



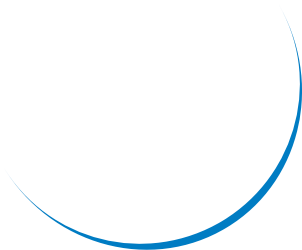
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Venezuela: Justice Needed for Systematic Abuses

International Criminal Court Prosecutor Advances Possible Investigation



National Police detain an anti-government protester near the La Carlota airbase during clashes between opposition and government supporters in Caracas, Venezuela, on May 1, 2019. © AP Photo/Rodrigo Abd.

(Washington, DC) – The new report from the International Criminal Court (ICC) prosecutor’s office, indicating that the office’s examination of possible crimes against humanity in [Venezuela](#) is moving forward, advances the search for justice by victims of atrocities under Nicolás Maduro’s government, Human Rights Watch said today.

On December 14, 2020, the ICC Office of the Prosecutor [published its annual report](#) covering situations the office is examining to determine whether a full ICC investigation is warranted. The Office of the Prosecutor has concluded that there is a reasonable basis to believe that crimes against humanity have been committed in Venezuela. Specifically, the prosecutor found that there is a “reasonable basis

to believe that since at least April 2017, civilian authorities, members of the armed forces and pro-government individuals have committed the crimes against humanity of imprisonment or other severe deprivation of physical liberty,” “torture,” “rape and/or other forms of sexual violence,” and “persecution against any identifiable group or collectivity on political grounds.”

“There has been no justice in Venezuela for the victims of extrajudicial killings, arbitrary arrests, and torture by security forces with the knowledge or acquiescence of Venezuelan high-level political, military, and judicial authorities,” said [José Miguel Vivanco](#), Americas director at Human Rights Watch. “Since Venezuela’s judiciary is an appendix of the executive branch, the Office of the Prosecutor should be on the lookout for attempts by Venezuelan authorities to overwhelm them with information to try to delay the office’s decision.”

The prosecutor’s report noted that the office focused on “allegations related to the treatment of persons in detention, for which a sufficiently detailed and reliable information was available,” but “without prejudice to other crimes that [it] might determine at a later stage.”

The annual report indicates that there is information implicating the Bolivarian National Police, the Bolivarian National Intelligence Service, the Directorate General of Military Counterintelligence, the Special Action Forces, the Scientific, Penal and Criminal Investigations Corps, the Bolivarian National Guard, the National Anti-Extortion and Kidnapping Command, and certain units of the Bolivarian National Armed Forces. It also states that available information indicates that pro-government individuals have participated in the repression of actual or perceived government opponents, with participation or acquiescence of security forces.

The prosecutor’s office anticipates concluding the preliminary examination during the first half of 2021, to determine whether there is a reasonable basis to proceed with an investigation. The office will determine whether the crimes within the court’s jurisdiction that it has identified are sufficiently grave to merit the court’s attention. It will also determine whether national authorities are carrying out credible investigations and, if appropriate, prosecuting cases that would otherwise be subject to ICC jurisdiction.

Since former President Hugo Chávez and his supporters in the National Assembly carried out a political takeover of Venezuela’s Supreme Court in 2004, [the judiciary has stopped functioning as an independent branch](#) of government.

Supreme Court justices have [openly rejected](#) the principle of separation of powers and have consistently upheld abusive policies and practices. Human Rights Watch research has shown that the judiciary has failed to adequately investigate compelling evidence of widespread abuses, and impunity for human rights abuses remains the norm.

The ICC prosecutor opened a preliminary examination into possible crimes in Venezuela in February 2018. Venezuela is an ICC member state. Under the ICC's founding Rome Statute, the ICC is charged with acting as a court of last resort to investigate serious international crimes, including crimes against humanity, war crimes, and genocide. On September 26, 2018, [six ICC member countries asked](#) the court's prosecutor to investigate potential crimes in Venezuela, an unprecedented move. The Maduro government also referred other crimes to the ICC prosecutor in February 2020 allegedly caused by unilateral sanctions imposed on Venezuela, leading to the opening of a second, separate preliminary examination by the Office of the Prosecutor.

Human Rights Watch reports released in [2014](#) and [2017](#) and shared with the Office of the Prosecutor found widespread abuses during crackdowns in Venezuela. Security force personnel beat detainees and severely tortured them. Security forces also used disproportionate force and carried out violent abuses against people in the streets, and arbitrarily arrested and prosecuted government opponents. The nature and timing of many of the abuses – as well as the frequent use of political epithets by the abusers – suggest that their aim was not to enforce the law or disperse protests but rather to punish people for their perceived political views.

Similarly, in her July 2020 report, which covered the human rights situation in Venezuela from June 2019 to May 2020, the UN high commissioner for human rights, Michelle Bachelet, reported documenting cases of severe beatings with boards, suffocation with plastic bags and chemicals, waterboarding, electric shocks to eyelids and genitals, exposure to cold temperatures and/or constant electric light, being handcuffed for extended periods of time, and death threats.

[Human Rights Watch research shows that the abuses were not isolated](#) cases or the result of excesses by rogue security force members. On the contrary, the fact that widespread violations were carried out repeatedly, by multiple security forces, during a determined time frame, and in numerous locations, supports the conclusion that the abuses have been part of a systematic practice by the Venezuelan security forces.

Human Rights Watch also documented cases in which victims were subject to [enforced disappearances](#) for periods of days or several weeks.

Police and [security forces have killed nearly 18,000 people](#) in Venezuela in instances of alleged “resistance to authority” between 2016 and 2019. Nobody has yet compiled detailed information as to how many of these killings by security forces have been extrajudicial executions, but the Office of the UN High Commissioner for Human Rights (OHCHR) has concluded that “many of these [killings may constitute extrajudicial executions](#).” In six cases OHCHR documented, those killed were government opponents or people perceived as such. Agents executed them during raids after anti-government protests.

On September 16, 2020, the United Nations Independent International Fact-Finding Mission on Venezuela [presented its first report](#) to the United Nations Human Rights Council, concluding that Venezuelan authorities and *colectivos* (armed pro-government groups) committed egregious violations amounting to crimes against humanity. The independent experts leading the mission said they had reasonable grounds to state that “Most of the violations and crimes ... were part of a widespread and systematic attack against a civilian population ... in furtherance of a state policy.”

The experts found that “[H]igh-level authorities had knowledge of and contributed to the commission of these crimes” and that “Commanders and superiors knew or should have known about them, and ... did not take measures to prevent or repress them.”

Correction: The news release had improperly stated that the Office of the Prosecutor’s decided that “it is reasonable to believe that crimes against humanity have been committed in Venezuela.” This has been corrected to clarify that “there is a reasonable basis to believe that crimes against humanity have been committed in Venezuela.”

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