 agents.¹⁵⁷

The CICPC is an agency of the Ministry of Interior, Justice and Peace, and is responsible for the scientific investigation of crimes in support of the administration of justice. Its functions include the investigation of crimes; the seizure of evidence involved in the commission of a crime; collaboration with other security agencies for crime prevention initiatives and in the administration of crime databases to share information related to drug trafficking, international terrorism, organised crime, among others; and the production of statistics on crime.¹⁵⁸ The CICPC is also responsible for the execution of judicial decisions that involve the location, search, and prehension of wanted persons, and undertaking judicial inspections and raids.¹⁵⁹ The CICPC has about 8 000 agents.¹⁶⁰

The PNB was created in December 2009 in order to establish a police body at the national level, in addition to the existing police bodies at the state and municipal levels. The PNB is under the Ministry of Interior, Justice and Peace, and is responsible for policing in areas such as customs, penitentiaries, organised crime, community police, land transportation and highways, migration, borders, and anti-kidnapping. It also collaborates with foreign police bodies, provides protection to VIP and diplomatic missions in the country, and provides assistance to victims of crime.¹⁶¹ The PNB has about 4 000 agents.¹⁶² The Special Action Force (FAES, *Fuerzas de Acciones Especiales*) is a special police force that is part of the PNB.¹⁶³

The Bolivarian National Armed Forces (FANB, *Fuerza Armada Nacional Bolivariana*) consist of the National Army (*Ejército Nacional*), the Navy (*Armada Nacional*), Military Air Force (*Aviación Militar*) and the GNB. Two other 'secondary' bodies include the Bolivarian National Militia (*Milicia Nacional Bolivariana*) and the Presidential Guard (*Guardia de Honor Presidencial*).¹⁶⁴ According to Maduro, the Bolivarian National Militia is 'the people integrated in a civil-military union according to its constitutional responsibilities to prepare for the defense' of the homeland. According to Maduro, in December 2019 the Bolivarian National Militia had over 3.3 million militias with a goal of 4 million by April 2020.¹⁶⁵ In a telephone interview for this report, a journalist based in Venezuela who has been covering the armed forces for over 20 years indicated that members of the Bolivarian National Militia include older adults and public servants.¹⁶⁶ The US Central Intelligence Agency (CIA) Factbook on Venezuela indicated that the estimated size in 2019 of the Venezuelan military is about 125 000 'active personnel', with 62 000 in the Army, 25 000 in the Navy, 11 000 in the Air Force, and 27 000 in the GNB.¹⁶⁷ The Directorate General of Military Counterintelligence (DGCIM, *Dirección General de Contrainteligencia Militar*) is the military counter-intelligence agency.¹⁶⁸

International Crisis Group indicated that the armed forces also present divisions and tensions between those who regard themselves as the sole legitimate body with the monopoly of force in the country, the ultimate arbiter of law, order and sovereignty, with the responsibility to impose order in the

¹⁵⁶ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 31

¹⁵⁷ Bertelsmann Stiftung, BTI 2020 Country Report: Venezuela, 2020, [url](#), p. 8

¹⁵⁸ Venezuela, CICPC, ¿Quiénes somos?, n.d., [url](#)

¹⁵⁹ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 31

¹⁶⁰ Bertelsmann Stiftung, BTI 2020 Country Report: Venezuela, 2020, [url](#), p. 8

¹⁶¹ Venezuela, Ministerio del Poder Popular para las Relaciones Interiores, Justicia y Paz, Reseña, n.d., [url](#)

¹⁶² Bertelsmann Stiftung, BTI 2020 Country Report: Venezuela, 2020, [url](#), p. 8

¹⁶³ VTV, Presidente Maduro rechaza campaña de descrédito contra FAES y PNB dirigida desde EE.UU., 20 December 2019, [url](#)

¹⁶⁴ Venezuela, Ministerio del Poder Popular para la Defensa, Fuerza Armada, n.d., [url](#)

¹⁶⁵ VTV, Presidente Maduro rechaza campaña de descrédito contra FAES y PNB dirigida desde EE.UU., 20 December 2019, [url](#)

¹⁶⁶ Journalist, telephone interview, 8 June 2020

¹⁶⁷ US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

¹⁶⁸ Foro Penal and Robert F. Kennedy Human Rights, Enforced Disappearance as a Tool of Political Repression in Venezuela, 2020, [url](#)

country, a more statist, militaristic strand, and those with a more dispersed ideological vision of popular armed defense of the revolution. According to the same source, the former are 'disturbed' by the level of penetration of non-state armed groups inside the government; the latter rely on these non-state armed groups for the defense of the nation backed by the doctrines of warfare instituted under chavismo that allows for the possibility of asymmetric warfare. These two seem irreconcilable.¹⁶⁹

1.4 Demonstrations

Demonstrations have taken place to protest the Venezuelan government, the economic situation and living standards, while pro-government supporters protest against 'the United States of America for its declaration of Venezuela as a "national security threat" and for imposing sanctions against State officials over alleged human rights abuses'.¹⁷⁰

According to the Venezuelan Observatory of Social Conflict (OVCS, Observatorio Venezolano de Conflictividad Social)¹⁷¹, 16 739 demonstrations took place in 2019, while 12 715 occurred in 2018 and 9 787 in 2017.¹⁷² In 2019, 42 % of the demonstrations were related to demands for political and civil rights, while 58 % of the protests were related to 'economic, social, cultural and environmental rights', including demands for better economic conditions and salaries; access to food and basic services such as gas, electricity and water; health care conditions; cuts in education and poor infrastructure of educational institutions; shortage of gasoline; and the situation of indigenous peoples.¹⁷³ The rights most protested included political participation (6 310 protests), housing and access to basic services (5 375), labour (4 756), food (984), education (925), and health care (700).¹⁷⁴ Most protests of workers during 2019 were on education (3 714 demonstrations), health care (474), and transportation (290).¹⁷⁵ The most common demonstration methods included rallies (6 493), closing of streets (3 706), strikes (1 613), marches (1 455), and exhibiting placards (1 331).¹⁷⁶

Demonstrations in 2019, by state ¹⁷⁷

State	Number
Amazonas	149
Anzoátegui	977
Apure	262
Aragua	668
Barinas	288
Bolívar	1 054
Carabobo	726
Cojedes	318
Delta Amacuro	173
Capital District	1 290
Falcón	547
Guárico	571

State	Number
Lara	996
Mérida	1 255
Miranda	1 355
Monagas	720
Nueva Esparta	428
Portuguesa	508
Sucre	735
Táchira	1 128
Trujillo	1 032
Vargas	185
Yaracuy	385
Zulia	989

¹⁶⁹ International Crisis Group, telephone interview, 30 April 2020

¹⁷⁰ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#); para. 64

¹⁷¹ OVCS is a Venezuelan NGO that promotes and advocates the defense of human rights (OVCS, ¿Quiénes somos?, n.d., [url](#)). The OVCS carries out research on conflict trends based on information provided by the media, governmental organisations and other NGOs (OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 32).

¹⁷² OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 3

¹⁷³ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), pp. 3, 8, 12

¹⁷⁴ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 12

¹⁷⁵ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 22

¹⁷⁶ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 5

¹⁷⁷ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 7

An UN OHCHR update on the 5 July 2019 report indicated that between October and December 2019, 4 433 protests were recorded by the OVCS, most of them led by professionals engaged in education, health care, and industry, 'protesting poor working conditions and the lack of supplies and basic equipment in schools and hospitals'.¹⁷⁸

An International Criminal Court (ICC) report indicated that it has been reported that 'some groups of protestors resorted to violent means, resulting in some members of security forces being injured or killed'.¹⁷⁹ The government indicated in its reply to the UN OHCHR report that 'at least' nine officials died and 1 263 were wounded as a result of violence during the 2017 and 2019 protests carried out by the opposition.¹⁸⁰

Sources indicated, however, that the demonstrations that took place in 2014 and 2017 are different in nature from the ones that occurred in 2019 onwards.¹⁸¹ In a videoconference for this report, Jean-Baptiste Mouttet, an independent journalist who covered Venezuela between 2010 and 2019, explained that demonstrations that took place in 2014 were mostly driven by middle and upper class youth from Voluntad Popular who supported the Democratic Unity Roundtable (MUD, *Mesa de la Unidad Democrática*). In 2017, with the economic crisis, residents in poorer areas started to rally in the neighbourhoods to demand better living standards and not against Maduro, and to avoid repression, rallies took place in the evening. Even though political demonstrations were taking place around the same time, people from poorer neighbourhoods did not participate in these protests.¹⁸²

In 2019, however, the protest movement emerged in low-income neighbourhoods. On 21 January 2019, 'hundreds' of residents from poorer neighbourhoods supported the members of the GNB who were deserting, and they were also present during the rallies that supported Guaidó on his self-proclamation as 'interim president' on 23 January 2019, giving way for the unification of the agendas of the political opposition and the demands from the communities. The union did not last, however.¹⁸³ The Professor of political science similarly indicated that the political and ideological protests that took place before the first months of 2019 started to decrease and gave way to more targeted demonstrations that protested the deterioration of living standards and the humanitarian situation. These new protests were led by physicians, nurses, trade unions, people affected by the lack of potable water, and so on, and during the coronavirus pandemic, demonstrations have focused on the lack of food and living conditions, although these are seldom reported due to government efforts to block their reporting, with some of these protests met with strong police repression. The criminalisation of demonstrations has created a sense of fear among the population that refrain from criticising the government in public or on the media.¹⁸⁴ The OVCS reported that in May 2020, 1 075 protests took place in Venezuela, an average of 36 per day, with the majority of demands related to the collapse of basic services such as electricity (in 501 protests), drinking water (396), and residential gas (150).¹⁸⁵

For information on the treatment of protesters, see [Chapter 3.3](#).

¹⁷⁸ UN OHCHR, Venezuela: Commissioner Bachelet details plans for new human rights assistance, 18 December 2019, [url](#)

¹⁷⁹ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#); para. 74

¹⁸⁰ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 49

¹⁸¹ Mouttet, videoconference, 8 May 2020; Professor of political science, videoconference, 14 May 2020

¹⁸² Mouttet, videoconference, 8 May 2020

¹⁸³ Mouttet, videoconference, 8 May 2020

¹⁸⁴ Professor of political science, videoconference, 14 May 2020

¹⁸⁵ OVCS, Escasez de gasolina y colapso de servicios básicos: Conflictividad social – Venezuela, Mayo 2020, 11 June 2020, [url](#)

1.5 Abuses and monitoring by security forces

1.5.1 Arbitrary detentions

The Constitution of Venezuela indicates the following regarding arbitrary detentions and forced disappearances:

'ARTICLE 44

Personal liberty is inviolable, therefore:

1. No person shall be arrested or detained except by virtue of a court order, unless such person is caught *in fraganti*. In the latter case, such person must be brought before a judge within forty-eight hours of his or her arrest. He or she shall remain free during trial, except for reasons determined by law and assessed by the judge on a case-by case basis.

The bail as required by law for the release of a detainee shall not be subject to tax of any kind.

2. Any person under arrest has the right to communicate immediately with members of his or her family, an attorney or any other person in whom he or she reposes trust, and such persons in turn have the right to be informed where the detainee is being held, to be notified immediately of the reasons for the arrest and to have a written record inserted into the case file concerning the physical or mental condition of the detainee, either by himself or herself, or with the aid of specialists. The competent authorities shall keep a public record of every arrest made, including the identity of the person arrested, the place, time, circumstances and the officers who made the arrest.

In the case of the arrest of foreign nationals, (male or female), applicable provisions of international treaties concerning consular notification shall also be observed.

3. The penalty shall not extend beyond the person of the convicted individual. No one shall be sentenced to perpetual or humiliating penalties. Penalties consisting of deprivation of liberty shall not exceed 30 years.

4. Any authority taking measures involving the deprivation of liberty must identify himself or herself.

5. No person shall remain under arrest after a release order has been issued by the competent authority or such person's sentence has been served.

ARTICLE 45

The public authorities, whether military, civilian or of any other kind, even during a state of emergency, exception or restriction or guarantees, are prohibited from effecting, permitting or tolerating the forced disappearance of persons. An officer receiving an order or instruction to carry it out, has the obligation not to obey, and to report the order or instruction to the competent authorities. The intellectual and physical perpetrators accomplices and concealers of the crimes of forced disappearance of a person, as well as any attempt to commit such offense, shall be punished in accordance with law.¹⁸⁶

The UN OHCHR mission report indicated that

'in most cases [of arbitrary detentions], women and men were subjected to one or more forms of torture or cruel, inhuman or degrading treatment or punishment, including electric shocks, suffocation with plastic bags, water boarding, beatings, sexual violence, water and food

¹⁸⁶ Venezuela, Constitution of the Bolivarian Republic of Venezuela 1999 (Amended), 2009, Translated by William S. Hein & Co., Inc., [url](#)

deprivation, stress positions and exposure to extreme temperatures. Security forces and intelligence services, particularly SEBIN and DGCIM, routinely resort to such practices to extract information and confessions, intimidate, and punish the detainees'.¹⁸⁷

A case documented by Human Rights Watch indicated that security agents 'used electric shocks on a detainee, beat and kicked him, and covered his head with a plastic bag in which they had sprayed a chemical substance that made his face and throat itch and swell. [...] The agents believed the man had stolen a motorcycle belonging to a [FAES] commander's wife'.¹⁸⁸

Sources indicated that authorities allegedly engage in forced disappearances¹⁸⁹, including for political reasons.¹⁹⁰ According to Foro Penal¹⁹¹, the temporary or permanent forced disappearance is a 'common' practice in Venezuela to impede the defence of the person while the detention is carried out. Security agencies, particularly the DGCIM, the SEBIN, and the PNB and its FAES, 'in many cases disappear persons to subject them to illegal interrogations that include tortures or ill and inhuman treatment, in some cases resorting to filming or recording the detainee incriminating other persons'.¹⁹² Sources similarly indicated that detainees are taken clandestinely to 'safe houses' to carry out interrogations¹⁹³ and sometimes are held for over 48 hours.¹⁹⁴ During 2019, Foro Penal documented 526 people who were 'forcibly disappeared' in the country.¹⁹⁵ In some instances, authorities refused to provide information on their whereabouts.¹⁹⁶ The Venezuelan Program for Education and Action on Human Rights (PROVEA, *Programa Venezolano de Educación y Acción en Derechos Humanos*¹⁹⁷) reported that between 4 March and 7 April 2020, the first month of the COVID-19 pandemic, 34 arbitrary detentions occurred, including 10 journalists, 5 health care professionals, 5 members of Guaidó's team, 2 human rights advocates, and one former member of the GNB. Of the 34 detained, 12 were freed, another 12 were freed with charges, and 10 were imprisoned.¹⁹⁸

On 8 February 2018, the ICC opened a 'preliminary examination' for alleged crimes against humanity against actual or perceived opponents of the government in the context of demonstrations and 'related political unrest' since April 2017, including as a period of reference events that occurred since February 2014.¹⁹⁹ The ICC assessment was expected to be finalised in 'early 2020'.²⁰⁰ Additional information on the status of the case could not be found among the sources consulted within the time constraints of this report.

¹⁸⁷ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 43

¹⁸⁸ HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#)

¹⁸⁹ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#); para. 83; Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 13

¹⁹⁰ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 13

¹⁹¹ Foro Penal is a Venezuelan human rights organisation that provides legal assistance for people without financial resources who are victims of arbitrary detentions, violations of due process, or are 'linked to human rights violations, torture, cruel treatment and mistreatment', while in detention. Foro Penal is composed of 'more than 100 well-known lawyers and a group of over 5.000 human rights activists. Foro Penal also helps victims and families of people killed or attacked during peaceful demonstrations.' (Foro Penal, What is Foro Penal?, n.d., [url](#)).

¹⁹² Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 13-14

¹⁹³ InSight Crime, Venezuelan Government Turned Drug Dens into 'Torture Houses', 26 March 2019, [url](#); Mármol, videoconference, 1 May 2020

¹⁹⁴ Mármol, videoconference, 1 May 2020

¹⁹⁵ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 13

¹⁹⁶ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#); para. 77

¹⁹⁷ PROVEA is a Venezuelan NGO that provides education and legal support to vulnerable populations who have been victims or potential victims of human rights violations. It also produces research on the situation of human rights in the country (PROVEA, Nuestra historia, n.d., [url](#)).

¹⁹⁸ PROVEA, Primer mes Estado de Alarma, 13 April 2020, [url](#)

¹⁹⁹ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#); paras. 58, 59, 73

²⁰⁰ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#); para. 83

1.5.2 Extrajudicial executions

OVV indicated that the aggression, intimidation and killings by security forces is 'systematic', and crime is addressed through extrajudicial executions rather than the courts.²⁰¹ Amnesty International indicated that targeted victims were young males who were critical, or perceived to be critical, of the government; live in low-income communities; and were visible in protests.²⁰² Most cases of extrajudicial executions involve young males from low-income neighbourhoods. A considerable number of cases involve persons with criminal background, repeat offenders, or people who were in jail and were released. According to their monitoring, however, there are cases of people who are released from prisons to work as 'peons' for bands run by members of security forces and when the person is no longer needed, they are executed.²⁰³ Corroborating information could not be found among the sources consulted within time constraints.

The Professor of political science indicated that 'repression' by security forces in low-income communities is very 'strong'.²⁰⁴ Human Rights Watch also indicated that Venezuelan security forces are 'resorting to egregious abuses in low-income communities that no longer support the Maduro regime'.²⁰⁵ PROVEA also indicated that repression of protests in popular sectors that have been considered 'bastions of chavismo' is more violent and the presence of armed civilians is more common.²⁰⁶

Mouttet indicated that since victims of these killings include social and political activists that were in demonstrations, it is difficult to know who was a dissident and was not as, according to his experience reporting in communities, people are afraid of speaking about these acts.²⁰⁷ OVV indicated that the extrajudicial killings, which oscillate between 5 000 and 7 000 per year, also have the objective the political control of low-income neighbourhoods.²⁰⁸

Security forces involved in extrajudicial executions include the FAES²⁰⁹ and the CICPC.²¹⁰ The FAES conducted these operations in their black uniforms and in several cases, wearing ski masks, arriving in black pickup trucks without license plates, and bursting into the houses of the victims.²¹¹ In some cases, the FAES agents took family members outside the house before killing the victims, and in other instances, FAES agents stole their belongings.²¹² The FAES in low-income communities are seen as a 'death squad'.²¹³ During raids, state security forces reportedly engage, in addition to extrajudicial killings, in mass arbitrary detentions, mistreatment of detainees, forced evictions, destruction of homes, and arbitrary deportations.²¹⁴ There are allegations that security forces tampered with crime

²⁰¹ OVV, videoconference, 4 May 2020

²⁰² AI, Annual Report 2019, February 2020, [url](#), p. 87

²⁰³ OVV, videoconference, 4 May 2020

²⁰⁴ Professor of political science, videoconference, 14 May 2020

²⁰⁵ HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#)

²⁰⁶ Efecto Cocuyo, Así funcionan las "cuadrillas de paz", 7 April 2019, [url](#)

²⁰⁷ Mouttet, videoconference, 8 May 2020

²⁰⁸ OVV, videoconference, 4 May 2020

²⁰⁹ HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#); UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 32

²¹⁰ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 32

²¹¹ HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#); UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 48

²¹² HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#); UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 48

²¹³ Mouttet, videoconference, 8 May 2020; Professor of political science, videoconference, 14 May 2020

²¹⁴ HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#)

scenes²¹⁵, planted evidence such as arms and drugs²¹⁶, fired their weapons against the wall or the air to suggest a confrontation, or transported victims to hospitals when they were already dead.²¹⁷

A report produced by the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), the Committee for the Families of Victims of February-March 1989 (COFAVIC, *Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989*²¹⁸), the Centre for Rights and Justice (CDJ, *Centro para los Defensores y la Justicia*²¹⁹), and the Vicar Office for Human Rights of the Archdiocese of Caracas (*Vicaría de Derechos Humanos de la Arquidiócesis de Caracas*²²⁰), indicated that impunity with regards to extrajudicial executions is 'widespread and generalised'.²²¹ The UN OHCHR update to the 5 July 2019 mission report indicated that between August and December 2019, UN OHCHR continued documenting cases of alleged extrajudicial executions, mostly young men, by the FAES in the context of security operations carried out in low-income neighbourhoods.²²² The UN OHCHR mission report indicated that, based on the information compiled by the mission, 'many of these killings may constitute extrajudicial executions'.²²³ Authorities claim that these deaths occurred during clashes with the police and the persons were 'resisting authority'.²²⁴

According to COFAVIC, 10 971 cases of extrajudicial executions were reported by COFAVIC between 2012 and 2019.²²⁵ Between 2016 and September 2019, about 18 000 people were killed in the country in instances of 'resisting authority', though it is not clear how many of these victims were extrajudicially executed.²²⁶ The OVV indicated that in 2019, 5 286 deaths were labelled as 'resisting authority', representing a rate of 19 deaths per 100 000 inhabitants.²²⁷ Sources reported that Guaidó's 'Presidential Commission for Human Rights' reported that between 1 January and 31 March 2020, 'at least' 158 people died in alleged instances of extrajudicial executions by the FAES.²²⁸ Some instances of extrajudicial executions as reported by sources, include:

- Without providing further information on the locations and the names of the persons involved for security reasons, Human Rights Watch reported that in January 2019, FAES officers broke into the house of a lady who was living with her son, her daughter and her daughter's two children. FAES

²¹⁵ AI, Annual Report 2019, February 2020, [url](#), p. 87; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 49

²¹⁶ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 49; Mouttet, videoconference, 8 May 2020

²¹⁷ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 49

²¹⁸ COFAVIC is a Venezuelan NGO that documents human rights violations in the country since 1989 (COFAVIC, *Qué es Cofavic*, n.d., [url](#)).

²¹⁹ CDJ is a Venezuelan NGO that promotes the rights and protection of human rights advocates, and monitors the justice system and democratic institutions in the country (OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 80-81).

²²⁰ The Vicaría de Derechos Humanos de la Arquidiócesis de Caracas was created in 1989 that promotes and defends human rights. Since 2002, it has participated in over 20 hearings at the Inter-American Commission of Human Rights and UN bodies on the human rights situation in the country (OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 80). The report, which was financed by the European Union, and with the support of the governments of France and Switzerland, provides an analysis of the situation of human rights advocates, social leaders, journalists, humanitarian workers, and NGOs in Venezuela, a situation that that, according to the report, has been 'insufficiently documented and visualised internationally'. The methodology consists of research with primary and secondary sources, as well as information compiled during a fact finding mission conducted by the OMCT in July 2019 with interlocutors that included civil society organisations, human rights advocates, and diplomatic missions accredited in Venezuela (OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 24-25).

²²¹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 66

²²² UN OHCHR, Venezuela: Commissioner Bachelet details plans for new human rights assistance, 18 December 2019, [url](#)

²²³ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 50

²²⁴ AI, Annual Report 2019, February 2020, [url](#), p. 87; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 50

²²⁵ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 7

²²⁶ HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#)

²²⁷ OVV, Informe Anual de Violencia 2019, 27 December 2019, [url](#), p. 2

²²⁸ Efecto Cocuyo, Atribuyen más de 158 ejecuciones extrajudiciales a las Faes, 19 May 2020, [url](#); El Pitazo, Faes mató a 158 personas de enero a marzo de 2020 en Venezuela, 19 May 2020, [url](#)

officers reportedly showed her the photo of a group of young men, including her son, and asked their whereabouts. When she told them her son was inside, FAES ordered her to leave the house with her daughter and her children to a neighbour's as they were going to take a 'statement' from him. Once at the neighbour's house, FAES told the lady that her son was wanted on 20 drug trafficking charges. Six shots were heard and a photo of her son's body beside a gun was published in media reports, calling him 'a criminal'. Up to September 2019, she has not been contacted to testify about the case.²²⁹

- *Monitor de Víctimas* (Victims Monitor²³⁰) reported that on 28 February 2020, the CICPC broke into a house in Barquisimeto and killed a 20-year-old man in the presence of his 16-years-old brother and younger cousins. The CICPC was reportedly in pursuit of a members of a gang in the same neighbourhood and mistook the 20-year-old man for a member of the gang. The victim was reportedly interrogated inside the house and forced the other ones to lay facing to the floor before being shot in the thorax. The CICPC reportedly simulated a confrontation to justify the killing.²³¹

1.5.3 Monitoring

The UN OHCHR indicated that the 'Tascón List' (*Lista Tascón*) was 'an early marker of discrimination and persecution on political grounds', which consisted of a database of over 3 million people who supported a referendum to revoke the presidential mandate of Hugo Chávez in 2003-2004, but was later used to 'massively dismiss civil servants'.²³² In a videoconference for this report, a representative of FundaRedes²³³ indicated that through this list, the government 'persecuted' not only on employment grounds, but also in the access to financial credits, health care, and other government services. Later came the 'Maisanta List' (*Lista Maisanta*) [also called 'Maisanta program' or 'Maisanta database'], which contained information on political participation of members of the opposition such as their workplaces and positions.²³⁴ The journalist indicated that these lists were very popular during the Chávez era, but during the Maduro government the monitoring and discrimination tool most used is the *Carnet de la Patria* (Homeland Card).²³⁵ Amaya indicated that these lists are inactive as the electorate that was included in those lists has changed. However, the principle of using lists for monitoring still applies today, mostly through the monitoring in social media, and if the person has a history of supporting the opposition, he or she 'simply will not be hired' by the government.²³⁶

Venezuela has established a complex system to eavesdrop, harass, and digitally and physically monitor the population.²³⁷ Security agencies reportedly eavesdrop on their targets without a judicial order²³⁸. They also monitor social media platforms and hack email accounts.²³⁹ Extracted information from private communications is later manipulated and used to stigmatise and discredit their work, and

²²⁹ HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#)

²³⁰ Monitor de Víctimas is a collaborative digital platform that compiles news reports on homicides in Caracas and the state of Bolívar. It is supported by seven news outlets, including El Pitazo, Crónica Uno, El Nacional, Projiuris, Correo del Caroní and Runrun.es. Monitor de Víctimas also visits on a daily basis the morgue of Caracas to obtain information about the victims, including relatives of the victims and police officials, and it also visits crime scenes to obtain further information (Monitor de Víctimas, ¿Quiénes somos?, n.d., [url](#)).

²³¹ Monitor de Víctimas, Denuncian ejecuciones del Cicpc en El Junquito y Caricuao, 3 March 2020, [url](#)

²³² UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 30, Footnote 23

²³³ FundaRedes is a Venezuelan NGO that monitors violence and irregular armed groups in Venezuela, with special focus on the border states with Colombia. It has six observatories on human rights violations in border states. FundaRedes publishes monthly situation reports on violence and educational institutions. The methodology followed by FundaRedes consists of the follow up of news, field documentation with victims of crime, and sources at security forces (FundaRedes, videoconference, 6 May 2020).

²³⁴ FundaRedes, videoconference, 6 May 2020

²³⁵ Journalist, telephone interview, 8 June 2020

²³⁶ Amaya, videoconference, 29 May 2020

²³⁷ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 47-48; Mármol, videoconference, 1 May 2020

²³⁸ Mármol, videoconference, 1 May 2020; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 61

²³⁹ FundaRedes, videoconference, 6 May 2020

turning the person into a target of verbal insults and physical aggressions in public places.²⁴⁰ In a videoconference, Fermín Mármol, a criminal lawyer, professor, and director of the Institute of Penal Sciences, Criminalistics and Criminology (Instituto de Ciencias Penales, Criminalística y Criminología) of Santa María University, indicated that persons who are the target of security forces are surveilled electronically without a judicial order, and the same occurs with private financial institutions that can be forced by security agencies to provide financial information on a client, including without judicial orders.²⁴¹ The journalist indicated that there have been reports of telecommunication eavesdropping, hacking of email accounts, and the gathering of financial, migration, background police and telephone records on dissidents and activists.²⁴²

FundaRedes indicated that other way of monitoring is through permits, which are required for most things in Venezuela. FundaRedes provided the example of the gasoline card which is required to buy fuel for vehicles and the card contains information such as dates of purchase and locations, which can be used to track the movement of people.²⁴³

According to International Crisis Group, even though technological sophistication to monitor could be limited, all capacity seems to be at the moment on the individual threat posed by the person and the unrest in a given community.²⁴⁴ Mármol explained that for high profile targets like members of the opposition, entrepreneurs and scholars, security forces collect information on their relatives, properties, and entries and exits from the country. On the political opposition, in particular, security forces collect information on their sources of financing and monitor their communications. Regarding low profile targets, monitoring is carried out by armed *colectivos* and 'boliches'.²⁴⁵ In a videoconference for this report, Alejandro Velasco, an associate professor at New York University whose research focuses on social movements in Latin America, urban culture and democratisation, indicated that access to government databases by *colectivos* 'takes place *sui generis* rather than officially'. Some government institutions have lists of dissidents, but it is not clear if they are shared with members of the *colectivos*.²⁴⁶ The journalist considered that surveillance 'is not constant against a particular subject, although it depends on the dynamics and the situation', and that surveillance against activists is 'constant'.²⁴⁷

The UN OHCHR mission report indicated that Maduro activated in 2017 the 'Plan Zamora, a civil-military strategic security plan for the joint operation of armed forces, [Bolivarian National] militias and civilians' to increase the militarisation of state institutions.²⁴⁸ The use of civilians in intelligence-gathering is done through communal councils (consejos comunales), the Articulation and Socio-political Action Networks (RAAS, Red de Articulación y Acción Sociopolítica), the Hugo Chávez Battle Units (UBCh, Unidades de Batalla Hugo Chávez)²⁴⁹, and armed *colectivos* (see [Chapter 5](#)). These organisations are financed by the Venezuelan government and facilitate the control of the state over the population.²⁵⁰

²⁴⁰ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 61

²⁴¹ Mármol, videoconference, 1 May 2020

²⁴² Journalist, telephone interview, 8 June 2020

²⁴³ FundaRedes, videoconference, 6 May 2020

²⁴⁴ International Crisis Group, telephone interview, 30 April 2020

²⁴⁵ Mármol, videoconference, 1 May 2020

²⁴⁶ Velasco, videoconference, 1 May 2020

²⁴⁷ Journalist, telephone interview, 8 June 2020

²⁴⁸ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 31

²⁴⁹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 31; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 47-48

²⁵⁰ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 47-48

Local Committees for Supply and Production and the Homeland Card (*Carnet de la Patria*)

The Local Committees for Supply and Production (CLAP, *Comités Locales de Abastecimiento y Producción*) emerged in 2016 as a way to deal with shortages of food²⁵¹ and it was supposed to be a temporary measure of three months.²⁵² The CLAP are responsible for the delivery of food and other government aid to the communities²⁵³ The Ministry for the Communes registers and certifies all CLAPs. The CLAP keeps a census of the number of families and family members that live in their territory that is used to calculate the number of food boxes to be requested to the Ministry for Food. The food boxes are distributed by the CLAP upon payment via electronic transfer with the Carnet de la Patria.²⁵⁴ The delivery of the CLAP food boxes is inconsistent²⁵⁵ and discretionary.²⁵⁶

The UN OHCHR report indicated that the CLAP food boxes do not meet the basic nutritional needs.²⁵⁷ Transparencia Venezuela indicated that as of June 2019, CLAP food boxes included six to eight kilos of food such as flour, rice, pasta, milk, and tuna, for an average family of four. The price in the market of the products included in the CLAP is about 20 USD while the minimum salary and bonuses offered by the government is about 10 USD per month.²⁵⁸

According to the Venezuelan government, beneficiaries under the Carnet de la Patria are determined by government institutions responsible for their programs, and include, 'without discrimination, every person who fulfils the requirements for said programs'.²⁵⁹ The same source indicated that 24 million people belonging to 6 million households receive provisions under the CLAP system, and that there has been a 400 % increase in the level of distribution since the creation of the CLAP system.²⁶⁰ The Carnet de la Patria covers more than 80 % of the population.²⁶¹ For more information on Carnet de la Patria, see [Chapter 6.5](#).

Sources indicated, however, that monitoring of the population also takes place through the CLAP²⁶² and the Carnet de la Patria.²⁶³ The CLAP is also used as a tool to discriminate and harass those who oppose the government or are involved in human rights advocacy.²⁶⁴

The UN OHCHR mission report indicated that the list of beneficiaries of the programs distributed through the Carnet de la Patria are managed by the governing party and not government institutions and, according to testimonies, members of CLAP local structures monitor beneficiaries' political activity.²⁶⁵ Amaya explained that these subsidised food boxes are delivered by the spokespersons of the communal councils, who are in turn appointed by the government based on their affiliation to the PSUV or their support to the government.²⁶⁶ The OMCT et al. report indicated that members of the CLAP possess personal information on each family unit.²⁶⁷ Amaya indicated that communal councils'

²⁵¹ Transparencia Venezuela, El carnet de la Patria, [2019], [url](#), p. 3

²⁵² Amaya, videoconference, 29 May 2020

²⁵³ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 48

²⁵⁴ Transparencia Venezuela, 4 años de CLAP: Coacción, corrupción y hambre, April 2020, [url](#), pp. 3-5

²⁵⁵ Transparencia Venezuela, El carnet de la Patria, [2019], [url](#), p. 3

²⁵⁶ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 49

²⁵⁷ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 13

²⁵⁸ Transparencia Venezuela, El carnet de la Patria, [2019], [url](#), p. 3

²⁵⁹ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 33

²⁶⁰ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), paras. 31-32

²⁶¹ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), footnote 7

²⁶² Mouttet, videoconference, 8 May 2020; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 48

²⁶³ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 23

²⁶⁴ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 49; Amaya, videoconference, 29 May 2020

²⁶⁵ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 23

²⁶⁶ Amaya, videoconference, 29 May 2020

²⁶⁷ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 48

spokespersons possess a list of neighbours with their telephone numbers and WhatsApp accounts and, in some places, they have a WhatsApp group of beneficiaries.²⁶⁸ Amaya indicated that recipients are notified on WhatsApp when and where the CLAP food boxes can be collected. Communal councils, however, use that information to surveil the behaviour of residents on social media and, in some places, those who run the CLAP are also the same pro-government people who solicit voters during elections.²⁶⁹

The UN OHCHR mission report indicated that there were testimonies of people who despite not having adequate access to food, were excluded from the list of CLAP beneficiaries because they were not government supporters.²⁷⁰ Mouttet indicated that it might not be the policy of the government to exclude non-supporters of the government from the food boxes, but those who distribute it in the neighbourhoods have a degree of discretion that allows them to determine who receives the benefits. In this context, there is an implicit social control that encourages reporting on people by those who want to obtain benefits, and reporting on someone is very common locally.²⁷¹ Amaya explained that, in some cases, WhatsApp chain messages may be redirected by local residents to authorities or intelligence agencies to take action.²⁷²

The Professor of political science indicated that the distribution of the CLAP food boxes is determined by patronage, and it depends on PSUV militants and other pro-government associations. In large urban areas, dissidents may still be able to receive the food boxes, but in remote locations, dissidents can be excluded. Maracaibo, for example, is being particularly affected by the lack of delivery of CLAP food boxes as it is one of the cities where opposition support is strong.²⁷³

RAAS

The Articulation and Socio-political Action Networks (RAAS, *Red de Articulación y Acción Sociopolítica*) is a PSUV initiative defined as a 'model for unity and ultimate organisation for the comprehensive defense of the nation [...] in the areas of ideology, culture, political, society, economy, electoral, and militarily', and it was created 'in order to face with more efficacy the constant threat of the United States'.²⁷⁴ The RAAS were created in 2018²⁷⁵, although they started to be mentioned in public speeches by officials in 2017.²⁷⁶ Amaya describes it as a network of information based on 'popular intelligence'. They were legally established and are managed by the Ministry of the Interior, Justice and Peace and the Ministry for the Communes.²⁷⁷ The RAAS' operational strategy consists of a 'clear' mapping of the communities that are located within the areas of influence of each UBCh, as well as the streets in each community, and deploy 'street by street, house by house to make a socio-political characterisation of inhabitants and have full knowledge of the territory'.²⁷⁸ Without providing further information, the government's National Radio of Venezuela (RNV, *Radio Nacional de Venezuela*) claimed on 14 January 2020 that the RAAS have 14 181 UBCh, and is present in 48 376 communities and 279 460 streets.²⁷⁹

²⁶⁸ Amaya, videoconference, 29 May 2020

²⁶⁹ Amaya, videoconference, 29 May 2020

²⁷⁰ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 22

²⁷¹ Mouttet, videoconference, 8 May 2020

²⁷² Amaya, videoconference, 29 May 2020

²⁷³ Professor of political science, videoconference, 14 May 2020

²⁷⁴ PSUV, RAAS: Modelo de unidad superior para la defensa de la nación, 27 March 2018, [url](#)

²⁷⁵ La Prensa de Lara, Las RAAS: Nuevo mecanismo de control social, 11 November 2019, [url](#)

²⁷⁶ Crónica Uno, RAAS: Las nuevas piezas en la maquinaria de persecución del Gobierno, 12 November 2018, [url](#)

²⁷⁷ Amaya, videoconference, 29 May 2020

²⁷⁸ PSUV, RAAS: Modelo de unidad superior para la defensa de la nación, 27 March 2018, [url](#)

²⁷⁹ RNV, Red de Articulación y Acción Sociopolítica (RAAS) del Partido Socialista Unido de Venezuela (PSUV), 14 January 2020, [url](#), 0:12

Sources categorise the RAAS as a state surveillance mechanism.²⁸⁰ According to OVCS, the RAAS facilitate the expansion and deepening of social control, political discrimination and repression of demonstrations, through a 'social and community network' where its members are 'guardians of the revolution' and the community at large is turned into 'vigilantes, monitors, and accusers of private and public activities of people'.²⁸¹

The RAAS executes tasks of surveillance and security through 'cooperative patriots' ('*patriotas cooperantes*')²⁸², a 'role that was created to infiltrate non-governmental organisations to obtain sensitive information or to identify potential enemies of the State, facilitating intelligence agencies the necessary information that could be used to target the person or group perceived as a threat'. The identity of *patriotas cooperantes* is not known.²⁸³ El Nuevo Herald defined the *patriotas cooperantes* as 'informers tied to chavismo who have been recruited to provide information to *colectivos* and communal groups on the activities carry out by their neighbours'.²⁸⁴ Amaya explained that the *patriota cooperante* has been used as a source of information on the private and public affairs of people, and in some instances their declarations, which are anonymous, have been used to open judicial files on someone. According to Amaya, a considerable part of the information used by the president of the ANC, Diosdado Cabello, in his television program *Con el Mazo Dando*²⁸⁵ (Hitting with the Wooden Club), originates from *patriotas cooperantes* who inform on the activities and private affairs of members of the opposition, journalists, human rights advocates, and those considered 'a problem' for the government.²⁸⁶ *Con el Mazo Dando*, according to Mouttet, is a platform to threaten people, and 'practically every week there are new victims mentioned in the program'.²⁸⁷

1.6 Effects of the coronavirus pandemic on the Venezuelan crisis

On 17 March 2020, Maduro decreed a quarantine in all the states in Venezuela to deal with the expansion of the coronavirus.²⁸⁸ An April 2020 report by UNICEF indicated that other preventive measures to curb the spread of the coronavirus included mandatory confinement, ban on public gatherings, health checks at international border crossings, suspension of most international flights, the mandatory use of masks in streets and other public spaces, and school closures, with the school year 2019-2020 to be carried out online.²⁸⁹

The UNICEF report indicated that challenges facing the government to deal with the coronavirus pandemic include the lack of reliable access to water; power outages that affect health care facilities and telecommunications, including online learning activities; shortages of fuel that impact the ability

²⁸⁰ Amaya, videoconference, 29 May 2020; OVCS, Aumenta el control social, discriminación y represión en Venezuela, 29 March 2018, [url](#)

²⁸¹ OVCS, Aumenta el control social, discriminación y represión en Venezuela, 29 March 2018, [url](#)

²⁸² Amaya, videoconference, 29 May 2020; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 48-49

²⁸³ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 48-49

²⁸⁴ El Nuevo Herald, ¿Pretende Maduro expropiar las miles de viviendas vacías que dejó el éxodo venezolano?, 26 September 2019, [url](#)

²⁸⁵ Note from the author: The name comes from the saying 'A Dios rogando y con el mazo dando', which translates as 'God helps those who help themselves' or 'Strike with thy rod while thou beg to thy God'. The original meaning of the saying, according to the Cervantes Virtual Centre, is that 'when someone wishes for something, it is good to pray to God, but doing everything possible in order to achieve it' (Centro Virtual Cervantes, A Dios rogando y con el mazo dando, n.d., [url](#)). However, the implicit meaning of the saying used in the televised program is the use of the rod to 'crush imperialism'. The program's host is the president of the ANC, Diosdado Cabello, and it resembles a talk-show, featuring on the set, among other things, a wooden club on the desk, a banner of the Twitter hashtag '#AquíNoSeHablaMalDeChávez' (Here we do not speak badly of Chávez), and a mural-size portrait of Chávez. Each episode includes a section where Cabello reads out news articles snippets and Twitter messages from persons and entities posted on a board, and on occasions commenting on the author of these posts. The program running time ranges between 3.5 and 5 hours every Wednesday.

²⁸⁶ Amaya, videoconference, 29 May 2020

²⁸⁷ Mouttet, videoconference, 8 May 2020

²⁸⁸ Agencia EFE, Maduro ordena una "cuarentena total" en Venezuela para frenar el coronavirus, 17 March 2020, [url](#)

²⁸⁹ UN, UNICEF, Situation Report, April 2020, [url](#), p. 2

of health care professionals reaching their workplace; and food security for children who depend on the school feeding program and cannot attend due to the confinement.²⁹⁰

Due to the economic and social constraints facing Venezuelan migrants in neighbouring countries in the context of the coronavirus pandemic, some of them are returning to Venezuela.²⁹¹ International Organisation A indicated that after mid-June 2020, the government is opening the borders with Colombia on Monday, Wednesday and Friday, allowing the cross per day of up to 300 people through the Simón Bolívar International Bridge connecting Norte de Santander and Táchira, and up to 100 people through both the José Antonio Páez International Bridge connecting Arauca and Apure, and the Santa Elena de Uairén border crossing connecting Pacaraima and Bolívar. The same source indicated, however, that the numbers vary, and the limit allowed by the government is 'often' exceeded. Even though the borders are closed due to COVID-19, the only exception Venezuelan authorities make is for people who cross to Colombia to obtain medicines and access medical treatment for terminally-ill or gravely-ill patients.²⁹²

El Tiempo reported that, according to Colombian authorities, over 74 000 Venezuelans have returned to Venezuela between March and June 2020.²⁹³ However, International Organisation A indicated that, according to sources it consulted, it is estimated that between 85 000 and 120 000 Venezuelans have returned to Venezuela between March and June 2020, including through regular and irregular border crossings. Of the Venezuelans who have entered the country and placed in quarantine, 46 % entered through Táchira, 29 % through Apure, 20 % through Zulia, and 5 % through Bolívar.²⁹⁴ They have also arrived via humanitarian flights arriving in Caracas.²⁹⁵ BBC reported that the armed forces are deployed alongside the border to prevent entry into the country through the irregular border crossings.²⁹⁶

The government screens migrants at the border; those who test positive are sent to designated health care facilities and those who test negative are placed in quarantine for two weeks, usually at school buildings.²⁹⁷ A confidential source contacted for this report indicated that

'to respond to the continuous influx of returnees, the Venezuelan government has activated the Social Assistance Points (PAS, *Puntos de Asistencia Social*), where medical examinations and COVID-19 tests are carried out, as well as Comprehensive Social Assistance Points (PASI, *Puntos de Asistencia Social Integral*), where those who do not test positive must comply with the mandatory quarantine. Positive cases are transferred directly to health centres for isolation'.²⁹⁸

The same source indicated that PASIs consist of hotels with proper structures and facilities, makeshift locations, schools, universities, churches, and sports arenas and, by the end of May 2020, 'there were more than 100 active PASIs in the country, but the number varies very frequently. The main activities in these spaces are related to the implementation of health protocols, distribution of household goods, supply of drinking water and hygiene supplies, supply of energy, food, and dissemination of key messages on the prevention of contagion'.²⁹⁹ They also undergo a police background check.³⁰⁰ Once the quarantine is completed, Bolivarian missions (*Misiones Bolivarianas*³⁰¹) accompany the

²⁹⁰ UN, UNICEF, Situation Report, April 2020, [url](#), p. 2

²⁹¹ UN, UNICEF, Situation Report, April 2020, [url](#), p. 2; International Organisation A, telephone interview, 12 June 2020

²⁹² International Organisation A, telephone interview, 12 June 2020

²⁹³ El Tiempo, Regresar a su país, el nuevo drama de los venezolanos, 15 June 2020, [url](#)

²⁹⁴ International Organisation A, telephone interview, 12 June 2020

²⁹⁵ Confidential source, Correspondence, June 2020

²⁹⁶ BBC, Coronavirus en Colombia y Venezuela | "Crucé todo un país a pie para nada", 10 June 2020, [url](#)

²⁹⁷ UN, UNICEF, Situation Report, April 2020, [url](#), p. 2

²⁹⁸ Confidential source, Correspondence, June 2020

²⁹⁹ Confidential source, Correspondence, June 2020

³⁰⁰ International Organisation A, telephone interview, 12 June 2020

³⁰¹ The Bolivarian missions are social programs created by president Chávez to 'fight' poverty and extreme poverty, and carry out educational, literacy, cultural, scientific and political programs. They also offer free medical services and access to

returnee to their place of origin inside the country and meet with the returnee's neighbours to make assurances that the person already underwent quarantine to prevent stigmatisation.³⁰² For additional information on the treatment of returnees in the context of the pandemic, see [Chapter 7](#).

