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

Summary

The present report is submitted to the Human Rights Council pursuant to its resolution 51/29. In the report, the independent international fact-finding mission on the Bolivarian Republic of Venezuela outlines the evolution of patterns of gross human rights violations committed in the country during the period from 1 September 2023 to 31 August 2024. The most significant event of that period was the presidential election held on 28 July 2024, the results of which were questioned both inside and outside the country. As described in the report, the post-election protests were brutally repressed, leaving 25 people dead and hundreds injured or detained, in one of the most acute human rights crises in the country's recent history.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

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I. Introduction

A Background

1. The independent international fact-finding mission on the Bolivarian Republic of Venezuela was established by the Human Rights Council in its resolution 42/25 of 27 September 2019.[1] The mission is mandated to investigate gross violations of human rights, such as extrajudicial killings, enforced disappearances, arbitrary detention, torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence, committed since 2014.[2]

2. In the present report, submitted pursuant to Council resolution 51/29,[3] the mission provides an update on serious human rights violations in the Bolivarian Republic of Venezuela between 1 September 2023 and 31 August 2024. The detailed findings of the mission are set out in the conference room paper accompanying the present report.

3. The mission's investigations continued to focus on violations and crimes committed against real or perceived opponents of the Government. That approach is particularly relevant in the context of the presidential election that took place on 28 July 2024. During that period, the Government intensified its repression and the closure of civic and democratic spaces.

4. Starting on 29 July 2024, after the national electoral authority had proclaimed President Maduro the winner, protests and allegations of fraud sprang up across the country and were repressed. The reactivation of the most violent mechanisms of the State's repressive apparatus led to serious human rights violations and crimes, in what constituted one of the country's most acute crises in recent years. Those violations and crimes occurred within the framework of a State policy to silence, discourage and quash opposition to the Government of President Maduro, as identified in the mission's first report.[4]

5. The post-election crisis forced the mission to redefine the focus of its investigations to account for the upsurge in serious human rights violations and crimes during this period. Given the ongoing violations and widespread fear among victims and witnesses, in the present report, the mission concentrates on analysing the general patterns of the latest violations and only refers to a limited number of investigated cases. Further investigation of those cases is important to combat impunity and to ensure full accountability for perpetrators.

6. For the same reason, the mission had to interrupt the final phase of its ongoing investigation into the role of the Bolivarian National Guard and its chain of command in serious human rights violations and crimes committed since 2014. If the Human Rights Council decides to renew its mandate, the mission will complete that investigation, including the role of the institution in violations committed in the post-election context.

7. The focus of this report is in no way intended to minimize or ignore serious human rights violations not included herein and should not be interpreted to mean that such violations did not occur.

B. Methodology and standard of proof

8. The mission conducts its investigations in accordance with established methodologies and best practices recognized by the United Nations, taking into account a gender perspective. The mission works according to the principles of independence, impartiality, objectivity, transparency, integrity and the "do no harm" principle.

9. The mission uses the standard of proof of "reasonable grounds to believe" to reach its conclusions. The standard is met when factual information has been gathered that would

[1] Para. 24.
[2] Human Rights Council resolution 45/20, para. 15.
[3] Para. 10.
[4] A/HRC/45/33, para. 160.

satisfy an objective and prudent observer that the incident occurred as described, with a reasonable degree of certainty.

10. The investigations leading to the present report faced several limitations, particularly as a result of the post-election crisis. At the time of finalizing the report, most of those detained during the post-election crisis were still in detention. Many of their family members and witnesses preferred not to provide their testimonies to the mission for fear of reprisals. That fear was particularly prevalent in the case of children, as well as survivors of sexual and gender-based violence.

11. Some individuals did not consent to the mission publishing the details of their case, and some others withdrew their consent at a later stage. The mission decided not to publish information provided by sources when protection risks for victims and witnesses were identified.

12. Despite those limitations, and the fact that serious violations were occurring at the same time as they were being investigated, the mission was able to meet its standard of proof of "reasonable grounds to believe" in a limited number of cases in the post-election period. In other cases, the mission presents only preliminary indications that the events could reasonably have occurred.