Sources indicated that social control has intensified during the pandemic.³⁰³ OVV indicated that people most 'persecuted' during the pandemic include journalists, physicians, nurses, and community leaders who are being intimidated by security forces, particularly the FAES, the DGCIM, and the SEBIN, for reporting issues related to the impact of the pandemic. OVV explained that physicians are being silenced because some of them have denounced that there are no medical supplies to combat the pandemic, journalists have been intimidated so others do not report on the same topic, and community activists are intimidated so they do not convert a social protest into a political one.³⁰⁴ For more information on targeted profiles, see [Chapter 3](#). Amaya indicated that the government has been the only provider of information on the pandemic in the country, and the press is not allowed to formulate questions nor investigate on government data. There have been reported cases of journalists who have been targeted and intimidated for questioning official numbers.³⁰⁵

1.7 Absence of statistical information

The UN OHCHR mission report indicated that the government does not publish comprehensive statistics on public health, which is 'essential for the development and implementation of an adequate response to the health crisis'.³⁰⁶ Venezuelan authorities do not release reliable data on crime statistics³⁰⁷. IPYS indicated that the government does not release indicators on the economy, security, education, health, and nutrition.³⁰⁸ The same source indicated that Venezuela does not have a law that allows citizens to file petitions for access to information, contrary to Article 143 of the Constitution³⁰⁹, which states that:

'Citizens have the right to be informed by Public Administration, in a timely and truthful manner, of the status of proceedings in which they have a direct interest, and to be apprised of any final decisions adopted in the matter. Likewise, they have access to administrative files and records, without prejudice to the limits acceptable in a democratic society in matters relating to internal and external security, criminal, investigation and the intimacy of private life, in accordance with law regulating the matter of classification of documents with contents which are confidential or secret. No censorship of public officials reporting on matters for which they are responsible shall be permitted'.³¹⁰

subsidised credits to access housing (VTV, Presidente Maduro reafirmó labor de Misiones y Grandes Misiones para el pueblo venezolano, 19 January 2020, [url](#)).

³⁰² International Organisation A, telephone interview, 12 June 2020

³⁰³ International Organisation A, telephone interview, 12 June 2020; OVV, videoconference, 4 May 2020; Amaya, videoconference, 29 May 2020

³⁰⁴ OVV, videoconference, 4 May 2020

³⁰⁵ Amaya, videoconference, 29 May 2020

³⁰⁶ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 20

³⁰⁷ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 10; UN OHCHR, Venezuela: Commissioner Bachelet details plans for new human rights assistance, 18 December 2019, [url](#)

³⁰⁸ IPYS, Voces en el paredón: Reporte Annual IPYSve 2019, February 2020, [url](#), p. 11

³⁰⁹ IPYS, Voces en el paredón: Reporte Annual IPYSve 2019, February 2020, [url](#), p. 11

³¹⁰ Venezuela, Constitution of the Bolivarian Republic of Venezuela 1999 (Amended), 2009, Translated by William S. Hein & Co., Inc., [url](#)

2. Humanitarian situation

According to the state response to the UN OHCHR report, Venezuelan authorities do not recognise 'the existence of a "humanitarian crisis" in Venezuela, as the conditions required for it in international law have not been met'.³¹¹ However, sources indicated that the impact of the economic crisis has been magnified by the collapse of public infrastructure and services³¹², producing a 'complex humanitarian emergency'.³¹³ Venezuela has descended into a socioeconomic and violent crisis, resulting in widespread poverty, collapse of basic services and displacement of 4 million people across the region.³¹⁴ According to Human Rights Watch, 'severe shortages of medicines, medical supplies, and food leave many Venezuelans unable to feed their families adequately or access essential healthcare'.³¹⁵ Low salaries coupled with deficiencies in the provision of basic services has led people, including professional in health care and education, to work several jobs 'in order to make ends meet, deepening informality and the failure to fulfil their responsibilities at their jobs'.³¹⁶ In 2019, the OVCS documented 373 lootings or looting attempts of food and goods, medicines, and goods that could be 'consumed, exchanged or sold'.³¹⁷

An assessment carried out by the UN World Food Programme (WFP) in Venezuela between July and September 2019 indicated that 59 % of households have insufficient income to buy food and 65 % are unable to buy essential items such as hygiene products and clothes.³¹⁸ The ENCOVI survey for 2019-2020 indicated that 79.3 % of Venezuelans have insufficient income to buy food.³¹⁹ The UN OHCHR report indicated that, according to interlocutors it interviewed, the monthly salary is 'insufficient' to cover basic needs, covering about four days of food per month.³²⁰ The OVCS indicated that for a worker earning the minimum wage, it is 'impossible' to access US dollars to protect against inflation, and provided the example that a wage of 5 USD could depreciate to 3 USD within a week. Even with the supplemental income through bonuses, the purchasing power of the salary is 'insufficient to meet basic needs'.³²¹

2.1 Migration

The mass emigration of Venezuelans constitute one of the largest in recent Latin American history.³²² In regards to recent refugee flows, the OAS noted that while the number of Syrians who left their country reached 6.5 million in seven years (2011-2017), the number of Venezuelans who left their country reached 4 million in four years (2015-June 2019).³²³ The Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), a platform by the IOM (International Organization for Migration) and the UNHCR (United Nations High Commissioner for Refugees), providing information on the situation of Venezuelan migrants and refugees, indicated that, as of 5

³¹¹ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 14

³¹² IMC, Venezuela & Colombia: Complex Emergency Situation Report #9, 24 February 2020, [url](#), p. 1

³¹³ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), p. 8; CECODAP, Informe especial de peligros y vulneraciones a los derechos humanos de niños, niñas y adolescentes, 18 November 2019, [url](#), p. 2

³¹⁴ HelpAge, Older People in Venezuela: Factsheet, November 2019, [url](#)

³¹⁵ HRW, World Report 2020, 2020, [url](#), p. 625

³¹⁶ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 20

³¹⁷ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 23

³¹⁸ UN, WFP, Venezuela Food Security Assessment, 23 February 2020, [url](#), p. 2

³¹⁹ UCAB, Encuesta Nacional De Condiciones De Vida 2019-2020, 2020, [url](#)

³²⁰ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 11

³²¹ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 21

³²² IMC, Venezuela & Colombia: Complex Emergency Situation Report #9, 24 February 2020, [url](#), p. 1; HRW, World Report 2020, 2020, [url](#), p. 625

³²³ OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 18

June 2020, there were 5 082 170 refugees and migrants reported by host governments, with the actual number likely to be higher as it does not take into account for Venezuelan migrants without a regular status.³²⁴

Among the causes for emigration are the inability to meet basic living standards³²⁵, the collapse of basic services³²⁶, criminality³²⁷, lack of access to health care³²⁸, hyperinflation, shortages of food and medicines³²⁹, the deterioration of the education system, lack of access to pre-and post-natal care, insufficient protection mechanisms in cases of domestic violence³³⁰, and 'repression' by the government and security forces.³³¹

The Venezuelan migration has mainly affected South American countries. Since 2014, Colombia has been the main recipient of Venezuelan migrants.³³² The government of Colombia 'has adopted a series of measures to provide arriving Venezuelans access to health care for urgent needs and to enrol Venezuelan children in schools'.³³³ The Colombian government has also extended the Sojourn Special Permit (*Permiso Especial de Permanencia*, PEP) which is valid for two years and grants Venezuelan citizens who entered Colombia through official border crossings, access to education, employment and financial services. Although the PEPs' validity has been continuously renewed by the Colombian government, it does not lead to Colombian citizenship. Additionally, Colombian citizenship is being granted to children born in Colombia from 1 January 2015 to Venezuelan parents, benefiting over 44 966 children.³³⁴ Venezuelans who are irregularly in Colombia can have access to health care and for Venezuelan children, access to schooling.³³⁵ Brazil has mainly been used as a transit country to Argentina and Chile, or to obtain food supplies and medicines for consumption in Venezuela.³³⁶

About 260 000 Venezuelans are in Brazil, with over 500 Venezuelans crossing per day into Brazil.³³⁷ Venezuelans in Brazil who possess proof of identity and without criminal records, can obtain refugee status without the need for an interview, allowing them to reside in the country and have access to employment, health care, education and other services in the same conditions as Brazilians, and after four years, they can apply for citizenship. It is estimated that about 21 000 Venezuelans have been granted refugee status under this system.³³⁸

In August 2019, Ecuador started to request that Venezuelans have a 'humanitarian visa' in order to enter the country. According to humanitarian organisations, the 'humanitarian visa' prevents many Venezuelan migrants from entering the country given the difficulties in obtaining the necessary

³²⁴ UNHCR/IOM, R4V Coordination Platform for Refugees and Migrants from Venezuela, Situation Response for Venezuelans, n.d., [url](#)

³²⁵ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 25; OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 7

³²⁶ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 25; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 70

³²⁷ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 25; OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 7

³²⁸ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 70; OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 7

³²⁹ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 25; OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 7

³³⁰ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 70

³³¹ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 25; HRW, World Report 2020, 2020, [url](#), p. 625

³³² MPI, An Uneven Welcome: Latin American and Caribbean Responses to Venezuelan and Nicaraguan Migration, February 2020, [url](#), pp. 1, 3

³³³ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 33; MPI, An Uneven Welcome: Latin American and Caribbean Responses to Venezuelan and Nicaraguan Migration, February 2020, [url](#), pp. 35, 39

³³⁴ International Organisation B, telephone interview, 13 May 2020

³³⁵ International Organisation B, telephone interview, 13 May 2020

³³⁶ The Conversation, Brazil's humane refugee policies: Good ideas can travel north, 11 February 2020, [url](#)

³³⁷ The Conversation, Brazil's humane refugee policies: Good ideas can travel north, 11 February 2020, [url](#)

³³⁸ The Conversation, Brazil's humane refugee policies: Good ideas can travel north, 11 February 2020, [url](#)

documents for the visa, and that they would face penalties if they overstay their tourist visas.³³⁹ As of January 2020, around 10 000 humanitarian visas were issued to Venezuelans within Ecuador, and 3 000 at Ecuadorian consulates abroad.³⁴⁰

LATIN AMERICA AND THE CARIBBEAN

Migratory Routes of Venezuelan Population

As of 18 September 2018

REGIONAL INTERAGENCY
COORDINATION PLATFORM
FOR REFUGEES AND MIGRANTS FROM VENEZUELA



Map 3: Migratory routes followed by Venezuelans in the region, 18 September 2018 ³⁴¹ OCHA-ROLAC

³³⁹ US, USAID, Crisis regional por la situación en Venezuela, 12 February 2020, [url](#), p. 5

³⁴⁰ US, USAID, Crisis regional por la situación en Venezuela, 12 February 2020, [url](#), p. 5

³⁴¹ Latin America and the Caribbean: Migratory Routes of Venezuelan Population [map], in: UNOCHA, Latin America and the Caribbean: Migratory Routes of Venezuelan Population, 18 September 2018, [url](#)

According to International Organisation A, since October 2019, a trend of returning Venezuelan migrants to Venezuela started to increase, as well as the number of Venezuelans who are registering in consulates abroad to request repatriation. There has been a 'considerable effort by the government to showcase the idea of an economic recovery' with the suppression of restrictions to currency exchanges and the liberalisation of foreign currency. The return is also due to inability of some Venezuelans to economically integrate in the economies of receiving countries as many were employed in informal jobs.³⁴² El Tiempo reported that, according to Colombian authorities, in January and February 2020, 14 % of Venezuelans who were in Colombia, approximately 70 000, returned to Venezuela.³⁴³

2.2 Health

According to Amnesty International, 'it is impossible to know the full scale of the challenges in accessing health care, as the authorities have failed to publish health data in a timely manner. For example, no epidemiological data had been published by authorities since 2017'.³⁴⁴ The population face severe shortages of medicines and medical supplies³⁴⁵; hospital infrastructure is 'deficient'; and health care workers are low remunerated and fear for their safety at their workplace.³⁴⁶ Health care professionals are leaving the country³⁴⁷ due to the humanitarian situation and the shortages of medicines and equipment.³⁴⁸ According to a 2019 survey on hospitals carried out between November 2018 and December 2019 by *Médicos por la Salud* (Physicians for Health)³⁴⁹, an average of 10 % of physicians and 24 % of nurses quit their work every year.³⁵⁰

Outbreaks of vaccine-controllable diseases that had been eliminated in the country 'routinely' occur again, with 'more than' 9 300 cases of measles reported since June 2017 and 'more than' 2 500 suspected cases of diphtheria, with 'more than' 1 500 confirmed, since July 2016.³⁵¹ A measles outbreak that begun in July 2017 was declared 'under control' on 30 January 2020.³⁵² As a consequence of a vaccination campaign, the number of deaths related to measles decreased 96 % in 2019 compared to 2018.³⁵³

International organisations have contributed with medical supplies. The International Committee of the Red Cross (ICRC) imported in 2019 320 tons of medical supplies for 71 health care centres, 110 diagnosis equipment for 5 hospitals, and 9 power generators.³⁵⁴ UNICEF contributed in programs such as the equipment of 10 hospitals with personal protective equipment; supporting the Ministry of Health with the transportation of vaccines and medical supplies; supporting nutritional screening

³⁴² International Organisation A, telephone interview, 12 June 2020

³⁴³ El Tiempo, Cientos de venezolanos regresan a casa en medio de la pandemic, 4 April 2020, [url](#)

³⁴⁴ AI, Annual Report 2019, February 2020, [url](#), p. 91

³⁴⁵ AI, Annual Report 2019, February 2020, [url](#), p. 86; IMC, Venezuela & Colombia: Complex Emergency Situation Report #9, 24 February 2020, [url](#), p. 1

³⁴⁶ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 25

³⁴⁷ AI, Annual Report 2019, February 2020, [url](#), p. 91; IMC, Venezuela & Colombia: Complex Emergency Situation Report #9, 24 February 2020, [url](#), p. 1

³⁴⁸ IMC, Venezuela & Colombia: Complex Emergency Situation Report #9, 24 February 2020, [url](#), p. 1

³⁴⁹ Médicos por la Salud is a network of Venezuelan physicians created in 2014 to carry out statistics on the number of injured during the protests that were occurring at that time. The network currently documents the situation at 104 hospitals in 22 states and has produced 5 surveys since 2014. The network is supported by the Venezuelan Cancer Society (Sociedad Venezolana de Cancerología), the National Academy of Medicine (Academia Nacional de Medicina), the National Assembly, and the Venezuelan Society of Infectious Diseases (Sociedad Venezolana de Infectología). Médicos por la Salud, Nosotros, n.d., [url](#)

³⁵⁰ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 1, December 2019, [url](#), p. 8

³⁵¹ HRW, Venezuela's Humanitarian Emergency: Large-Scale UN Response Needed to Address Health and Food Crises, 4 April 2019, [url](#)

³⁵² PAHO, Measles outbreak in Venezuela is under control, 30 January 2020, [url](#)

³⁵³ US, USAID, Crisis regional por la situación en Venezuela, 12 February 2020, [url](#), p. 1

³⁵⁴ ICRC, Caracas Regional Delegation, Informe operacional: Actividades 2019, January 2020, [url](#), pp. 5-6

activities for pregnant women and children; supporting the Ministry of Education in expanding the distance learning program and the school feeding program; the provision of mental health and psychological support for children, parents and caregivers; and the donation of over 90 tons of supplies to 189 health care centres to respond to the coronavirus pandemic.³⁵⁵

2.2.1 Medical treatment

In February 2019, AFP reported that the shortages of medicines were estimated at about 85 %.³⁵⁶ Médicos por la Salud indicated that the average shortage of medicines between November 2018 and December 2019 was 49 % at emergency rooms and 35.6 % at hospital wards.³⁵⁷ The Médicos por la Salud survey indicated that medicines experiencing most shortages at emergency rooms are morphine (55.76 % total shortage and 27.52 % occasional shortage), antihypertensives (50.61 % total shortage and 33.32 % occasional shortage), antiasthma drugs (44.16 % total shortage and 35.55 % occasional shortage), and insulin (41.67 % total shortage and 33.63 % occasional shortage).³⁵⁸ The survey further indicated that the shortages of medicines was 71 % at state hospitals, 63 % at Ministry of Health hospitals, 42 % at military hospitals, and 27.1 % at hospitals run by the Venezuelan Social Security Institute (IVSS, Instituto Venezolano de Seguros Sociales).³⁵⁹ Many medicines available for sale are counterfeited.³⁶⁰ Several hospitals, including the main paediatric hospital in Caracas, J.M. de Los Ríos, suspended elective surgeries due to the lack of anaesthesia.³⁶¹ The UN OHCHR mission report indicated that in some cases, families have to provide medical supplies such as water, gloves, and syringes in order to treat their infirmed relatives.³⁶² According to NGOs, 70 % of people with HIV are affected by shortages of antiretrovirals.³⁶³

Shortages also include contraceptives and medicine prescribed for women, including for pregnancy, which has an effect on the rate of maternal mortality.³⁶⁴ Shortages of contraceptives are also reported.³⁶⁵ The UN OHCHR mission report indicated that 'due to restrictive legislation on abortion, some women and girls must resort to unsafe abortions' and that the 'lack of skilled birth attendants, medical supplies and hospital conditions has driven many women to give birth abroad'.³⁶⁶ For example, young Venezuelan girls from the state of Zulia leave Venezuela to give birth in Colombia as hospitals in that state are unable to conduct caesarean-style deliveries and charge patients in US dollars to cover the expense of medical supplies such as surgical gloves, gauze pads, and anaesthetic.³⁶⁷

The New York Times reported that, according to 16 Cuban doctors³⁶⁸ who defected from Venezuela, Maduro and the supporters of the government use medical supplies such as oxygen to coerce patients

³⁵⁵ UN, UNICEF, Situation Report, April 2020, [url](#), pp. 2-6

³⁵⁶ AFP, Así son las "farmacias" callejeras en la frontera entre Colombia y Venezuela, 9 February 2019, [url](#)

³⁵⁷ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 2, December 2019, [url](#), pp. 2-3

³⁵⁸ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 2, December 2019, [url](#), p. 5

³⁵⁹ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 2, December 2019, [url](#), pp. 7-8

³⁶⁰ AFP, Así son las "farmacias" callejeras en la frontera entre Colombia y Venezuela, 9 February 2019, [url](#)

³⁶¹ CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 12

³⁶² UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 16

³⁶³ AI, Annual Report 2019, February 2020, [url](#), p. 91

³⁶⁴ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 25

³⁶⁵ COVITE, A.C., Escasez de medicamentos en Venezuela ronda entre 48% y 79% para el mes de octubre, 11 November 2019, [url](#)

³⁶⁶ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 18

³⁶⁷ International Crisis Group, Under a Merciless Sun: Venezuelans Stranded Across the Colombian Border, 25 February 2020, [url](#)

³⁶⁸ Venezuela and Cuba subscribed an agreement in 2003 whereby Cuban 'medical missions', teams of Cuban medical professionals that operate since 1963 and are deployed by the Cuban government to countries that request their service, would operate in Venezuela in exchange for oil. In March 2019, 28 729 Cuban health care professionals are present in 59 countries, including Saudi Arabia, Congo, China, Eritrea, Ethiopia, Guatemala, Dominican Republic, South Africa, Turkey, and

to vote for the government in elections, and deny the access of medical treatment to supporters of the opposition, including terminally-ill patients.³⁶⁹ According to the Cuban doctors, the PSUV sent doctors door to door offering medicines and vitamins to pressure residents to vote for the government, and government officials also wore medical uniforms while visiting communities to offer medicines in exchange of votes.³⁷⁰ A country report produced by the Netherlands Ministry of Foreign Affairs (MFA) in June 2020 indicated that, according to confidential sources, the provision of medicines is more problematic without presenting the Carnet de la Patria.³⁷¹ For additional information on Carnet de la Patria, see [Chapter 6.5](#).

People with chronic conditions have difficulty accessing medicines.³⁷² The OAS report indicated that the program for organ donation and transplantation is suspended since June 2017, affecting over 50 000 people who were placed in waitlists. Treatments such as dialysis are carried out beyond the recommended time limit of six months, causing cardiovascular damage that would affect an eventual organ transplantation operation.³⁷³ In indigenous communities, the lack of medicines and health care professionals has forced indigenous peoples to travel several kilometres from their communities to seek medical assistance.³⁷⁴

2.2.2 Infrastructure

The UN OHCHR mission report indicated that 'healthcare infrastructure has been declining for years'.³⁷⁵ The survey by *Médicos por la Salud* for 2019 provided the following results:

- 78 % of hospitals reported problems with the supply of water, with 70 % experiencing access once or twice per week, 20 % with no supply during the week, and 9 % with regular supply.³⁷⁶
- 63 % of hospitals reported problems with the supply of electricity, with an average of 342 hours without electricity reported by hospitals per month. Between November 2018 and December 2019, there were 164 deaths of patients that were attributed to power cuts.³⁷⁷
- An average of 23.15 physicians per hospital are assigned to emergency rooms. For every 10 physicians on duty, 4.7 are emergency physicians, 3.5 specialists, and 1.7 medical students.³⁷⁸
- Between 65 and 70 % of intensive therapy units were operating normally, between 10 and 15 % with intermittent service due to power cuts, and between 10 and 20 % remained closed.³⁷⁹
- The average number of surgery rooms per hospital was 9.4, of which 4.85 were active, which translates into 51 % of surgery rooms not operating.
- The average number of surgery beds rose from 35.2 in November 2018 to 46.7 in December 2019. However, the average number of hospital beds declined from 392 in November 2018 to 219 in

Venezuela. During the coronavirus pandemic, Cuba deployed health care professionals to countries such as Italy, Andorra, Jamaica and Barbados. There are about 20 000 Cuban health professionals in Venezuela. (DW, "Misiones médicas" cubanas: ¿cuántas, dónde y por qué?, 7 April 2020, [url](#))

³⁶⁹ New York Times (The), Nicolás Maduro usó a médicos cubanos y a los servicios de salud para presionar a los votantes, 16 March 2019, [url](#)

³⁷⁰ New York Times (The), Nicolás Maduro usó a médicos cubanos y a los servicios de salud para presionar a los votantes, 16 March 2019, [url](#)

³⁷¹ Netherlands, Ministry of Foreign Affairs, Algemeen Ambtsbericht Venezuela 2020 (Country Report Venezuela 2020), June 2020, [url](#), p. 20

³⁷² AFP, Así son las "farmacias" callejeras en la frontera entre Colombia y Venezuela, 9 February 2019, [url](#)

³⁷³ OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 25

³⁷⁴ Foro Penal, Situación actual de los pueblos y comunidades indígenas ante la pandemic del COVID 19, April 2020, [url](#), pp. 4-5

³⁷⁵ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 16

³⁷⁶ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 1, December 2019, [url](#), p. 3

³⁷⁷ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 1, December 2019, [url](#), pp. 4-6, 13

³⁷⁸ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 1, December 2019, [url](#), p. 6

³⁷⁹ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 1, December 2019, [url](#), p. 8

December 2019. According to the survey, hospital beds are being transferred to emergency rooms and intensive therapy.³⁸⁰

- An average of 58 % of X-ray rooms were not in operation, while the percentage for laboratories was 53.5 %, and tomographic and magnetic resonance equipment was 84.4 %.³⁸¹

Without providing further details, the government indicated that 'the immense majority of the country's hospital [sic] had backup power generators. In the health care centres that had no backup generators or that had backup failures, a contingency plan was successfully activated'.³⁸²

2.3 Food security

According to the government, the right to food is met, in addition to the CLAP, through other programs, including the School Feeding Program, providing food to 4 million children in the school system; Food Centres, providing two meals a day to 750 000 people in a situation of 'social vulnerability'; Care Plan for Nutritional Vulnerability, providing the distribution on a monthly basis of food supplements to 1.63 million people with nutritional vulnerability, including children, pregnant women, and seniors.³⁸³ The government spends about 2.826 billion USD every year in food to be distributed through the CLAP.³⁸⁴

The population face severe shortages of food.³⁸⁵ The WFP assessment indicated that 2.3 million people (7.9 % of the population) is 'severely food insecure' and 7 million (24.4 %) 'moderately food insecure'. The states with highest rates of 'severe food insecurity'³⁸⁶ were Bolívar (11 % of the population), Zulia (11 %), Falcon (13 %), Amazonas (15 %), and Delta Amacuro (21 %).³⁸⁷ The UN OHCHR report indicated that interviewees 'consistently reported a lack of access to food' and that some reported eating once or at most twice per day.³⁸⁸ According to a HelpAge survey of 903 seniors in Bolívar, Lara and Miranda, 3 out of 5 seniors go to bed hungry and their pension is the equivalent to 2 USD per month when basic food necessities in the country can reach 122 USD per month.³⁸⁹

UNICEF indicated that based on December 2019 indicators and January 2020 estimates, moderate acute malnutrition stands at 4.7 %, severe acute malnutrition at 1.6 %, and stunting among children under five years-old at 26.4 %. The same source indicated that 34.2 % of pregnant women were underweight and 22.5 % overweight.³⁹⁰

³⁸⁰ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 1, December 2019, [url](#), pp. 10, 12

³⁸¹ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 2, December 2019, [url](#), pp. 10-11

³⁸² Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 28

³⁸³ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 17

³⁸⁴ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 19

³⁸⁵ AI, Annual Report 2019, February 2020, [url](#), p. 86

³⁸⁶ The WFP report defines 'severe food insecurity' as someone who 'has extreme food consumption gaps, or has extreme loss of livelihood assets that will lead to food consumption gaps, or worse' (UN, WFP, Venezuela Food Security Assessment, 23 February 2020, [url](#), p. 2)

³⁸⁷ UN, WFP, Venezuela Food Security Assessment, 23 February 2020, [url](#), p. 1

³⁸⁸ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 14

³⁸⁹ HelpAge, Older People in Venezuela: Factsheet, November 2019, [url](#)

³⁹⁰ UN, UNICEF, Humanitarian Situation Report, January 2020, [url](#), p. 2

2.4 Basic services

The population face severe shortages of water and electricity.³⁹¹ The frequency of power cuts has caused 'irreparable damage to health services and infrastructure', including health institutions, morgues, among others.³⁹² In 2019, four major national blackouts left the majority of the population without electricity for several days.³⁹³ One blackout occurred on 7 March 2019 affecting all the country without power for over 100 hours, and another on 25 March 2019 that affected 90 % of the country.³⁹⁴ According to the OVCS, the rationing of electricity and the creation of special schedules for school and work activities became permanent, and that the power cut schedule is not followed by authorities with cuts lasting 'hours, even days', affecting other services such as the pumping of water and telecommunications.³⁹⁵

UNICEF indicated that 'access to safe drinking water for children remains a challenge, translating into a protracted situation of diarrheal infections leading to severe dehydration in the most affected communities'.³⁹⁶ Cuts to water supply sometimes last 'days, weeks, even months', forcing families to rely on trucks that deliver water or move to other areas of the country, and affecting the provision of health care services.³⁹⁷ According to NGOs, on average, people have access to drinking water for 48 hours per week, particularly in low-income neighbourhoods.³⁹⁸ In some indigenous communities the lack of water is nearly 100 %.³⁹⁹

UNICEF indicated that cooking gas shortages have been reported in several states.⁴⁰⁰ Due to 'constant failures' in the supply of gas and its 'high' cost, some communities are resorting to wood in order to cook.⁴⁰¹

The OVCS indicated that the 'high' cost and shortages of auto parts have put out of service some public transportation vehicles, with some drivers overcharging for ticket rides to cover the maintenance costs of vehicles. Bus stops experience long queues, with some people opting for long walks due to the high cost of transportation.⁴⁰² In the state of Bolívar health care workers cut the number of working days from five to three in order to reduce the amount of salary spent on transportation.⁴⁰³

Shortages of gasoline are also occurring in the country.⁴⁰⁴ This shortage has led to the creation, in some places, of schedules to buy gasoline according to the last digit of the national identity card, while in other areas people spend 'days' in queues in order to buy gasoline. Members of security forces reportedly extorted clients in order to let them buy gasoline.⁴⁰⁵ In Bolívar, for example, fuel shortages have increased public transportation fares, impacting school attendance and the understaffing of hospitals of health care professionals.⁴⁰⁶ Amaya indicated that most gas stations are surveilled or managed by members of security forces who bar journalists from reporting on the premises.⁴⁰⁷ On 27

³⁹¹ AI, Annual Report 2019, February 2020, [url](#), p. 86

³⁹² AI, Annual Report 2019, February 2020, [url](#), p. 91

³⁹³ IMC, Venezuela & Colombia: Complex Emergency Situation Report #9, 24 February 2020, [url](#), p. 1

³⁹⁴ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 4

³⁹⁵ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 15

³⁹⁶ UN, UNICEF, Humanitarian Situation Report, December 2019, [url](#), p. 2

³⁹⁷ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 16

³⁹⁸ AI, Annual Report 2019, February 2020, [url](#), p. 91

³⁹⁹ Foro Penal, Situación actual de los pueblos y comunidades indígenas ante la pandemic del COVID 19, April 2020, [url](#), pp. 4-5

⁴⁰⁰ UN, UNICEF, Humanitarian Situation Report, December 2019, [url](#), p. 2

⁴⁰¹ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 16

⁴⁰² OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 18

⁴⁰³ UN, UNICEF, Humanitarian Situation Report, January 2020, [url](#), p. 2

⁴⁰⁴ Amaya, videoconference, 29 May 2020; OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 18

⁴⁰⁵ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 18

⁴⁰⁶ UN, UNICEF, Humanitarian Situation Report, January 2020, [url](#), p. 2

⁴⁰⁷ Amaya, videoconference, 29 May 2020

May 2020, however, Deutsche Welle (DW) reported that a flotilla of five oil tankers sent by Iran started to arrive in Venezuela to supply the country with gasoline and ease the shortages of fuel.⁴⁰⁸

⁴⁰⁸ DW, Iran tankers come to the rescue of oil-starved Venezuela, 27 May 2020, [url](#)

3. Targeted profiles

Sources indicated that there is a systematic and widespread policy of repression in Venezuela for those who are critical of the government.⁴⁰⁹ Targeted profiles include members of the opposition, scholars, journalists, union leaders and members, civil society organisations perceived as being from the opposition, political and community activists, community leaders, social media activists and influencers⁴¹⁰, opposition sympathisers who start to have public prominence, especially on social media⁴¹¹, indigenous leaders, humanitarian actors, advocates who denounce conditions of precarity and humanitarian emergency in the country⁴¹², members of security forces considered dissidents⁴¹³, and students.⁴¹⁴ Former supporters of Chávez who are perceived as opponents or dissidents are also targeted.⁴¹⁵ The UN OHCHR mission report indicated that 'the targeted repression of opposition members and social leaders instils fear by demonstrating the possible consequences of opposing or merely criticizing the Government or expressing dissent'.⁴¹⁶ The government also uses military courts to try civilians critical of the government⁴¹⁷ with charges such as treason or rebellion.⁴¹⁸

According to the OMCT et al. report, under the 'National Security Doctrine', targeted profiles have been categorised as a 'threat', and those who request, defend or promote human rights are regarded as 'enemies that must be neutralised'.⁴¹⁹ The UN OHCHR mission report indicated that critics of the government are frequently the targets of policies and public rhetoric, including from high-level authorities, that categorise them as 'traitors' and 'destabilizing agents' on public media.⁴²⁰ One of the media channels used to threaten critics of the government is the weekly television program *Con el Mazo Dando*.⁴²¹ During the Chávez presidency threats were more targeted, but with Maduro threats are more widespread and systematic.⁴²²

PROVEA indicated that Venezuela experiences a transit from the 'political enemy' to the 'military enemy', where the militarisation of the political life, public security, the economy, and the control over the justice system and other institutions are geared towards the combat of 'internal enemies', that is, those critical of the government, that 'need to be defeated', including through the violation of constitutional rights and guarantees.⁴²³ A 21 February 2020 joint communiqué signed by 156 Venezuelan civil society organisations, 6 international organisations, and 14 individuals including independent researchers, professors, and human rights advocates, indicated that, under the thesis of the existence of 'internal enemies that seek to destabilise peace', the government uses legislation to

⁴⁰⁹ AI, Urgent Action: Prisoner of conscience's life at grave risk, 27 January 2020, [url](#); International Crisis Group, telephone interview, 30 April 2020

⁴¹⁰ Professor of political science, videoconference, 14 May 2020; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 9

⁴¹¹ Amaya, videoconference, 29 May 2020

⁴¹² OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 9

⁴¹³ International Crisis Group, telephone interview, 30 April 2020; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁴¹⁴ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#), para. 74

⁴¹⁵ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36; Professor of political science, videoconference, 14 May 2020

⁴¹⁶ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁴¹⁷ AI, Urgent Action: Prisoner of conscience's life at grave risk, 27 January 2020, [url](#); HRW, World Report 2020, 2020, [url](#), p. 625

⁴¹⁸ AI, Urgent Action: Prisoner of conscience's life at grave risk, 27 January 2020, [url](#)

⁴¹⁹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 9

⁴²⁰ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 34

⁴²¹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 34; Mouttet, videoconference, 8 May 2020

⁴²² Mouttet, videoconference, 8 May 2020

⁴²³ PROVEA, Todo enemigo se presume culpable, 2019, [url](#), p. 30-31

launch judicial processes against them, and conducts activities of 'surveillance, monitoring, aggression, digital attacks, persecution, arbitrary raids, arbitrary detention, the criminalisation of cooperation, seizure of materials, among others'.⁴²⁴ The OMCT et al. report added that the narrative of the 'internal enemy' is consolidated through verbal aggressions that include 'expressions of hate and violence, from the use of offensive words, images or manipulated communiqués, to the discrediting of their work'.⁴²⁵

The government and its supporters refer to members of the opposition as 'scrawny' (*escuálidos*), 'traitor of the homeland' (*'traidor a la patria'*), 'capitalists who sack the poor' (*'capitalista que roba a la población pobre'*)⁴²⁶, and *'pitiyanqui'*⁴²⁷.⁴²⁸ Other epithets used against members of the opposition, demonstrators, business persons, social leaders, and members of unions and NGOs include 'enemies of the lower class' (*'enemigos de clase'*), 'bourgeois' (*'burgueses'*), 'fascists' (*'fascistas'*), 'far-right' (*'ultraderechistas'*), 'haters of the homeland' (*'apátridas'*), 'oligarchs' (*'oligarcas'*), 'parasites' (*'parásitos'*), 'snobs' (*'sifrinos'*), 'big-shots' or 'rich people' (*'pelucones'*), 'stupids' (*'estúpidos'*), 'imbeciles' (*'imbéciles'*), 'hypocrites' (*'hipócritas'*), 'demons' (*'demonios'*), and so on.⁴²⁹

The ICC preliminary examination report indicated that security forces and, in some occasions, armed *colectivos*, 'have perpetrated a number of violent acts against demonstrators, actual or perceived opposition members and activists, elected officials and students' and that 'Venezuelan authorities implemented measures aimed at suppressing and punishing the expression of dissenting views, and targeted victims by reason of their actual or perceived political opposition to the Government'.⁴³⁰

Another common method of reprisal is not giving the person the CLAP food boxes.⁴³¹ If the person is mentioned on national television or the media by high-ranking government officials, that person could face intimidation and physical aggression by pro-government militants.⁴³² There are also instances of persons expressing dissent towards the government and later being detained.⁴³³ Intimidation also takes place when the person is expelled, including by *colectivos*, from the neighbourhood and, for those who resist, they can end up being detained or dead.⁴³⁴ Some targeted people have experienced stoning of their vehicles and their properties painted with graffiti.⁴³⁵

The UN OHCHR mission report indicated that 'women, in particular human rights defenders, nurses, teachers and civil servants, have faced gendered attacks such as sexist comments, online gender-based violence, and public intimidation'.⁴³⁶ According to testimonies received by the UN OHCHR, there have been cases of detained women who were subjected to abuses such as dragging by the hair, inappropriate touching, threats of rape, forced nudity and sexist insults by agencies such as SEBIN, DGCIM and the GNB in order to humiliate them and extract confessions.⁴³⁷ The ICC preliminary examination report indicated that 'information available suggests that incidents of alleged rape and other forms of sexual violence in the context of detention may be underreported due to social stigma for victims and other societal or cultural factors'.⁴³⁸

⁴²⁴ CEPAZ et al., *Exigimos el fin de la política sistemática de criminalización*, 21 February 2020, [url](#)

⁴²⁵ OMCT et al., *Venezuela "Enemigos internos"*, March 2020, [url](#), pp. 59-60

⁴²⁶ Professor of political science, videoconference, 14 May 2020

⁴²⁷ Word created from 'petit' and 'yanqui', used to label someone who 'lost their identity' in pursuit of the 'US life style' but 'without achieving being an authentic yanqui' (Correo del Orinoco, *Tal día como hoy nació Mario Briceño Iragorry*, 15 September 2019, [url](#)).

⁴²⁸ VTV, *Jefe de Estado destacó el profundo carácter nacionalista de Briceño Iragorry*, 15 September 2019, [url](#)

⁴²⁹ PROVEA, *Todo enemigo se presume culpable*, 2019, [url](#), p. 30

⁴³⁰ ICC, *Report on Preliminary Examination Activities 2019*, 5 December 2019, [url](#); paras. 74, 80

⁴³¹ Mouttet, videoconference, 8 May 2020; Mármol, videoconference, 1 May 2020

⁴³² Mouttet, videoconference, 8 May 2020; OMCT et al., *Venezuela "Enemigos internos"*, March 2020, [url](#), p. 61

⁴³³ Mouttet, videoconference, 8 May 2020

⁴³⁴ Mármol, videoconference, 1 May 2020

⁴³⁵ FundaRedes, videoconference, 6 May 2020

⁴³⁶ UN OHCHR, *Human Rights in the Bolivarian Republic of Venezuela*, 5 July 2019, [url](#), para. 36

⁴³⁷ UN OHCHR, *Human Rights in the Bolivarian Republic of Venezuela*, 5 July 2019, [url](#), para. 44

⁴³⁸ ICC, *Report on Preliminary Examination Activities 2019*, 5 December 2019, [url](#); para. 79

Velasco indicated that dissent in low-income communities is not expressed openly for fear of reprisals. In areas where the presence of *colectivos* is significant, *colectivos* understand that inhabitants are frustrated by the economic situation and dissent may be expressed. However, that dissent 'must be expressed very carefully: not against the government, but against the government *and* economic sanctions, against the government *and* the opposition, that is, against other factors external to the government that do not allow a direct call out on the government'.⁴³⁹

FundaRedes explained that high-profile activists have some degree of protection due to their visibility, but low-profile activists are more vulnerable and end up being affected even more due to their low visibility on public media, particularly at the neighbourhood level where government supporters constantly harass them. Nevertheless, regardless of the profile, activists have seen their houses raided by security forces and their equipment stolen or seized.⁴⁴⁰ According to the Professor of political science, in some cases security forces plant evidence, particularly in cases involving low-profile activists, to open judicial processes against them.⁴⁴¹ The OVV indicated that the risk for low-profile activists sometimes consists of the association that the activist has with high-profile ones that are more difficult to target and, as a way to 'send a message', the perpetrator act against the low-profile individual.⁴⁴²

According to Mármol, entrepreneurs and landowners face expropriation of their assets if these assets are considered 'strategic' for the government. Expropriations, which often take place without compensation, are also used as a tool to target political enemies, and it can be exacted by national, state, or municipal authorities. Many entrepreneurs and landowners had to leave the country after they were expropriated of their lands and assets as they could not find legal recourse.⁴⁴³ Mouttet indicated that expropriations are carried out as a form of punishment.⁴⁴⁴

Sources indicated that there have been reported cases of supporters of the opposition engaging in attacks, frequently verbal, against members of the government and its supporters⁴⁴⁵, although the extent of these events have been decreasing over time.⁴⁴⁶ Violence has also occurred in the context of demonstrations and rallies.⁴⁴⁷

Mouttet indicated that even though some members of the opposition are banned from leaving the country, including due to a judicial process against them or a court order, the government has reportedly given the option, in certain cases, of going to prison or remain in detention, or leaving the country.⁴⁴⁸ Corroborating information could not be found among the sources consulted within the time constraints of this report.

Many victims chose to reduce their activities, go into hiding or leave the country.⁴⁴⁹

3.1 Political opposition

Deputies of the National Assembly have been subjected to 'strong repression' and threats on public media.⁴⁵⁰ Amnesty International indicated that the government continues to 'intimidate, harass, physically abuse, arbitrarily detain and forcibly disappear National Assembly representatives and staff

⁴³⁹ Velasco, videoconference, 1 May 2020 [emphasis in original]

⁴⁴⁰ FundaRedes, videoconference, 6 May 2020

⁴⁴¹ Professor of political science, videoconference, 14 May 2020

⁴⁴² OVV, videoconference, 4 May 2020

⁴⁴³ Mármol, videoconference, 1 May 2020

⁴⁴⁴ Mouttet, videoconference, 8 May 2020

⁴⁴⁵ Professor of political science, videoconference, 14 May 2020; OVV, videoconference, 4 May 2020

⁴⁴⁶ OVV, videoconference, 4 May 2020

⁴⁴⁷ Professor of political science, videoconference, 14 May 2020

⁴⁴⁸ Mouttet, videoconference, 8 May 2020

⁴⁴⁹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁴⁵⁰ Professor of political science, videoconference, 14 May 2020

in an attempt to silence political dissent'.⁴⁵¹ The International Crisis Group similarly indicated that 'the government is stepping up, rather than scaling back, its resort to security forces, para-police units including the *colectivos* and judiciary to intimidate the opposition into silence'.⁴⁵²

According to CEPAZ, members of the National Assembly have been subjected to, among others, prohibition from running for public office for terms that reach 15 years, cancellation of their passports and the refusal to issue diplomatic passports, prohibition to leave the country, stripping of parliamentary immunity, targeting of family members, arbitrary detention, instigation to violence by officials on the media, illegal raids of their property by state security agencies, and opening of judicial processes that violate due process.⁴⁵³ About 36 deputies are either in exile, taken refuge at an embassy in Caracas, or detained.⁴⁵⁴ According to the Professor of political science, political leaders of the opposition, particularly young activists who do not have extensive experience or a comprehensive background, and live in low-income neighbourhoods or in other areas and have a high profile and are very active, are targets of repression by the government.⁴⁵⁵

During 2019, 2 219 persons were arbitrarily detained for political reasons, of which 243 remained detained in December 2019, including 240 formally charged and 3 on temporary detention.⁴⁵⁶ Most detentions occurred between January and May (2 100 detentions), and the states with the highest number were Zulia (306), Capital District (292), Aragua (200), Bolívar (190), and Carabobo (175).⁴⁵⁷ The main government security agencies involved in the detentions were the GNB (1 108 detentions), state police agencies (284), municipal police agencies (175), PNB (140), DGCIM (101), GNB/SEBIN/state police agencies (72), SEBIN (68), and FAES (62).⁴⁵⁸ In addition, the UN OHCHR mission report indicated that the intelligence agencies of SEBIN and DGCIM have been responsible for arbitrary detentions, ill-treatment and torture of political opponents and their relatives.⁴⁵⁹ On 31 December 2019, there were 388 political prisoners (18 women and 370 men), including 118 military personnel.⁴⁶⁰

Family members of the opposition also face intimidation and harassment by the government, including unlawful detention and raids of their properties.⁴⁶¹ Guaidó's uncle, Juan José Márquez, was 'arbitrarily detained' on 11 February 2020 upon his arrival at Maiquetía's airport from Lisbon, accused of smuggling explosives into the country, in what Amnesty International considers a 'continuation of a worrying pattern of the targeting of the families and staff of opposition lawmakers'.⁴⁶²

The following are some of the cases of actions against members of the political opposition as reported by sources:

- Juan Requesens, was detained in August 2018⁴⁶³ accused of planning the assassination of Maduro.⁴⁶⁴ Requesens was reportedly held incommunicado since 5 February 2020 and, as of March 2020, he remained in detention.⁴⁶⁵ Requesens has been reportedly subjected to torture while in detention and the judicial case presents 'severe irregularities'.⁴⁶⁶ He was reportedly

⁴⁵¹ AI, Urgent Action: Opposition members face ongoing threats, 2 March 2020, [url](#)

⁴⁵² International Crisis Group, Imagining a Resolution of Venezuela's Crisis, 11 March 2020, [url](#), p. 5

⁴⁵³ CEPAZ, La formula perfecta para apuntalar la dictadura, January 2020, [url](#), pp. 20-33

⁴⁵⁴ AS/COA, The Pressure on Venezuela's National Assembly, 15 January 2020, [url](#)

⁴⁵⁵ Professor of political science, videoconference, 14 May 2020

⁴⁵⁶ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 9

⁴⁵⁷ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 10

⁴⁵⁸ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 11

⁴⁵⁹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 32

⁴⁶⁰ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 12

⁴⁶¹ Mármol, videoconference, 1 May 2020

⁴⁶² AI, Urgent Action: Opposition members face ongoing threats, 2 March 2020, [url](#)

⁴⁶³ AS/COA, The Pressure on Venezuela's National Assembly, 15 January 2020, [url](#)

⁴⁶⁴ Agencia EFE, Requesens tilda de pantomima al juicio en su contra, 9 January 2020, [url](#)

⁴⁶⁵ AI, Urgent Action: Opposition members face ongoing threats, 2 March 2020, [url](#)

⁴⁶⁶ AI, Urgent Action: Opposition members face ongoing threats, 2 March 2020, [url](#); Agencia EFE, Requesens tilda de pantomima al juicio en su contra, 9 January 2020, [url](#)

detained without a court order, his parliamentary immunity lifted, and reportedly admitted on video, while in detention, his participation in the assassination attempt. The video is not part of the judicial file.⁴⁶⁷

- Gilber Caro, close advisor to Guaidó, was detained for a third time in December 2019.⁴⁶⁸ Caro, who is protected by parliamentary immunity, was taken by the FAES and charged with 'terrorism' without the presence of a lawyer.⁴⁶⁹ As of March 2020, he remained in detention.⁴⁷⁰
- Roberto Marrero, Guaidó's chief of staff, was detained by the SEBIN in March 2019 accused of 'planning to carry out terrorist attacks'.⁴⁷¹ On April 2020, Marrero remained in detention.⁴⁷²
- On 25 May 2020, Agencia EFE reported that the Attorney General requested the TSJ to declare the political party Voluntad Popular, where Guaidó was a member until January 2020, a 'criminal organisation with terrorist motives' for its alleged role in an armed incursion earlier that year, and of 'appropriating several Venezuelan companies "with the support of the United States" and of money in bank accounts abroad that belongs to the country'.⁴⁷³

3.2 Human rights advocates and social activists

The UN OHCHR mission report indicated that human rights defenders 'were victims of defamation campaigns in pro-government media, and subjected to surveillance, intimidation, harassment, threats and arbitrary detention'.⁴⁷⁴ The joint communiqué indicated that, since 2002, the Venezuelan state has been carrying out 'a policy that criminalises the advocacy for human rights', through a 'discourse of hate and smear campaigns on the media and official communications to discredit [...] and stigmatise' them. The signing organisations also indicated that community and student activists and activists that advocate for the rights of victims, face threats due to their work.⁴⁷⁵ According to the Professor of political science, the risk of activists being targeted by the government is increasing, and the more influence the activist has inside communities and the higher the profile, the higher the risk.⁴⁷⁶

High-ranking government officials routinely stigmatise human rights advocates and social activists.⁴⁷⁷ Stigmatisation takes place via mass communication platforms, and is done through defamation⁴⁷⁸ and false accusations about the person and their work; the discrediting and disqualification of the person through media campaigns with a 'high content of violence' to damage their reputation or credibility; or the 'categorisation of the person as an "enemy", "terrorist", "destabilising agent", "thief", [or] "scammer"'.⁴⁷⁹

Human rights advocates are targeted by security forces and other groups that act with the acquiescence of the government.⁴⁸⁰ The OMCT et al. report indicated that they documented 121 'aggressions' (37 in 2018 and 84 in 2019) against human rights advocates in Venezuela, including '60

⁴⁶⁷ AI, Urgent Action: Representative's right to fair trial ignored, 3 December 2019, [url](#)

⁴⁶⁸ AS/COA, The Pressure on Venezuela's National Assembly, 15 January 2020, [url](#)

⁴⁶⁹ Reuters, Disappeared Venezuelan legislator being held in state detention: lawyer, 21 January 2020, [url](#)

⁴⁷⁰ AI, Urgent Action: Opposition members face ongoing threats, 2 March 2020, [url](#)

⁴⁷¹ AS/COA, The Pressure on Venezuela's National Assembly, 15 January 2020, [url](#); Guardian (The), Juan Guaidó's chief of staff arrested by Venezuelan agents, 21 March 2019, [url](#)

⁴⁷² Caraoa Digital, Roberto Marrero cumplió 400 días preso por el régimen de Maduro, 24 April 2020, [url](#)

⁴⁷³ Agencia EFE, La Fiscalía de Venezuela pide al Supremo declarar organización criminal al partido Voluntad Popular, 25 May 2020, [url](#)

⁴⁷⁴ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁴⁷⁵ CEPAZ et al., Exigimos el fin de la política sistemática de criminalización, 21 February 2020, [url](#)

⁴⁷⁶ Professor of political science, videoconference, 14 May 2020

⁴⁷⁷ AI, Annual Report 2019, February 2020, [url](#), p. 88; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁴⁷⁸ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 30; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 61

⁴⁷⁹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 61

⁴⁸⁰ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 24

acts of defamation, 44 acts of harassment and intimidation, and 8 cases of arbitrary detentions', while noting that the real number of these actions would far exceed the ones reported.⁴⁸¹ According to the same source, the government is largely responsible for these actions, including through public broadcastings (60 %) and government security agencies (14 %).⁴⁸² The OMCT et al. report provided the example of a social leader in Petare, state of Miranda, who advocated for the rights to food and access to basic services and has been the target of 'attacks, illegal raids, threats, and harassment' since 2018 by the FAES, including the killing of her brother in July 2018 after the FAES conducted a raid without a warrant in her apartment building; the mistreatment of her relatives, including the stripping of the clothes of female relatives, during another raid conducted without warrant in April 2019; and the detention of two of her nephews during another raid without warrant in May 2019.⁴⁸³

Human rights and humanitarian organisations indicated that they have been facing barriers in obtaining legal status in the country after the Ministry of Interior, Justice and Peace reportedly issued 'express instructions to impede their registration'.⁴⁸⁴ The OMCT et al. report similarly indicated that public authorities, including the Autonomous Service of Registries and Notaries (SAREN, *Servicio Autónomo de Registros y Notarías*), refuse NGOs issuing registration documents or the update of current registrations, which exposes them to investigation for operating outside the law.⁴⁸⁵ The UN OHCHR update similarly indicated that NGOs face 'significant delays in the process of registering organizations' incorporating documents, due to exhaustive review of documentation by the authorities'.⁴⁸⁶

The UN OHCHR mission report indicated that women, including local leaders, have been 'targeted due to their activism, threatened by community leaders and pro-government civilian groups (armed "colectivos"), and excluded from social programmes. Women reported not exercising their rights, including not speaking out against the Government, for fear of reprisals'.⁴⁸⁷

According to the Professor of political science, 'the risk of persecution on occasions is transferred to their families by linking them to the activities of the activist, or using them as a 'decoy' so the activist shows up and can be apprehended'.⁴⁸⁸ The same has also occurred with family members and friends of military personnel or those considered to be involved in acts of rebellion.⁴⁸⁹ For additional information on the treatment of military personnel and their family members, see [Chapter 3.6](#).

Some cases of treatment of protesters, as reported by sources, include:

- On 4 May 2020, Maduro accused PROVEA on national television of 'receiving money from the U.S. Central Intelligence Agency and of defending the rights of accused "terrorists" and "mercenaries"', referring to people who were detained the previous day in a failed attack from the sea where eight people were killed and 23 were detained, including two US citizens.⁴⁹⁰ After Maduro's comments, PROVEA indicated that the human rights of those detained be respected⁴⁹¹, after which 'several politicians reacted in the press, on national television and on social networks, accusing Provea of promoting terrorism, claiming the incursion of mercenaries, justifying and supporting violent

⁴⁸¹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 6, 28, 29

⁴⁸² OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 31

⁴⁸³ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 23

⁴⁸⁴ AI, Annual Report 2019, February 2020, [url](#), p. 90

⁴⁸⁵ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 42

⁴⁸⁶ UN OHCHR, Venezuela: Commissioner Bachelet details plans for new human rights assistance, 18 December 2019, [url](#)

⁴⁸⁷ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 24

⁴⁸⁸ Professor of political science, videoconference, 14 May 2020

⁴⁸⁹ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 13; HRW, World Report 2020, 2020, [url](#), p. 626

⁴⁹⁰ HRW, Venezuelan Human Rights Group Under Attack, 8 May 2020, [url](#)

⁴⁹¹ HRW, Venezuelan Human Rights Group Under Attack, 8 May 2020, [url](#); FIDH, Venezuela: Acts of harassment and defamation against Provea, 7 May 2020, [url](#)

actions against the Constitution, or of being an organisation financed by U.S. intelligence services'.⁴⁹²

- On 31 March 2020, a lawyer and human rights advocate who is a member of several human rights organisations, including PROVEA, was detained by security forces after he filmed a protest that was taking place in Barquisimeto at a local gas station. The lawyer was reportedly advocating for health care workers and persons who are undergoing dialysis treatment to be prioritised in the distribution of fuel, and seeing that authorities were not reacting, he started to film the protest. Security forces requested his phone and when he refused, he was detained and beaten, and a high-ranking officer reportedly accused him of 'working for an NGO that goes against the interests of Venezuela'. The lawyer was charged with 'resisting arrest' and 'public instigation to violence'.⁴⁹³

3.3 Protesters

On 24 April 2014 the TSJ issued Ruling No. 276 which makes mandatory for people who want to exercise their right to 'peaceful demonstrations and public meetings' to obtain an authorisation from 'relevant authorities', which is contrary to the Constitution; and it also allows security forces to disperse manifestations⁴⁹⁴ using the 'proper' means to do so.⁴⁹⁵ Ruling No. 276 of the TSJ's Constitutional Chamber indicates the following:

'any concentration, demonstration or public meeting that does not have the prior authorization by the respective competent authority, may result in the police and security bodies in the control of public order to ensure the right to free transit and other constitutional rights (such as, for example, the right of access to a health care provider, the right to life and physical integrity), to act by dispersing these concentrations with the use of the most appropriate mechanisms, within the framework of the provisions of the Constitution and the legal order'.⁴⁹⁶

Security forces, representatives of the Public Ministry, and court judges have interpreted the TSJ ruling as a 'license to strengthen the measures for the criminalisation of protests and the repression of pacific demonstrations'.⁴⁹⁷

The Professor of political science indicated that when the opposition calls for a demonstration, a common practice is the deployment of shock forces, usually armed *colectivos*, and the convocation by the government to its supporters to rally in the same public spaces where the opposition is set to demonstrate 'in order to block them and to contribute to the ensuing confusion and chaos'.⁴⁹⁸ Additionally, the government installs barricades and parks military trucks to prevent the opposition from reaching public institutions.⁴⁹⁹

Sources indicated that armed groups use violence against protesters⁵⁰⁰ and that repression of protests as a government policy worsened in 2019 with the use of the FAES, PNB, GNB and *colectivos*.⁵⁰¹ The government engaged in repressive acts against demonstrators who gathered spontaneously to protest the blackouts, with some of these demonstrators being reportedly arbitrarily detained.⁵⁰² Participants at non-violent demonstrations have been criminalised, judicialised and repressed by the

⁴⁹² FIDH, Venezuela: Acts of harassment and defamation against Provea, 7 May 2020, [url](#)

⁴⁹³ AI, Henderson Maldonado, detenido por acompañar y documentar una protesta, 1 April 2020, [url](#)

⁴⁹⁴ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 17; UCAB, Licencia para protestar, June 2014, [url](#), p. 4

⁴⁹⁵ UCAB, Licencia para protestar, June 2014, [url](#), p. 4

⁴⁹⁶ Venezuela, TSJ, Sentencia No. 276, 24 April 2014, [url](#)

⁴⁹⁷ UCAB, Licencia para protestar, June 2014, [url](#), p. 5

⁴⁹⁸ Professor of political science, videoconference, 14 May 2020

⁴⁹⁹ Professor of political science, videoconference, 14 May 2020

⁵⁰⁰ AI, Annual Report 2019, February 2020, [url](#), p. 89; OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 8

⁵⁰¹ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 8

⁵⁰² Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 4

government.⁵⁰³ The UN OHCHR mission report indicated that even though security forces did not resort to excessive use of force in all demonstrations in 2019, in some demonstrations security agencies such as the GNB, PNB, FAES, municipal police bodies, and armed *colectivos* reportedly used excessive force to 'instil fear and discourage further demonstrations'.⁵⁰⁴ Other agencies that engage in the excessive use of force against demonstrators include the CICPC, the SEBIN, and the DGCIM.⁵⁰⁵ Additionally, members of RAAS in the communities 'provide information to security forces and armed colectivos on the location and identity of demonstrators, persons critical of the government, and dissidents'.⁵⁰⁶ Al Jazeera reported that on 23 February 2019, security forces reportedly withdrew from the Venezuelan border side in San Antonio when they could not stop around 600 government opponents who were trying to introduce the humanitarian aid into Venezuela, and gave way to *colectivos* to openly confront them.⁵⁰⁷

Foro Penal indicated in its 2019 report that, between January and May 2019, over 50 people were killed with gunshot wounds during protests organised by the opposition, and that one demonstrator reportedly died while being tortured in detention.⁵⁰⁸ According to the OVCS, in 2019 67 people were killed in the context of demonstrations, including 61 at the demonstrations and 6 days later after having being detained at their homes by members of security forces.⁵⁰⁹ States with the highest number of persons killed in the context of demonstrations in 2019 were Bolívar (15 killed), Capital District (11), Lara (4) and Portuguesa (4).⁵¹⁰ The ICC preliminary examination report indicated that more than 15 000 persons were detained in protests between 2014 and 2019, and that at least 5 000 were allegedly detained for periods exceeding two weeks.⁵¹¹

The ICC preliminary examination report indicated that, according to information it received, security forces allegedly subjected persons who participated in protests to 'serious abuse and ill-treatment' while in detention in order to punish them, force confessions, or incriminating others.⁵¹² Mouttet indicated that after the protests of January and February 2019, 'repression shifted from the streets to [low-income] neighbourhoods,' with police presence increasing in these areas, and the use of the FAES to target, inside the neighbourhoods, social and political leaders who had participated in demonstrations.⁵¹³

Some cases of treatment of protesters, as reported by sources, include:

- On 20 May 2020, the FAES carried out searches at several houses in a Barquisimeto neighbourhood after inhabitants from that neighbourhood had been protesting the constant cuts of electricity, and the lack of residential gas and fuel by banging pans (*cacerolas*) for three days. The FAES reportedly fired their guns at the air the previous day and during the searches, 'at least' six people were detained.⁵¹⁴ Additional information could not be found among the sources consulted for this report.
- On 23 April 2020, Venezuelan newspaper El Estímulo reported that during the past three days, inhabitants at Upata, Bolívar, were protesting the lack of food and that according to social media accounts, between one and three people died and seven were injured in the riots and the looting

⁵⁰³ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 26; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 15

⁵⁰⁴ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 39

⁵⁰⁵ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 32

⁵⁰⁶ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 27

⁵⁰⁷ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

⁵⁰⁸ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 4, 6

⁵⁰⁹ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 27

⁵¹⁰ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 27

⁵¹¹ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#), para. 77

⁵¹² ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#), paras. 69, 78

⁵¹³ Mouttet, videoconference, 8 May 2020

⁵¹⁴ Efecto Cocuyo, Faes allanan residencias de la urbanización Sucre en Barquisimeto tras protestas por fallas de servicios, 20 May 2020, [url](#)

that ensued. Security forces and members of the army threw tear gas at demonstrators and members of armed *colectivos* are reportedly accused of the unconfirmed deaths.⁵¹⁵

3.4 State employees and union leaders

State employees who are actually or perceived to be critical of the government have been targeted by the government.⁵¹⁶ Sources indicated that attendance to government rallies are usually 'obligatory' for public sector employees.⁵¹⁷ In some occasions, public sector employees are provided with a pro-government t-shirt or beret to go to the rally.⁵¹⁸ Usually, employees cannot refuse because the pressure is such that by refusing to attend, the person might lose their employment.⁵¹⁹ Amaya indicated that many people who attend government rallies are public servants. Government institutions call employees during their shift to attend the rallies and they check lists of those who attended. Those who refuse to go risk being investigated for 'insubordination', as they refused to 'work during working hours', or being dismissed. In this context, government employees face censorship, 'repression' and surveillance if they express a political opinion contrary to that of the government.⁵²⁰ Similarly, FundaRedes indicated that criminalisation of dissent within government institutions is 'generalised' and employees do not speak out for fear of reprisals.⁵²¹ Some public servants who do not agree with the government end up leaving their jobs or migrating.⁵²² The Bertelsmann Stiftung report on Venezuela similarly indicated that 'there is severe discrimination based on political preferences. Open dissent turns citizens into "traitors" who are denied employment in the public sector and even access to services'.⁵²³ Amaya indicated, however, that in the past there was a societal narrative that categorised public servants who quit their jobs as 'traitors', but that narrative dissipated with the increase in 'mass emigration'.⁵²⁴

According to Amaya, public servants are allowed to quit their jobs. 'Many migrants are public employees and in some cases, they request a leave of absence to leave the country.' Public agencies have benefited from these requests in the sense that it became an excuse to not hire people since the positions are occupied but without salary, which lowers economic pressure on institutions. Also, it is a CLAP food box less to account for as it is one of the benefits granted to public servants.⁵²⁵

Union leaders are subjected to 'persecution, detention, threats and aggression'⁵²⁶ and have been subjected to dismissal or detention for protesting for decent salaries and working conditions.⁵²⁷ Unions have been dismantled by the government, and it is the government that unilaterally decides the salary.⁵²⁸ OVCS indicated that, according to the International Labour Organisation, Rubén González, Secretary General of Ferrominera, was sentenced to five years and nine months in prison for leading demonstrations to advocate for the rights of workers.⁵²⁹ Amnesty International indicated that

⁵¹⁵ El Estímulo, Fuertes disturbios en Upata, al sur de Venezuela, por falta de comida, 23 April 2020, [url](#)

⁵¹⁶ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36; Amaya, videoconference, 29 May 2020

⁵¹⁷ Professor of political science, videoconference, 14 May 2020; Espacio Público, Lo público es privado – Persecución a trabajadores públicos, 2 May 2019, [url](#)

⁵¹⁸ Professor of political science, videoconference, 14 May 2020

⁵¹⁹ Professor of political science, videoconference, 14 May 2020; Espacio Público, Lo público es privado – Persecución a trabajadores públicos, 2 May 2019, [url](#)

⁵²⁰ Amaya, videoconference, 29 May 2020

⁵²¹ FundaRedes, videoconference, 6 May 2020

⁵²² Professor of political science, videoconference, 14 May 2020

⁵²³ Bertelsmann Stiftung, BTI 2020 Country Report: Venezuela, 2020, [url](#), p. 24

⁵²⁴ Amaya, videoconference, 29 May 2020

⁵²⁵ Amaya, videoconference, 29 May 2020

⁵²⁶ CEPAZ et al., Exigimos el fin de la política sistemática de criminalización, 21 February 2020, [url](#)

⁵²⁷ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁵²⁸ Professor of political science, videoconference, 14 May 2020

⁵²⁹ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 21

González was advocating for the right to collective bargaining at the state-owned company Ferrominera del Orinoco and also participate in demonstrations critical to the labour policies of the government since the Chávez era. He has been arbitrarily detained and subjected to several trials in the past, and in November 2018, he was detained by the DGCIM 'on the allegation of having attacked a military officer who tried to arrest him violently'. He was tried by a military court without right to due process.⁵³⁰

3.5 Scholars and educators

Universities, particularly autonomous and private, are considered as 'enemies' of the state and are refused the financing established by law in order to curtail scholarly activities and impact the salary of professors.⁵³¹ The UN OHCHR mission report indicated that 'university staff critical of the government was threatened with non-payment of their salaries, prevented from accessing their workplace and traveling abroad, and arbitrarily detained'.⁵³² According to the Professor of political science, the monthly salary of a high-ranking professor is about 10 USD, which is basically the same as the salary of any university worker.⁵³³ Scholars are insecure about publishing professional opinions or the results of studies of their research, particularly if the findings question political or social aspects of Venezuela.⁵³⁴ The journalist indicated that school teachers have been targeted for the content they teach in the classroom, and there have been instances of being directed on what to teach and what not to teach.⁵³⁵ According to the journalist, teachers usually can resign without being considered 'deserters', although there may be instances where that was not the case.⁵³⁶

In May 2020, sources reported that Cabello indicated in the televised program *Con el Mazo Dando* that security forces 'should visit' the Academy of Physics, Mathematic and Natural Sciences (ACFIMAN, *Academia Nacional de Ciencias Físicas, Matemáticas y Naturales*) after ACFIMAN posted the first scientific report on coronavirus cases in the country.⁵³⁷

Workers in the education sector who participated in demonstrations faced threats, sanctions, dismissal, and replacement with non-qualified personnel hired through the Work Program for Youth Plan (*Plan Chamba Juvenil*)⁵³⁸.⁵³⁹ Some scholars had to leave the country for threats against their lives.⁵⁴⁰ According to the Democratic Union of the Education Sector (*Unidad Democrática del Sector Educativo*), a movement of teachers from across the country, over 200 000 teachers have left Venezuela.⁵⁴¹

3.6 Military personnel

The Military Justice Organic Code (*Código Orgánico de Justicia Militar*) indicates the following:

⁵³⁰ AI, Urgent Action: Prisoner of conscience's life at grave risk, 27 January 2020, [url](#)

⁵³¹ Professor of political science, videoconference, 14 May 2020

⁵³² UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁵³³ Professor of political science, videoconference, 14 May 2020

⁵³⁴ Professor of political science, videoconference, 14 May 2020; Journalist, telephone interview, 8 June 2020

⁵³⁵ Journalist, telephone interview, 8 June 2020

⁵³⁶ Journalist, telephone interview, 8 June 2020

⁵³⁷ ABC, Diosdado Cabello ordena perseguir a los académicos venezolanos por revelar las cifras del Covid-19, 15 May 2020, [url](#); Agencia EFE, El primer reporte científico del COVID-19 en Venezuela crea cisma con el chavismo, 14 May 2020, [url](#)

⁵³⁸ The Plan Chamba Juvenil is a work program for people between 15 and 35 years old, who are unemployed university students, youth with no formal education, single mothers or young people head of households. They must have the Carnet de la Patria in order to access the program (Venezuela, Vicepresidencia de la República Bolivariana de Venezuela, Plan Chamba Juvenil mantiene activo nuevo registro para jóvenes entre 15 y 35 años, n.d., [url](#)).

⁵³⁹ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 22

⁵⁴⁰ Professor of political science, videoconference, 14 May 2020

⁵⁴¹ Infobae, Colectivos chavistas también atacaron a los maestros que protestaban en Caracas, 16 January 2020, [url](#)

'Article 523

A soldier who illegally separates from active service commits the crime of desertion; and for its determination it will be sufficient that the acts reflect the intention of committing this crime.

Article 524

In the absence of the circumstances referred to in the preceding article, in time of peace, desertion is presumed, unless justified, when officers:

1st. Do not present themselves to occupy their position within six days after the deadline set by superiors.

2nd. Are absent for more than six consecutive days from the place of residence assigned superiors.

3rd. Who in the fulfilment of actions related to their service do not present themselves to their superiors within six days following the date indicated in the itinerary.

4th. Do not present themselves to occupy their position six days after the expiration of an authorised period of leave or after having knowledge of its expiration.

5th. When in situation of availability or reserve, do not attend the call to service six days after notification.

Article 525

Those who incur in any of the crimes provided for in the preceding article, will be sentenced between two to four years imprisonment and separation from the Armed Forces.⁵⁴²

The journalist indicated that during the last two years, the number of requests to be discharged from service have increased and that most requests have been rejected by the military. The journalist added that since 'there are generally no appeals because even the files are returned' to the requester, military personnel end up deserting the military. Even though reliable statistics on these requests are not available as the government does not publish them, members of the air force reportedly have filed the most requests.⁵⁴³ A 5 May 2020 edict published by the Ministry of Defence's Air Force in *Correo del Orinoco*, the official newspaper of the Venezuelan government, summoned 47 officials including a mayor, captains, first lieutenants, and lieutenants, for investigation for 'unauthorized and unjustified stay outside the [assigned] military unit, establishment, or facility'. The officials were given ten working-days to present themselves at the General Command of the Air Force with a lawyer and in uniform, and if the official is not able to pay for his or her own lawyer, the government would assign a public defender.⁵⁴⁴

Dissidents from the military are investigated by Investigative Councils (*Consejos de Investigación*).⁵⁴⁵ These Councils reportedly carry out a disciplinary and administrative investigation on the deserter to remove him or her from the armed forces. In some cases, these Councils accuse deserters of engaging in conspiracy against the government. The journalist also indicated that there are cases of military personnel who are sent home with pay after having expressed dissent.⁵⁴⁶

⁵⁴² Venezuela, Código Orgánico de Justicia Militar, 1998, [url](#)

⁵⁴³ Journalist, telephone interview, 8 June 2020

⁵⁴⁴ Venezuela, República Bolivariana de Venezuela, Ministerio del Poder Popular para la Defensa, Aviación Militar Bolivariana, Comando General, Oficina de los Consejos de Investigación, Notificación, 5 May 2020, published in *Correo del Orinoco*, 13 May, 2020, [url](#)

⁵⁴⁵ Venezuela, República Bolivariana de Venezuela, Ministerio del Poder Popular para la Defensa, Aviación Militar Bolivariana, Comando General, Oficina de los Consejos de Investigación, Notificación, 5 May 2020, published in *Correo del Orinoco*, 13 May, 2020, [url](#); Journalist, telephone interview, 8 June 2020

⁵⁴⁶ Journalist, telephone interview, 8 June 2020

The journalist indicated that, according to deserters the journalist interviewed, they abandoned the armed forces for reasons including the political situation, the state of affairs of the armed forces, and the lack of income. Other deserters interviewed indicated as the reason the surveillance that they were subjected to and the targeting against their family members that consisted of raiding their homes and intimidation by the military. The journalist indicated that although targeting of personnel who left the military is not a generalised practice, and considering that it is difficult to know the extent of this practice, 'there is a considerable percentage' that has been targeted, although it also depends on the rank.⁵⁴⁷ The journalist indicated that, according to some high-ranking officials who deserted, they were waiting to be promoted to a higher rank in order to secure a better pension in the eventuality that they return to Venezuela, and also to have their family abroad before deserting in order to expose them to targeting by the government. According to military deserters, before leaving Venezuela they had to get their families out of the country first through contacts in other countries.⁵⁴⁸ International Crisis Group indicated, however, that military personnel who deserted and fled to Colombia have been facing a 'difficult situation' as they have not received the protection they expected from Colombia, and the material support they were receiving from Guaidó's parallel government has been limited over time.⁵⁴⁹

The journalist indicated that there is an 'important' part of the armed forces that question the policies of the government but are afraid of expressing it in public or even among their peers. The majority of those who dissent hold the ranks of colonel and below, including majors, lieutenants, and captains. However, according to military personnel interviewed by the journalist, the DGCIM actively monitor those who make comments about military policies, including by eavesdropping on their communications and physical surveillance. The journalist indicated that military personnel 'are very careful when expressing an opinion and with whom they communicate' as there have been instances of manipulation of private communication statements that later put them at risk of persecution.⁵⁵⁰

The UN OHCHR report indicated that military dissidents and those who are perceived as critical of the government have been targeted by the government.⁵⁵¹ International Crisis Group indicated that deserters staying in Venezuela are accused of sedition and conspiracy and face a 'dark future', which is the reason why there have not been more soldiers rebelling against the state.⁵⁵² Military personnel accused of plotting against the government are detained and tortured by security forces.⁵⁵³ According to the family members of detained military officers who were interviewed by Infobae, authorities violate the law and the rights of the detained family member, block the access to the judicial files, and dismiss the requests to allow visits by family members and legal representatives.⁵⁵⁴ Family members and friends of military personnel or those considered to be involved in acts of rebellion are 'forcibly disappeared' by security and intelligence agencies to pressure the surrender of the person in question, or to interrogate them on the whereabouts of the person being sought.⁵⁵⁵ Infobae reported that the partner of major general Miguel Rodríguez Tórres, who has been detained by the DGCIM since March 2018, was also detained and tortured.⁵⁵⁶ OVV indicated that some military personnel have been tortured and killed so other military personnel do not desert or question the government.⁵⁵⁷ The

⁵⁴⁷ Journalist, telephone interview, 8 June 2020

⁵⁴⁸ Journalist, telephone interview, 8 June 2020

⁵⁴⁹ International Crisis Group, telephone interview, 30 April 2020

⁵⁵⁰ Journalist, telephone interview, 8 June 2020

⁵⁵¹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁵⁵² International Crisis Group, telephone interview, 30 April 2020

⁵⁵³ HRW, World Report 2020, 2020, [url](#), p. 626

⁵⁵⁴ Infobae, Así torturan a los militares detenidos por causas políticas en el centro de Inteligencia del régimen venezolano, 14 June 2020, [url](#)

⁵⁵⁵ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 13; HRW, World Report 2020, 2020, [url](#), p. 626

⁵⁵⁶ Infobae, Así torturan a los militares detenidos por causas políticas en el centro de Inteligencia del régimen venezolano, 14 June 2020, [url](#)

⁵⁵⁷ OVV, videoconference, 4 May 2020

journalist similarly indicated that punishment is used by the government as an example to dissuade others from deserting. The journalist added that the government has the will to track down deserters but lacks the means to do so.⁵⁵⁸

International Organisation A indicated that since the military has considerable control of a wide range of public sector agencies, its members, particularly high-ranking officials, would not encounter problems obtaining or renewing their passports. However, for low-ranking officers obtaining a passport would be more difficult. It would also depend on whether the member of the armed forces is being surveilled by counterintelligence as it has considerable power in the country. The same source also indicated that it also depends on 'connections and personal relations' in order to obtain a passport.⁵⁵⁹ The journalist indicated that to its knowledge, there have been no known cases of passports of military officials being seized by authorities, although it is very probable that they will face problems when they go to renew their passport.⁵⁶⁰ While indicating that he is not an expert on the issue of military forces leaving the country, Mouttet indicated that he has knowledge of military forces who left the country without difficulties.⁵⁶¹

3.6.1 Recruitment and reserves

Military conscription in Venezuela is forbidden.⁵⁶² Citizens between 18 and 60 years old are, however, still required to register for military service⁵⁶³ both male and female.⁵⁶⁴ According to the journalist, it is necessary to register for military service as the military identification card (*libreta militar*) is required in Venezuela to carry out administrative procedures such as obtaining the diploma.⁵⁶⁵

Voluntary military recruitment is carried out every March, September and December⁵⁶⁶ and they serve between 24 and 30 months.⁵⁶⁷ Once they complete the service, they become reservists.⁵⁶⁸ Article 25 of the Military Conscription Law (Ley de Conscripción y Alistamiento Militar) indicates the following:

'Article 25. Those who are in a reserve situation may be called when the President of the Republic and the Commander-in-Chief of the Bolivarian National Armed Forces so request, for periods of retraining or military training.'⁵⁶⁹

3.7 Journalists and the media

In a February 2019 interview with La Sexta, a Spanish television channel, Maduro indicated that in Venezuela 'there are no, and there has not been, detention of journalists', and that instead there are 'provocations and set ups' to present 'control checks' as 'persecution of journalists by the regime'.⁵⁷⁰ However, sources indicated that the government and security forces target journalists to silence on what is occurring in the country and block media outlets to report on human rights violations⁵⁷¹,

⁵⁵⁸ Journalist, telephone interview, 8 June 2020

⁵⁵⁹ International Organisation A, telephone interview, 12 June 2020

⁵⁶⁰ Journalist, telephone interview, 8 June 2020

⁵⁶¹ Mouttet, videoconference, 8 May 2020

⁵⁶² Journalist, telephone interview, 8 June 2020; US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

⁵⁶³ Journalist, telephone interview, 8 June 2020; US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

⁵⁶⁴ Journalist, telephone interview, 8 June 2020

⁵⁶⁵ Journalist, telephone interview, 8 June 2020

⁵⁶⁶ Journalist, telephone interview, 8 June 2020

⁵⁶⁷ US, CIA, The World Factbook: Venezuela, 4 August 2020, [url](#)

⁵⁶⁸ Journalist, telephone interview, 8 June 2020

⁵⁶⁹ Venezuela, Ley de Conscripción y Alistamiento Militar, 2009, [url](#)

⁵⁷⁰ In 24horas.cl, Nicolás Maduro: "Aquí no ha habido detención de periodistas", 4 February 2019, [url](#), 1:07

⁵⁷¹ IPYS, Voces en el paredón: Reporte Anual IPYSve 2019, February 2020, [url](#), p. 5; Mármol, videoconference, 1 May 2020; FundaRedes, videoconference, 6 May 2020; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 33

particularly those related to demonstrations.⁵⁷² The CDJ reported an increase in 'attacks and aggressions' against journalists and the media, which have experienced theft of equipment, smear campaigns by the government on public media, closure of media outlets, and physical intimidation, particularly in cases related to the covering of human rights abuses.⁵⁷³ The Institute for Press and Society (IPYS, *Instituto de Prensa y Sociedad*⁵⁷⁴) similarly indicated that security and intelligence forces reportedly intimidated journalists and confiscated their equipment.⁵⁷⁵ The UN OHCHR update indicated that the demonstrations carried out by the opposition on 16 November 2019 were 'preceded by acts of intimidation on social media against some journalists', and that three days later, the DGCIM raided the headquarters of an online media outlet, briefly detained three journalists and their drivers who were covering the raid, and the operations manager who was held incommunicado for ten days. As of December 2019, the operations manager was still being detained.⁵⁷⁶

The government has refused to renew broadcasting permits for media outlets and impeded the delivery of printing paper to newspapers that are critical of the government, leading to the closure of most print newspapers in the country.⁵⁷⁷ The UN OHCHR mission report indicated that 'dozens of media closed and the Government shut down radio stations and banned television channels', with the internet and social media becoming the main means of communication.⁵⁷⁸ IPYS indicated in its 2019 report on Venezuela that the Telecommunications National Commission (Conatel, *Comisión Nacional de Telecomunicaciones*) reportedly suspended in February 2019 six foreign television channels, including National Geographic (US), Antena 3 (Spain), Radio Caracol (Colombia) and 24 Horas (Chile), for reportedly transmitting content related to Guaidó's attempt to introduce humanitarian aid into Venezuela on the same month.⁵⁷⁹ Conatel also suspended nine radio and television opinion programs and nine radio stations, and blocked Colombian newspaper *El Tiempo*.⁵⁸⁰ The government has also blocked independent news websites and regularly block the main social media platforms.⁵⁸¹ The IPYS similarly indicated that Conatel intermittently blocked sites such as YouTube, Microsoft Bing, and Facebook.⁵⁸²

Amnesty International indicated that 'several media outlets critical of the government were the targets of censorship and cyberattacks, as were the websites of human rights organisations. NGOs reported that news sites such as *El Pitazo* and *Efecto Cocuyo* were blocked 975 times between January and November' 2019.⁵⁸³ According to IPYS, 534 cases of violation of freedom of the press were documented during 2019, including 'attacks' against journalists and media outlets (326 cases), limitation to access to public information (81), censorship (70), legal action (21), self-censorship (15), impunity (4), and 'indirect' censorship (3). Perpetrators included security forces (146 cases), internet providers (104), ministries and government agencies (68), Conatel (36), government supporters (34), and organised crime groups (16). The IPYS also indicated that 76 journalists, including 48 Venezuelans and 28 foreign correspondents, were arbitrarily detained in 2019 while they were covering developments related to the political opposition, humanitarian aid, and demonstrations.⁵⁸⁴

⁵⁷² IPYS, *Voces en el paredón: Reporte Annual IPYSve 2019*, February 2020, [url](#), p. 5; OMCT et al., *Venezuela "Enemigos internos"*, March 2020, [url](#), p. 33

⁵⁷³ OMCT et al., *Venezuela "Enemigos internos"*, March 2020, [url](#), p. 33

⁵⁷⁴ IPYS is a civil society organisation based in Lima, Peru, that promotes investigative journalism, freedom of expression and access to public information in Latin America (IPYS, *Quiénes somos*, n.d., [url](#)).

⁵⁷⁵ IPYS, *Voces en el paredón: Reporte Annual IPYSve 2019*, February 2020, [url](#), p. 3

⁵⁷⁶ UN OHCHR, *Venezuela: Commissioner Bachelet details plans for new human rights assistance*, 18 December 2019, [url](#)

⁵⁷⁷ Professor of political science, videoconference, 14 May 2020

⁵⁷⁸ UN OHCHR, *Human Rights in the Bolivarian Republic of Venezuela*, 5 July 2019, [url](#), para. 28

⁵⁷⁹ IPYS, *Voces en el paredón: Reporte Annual IPYSve 2019*, February 2020, [url](#), pp. 5-6

⁵⁸⁰ IPYS, *Voces en el paredón: Reporte Annual IPYSve 2019*, February 2020, [url](#), pp. 5-6

⁵⁸¹ UN OHCHR, *Human Rights in the Bolivarian Republic of Venezuela*, 5 July 2019, [url](#), para. 28

⁵⁸² IPYS, *Voces en el paredón: Reporte Annual IPYSve 2019*, February 2020, [url](#), pp. 5-6

⁵⁸³ AI, *Annual Report 2019*, February 2020, [url](#), p. 89

⁵⁸⁴ IPYS, *Voces en el paredón: Reporte Annual IPYSve 2019*, February 2020, [url](#), pp. 2, 3, 7

Cases reported by sources, include:

- In a public statement, AT&T announced that, as of 19 May 2020, DIRECTV would cease operations in Venezuela as US economic sanctions prohibited the broadcast of Globovisión and PDVSA's channel, 'both of which are required under DIRECTV's license to provide pay TV service in Venezuela'.⁵⁸⁵ On 9 June 2020, the TSJ's website indicated that a Caracas court ordered the detention of 'three citizens'⁵⁸⁶ under the charges of 'aggravated fraud', 'boycott', 'destabilisation of the economy', and 'association to commit crimes' under Organic Law against Organized Crime and Financing of Terrorism (Ley Orgánica contra la Delincuencia Organizada y Financiamiento al Terrorismo).⁵⁸⁷
- Espacio Público⁵⁸⁸ reported that on 5 June 2020, a VPI tv team of four journalists was detained by the GNB in Chuao, Caracas, while they were conducting interviews at a local gas station to people who were lining up to buy fuel. The journalists were reportedly detained for an hour and their identity documents seized.⁵⁸⁹

3.8 Indigenous peoples

A confidential source contacted for this report indicated that mining in the Orinoco Mining Arc (*Arco Minero del Orinoco*) [also called Orinoco Mining Belt] in the states of Bolívar and Amazonas takes place in indigenous communities' lands, exposing them to protection and environmental risks.⁵⁹⁰ Indigenous peoples who live in or around the mining projects in the Orinoco Mining Arc, as well as those who live in the border areas, have been engaging in demonstrations to protest the occupation of their territories, the lack of access to basic necessities, and repression by the GNB; these protests have been 'severely' repressed.⁵⁹¹ Government security agencies and irregular armed groups reportedly used excessive force and disproportionate attacks against indigenous communities in border areas.⁵⁹² Between 22 and 28 February 2019, security forces engaged in repressive acts against indigenous peoples from the Pemón indigenous community in the state of Bolívar who opposed the transit of a military convoy that was heading to the border with Brazil to impede the access of humanitarian aid.⁵⁹³ Seven people, including four indigenous persons, were killed; 57 people were injured, 22 of which were indigenous persons; and 62 people were 'arbitrarily' detained, including 23 indigenous persons.⁵⁹⁴

Environmental advocates and advocates for the rights of indigenous peoples face retaliation and harassment for reporting on the abuses committed in the context of mineral exploitation in mines of Orinoco and other parts of the country.⁵⁹⁵ Foro Penal documented cases of deaths in indigenous communities in Amazonas, Bolívar and Delta Amacuro, from the poisoning with mercury of sources of water in their territories due to mining, including by irregular armed groups and *sindicatos* which

⁵⁸⁵ AT&T, AT&T Announces Closing of DIRECTV Latin America Operations in Venezuela, 19 May 2020, [url](#)

⁵⁸⁶ The 'three citizens' in question are three DIRECTV executives (VICE, Jailed DirecTV Execs Accused of Destabilizing the Economy in Venezuela, 10 June 2020, [url](#))

⁵⁸⁷ Venezuela, TSJ, Tribunal de Caracas privó de libertad a tres ciudadanos por estafa en DIRECTV, 9 June 2020, [url](#)

⁵⁸⁸ Espacio Público is an independent civil society organisation that advocates and promotes human rights, the freedom of speech, access to information, and social responsibility in reporting in the media (Espacio Público, ¿Quiénes somos?, n.d., [url](#))

⁵⁸⁹ Espacio Público, Detienen al equipo de VPI TV por hacer encuestas en una gasolinera, 6 June 2020, [url](#)

⁵⁹⁰ Confidential source, Correspondence, June 2020

⁵⁹¹ Professor of political science, videoconference, 14 May 2020

⁵⁹² Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 4

⁵⁹³ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 7

⁵⁹⁴ Foro Penal, Reporte sobre la represión en Venezuela: Reporte anual año 2019, 23 January 2020, [url](#), p. 7

⁵⁹⁵ CEPAS et al., Exigimos el fin de la política sistemática de criminalización, 21 February 2020, [url](#)

engage in targeted killings, forced disappearance, kidnapping and threats.⁵⁹⁶ For additional information on *sindicatos*, see [Chapter 4.1.4.3](#).

A confidential source contacted for this report indicated that the 'deterioration of the socioeconomic situation in the country has directly impacted the dynamics of the country's indigenous communities' as activities such as fishing and grazing were abandoned to carry out other more profitable activities that can expose people to risks. In addition, 'Venezuelan indigenous peoples have historically had a low birth registration rate since deliveries are mostly out-of-hospital and civil registry offices are far from their places of residence. This situation creates difficulties in granting nationality and even risks statelessness, especially in a context of mobility, resulting in obstacles to accessing rights such as education, health, and physical and legal protection'.⁵⁹⁷

3.9 Activity on social media

People who are active on social media, including the so-called 'influencers', have been threatened and criminalised for posting criticism against the government.⁵⁹⁸ They do not necessarily support the opposition, while some of them used to support the Maduro government.⁵⁹⁹ Amnesty International indicated that 193 people were detained by October 2015 'for posting opinions or complaints on social media or in the press'.⁶⁰⁰ Pedro Jaimes, who had been detained by the SEBIN for a year-and-a-half for posting on his Twitter account publicly available information on the route of the president's plane, was released with charges on 17 October 2019.⁶⁰¹ ABC reported on 15 May 2020 that about 50 people have been detained for posting criticism on social media or 'just comments' on the coronavirus.⁶⁰² The Professor of political science indicated that in order to monitor political life in Venezuela it is necessary to monitor social media as the government has been closing the spaces available for independent media to work.⁶⁰³

The 2020 Netherlands MFA country report indicated that, according to confidential sources, the most common instant messaging applications used in Venezuela are WhatsApp and, to a lesser extent, Signal. These sources do not know to what extent the authorities are able to monitor the content of these applications. Another confidential source indicated that individuals questioned by authorities 'must not only provide the passwords of their Facebook and Twitter accounts, but also provide access to their phones'.⁶⁰⁴ Additional and corroborating information could not be found among the sources consulted within the time constraints of this report.