13. For the preparation of the report, the mission conducted 366 remote or face-to-face interviews with 383 persons (203 men and 180 women) and consulted dozens of judicial case files and other documentary and audiovisual sources. In relation to the post-election crisis, the mission reviewed more than 1,000 evidentiary items, including testimonies, videos, audio recordings, photographs, documents, complaints, reports from human rights organizations and media reports, from both open and confidential sources. After the post-election crisis, the mission did not have access to judicial files and, in some cases, was informed that these files did not even exist.

14. During the reporting period, the mission conducted four investigative visits to three countries. The mission is grateful for the co-operation extended by the authorities of those countries.

15. Despite the Human Rights Council urging, in its resolutions, the Venezuelan authorities to cooperate fully with the mission,[5] all requests for information have been ignored.[6]

II. Context

16. Starting in October 2023, the State's repressive apparatus was reactivated, and its functioning intensified in the run-up to the election. Once the election results had been announced, the repression not only continued to focus on silencing members of the political opposition, but also took on a massive and indiscriminate character, targeting all those who expressed their rejection or demanded transparency of the election results announced by the authorities, actively protested or were suspected of having done so. The repression also targeted election officials, polling station authorities and regional and local opposition coordinators, among others.

17. Between September 2023 and May 2024, 60 persons (49 men and 11 women) were sentenced in relation to Operations Constitution (*Constitución*), Gideon (*Gedeón*) and Liberty (*Libertad*). They were sentenced to between 16 and 30 years in prison.[7]

[5] Human Rights Council resolution 42/25, para. 25; resolution 45/20, para. 16; and resolution 51/29, para. 11.

[6] The mission sent four written requests to various Venezuelan authorities, which were not answered. The mission also formally offered to share the present report with the Government prior to its publication but received no response.

[7] In previous reports, the mission concluded that 15 of these people had been subject to several serious human rights violations.

A. Situation prior to the presidential election of 28 July 2024

18. On 17 October 2023, the Government and the main opposition factions, grouped together as the Unitary Democratic Platform, signed the Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All in Barbados. That agreement, published in the *Official Gazette*, established commitments such as the promotion of "a favourable environment" for the development of the electoral process; the freedom to select candidates; an invitation to electoral observers; and the updating of the electoral register, among others.[8]

19. On 22 October 2023, the Unitary Democratic Platform held a primary election, organized by a primary national commission, to choose a single candidate to compete in the presidential election. María Corina Machado, President of Vente Venezuela political movement, was declared the winner by the commission with more than 92 per cent of the votes.[9] Ms. Machado had been disqualified from holding public office for a period of 15 years,[10] which was confirmed by the Supreme Court in January 2024.[11] The results of the primary election were suspended by the Supreme Court[12] and some of its organizers were summoned to testify as part of a criminal investigation.[13]

20. After the signing of the Barbados Agreement, the United States of America temporarily suspended the main sanctions it had imposed against the Venezuelan hydrocarbon sector.[14] In addition, the Bolivarian Republic of Venezuela agreed to release 10 United States citizens (all men) and 24 Venezuelan nationals (22 men and 2 women). The President of the United States granted a presidential pardon to Alex Saab, who was detained in that country.[15]

21. On 26 March 2024, the National Electoral Council published the final list of 13 presidential candidates, all men, which was later reduced to 10. Of the 38 parties that contested the election, 12 had previously been subject to interventions by the Supreme Court of Justice, which designated new ad hoc boards aligned with the Government.[16] The Democratic Unity Round Table – the party representing the Unitary Democratic Platform – was prevented from registering Corina Yoris, designated as María Corina Machado's replacement, as a presidential candidate, however, ultimately, it managed to register Edmundo González Urrutia.

22. During the pre-election period, the mission investigated 42 cases of arbitrary detention and recorded numerous acts of harassment, reprisals and attacks targeting opposition campaign events. In the context of the election campaign, the authorities detained and sanctioned dozens of persons who had participated in, provided logistical support for or published social media coverage of the events organized by the Democratic Unity Round Table.

B. Situation after the presidential election

23. The presidential election took place on 28 July 2024. On the following day, in the early hours of the morning, the National Electoral Council announced, as a "resounding and irreversible trend", the victory of President Maduro with 51 per cent of the votes compared

[8] *Official Gazette*, No. 42.738, 19 October 2023 (in Spanish).

[9] See https://www.facebook.com/UnidadVenezuela.org/videos/660413092886465/?locale=es_LA (in Spanish).