Amaya indicated that since the time of Chávez, in Venezuelan social media, there is a 'structure' called #latropa which consists of Twitter accounts, some of them financed by the government, dedicated to the creation of trends, content and state propaganda. This 'structure' operates to respond, reportedly under the direction of a government official, to create 'hundreds' of Twitter accounts to harass and intimidate people on social media.⁶⁰⁵ Additional and corroborating information could not be found among the sources consulted within the time constraints of this report.

⁵⁹⁶ Foro Penal, Situación actual de los pueblos y comunidades indígenas ante la pandemic del COVID 19, April 2020, [url](#), pp. 4-5

⁵⁹⁷ Confidential source, Correspondence, June 2020

⁵⁹⁸ FundaRedes, videoconference, 6 May 2020; Professor of political science, videoconference, 14 May 2020

⁵⁹⁹ Professor of political science, videoconference, 14 May 2020

⁶⁰⁰ AI, Annual Report 2019, February 2020, [url](#), p. 90

⁶⁰¹ AI, Annual Report 2019, February 2020, [url](#), p. 90

⁶⁰² ABC, Diosdado Cabello ordena perseguir a los académicos venezolanos por revelar las cifras del Covid-19, 15 May 2020, [url](#)

⁶⁰³ Professor of political science, videoconference, 14 May 2020

⁶⁰⁴ Netherlands, Ministry of Foreign Affairs, Algemeen Ambtsbericht Venezuela 2020 (Country Report Venezuela 2020), June 2020, [url](#), p. 63

⁶⁰⁵ Amaya, videoconference, 29 May 2020

3.10 Health care workers

Health care workers who denounce the state of health care are unjustifiably dismissed⁶⁰⁶, threatened by superiors⁶⁰⁷, reprimanded⁶⁰⁸, arbitrarily detained⁶⁰⁹, their homes raided arbitrarily, and subjected to aggression, and are considered by the government as 'agents that promote a military intervention'.⁶¹⁰ Some of them had to leave the country because of anonymous threats against their lives.⁶¹¹

Health care centres are militarised as a form of intimidation against health care professionals⁶¹², and the media is barred from entering these health care centres.⁶¹³ Taking photographs or filming inside health care centres is not allowed.⁶¹⁴ Attacks against health care workers and patients are reportedly carried out by police officers and members of armed *colectivos*.⁶¹⁵ For more information on *colectivos*, see [Chapter 5](#). The *Médicos por la Salud* survey indicated that 13 out of 40 hospitals reported a total of 164 acts of violence committed by state security forces against health care professionals, and 12 out of 40 hospitals reported 158 events of violence committed by paramilitary and other illegal groups; most acts were committed in Nueva Esparta and Caracas.⁶¹⁶ The OMCT et al. report indicated that the president of the College of Professionals in Nursing of the Capital District (*Colegio de Profesionales de la Enfermería del Distrito Capital*) has faced hostility and intimidation by armed *colectivos* and colleagues who support the government for her advocacy work on labour rights and access to health care. Government officials associate her with opposition parties in order to delegitimise her work, and according to the report, the Venezuelan Institute of Social Security (IVSS, *Instituto Venezolano de los Seguros Sociales*) routinely threatens and unjustifiably dismisses health care professionals who complain about their working conditions.⁶¹⁷

3.11 State response and protection

3.11.1 Justice system

The UN OHCHR mission report indicated that 'the Government and government-controlled institutions enforced laws and policies that have accelerated the erosion of the rule of law'.⁶¹⁸ The country lacks an impartial, transparent, and functional justice system⁶¹⁹ and tribunals are politicised.⁶²⁰ According to Amnesty International, 'the justice system in Venezuela constantly fails to comply with procedural time limits and the right to a fair trial without undue delays. Judges regularly postpone hearings without any valid excuse like when officers refuse to transfer defendants to their hearings, or because prosecutors do not show up before the court'.⁶²¹ OVV indicated that there are instances of people being held for 'months, even years' without being formally accused and the recourse of habeas

⁶⁰⁶ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁶⁰⁷ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 36

⁶⁰⁸ CEPAZ et al., Exigimos el fin de la política sistemática de criminalización, 21 February 2020, [url](#); Amaya, videoconference, 29 May 2020

⁶⁰⁹ Professor of political science, videoconference, 14 May 2020; FundaRedes, videoconference, 6 May 2020

⁶¹⁰ CEPAZ et al., Exigimos el fin de la política sistemática de criminalización, 21 February 2020, [url](#)

⁶¹¹ Professor of political science, videoconference, 14 May 2020

⁶¹² CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 12

⁶¹³ CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 12; Amaya, videoconference, 29 May 2020

⁶¹⁴ Amaya, videoconference, 29 May 2020

⁶¹⁵ CEPAZ, 2019 Encrucijada política en Venezuela, 16 July 2019, [url](#), p. 15

⁶¹⁶ Médicos por la Salud, Encuesta nacional de hospitales – ENH19: Balance final 2019 – Parte 1, December 2019, [url](#), p. 15

⁶¹⁷ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 21-22

⁶¹⁸ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 30

⁶¹⁹ WOLA, Beyond the Narcostate Narrative, March 2020, [url](#), p. 2; OVV, videoconference, 4 May 2020

⁶²⁰ OVV, videoconference, 4 May 2020

⁶²¹ AI, Urgent Action: Representative's right to fair trial ignored, 3 December 2019, [url](#)

corpus is not applied in the country.⁶²² The UN OHCHR indicated that 'judicial authorities have often reversed the burden of proof refusing to open investigations if the victims did not identify perpetrators'.⁶²³ Human rights advocates and members of civil society organisations are prosecuted under both the criminal justice system and the military penal jurisdiction, as an 'exemplary punishment' to block the work of other human rights organisations.⁶²⁴ In some cases of political opponents, persons are denied judgement by civil judges and are sent to military tribunals.⁶²⁵ According to the Professor of political science, the 'states of emergency' have been used to suspend the rights of activists and criminalise them.⁶²⁶ These measures, which in some cases are illegal, have allowed the government to imprison activists and dissidents without fulfilling the necessary judicial protocols.⁶²⁷ The Bertelsmann Stiftung 2020 Country Report on Venezuela indicated that 'the regime's massive civil rights abuses are not prosecuted. Victims cannot seek redress against domestic violations; in a number of cases, proceedings were instituted in response to international instances. However, these systematic civil rights violations are exclusively politically motivated: there is no preferential treatment or discrimination based on gender, sexual orientation, religion, ethnicity or race'.⁶²⁸

OVV indicated that in Venezuela, there is a tendency to give priority to the prosecution of political dissidence over ordinary crimes.⁶²⁹ The justice system is often used to criminalise and prosecute those who are perceived as critical of the government⁶³⁰ with 'fabricated' accusations of 'terrorism', 'destabilising enemies', 'instigators of hate', and 'perpetrators of actions that disrupt public order and peace'.⁶³¹ According to the Professor of political science, in some cases security forces plant evidence, particularly in cases involving low-profile activists, to open judicial processes against them. Sometimes, they are given the option of being placed under house arrest and are banned from speaking about the judicial process or if they experienced torture in detention. Restrictions, in principle, are not to be extended beyond the duration of the investigation; however, judicial processes are postponed repeatedly with some of them lasting 'years'. Social media activists are the ones who lately are being particularly subjected to this dynamic.⁶³²

Mármol indicated that the government starts judicial processes against critics of the government that are later released with charges and the imposition of conditions such as periodic reporting with authorities, ban on leaving the country, and seizure of the passport.⁶³³ Other sources similarly indicated that when the government wants to intimidate or threaten someone, it opens a criminal investigation and charge the person, but then the person is found neither guilty nor innocent.⁶³⁴ As the person cannot be imprisoned, they remain in a judicial 'limbo' where their file can be reactivated at any time for something which does not relate to the original charge.⁶³⁵ This strategy is used to intimidate critics of the government and force them to remain silent.⁶³⁶ According to OVV, most

⁶²² OVV, videoconference, 4 May 2020

⁶²³ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 43

⁶²⁴ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 34

⁶²⁵ Mármol, videoconference, 1 May 2020

⁶²⁶ Professor of political science, videoconference, 14 May 2020

⁶²⁷ Professor of political science, videoconference, 14 May 2020

⁶²⁸ Bertelsmann Stiftung, BTI 2020 Country Report: Venezuela, 2020, [url](#), p. 13

⁶²⁹ OVV, videoconference, 4 May 2020

⁶³⁰ HRW, Venezuela: Extrajudicial Killings in Poor Areas, 18 September 2019, [url](#); OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 34; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 30

⁶³¹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 34

⁶³² Professor of political science, videoconference, 14 May 2020

⁶³³ Mármol, videoconference, 1 May 2020

⁶³⁴ OVV, videoconference, 4 May 2020

⁶³⁵ OVV, videoconference, 4 May 2020; Amaya, videoconference, 29 May 2020

⁶³⁶ Infobae, El régimen de Nicolás Maduro utiliza la Ley del Odio para perseguir a quienes critiquen al gobierno o protesten contra los malos servicios públicos, 17 April 2020, [url](#); Amaya, videoconference, 29 May 2020

investigations in Venezuela end up in the person accepting charges, even though he or she is innocent, or having the case go inactive.⁶³⁷ Example cases, as reported by sources, include the following:

- Sources report the case of journalist Luis Carlos Díaz who was detained at the SEBIN for over 24 hours in March 2019⁶³⁸ days after he was accused on public television by Cabello of being part of a 'blackout operation' and a 'fascist influencer'.⁶³⁹ During the raid, security forces reportedly threatened his wife⁶⁴⁰ and confiscated his equipment.⁶⁴¹ Upon his release, he was charged with 'instigation to commit crimes'⁶⁴² and was imposed a travel ban, a requirement to report to authorities every eight days, and a prohibition 'on making public statements' about the case.⁶⁴³
- The OMCT et al. report provided the example of the Community Ambassadors Foundation (*Fundación Embajadores Comunitarios*), an NGO that provides education and training to at-risk youth, whose two representatives were detained in January 2018 by the SEBIN without an arrest warrant, criminalised and harassed on public television, and after these events, the number of the foundation's volunteers dropped from 160 to 20, and were recently evicted from their office by the owner who feared being associated with their work.⁶⁴⁴

The OMCT et al. report indicated that accessing justice in Venezuela requires the assistance of 'law professionals who have technical expertise to assist victims and their families' as the judicial system presents 'mechanisms that not only do not guarantee human rights, but on the contrary, harm these rights'.⁶⁴⁵ According to the OMCT et al. report, 'often, in Venezuela, access to tribunals and administrative services exposes the person to irregular and illegal processes' as justice is 'instrumentalised' to protect the interests of the government and not of the victims.⁶⁴⁶ The 2012 amendment of Articles 121 and 122 of the Penal Process Organic Code (*Código Orgánico Procesal Penal*), for example, eliminated the possibility for civil society organisations to provide assistance or represent victims of human right violations in penal processes. In some cases, these victims are assigned public attorneys who, for the most part being aligned with government policy, end up not representing the victim and harming the victim's interests.⁶⁴⁷ The same source indicated that there have been documented instances of legal representatives being manipulated and deceived by authorities to distance them from the persons they represent or accompany, and that police and intelligence agencies provide legal representatives with false information on the whereabouts of their clients.⁶⁴⁸

The government appoints court judges who reportedly lack independence.⁶⁴⁹ Most judges hold temporary appointments⁶⁵⁰ and there is a high rotation of judges, clerks and bailiffs in the court system which creates major interruptions of judicial processes.⁶⁵¹ OVV indicated that most judges in Venezuela are 'finger appointees' by the government and those judges who contradicted the government in their rulings were punished, so that other judges do not rule against government

⁶³⁷ OVV, videoconference, 4 May 2020

⁶³⁸ AI, Annual Report 2019, February 2020, [url](#), p. 89; IPYS, Voces en el paredón: Reporte Annual IPYSve 2019, February 2020, [url](#), p. 4

⁶³⁹ IPYS, Voces en el paredón: Reporte Annual IPYSve 2019, February 2020, [url](#), p. 4

⁶⁴⁰ AI, Annual Report 2019, February 2020, [url](#), p. 89

⁶⁴¹ IPYS, Voces en el paredón: Reporte Annual IPYSve 2019, February 2020, [url](#), p. 4

⁶⁴² IPYS, Voces en el paredón: Reporte Annual IPYSve 2019, February 2020, [url](#), p. 4

⁶⁴³ AI, Annual Report 2019, February 2020, [url](#), p. 89; IPYS, Voces en el paredón: Reporte Annual IPYSve 2019, February 2020, [url](#), p. 4

⁶⁴⁴ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 35

⁶⁴⁵ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 43

⁶⁴⁶ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 44

⁶⁴⁷ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 42-44

⁶⁴⁸ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 46

⁶⁴⁹ HRW, World Report 2020, 2020, [url](#), p. 625

⁶⁵⁰ Mármol, videoconference, 1 May 2020; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 8

⁶⁵¹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 45

dictates.⁶⁵² The same source estimated that between 4 and 7 % of judges in the country are career judges or appointed through competition, that they are 'easily dismissed', and that, under these circumstances, 'courts and judges are completely subjected to the government and political decisions'.⁶⁵³ Prison release orders were frequently disregarded by authorities.⁶⁵⁴

The OMCT et al. report added that the government has created a legal framework that creates a 'hostile environment' for human rights advocates, by modifying or creating laws to limit their work.⁶⁵⁵ Some of these laws pertain to efforts to pass legislation that would prevent civil society organisations from receiving foreign funding, including:

- Law for the Defense of Political Sovereignty and National Self-determination (*Ley de la Defensa de la Soberanía Política y la Autodeterminación Nacional*) of 2012, which established sanctions to organisations that receive donations from foreign entities in an effort to 'economically asphyxiate' them, and the expelling from the country of persons who 'provide opinions that offend state institutions and high-ranking authorities'.
- Law Against Organised Crime and Financing of Terrorism (*Ley contra la Delincuencia Organizada y Financiamiento al Terrorismo*) of 2005 and amended in 2012, which has allowed security agencies threaten human rights advocates and organisations with charging them with 'terrorism', 'financing terrorism' and 'organised crime'.⁶⁵⁶

The same source indicated that, additionally, the president of the ANC threatened to pass legislation that restricts the ability of civil society organisations from receiving foreign funding on 14 August 2019 and 19 February 2020.⁶⁵⁷

Persons suspected of committing crimes under international law and human rights violations 'enjoyed almost total impunity'.⁶⁵⁸ Prosecutors are reluctant to receive complaints for abuses committed by the FAES, and the families of those killed during the 2017 protests have been facing 'pervasive obstacles' to access justice, and most investigations into these deaths have not advanced.⁶⁵⁹ Some family members have faced threats and harassment by intelligence agencies, and some have been forced to leave the country.⁶⁶⁰ The UN OHCHR mission report indicated that

'the Government has recognized that a problem exists regarding access to justice for all people and has asked OHCHR to help them resolve this issue. According to the Government, as of June 2019, 44 persons are detained, and 33 arrest warrants have been issued against persons for their alleged responsibility for killings during demonstrations in 2017 and 2019. Five members of FAES have been convicted of attempted murder, misuse of a weapon, and simulation of a punishable act, for events that occurred in 2018. Additionally, 388 FAES members are under investigation for murder, cruel treatment, and illegal house raids committed between 2017 and 2019'.⁶⁶¹

3.11.2 Prison conditions and treatment in prison

Human Rights Watch indicated that prisons in Venezuela experience 'corruption, weak security, deteriorating infrastructure, [...] and poorly trained guards', with 63 % of detainees in pretrial

⁶⁵² OVV, videoconference, 4 May 2020

⁶⁵³ OVV, videoconference, 4 May 2020

⁶⁵⁴ AI, Annual Report 2019, February 2020, [url](#), p. 87; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 35; OVV, videoconference, 4 May 2020

⁶⁵⁵ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 9, 11

⁶⁵⁶ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 7-9, 39-41

⁶⁵⁷ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 40-41

⁶⁵⁸ AI, Annual Report 2019, February 2020, [url](#), p. 86

⁶⁵⁹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 55

⁶⁶⁰ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 55

⁶⁶¹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 53

detention, which contributes to overcrowding.⁶⁶² The Venezuelan Observatory of Prisons (OVP, *Observatorio Venezolano de Prisiones*) indicated that the Los Llanos prison in Guanare, state of Portuguesa, for example, has a capacity of 750 prisoners but it currently holds 2 500.⁶⁶³ The same source indicated that detention centres at police stations hold persons in detention for 'years' when, according to the law, these persons can be detained at these centres for 48 hours. The capacity of these centres is about 20 prisoners and currently hold over 100.⁶⁶⁴ During 2019, 104 prisoners died in prisons, of which 63.46 % died due to malnutrition and tuberculosis, and health issues such as chronic conditions, stomach bacteria, malaria, among others, are 'progressively increasing'.⁶⁶⁵ The government of Venezuela indicated to the UN OHCHR that the number of cases of malnutrition in 2019 was 1 328.⁶⁶⁶ Access to food for prisoners is limited, with family members having to send food to their imprisoned relatives through authorities, which in some instances is stolen by prison guards.⁶⁶⁷ According to the government, 'difficulties related to health and clean water, among others, were related to the impact of sanctions'.⁶⁶⁸

The UN OHCHR reported that Venezuelan navy captain Rafael Acosta, died on 29 June 2019 from alleged acts of 'torture'. He had been detained on 21 June 2019 for his alleged plotting to assassinate Maduro. Acosta was brought before a military tribunal by the DGCIM on 28 June 2019 and according to his lawyer, he was on a wheelchair, 'was unable to speak, and showed clear signs of having been tortured'. He was sent to the hospital the same day and died on 29 June.⁶⁶⁹ BBC reported that a post-mortem examination leaked to the press revealed that he died of 'severe swelling of the brain caused by acute lack of oxygen' and that his body 'showed signs of having been subjected to extreme force and had suffered severe beatings and electrocutions'. His body was buried by authorities without the consent of his family.⁶⁷⁰

Sources reported that, according to a video leaked to *Agencia Carabobeña de Noticias* (ACN), 'at least' 82 prisoners were beaten by prison guards at the Police Coordination Centre (*Centro de Coordinación de la Policía*) in Anaco for more than two hours, forcing them to lay down against the floor, nude, and putting fighting cocks on their backs, for reportedly declaring a strike for the lack of food, clean water and medicines.⁶⁷¹

3.11.3 State protection for victims and witnesses

The National Coordination for the Protection of Victims, Witnesses and other Persons Participating in a Judicial Process (CONAPRO, *Coordinación Nacional para la Protección de las Víctimas, Testigos y demás Sujetos Procesales*) is the government agency that provides protection to persons who are participating in a judicial process⁶⁷², which was created under Law for the Protection of Victims, Witnesses, and Other Persons Intervening in a Judicial Process (*Ley de Protección de Víctimas, Testigos*

⁶⁶² HRW, Dozens Killed, Injured in Venezuela Prison Uprising, 4 May 2020, [url](#)

⁶⁶³ OVP, 47 muertos y 75 heridos es la cifra extraoficial de víctimas por un motín en Cepella, 2 May 2020, [url](#)

⁶⁶⁴ OVP, La violencia ganó territorio en los calabozos policiales durante 2019, 10 June 2020, [url](#)

⁶⁶⁵ OVP, Desnutrición y tuberculosis fueron las principales causas de muerte en las cárceles durante 2019, 22 May 2020, [url](#)

⁶⁶⁶ UN OHCHR, Outcomes of the investigation into allegations of possible human right violations of the human rights to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela, 1 July 2020, [url](#), para. 56

⁶⁶⁷ UN OHCHR, Outcomes of the investigation into allegations of possible human right violations of the human rights to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela, 1 July 2020, [url](#), paras. 56, 67; InSight Crime, Venezuela Prison Implodes Under Additional Strain From Coronavirus, 12 May 2020, [url](#)

⁶⁶⁸ UN OHCHR, Outcomes of the investigation into allegations of possible human right violations of the human rights to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela, 1 July 2020, [url](#), para. 56

⁶⁶⁹ UN OHCHR, Bachelet deeply concerned by death in custody of Captain Acosta Arévalo in Venezuela, 1 July 2019, [url](#)

⁶⁷⁰ BBC, 'Tortured' Venezuela captain buried without wife's consent, 11 July 2019, [url](#)

⁶⁷¹ Perfil, Un video filtrado revela cómo la policía de Venezuela tortura a los presos, 4 October 2019, [url](#); Infobae, El impactante video que muestra cómo torturan a los presos en una comisaría venezolana, 4 October 2019, [url](#)

⁶⁷² Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 35; Venezuela, Embajada en Austria, Informe de Venezuela sobre la Resolución 6/2, 7 June 2017, [url](#)

y demás Sujetos Procesales) of 2012.⁶⁷³ CONAPRO consists of a multi-disciplinary team of lawyers, psychologists, social workers and sociologists, and it works with the 27 victims' assistance units in the country.⁶⁷⁴

Without providing further information, the government of Venezuela indicated that CONAPRO has provided legal and psychosocial assistance to 128 537 persons, and that protection measures applications 'were processed for those who needed it'.⁶⁷⁵

The UN OHCHR mission report indicated that the Office of the Ombudsperson (*Defensoría del Pueblo*) 'has remained silent vis-à-vis human right violations' and that neither the Public Ministry, the Office of the Ombudsperson, the government nor the police provided protection to victims or witnesses of human rights violations.⁶⁷⁶ According to Velasco, if someone is from the opposition or a dissident, the person either leaves the neighbourhood, or manages by themselves to remain safe in order to not depend on the government or the *colectivos*. This is however becoming increasingly difficult because if the person does not have access to USD or the CLAP food boxes, the person could face a 'very difficult situation'.⁶⁷⁷ Similarly, OVV indicated that there is no protection available for victims as most investigations evolve around political interests.⁶⁷⁸

PROVEA reported on 9 April 2020 that a Bolívar-based journalist who had been threatened for reporting on the working conditions at Bauxilum⁶⁷⁹, filed a complaint with the Public Ministry in Caracas and requested protection measures from CONAPRO, which could not implement protection measures due to 'lack of budget'. The Public Ministry ordered tribunals in Bolívar to provide protection measures, which decreed the granting of 'change of residence and labour reinsertion'. PROVEA reported that the protection measures lasted 'a few days' and the journalist is currently living at an undisclosed location among homeless people without food nor access to health care.⁶⁸⁰

The government does not implement protection measures issued by the Inter-American Commission on Human Rights (IACHR) as Venezuela ceased to be a member of the OAS in 2013, which limits the ability of human rights advocates and organisations to seek protection in the inter-American system.⁶⁸¹

3.11.4 Investigations into complaints

Authorities seldom investigate complaints into human rights violations and crimes.⁶⁸² The Public Ministry, the Office of the Ombudsperson and the courts 'usually do not conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations and other crimes committed by State actors, bring perpetrators to justice, and protect victims and witnesses'.⁶⁸³ OMCT et al. indicated that, according to COFAVIC, 'the practice of not initiating investigations into human rights violations is systematic and, even in those cases that are initiated, the process is plagued with faults and inaction by authorities is missing'.⁶⁸⁴

⁶⁷³ Venezuela, Embajada en Austria, Informe de Venezuela sobre la Resolución 6/2, 7 June 2017, [url](#), p. 2

⁶⁷⁴ Venezuela, Embajada en Austria, Informe de Venezuela sobre la Resolución 6/2, 7 June 2017, [url](#), p. 3

⁶⁷⁵ Venezuela, Embajada en Austria, Informe de Venezuela sobre la Resolución 6/2, 7 June 2017, [url](#), p. 3

⁶⁷⁶ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 57

⁶⁷⁷ Velasco, videoconference, 1 May 2020

⁶⁷⁸ OVV, videoconference, 4 May 2020

⁶⁷⁹ Bauxilum is a state-owned enterprise based in Los Pijiguaos, Bolívar, that produces bauxite and alumina (Argus, Venezuela's degraded bauxite, alumina ops halted, 29 October 2019, [url](#)).

⁶⁸⁰ PROVEA, Exigimos justicia con caso de reportero perseguido y amenazado de Bolívar, 9 April 2020, [url](#)

⁶⁸¹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 36

⁶⁸² UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 54; OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 66

⁶⁸³ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 33

⁶⁸⁴ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 66

On 23 October 2019, Efecto Cocuyo reported that, according to the Attorney General Tarek William Saab, during the two preceding years authorities investigated 5 157 cases of kidnapping and extortion, leading to 3 878 people accused and 2 159 imprisoned. Saab also indicated that 559 police officers and military troops were involved in these cases, of which 372 are imprisoned.⁶⁸⁵ An update to the UN OHCHR mission report indicated that, according to the Public Ministry, between August 2017 and December 2019, 770 officials have been accused of human rights violations, with 509 charged, 393 detained, and 131 convicted. Of those convicted, 55 officers, including 14 from the PNB, were charged with homicide in relation to 68 victims.⁶⁸⁶

There is a lack of trust in the justice system.⁶⁸⁷ The institutional crisis and the lack of legitimacy of the TSJ and the National Assembly has exacerbated the lack of trust in the judiciary.⁶⁸⁸ Victims do not file complaints for fear of reprisals.⁶⁸⁹ Social leaders mistrust government institutions and are afraid of being identified as the complainant.⁶⁹⁰ OVV indicated that connivance between criminal gangs and members of security forces is in some cases 'blatant'. According to OVV, there are criminal 'circles' made up of police officers and in some cases, military troops, with an adequate level of organisation to commit criminal acts.⁶⁹¹ There are allegations that authorities taking complaints disregard victims and do not open investigations.⁶⁹² Mármol explained that in cases of theft, for example, complaints are filed in most cases as a 'formality' in order to provide documentation to insurance companies. Complaints against an individual that require an active investigation from authorities are seldom filed due to the mistrust in authorities, the cost and time involved, the tediousness of the process, and the risk or reprisals⁶⁹³, particularly against irregular armed groups.⁶⁹⁴ Complaints against state institutions are usually made before an international organisation and not domestically due to mistrust in the justice system.⁶⁹⁵ OVV indicated that it is estimated that, overall, between 63 and 64 % of crimes in Venezuela are not reported; in some years, this figure reaches up to 67 %.⁶⁹⁶

The OMCT et al. provided the example of Prepara Familia, a Venezuelan NGO that advocates for the rights of children and adolescents at children hospitals. When Prepara Familia's director tried to file a complaint with authorities after food supplies were stolen from the NGO, she was refused and told to lodge the complaint with another police authority. The officer in charge took photos of the scene and asked her if the organisation had ties with the opposition. On 14 January 2020, the same assailants returned to the NGO with the PNB, which tried to execute a raid without a warrant. The raid was not completed as several NGOs put pressure on authorities to cease the search.⁶⁹⁷

3.11.5 'Law Against Hate'

The Constitutional Law Against Hate, for Peaceful Coexistence and Tolerance (*Ley Constitucional contra el Odio, por la Convivencia Pacífica y la Tolerancia*), passed by the ANC in 2017, indicates the following:

⁶⁸⁵ Efecto Cocuyo, Tarek William Saab: 559 funcionarios vinculados a extorsión y secuestros, 23 October 2019, [url](#)

⁶⁸⁶ UN OHCHR, Venezuela: Commissioner Bachelet details plans for new human rights assistance, 18 December 2019, [url](#)

⁶⁸⁷ AI, Annual Report 2019, February 2020, [url](#), p. 86; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 54

⁶⁸⁸ AI, Annual Report 2019, February 2020, [url](#), p. 88

⁶⁸⁹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 6; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 54

⁶⁹⁰ Professor of political science, videoconference, 14 May 2020

⁶⁹¹ OVV, videoconference, 4 May 2020

⁶⁹² Professor of political science, videoconference, 14 May 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020

⁶⁹³ Mármol, videoconference, 1 May 2020

⁶⁹⁴ FundaRedes, videoconference, 6 May 2020; Mármol, videoconference, 1 May 2020

⁶⁹⁵ FundaRedes, videoconference, 6 May 2020; Mármol, videoconference, 1 May 2020; Professor of political science, videoconference, 14 May 2020

⁶⁹⁶ OVV, videoconference, 4 May 2020

⁶⁹⁷ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), pp. 32-33

'Of the Responsibilities, Offenses and Sanctions

Crime of promotion or incitement to hatred

Article 20. Whoever publicly or through any means suitable for public dissemination, fosters, promotes or incites hatred, discrimination or violence against a person or group of persons, by reason of their real or presumed membership in a certain social, ethnic, religious, and political group, sexual orientation, gender identity, gender expression or any other discriminatory motive, will be punished with imprisonment for ten to twenty years, without prejudice to civil and disciplinary responsibility for the damages caused.

Aggravated by reasons of hatred and intolerance

Article 21. It will be considered as an aggravating circumstance of any punishable act that is executed or increased due to the victim's, real or presumed, membership in a certain racial, ethnic, religious or political group, as well as for reasons of gender, sexual orientation, gender identity, gender expression or any other discriminatory motive. In these cases, the applicable sanction will be the maximum limit of the penalty established for the corresponding punishable act.

Penalty for spreading messages in favour of hatred and war

Article 22. The radio or television service provider that broadcasts messages that constitute propaganda in favour of war or apology to national, racial, religious, political or any other hatred will be sanctioned with the revocation of the concession, in accordance with the procedure established in the Law of Social Responsibility in Radio, Television and Electronic Media.

In the case of social networks and electronic media, if the dissemination of the messages referred to in this article is not withdrawn within six hours of its publication, the entity's legal person will be fined from fifty thousand to one hundred thousand tax units. Likewise, it will lead to the blocking of the portals, without prejudice to the criminal and civil liability that may arise.

The radio or television service provider during the broadcast of live and direct messages will only be responsible for the infractions provided for in this Law or its continuation, when the Administration demonstrates in the procedure that it did not act diligently.⁶⁹⁸

Sources indicated that the 'Law Against Hate' has been used to 'persecute' people who are against the government⁶⁹⁹ and charge people who criticise the government.⁷⁰⁰ OVV indicated that this law seems to be created to 'selectively target people to exemplarily shut them off and punish them'.⁷⁰¹ There have also been cases of persons who have been charged under the 'Law Against Hate' for protesting against the lack of gasoline.⁷⁰² Efecto Cocuyo reported that, according to the director of Espacio Público, during the electricity crisis [of 2019], the government detained people for sharing WhatsApp messages denouncing the situation and charged them under the Law Against Hate and for 'instigating crime'. During the coronavirus pandemic, the pattern of charging people for posting messages critical of the government on social media has 'intensified'.⁷⁰³

The following are some cases, as reported by sources, on the application of this law:

⁶⁹⁸ Venezuela, Ley Constitucional contra el Odio, por la Convivencia Pacífica y la Tolerancia, 2017, [url](#)

⁶⁹⁹ FundaRedes, videoconference, 6 May 2020; Unión Afirmativa de Venezuela, videoconference, 24 April 2020

⁷⁰⁰ Mármol, videoconference, 1 May 2020; Mouttet, videoconference, 8 May 2020; FundaRedes, videoconference, 6 May 2020; Unión Afirmativa de Venezuela, videoconference, 24 April 2020

⁷⁰¹ OVV, videoconference, 4 May 2020

⁷⁰² Mármol, videoconference, 1 May 2020

⁷⁰³ Efecto Cocuyo, Instigación al odio y asociación para delinquir, 15 April 2020, [url](#)

- On 15 April 2020, a gynaecologist at Pastor Oropeza Riera de Carora hospital in the state of Lara was detained by the DGCIM for posting in WhatsApp a criticism against a government official and in Instagram a note about the 'frustration' of 'seeing people die' due to the lack of medical supplies. The doctor was released the following day with the charge of 'instigation to hate'.⁷⁰⁴
- On 21 March 2020, journalist Darvinson Rojas was detained along with his parents by the FAES at their home in Caracas after Rojas published Tweets with information on COVID-19 infection cases in Miranda. The FAES went into their house alleging that they were investigating a presumed COVID-19 case, but later acknowledged that he was detained because of the Tweets he published, according to Rojas statement.⁷⁰⁵ His parents were released after 'several hours'⁷⁰⁶ and Rojas was released 12 days later with charges of 'advocacy of hatred' and 'instigation to commit crimes'.⁷⁰⁷
- On 18 July 2019, the CICPC detained journalist Wilmer Quintana in Guárico state for posting on his Facebook account criticism for alleged acts of corruption in the delivery of residential gas and the CLAP food boxes in the same state.⁷⁰⁸ Quintana reportedly suffered a heart attack while in detention⁷⁰⁹ and was given house arrest on 19 August 2019 with the charge of 'promotion or instigation to hate'.⁷¹⁰

3.11.6 Relocation

Mouttet indicated that wealthier Venezuelans have more possibilities to relocate in other areas of the country or moving abroad.⁷¹¹ Amaya indicated that the possibility to relocate depends on the 'actor who is carrying out the intimidation' as some of them have a national presence and influence.⁷¹²

According to Velasco, victims of *colectivos* who decide to move to another area do so to other cities and not within the same neighbourhood. However, if the person continues being politically active in the new place of residence, he or she can be the subject of further targeting by the local *colectivos*. When a person moves to a neighbourhood controlled by a *colectivo*, that *colectivo* tries to determine who the person is, where the person is coming from, and the political affiliation.⁷¹³ Mármol expressed the opinion that a colectivo is not going to seek a person in another state as these groups are very territorialised and 'primitive' in their modus operandi and mostly seek to intimidate and exert social control. They can, however, pass information to the FAES so the person is arbitrarily detained.⁷¹⁴ For additional information on *colectivos*, see [Chapter 5](#).

Those who relocate can face being targeted through the limitation to the assistance provided by the government such as the CLAP food boxes.⁷¹⁵ FundaRedes indicated that even when someone who had been targeted in one area and moves to another, even if the risk of 'persecution is not high', that person might not have the same living standards and it can be worse, as they could be refused the

⁷⁰⁴ Infobae, El régimen de Nicolás Maduro utiliza la Ley del Odio para perseguir a quienes critiquen al gobierno o protesten contra los malos servicios públicos, 17 April 2020, [url](#)

⁷⁰⁵ IFEX, IFEX-ALC condemns arrest of journalist Darvinson Rojas, calls for his release, 27 March 2020, [url](#)

⁷⁰⁶ IFEX, IFEX-ALC condemns arrest of journalist Darvinson Rojas, calls for his release, 27 March 2020, [url](#)

⁷⁰⁷ IFEX, IFEX-ALC condemns arrest of journalist Darvinson Rojas, calls for his release, 27 March 2020, [url](#); AI, Darvinson Rojas released on bail, 29 May 2020, [url](#)

⁷⁰⁸ CPJ, Las autoridades venezolanas aplican ley contra el odio al periodista Wilmer Quintana por publicar mensajes en Facebook y lo detienen, 13 August 2019, [url](#)

⁷⁰⁹ CPJ, Las autoridades venezolanas aplican ley contra el odio al periodista Wilmer Quintana por publicar mensajes en Facebook y lo detienen, 13 August 2019, [url](#); Espacio Público, Otorgan medida de casa por cárcel al periodista Wilmer Quintana, 20 August 2019, [url](#)

⁷¹⁰ Espacio Público, Otorgan medida de casa por cárcel al periodista Wilmer Quintana, 20 August 2019, [url](#)

⁷¹¹ Mouttet, videoconference, 8 May 2020

⁷¹² Amaya, videoconference, 29 May 2020

⁷¹³ Velasco, videoconference, 1 May 2020

⁷¹⁴ Mármol, videoconference, 1 May 2020

⁷¹⁵ Velasco, videoconference, 1 May 2020; FundaRedes, videoconference, 6 May 2020

CLAP food boxes.⁷¹⁶ Most people in these situations prefer to remain silent⁷¹⁷, 'which is what colectivos seek through intimidation'.⁷¹⁸

⁷¹⁶ FundaRedes, videoconference, 6 May 2020

⁷¹⁷ Amaya, videoconference, 29 May 2020; Velasco, videoconference, 1 May 2020

⁷¹⁸ Velasco, videoconference, 1 May 2020

4. Situation at the border with Colombia

The border between Venezuela and Colombia is about 2 219 kilometres, and includes the states of Zulia, Táchira, Apure and Amazonas, on the Venezuelan side, and on the Colombian side, the departments of La Guajira, Cesar, Norte de Santander, Boyacá, Arauca, Vichada and Guainía.⁷¹⁹ According to the Jesuit Refugee Service (JRS), an international Catholic organisation with presence in over 50 countries that promotes and advocates for the rights of refugees, displaced persons and victims of human trafficking,

'the border region shared by Colombia and Venezuela is a geographical area that has strong characteristics that give it a certain particularity with respect to the territories of the interior of each country and also with respect to other borders: populations with very close economic, cultural and social historical ties; levels of social and economic development below national averages; presence of a plethora of illegal armed groups fighting for control of illegal economies; an extensive porous territory that is mostly rural or jungle and where hundreds of irregular crossings or "trochas" are used for contraband, drug trafficking, trafficking in weapons, minerals and people; and public authorities with limited financial, human and technological capacities to have sufficient coverage and quality to respond to the challenges it faces in the territory'.⁷²⁰

The homicide rate in Venezuelan border states for 2019 were as follows: Zulia (60 deaths per 100 000 inhabitants), Táchira (46), Apure (37), Amazonas (58), and Bolívar (84).⁷²¹ FundaRedes indicated that, according to research it conducted based on news reports in 2019, 1 850 people were killed in the states of Amazonas, Bolívar, Táchira, Falcón, Zulia and Apure, including 692 who died in 484 armed clashes, and 91 people were kidnapped or disappeared.⁷²² The victims included 1 703 men, 73 women, and 74 children.⁷²³ The Peace and Reconciliation Foundation (Pares, Fundación Paz y Reconciliación⁷²⁴) indicated that, on the Colombian side, Pares indicates that between 2012 and 2019, 4 911 people have been killed, 71 children and adolescents forcibly recruited by irregular armed groups, 71 561 persons displaced, and 203 kidnapped.⁷²⁵ FundaRedes indicated that Zulia is one of the states where criminality has been more serious, particularly forced displacement of landowners by armed groups.⁷²⁶

International Crisis Group indicated that the border with Colombia has become a 'very sensitive issue' and a matter of national security for the Venezuelan government over the last year as it has been used as a means to weaken the government through efforts in the introduction of humanitarian aid, and as a pretext for foreign military intervention from accusations of the Colombian government that Venezuela shelters 'terrorist groups' such as the FARC dissidents and the ELN.⁷²⁷

⁷¹⁹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 6

⁷²⁰ JRS, Informe de contexto: Frontera Colombo-venezolana, April 2019, [url](#), pp. 3, 37

⁷²¹ OVV, Presentación Informe Anual de Violencia 2019, 27 December 2019, [url](#), p. 23

⁷²² FundaRedes, Curva de la violencia en seis estados fronterizos de Venezuela, 2019, [url](#), pp. 2, 3, 12

⁷²³ FundaRedes, Curva de la violencia en seis estados fronterizos de Venezuela, 2019, [url](#), p. 12

⁷²⁴ Pares is a Colombian NGO that produces analysis and research on public safety, internal armed conflict, criminality, governance and human rights (Pares, Sobre nosotros, n.d., [url](#))

⁷²⁵ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 6.

⁷²⁶ FundaRedes, videoconference, 6 May 2020

⁷²⁷ International Crisis Group, telephone interview, 30 April 2020



Map 4: Presence of armed groups on the Venezuela-Colombia border in 2018, May 2018 ©InSight Crime CC BY-NC 3.0⁷²⁸

⁷²⁸ Presence of Armed Groups on the Colombia-Venezuela Border [map], in: InSight Crime, *Venezuela: A Mafia State?*, [2018], [url](#), p. 53

4.1 Armed groups

Irregular armed groups with presence along the border include the Colombian guerrilla groups of the ELN and FARC dissidents, Colombian paramilitary successor groups, and organised criminal groups⁷²⁹, as well as *colectivos*.⁷³⁰ According to Pares, alongside the border there are 28 irregular armed groups including the ELN; groups of regional reach such as the EPL, Los Rastrojos, Clan del Golfo, and dissidents of the FARC; and transnational criminal organisations such as pranes and the Sinaloa cartel.⁷³¹ In addition, there are also a variety of local criminal gangs⁷³² that operate by outsourcing for larger irregular armed groups.⁷³³ According to FundaRedes, as of May 2019, 28 branches of Colombian irregular armed groups operate in Venezuela, including eight ELN fronts, six FARC dissident groups, four EPL fronts, and around 10 paramilitary successor groups.⁷³⁴ According to the Ideas for Peace Foundation (FIP, *Fundación Ideas para la Paz*), a Colombian think tank that produces research on conflict in Colombia, indicated that even though the presence of the ELN and FARC dissidents in Venezuela point to the unification of a common political with the Maduro regime, these actors are benefiting 'for now' from the 'chaos' in Venezuela which has allow them to expand and articulate their actions in the context of illegal economies, and the control over the population and resources.⁷³⁵

The absence of national authorities at the border between Venezuela and Colombia have empowered irregular armed groups⁷³⁶, replacing these authorities⁷³⁷, and acting as de facto forces that exert social control and set extortion amounts locally known as 'taxes' ('*impuestos*') [the term is also locally known as '*vacunas*'].⁷³⁸ The Colombian Office of the Ombudsperson indicates, for example, that Los Rastrojos have replaced local authorities and carry out security operations and the 'administration of justice' in the border municipality of Puerto de Santander.⁷³⁹ Human Rights Watch indicates that due to the absence of the state in the border, people 'go to the armed groups to have their problems "resolved"'.⁷⁴⁰

Irregular armed groups engage in constant disputes over the income from the several illicit economies that are present on both sides of the border,⁷⁴¹ and engage in homicides,⁷⁴² trafficking of drugs⁷⁴³ and

⁷²⁹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 7; International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. 4, 11, 12

⁷³⁰ Reuters, EXCLUSIVA-Grupos armados colombianos seducen a venezolanos desesperados, 20 June 2019, [url](#); Caracol, Nuevo grupo ilegal hace presencia en la zona de frontera, 19 June 2019, [url](#)

⁷³¹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 7

⁷³² El Universal, Tras cierre de frontera, grupos criminales lucran con venezolanos que cruzan a Colombia, 19 March 2019, [url](#); Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 42

⁷³³ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 42

⁷³⁴ FundaRedes, Más de 28 frentes de grupos irregulares armados colombianos operan en Venezuela, 13 May 2019, [url](#)

⁷³⁵ FIP, ¿Qué hacer con el ELN?, January 2020, [url](#), p. 30

⁷³⁶ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 2; El Espectador, Masacre en la frontera con Venezuela, 8 March 2020, [url](#); Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8

⁷³⁷ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 2; FundaRedes, Grupos armados irregulares explotan a niños y adolescentes venezolanos en la frontera, 16 December 2019, [url](#)

⁷³⁸ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8

⁷³⁹ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 9

⁷⁴⁰ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 49

⁷⁴¹ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 6; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8; Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 2

⁷⁴² HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 1; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p.6

⁷⁴³ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8

weapons⁷⁴⁴, human trafficking⁷⁴⁵, kidnapping⁷⁴⁶, extortion⁷⁴⁷, forced labour, forced recruitment⁷⁴⁸, forced displacement⁷⁴⁹, sexual violence⁷⁵⁰, cattle theft⁷⁵¹, contraband⁷⁵² of gasoline and cattle from Venezuela into Colombia,⁷⁵³ pillaging of farms that produce meat and dairy products⁷⁵⁴, the control of illegal border crossings,⁷⁵⁵ and illegal mining.⁷⁵⁶ The International Crisis Group report indicates that, according to sources close to Colombian guerrilla groups present in Venezuela, the illegal mining of gold and other minerals both in Colombia and Venezuela is the main source of revenue for Colombian guerrillas.⁷⁵⁷ The border between Venezuela and Colombia has serious security issues due to constant disputes over territorial influence by armed groups.⁷⁵⁸ Venezuela is also a transit country for cocaine originating in Colombia to countries in the Caribbean, the US and Europe.⁷⁵⁹

Irregular armed groups establish informal alliances to dispute territories and distribute the management of revenue coming from illicit activities.⁷⁶⁰ International Crisis Group indicated that profit-seeking alliances are also made between irregular armed groups and Venezuelan security officials and politicians.⁷⁶¹ For example, Pares indicates that the ELN established an alliance with Venezuelan *colectivos* to dispute territory with the EPL, and the EPL established an alliance with Clan del Golfo and local organisations in the region to combat the ELN.⁷⁶² The EPL established an alliance with Los Rastrojos to pact a non-aggression agreement and the division of revenue from extortions to businesses, transportation companies, rice harvesters, smugglers of gasoline, and migrants crossing informal border crossings.⁷⁶³ The International Crisis Group report indicates that Colombian guerrilla groups subcontract, either by force or by offering 'job opportunities' and food, local gangs to control miners working at illegal mining operations in Venezuela.⁷⁶⁴ Conflict dynamics, however, are fluid and alliances can be broken at any time to dispute territory and revenue from illegal activities.⁷⁶⁵

⁷⁴⁴ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 6

⁷⁴⁵ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8; AFP, Ocho personas muertas por massacre en frontera, 8 March 2020, [url](#)

⁷⁴⁶ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 1; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 5

⁷⁴⁷ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 27; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 5

⁷⁴⁸ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 1

⁷⁴⁹ Caracol, Desplazamiento en Venezuela por grupos armados en frontera, 25 May 2019, [url](#); HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 20

⁷⁵⁰ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 12; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 6

⁷⁵¹ OVV, Informe Anual de Violencia 2019, 27 December 2019, [url](#), p. 9

⁷⁵² International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5; AFP, Ocho personas muertas por massacre en frontera, 8 March 2020, [url](#); Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 6

⁷⁵³ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 8, 22

⁷⁵⁴ OVV, Informe Anual de Violencia 2019, 27 December 2019, [url](#), p. 9

⁷⁵⁵ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p.5

⁷⁵⁶ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5; UN OHCHR, Venezuela: Commissioner Bachelet details plans for new human rights assistance, 18 December 2019, [url](#)

⁷⁵⁷ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5

⁷⁵⁸ Infobae, Ocho personas muertas por masacre en frontera de Colombia y Venezuela, 10 March 2020, [url](#)

⁷⁵⁹ UN, INCB, Report of the International Narcotics Control Board for 2019, [url](#), para. 308

⁷⁶⁰ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 8, 11; Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 3-4

⁷⁶¹ International Crisis Group, telephone interview, 30 April 2020

⁷⁶² Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8

⁷⁶³ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 3

⁷⁶⁴ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 6

⁷⁶⁵ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 9, 23

Sources report that armed combat among irregular armed groups and between these groups and authorities take place on both sides of the border.⁷⁶⁶ The ELN and Los Rastrojos engaged in armed confrontations in the municipality of Catatumbo, state of Zulia, extending to Boca de Grita.⁷⁶⁷ Infobae reported that during an armed confrontation on 18 February 2020, these groups used gas cylinders as bombs and that Los Rastrojos displaced local farmers to plant antipersonnel mines while retreating from armed clashes with the ELN.⁷⁶⁸ Armed confrontations also occur between Los Rastrojos and Clan del Golfo in Ureña, San Antonio, Rubio, and Capacho, in the state of Táchira.⁷⁶⁹ Civilians have been caught in the middle of armed confrontations among irregular armed groups.⁷⁷⁰

Sources indicated that, in order to assert and maintain control, irregular armed groups operating on both sides of the border impose their own rules, and enforce compliance through threats and punishment with fines, forced labour, displacement or death.⁷⁷¹ Groups like Los Rastrojos dictate social norms to be observed by inhabitants and people transiting through their territories⁷⁷² and groups in Arauca and Apure impose curfews and prohibit wearing helmets while riding motorcycles so members of irregular armed groups can identify them.⁷⁷³ Armed groups such as the ELN and FARC dissidents summon persons in Colombia to camps on the Venezuelan side to pay extortion amounts and, in some cases, for 'unstated reasons' that usually turns out to be to threaten the person.⁷⁷⁴

Sources reported that irregular armed groups, including Los Rastrojos, threaten through pamphlets and WhatsApp chain messages with 'social cleansing'⁷⁷⁵ of drug and marijuana consumers, sex workers, LGBT persons, human rights advocates⁷⁷⁶, and those accused of collaborating with rival groups.⁷⁷⁷

4.1.1. Guerrilla Groups

4.1.1.1 ELN

The ELN is a Colombian guerrilla group created in 1964 with a Marxist-Leninist ideology, but that later became involved in kidnapping, extortion and attacks on the economic infrastructure.⁷⁷⁸ The ELN is the largest armed group in Colombia.⁷⁷⁹ Estimates of the number of combatants range between 2 400⁷⁸⁰, 3 000⁷⁸¹, and 4 000.⁷⁸² According to the Ministry of Defence of Colombia, out of the 2 400 combatants of the ELN, 43 % are located in Venezuela.⁷⁸³ The ELN's leadership consists of five commanders known as the Central Command (COCE, *Comando Central*), and its regional commanders have high levels of operational autonomy.⁷⁸⁴ The ELN, like the FARC dissidents, uses Venezuela as a

⁷⁶⁶ Europa Press, Colombia.- Violentos combates entre el ELN y Los Rastrojos, 16 February 2020, [url](#); El Espectador, Masacre en la frontera con Venezuela, 8 March 2020, [url](#)

⁷⁶⁷ Infobae, El ELN y paramilitares de Los Rastrojos combaten en Venezuela, 19 February 2020, [url](#)

⁷⁶⁸ Infobae, El ELN y paramilitares de Los Rastrojos combaten en Venezuela, 19 February 2020, [url](#)

⁷⁶⁹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 25

⁷⁷⁰ NTN24, Al menos 20 personas asesinadas por grupos irregulares en la frontera, 31 July 2019, [url](#)

⁷⁷¹ HRW, "The Guerrillas Are the Police", January 2020, [url](#), pp. 1, 12, 24

⁷⁷² Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 9

⁷⁷³ HRW, "The Guerrillas Are the Police", January 2020, [url](#), pp. 26-27

⁷⁷⁴ HRW, "The Guerrillas Are the Police", January 2020, [url](#), pp. 25-26

⁷⁷⁵ HRW, "The Guerrillas Are the Police", January 2020, [url](#), pp. 16, 25-26; Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 6

⁷⁷⁶ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 22

⁷⁷⁷ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 6

⁷⁷⁸ InSight Crime, ELN, 16 October 2018, [url](#)

⁷⁷⁹ FIP, ¿Qué hacer con el ELN?, January 2020, [url](#), p. 5

⁷⁸⁰ Semana, Gobierno asegura que el 43% del ELN está en Venezuela, 9 November 2019, [url](#)

⁷⁸¹ CNN, Así es el ELN, 30 August 2019, [url](#)

⁷⁸² FIP, ¿Qué hacer con el ELN?, January 2020, [url](#), p. 5

⁷⁸³ Semana, Gobierno asegura que el 43% del ELN está en Venezuela, 9 November 2019, [url](#)

⁷⁸⁴ InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

safe haven⁷⁸⁵, including its leaders who are reportedly located in Venezuela.⁷⁸⁶ The ELN also uses Venezuela as a source of revenue from illicit activities present at the border.⁷⁸⁷

The ELN is established strategically alongside the border⁷⁸⁸, with corridors connecting the Colombian side with camps on the Venezuelan side.⁷⁸⁹ The ELN has presence in 'at least' 13 out of the 24 states in Venezuela⁷⁹⁰, particularly in the states of Apure, Táchira, Bolívar and Amazonas.⁷⁹¹ The group is also reportedly establishing bases in the states of Barinas, Guárico, Lara and Falcón.⁷⁹² The ELN has reported presence in Guarero (Zulia) and Ureña (Táchira), where its Urban Front Carlos Germán Velasco has reported conflicts with local *colectivos*.⁷⁹³ According to the Ministry of Defence of Colombia, the Front Norte of the ELN has 10 camps in Zulia; the Front Oriental has 20 in Apure, Bolívar and Amazonas; and Front Nororiental has 20 in Táchira.⁷⁹⁴ According to FundaRedes, the following ELN fronts operate in Venezuela: Commission Juan Velazco, and Fronts Nororiental, Luis Enrique León Guerra, Germán Velazco Villamizar, Parmelio Cuella, Carlos Alirio Buitrago, Camilo Cienfuegos and Domingo Lain Sanz.⁷⁹⁵ According to the Ministry of Defence of Colombia, the ELN has stationed 1 400 combatants in the states of Táchira, Barinas and Apure, and established 10 support networks and 36 camps on the Venezuelan side of the border.⁷⁹⁶

The ELN controls several illegal border crossings and engages in drug trafficking, arms trafficking, smuggling⁷⁹⁷ of gasoline⁷⁹⁸, and forced recruitment of children, adolescents and indigenous peoples.⁷⁹⁹ They also engage in extortion,⁸⁰⁰ including of locals, landowners⁸⁰¹ and Venezuelan migrants who cross the border irregularly.⁸⁰² The ELN also controls illegal mining operations in southern Venezuela and is extending operations to eastern Venezuela, with reported disputes with local mining mafias (*sindicatos*) in the state of Bolívar, the EPL in Catatumbo and Zulia, and Los Rastrojos in Zulia.⁸⁰³ The ELN exerts significant social control in the areas where they operate⁸⁰⁴, including of Venezuelan migrants crossing into Colombia.⁸⁰⁵ According to InSight Crime, 'it acts as a de facto State power in its strongholds in Táchira, Apure and Amazonas'.⁸⁰⁶

Sources indicated that the ELN has alleged ties with Venezuelan authorities.⁸⁰⁷ According to InSight Crime, the ELN's ties with security forces and local authorities in some parts of Venezuela's border

⁷⁸⁵ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5; FIP, ¿Qué hacer con el ELN?, January 2020, [url](#), p. 9

⁷⁸⁶ FIP, ¿Qué hacer con el ELN?, January 2020, [url](#), p. 30; InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁷⁸⁷ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5; InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁷⁸⁸ Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 6

⁷⁸⁹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 37.

⁷⁹⁰ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5.

⁷⁹¹ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5; InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁷⁹² InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁷⁹³ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 13, 27.

⁷⁹⁴ Semana, Gobierno asegura que el 43% del ELN está en Venezuela, 9 November 2019, [url](#)

⁷⁹⁵ FundaRedes, Más de 28 frentes de grupos irregulares armados colombianos operan en Venezuela, 13 May 2019, [url](#)

⁷⁹⁶ VOA, El 44% de las tropas del ELN ya residen en Venezuela, 8 November 2019, [url](#)

⁷⁹⁷ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5; Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 27.

⁷⁹⁸ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 27.

⁷⁹⁹ Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 6

⁸⁰⁰ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 5; Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 13, 27.

⁸⁰¹ Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 6; FundaRedes, videoconference, 6 May 2020

⁸⁰² Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 27.

⁸⁰³ InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁸⁰⁴ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 16; InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁸⁰⁵ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 16.

⁸⁰⁶ InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁸⁰⁷ FIP, ¿Qué hacer con el ELN?, January 2020, [url](#), p. 30; Semana, Gobierno asegura que el 43% del ELN está en Venezuela, 9 November 2019, [url](#); InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

region, and in the Orinoco mining arc, has allowed it to operate with 'near-total impunity'.⁸⁰⁸ The ELN has also established alliances with local armed *colectivos*.⁸⁰⁹ According to FundaRedes, the ELN is a strategic ally for the Venezuelan government in the sense that the ELN's military capacity can represent a defense force for the government.⁸¹⁰ The ELN has also established an alliance with the *pranes* in Venezuela to transport drugs to the Caribbean coast of Venezuela.⁸¹¹

4.1.1.2 FARC dissidents

FARC dissidents consist of former FARC-EP leaders and combatants who refused to demobilise in 2016. Up to its demobilisation, the FARC-EP was considered the largest, oldest and most important guerrilla group in the Western hemisphere.⁸¹² Pares indicated that, alongside the Venezuela-Colombia border, FARC dissidents are grouping in three structures with regional reach: one under the leadership of Gentil Duarte, consisting of 11 dissident groups; another under Iván Márquez and Jesús Santrich, consisting of 4 dissident groups; and a third that consists of 'independent' structures dedicated to drug trafficking and are in the process of dissolution.⁸¹³ Sources indicated that FARC dissidents have camps in the state of Apure⁸¹⁴, and former FARC-EP leaders who are leading dissident groups are reportedly operating from Venezuela.⁸¹⁵ Some ex-members of the FARC-EP are currently influential members of *colectivos*, particularly Colectivo de Seguridad Fronteriza (Colectivo Border Security).⁸¹⁶

The structure led by Gentil Duarte unified FARC dissident groups in the area of Catatumbo under Front 33, with about 300 members, many of them Venezuelan citizens.⁸¹⁷ Another front of Gentil Duarte operates in the Amazonas state trafficking with drugs and arms from Colombia, Mexico and Brazil.⁸¹⁸ Human Rights Watch indicates that the Front Martín Villa, a group of FARC dissidents, operate in Apure and Arauca, and it seeks to regain the former territories on both sides of the border left by the FARC-EP after its demobilisation.⁸¹⁹ The group, which has about 300 fighters, has recruited Colombians and Venezuelans and operates in areas where the ELN is also present.⁸²⁰ FARC dissidents also operate on the rivers that connect with Venezuela to traffic drugs.⁸²¹ FARC dissident groups in Venezuela also engage in illegal mining in the states of Bolívar and Amazonas.⁸²²

The FARC dissident groups and the ELN established a non-aggression pact to coordinate illicit activities.⁸²³ Some FARC dissident groups have alliances with Brazil's Red Command (Comando Vermelho) and Family of the North (FDN, Família do Norte), and the Sinaloa cartel.⁸²⁴

⁸⁰⁸ InSight Crime, ELN in Venezuela, 28 Jan. 2020, [url](#)

⁸⁰⁹ Semana, Gobierno asegura que el 43% del ELN está en Venezuela, 9 November 2019, [url](#)

⁸¹⁰ FundaRedes, videoconference, 6 May 2020

⁸¹¹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 39.

⁸¹² InSight Crime, FARC, 3 March 2017, [url](#)

⁸¹³ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8.

⁸¹⁴ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 58; HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 47.

⁸¹⁵ FIP, ¿Qué hacer con el ELN?, January 2020, [url](#), p. 30; InSight Crime, FARC en Venezuela, 13 April 2020, [url](#)

⁸¹⁶ InSight Crime, FARC en Venezuela, 13 April 2020, [url](#)

⁸¹⁷ InSight Crime, FARC en Venezuela, 13 April 2020, [url](#)

⁸¹⁸ InSight Crime, FARC en Venezuela, 13 April 2020, [url](#)

⁸¹⁹ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 55.

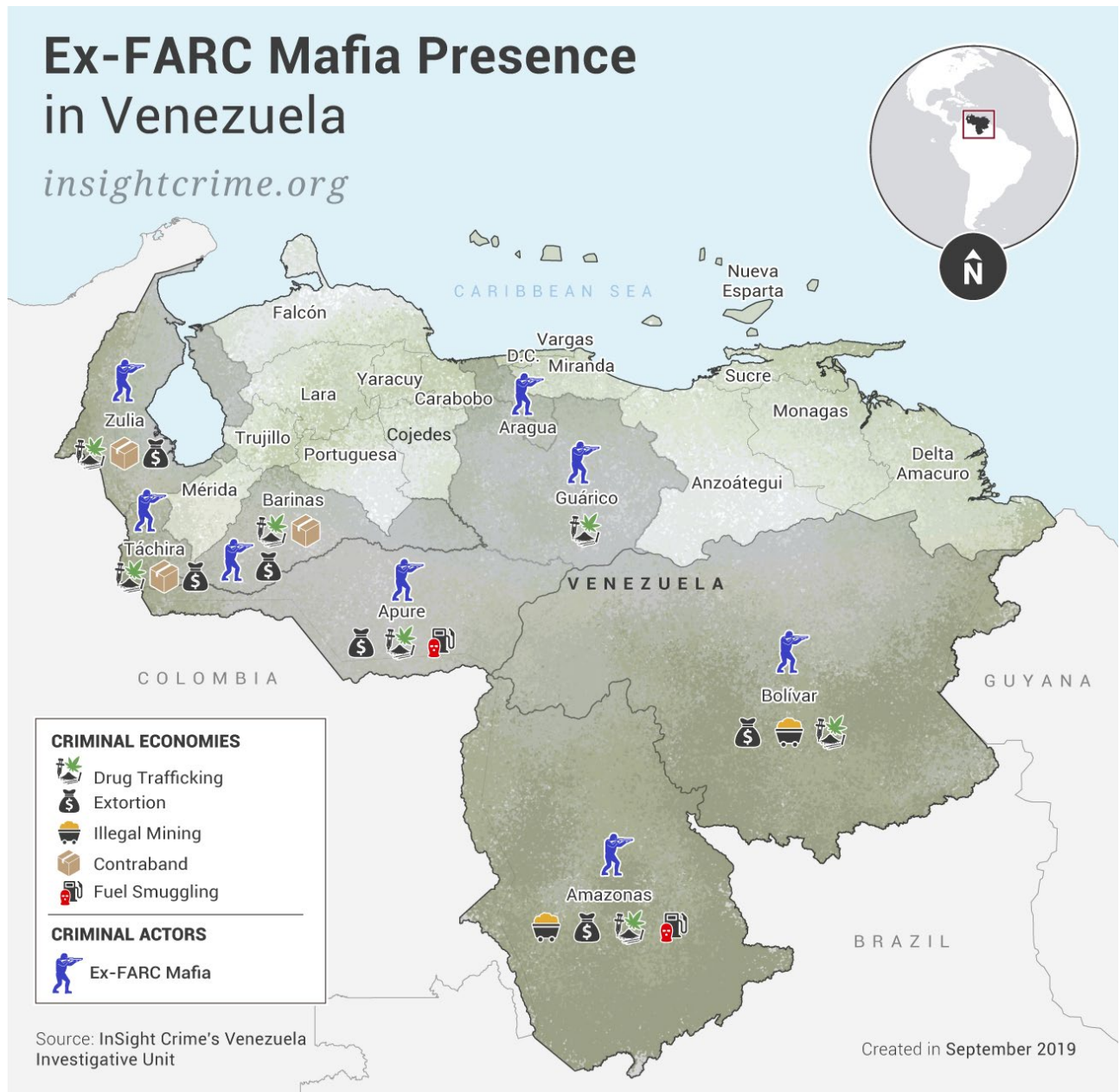
⁸²⁰ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 55; InSight Crime, FARC en Venezuela, 13 April 2020, [url](#)

⁸²¹ El Colombiano, Las disidencias de las Farc se adueñan de los ríos, 14 November 2019, [url](#)

⁸²² InSight Crime, FARC en Venezuela, 13 April 2020, [url](#)

⁸²³ InSight Crime, FARC en Venezuela, 13 April 2020, [url](#)

⁸²⁴ InSight Crime, FARC en Venezuela, 13 April 2020, [url](#)



Map 5: Presence of the FARC dissidents in Venezuela, September 2019 ©InSight Crime CC BY-NC 3.0⁸²⁵

4.1.1.3 FPLN

The FPLN [also known as '*Boliches*'⁸²⁶] is an armed group that originated in Apure in the 1990s.⁸²⁷ It currently operates in the states of Apure, Barinas, Táchira⁸²⁸, and Guárico.⁸²⁹ The group has between

⁸²⁵ Ex-FARC Mafia Presence in Venezuela [map], in: InSight Crime, Ex-FARC Mafia: Colombia's Criminal Army Settling Down in Venezuela, 4 September 2019, [url](#)

⁸²⁶ InSight Crime, FBL/FPLN, 15 July 2019, [url](#)

⁸²⁷ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 56-57.

⁸²⁸ InSight Crime, FBL/FPLN, 15 July 2019, [url](#); HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 56-57

⁸²⁹ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 56-57.

1 000 and 4 000 members⁸³⁰, some of them coming from *colectivos* and pro-government political grassroots groups.⁸³¹

The FPLN is a splinter of the Bolivarian Liberation Front (FBL, Fuerzas Bolivarianas de Liberación), supports the Venezuelan government, and has reportedly worked alongside local authorities and security forces.⁸³² The FBL is reportedly 'relatively inactive'.⁸³³ According to InSight Crime, criminal activities carried out by the FPLN have 'been facilitated by its ties with security forces and public officials in Apure'.⁸³⁴ The FPLN reportedly has close ties with FARC dissidents and is no longer in conflict with the ELN.⁸³⁵ The FPLN reportedly control the local town halls of Páez de Guasdualito and Biruaca (state of Apure).⁸³⁶

The FPLN's main source of revenue comes from the extortion of local landowners, cattle ranchers, and migrants crossing into Colombia.⁸³⁷

4.1.1.4 EPL dissidents

EPL dissidents emerged after the demobilisation in 1991 of the EPL, a Maoist Colombian guerrilla group created in 1967 as the armed wing of the Colombian Communist Party. EPL dissidents, also known as Los Pelusos, are considered an organised criminal organisation dedicated mainly to drug trafficking.⁸³⁸ In Venezuela, the EPL's Front Fronteras, in alliance with Los Rastrojos, has presence in the municipalities of Boca de Grita, La Fría, Orope, and Coloncito, in the state of Táchira. In Colombia, the EPL is present in the department of Norte de Santander with three fronts: Front Fronteras (Cúcuta), Front Libardo Mora Toro (Catatumbo), and Front Elisenio Torres, which extended its presence in 2018 to the department of Cesar.⁸³⁹

Alongside the border, the objective of the EPL is to 'terrorize and exercise [social] control through fear' and engage in activities, including homicides, massacres, forced recruitment, forced disappearance, trafficking of weapons, contraband of gasoline and auto parts, and extortion of persons crossing illegal border crossings, including Venezuelan migrants and informal transporters.⁸⁴⁰ On the Colombian side, and in collaboration with Los Rastrojos, the EPL threatens through pamphlets with the 'social cleansing' of drug and marijuana consumers, sex workers, human rights advocates⁸⁴¹, and LGBT persons.⁸⁴²

4.1.2 Colombian paramilitary successor groups, transnational criminal organisations

Activities of Colombian paramilitary successor groups in Venezuela include homicides, forced disappearances, threats,⁸⁴³ extortion,⁸⁴⁴ harassment, and kidnapping of peasants and landowners, and

⁸³⁰ InSight Crime, FBL/FPLN, 15 July 2019, [url](#)

⁸³¹ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 56.

⁸³² HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 56; Infobae, Así entrena el chavismo a civiles en el manejo de armas, 9 June 2019, [url](#)

⁸³³ InSight Crime, FBL/FPLN, 15 July 2019, [url](#)

⁸³⁴ InSight Crime, FBL/FPLN, 15 July 2019, [url](#)

⁸³⁵ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 59.

⁸³⁶ Infobae, Así entrena el chavismo a civiles en el manejo de armas, 9 June 2019, [url](#)

⁸³⁷ InSight Crime, FBL/FPLN, 15 July 2019, [url](#)

⁸³⁸ InSight Crime, EPL, 14 March 2018, [url](#)

⁸³⁹ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 21-22.

⁸⁴⁰ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 22.

⁸⁴¹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 22

⁸⁴² Fundación Reflejos de Venezuela, videoconference, 5 May 2020

⁸⁴³ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 4

⁸⁴⁴ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 4; International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 11

chavista loyalists and leaders.⁸⁴⁵ FundaRedes indicated that paramilitary successor groups operating in Venezuela include Los Urabeños, Los Rastrojos, Las Águilas Negras⁸⁴⁶, and Los Botas de Caucho.⁸⁴⁷

The Gulf Clan (*Clan del Golfo*), also known Gaitanist Self-Defence Forces of Colombia (AGC, *Autodefensas Gaitanistas de Colombia*) and as Los Urabeños, is a Colombian drug trafficking organisation with paramilitary origins.⁸⁴⁸ It is considered the strongest paramilitary successor group operating in Colombia with approximately 2 500 combatants.⁸⁴⁹ In the border with Venezuela, Clan del Golfo operates in the departments of Cesar, Norte de Santander, and La Guajira in alliance with local criminal groups for the purpose of drug trafficking.⁸⁵⁰

Los Rastrojos is a Colombian drug trafficking organisation with paramilitary origins⁸⁵¹ that operates in several areas of the border, both on the Colombian and Venezuelan sides.⁸⁵² Los Rastrojos control many aspects of the criminal activity at the border, including drug trafficking⁸⁵³, human trafficking and smuggling.⁸⁵⁴ In Venezuela, Los Rastrojos operate with the support of Los Evander [also known as El Evander], a Venezuelan 'paramilitary' group⁸⁵⁵ that protects the networks and activities of Los Rastrojos in the country.⁸⁵⁶ Los Rastrojos also have a strong presence and control over illegal border crossings⁸⁵⁷ between the Venezuelan states of Zulia, Táchira and Apure, and the Colombian department of Norte de Santander.⁸⁵⁸ El Espectador reports that Los Rastrojos has had a base of operations in Boca de Grita since 2018 to coordinate the smuggling of gasoline with the collaboration of members of the GNB. It also has an alliance with Los Pelusos to traffic drugs and arms, and carry out smuggling operations and extortions.⁸⁵⁹ Los Rastrojos also extort in the municipalities of Boca de Grita, La Fría, Orope, Coloncito and Ureña, threaten those who file complaints with authorities, and kill Venezuelan migrants who do not pay the imposed fees' for crossing through one of the illegal border crossings that they control.⁸⁶⁰ Los Rastrojos have reportedly built wooden structures to cross the border between Venezuela and Norte de Santander, and charge monthly fees to residents to cross to either side of the border. They also reportedly pay bribes to FANB commanders in the area to allow the free transport of drugs and people.⁸⁶¹

⁸⁴⁵ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 11

⁸⁴⁶ Note: Águilas Negras (Black Eagles) was a paramilitary group that was dismantled around 2009 (Infobae, Quiénes son las Águilas Negras, el fantasma que aterroriza a Colombia, 30 June 2019, [url](#)). The group as such does not exist, according to sources (Infobae, Quiénes son las Águilas Negras, el fantasma que aterroriza a Colombia, 30 June 2019, [url](#); Pares, ¿Qué son las Águilas Negras?, 29 December 2018, [url](#)). However, the name 'Águilas Negras' is used as a façade by criminal groups, state agents, business persons, politicians or citizens to threaten, intimidate or kill and to deviate investigations (Pares, ¿Qué son las Águilas Negras?, 29 December 2018, [url](#)).

⁸⁴⁷ FundaRedes, Más de 28 frentes de grupos irregulares armados colombianos operan en Venezuela, 13 May 2019, [url](#)

⁸⁴⁸ InSight Crime, Urabeños, 14 March 2018, [url](#)

⁸⁴⁹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 41

⁸⁵⁰ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 13

⁸⁵¹ InSight Crime, Rastrojos, 16 February 2017, [url](#)

⁸⁵² Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 5; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 23

⁸⁵³ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 23

⁸⁵⁴ InSight Crime, Los Rastrojos enfrentan dos poderosos enemigos en frontera colombo-venezolana, 31 March 2020, [url](#)

⁸⁵⁵ Caraota Digital, El Evander, el brazo paramilitar de los Rastrojos que domina el oriente del país, 17 June 2019, [url](#); Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 23

⁸⁵⁶ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 23; infobae, Surgió un grupo paramilitar venezolano, 17 June 2019, [url](#)

⁸⁵⁷ El Universal, Tras cierre de frontera, grupos criminales lucran con venezolanos que cruzan a Colombia, 19 March 2019, [url](#); Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 23

⁸⁵⁸ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 23

⁸⁵⁹ El Espectador, Masacre en la frontera con Venezuela, 8 March 2020, [url](#)

⁸⁶⁰ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 24

⁸⁶¹ InSight Crime, ¿Por qué Juan Guaidó pasó de Venezuela a Colombia con Los Rastrojos?, 19 September 2019, [url](#)

La Línea, a criminal group that splintered from Clan del Golfo in 2013 and is based in Cúcuta⁸⁶², operates illegal border crossings between San Antonio and Ureña (Táchira), and Cúcuta.⁸⁶³ At these border crossings, La Línea has reportedly engaged in the extortion and forced recruitment of Venezuelan migrants crossing into Colombia, contraband, homicides, massacres, and torture.⁸⁶⁴ According to the Progress Foundation (Fundación Progresar⁸⁶⁵), La Línea, which has recruited Venezuelan citizens into its ranks, is the most violent group present in the region.⁸⁶⁶

The Sinaloa cartel, under the protection of the EPL and Los Rastrojos, use illegal border crossings at Boca de Grita (Táchira) and Casigua El Cubo (Zulia) to transport drugs from Colombia into Venezuela.⁸⁶⁷ The Sinaloa cartel reportedly operates with the ELN in the state of Zulia to fit cattle fields as illegal landing strips.⁸⁶⁸ Drug cartels reportedly force cattle ranchers and landowners in border states to consent to the use of their lands as landing fields to traffic with drugs under the threat of spurious legal prosecution accusations for drug trafficking⁸⁶⁹, death or forced displacement.⁸⁷⁰ The Jalisco New Generation (Jalisco Nueva Generación) cartel also operates at the border transporting drugs from El Tarra (Norte de Santander) into Venezuela.⁸⁷¹

La Zona and Los Chacones are two *pranes* that originated in Venezuelan jails, and in alliances with other criminal groups, they engage in killings by contract, street-level drug dealing, trafficking of weapons, and the contraband of cattle and gasoline from Venezuela into Colombia. They also extort Venezuelan migrants crossing into Colombia at illegal border crossings.⁸⁷² La Zona engages in the extortion of people who informally transport goods across the border goods. The Colombian Office of the Ombudsperson also indicates the presence of Los Mercenarios, a criminal gang that operates on the border, and is involved in kidnappings, robberies and homicides.⁸⁷³

El Tren de Aragua is a transnational criminal band based in Táchira with presence in Colombia, Brazil, and Peru.⁸⁷⁴ It engages in the trafficking of women for sexual exploitation from Venezuela into Colombia by offering false job opportunities,⁸⁷⁵ and controls irregular border crossings with the Colombian municipality of Villa del Rosario (Norte de Santander).⁸⁷⁶ El Tren de Aragua made inroads into Colombia with the support of Clan del Golfo,⁸⁷⁷ although it also cooperates with Los Rastrojos for the commission of crimes.⁸⁷⁸

⁸⁶² Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 30

⁸⁶³ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 30; El Espectador, Los desaparecidos que nadie busca en la frontera con Venezuela, 3 August 2019, [url](#)

⁸⁶⁴ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 30

⁸⁶⁵ Fundación Progresar is a Colombian NGO that promotes the protection of human rights in north-eastern Colombia and alongside the Colombian border with Venezuela. The NGO has an observatory of human rights and produces reports on violence, democracy, vulnerable communities, among others (Fundación Progresar, ¿Quiénes somos?, n.d., [url](#)).

⁸⁶⁶ El Espectador, Los desaparecidos que nadie busca en la frontera con Venezuela, 3 August 2019, [url](#)

⁸⁶⁷ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 29

⁸⁶⁸ InSight Crime, Sinaloa: Un visitante que llegó para quedarse en Venezuela, 3 April 2020, [url](#)

⁸⁶⁹ InSight Crime, Sinaloa: Un visitante que llegó para quedarse en Venezuela, 3 April 2020, [url](#); El Pitazo, El narcotráfico construye pistas clandestinas en fincas zulianas, 12 January 2020, [url](#)

⁸⁷⁰ El Pitazo, El narcotráfico construye pistas clandestinas en fincas zulianas, 12 January 2020, [url](#)

⁸⁷¹ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 29

⁸⁷² Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 13, 39

⁸⁷³ Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 6

⁸⁷⁴ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 29

⁸⁷⁵ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 7-8; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 29

⁸⁷⁶ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 29

⁸⁷⁷ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 29

⁸⁷⁸ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 7

4.1.3 Cartel of the Suns (*Cartel de los Soles*)

The UN International Narcotics Control Board (INCB) indicated that the Cartel of the Suns is an informal network of government security officials that have been infiltrated by irregular armed groups in Venezuela to facilitate the transit of drugs into and out of the country.⁸⁷⁹ Similarly, Colombia Reports indicated that the Cartel of the Suns is a loosely organised group of members of the Venezuelan armed forces that engages in drug trafficking, human trafficking and smuggling at the border.⁸⁸⁰ This group is not considered a 'cartel' in the traditional sense of the word; rather, it is a conglomeration of factions within the armed forces that function as drug trafficking organisations.⁸⁸¹ Drug trafficking networks reportedly bribe members of the Venezuelan military to transport drugs from Colombia through to Margarita Island.⁸⁸²

4.1.4 Domestic criminal bands

4.1.4.1 Pranes

Pranes are gang leaders that operate from Venezuelan prisons.⁸⁸³ Activities include drug trafficking, extortion⁸⁸⁴, kidnapping and killings by contract⁸⁸⁵, and inside the prisons they are engaged in the selling of alcohol, drugs and food, and the operation of prostitution rings.⁸⁸⁶ They also control illegal border crossings with the department of La Guajira, and they have influence in the municipality of Maicao.⁸⁸⁷ They are expanding and strengthening social and territorial control in the Colombian side.⁸⁸⁸ The firepower of *pranes* usually consist of assault rifles, hand guns and grenades that are smuggled into the prisons with the complicity of the GNB and security guards at the perimeter.⁸⁸⁹

Transparencia Venezuela provided the following structure of a *pran* gang:

- *Pran*: Leader
- *Carro* [translated as 'car']: Gang members that accompany the leader
- *Luceros* [translated as 'stars']: Second in the hierarchy and are considered as the 'colonels' of the gang
- *Soldados* [translated as 'soldiers']: The other members of the gang, and are dedicated to charging prisoners with the 'causa' or the 'fee' that prisoners must pay to gang, or acting as 'gariteros' [translated as 'sentries'] to oversee the strategic sites in the prison or as hit-men against those who challenge the gang.⁸⁹⁰

⁸⁷⁹ UN, INCB, Report of the International Narcotics Control Board for 2019, [url](#), para. 578

⁸⁸⁰ Colombia Reports, The Group that could sink Colombia's dispute with Venezuela into utter chaos, 9 March 2019, [url](#)

⁸⁸¹ InSight Crime, Cartel of the Suns, 31 October 2016, [url](#); Colombia Reports, The Group that could sink Colombia's dispute with Venezuela into utter chaos, 9 March 2019, [url](#)

⁸⁸² InSight Crime, Narcotráfico usa la isla de Margarita, 4 December 2019, [url](#)

⁸⁸³ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 13; Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 16

⁸⁸⁴ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 13; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 5

⁸⁸⁵ Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p.5

⁸⁸⁶ Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 17

⁸⁸⁷ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 13; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 17

⁸⁸⁸ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 13; Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p. 17

⁸⁸⁹ Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 17

⁸⁹⁰ Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 17

4.1.4.2 Megabandas

Megabandas are criminal organisations dedicated to drug trafficking, extortion and kidnapping.⁸⁹¹ These groups do not have a political ideology and control a defined territory, either rural or urban.⁸⁹² According to OVV, *megabandas* have links with regional governments and control the distribution of CLAP food boxes in low-income neighbourhoods in the areas that they control.⁸⁹³ They operate throughout the country⁸⁹⁴, mainly in the states of Miranda, Guárico, Carabobo, Aragua, Zulia, Bolívar, Táchira and in the capital Caracas, and exert control over much of the country's underworld.⁸⁹⁵ These organisations have been extending to other countries, like Tren de Aragua which has reported presence in Colombia and Peru.⁸⁹⁶

According to InSight Crime, as of May 2018, there were between 12 and 16 *megabandas* with about 300 members.⁸⁹⁷ Transparencia Venezuela indicated that by 2017 there were 19 *megabandas*, but that the number has increased since then.⁸⁹⁸ According to sources, *megabandas* work in collaboration with *pranes* to carry out illegal activities.⁸⁹⁹

Megabandas consist of 50 to 60 members, although some consist of 'hundreds', and their line of command is very hierarchical. The structure of megabandas, according to Transparencia Venezuela consists of the following:

- *Cabecilla* or *principal* [translated as 'leader']: The name of the *megabanda* is usually the nickname of the leader.
- *Lugartenientes* or *luceros* [translated as 'deputies' or 'stars']: One to three individuals who accompany the leader.
- *Soldados* [translated as 'soldiers']: Lower hierarchy members.
- *Gatilleros* [translated as 'hit-men']: Usually consist of young people, including minors, who surveil the entrances of the territory controlled by the megabanda.⁹⁰⁰

4.1.4.3 Sindicatos⁹⁰¹

Sindicatos are criminal groups that originated in the construction industry but that since the economic crisis, they have been engaged with illegal mining and other criminal activities, competing with other criminal organisations such as the ELN.⁹⁰² According to the Colombian Office of the Ombudsperson, members of Venezuelan gangs have been migrating to Colombia, including in municipalities at the border area, and carry out drug and arms trafficking, killings-by-contract, and extortion of Venezuelan migrants.⁹⁰³ The same source indicates that armed civilian groups from Venezuela have recently

⁸⁹¹ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 13; Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 8

⁸⁹² Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 8

⁸⁹³ OVV, videoconference, 4 May 2020

⁸⁹⁴ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 13; InSight Crime, Venezuela: A Mafia State?, [2018], [url](#), p. 8

⁸⁹⁵ InSight Crime, Venezuela: A Mafia State?, [2018], [url](#), pp. 5-6, 8

⁸⁹⁶ Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 10

⁸⁹⁷ InSight Crime, Venezuela: A Mafia State?, [2018], [url](#), p. 8

⁸⁹⁸ Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 8

⁸⁹⁹ InSight Crime, Venezuela: A Mafia State?, [2018], [url](#), p. 8; International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 13

⁹⁰⁰ Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 9

⁹⁰¹ Note: The *sindicatos* [which translates as 'labour unions'] criminal groups are not associated in any way or form with labour unions (Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), p. 11).

⁹⁰² International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 14

⁹⁰³ Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p.5

performed 'de facto functions of security, intelligence gathering and repression' on Venezuelan citizens on the Colombian side of the border, particularly in Maicao (La Guajira).⁹⁰⁴

Transparencia Venezuela pointed to the existence of construction and oil industry *sindicatos* that extort both workers to 'help' them obtain jobs, and managers at construction sites and oil refineries to hire the workers and to buy industrial material from companies imposed by the *sindicatos*. There have been reported cases of construction workers and managers at construction sites being killed by *sindicatos* for not paying the extortion. *Sindicatos* in the mining industry control several illegal mining fields, determine who works in these fields and established their own rules and regulations. Between 2016 and 2019, over 40 massacres have taken place in the mining fields of Bolívar.⁹⁰⁵

4.2 Main human rights violations

Human rights violations most reported in the border area include forced displacement, threats, massacres, dismembering of victims, homicides, and sexual violence, and forced labour.⁹⁰⁶

Between 2017 and 2019, 378 Venezuelan migrants have been killed on the Colombian side of the border with Venezuela.⁹⁰⁷ According to a preliminary report by the National Institute of Legal Medicine and Forensic Sciences (INMLCF, *Instituto Nacional de Medicina Legal y Ciencias Forenses*) of Colombia, in 2019, 261 Venezuelans were killed in the Colombian departments that border with Venezuela, with the highest numbers in Norte de Santander (142 victims), Arauca (48), and La Guajira (45).⁹⁰⁸

Sources report instances of people killed on the Venezuelan side of the border and their bodies later dropped on the Colombian side.⁹⁰⁹ Human Rights Watch indicated that, according to human rights officials in Arauca, some victims are summoned to irregular armed groups' camps on the Venezuelan side to kill them before they drop their bodies in Arauca.⁹¹⁰ On 8 March 2020, sources reported that eight people were killed in the municipality of La Fría (Táchira) in a dispute of the ELN and *colectivos* with Los Rastrojos, and later dropped in Cúcuta.⁹¹¹ According to the Colombian Office of the Ombudsperson, due to an incident of infighting within Los Rastrojos, members who seek the control of the group, summoned to the border area between Puert Santander (Colombia) and Boca de Grita (Venezuela) the wives and partners of several members of that organisation around 18 June 2019 and sexually abused, tortured, killed, and forcibly disappeared them.⁹¹²

Venezuelan migrants, particularly women and children, are trafficked for sexual exploitation, forced labour, and forced recruitment by armed groups at the border.⁹¹³ Irregular armed groups that forcibly recruit women for sexual exploitation include the EPL⁹¹⁴, Los Rastrojos, and Tren de Aragua.⁹¹⁵ Sources indicated that Venezuelan women are trafficked into sexual exploitation in the border with Venezuela

⁹⁰⁴ Colombia, Defensoría del Pueblo, Alerta Temprana No. 039-19, 16 September 2019, [url](#), p.5

⁹⁰⁵ Transparencia Venezuela, Crimen organizado y corrupción en Venezuela: Un problema de Estado, July 2020, [url](#), pp. 11-12

⁹⁰⁶ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 31

⁹⁰⁷ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 6.

⁹⁰⁸ Colombia, INMLCF, Lesiones fatales de ciudadanos venezolanos en Colombia, 2020, [url](#)

⁹⁰⁹ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 15; AFP, Ocho personas muertas por massacre en frontera, 8 March 2020, [url](#); Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 7

⁹¹⁰ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 15

⁹¹¹ AFP, Ocho personas muertas por massacre en frontera, 8 March 2020, [url](#); El Espectador, Masacre en la frontera con Venezuela, 8 March 2020, [url](#)

⁹¹² Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 8

⁹¹³ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 22-23; UN OHCHR, Oral Update on the Human Rights Situation in the Bolivarian Republic of Venezuela, 9 September 2019, [url](#); HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 12.

⁹¹⁴ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 23, 29

⁹¹⁵ Pares, Sin dios ni ley, 10 February 2020, [url](#), pp. 23, 29; Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 7-8

by offering false employment opportunities⁹¹⁶ or forcing them to sell sex.⁹¹⁷ There are instances in which their identity documents are withheld⁹¹⁸, subjected to 'multiple abuses'⁹¹⁹, and forced to pay with their work the clothing, food and 'housing' they receive, which in some cases the debt incurred is so exorbitant that women are never able to pay off.⁹²⁰ In some cases, exploited women are used among irregular armed groups as 'currency' in their dealings.⁹²¹

InSight Crime indicated that cases of sexual exploitation of Venezuelan migrant minors are 'more frequent', and that these cases have expanded not only alongside the border but in other departments of Colombia.⁹²² On 7 October 2019, Colombian news magazine *Semana* reported that authorities in the department of La Guajira dismantled a network made up of eight Colombians and two Venezuelans that drugged Venezuelan minors between the ages of 14 and 17 to sexually exploit them. The same source quotes authorities in Colombia as indicating that the network used to take advantage of the economic situation of the minors to recruit them in exchange for money, food and housing.⁹²³

Sources indicated that forced disappearances occur at the border with Colombia⁹²⁴, and it takes place both at official and informal border crossings.⁹²⁵ Most of the victims are young people, including children⁹²⁶, and Venezuelan migrants⁹²⁷, particularly women.⁹²⁸ Colombian newspaper *El Espectador* cited the Association of Relatives of the Detained and Disappeared (ASFADDES, *Asociación de Familiares de Detenidos Desaparecidos*⁹²⁹) as indicating that forced disappearance of Venezuelan citizens is mostly related with cases of human trafficking of women and girls for sexual exploitation, and forced recruitment of men by irregular armed groups.⁹³⁰

Most executions and forced disappearances occur at the border since, due to the absence of migration controls and the lack of cooperation between the authorities of both countries, investigations and the search and recovery of bodies is difficult.⁹³¹ Also, complaints are not filed in cases of forced disappearances out of fear of reprisals.⁹³² According to Fundación Progresar, mass graves with people who were presumably disappeared have been located on both sides of the border, and that according to local residents in Norte de Santander at the border with Venezuela, forced disappearances occur with the knowledge of Colombian and Venezuelan authorities that remain silent and refuse to act.⁹³³ The exact number of cases is difficult to determine, and although there are 'many' unreported cases,

⁹¹⁶ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 7-8; HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 35

⁹¹⁷ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 35

⁹¹⁸ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 35; Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 7-8

⁹¹⁹ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 8

⁹²⁰ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 35; El Poder, *Huir hacia el infierno - Parte II: trata de personas en frontera con Venezuela*, 12 March 2020, [url](#), 9:30

⁹²¹ El Poder, *Huir hacia el infierno - Parte II: trata de personas en frontera con Venezuela*, 12 March 2020, [url](#), 9:30

⁹²² InSight Crime, *Migración aumenta casos de explotación sexual infantil en Colombia*, 16 October 2019, [url](#)

⁹²³ *Semana*, *Aberrante: banda drogaba y disfrazaba niños venezolanos para venderlos sexualmente*, 7 October 2019, [url](#)

⁹²⁴ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 8-9; Pares, *Sin dios ni ley*, 10 February 2020, [url](#), p. 31

⁹²⁵ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 8

⁹²⁶ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 8-9

⁹²⁷ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 9; Pares, *Sin dios ni ley*, 10 February 2020, [url](#), p. 31

⁹²⁸ Pares, *Sin dios ni ley*, 10 February 2020, [url](#), p. 31

⁹²⁹ ASFADDES is a Colombian NGO that advocates for justice in cases of persons who have been forcibly disappeared. The organisation provides accompaniment to families of victims in their search for their relatives, including psychological and legal assistance, and in cases where the victims is found dead, assistance in their identification and restitution of remains (ASFADDES, *Objetivos Institucionales*, 2 May 2018, [url](#)).

⁹³⁰ *El Espectador*, *Los desaparecidos que nadie busca en la frontera con Venezuela*, 3 August 2019, [url](#)

⁹³¹ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 8-9

⁹³² Pares, *Sin dios ni ley*, 10 February 2020, [url](#), p. 31

⁹³³ *El Espectador*, *Los desaparecidos que nadie busca en la frontera con Venezuela*, 3 August 2019, [url](#)

between January and September 2019 up to six people have been reported as 'disappeared'.⁹³⁴ El Espectador reported that, according to Fundación Progresar, 32 Venezuelan citizens have been reported as 'disappeared' in Norte de Santander in 2018.⁹³⁵

Irregular armed groups engage in forced displacement of local populations in order to expand territorial control and influence.⁹³⁶ Sources indicated that armed groups in Apure kidnap farmers to take over their land.⁹³⁷ FundaRedes indicated that, in Zulia, about 28 landowners have been forced by the ELN to leave their lands in order to expand their territorial footing.⁹³⁸ An oral update on the human rights situation in Venezuela by the UN OHCHR indicates that between 22 and 23 November 2019, eight people were killed in a Pemón indigenous community, state of Bolívar, by an illegal armed group that seeks the seizure of land in that territory for illegal mining activities.⁹³⁹

Displacement also takes place in the context of armed confrontations among irregular armed groups.⁹⁴⁰ Europa Press reported that an armed confrontation between the ELN and Los Rastrojos in Boca de Grita led to the displacement of between 300 and 500 people to Puerto Santander (Norte de Santander), on the Colombian side.⁹⁴¹ On 22 June 2019, around 1 000 people from Boca de Grita, state of Táchira, crossed the border into Colombia after rumours were spreading that armed confrontations among irregular armed groups were going to take place in the area. Families reportedly returned to Boca de Grita out of fear that confrontations would spill over the Colombian side. Armed confrontations had reportedly taken place on 18 June 2019 in Boca de Grita, leaving at least 12 dead and 15 wounded, including members of Los Rastrojos who fled to Colombia to seek medical assistance before being captured.⁹⁴²

Irregular armed groups recruit Venezuelan migrants crossing into Colombia through informal border crossings.⁹⁴³ According to Colombian military officers, some irregular armed groups on the border have up to 30 % combatants of Venezuelan origin, with some of them killed during security operations carried out by the Colombian military in border areas.⁹⁴⁴ According to FundaRedes, in 2018 there were about 15 000 Venezuelans working directly or indirectly for irregular armed groups.⁹⁴⁵ Sources indicated that irregular armed groups recruit children on both sides of the border⁹⁴⁶, including guerrilla groups that train them in camps on the Venezuelan side.⁹⁴⁷ Recruitment of minors takes place through the organisation of soccer games⁹⁴⁸, or through the offerings of money, drugs and power.⁹⁴⁹ Recruitment is facilitated due to the humanitarian situation in Venezuela where young migrants become vulnerable to irregular armed groups⁹⁵⁰ to the point that many join voluntarily.⁹⁵¹

⁹³⁴ Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), p. 8

⁹³⁵ El Espectador, Los desaparecidos que nadie busca en la frontera con Venezuela, 3 August 2019, [url](#)

⁹³⁶ FundaRedes, videoconference, 6 May 2020; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 71

⁹³⁷ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 20; FundaRedes, videoconference, 6 May 2020

⁹³⁸ FundaRedes, videoconference, 6 May 2020

⁹³⁹ UN OHCHR, Venezuela: Commissioner Bachelet details plans for new human rights assistance, 18 December 2019, [url](#)

⁹⁴⁰ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 21

⁹⁴¹ Europa Press, Colombia.- Violentos combates entre el ELN y Los Rastrojos, 16 February 2020, [url](#)

⁹⁴² Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 5-6

⁹⁴³ Reuters, EXCLUSIVA-Grupos armados colombianos seducen a venezolanos desesperados, 20 June 2019, [url](#); FundaRedes, videoconference, 6 May 2020

⁹⁴⁴ Reuters, EXCLUSIVA-Grupos armados colombianos seducen a venezolanos desesperados, 20 June 2019, [url](#)

⁹⁴⁵ FundaRedes, Grupos armados irregulares explotan a niños y adolescentes venezolanos en la frontera, 16 December 2019, [url](#)

⁹⁴⁶ FundaRedes, Grupos armados irregulares explotan a niños y adolescentes venezolanos en la frontera, 16 December 2019, [url](#); HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 17

⁹⁴⁷ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 17; FundaRedes, videoconference, 6 May 2020

⁹⁴⁸ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 18

⁹⁴⁹ FundaRedes, videoconference, 6 May 2020

⁹⁵⁰ VOA, El 44% de las tropas del ELN ya residen en Venezuela, 8 November 2019, [url](#)

⁹⁵¹ FundaRedes, videoconference, 6 May 2020

FundaRedes reported that, according to field research conducted in Zulia, Táchira and Apure, local teachers indicated that in 2019 the dropout rates from school reached 78 %. Most children who dropped out are boys between 8 and 12 years-old, who, due to the economic crisis and lack of food, join irregular armed groups, including the ELN, EPL, FPLN and FARC dissidents, that pay about US 16 per day. Children are reportedly recruited to carry out activities such as the smuggling of gasoline across the border, drug trafficking and extortion.⁹⁵²

According to accounts provided in a Human Rights Watch report, FARC dissidents in Arauca engage in kidnapping of local residents and then smuggled into Venezuela, passing through checkpoints of the GNB without being stopped. Other accounts noted that FARC dissidents summoned a 31-year-old Venezuelan man to their camp in Apure and forced him to work without pay as a cook for two months before making a scape, and a Colombian man who after having an altercation with a member of the ELN in a bar in Arauca, was taken by the ELN to a camp in Apure and forced to work for seven months on a farm before being released.⁹⁵³

4.3 State response to border security

Actions by security forces against irregular armed groups, as reported by sources, included:

- On 7 April 2020, the government indicated that two people were killed by the FANB during an armed clash with Los Rastrojos around the municipality of Boca del Grita, state of Táchira. According to the national government political representative in the state of Táchira, authorities are 'battling' the incursion of COVID-19 and paramilitary successor groups into the country in parallel.⁹⁵⁴
- On 26 March 2020, nine members of Tren de Aragua were killed in an operation conducted by security forces including the CICPC and the FAES, in Maracay, state of Aragua.⁹⁵⁵
- On 8 February 2020, the Venezuelan army killed six members of Los Rastrojos in the municipality of Ayacucho, state of Táchira.⁹⁵⁶
- On 15 November 2019, El Nacional reported a joint operation between the GNB and the CICPC led to the killing of two members of Tren de Aragua in the state of Miranda.⁹⁵⁷

Members of security forces, including at the border areas with Colombia, have been increasingly involved in organised crime.⁹⁵⁸ Venezuelan security forces have tolerated and colluded with irregular armed groups⁹⁵⁹ due to the weakening of its operational power and territorial presence.⁹⁶⁰ Similarly, the UN OHCHR indicates that 'migrants who are leaving or re-entering Venezuela are often victims of extortion and requisitions, especially at the hands of the GNB'.⁹⁶¹ The International Crisis Group report indicates that guerrillas rely on the cooperation of state security forces to transport and export gold, who in turn 'take sizeable cuts of revenues'.⁹⁶² Human Rights Watch indicates that, according to victims

⁹⁵² FundaRedes, Grupos armados irregulares explotan a niños y adolescentes venezolanos en la frontera, 16 December 2019, [url](#)

⁹⁵³ HRW, "The Guerrillas Are the Police", January 2020, [url](#), pp. 22-23

⁹⁵⁴ La Prensa de Lara, Abatidos dos paramilitares en la frontera con Colombia, 7 April 2020, [url](#)

⁹⁵⁵ El Pitazo, Cicpc y Faes matan a nueve miembros del Tren de Aragua, 26 March 2020, [url](#)

⁹⁵⁶ El Colombiano, Muertos seis presuntos integrantes de los "rastros" en frontera venezolana, 10 February 2020, [url](#)

⁹⁵⁷ El Nacional, Muertos dos integrantes de la banda Tren de Aragua, 15 November 2019., [url](#)

⁹⁵⁸ WOLA, Beyond the Narcostate Narrative, March 2020, [url](#), p. 7

⁹⁵⁹ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 2; HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 47

⁹⁶⁰ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. 2-3

⁹⁶¹ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 73.

⁹⁶² International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 6.

and human rights officials it consulted, the GNB work with irregular armed groups to extort people taking goods across the border with Colombia.⁹⁶³

Security forces have carried out 'massive' raids against *megabandas*, perpetrating widespread human rights violations in the process. These efforts, however, have failed to reduce *megabandas'* power. In an effort to pacify Caracas and demobilise these structures, the government has 'favoured' the creation of 'peace zones' (*zonas de paz*) and non-aggression pacts between state security forces and criminal groups.⁹⁶⁴ In some low-income areas of the country with high crime rates, the government established these agreements with local criminal gangs to perform the tasks of community safety due to the absence of the government, and these groups exert control over these communities.⁹⁶⁵ According to OVV, these 'peace zones' represent a 'formal surrender of state sovereignty to criminal groups and colectivos where they exercise complete territorial control and carry out the functions of the state'.⁹⁶⁶ The Professor of Political Science indicated that these 'peace zones' are mostly located in Caracas, in the neighbourhoods José Félix Ribas, 23 de Enero, and La Cota 905, among others.⁹⁶⁷

Peace Zones in Venezuela



Map 6: Peace zones in Venezuela in 2018 ©InSight Crime CC BY-NC 3.0⁹⁶⁸

⁹⁶³ HRW, "The Guerrillas Are the Police", January 2020, [url](#), pp. 47-48.

⁹⁶⁴ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. 13-14.

⁹⁶⁵ Professor of political science, videoconference, 14 May 2020

⁹⁶⁶ OVV, videoconference, 4 May 2020

⁹⁶⁷ Professor of political science, videoconference, 14 May 2020

⁹⁶⁸ Peace Zones in Venezuela [map], in: InSight Crime, Venezuela: A Mafia State?, [2018], [url](#), p. 9

Sources pointed out the lack of access to justice in border areas where criminal groups exert territorial control'.⁹⁶⁹ FundaRedes indicated that the Office of the Ombudsperson often refuses to investigate and sends the complainant to the Public Ministry, which does not conduct proper investigations.⁹⁷⁰ According to Human Rights Watch, 'accountability for abuses by armed groups in Apure may be minimal, if not absent altogether' due to the lack of judicial independence, the non-reporting of crimes out of fear of retaliation, and, in the case of Apure, the difficulty of accessing the justice system as it is concentrated in the municipalities of Guasdalito and San Fernando.⁹⁷¹ According to the Colombian Office of the Ombudsperson, these activities 'consolidate a tacit law of silence' whereby people do not file complaints out of fear of reprisals.⁹⁷² More generally, the UN OHCHR reported that 'the Attorney's General Office, the courts and the Ombudsperson, usually do not conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations and other crimes committed by State actors, bring perpetrators to justice, and protect victims and witnesses'.⁹⁷³

Sources noted that Venezuelan migrants on the Colombian side do not report crimes committed against them out of fear of being deported⁹⁷⁴ or facing reprisals.⁹⁷⁵ The UN OHCHR further reported that 'corruption, impunity, and lack of adequate care services' prevent migrants from filing complaints.⁹⁷⁶ Human Rights Watch indicated that the Colombian some police have reportedly physically abused Venezuelans in Arauca and 'failed to protect' when local residents attacked Venezuelans.⁹⁷⁷

⁹⁶⁹ Mármol, videoconference, 1 May 2020; FundaRedes, videoconference, 6 May 2020

⁹⁷⁰ FundaRedes, videoconference, 6 May 2020

⁹⁷¹ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 48

⁹⁷² Colombia, Defensoría del Pueblo, Alerta Temprana No. 037-19, 12 September 2019, [url](#), pp. 6-7

⁹⁷³ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 33

⁹⁷⁴ HRW, "The Guerrillas Are the Police", January 2020, [url](#), pp. 40-41; UN OHCHR, Oral Update on the Human Rights Situation in the Bolivarian Republic of Venezuela, 9 September 2019, [url](#)

⁹⁷⁵ UN OHCHR, Oral Update on the Human Rights Situation in the Bolivarian Republic of Venezuela, 9 September 2019, [url](#)

⁹⁷⁶ UN OHCHR, Oral Update on the Human Rights Situation in the Bolivarian Republic of Venezuela, 9 September 2019, [url](#)

⁹⁷⁷ HRW, "The Guerrillas Are the Police", January 2020, [url](#), p. 43

5. Colectivos

Opinions on what *colectivos* currently represent in Venezuela differ markedly.⁹⁷⁸ On one hand, the government considers *colectivos* as 'angels of socialism', 'organisations created for the good of the community [that] work for society, for the sick, for peace, and against crime'⁹⁷⁹, 'front line organisers for his socialist revolution'⁹⁸⁰, and as 'agricultural workers'.⁹⁸¹ Maduro has defended *colectivos* on public broadcast⁹⁸² and has requested them 'to take to the streets "to every corner to defend the Revolution"'.⁹⁸³ They are also called 'peace crews' ['*cuadrillas de paz*'].⁹⁸⁴ On the other hand, *colectivos* are described by sources as 'paramilitary groups'⁹⁸⁵; 'vigilante groups'; 'pro-government militias'; 'brutal para-police enforcers'⁹⁸⁶; groups that are 'part motorcycle club, part death squad'⁹⁸⁷; and an 'unofficial' police force⁹⁸⁸. Mouttet similarly indicated that the term 'colectivos' is, for the opposition, any *chavista* group in arms.⁹⁸⁹

However, *colectivos* are not homogeneous⁹⁹⁰ and not all of them act as 'paramilitary' forces.⁹⁹¹ There are *colectivos* that do community work and promote government social programs⁹⁹² such as the operation of community radio stations, the organisation of sport activities for at-risk youth, the distribution of cash bonuses and the CLAPs that are sent by the government, and the organisation of local staple markets at lower prices.⁹⁹³ A group of women, for example, can be dedicated to the advocacy of women rights and be considered a *colectivo* without resorting to violence or taking up arms. In this sense, the term cannot be assigned a sole definition as it is not concretely determined.⁹⁹⁴ According to Mouttet, it would be more useful to refer to *colectivos* as 'armed groups'⁹⁹⁵ rather than *colectivos*.⁹⁹⁶

According to Velasco, 'the term "colectivo" has been used for an 'infinite variety' of purposes to the point of losing its descriptive substance'. The idea of the *colectivo* has taken a very powerful force in the social imagery for what it actually is.⁹⁹⁷ The International Crisis Group also indicated that 'both *colectivos*' opponents and their defenders tend to attribute almost mythical dimensions to their importance'.⁹⁹⁸

⁹⁷⁸ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 7; NIUS, Así son los colectivos 'chavistas' al servicio de Maduro, 22 February 2020, [url](#)

⁹⁷⁹ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

⁹⁸⁰ CNN, The Venezuelan radio host leading an armed 'colectivo', 24 May 2019, [url](#)

⁹⁸¹ Clarín, "Brazo armado" Venezuela, 5 April 2019, [url](#)

⁹⁸² InSight Crime, Maduro Relies on 'Colectivos' to Stand Firm in Venezuela, 18 March 2019, [url](#); Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

⁹⁸³ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

⁹⁸⁴ Clarín, "Brazo armado" Venezuela, 5 April 2019, [url](#); Efecto Cocuyo, Así funcionan las "cuadrillas de paz", 7 April 2019, [url](#)

⁹⁸⁵ Infobae, Radiografía de los colectivos chavistas, 11 January 2020, [url](#); PROVEA, Colectivos se fortalecen con la anuencia del Estado, 2 April 2019, [url](#)

⁹⁸⁶ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. Principal Findings, i, 7

⁹⁸⁷ CNN, The Venezuelan radio host leading an armed 'colectivo', 24 May 2019, [url](#)

⁹⁸⁸ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#); VICE, How Venezuela's Fearsome "Colectivos" Help Keep Maduro in Power, 7 July 2019, [url](#)

⁹⁸⁹ Mouttet, videoconference, 8 May 2020

⁹⁹⁰ OVV, videoconference, 4 May 2020

⁹⁹¹ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

⁹⁹² Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#); Mouttet, videoconference, 8 May 2020

⁹⁹³ NIUS, Así son los colectivos 'chavistas' al servicio de Maduro, 22 February 2020, [url](#)

⁹⁹⁴ Mouttet, videoconference, 8 May 2020

⁹⁹⁵ Given the variety of types of colectivos, this report is focused on 'armed colectivos' and tries, to the extent possible, refer to these groups as such.

⁹⁹⁶ Mouttet, videoconference, 8 May 2020

⁹⁹⁷ Velasco, videoconference, 1 May 2020

⁹⁹⁸ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 7

The International Crisis Group indicated that *colectivos* 'have gained prominence as Venezuela's political conflict has intensified'.⁹⁹⁹ *Colectivos* exert political and social control in neighbourhoods¹⁰⁰⁰ in the name of the 'Bolivarian revolution'.¹⁰⁰¹ They have become instrumental in the use of coercive control over protests¹⁰⁰² through the use of violence and often in coordination with security forces.¹⁰⁰³ According to InSight Crime, the use of *colectivos* to attack the political opposition diverts responsibility for human rights violations away from the government, at the time that they have grown increasingly armed throughout the years and are prone to engage in criminal activities.¹⁰⁰⁴ The *colectivos*, alongside the FAES and the Bolivarian militia, are considered the 'armed wing' of Maduro's government.¹⁰⁰⁵ They have also been linked to organised criminal activities¹⁰⁰⁶ and some reportedly have alliances with the ELN in the border area with Colombia.¹⁰⁰⁷ International Crisis Group indicated that the rise of *colectivos* and the ELN at the border is an expression of a 'certain distrust by the Venezuelan government of its own security forces, their loyalty, and integrity of some parts of these forces'.¹⁰⁰⁸ Velasco similarly indicated that Maduro's reliance on *colectivos* is due to his mistrust in the military forces to carry out repression of demonstrators and inside low-income communities.¹⁰⁰⁹ International Crisis Group also pointed that 'the greater the geopolitical pressure against Venezuela, and the greater the threat of a military intervention; the more Venezuela feels alone and beleaguered, and the more it will resort to a wider array of armed groups in an effort to defend the regime'.¹⁰¹⁰

5.1 Types of *colectivos* and activities

Velasco identifies three types of *colectivos*. The first type emerged in the 1980s and had ideological ties with guerrilla groups that had been operating since the 1960s. These *colectivos* were ideologically and politically independent and had military training and the double purpose of 'cleansing the communities' from criminals and drug addicts and establishing political and ideological ties with the youth. When Chávez took office in 1999, a second type of *colectivos* emerged that were closely identified with Chávez's government, while keeping ties with the first *colectivos*. These *colectivos* were not as independent as their predecessors, and were considered by the government as an important tool to reach out to low-income communities to deliver government programs and services. They received financing from the government, and the more the government grew, the more powerful *colectivos* became, including in the participation in the monopoly of violence.¹⁰¹¹ Chávez legitimised *colectivos* and provided them with resources to gain their loyalty.¹⁰¹² However, when Chávez died, their loyalty extended to Maduro.¹⁰¹³ Given the economic crisis that started to affect Venezuela and the lower amount of resources that *colectivos* started to receive from the government, a third type of

⁹⁹⁹ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 7

¹⁰⁰⁰ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 32; Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

¹⁰⁰¹ Infobae, Radiografía de los colectivos chavistas, 11 January 2020, [url](#); Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

¹⁰⁰² International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 7; UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 32

¹⁰⁰³ UN OHCHR, Human Rights in the Bolivarian Republic of Venezuela, 5 July 2019, [url](#), para. 39

¹⁰⁰⁴ InSight Crime, The Armed Groups Propping Up Venezuela's Government, 1 March 2019, [url](#)

¹⁰⁰⁵ Clarín, "Brazo armado" Venezuela, 5 April 2019, [url](#)

¹⁰⁰⁶ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 8

¹⁰⁰⁷ Blue Radio, Ocho personas muertas por masacre en frontera, 8 March 2020, [url](#); Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 8

¹⁰⁰⁸ International Crisis Group, telephone interview, 30 April 2020

¹⁰⁰⁹ Velasco, videoconference, 1 May 2020

¹⁰¹⁰ International Crisis Group, telephone interview, 30 April 2020

¹⁰¹¹ Velasco, videoconference, 1 May 2020

¹⁰¹² VICE, How Venezuela's Fearsome "Colectivos" Help Keep Maduro in Power, 7 July 2019, [url](#)

¹⁰¹³ Velasco, videoconference, 1 May 2020; VICE, How Venezuela's Fearsome "Colectivos" Help Keep Maduro in Power, 7 July 2019, [url](#)

colectivos emerged with an increasing role in security tasks. These *colectivos* became a source of security for the government, a 'shock force', faced with increasing social conflict and demonstrations.¹⁰¹⁴ Mouttet pointed out that the first wave of *colectivos* were more involved in social work inside the neighbourhoods, and the second wave, with Chávez in power, became more involved in the 'Bolivarian revolution', while the third wave include security forces disguised as *colectivos* to carry out security operations.¹⁰¹⁵

The International Crisis Group identifies three categories of *colectivos*: The first consist of groups that emerged in the 1970s and 1980s with a left-wing ideology committed to the improvement of community life through public policy, cultural activities and against police repression, but that later became more close to Maduro to defend against 'imperialist forces'. An example is the Coordinadora Simón Bolívar in the 23 de Enero neighbourhood in Caracas. The second category are 'opportunists and criminals who use their supposed affiliation with *chavismo* to gain legitimacy and act with impunity'. The Frente 5 de Marzo is an example of this category. These *colectivos* have links to security forces and the political elite, although they also engage in activities such as extortion. They also engage in some community work to win support, and although they are at 'loggerheads' with politically oriented *colectivos*, both come together 'in moments of crisis' to 'defend the "revolution" and follow government dictates'. The third category consists of 'paramilitary' and 'para-police' units that are 'directly related to the state and are often the creations of politicians or senior government officials, which use them as private shock forces'. These *colectivos* 'do not always have a territorial base and usually coexist with the other two types at state-organised events and initiatives', and *colectivos* of this sort like Tres Raíces in the 23 de Enero neighbourhood, have allegedly executed joint operations with the FAES.¹⁰¹⁶

According to PROVEA, Tres Raíces, one of the most powerful *colectivos* in terms of weaponry, has about 180 members and owns a textile company and a radio station in the neighbourhood 23 de Enero. This colectivo reportedly possessed a list of CLAP beneficiaries, surveilled the community, controlled the sales of local businesses, extorted, kidnapped and, according to some residents, committed homicides of rival gangs that sought entrance in the neighbourhood.¹⁰¹⁷ Al Jazeera indicated that La Piedrita is Caracas' largest and most powerful colectivo.¹⁰¹⁸ *Colectivos* like the Alexis Vive, which is also present in the 23 de Enero neighbourhood in Caracas controlling most of that neighbourhood, uses 'a mixture of intimidation and indoctrination', surveilling the neighbourhood through CCTV, and operating a radio station to disseminate pro-government messages.¹⁰¹⁹ *Colectivos* are reportedly involved in drug trafficking, extortion¹⁰²⁰, extrajudicial killings, kidnapping, smuggling gasoline across the border with Colombia¹⁰²¹, small scale drug dealing, robbery, hired killings, trespassing on private property¹⁰²², forced displacement¹⁰²³, and controlling of the distribution of CLAP food boxes.¹⁰²⁴ They are also accused of firing live rounds to intimidate opposition protests.¹⁰²⁵ OVV indicated that during protests carried out by banging pans and pots at balconies (*cacerolazos*) in low-

¹⁰¹⁴ Velasco, videoconference, 1 May 2020

¹⁰¹⁵ Mouttet, videoconference, 8 May 2020

¹⁰¹⁶ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. 8-9

¹⁰¹⁷ PROVEA, Colectivos se fortalecen con la anuencia del Estado, 2 April 2019, [url](#)

¹⁰¹⁸ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

¹⁰¹⁹ VICE, How Venezuela's Fearsome "Colectivos" Help Keep Maduro in Power, 7 July 2019, [url](#)

¹⁰²⁰ Infobae, Radiografía de los colectivos chavistas, 11 January 2020, [url](#); Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

¹⁰²¹ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

¹⁰²² La Opinión, ¿Quiénes son los colectivos?, 27 February 2019, [url](#)

¹⁰²³ Caracol, Desplazamiento en Venezuela por grupos armados en frontera, 25 May 2019, [url](#)

¹⁰²⁴ OVV, videoconference, 4 May 2020

¹⁰²⁵ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

income neighbourhoods, armed *colectivos* have fired live rounds at their residences or going to their residences and intimidate them by prohibiting from engaging in these protests.¹⁰²⁶

The International Crisis Group indicated that the recent stifling of protests in low-income neighbourhoods and acts of repression against the opposition show a shift from the traditional *colectivo* discourse related to the defense of communities, carrying out grassroots mobilisation, and checking the implementation of government policies in the ground, to an instrumental use of these forces by the government in its rhetoric of the 'fight against the empire', 'resistance', and 'sovereignty', in which *colectivos* respond to the political demands of leading figures in central government.¹⁰²⁷

5.2 Structure

Colectivos do not have a homogeneous structure¹⁰²⁸ and disputes over interests and territory can emerge among them.¹⁰²⁹ Whether different *colectivos* are unified under a hierarchy varies among sources. Some sources indicated that *colectivos* do not report to a single chain of command¹⁰³⁰ as they operate as autonomous, independent cells, and when they take the role of 'shock forces', they operate completely autonomously.¹⁰³¹ Mármol indicated, however, that there is a national secretariat of the *colectivos* in Caracas.¹⁰³² Information on *colectivos* acting together is scarce, with the exception of the events in 2019 when the opposition tried to introduce humanitarian aid into Venezuela where *colectivos* from Caracas and Maracaibo were present during the clashes that occurred at the border.¹⁰³³

The number of members of *colectivos* is uncertain as there are also informal offshoots of *colectivos*.¹⁰³⁴ In addition to the *colectivos* themselves, 'there are concentric circles made up by close supporters such as members of communal councils, family members, and persons who, not being members of *colectivos* themselves, sympathise with these groups'.¹⁰³⁵ Other sources indicate that numbers range from 5 000 to 100 000.¹⁰³⁶

Members of *colectivos* include civilians, members of security forces¹⁰³⁷, and government employees.¹⁰³⁸ Many members of *colectivos* are, in turn, members of the government's Bolivarian militia, which is part of the armed forces¹⁰³⁹, and the FAES.¹⁰⁴⁰ Most members of *colectivos* depend on the benefits that these groups provide, in the context of an economic crisis that hinders their ability to provide support for their families.¹⁰⁴¹ Among the benefits are access to motorcycle parts that are not readily available in the country or are very expensive, as many members of *colectivos* depend on their income as moto-taxi drivers.¹⁰⁴²

¹⁰²⁶ OVV, videoconference, 4 May 2020

¹⁰²⁷ International Crisis Group, telephone interview, 30 April 2020

¹⁰²⁸ Mouttet, videoconference, 8 May 2020; Infobae, Radiografía de los colectivos chavistas, 11 January 2020, [url](#)

¹⁰²⁹ Infobae, Radiografía de los colectivos chavistas, 11 January 2020, [url](#); Velasco, videoconference, 1 May 2020

¹⁰³⁰ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#); Mouttet, videoconference, 8 May 2020

¹⁰³¹ Velasco, videoconference, 1 May 2020

¹⁰³² Mármol, videoconference, 1 May 2020

¹⁰³³ Velasco, videoconference, 1 May 2020

¹⁰³⁴ CNN, The Venezuelan radio host leading an armed 'colectivo', 24 May 2019, [url](#); Velasco, videoconference, 1 May 2020

¹⁰³⁵ Velasco, videoconference, 1 May 2020

¹⁰³⁶ GlobalPost, Maduro turns to violent 'mercenary' colectivos to maintain order, 25 April 2019, [url](#)

¹⁰³⁷ InSight Crime, The Armed Groups Propping Up Venezuela's Government, 1 March 2019, [url](#); Mármol, videoconference, 1 May 2020

¹⁰³⁸ Infobae, Radiografía de los colectivos chavistas, 11 January 2020, [url](#); InSight Crime, The Armed Groups Propping Up Venezuela's Government, 1 March 2019, [url](#)

¹⁰³⁹ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), p. 8

¹⁰⁴⁰ Reuters, Escuadrón de élite de la policía infunde el terror, 14 November 2019, [url](#); Mouttet, videoconference, 8 May 2020

¹⁰⁴¹ NIUS, Así son los colectivos 'chavistas' al servicio de Maduro, 22 February 2020, [url](#)

¹⁰⁴² NIUS, Así son los colectivos 'chavistas' al servicio de Maduro, 22 February 2020, [url](#)

Sources indicated that *colectivos* communicate among themselves¹⁰⁴³, usually among their leaders through social media such as WhatsApp.¹⁰⁴⁴ They used to hold assemblies where they sent representatives, but that has ceased for the 'last several' months.¹⁰⁴⁵

5.3 Recruitment

According to Velasco, recruitment often starts at the age between 15 and 17 years-old by expressing interest in joining the *colectivo*. 'At the beginning, new recruits perform tasks such as providing logistical support, distributing resources, among others. The more experienced the person is, the more involvement the person has in security-related tasks such as night rounds to protect their territory from criminal activities'. Recruitment is not forced, it is voluntary, as *colectivos* seek the trust of the person.¹⁰⁴⁶ According to InSight Crime, many members of *colectivos* fear reprisals if they abandon the government's 'revolution'.¹⁰⁴⁷ However, Velasco indicated that members of *colectivos* can leave the group without reprisals, and that there are even members who have emigrated due to the lack of stable incomes.¹⁰⁴⁸ Additional and corroborating information could not be found among the sources consulted within the time constraints for this report.

5.4 Areas of operation

Colectivos are not present throughout the entire country but are mostly present in large urban areas.¹⁰⁴⁹ In May 2018, InSight Crime indicated that *colectivos* were reportedly operating in at least 16 states, including Miranda, Aragua, Carabobo, Lara, Mérida, Táchira, Zulia, and Bolívar.¹⁰⁵⁰ Mármol indicated that *colectivos* are present in about 30 % of parishes.¹⁰⁵¹

Velasco indicated that few *colectivos* operate beyond their areas of influence as they are 'very hyper-localised with a very hyper-localised local control, in the sense that a colectivo does not exert control over entire neighbourhoods, but over a few streets'.¹⁰⁵² Mármol similarly indicated that *colectivos* are very 'autochthonous' to their territories and respect the territories of other *colectivos*.¹⁰⁵³ According to Velasco, only two *colectivos* have a wider presence: the colectivo Coordinating Committee Simón Bolívar (*Coordinadora Simón Bolívar*) in western Venezuela, and colectivo Tupamaros. Conflicts among *colectivos* occur for two reasons: one is the ideological side where *colectivos* heavily dependent on the government are considered by other *colectivos* as having 'abandoned the revolution'. This type of conflict occurs mostly among older *colectivos*.¹⁰⁵⁴

Map 7, by Efecto Cucoyo/ Ideografiko indicates the presence of the 'peace crews' or *colectivos* in Venezuela. Table 1 provides

¹⁰⁴³ Mouttet, videoconference, 8 May 2020; Velasco, videoconference, 1 May 2020

¹⁰⁴⁴ Velasco, videoconference, 1 May 2020

¹⁰⁴⁵ Velasco, videoconference, 1 May 2020

¹⁰⁴⁶ Velasco, videoconference, 1 May 2020

¹⁰⁴⁷ InSight Crime, The Armed Groups Propping Up Venezuela's Government, 1 March 2019, [url](#)

¹⁰⁴⁸ Velasco, videoconference, 1 May 2020

¹⁰⁴⁹ Velasco, videoconference, 1 May 2020; OVV, videoconference, 4 May 2020

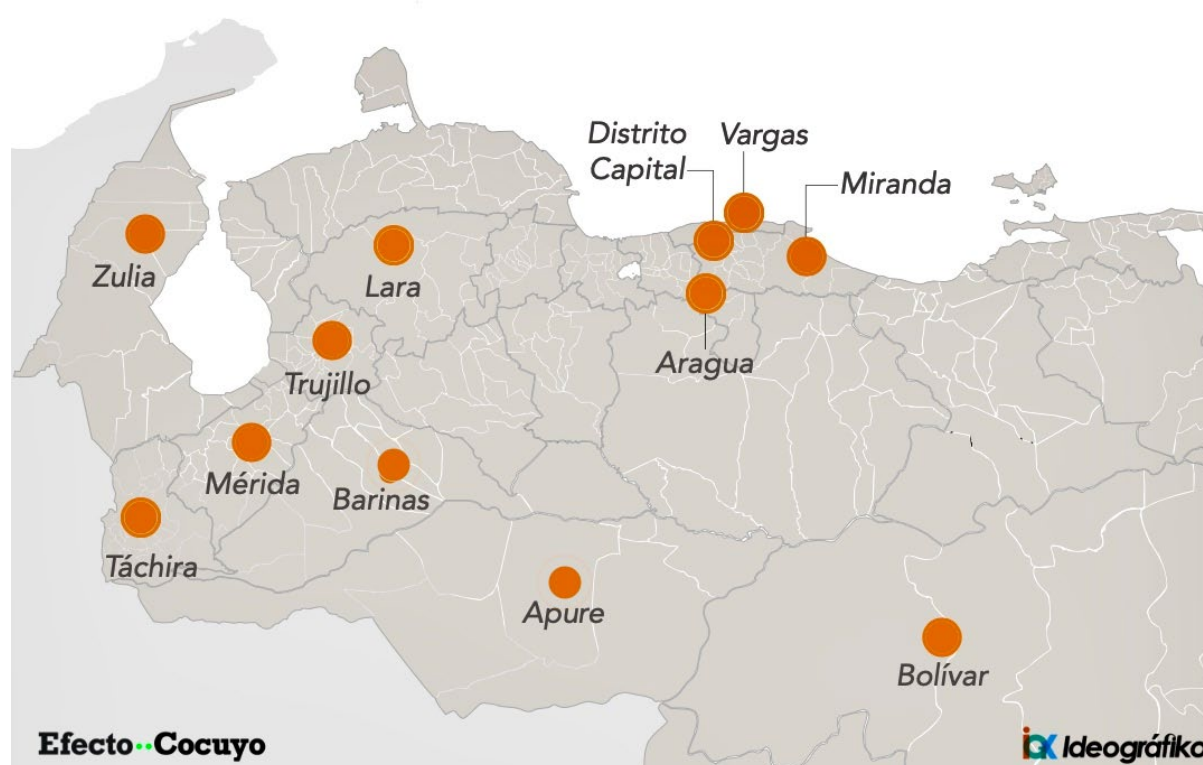
¹⁰⁵⁰ InSight Crime, The Devolution of State Power, 18 May 2018, [url](#)

¹⁰⁵¹ Mármol, videoconference, 1 May 2020

¹⁰⁵² Velasco, videoconference, 1 May 2020

¹⁰⁵³ Mármol, videoconference, 1 May 2020

¹⁰⁵⁴ Velasco, videoconference, 1 May 2020



Map 7: Presence of the 'peace crews' or *cuadrillas de paz*, otherwise known as *colectivos*, in Venezuela, 7 April 2019 © Efecto Cocuyo/Ideográfico¹⁰⁵⁵

State	Groups	Political links
Apure	Federación Regional de Motorizados del estado de Apure	Governorate
Aragua	Non-identified	Governorate and Municipal Council
Barinas	Tupamaros	Non-identified
Bolívar	Mersuv Others non-identified	Legislative Council
Capital District	Frente Motorizado Bolivariano Colectivo 5 de Marzo Colectivo Pioneros de Mi Patria Frente Simón Bolívar Frente Socialista Nicolás Maduro Colectivo Alexis Vives Colectivo La Piedrita Others non-identified	Libertador City Hall, ANC, and the National Institute of land Transportation (INTT, Instituto Nacional de Transporte Terrestre)

¹⁰⁵⁵ Mapa de la militancia armada de Maduro [map], in: Efecto Cocuyo, Así funcionan las “cuadrillas de paz”, colectivos armados de Nicolás Maduro, 7 April 2019, [url](#)

Lara	Tupamaros Alí Primera Others non-identified	Governorate and the legislative Council
Mérida	Tupamaros Others non-identified	State police and the GNB
Miranda	Frente Motorizado Bolivariano	Legislative Council
Táchira	Frente Motorizado Bolivariano Others non-identified	Non-identified
Trujillo	Non-identified	Valera City Hall
Vargas	Non-identified	Governorate and the SEBIN
Zulia	Non-identified	Governorate, CLAP, and Chamba Juvenil

Figure 1: Presence of the 'peace crews' or *cuadrillas de paz*, otherwise known as *colectivos*, in Venezuela, 7 April 2019 © Efecto Cocuyo¹⁰⁵⁶

The government of Peru indicated that members of Venezuelan *colectivos* operate in the country threatening Venezuelan activists who advocate for the rights of migrants, and handing out pamphlets accusing Venezuelan migrants of being 'traitors'.¹⁰⁵⁷ They are also present on the border with Colombia where they control some of the irregular border crossings extorting those who crossed through them, including Venezuelan migrants.¹⁰⁵⁸ For example, Colombian news magazine *Semana* reported that irregular armed groups, including armed *colectivos*, are present in the border town of La Parada, Norte de Santander, a 15-minutes' drive from Cúcuta that sees the movement of about 40 000 people per day, where they engage in extortion of migrants.¹⁰⁵⁹

5.5 Profiles of targeted individuals

Armed *colectivos* reportedly perpetrate violent acts against demonstrators, actual or perceived members and activists of the opposition¹⁰⁶⁰, elected officials, students¹⁰⁶¹, journalists¹⁰⁶², and health care professionals.¹⁰⁶³ Velasco also indicated that people who express dissent in a 'non-encompassing way, that is, without including in the list of the causes of the crisis in Venezuela statements such as "empire", "economic sanctions", and "opposition" is often considered a person that needs to be surveilled'.¹⁰⁶⁴ Also, security forces pass along information to *colectivos* on targeted individuals who had been allegedly involved in actions such as participating in a demonstration in order to surveil them inside the communities.¹⁰⁶⁵ It is likely that *colectivos* can have access to government databases as

¹⁰⁵⁶ Table 1 created by the author based on: Mapa de la militancia armada de Maduro [map], in: Efecto Cocuyo, Así funcionan las "cuadrillas de paz", colectivos armados de Nicolás Maduro, 7 April 2019, [url](#)

¹⁰⁵⁷ Diario Las Américas, Gobierno de Perú denuncia envío de colectivos por parte del régimen de Nicolás Maduro, 2 February 2020, [url](#)

¹⁰⁵⁸ Reuters, EXCLUSIVA-Grupos armados colombianos seducen a venezolanos desesperados, 20 June 2019, [url](#); Caracol, Nuevo grupo ilegal hace presencia en la zona de frontera, 19 June 2019, [url](#)

¹⁰⁵⁹ *Semana*, La Parada, el barrio donde gobierna el caos, 9 November 2019, [url](#)

¹⁰⁶⁰ Velasco, videoconference, 1 May 2020; ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#), para. 74

¹⁰⁶¹ ICC, Report on Preliminary Examination Activities 2019, 5 December 2019, [url](#), para. 74

¹⁰⁶² FundaRedes, Curva de la violencia en seis estados fronterizos de Venezuela, 2019, [url](#), p. 9

¹⁰⁶³ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 22; CEPAZ, Encrucijada política en Venezuela, 22 July 2019, [url](#), p. 15

¹⁰⁶⁴ Velasco, videoconference, 1 May 2020

¹⁰⁶⁵ Velasco, videoconference, 1 May 2020

some of their members are also members of security forces¹⁰⁶⁶ or have alliances with security forces.¹⁰⁶⁷ According to Mármol, 'it is feasible, by making a logical analysis, that when *colectivos* as a structure require more targeted information on someone, that member of the *colectivo*, who is also a member of the security forces, can have access to the required information from government databases'.¹⁰⁶⁸

According to Velasco, the profile of the person does not necessarily need to be high in order to be targeted, 'on the contrary, persons with low profile tend to be seen by the *colectivos* as "destabilising agents" that can later become difficult to address'. Velasco explained that high profile persons are more difficult to control because the higher the profile, the more difficult it is to harass and repress.¹⁰⁶⁹

For further information on the role of *colectivos* in the targeting of particular groups, see [Chapter 3](#).

5.6 Modus operandi

Velasco indicated that *colectivos* operate in two ways. On one hand, since *colectivos* have access to both the government and communities, they have a certain degree of legitimacy in communities. In this sense, they exert control within communities and communal councils to the extent that meetings carried out by councils often take place in spaces controlled by *colectivos*, and also act as justices of the peace to settle local disputes. They also control the distribution of CLAP food boxes, which often takes place based on the ideological affiliation of the person. On the other hand, *colectivos* act as a 'shock force' that engages in 'repression'.¹⁰⁷⁰ Mármol similarly commented that *colectivos* settle local disputes such as domestic violence, and debts, and control food distribution networks, which allows them to exert social control inside the communities, identify who is pro-government and who is not, who is a 'passive' and who is an 'active supporter' of the opposition, and act accordingly. It is a social control exerted through 'reward and punishment, through the distribution of food'.¹⁰⁷¹ OVV noted that *colectivos* have contributed to the pacification of neighbourhoods by controlling crime and drug trafficking inside these areas, for example.¹⁰⁷² It is not clear whether *colectivos* obey orders from the national government, however, high-ranking officials, including the president, make ambiguous statements on national television that can give way to several interpretations, as it occurred in March 2019 when president Maduro called the *colectivos* to do 'active resistance'.¹⁰⁷³

In the context of protests, members of *colectivos* seldom cover their faces.¹⁰⁷⁴ When they do, they use ski masks or bandanas, and wear clothes featuring communist imagery as well as hip packs or tactical bags to conceal weapons.¹⁰⁷⁵ They reportedly use tear gas¹⁰⁷⁶, which is only available to security forces.¹⁰⁷⁷ *Colectivos* reportedly possess weapons licenses issued by security forces¹⁰⁷⁸, with the most common being automatic pistols, submachine guns, and AR-15 and AK-47 long rifles.¹⁰⁷⁹ They carry radio equipment to communicate with each other and security forces, and use motorcycles and pick-

¹⁰⁶⁶ Mármol, videoconference, 1 May 2020; FundaRedes, videoconference, 6 May 2020

¹⁰⁶⁷ International Crisis Group, telephone interview, 30 April 2020

¹⁰⁶⁸ Mármol, videoconference, 1 May 2020

¹⁰⁶⁹ Velasco, videoconference, 1 May 2020

¹⁰⁷⁰ Velasco, videoconference, 1 May 2020

¹⁰⁷¹ Mármol, videoconference, 1 May 2020

¹⁰⁷² OVV, videoconference, 4 May 2020

¹⁰⁷³ Mouttet, videoconference, 8 May 2020

¹⁰⁷⁴ Al Jazeera, Venezuela: Who are the *colectivos*?, 9 May 2019, [url](#)

¹⁰⁷⁵ La Opinión, ¿Quiénes son los *colectivos*?, 27 February 2019, [url](#)

¹⁰⁷⁶ La Opinión, ¿Quiénes son los *colectivos*?, 27 February 2019, [url](#); Al Jazeera, Venezuela: Who are the *colectivos*?, 9 May 2019, [url](#)

¹⁰⁷⁷ Al Jazeera, Venezuela: Who are the *colectivos*?, 9 May 2019, [url](#)

¹⁰⁷⁸ Al Jazeera, Venezuela: Who are the *colectivos*?, 9 May 2019, [url](#); Mármol, videoconference, 1 May 2020

¹⁰⁷⁹ La Opinión, ¿Quiénes son los *colectivos*?, 27 February 2019, [url](#)

up trucks for transportation.¹⁰⁸⁰ In some instances, they carry official credentials from security forces to evade checkpoints.¹⁰⁸¹ Members of *colectivos* are reportedly provided with identity cards signed by Maduro that identify them as such and give them permission to carry weapons, "in concordance with the Organic Law for Communes and Social Movements".¹⁰⁸²

Sources observed that *colectivos* constantly monitor the opposition's call for protests and mobilise accordingly.¹⁰⁸³ Spain-based news website NIUS quoted a member of the colectivo National Federation of Motorcycles (*Federación Nacional de Motorizados*), also known as Motorised Forces (*Fuerzas Motorizadas*), based in Caracas, as indicating that their task is to carry out 'security rounds' on their motorcycles to 'keep order, maintain the status quo, and control the Venezuelan opposition during the days they call for protests'.¹⁰⁸⁴ According to a member of the same colectivo interviewed by VICE, they sent one or two members to gather information during the onset of the protests and when the situation 'gets hectic, the entire Caracas chapter activates. That means 2 000-3 000 motorcyclists out in the streets'.¹⁰⁸⁵ The OVV similarly indicated that when the opposition organises a rally, the *colectivos* rapidly organise to send over 50 individuals on motorcycles to intimidate protesters.¹⁰⁸⁶ Velasco remarked, however, that *colectivos* that emerged in 2016-2017 have more coordination and mobility and move to areas where protests occur.¹⁰⁸⁷ Mármol also said that some *colectivos* can organise a rapid mobilisation of motorised members.¹⁰⁸⁸

A report produced by Efecto Cocuyo, based on interviews with residents and human rights organisations in the states where *colectivos* are reportedly operating, indicated that in the states of Zulia, Aragua and Lara, where no *colectivo* 'with a structure and hierarchy has been identified', it are political activists close to Maduro who mobilise workers from the governorates, town halls and local councils. Public officials and government supporters reportedly make threats in communities to dissuade protests. The first confrontation with protesters usually consists of verbal threats and the taking of photographs of attendees. Once the demonstration turns violent, *colectivos* use firearms, stones and hard objects to disperse it. Government security forces reportedly support *colectivos* during protests and, according to PROVEA, security forces and *colectivos* conduct joint arrests of protesters.¹⁰⁸⁹ On 15 January 2020, for example, teachers who were protesting in Caracas demanding better wages were met by *colectivos* who threw at the teachers 'bombs' with eggs, faeces and urine.¹⁰⁹⁰ Journalists who were covering the protest were also targeted with faeces, urine, stones, sticks and live rounds.¹⁰⁹¹

Colectivos use graffiti to threaten political, social and student activists.¹⁰⁹² On 10 May 2019, the properties of several opponents of Maduro were painted with graffiti signed by *colectivos*.¹⁰⁹³ Most graffiti in 10 states reportedly read 'we are coming for you' or 'now we are coming for you' or 'your

¹⁰⁸⁰ La Opinión, ¿Quiénes son los colectivos?, 27 February 2019, [url](#)

¹⁰⁸¹ Mármol, videoconference, 1 May 2020

¹⁰⁸² Clarín, "Brazo armado" Venezuela, 5 April 2019, [url](#)

¹⁰⁸³ Efecto Cocuyo, Así funcionan las "cuadrillas de paz", 7 April 2019, [url](#); NIUS, Así son los colectivos 'chavistas' al servicio de Maduro, 22 February 2020, [url](#)

¹⁰⁸⁴ NIUS, Así son los colectivos 'chavistas' al servicio de Maduro, 22 February 2020, [url](#)

¹⁰⁸⁵ VICE, How Venezuela's Fearsome "Colectivos" Help Keep Maduro in Power, 7 July 2019, [url](#)

¹⁰⁸⁶ OVV, videoconference, 4 May 2020

¹⁰⁸⁷ Velasco, videoconference, 1 May 2020

¹⁰⁸⁸ Mármol, videoconference, 1 May 2020

¹⁰⁸⁹ Efecto Cocuyo, Así funcionan las "cuadrillas de paz", colectivos armados de Nicolás Maduro, 7 April 2019, [url](#)

¹⁰⁹⁰ Efecto Cocuyo, 'Por protestar con un lápiz y una pancarta fuimos brutalmente agredidos por colectivos', 15 January 2020, [url](#)

¹⁰⁹¹ El Nacional, Colectivos chavistas lanzan orina y heces a periodistas, 15 January 2020, [url](#)

¹⁰⁹² InSight Crime, Graffiti Death Threats, 22 May 2019, [url](#); OAS, CIDH condena el recrudecimiento de ataques, 14 May 2019, [url](#)

¹⁰⁹³ InSight Crime, Graffiti Death Threats, 22 May 2019, [url](#); CEPAZ, La formula perfecta para apuntalar la dictadura, January 2020, [url](#); pp. 25-26

time has come', the name of the person threatened, and the name of the local colectivo.¹⁰⁹⁴ On 29 March 2020, the website of the National Assembly indicated that National Assembly deputies' houses and businesses from the states of Táchira, Lara, Apure, Bolívar, Trujillo, Anzoátegui, Monagas, and Delta Amacuro were painted by *colectivos* with graffiti such as 'Bolivarian fury' and 'We have you located, colectivo Frontera', in what AN deputies say are acts of intimidation and threats.¹⁰⁹⁵ According to Velasco, *colectivos* seldom go to the areas influenced by the opposition, 'except in moments of high social tension when *colectivos* go to these areas to harass and intimidate them, usually by passing by on their motorcycles which in Venezuela is an image of intimidation. Sometimes members of *colectivos* contact older relatives of targeted individuals to persuade them to dissuade the targeted person from continuing engaging in opposition activities.'¹⁰⁹⁶

Velasco noted that *colectivos* also fire at the houses of targeted persons in order to force them out of the neighbourhood where that colectivo operates.¹⁰⁹⁷ A colectivo called Colectivos in Defense of the Border and the Bolivarian Revolution (*Colectivos en Defensa de la Frontera y la Revolución Bolivariana*) in San Antonio and Ureña, state of Táchira, reportedly transited through the streets on 15 November 2019 in motorcycles with long rifles, detonating stun grenades and painting graffiti alluding to the 'defense of the revolution' and 'popular organization' to face Colombian paramilitary successor groups. The same colectivo has also set up checkpoints in Ureña to check on vehicles and occupants. Authorities reportedly did not intervene.¹⁰⁹⁸

According to Velasco, *colectivos* infringe the access to health care for members of the opposition and other targeted individuals through the medical missions in low-income neighbourhoods. Since many members of *colectivos* have close relationship with doctors from these missions, and provide them with protection, assistance and support, targeted individuals by *colectivos* often do not seek medical assistance from these missions as they consider these doctors, whether in fact or a perception, as an 'appendice' of the *colectivos*.¹⁰⁹⁹ Velasco also indicated that *colectivos* can represent an obstacle for targeted individuals for obtaining identity documents and passports.¹¹⁰⁰ For more information, see [Chapter 6](#).

5.7 Financing and support

Colectivos have financing from both licit and illicit activities. Licit financing comes from the government in the form of direct payments¹¹⁰¹, which have been decreasing over time; contracts they have with the government to distribute the CLAP food boxes in the communities, which is becoming more lucrative; the selling of medicine at exorbitant prices; and businesses that they own and run.¹¹⁰² Velasco indicated that even though financial support has been decreasing over the years, tasks such as the distribution of the CLAP food boxes represent a powerful tool to control the community.¹¹⁰³ Among the illicit activities are the sale and distribution of drugs, extortion and illegal gambling.¹¹⁰⁴ As cash payments from the government decrease, *colectivos* are increasingly involved in drug trafficking and extortion.¹¹⁰⁵ Velasco indicated that *colectivos* receive non-material support in the form of judicial

¹⁰⁹⁴ InSight Crime, Graffiti Death Threats, 22 May 2019, [url](#)

¹⁰⁹⁵ Venezuela, AN, Diputados de la AN están siendo amedrentados, 29 March 2020, [url](#)

¹⁰⁹⁶ Velasco, videoconference, 1 May 2020

¹⁰⁹⁷ Velasco, videoconference, 1 May 2020

¹⁰⁹⁸ El Colombiano, Noches de terror en la frontera, 20 November 2019, [url](#)

¹⁰⁹⁹ Velasco, videoconference, 1 May 2020

¹¹⁰⁰ Velasco, videoconference, 1 May 2020

¹¹⁰¹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 48; InSight Crime, Venezuela: A Mafia State?, [2018], [url](#), p. 52

¹¹⁰² InSight Crime, Venezuela: A Mafia State?, [2018], [url](#), p. 52

¹¹⁰³ Velasco, videoconference, 1 May 2020

¹¹⁰⁴ InSight Crime, Venezuela: A Mafia State?, [2018], [url](#), p. 52

¹¹⁰⁵ InSight Crime, GameChangers 2019, 18 January 2020, [url](#)

protection from the government to shield them from prosecution, and these groups are also backed by the president and the vice-president who mention *colectivos* in televised broadcasts.¹¹⁰⁶ The OVV similarly indicated that the government provides both material and non-material support such as financing of community radios, closed circuit television systems, activities and for the acquisition of firearms, as well as implicit power and discretion to act.¹¹⁰⁷

5.8 Relationship with security forces

According to Infobae, the relationship between the *colectivos* and the government and its security forces 'depend on the prevailing circumstances at a given place and moment in time, and the position that that colectivo occupies in the power board and the ease that they have to act in their territories'.¹¹⁰⁸ According to Velasco, *colectivos* are not subordinated to security forces; however, given that *colectivos* have close relationship with members of security forces, *colectivos* can communicate with officials from nearby security agencies before executing an action. Nevertheless, Maduro established a close relationship between the FAES and *colectivos* in an effort to give the later a more 'formal role' within the state apparatus. Velasco also indicated that 'it is an obscure form of mutual dependency' as 'the more access *colectivos* have to the government, the more dependent the government becomes of colectivos'.¹¹⁰⁹ Some members of *colectivos* are also members of security forces.¹¹¹⁰

The International Crisis Group indicated that '*colectivos* are not necessarily passive recipients of government orders. Different factions within the Venezuelan government control separate *colectivos*, and as a result the groups' interests do not always coincide. On several occasions, security forces have openly clashed with the *colectivos*, forcing the government into hard choices as to which side to favour'. In 2014, for example, interior minister Miguel Rodríguez Tórres was dismissed by Maduro after five group leaders of colectivo 5 de Marzo died in confrontations with the police. Rodríguez Tórres was arrested under charges of 'espionage' and remained in detention in February 2020. On the other hand, while the minister of defense, Vladimir Padrino López, has stated that the armed forces are constitutionally responsible for providing security and that they are 'obliged to combat all armed groups present in the country', the backing of *colectivos* by Maduro 'restrains the armed forces in any action against them'.¹¹¹¹

5.9 State response to *colectivos*

According to Velasco, regarding state protection, 'legal recourses do not exist' for victims of *colectivos*.¹¹¹² International Crisis Group similarly indicated that the state is 'wholly unable to protect' from *colectivos* as all agencies and bodies of the state are being turned for the past few years into 'political partisan tools' and there is no real independent body acting on behalf of civilians.¹¹¹³ *Colectivos* have been allowed to act with impunity due to the support they provide the government in confronting anti-government demonstrations and intimidating opponents.¹¹¹⁴

¹¹⁰⁶ Velasco, videoconference, 1 May 2020

¹¹⁰⁷ OVV, videoconference, 4 May 2020

¹¹⁰⁸ Infobae, Radiografía de los colectivos chavistas, 11 January 2020, [url](#)

¹¹⁰⁹ Velasco, videoconference, 1 May 2020

¹¹¹⁰ InSight Crime, The Armed Groups Propping Up Venezuela's Government, 1 March 2019, [url](#); Mármol, videoconference, 1 May 2020

¹¹¹¹ International Crisis Group, A Glut of Arms, 20 February 2020, [url](#), pp. 10-11

¹¹¹² Velasco, videoconference, 1 May 2020

¹¹¹³ International Crisis Group, telephone interview, 30 April 2020

¹¹¹⁴ InSight Crime, Maduro Relies on 'Colectivos' to Stand Firm in Venezuela, 18 March 2019, [url](#); CEPAZ, La formula perfecta para apuntalar la dictadura, January 2020, [url](#); p. 5

According to a survey by CEPAZ among parliamentarians of the National Assembly, 73.1 % of them indicated that they have been 'intimidated' or 'attacked' by *colectivos*. Without providing further details, the survey indicates that 65.4 % of those who were victims of actions by *colectivos* filed a complaint with authorities, and 88.5 % of these complaints did not move forward in the justice system.¹¹¹⁵

Authorities seldom detain members of *colectivos*.¹¹¹⁶ The leader of La Piedrita colectivo, Valentín Santana, remains free despite three arrest warrants for murder and attempted murder issued against him. The police director of operations who had commanded an operation to confront armed *colectivos* that were firing live rounds at demonstrators from a government building in the opposition stronghold of Altamira, Caracas, on 1 May 2019, was 'summarily dismissed for interfering with the gunmen'.¹¹¹⁷ Sources reported that on 1 May 2019, the Lara state police received orders from 'superiors', reportedly from the Secretary of Safety and Public Order of governorate of Lara, to set free six of seven men members of a colectivo who had been detained two hours before for robbing people in the midst of the protests, attacking protestors, and for shooting a police officer during the detention process. The men were reportedly travelling in a pick-up truck without license plates and had the sign 'Revolutionary Bolivarian Government' [*Gobierno Bolivariano Revolucionario*]. According to police officers at the police station, the person who remained detained reportedly was the one who did not have police records and would be charged with unlawful possession of a firearm.¹¹¹⁸ On 15 June 2020, the leader of colectivo Tupamaros, José Tomás Pinto Marrero, was detained by the CICPC for his alleged participation in the death of a 16-year-old young man.¹¹¹⁹ Additional information on the detention could not be found among the sources consulted within the time constraints for this report.

For information on *colectivos* and internal relocation, see [Chapter 3.11.6](#).

¹¹¹⁵ CEPAZ, La formula perfecta para apuntalar la dictadura, January 2020, [url](#); pp. 31-33

¹¹¹⁶ Infobae, Radiografía de los colectivos chavistas, 11 January 2020, [url](#)

¹¹¹⁷ Al Jazeera, Venezuela: Who are the colectivos?, 9 May 2019, [url](#)

¹¹¹⁸ Crónica Uno, Seis de siete colectivos detenidos por Polilara fueron liberados, 3 May 2019, [url](#); La Prensa de Lara, Policías indignados por la liberación de colectivos, 3 May 2019, [url](#)

¹¹¹⁹ El Pitazo, PERFIL | José Pinto: el líder Tupamaro señalado por homicidio, 15 June 2020, [url](#)

6. Identity documents

6.1 Identity Cards

The Venezuelan national identity card (*Cédula de identidad*) is the identification document used within Venezuela, and it is required in order to obtain a passport.¹¹²⁰ The national identity card can only be issued and renewed at the offices of the Administrative Service of Identification, Migration and Foreigners (SAIME, *Servicio Administrativo de Identificación, Migración y Extranjería*) in Venezuela.¹¹²¹

In order to obtain the national identity card, persons over 18-years old must provide the original and a certified copy of the birth certificate (*Acta de Nacimiento* or *Partida de Nacimiento*), which must be included in the Civil Birth Registry (*Registro Civil*). The birth certificate must meet the requirements of Article 81 of the Organic Law of Civil Registry (*Ley Orgánica de Registro Civil*).¹¹²² Article 81 of the Organic Law of Civil Registry indicates the following:

'Article 81. All [birth certificates] must contain the following characteristics:

1. Number of the [birth certificate].
2. Identification of the official who authorized it, must contain, among others, names, surnames, number of the national identity card, position and the administrative regulation under which he or she is acting, indicating the number of the resolution, means of publication and date.
3. Day, month and year of the creation of the [birth certificate] or when the event or fact that occurred is registered.
4. Time, day, month and year in which the event or fact being recorded occurred or was held.
5. Place where the event occurred, as well as the circumstances in which it took place.
6. Names, surnames, number of the national identity card, nationality, age, profession and place of residence of the people listed in the [birth certificate], whatever their character.
7. Determination and enunciation of the collections presented.
8. Specific characteristics and special circumstances of each act.
9. Fingerprints.
10. Signatures of those who intervene in the acts and facts subject to registration. If they do not know or cannot write, two signatories will do so, recording this situation.
11. Identification of the indigenous, town or community to which the person belongs and of the people that appear during the registration'.¹¹²³

Minors between 9 and 18 years-old are also issued a national identity card, following the same requirements. The national identity card is issued free of charge and is valid for ten years for both adults and minors.¹¹²⁴ The national identity card is delivered within 21 working-days.¹¹²⁵

Without providing additional information, the SAIME website indicated that the renewal of the national identity card is free of charge, and renewals can be made when the card is expired, lost,

¹¹²⁰ Venezuela, Embajada en Canadá, ¿Por qué es necesaria la Cédula de Identidad?, n.d., [url](#)

¹¹²¹ Venezuela, Consulado de la República Bolivariana de Venezuela en Bilbao, Preguntas frecuentes, n.d., [url](#)

¹¹²² Venezuela, SAIME, Cedulación – Documento de identidad por primera vez, n.d., [url](#)

¹¹²³ Venezuela, Ley Orgánica de Registro Civil, 2009, [url](#)

¹¹²⁴ Venezuela, SAIME, Cedulación – Documento de identidad por primera vez, n.d., [url](#)

¹¹²⁵ El Pitazo, Claves: Cómo tramitar la cédula de identidad por primera vez, 13 February 2020, [url](#)

stolen, damaged, when there is a change in the marital status, or when any information in the card is being modified.¹¹²⁶ According to TalCual, the only requirement to renew the national identity card is to provide its number at the SAIME office, and the processing time is 15 working-days.¹¹²⁷

6.2 Passports

In order to obtain a passport, applicants must request an appointment on the SAIME website.¹¹²⁸ The application fee is paid online during the request for the appointment.¹¹²⁹ The fee amount to obtain the passport is tied to the Petro, a cryptocurrency managed by the Venezuelan state, and is set at 3.35908 petros [approximately US 197.75¹¹³⁰] for a new passport, and 1.67954316 petros [approximately US 98.87¹¹³¹] for an extension of validity.¹¹³²

6.2.1 Within Venezuela

In Venezuela, applications are filed with the SAIME, and adults over the age of 18 must present the serial number of the appointment. Minors under the age of 18 must provide, in addition, a copy of the birth certificate, and be present with at least one of the parents. Non-Venezuelan parents must provide their passport. If one of the parents is deceased, the other parent must provide the original copy of the death certificate, and if both parents are deceased or lost child custody, the legal guardian must be duly accredited as such by the Tribunal for the Protection of Children and Adolescents (Tribunal de Protección de Niños, Niñas y Adolescentes). Additionally, children between 9 and 18 years old must be in possession of their national identity card.¹¹³³ Once the passport is ready for pick up at the SAIME, the applicant will receive a notification in this regard.¹¹³⁴

6.2.2 From abroad

The website of the consulate of Venezuela in Bilbao indicated that, in order to obtain a passport in that consulate, applicants must provide two copies of the passport application from the SAIME website; a copy and original of the national identity card and birth certificate; original and copy of the previous passport, or police compliant if it was lost or stolen; application form from the consulate; copy of registration with the consulate; official registration with local authorities that the applicant has been living for at least three months in the jurisdiction of the consulate; and payment of consular fees.¹¹³⁵ Minors must provide two copies of the passport application from the SAIME website; a copy and original of the birth certificate; original and copy of the previous passport, or police compliant if it was lost or stolen; copy of the registration with the consulate; copies of the national identity card of both parents; authorisation from the absent parent, if only one can go to the consulate; and payment of consular fees.¹¹³⁶

¹¹²⁶ Venezuela, SAIME, Cedulación, n.d., [url](#)

¹¹²⁷ TalCual, Para renovar la cédula el único requisito es saber el número del documento, 30 October 2019, [url](#)

¹¹²⁸ Venezuela, SAIME, Pasaporte, n.d., [url](#)

¹¹²⁹ Venezuela, Consulado de la República Bolivariana de Venezuela en Bilbao, Expedición / renovación de pasaportes para menores de edad, n.d., [url](#)

¹¹³⁰ Venezuela, Petro, El Petro, n.d., [url](#)

¹¹³¹ Venezuela, Petro, El Petro, n.d., [url](#)

¹¹³² VTV, Costo de trámite de pasaporte y prórroga, 9 January 2020, [url](#)

¹¹³³ Venezuela, SAIME, Pasaporte – Pasaporte ordinario, n.d., [url](#)

¹¹³⁴ Confidential source, Correspondence, June 2020

¹¹³⁵ Venezuela, Consulado de la República Bolivariana de Venezuela en Bilbao, Solicitud de cita para renovar pasaporte para mayores de edad, n.d., [url](#)

¹¹³⁶ Venezuela, Consulado de la República Bolivariana de Venezuela en Bilbao, Expedición / renovación de pasaportes para menores de edad, n.d., [url](#)

6.2.3 Extension of the validity of expired passports

On 8 October 2017, the government of Venezuela issued Decree No. 3 097 by which expired Venezuelan passports, or to be expired within six months, can be extended for two additional years. The extension of validity consists of a sticker placed in the passport with the photograph of the holder, personal data, and security features such as hidden images, microtexts, and serial numbers that can be read under fluorescent light. The extension of validity only applies to biometric passports that are in good condition and must have at least two blank sheets or four blank pages.¹¹³⁷

In order to apply for an extension of validity, the holder must apply on the SAIME website, fill out the online form, pay the fee on the same website, and print the receipt. Without providing further information, the website of the Venezuelan consulate in Bilbao indicated that its website posts the national identity card numbers of applicants whose extension of validity has been approved by SAIME and ready to be placed in the passport. In order to obtain the extension of validity, applicants must provide at the consulate the original and a copy of the passport, original and copy of the national identity card, and evidence of registration with the consulate. Applicants under the age of 18 must be accompanied by both parents. If one of the parents is not present, the accompanying parent must present an authorisation from the absent parent, certified by the Council for the Protection of Children and Adolescents (*Consejo de Protección del Niño, Niña y Adolescente*), or with an apostille¹¹³⁸ (*apostilla*) if the parent is outside Venezuela. In addition, minor applicants over the age of 9 years-old must provide the original of his or her national identity card.¹¹³⁹

6.3 Access to documents

According to the JRS, to obtain or renew identity documents in Venezuela such as birth certificates, passports and identity cards, is a 'long and arduous process', and even though for minors the process is 'easier', applicants must spend many hours and stand in long queues in order to apply for these documents.¹¹⁴⁰ Mouttet indicated that it is difficult to obtain documents because Venezuela is a heavily bureaucratised country, and the long waiting times is due to 'bureaucratic disorder' and 'operational inability'.¹¹⁴¹ A study produced by the Learning Community Centres (CECODAP, *Centros Comunitarios de Aprendizaje*), a Venezuelan NGO that advocates for the rights of children and adolescents, indicated that about one out of five Venezuelans leave the country without proper documentation due to the difficulty in obtaining in Venezuela documents such as identity cards, passports, police background check reports, and apostilles.¹¹⁴² Venezuelan institutions do not work properly, and they either cannot or are not willing to issue or renew identity documents.¹¹⁴³

6.3.1 Birth certificates (Acta de Nacimiento or Partida de Nacimiento)

The JRS indicated that not all births are properly registered in the country due to the lack of material such as paper, ink and printers, leaving many children without official registration.¹¹⁴⁴ According to a study by Angeyeimar Gil, professor at the Central University of Venezuela, and cited by Crónica Uno,

¹¹³⁷ Venezuela, Consulado de la República Bolivariana de Venezuela en Bilbao, *Prórroga de pasaportes*, n.d., [url](#)

¹¹³⁸ An apostille 'authenticates the seals and signatures of officials on public documents such as birth certificates, court orders, or any other document issued by a public authority so that they can be recognized in foreign countries that are members of the 1961 Hague Convention Treaty' (US, Department of State, *Apostille Requirements*, n.d., [url](#)).

¹¹³⁹ Venezuela, Consulado de la República Bolivariana de Venezuela en Bilbao, *Prórroga de pasaportes*, n.d., [url](#)

¹¹⁴⁰ JRS, *Informe de contexto: Frontera Colombo-venezolana*, April 2019, [url](#), p. 42

¹¹⁴¹ Mouttet, videoconference, 8 May 2020

¹¹⁴² CECODAP, *Informe especial de peligros y vulneraciones a los derechos humanos de niños, niñas y adolescentes*, 18 November 2019, [url](#), p. 12

¹¹⁴³ OAS, *Informe del Grupo de Trabajo de la OEA*, June 2019, [url](#), p. 43

¹¹⁴⁴ JRS, *Informe de contexto: Frontera Colombo-venezolana*, April 2019, [url](#), p. 42

between April and October 2018, about 32 110 children out of the 45 090 children who were born in Caracas in 2018 were not issued the live birth certificate (*certificado de Nacimiento*) due to shortages of security paper in hospitals.¹¹⁴⁵ The live birth certificate is a requirement in order to apply for the birth certificate within 90 days of the birth of the child, after which the child will have to be registered 'extemporaneously' before the Council for the Protection of Children to 'legalize' the child. According to *Crónica Uno*, councils do not use the same template, and registration forms are inaccurately filled out by officials in charge.¹¹⁴⁶ According to two confidential sources cited in the 2020 Netherlands MFA country report, the lack of the correct paper to issue birth certificates has created barriers for people to access other documents such as passports since a certified copy of the birth certificate is required for the application of a passport.¹¹⁴⁷

6.3.2 National identity cards (*Cédula de identidad*)

El Pitazo reported that all SAIME offices must issue the national identity card, however, people are often sent to other SAIME office to obtain the document due to the lack of supplies or problems with network connection.¹¹⁴⁸ Transparencia Venezuela reported that some applicants have been waiting for over a year-and-a-half for their national identity card. The same source provides the example of an applicant who has been waiting for about 20 months in order to obtain his national identity card, and that he has been using the *Carnet de la Patria* and the discharge order from the military as a means of identification.¹¹⁴⁹

6.3.3 Passports

Transparencia Venezuela quotes the director of SAIME as indicating that services provided by SAIME are 'fast and simple', adding that, during the first semester of 2019, SAIME issued 479 000 passports.¹¹⁵⁰

However, sources reported that Venezuelan passports are difficult to obtain.¹¹⁵¹ International Organisation A indicated that problems in the issuance of passports started in 2016 with failures in the system and lack of supplies.¹¹⁵² According to the OAS report, passports are available to the most 'privileged', those who have the 'connections, time and money' to obtain it.¹¹⁵³ Sources reported that the processing of passport applications can several months¹¹⁵⁴, a year¹¹⁵⁵, even 'years'.¹¹⁵⁶ Without providing further information, the confidential source contacted for this report indicated that delivery times ranges from region to region. The same source indicated that one of the challenges facing SAIME is the 'lack of operability' in the country due to the lack of resources, supplies, and personnel.¹¹⁵⁷

¹¹⁴⁵ *Crónica Uno*, Al menos 32.119 niños nacidos en Caracas en 2018 no tuvieron acceso al certificado de nacimiento, 15 July 2019, [url](#)

¹¹⁴⁶ *Crónica Uno*, Al menos 32.119 niños nacidos en Caracas en 2018 no tuvieron acceso al certificado de nacimiento, 15 July 2019, [url](#)

¹¹⁴⁷ Netherlands, Ministry of Foreign Affairs, *Algemeen Ambtsbericht Venezuela 2020* (Country Report Venezuela 2020), June 2020, [url](#), p. 27

¹¹⁴⁸ El Pitazo, Claves: Cómo tramitar la cédula de identidad por primera vez, 13 February 2020, [url](#)

¹¹⁴⁹ Transparencia Venezuela, Transparencia recibió 27 denuncias contra el Saime, 1 August 2019, [url](#)

¹¹⁵⁰ Transparencia Venezuela, Transparencia recibió 27 denuncias contra el Saime, 1 August 2019, [url](#)

¹¹⁵¹ OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 43; El Pitazo, Falta de aprobación de huella dactilar deja a venezolanos sin pasaporte, 15 March 2020, [url](#)

¹¹⁵² International Organisation A, telephone interview, 12 June 2020

¹¹⁵³ OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 43

¹¹⁵⁴ Confidential source, Correspondence, June 2020

¹¹⁵⁵ OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 43; Transparencia Venezuela, Transparencia recibió 27 denuncias contra el Saime, 1 August 2019, [url](#)

¹¹⁵⁶ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#)

¹¹⁵⁷ Confidential source, Correspondence, June 2020

Sources indicated that some applicants resort to corruption networks within SAIME in order to expedite the processing of their passport application.¹¹⁵⁸ The expedited processing of passports applications offered by SAIME known as '*pasaporte express*', which would be completed within a week, has experienced delays.¹¹⁵⁹ Transparencia Venezuela cited one example of an applicant for an express passport who has been waiting for over a year and that the application does not appear in the SAIME application website.¹¹⁶⁰

On 15 March 2020, El Pitazo reported that some applicants cannot obtain a passport as their fingerprints are rejected by the SAIME system due to, among others, 'errors' while capturing the applicant's fingerprints for the first time or that the applicant obtained the national identity card for the first time during a massive regional campaign to issue the document. Affected persons must go to the SAIME office in Caracas and 'speak directly with the manager of SAIME', and some have been reportedly waiting for 'months, even years' to obtain the passport.¹¹⁶¹ Other 'irregularities' at SAIME reported by sources include the notification of the delivery of the extension of validity of the passport when it was not received by the applicant, the inability to schedule appointments on the SAIME website¹¹⁶², the elimination of the passport application from the system¹¹⁶³, and the payment of fees online and not receiving any notification.¹¹⁶⁴

6.3.4 The use of 'agents' ('gestores')

According to CECODAP, the hiring of 'agents' [in Venezuela, the practice is known as 'gestoría', and the 'agent' is known as 'gestor'] is a

'corruption and speculation mechanism that made the access to identity documents in something confidential and very costly [...] It emerged as a result from deficiencies in management and a system that delays the timely access and acquisition of identity documents. This occurs at SAREN and SAIME, that is, the agencies responsible for issuing birth certificates, national identity cards and passports'.¹¹⁶⁵

El Diario de Caracas reported that given the delays in obtaining documents in Venezuela, 'agents' have taken an 'important role' as they offer the expediting of any application process through social media while the government 'turns a blind eye' and has not done much to deal with this situation.¹¹⁶⁶

Police background check certificates (*Certificado de Antecedentes Penales* or *Certificación de Antecedentes Penales*), which are free of charge at the Ministry of Interior, Justice and Peace and take up to six months when they used to take two days, can be obtained through 'agents' for 80 USD.¹¹⁶⁷ 'Agents' can charge for the apostille, which takes around four months when it used to take three days, between 20 and 350 USD, depending on the number of documents to be apostilled, up to 180 USD for the apostille of a single document.¹¹⁶⁸ Birth certificates obtained through 'agents' can cost between 250 and 2 000 USD.¹¹⁶⁹ A national identity card can be obtained 'within minutes' through a network

¹¹⁵⁸ Transparencia Venezuela, El Saime da un tiro de gracias a derechos a la identidad, 21 November 2019, [url](#); OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 43

¹¹⁵⁹ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#)

¹¹⁶⁰ Transparencia Venezuela, Transparencia recibió 27 denuncias contra el Saime, 1 August 2019, [url](#)

¹¹⁶¹ El Pitazo, Falta de aprobación de huella dactilar deja a venezolanos sin pasaporte, 15 March 2020, [url](#)

¹¹⁶² Transparencia Venezuela, El Saime da un tiro de gracias a derechos a la identidad, 21 November 2019, [url](#)

¹¹⁶³ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#); Transparencia Venezuela, El Saime da un tiro de gracias a derechos a la identidad, 21 November 2019, [url](#)

¹¹⁶⁴ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#)

¹¹⁶⁵ CECODAP, Violación del derecho a la identidad, July 2019, [url](#), p. 25-26

¹¹⁶⁶ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#)

¹¹⁶⁷ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#)

¹¹⁶⁸ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#)

¹¹⁶⁹ Crónica Uno, Al menos 32.119 niños nacidos en Caracas en 2018 no tuvieron acceso al certificado de nacimiento, 15 July 2019, [url](#)

of *gestores* involving SAIME employees for 30 USD¹¹⁷⁰, including for those who do not want to spend long line-ups to obtain the document.¹¹⁷¹ The charges for passports obtained through 'agents' vary among sources, ranging between 300 and 3 000 USD¹¹⁷², between 1 000 and 6 000 USD¹¹⁷³, or between 2 000 and 5 000 USD.¹¹⁷⁴

El Diario de Caracas quoted a SAIME employee anonymously as indicating that a passport in the black market can be obtained within 15 days for 5 000 USD, and that the high fee is because the 'agent' network consists of several people, including the contact person, the officer that registers the application, and the officer that prints the passport, each one of them receiving an amount that can reach upwards 4 000 USD per month.¹¹⁷⁵ Analítica reported that people have to resort to 'agents' in order to obtain a document from SAIME as their credit cards do not have the necessary limit to pay the fees.¹¹⁷⁶

Sources reported that SAIME detained 'several' of its employees for being part of networks that issued passports.¹¹⁷⁷ According to the director of SAIME, 126 employees at SAIME have been involved in cases of corruption, and that 65 have been apprehended.¹¹⁷⁸ The government reply to the UN OHCHR mission report indicated that the Public Ministry registered 85 cases of corruption within the SAIME between 2017 and 2019, involving 196 officials investigated, 87 accused and 34 convicted.¹¹⁷⁹

Velasco indicated that targeted individuals by *colectivos* often face obstacles obtaining identity cards and passports. Velasco explained that since some members of *colectivos* have ties to government entities and institutions such as the SAIME, city halls, schools, universities, and ministries, if the person is labelled as a member or sympathiser of the opposition and needs to obtain an identity document, that person would encounter 'unsurmountable' requirements by officials to make it impossible for the person to obtain the needed documents. Velasco provided the example that during the past two years this has happened during the special sessions carried out by SAIME in marginalised neighbourhoods to issue the national identity card, which is becoming an essential document that allows the person to migrate.¹¹⁸⁰

6.4 Fraudulent documents

International Organisation A indicated that in Venezuela there are networks dedicated to the falsification of national identity cards, as well as corruption networks involving public employees that operate to fraudulently obtain genuine Venezuelan national identity cards.¹¹⁸¹

On 20 November 2018, Extra reported that Colombian authorities detained a Venezuelan woman who was in possession of a fraudulent Colombian migration card which was reportedly obtained through an 'intermediary' in the Colombian city of Tunja. The 'intermediary' reportedly offered the sale of fake

¹¹⁷⁰ Analítica, Hasta dos meses por una cédula esperan quienes no pagan "gestores verdes" en el Saime, 28 July 2019, [url](#)

¹¹⁷¹ International Organisation A, telephone interview, 12 June 2020

¹¹⁷² Transparencia Venezuela, Transparencia recibió 27 denuncias contra el Saime, 1 August 2019, [url](#)

¹¹⁷³ OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 43

¹¹⁷⁴ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#)

¹¹⁷⁵ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#)

¹¹⁷⁶ Analítica, Hasta dos meses por una cédula esperan quienes no pagan "gestores verdes" en el Saime, 28 July 2019, [url](#)

¹¹⁷⁷ El Diario de Caracas, Corrupción, burocracia y dólares, 2 July 2019, [url](#); Transparencia Venezuela, Transparencia recibió 27 denuncias contra el Saime, 1 August 2019, [url](#)

¹¹⁷⁸ Transparencia Venezuela, Transparencia recibió 27 denuncias contra el Saime, 1 August 2019, [url](#)

¹¹⁷⁹ Venezuela, Report by the United Nations High Commissioner of Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela: Comments by the State, 5 July 2019, [url](#), para. 66

¹¹⁸⁰ Velasco, videoconference, 1 May 2020

¹¹⁸¹ International Organisation A, telephone interview, 12 June 2020

documents through a Facebook page and charged between 50 000 and 80 000 Colombian pesos [approximately between EUR 11.87 and 19].¹¹⁸²

On 23 March 2019, Noticiero Venevisión reported that the PNB dismantled two networks dedicated to the falsification of documents in Caracas. The confiscated material included printers, rubber stamps from different state agencies, civil registry certificates, travel authorisations for minors, and birth certificates.¹¹⁸³

On 9 October 2019, ACN reported that authorities detained a person in Carlos Arvelo (state of Carabobo) that had an illegal shop dedicated to the 'restoration of identity cards'.¹¹⁸⁴

In March 2020, sources reported that the CICPC detained two brothers in Barquisimeto, state of Lara, who were accused of forging identity documents and selling them to persons with 'legal problems' ¹¹⁸⁵ 'who needed to leave the country'.¹¹⁸⁶ La Prensa de Lara reported that one of the detainees used social media networks to 'offer his services'.¹¹⁸⁷

On 6 February 2020, sources reported that Colombian authorities disbanded a network of 13 persons who forged documents such as bank statements and income tax statements in order to obtain genuine residence permits, transit permits, Colombian passports and Colombian nationality. The network consisted of employees at the National Civil Registry, notaries, and an employee at Migración Colombia who legalized the immigration status of irregular migrants so they could obtain these documents. Nationals of Venezuela, China, Cuba, Mexico and Ecuador were reportedly among the people who obtained these documents which cost up to 30 million pesos [approximately EUR 7 115].¹¹⁸⁸

6.5 Carnet de la Patria

The *Carnet de la Patria* (Homeland Card) was created in January 2017 as a mechanism to access the CLAP food boxes and other benefits provided by the government¹¹⁸⁹ such as bonuses,¹¹⁹⁰ the ability to save in Petros and pay bills¹¹⁹¹, and send and receive remittances from abroad in cryptocurrency.¹¹⁹² The Carnet de la Patria is not only a physical 'card', but a digital platform that captures information about the person for the purposes of accessing the Carnet de la Patria's benefits.¹¹⁹³ This digital platform is the Patria Platform (*Sistema Patria or Plataforma Patria*), where the person must be registered in order to access the Carnet de la Patria.¹¹⁹⁴ The platform stores information about applicants, such as personal, socioeconomic and family ties, and contains a registry of beneficiaries and participants of public services and social programs. In addition, the platform offers a 'virtual

¹¹⁸² Extra, Viajó a Sogamoso con documentos falsos, 20 November 2018, [url](#)

¹¹⁸³ Noticiero Venevisión, PNB desmanteló dos bandas delictivas por falsificación de documentos y sellos públicos, 23 March 2019, [url](#)

¹¹⁸⁴ ACN, Presas dos mujeres por venta de droga y falsificación de documentos, 9 October 2019, [url](#)

¹¹⁸⁵ El Carabobeño, Capturado dos presuntos falsificadores de cédulas en Lara, 9 March 2020, [url](#); La Prensa de Lara, Detenidos por comercializar documentos falsos, 10 March 2020, [url](#)

¹¹⁸⁶ La Prensa de Lara, Detenidos por comercializar documentos falsos, 10 March 2020, [url](#)

¹¹⁸⁷ La Prensa de Lara, Detenidos por comercializar documentos falsos, 10 March 2020, [url](#)

¹¹⁸⁸ El Colombiano, Esta banda cobraba 30 millones de pesos por un pasaporte colombiano, 6 February 2020, [url](#); El Heraldo, Capturan a 13 personas señaladas de tramitar documentos falsos, 6 February 2020, [url](#)

¹¹⁸⁹ Transparencia Venezuela, El carnet de la Patria, [2019], [url](#), p. 1-2; Professor of political science, videoconference, 14 May 2020

¹¹⁹⁰ ACN, Cómo solicitar el Carnet de la Patria, 13 February 2020, [url](#); El Pitazo, Claves: Conozca cómo se cobran los bonos, 28 April 2020, [url](#)

¹¹⁹¹ ACN, Cómo solicitar el Carnet de la Patria, 13 February 2020, [url](#)

¹¹⁹² Venezuela, Patria, Manual del Sistema de Remesas a Venezuela de la Plataforma Patria, n.d., [url](#)

¹¹⁹³ Transparencia Venezuela, El carnet de la Patria, [2019], [url](#), p. 2

¹¹⁹⁴ ACN, Cómo solicitar el Carnet de la Patria, 13 February 2020, [url](#)

wallet' (Monedero Virtual) to make money transfers and payments, and an electronic card with a QR code also used to make payments and have access to public goods and services.¹¹⁹⁵

Sources define the Carnet de la Patria as an identity document¹¹⁹⁶ or an 'ideological identity document' that substitutes the official national identity card.¹¹⁹⁷ The Professor of political science explained that 'the Carnet de la Patria is supposedly for people who support the government; however, there are many people in marginalised communities who do not support the government but are compelled to obtain the Carnet de la Patria in order to access much needed food and other economic assistance'. People depend on the assistance from the government and are afraid that if they do not support the government, if they do not 'behave', they could be excluded from receiving food and basic necessities.¹¹⁹⁸

The Carnet de la Patria is considered by sources as a mechanism of social control through the use of food for partisan benefits.¹¹⁹⁹ Critics of the government, for example, are discriminated against in the distribution of CLAP food boxes.¹²⁰⁰ During elections people are required to register with their Carnet de la Patria at PSUV kiosks placed nearby polling stations after the vote as a way to control and pressure voters.¹²⁰¹ The UN OHCHR indicated that it received accounts from people who said were threatened during the elections of May 2018 by CLAP members that 'they would stop receiving CLAP boxes if they did not vote for the PSUV or because they had allegedly participated in anti-government protests'.¹²⁰²

In order to access the bonuses offered by the government, the person must scan the QR Code printed on the back of the card with a cell phone. If the person does not have a cell phone, the person must send the QR code to system's email address, along with his or her telephone number in order to "normalize the status" and receive the bonuses.¹²⁰³ Being registered in the Patria System, however, is not a guarantee that the person will receive the bonuses as they are assigned "randomly". Bonuses are deposited in the personal account of the Patria System and from there the person can transfer the funds to a personal bank account.¹²⁰⁴

In cases of lost or forgotten log in information, the person must register his or her phone number on the Bank of Venezuela's website and reset the log in credentials.¹²⁰⁵

On 23 March 2020, the website of the Patria System indicated that private companies are required to upload and update in the Patria System their human resources information, so employees receive bonuses to complement regular payroll.¹²⁰⁶

According to Transparencia Venezuela, the Carnet de la Patria is a political tool used to influence politically and electorally by providing 'stimulus/reward to its supporters, enrolling those who are afraid or the "pragmatically extreme", and disincentive/absenteeism of adversaries'.¹²⁰⁷ According to Transparencia Venezuela, there are testimonies that the Carnet de la Patria is reportedly being

¹¹⁹⁵ Transparencia Venezuela, El carnet de la Patria, [2019], [url](#), p. 1

¹¹⁹⁶ ACN, Cómo solicitar el Carnet de la Patria, 13 February 2020, [url](#)

¹¹⁹⁷ Professor of political science, videoconference, 14 May 2020; Journalist, telephone interview, 8 June 2020

¹¹⁹⁸ Professor of political science, videoconference, 14 May 2020

¹¹⁹⁹ OVCS, Conflictividad social 2019, 24 January 2019, [url](#), p. 23; OAS, Informe del Grupo de Trabajo de la OEA, June 2019, [url](#), p. 31

¹²⁰⁰ HRW, World Report 2020, 2020, [url](#), p. 631

¹²⁰¹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 49

¹²⁰² UN OHCHR, Human rights violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, June 2018, [url](#), p. 51

¹²⁰³ ACN, Cómo solicitar el Carnet de la Patria, 13 February 2020, [url](#)

¹²⁰⁴ El Pitazo, Claves: Conozca cómo se cobran los bonos, 28 April 2020, [url](#)

¹²⁰⁵ ACN, Cómo solicitar el Carnet de la Patria, 13 February 2020, [url](#)

¹²⁰⁶ Venezuela, Patria, 'Actualización de la información del personal que labora en instituciones privadas', 23 March 2020, [url](#)

¹²⁰⁷ Transparencia Venezuela, El carnet de la Patria, [2019], [url](#), p. 7

requested to access health services, some medicine outlets, and obtain and renew the national identity card or the passport.¹²⁰⁸

6.6 Court summonses (*citatorios*)

Information on court summonses was scarce among the sources consulted within the time constraints for this report.

According to the OMCT et al. report, victims acting in judicial processes and their legal representatives are often barred from accessing court documents of their cases, and in some instances, judges sanction legal representatives for taking notes or pictures from the court document, or when trying to make copies after request had been authorised.¹²⁰⁹

OMCT et al. indicated that court documents are illegally manipulated by eliminating or adding pages irregularly.¹²¹⁰

Additional information could not be found among the sources consulted within the time constraints for this report.

6.7 Arrest warrants (*orden de arresto*)

Information on arrest warrants was scarce among the sources consulted within the time constraints for this report.

Article 236 of the Organic Code of Criminal Procedure (Código Orgánico Procesal Penal) indicates the following:

'Article 236. The Control Judge [Juez de Control], at the request of the Public Ministry, may order the preventive deprivation of liberty of the accused as long as there is the existence of:

1. A punishable act that deserves custodial sentence and whose criminal action is not clearly prescribed.
2. Founded elements of conviction to consider that the accused or accused has been the author or author, or participant in the commission of a punishable act.
3. A reasonable presumption, according to an assessment of the circumstances of the particular case, of danger of flight or of obstruction in the search for the truth regarding a specific act of investigation.

Within twenty-four hours after the request by the prosecutor, the Control Judge will decide on the request. If the Control Judge considers that the requirements set forth in this article for the preventive judicial deprivation of liberty are met, the Control Judge must issue an arrest warrant for the accused against whom the measure was requested.

Within forty-eight hours after their arrest, the accused will be brought before the Judge, for the presentation hearing, with the presence of the parties, and the victim if present and will decide on maintaining the measure imposed or replace it with a less burdensome one.

If the Judge agrees to maintain the preventive judicial deprivation of liberty measure during the preparatory phase, the Prosecutor must present the accusation, request the dismissal or, where appropriate, file the proceedings, within forty-five days following the court decision.

¹²⁰⁸ Transparencia Venezuela, El carnet de la Patria, [2019], [url](#), p. 6

¹²⁰⁹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 46

¹²¹⁰ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 46

Once this period has expired without the Prosecutor having presented the accusation, the detainee will be released, by decision of the Control Judge, who may impose a substitute precautionary measure.

In any case, the Trial Judge at the request of the Public Ministry shall order the preventive judicial deprivation of liberty of the accused when there is a substantiated reason to believe that he or she will not comply with the acts of the process, in accordance with the procedure established in this Article.

In exceptional cases of extreme necessity and urgency, and whenever the assumptions provided for in this article concur, the Control Judge, at the request of the Public Ministry, will authorize by any suitable means, the apprehension of the investigated. Such authorization must be ratified by a notification within the twelve hours following the apprehension, and in the other cases the procedure provided in this article will be followed'.¹²¹¹

Additional information could not be found among the sources consulted within the time constraints for this report.

¹²¹¹ Venezuela, Código Orgánico Procesal Penal, 2012, [url](#)

7. Entry and exit

Venezuela has six official land border crossings¹²¹², including five with Colombia.¹²¹³ There are no official border crossings with Guyana.¹²¹⁴ International Organisation A indicated that Venezuela's official land border crossings are the following:

Border Checkpoint	Place
Simón Bolívar International Bridge	Táchira – Norte de Santander (Colombia)
General Francisco de Paula Santander International Bridge	Táchira – Norte de Santander (Colombia)
Puente Unión International Bridge	Táchira – Norte de Santander (Colombia)
La Raya – Paraguachón	Zulia – Guajira (Colombia)
General José Antonio Páez International Bridge	Apure – Arauca (Colombia)
Santa Elena de Uairén – Pacaraima	Bolívar – Pacaraima (Brazil)

In addition, International Organisation A noted that Venezuela has maritime routes connecting Aruba, Bonaire and Curacao, and Trinidad and Tobago.¹²¹⁵

International Organisation A indicated that in order to leave or enter the country, persons go through immigration and also through an inspection of their luggage for the detection of drugs and for security reasons. Control upon entry and exit is 'usually rigorous' due to the political situation, and all citizens go through a 'rigorous scrutiny' upon return. Agencies that are present at border controls include the SAIME, the Migration Police, the SEBIN, the PNB, and the GNB. As in most countries, authorities photograph and take the fingerprint of passengers.¹²¹⁶ Additional information could not be found among the sources consulted within the time constraints for this report.

7.1 Irregular border crossings

Sources indicated that irregular border crossings (*trochas*) are common at the Venezuelan land borders.¹²¹⁷ International Organisation A indicated that in Táchira, for example, there are 126 known irregular border crossings, with 'many others' in the states of Zulia and Apure. The border with Brazil, which is 'denser' due to the jungle and less inhabited, there are also 'numerous' irregular border crossings; whereas with Guyana, since there are no official border crossings, all crossings are irregular.¹²¹⁸

The lack of documents exposes migrants, particularly women, to 'abuse of authority, the requirement of paying bribes, including of a sexual nature, or the hiking of prices for not having documents or simply due to discrimination'.¹²¹⁹ Irregular armed groups at the Venezuela-Colombia border use

¹²¹² International Organisation A, telephone interview, 12 June 2020

¹²¹³ Colombia, Pasos de frontera, 17 June 2020, [url](#)

¹²¹⁴ International Organisation A, telephone interview, 12 June 2020

¹²¹⁵ International Organisation A, telephone interview, 12 June 2020

¹²¹⁶ International Organisation A, telephone interview, 12 June 2020

¹²¹⁷ International Organisation A, telephone interview, 12 June 2020; Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 50

¹²¹⁸ International Organisation A, telephone interview, 12 June 2020

¹²¹⁹ Éxodo A.C., Consulta a organizaciones de la sociedad civil, 1 June 2019, [url](#), p. 26

irregular border crossings to extort people crossing them.¹²²⁰ El Universal reported that each of these irregular border crossings are managed by a given irregular armed group.¹²²¹ Sources reported that migrants pay to cross *trochas* with fees ranging from 1 000 Colombian pesos [approximately EUR 0.23]¹²²² to 100 000 Colombian pesos [approximately between EUR 1.16 and 23.2].¹²²³ Sources indicated that irregular armed groups at the border steal identity documents from Venezuelan migrants when they are crossing into Colombia¹²²⁴ and 'many' women and children are forced to have sex with members of irregular armed groups as a form of payment to cross into Colombia.¹²²⁵ Extortion of Venezuelan migrants has also been reported at the border between Colombia and Ecuador.¹²²⁶

7.2 Entry into Colombia

In order to enter Colombia, Venezuelan nationals can enter with a valid Venezuelan passport and/or one expired within the last five years, as long as it is issued after 2015. They can also enter with their national identity card. If the Venezuelan citizen enters Colombia as a tourist, the duration of stay is for up to 90 days, extendable for another 90 days, after which the person needs a visa to remain beyond that period. Venezuelan migrants who enter Colombia through an irregular border crossing and have a formal employment offer, the government of Colombia established the Special Permit for the Promotion of Regularisation (PEPFF, *Permiso Especial para el Fomento de la Formalización*) [in February 2020], which is valid between six months and two years. The PEPFF can be requested by a potential employer at the Colombian Ministry of Labour.¹²²⁷

7.3 Treatment upon entry and exit of particular targeted profiles

This subsection covers information on the treatment upon entry and exit of particular targeted profiles as information on all profiles could not be addressed due to time constraints.

According to the OMCT et al. report, human rights defenders, particularly those who cooperate with international human rights organisations, have been harassed and intimidated when leaving or entering the country, particularly by the SAIME and the National Integrated Service for the Administration of Customs Duties and Taxes (SENIAT, *Servicio Nacional Integrado de Administración Aduanera y Tributaria*). Members of civil society organisations have been subjected to surveillance upon their arrival at the airport; threatened while passing through immigration, including the threat that their passports and other identity documents would be cancelled, irregular interrogations focusing, upon exit, on the purpose of the trip and occupation, and upon entry, on the activities that the person did while abroad; faced arbitrary searches of their luggage; and photographed.¹²²⁸

OMCT et al. noted that there are reported instances of photographs of civil society members generally taken by intelligence officials in plainclothes at the airport and then appearing in the media 'in the framework of a stigmatising narrative', edited with a red circle to point out the person being intimidated. There have been also instances where the itinerary of the person is posted on the media,

¹²²⁰ Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 14; El Universal, Tras cierre de frontera, grupos criminales lucran con venezolanos que cruzan a Colombia, 19 March 2019, [url](#)

¹²²¹ El Universal, Tras cierre de frontera, grupos criminales lucran con venezolanos que cruzan a Colombia, 19 March 2019, [url](#)

¹²²² Pares, Sin dios ni ley, 10 February 2020, [url](#), p. 14.

¹²²³ El Tiempo, Grupos criminales cobran hasta \$ 100.000 por dar paso en la frontera, 18 March 2020, [url](#)

¹²²⁴ El Poder, Huir hacia el infierno - Parte II: trata de personas en frontera con Venezuela, 12 March 2020, [url](#), 9:55

¹²²⁵ El Poder, Huir hacia el infierno - Parte II: trata de personas en frontera con Venezuela, 12 March 2020, [url](#), 1:10; El Diario, Explotación sexual y tráfico de personas, la realidad de cientos de venezolanos, 24 September 2019, [url](#)

¹²²⁶ International Organisation B, telephone interview, 13 May 2020; La Silla Vacía, Al riesgo del Covid se suman amenazas y extorsiones a retornados venezolanos, 9 June 2020, [url](#)

¹²²⁷ International Organisation B, telephone interview, 13 May 2020

¹²²⁸ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 63

which exposes them to harassment and intimidation by third parties. The CDJ has documented cases of members of civil society organisations who have been forced to deplane after boarding the plane in order to go through a 'last minute search of their luggage', even when it had already been searched multiple times.¹²²⁹ In a videoconference for this report, a representative of Fundación Reflejos de Venezuela¹²³⁰ indicated that when she was travelling for a meeting with the OAS, she was deplaned before departure to go through a second inspection of her luggage. When she returned to Venezuela, she was questioned on her activities abroad and taken pictures of her.¹²³¹ In a videoconference for this report, a representative of Unión Afirmativa de Venezuela, a Venezuela-based civil society organisation that promotes the human rights of LGBT persons¹²³², indicated that when they are going to leave the country, they are photographed by security forces.¹²³³ The same source indicated that, in general, intimidation and harassment depend on the prevailing circumstances in the country, and usually peak when they are going to assist to international meetings abroad, such as with the IACHR.¹²³⁴ FundaRedes similarly indicated that activists are also monitored when they leave and enter the country. Those who attend meetings at the IACHR are particularly targeted. According to FundaRedes, as a safety precaution, most activists do not reveal their travel itineraries or the nature of their participation abroad before they have returned to the country.¹²³⁵

International Organisation A indicated that persons considered dissidents are subjected to more scrutiny and, in some instances, detention; and people with an open judicial process, if detected, are generally detained. Members of the military who try to enter the country are sent to a military court. According to International Organisation A, there have been reported cases of at least 75 former military personnel who had deserted and were detained upon entry.¹²³⁶ For more information on members of the military, see [Chapter 3.6](#). The 2020 Netherlands MFA country report indicated that, according to confidential sources, one of them a former 'high' level official of the Venezuelan government, there are lists of wanted persons managed by the SAIME that are used to screen passengers, and that the SEBIN, DGCIM, CICPC, FAES, and GNB have access to these lists.¹²³⁷ Additional and corroborating information could not be found among the sources consulted within the time constraints of this report.

International Organisation A reported regarding the treatment of failed asylum seekers upon return to Venezuela that the recognition of Venezuelan citizens as 'refugees' abroad is a 'highly sensitive issue' that the government refuses to accept as for the government there are no 'Venezuelan refugees' but 'Venezuelan migrants'.¹²³⁸

Sources indicate that there are instances of people returning in the context of the pandemic that are reportedly monitored by the government, registered in the Patria System¹²³⁹, and asked where they were while outside Venezuela, the destination in Venezuela, and the purpose of their stay in Venezuela.¹²⁴⁰ Returnees are also reportedly being registered in social media channels run by officials in order to surveil on them.¹²⁴¹ International Organisation A indicated that there have been reports of

¹²²⁹ OMCT et al., Venezuela "Enemigos internos", March 2020, [url](#), p. 63

¹²³⁰ Fundación Reflejos de Venezuela is a Venezuelan human rights organisation created in 2004 that advocates for the eradication of discrimination, mistreatment and inequality towards 'vulnerable groups' (Fundación Reflejos de Venezuela, Directorio, n.d., [url](#)).

¹²³¹ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²³² Unión Afirmativa de Venezuela, ¿Quiénes somos?, n.d., [url](#)

¹²³³ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹²³⁴ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹²³⁵ FundaRedes, videoconference, 6 May 2020

¹²³⁶ International Organisation A, telephone interview, 12 June 2020

¹²³⁷ Netherlands, Ministry of Foreign Affairs, Algemeen Ambtsbericht Venezuela 2020 (Country Report Venezuela 2020), June 2020, [url](#), p. 14

¹²³⁸ International Organisation A, telephone interview, 12 June 2020

¹²³⁹ FundaRedes, videoconference, 6 May 2020; Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁴⁰ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁴¹ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

stigmatisation of returnees in the context of the pandemic. In the state of Táchira, for example, there are reported instances of locals attacking the buses transporting returnees with stones and welding some schools' entrances to prevent their use as reception centres. Returnees also face stigmatisation after they are settled in their places of origin by Venezuelan missions, even after assurances that the returnee is free from COVID-19.¹²⁴² Additional information could not be found among the sources consulted within the time constraints for this report.

International Organisation A also noted that political polarisation in Venezuela also impacts the treatment towards Venezuelans who return to the country in the sense that they can be either considered 'pro-government' or opposition 'traitors', with no middle ground, and that there are reported cases where migrants returning to a neighbourhood with pro-government majority are labelled as 'traitors'. The same occurs in pro-opposition neighbourhoods where they are labelled as 'chavistas', 'infiltrators' and 'government supporters', who 'underwent brain-washing', for having received government assistance to return. The same source further indicated that, to its knowledge, there is no evidence of cases of physical aggression towards returnees once they have returned to their communities of origin.¹²⁴³ Additional and corroborating information could not be found among the sources consulted within the time constraints of this report.

7.4 Return to the Homeland Plan (*Plan Vuelta a la Patria*)

The website of the Ministry of Foreign Affairs, the Return to the Homeland Plan is a government initiative created in August 2018 to provide assistance to Venezuelans who wish to return to Venezuela. The Plan consists of the creation of air and land corridors for the voluntary return of Venezuelans abroad and their families who lack the necessary resources to finance their return.¹²⁴⁴

In order to apply for the program, the requirement is to be a Venezuelan national. Registration takes place at Venezuelan diplomatic missions abroad and applicants must provide 'updated and truthful information on the situation of the national abroad' and attend 'check-up meetings' as scheduled by the diplomatic mission where the Venezuelan is registered.¹²⁴⁵ El Pitazo reported that the information requested consists of the address in Venezuela and abroad, telephone number, and an email address.¹²⁴⁶ Once in Venezuela, Venezuelan missions 'will do a follow-up on the returnee or the family unit to facilitate their effective and speedy incorporation into society'.¹²⁴⁷

A report by the Ministry of Foreign Affairs indicated that, as of 10 February 2020, 17 522 Venezuelans have been repatriated under the Plan, with the highest numbers coming from Brazil (7 285 Venezuelans), Peru (4 259), Ecuador (3 242), Chile (1 136), and Colombia (764). The same report indicated that 69 % of returns took place over land and 31 % by air. The report also indicated that 100 426 Venezuelans have registered for repatriation.¹²⁴⁸

7.5 Internal movement

International Organisation A indicated that security forces' checkpoints within Venezuela are common throughout the country due to what the government considers the 'threat to its territorial security'.¹²⁴⁹

¹²⁴² International Organisation A, telephone interview, 12 June 2020

¹²⁴³ International Organisation A, telephone interview, 12 June 2020

¹²⁴⁴ Venezuela, Ministerio del Poder Popular para Relaciones Exteriores, Plan Vuelta a la Patria, n.d., [url](#)

¹²⁴⁵ Venezuela, Ministerio del Poder Popular para Relaciones Exteriores, Plan Vuelta a la Patria sigue en marcha con casi 16 mil repatriados hasta la fecha, 21 September 2019, [url](#)

¹²⁴⁶ El Pitazo, Cómo registrarse en el Plan Vuelta a la Patria para regresar a Venezuela, 8 May 2020, [url](#)

¹²⁴⁷ Venezuela, Ministerio del Poder Popular para Relaciones Exteriores, Plan Vuelta a la Patria sigue en marcha con casi 16 mil repatriados hasta la fecha, 21 September 2019, [url](#)

¹²⁴⁸ Venezuela, Ministerio del Poder Popular para Relaciones Exteriores, Plan Vuelta a la Patria, February 2020, [url](#)

¹²⁴⁹ International Organisation A, telephone interview, 12 June 2020

Mouttet pointed out that moving across states can represent a risk due to checkpoints by security forces, including the GNB and the local police. Mouttet explained that controls at checkpoints are inconsistent on who is allowed to go through, and since there are no clear orders, controls depend on the officer in charge. Additionally, given that in Venezuela there many requirements and permits that involve the operation of a vehicle, for example, if authorities want to detain someone, they can do so by finding the missing permit or requirement.¹²⁵⁰ A confidential source cited in the 2020 Netherlands MFA country report indicated that it was able to pass through security forces' checkpoints without papers by paying bribes, while two other confidential sources indicated having travelled through Venezuela with the identity papers of someone else without encountering any problem.¹²⁵¹

¹²⁵⁰ Mouttet, videoconference, 8 May 2020

¹²⁵¹ Netherlands, Ministry of Foreign Affairs, Algemeen Ambtsbericht Venezuela 2020 (Country Report Venezuela 2020), June 2020, [url](#), p. 13

8. Situation of LGBT persons

8.1 Legislation

Article 21 of the Constitution indicates that:

'All persons are equal before the law, and, consequently:

1. No discrimination based on race, sex, creed or social standing shall be permitted, nor, in general, any discrimination with the intent or effect of nullifying or encroaching upon the recognition, enjoyment or exercise, on equal terms, of the rights and liberties of every individual.

2. The law shall guarantee legal and administrative conditions such as to make equality before the law real and effective manner; shall adopt affirmative measures for the benefit of any group that is discriminated against, marginalized or vulnerable; shall protect in particular those persons who, because of any of the aforementioned circumstances, are in a manifestly weak position; and shall punish those who abuse or mistreat such persons. [...]' ¹²⁵²

The Constitutional Chamber of the TSJ in its Ruling No. 190 of 2008 indicated that

'Article 21 of the Constitution is not, in any way, a restrictive norm, rather, it recognizes the right to equality and not to be discriminated against by any arbitrary factor that could nullify or impair the recognition, enjoyment, or exercise of the rights of every person *on equal terms*, that is, that the Constitution prohibits unequal treatment with respect to those who are in analogous or similar situations, regardless of whether the discriminatory motive is one of those that were included in that constitutional provision'. ¹²⁵³

In a videoconference for this report, AC Venezuela Igualitaria, a civil society organisation that provides training and awareness campaigns on sexual orientation and gender identity ¹²⁵⁴ indicated that even though civil society organisations that advocate for the rights of LGBT persons have been using Ruling No. 190 in potential cases of discrimination or violations of the rights of LGBT persons, it is 'very difficult to use this ruling because there are no procedures in place to execute the ruling and because public officials are not trained in this regard'. ¹²⁵⁵

Same-sex relationships are not penalised by law, but they are penalised in practice. ¹²⁵⁶ Additionally, persons in the military who engage in same-sex relationships are punished under Article 565 of the Military Justice Organic Code. ¹²⁵⁷ Article 565 of the Military Justice Organic Code indicates the following:

'The officer who commits acts that affront or demean his/her dignity or allows such acts, without trying to prevent it by the means authorized by law, will be punished with one to three years in prison and separation from the Armed Forces.

The same penalty will be applied to any military person who commits sexual acts against nature'. ¹²⁵⁸

¹²⁵² Venezuela, Constitution of the Bolivarian Republic of Venezuela 1999 (Amended), 2009, Translated by William S. Hein & Co., Inc., [url](#)

¹²⁵³ Venezuela, TSJ, Sentencia No. 190, 28 February 2008, [url](#)

¹²⁵⁴ AC Venezuela Igualitaria, Quiénes somos?, n.d., [url](#)

¹²⁵⁵ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁵⁶ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁵⁷ ILGA, State-sponsored Homophobia, December 2019, [url](#), p. 36; AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁵⁸ Venezuela, Código Orgánico de Justicia Militar, 1998, [url](#)

Article 565 was the object of a lawsuit by AC Venezuela Igualitaria in 2016, but as of April 2020 there has not been any ruling in this regard.¹²⁵⁹ Unión Afirmativa de Venezuela indicated that it has documented cases that this article is applied mostly to men and persons with HIV, and while they are investigated under this article, their role in the armed forces is 'gradually limited' such as by sending them home, or assigning them to desk jobs, until they are finally dismissed.¹²⁶⁰

Venezuela does not recognise same-sex marriages or civil unions.¹²⁶¹ A proposed law that had been submitted to the National Assembly in 2014 to recognise same-sex marriages has not advanced, and a suit filed in 2015 with the TSJ regarding same-sex marriages has not been ruled upon.¹²⁶²

The law does not allow to change the gender in identity documents.¹²⁶³ A suit filed in 2016 with the TSJ to allow the preference of gender identity in identity documents has not been ruled upon.¹²⁶⁴ In 2010, the national registry law was modified to allow trans persons to change their name, but to date, no trans person has been able to do so.¹²⁶⁵

The Organic Labour Act includes sexual orientation as one of the prohibition grounds of employment discrimination.¹²⁶⁶ Other laws that have incorporated articles to protect sexual orientation include the Decree with Range, Value and Force of Law for Institutions in the Banking System (*Decreto con Rango, Valor y Fuerza de Ley de Instituciones del Sector Bancario*) in Article 172¹²⁶⁷, and Law for the Regularisation and Control of Housing Rentals (*Ley para la Regularización y Control de los Arrendamientos de Vivienda*) in Article 5.¹²⁶⁸

The Constitutional Law Against Hate, for Peaceful Coexistence and Tolerance contains provisions that criminalise hate on the grounds of sexual orientation. However, the law has not been applied in cases of discrimination against LGBT persons.¹²⁶⁹ However, discriminatory language has been used in public by high-ranking officials, political parties, the media, and others, without consequences.¹²⁷⁰

8.2 Discrimination and violence

A survey carried out by Tamara Adrián¹²⁷¹ on the socioeconomic conditions of LGBT persons in Venezuela and abroad¹²⁷² indicated that discrimination against LGBT persons in Venezuela is due to

¹²⁵⁹ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁶⁰ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹²⁶¹ ILGA, State-sponsored Homophobia, December 2019, [url](#), 530; Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁶² AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁶³ Unión Afirmativa de Venezuela, videoconference, 24 April 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁶⁴ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁶⁵ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹²⁶⁶ Venezuela, Ley Orgánica del Trabajo, los Trabajadores y las Trabajadoras, 2012, [url](#), Art. 21

¹²⁶⁷ Venezuela, Decreto con Rango, Valor y Fuerza de Ley de Instituciones del Sector Bancario, 2014, [url](#)

¹²⁶⁸ Venezuela, Ley para la Regularización y Control de los Arrendamientos de Vivienda, 2011, [url](#)

¹²⁶⁹ Unión Afirmativa de Venezuela, videoconference, 24 April 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁷⁰ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁷¹ Tamara Adrián is a professor at the UCV and the Metropolitan University (Universidad Metropolitana) (Adrián, Para dejar de ser fantasmas, December 2019, [url](#), p. 1). Adrián has been a Venezuelan deputy at the National Assembly since 2016, president for the Committee of the International Day Against Homophobia and Transphobia, president of the Board of Directors of GATE: Global Action for Trans Equality, and member of the Scientific Committee for the Chair Human Rights and Sexuality of the UNESCO. Adrián was the World Trans Secretary of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) from 2010 to 2013 (Vital Voices, Tamara Adrián, [url](#)).

¹²⁷² The survey was carried out online between 14 and 28 August 2019, and invitation to complete the survey was made on social media platforms, including Facebook, Twitter, and Instagram. It consisted of two questionnaires, one for LGBT persons in Venezuela, with a sample of 306 responses, and another for LGBT persons abroad, with a sample of 302. The total number of questionnaires activated was 4 803, however, only 686 were considered for the study as completion was one of the requirements. The final report does not include the situation of intersex people as only one person completed the survey 'inconsistently' in Venezuela, and only two intersex completed the survey from abroad. According to Adrián, the survey is

the lack of public policies that promote equality and against discrimination and violence, particularly at the school, workplace, household and public spaces. The Adrián survey provided the following overall percentages of LGBT persons experiencing discrimination and verbal harassment: gay men (72 %), lesbians (68 %), bisexuals (55 %), trans women (75 %), and trans men (93 %).¹²⁷³ Unión Afirmativa de Venezuela pointed out during the interview that discrimination by society revolves around an age divide where people younger than 35 years-old are more open to sexual diversity than older generations. The rejection of trans persons is more prevalent than for other LGB persons, and men with HIV are 'automatically assumed as being gays'.¹²⁷⁴ The Adrián survey indicated that 70 % of lesbians, 69 % of gays, 52 % of bisexuals, 100 % of trans women, and 86 % of trans men experienced discrimination in public spaces.¹²⁷⁵

They also face restrictions in accessing the CLAP food boxes as persons in charge of delivering them have discretion on who gets the food boxes.¹²⁷⁶ In Caracas there is a governmental LGBT office that provides the food boxes in exchange of obtaining the Carnet de la Patria and participating in pro-government rallies. In addition to the food boxes, the bonuses offered by the government are not distributed to same-sex unions because they are not recognised by the state, and trans persons do not receive the CLAP because their gender does not match the one indicated in their identity cards.¹²⁷⁷ The Adrián survey indicated that 17 % of lesbians, 6 % of gays, and 3 % bisexuals are not provided with the food boxes because they are in a same-sex union, and that 20 % of trans women and 43 % of trans men do not received the food boxes because of their gender identity.¹²⁷⁸

Regarding discrimination in employment, sources indicated that it depends on the physical appearance of the LGBT person.¹²⁷⁹ AC Venezuela Igualitaria indicated that 'if the person is a masculinised gay or feminised lesbian, chances are that the person will not encounter problems obtaining employment. If the employer or colleagues find out but the person still "continues to behave", the person would not encounter problems'.¹²⁸⁰ Unión Afirmativa de Venezuela similarly indicated that 'for lesbian women and gay men, whose masculinity or femininity is not visible, there is not so much problem. The problem is when that masculinity in lesbians and femininity in gays becomes visible, that's when rejection arises'. Rejection is materialised at the workplace through jokes, comments, and not being assigned tasks for consider them as 'incapable'.¹²⁸¹ LGBT persons whose physical appearance is different from their biological sex usually find informal, low-paid employment as street vendors, security agents, call centres and beauty shops.¹²⁸² The Adrián survey provided the following percentages of LGBT experiencing discrimination and verbal harassment at the workplace: gays (29 % discrimination, 20 % verbal harassment), lesbians (32 %, 20 %), bisexuals (16 %, 23 %), trans women (57 %, 67 %), and trans men (57 %, 50 %).¹²⁸³

LGBT persons often do not indicate their sexual orientation to health care professionals out of fear of being ridiculed. AC Venezuela Igualitaria has documented cases of LGBT persons who have died in hospitals because health care professionals did not know how to treat a person whose gender in the identity document did not coincide with the physical appearance.¹²⁸⁴ Sources indicated that

'the first one to shed light on different types of violence' committed against LGBT in Venezuela. The standard deviation was 3.5 %. (Adrián, Para dejar de ser fantasmas, December 2019, [url](#), pp. 15-16)

¹²⁷³ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), pp. 47-49

¹²⁷⁴ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹²⁷⁵ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), pp. 76,

¹²⁷⁶ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁷⁷ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁷⁸ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), pp. 323, 325

¹²⁷⁹ Unión Afirmativa de Venezuela, videoconference, 24 April 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁸⁰ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁸¹ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹²⁸² AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁸³ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), pp. 65, 68, 70

¹²⁸⁴ AC Venezuela Igualitaria, videoconference, 30 April 2020

transgender persons are refused medical treatment¹²⁸⁵, are sent from hospital to hospital, and are mistreated during physical examinations.¹²⁸⁶ Transgender persons also face difficulty accessing hormonal treatment and due to health care infrastructure in the country, most resort to self-medication or leave the country to access proper health care.¹²⁸⁷ Unión Afirmativa de Venezuela indicated that same-sex couples cannot register their partner as beneficiary in health care plans.¹²⁸⁸ The Adrián survey indicated that 83 % of lesbians, gays and bisexuals 'always' get the medicines and hormonal treatment they need, while 13 % indicated that 'almost always'. In the case of trans women, 33 % get them 'always', 17 % 'almost always', 17 % 'sometimes', and 35 % 'rarely'. Trans men indicated that 67 % of them get them 'always' and 20 % 'almost always'.¹²⁸⁹

Regarding access to housing, even though there is a law that prohibits discrimination based on gender identity and sexual orientation when accessing housing, it is difficult to appeal decisions as landlords have large discretion to let properties.¹²⁹⁰ Same-sex couples face also difficulties and they have to hide their relationship in order to access housing.¹²⁹¹

Fundación Reflejos de Venezuela indicated that social acceptance in the urban/rural divide depends on several factors such as the geographic area and religious beliefs. Discrimination also takes place in the household; between 75 and 80 % of discrimination occurs at home due to social, cultural and religious practices.¹²⁹² The Adrián survey provided the following percentages of LGBT experiencing discrimination and verbal harassment at their households: lesbians (60 % discrimination, 58 % verbal harassment), gays (51 %, 40 %), bisexuals (65 %, 58 %), trans women (50 %, 50 %), and trans men (86 %, 71 %). The same survey indicated that 100 % of Venezuelan trans women living abroad indicated that they were expelled from their home while in Venezuela, while the percentage for Venezuelan trans men abroad was 33 %.¹²⁹³

It is difficult to know the situation of LGBT persons in Venezuela, including targeted violence, because there are no reliable statistics, unless they are reported by the media¹²⁹⁴, but these outlets often do not disaggregate aggressions by gender and report that the victim was an 'homosexual'. Also, family members often oppose the release of information on a violent crime committed against the LGBT relative out of shame.¹²⁹⁵

According to sources, 'the most vulnerable populations' to violence are trans persons¹²⁹⁶, persons with intersex conditions¹²⁹⁷, and 'feminised gays'.¹²⁹⁸ According to Fundación Reflejos de Venezuela, lesbians have been subjected to 'corrective rape' in neighbourhoods.¹²⁹⁹ Transgender persons have been victims of human trafficking rings for sexual exploitation.¹³⁰⁰ The survey by Adrián indicated that, overall, 38 % of trans women, 22 % of gays, 21 % of trans men, 5 % of bisexuals, and 4 % of lesbians in Venezuela have experienced physical violence for being LGBT. According to the survey, 2 % of lesbians,

¹²⁸⁵ Unión Afirmativa de Venezuela, videoconference, 24 April 2020; Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁸⁶ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁸⁷ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁸⁸ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹²⁸⁹ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), p. 354

¹²⁹⁰ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁹¹ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁹² Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁹³ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), pp. 86, 90, 95-96

¹²⁹⁴ Unión Afirmativa de Venezuela, videoconference, 24 April 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁹⁵ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁹⁶ Fundación Reflejos de Venezuela, videoconference, 5 May 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁹⁷ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹²⁹⁸ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹²⁹⁹ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³⁰⁰ Fundación Reflejos de Venezuela, videoconference, 5 May 2020; El Diario, Explotación sexual y tráfico de personas, la realidad de cientos de venezolanos, 24 September 2019, [url](#)

7 % of gays, and 33 % of trans women filed a complaint with authorities, while bisexuals and trans men did not, and in all of the complaints the aggressor was not penalised.¹³⁰¹

8.3 Situation of LGBT advocacy organisations

The division among LGBT organisations has been increasing in the context of the political polarisation in the country.¹³⁰² Within the LGBT community, LGBT organisations that are perceived as *chavistas* feel stigmatised, and those who are perceived as being from the opposition, feel they could be 'persecuted' by the government.¹³⁰³

Emigration has been devastating for the LGBT movement in Venezuela as many have dissolved due to the emigration of its members.¹³⁰⁴ Unión Afirmativa de Venezuela indicated that, 'in many cases, one or two activists are the frontrunners of the organisations and when they leave the country these organisations disappear'.¹³⁰⁵ About 75 % of LGBT activists have left the country.¹³⁰⁶ Unión Afirmativa de Venezuela indicated that in 2017 there were 12 organisations, in 2018 they decreased to six, and in 2019 there were 12.¹³⁰⁷ The Adrián survey indicated that the reasons for leaving Venezuela included economic (73 %), political (57 %), employment (39 %), and discrimination (27 %).¹³⁰⁸ The lack of resources is the main challenge as organisations do not receive funding from the government or international organisations¹³⁰⁹, in spite of the increasing number of requests for assistance, including intra-family cases of violence.¹³¹⁰

According to the AC Venezuela Igualitaria representative, LGBT organisations 'do not encounter challenges in their work. In the last years, they have become more visible in the media. When they set up demonstrations at the National Assembly or the TSJ, the GNB has treated them well'. The same source indicated that violence against members of LGBT organisations 'occur more in particular cases rather than in a generalised way', including to low-profile activists.¹³¹¹ However, according to Unión Afirmativa de Venezuela, there is a duality among LGBT organisations in the sense that pro-government organisations are the ones that have more visibility, and there are other organisations that are 'persecuted' not by the government but by government employees.¹³¹² LGBT organisations have been attacked, including by pro-government groups. Some examples of harm faced by LGBT organisations include intimidation of its members, aggressions at demonstrations, harassment¹³¹³, their webpages hacked, and accused of being 'anti-imperialists' ('*antiimperialistas*'), 'peons of the US government' ('*peones del gobierno estadounidense*'), and 'fascists' ('*fascistas*').¹³¹⁴ Fundación Reflejos de Venezuela indicated that the Foundation has ceased its political activism to focus on the prevention against discrimination. According to the same source, many aggressions against LGBT organisations come from colectivos of LGBT activists, and when LGBT activists become politically active, including by participating in demonstrations, are mistreated by authorities, with some of these activists deciding to leave the country as a result. Furthermore, government officials have intimidated LGBT

¹³⁰¹ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), pp. 133-134, 189-192

¹³⁰² Unión Afirmativa de Venezuela, videoconference, 24 April 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³⁰³ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³⁰⁴ AC Venezuela Igualitaria, videoconference, 30 April 2020; Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³⁰⁵ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³⁰⁶ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³⁰⁷ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³⁰⁸ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), p. 38

¹³⁰⁹ Fundación Reflejos de Venezuela, videoconference, 5 May 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020; Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³¹⁰ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³¹¹ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³¹² Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³¹³ Fundación Reflejos de Venezuela, videoconference, 5 May 2020; Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³¹⁴ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

organisations that provide psychological assistance pro-bono by indicating that 'these programs are already offered by the government'. The same source indicated that when an organisation is well known, it can bring problems to its volunteers as they could be exposed to harassment and job dismissal. While they file a complaint with the Public Ministry for actions committed against them, they have to file a complaint at the international bodies in order to seek protection.¹³¹⁵

Fundación Reflejos de Venezuela indicated that there are no *zonas rosas* in Caracas, but bars called *lugares de ambiente* ('places of ambience').¹³¹⁶ Unión Afirmativa de Venezuela indicated that LGBT persons are open but in very specific spaces such as beauty salons and in the celebration of LGBT special events. Pride is celebrated in Venezuela, with a parade conducted every year financed by the government since the year 2000, including the social, political and cultural acts associated with the event. The Pride parade is organised by pro-government LGBT organisations; however, other organisations also attend the event.¹³¹⁷

8.4 State protection

Unión Afirmativa indicated LGBT persons can file complaints for discrimination and violence committed against them with the Public Ministry, the Office of the Ombudsperson or the police.¹³¹⁸ However, LGBT persons usually do not report cases of violations of their rights or violence committed against them.¹³¹⁹ LGBT persons deal with 'fear, guilt and shame' when deciding whether or not to file a police complaint¹³²⁰, and are frequently revictimised.¹³²¹ There have been cases of ridicule, not being taken seriously¹³²² and mistreatment by authorities.¹³²³ Unión Afirmativa de Venezuela indicated that in most cases the burden of the proof lies in the LGBT person, and when they try to file a complaint, they are sent from government institution to government institution until the victims desists. The same source indicated that in cases of complaints against a government official or a government agency, these complaints are delayed by authorities until the term of the statute of limitations expires so these authorities do not rule against the government.¹³²⁴

Fundación Reflejos de Venezuela indicated that there is no consistency in the registration of complaints across institutions, and when LGBT persons and organisations file a police report, they look for a particular official who they know is sympathetic to LGBT person. The Foundation provides awareness training to local police officers, but the training is lost because they are frequently rotated. There are also instances that the LGBT person must demonstrate the commission of other crimes not related to sexual orientation for authorities to investigate. Most police complaints filed with the Public Ministry by LGBT persons are from activists. Most victims do not file complaints, and when they do, they do not follow up out of fear or because they left the country.¹³²⁵ The Adrián survey indicated that 94 % of lesbians, 91 % of gays, 94 % of bisexuals, 67 % of trans women, and 100 % of trans men in Venezuela did not file police complaints for acts of discrimination and verbal harassment.¹³²⁶

¹³¹⁵ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³¹⁶ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³¹⁷ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³¹⁸ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³¹⁹ Fundación Reflejos de Venezuela, videoconference, 5 May 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020; Adrián, Para dejar de ser fantasmas, December 2019, [url](#), p. 118

¹³²⁰ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³²¹ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³²² AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³²³ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³²⁴ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³²⁵ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³²⁶ Adrián, Para dejar de ser fantasmas, December 2019, [url](#), pp. 118-120

There are no LGBT-specific protocols to investigate sexual orientation and gender identity-related crimes.¹³²⁷ Institutions seldom investigate cases of discrimination or violation of the rights of LGBT persons¹³²⁸ because LGBT persons are considered a 'minority', particularly LGBT persons with little economic or political influence.¹³²⁹ Crimes committed against LGBT persons are deemed by authorities as 'crimes of passion' (*crímenes pasionales*)¹³³⁰, the result of 'settling of scores' (*ajustes de cuentas*)¹³³¹, or that the LGBT persons 'had it coming'.¹³³² Complaints made before the Office of the Ombudsperson do not advance. It is more effective to make complaints on social media.¹³³³

In Venezuela there are no specialised institutions that provide assistance to LGBT persons victims of discrimination or violence, with LGBT civil society organisations providing support¹³³⁴ such as psychological and legal assistance.¹³³⁵ There is a legal clinic run by the Catholic University Andrés Bello (UCAB, *Universidad Católica Andrés Bello*) and another by Central University of Venezuela (UCV, *Universidad Central de Venezuela*), but these services are very limited.¹³³⁶ There was a shelter in Caracas that provided assistance to homeless LGBT persons, but it was closed in 2017¹³³⁷ or 2014.¹³³⁸ Unión Afirmativa de Venezuela indicated that there is also an office within the Ministry of Women and Gender Equality for LGBT persons, but the activities and assistance that it provides are 'unknown'. Obtaining some form of protection of their rights is more feasible in urban centres than in remote areas as in these areas there not many LGBT organisations and 'little' is known on the situation of LGBT persons.¹³³⁹

¹³²⁷ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³²⁸ Fundación Reflejos de Venezuela, videoconference, 5 May 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020; Adrián, Para dejar de ser fantasmas, December 2019, [url](#), p. 118

¹³²⁹ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³³⁰ Unión Afirmativa de Venezuela, videoconference, 24 April 2020; AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³³¹ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

¹³³² AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³³³ AC Venezuela Igualitaria, videoconference, 30 April 2020

¹³³⁴ AC Venezuela Igualitaria, videoconference, 30 April 2020; Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³³⁵ Unión Afirmativa de Venezuela, videoconference, 24 April 2020

¹³³⁶ Fundación Reflejos de Venezuela, videoconference, 5 May 2020

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Annex 2: Terms of Reference

1. Political and humanitarian situation

- Recent developments on the human rights and humanitarian situation (since June 2019)
 - Treatment of members of the opposition and its supporters.
 - Information on migration, food insecurity, malnutrition, and access to food, basic medicines, medical treatment, and the impact of the coronavirus on the health system.

2. Security situation at the borders

- Presence of Colombian armed groups in Venezuela, including organised criminal groups, paramilitaries, and guerrillas; information on areas of operation, activities and relationship with the Venezuelan government.
- Threatening/targeting of Venezuelans (in Venezuela and border areas inside Colombia) by Colombian criminal groups.
- Venezuelan state response to armed groups' activities at border areas, including operational control and protection available for victims.

3. *Colectivos*

- Information on *colectivos*, including types, structure, areas and means of operation, communications, activities, and relationship with the government.
- Profiles of targeted individuals.
 - Whether *colectivos* have access to government databases, such as police/intelligence databases, to target individuals.
 - Capacity of *colectivos* to track down individuals who fled an area where they operate and moved to another part of the country.
- The role of *colectivos* during protests; whether *colectivos* operate in tandem with security forces.
- State response to members of *colectivos* and other non-state actors who have committed crimes.

4. Situation of current and former state employees

- Treatment of current and former government employees who support the opposition, including members of the security forces; reprisals for not participating in government events and/or activities; monitoring by the state.
- Treatment of state employees, including public servants, teachers and members of the security forces, who leave the government; whether they are perceived to be "dissidents" by the state.
- Ability of members of security forces who desert their posts to obtain a travel document and leave the country.

- Ability of former government employees to obtain proof of employment after departure, including procedures and whether the reason for leaving is stated in the document.
- Treatment of whistleblowers.

5. Identity documents and court documents

- Requirements and procedures to obtain and renew identity documents, including passports and national identity cards, within the country and from abroad.
- Court summonses and arrest warrants, including issuing authority and issuance procedures; description of the documents, including security features; whether copies can be obtained from outside the country or by a third party.
- Prevalence and availability of fraudulent documents, including identity documents and court documents.
- The homeland card (*carnet de la patria*), including issuance procedures, usage, and physical characteristics; whether benefits are linked to an individual's political views and/or political party affiliation.

6. Entry and exit procedures

- Exit and entry procedures at airports, land and fluvial crossings.
- Information on illegal border crossings.
- Information on restrictions on who can or cannot leave the country, including members of the opposition and supporters, and persons wanted by the government.
- Treatment of returnees from abroad, including critics of the government, persons who engaged in anti-government social-media activities while abroad, persons previously detained in Venezuela, and failed asylum seekers.

7. Situation of LGBT persons

- Situation of LGBT persons, including legislation, treatment by authorities and society, state protection and support services.