[10] See the conference room paper of the mission on the government apparatus, its repressive mechanisms and restrictions on civic and democratic space, case 38, paras. 1052–1074 , available on the web page of the mission at https://www.ohchr.org/en/hr-bodies/hrc/ffmv/index.

[11] Supreme Court of Justice, Judgment No. 5, 26 January 2024.

[12] Supreme Court of Justice, Judgment No. 122, 30 October 2023.

[13] See https://x.com/cnprimariave?lang=es (in Spanish).

[14] See https://home.treasury.gov/news/press-releases/jy1822.

[15] See https://www.justice.gov/d9/2023-12/moran_warrant.pdf.

[16] In 2023, the mission analysed this practice as undue interference with the right of association. See the conference room paper on the government apparatus, its repressive mechanisms and restrictions on civic and democratic space, paras. 1242–1250.

with 44 per cent for Edmundo González Urrutia, based on 80 per cent of the votes. The President of the Council justified the delay in announcing the results of the election on account of an "attack on the data transmission system".[17] According to the Attorney General, the attack was orchestrated from North Macedonia.[18]

24. In the afternoon, the President of the National Electoral Council confirmed the victory of Nicolás Maduro, who was proclaimed President for a new six-year term.[19] The announcement was made without the publication of official data disaggregated by polling station and voting centre as reflected in the election tally sheets, as required by domestic law.[20]

25. Two of the independent entities that observed the electoral process at the invitation of the Government published preliminary reports questioning the integrity of the process. The Carter Center asserted that the election "did not meet international standards of electoral integrity and cannot be considered democratic".[21] A United Nations panel of experts noted that "the results management process of the [National Electoral Council] fell short of the basic transparency and integrity measures that are essential to holding credible elections".[22]

26. Since the announcement of the results, dozens of countries and international organizations have demanded the publication of the election tally sheets and their independent verification.[23] On 29 July 2024, the Government of President Maduro expelled seven Latin American diplomatic delegations from the country.[24]

27. On 29 and 30 July 2024, numerous protests by concerned citizens, rejecting the results announced by the National Electoral Council, took place in the Capital District and in most of the country's states. According to the Venezuelan Observatory of Social Conflict, between 29 and 30 July 2024, 915 protests took place across the country.[25]

28. Violent repression by security forces and armed civilian groups aligned with the Government occurred during those days and the days that followed. The repression resulted in 25 deaths and hundreds of persons were injured and detained for simply expressing an opinion. Among the victims were children, as well as persons with disabilities.

29. The repression of the protests was instigated by the highest civilian and military echelons of the State, including President Maduro, through public statements of a threatening nature. The authorities launched Operation Tun Tun, sending security forces to the homes of persons who had participated in the protests or who had voiced opinions critical of the Government, in order to arrest them. That fostered a climate of generalized fear among the population.

30. In the framework of Operation Tun Tun, numerous leaders of political parties and civil society, including journalists, were harassed, threatened or arrested by the security forces, and some had to go into hiding or flee the country. However, the vast majority of the victims of the repression were persons with no clear political profile, who simply raised their voices against the results announced by the National Electoral Council. In some neighbourhoods, the homes of families perceived as opponents or critics were marked with

[17] See https://x.com/teleSURtv/status/1817774905804345697 (in Spanish).
[18] See https://twitter.com/MinpublicoVEN/status/1817951396638933445 (in Spanish).
[19] See https://www.youtube.com/watch?v=4Secx0Fd94k (in Spanish).
[20] Organic Law on Electoral Processes (2009), art. 120.
[21] See https://www.cartercenter.org/news/pr/2024/venezuela-073024.html.
[22] See https://news.un.org/en/sites/news.un.org.en/files/atoms/files/Interim_Report_PoE_Venezuela_090824.pdf.
[23] See, for example, https://www.state.gov/g7-foreign-ministers-statement-on-venezuela; https://mire.gob.pa/declaracion-conjunta-sobre-venezuela-2 (in Spanish); https://www.consilium.europa.eu/en/press/press-releases/2024/08/24/venezuela-statement-by-the-high-representative-on-behalf-of-the-eu-on-recent-post-election-developments; and https://scm.oas.org/doc_public/english/hist_24/cp50275e03.docx.
[24] See https://x.com/yvangil/status/1818016486532812873 (in Spanish).
[25] See https://www.observatoriodeconflictos.org.ve/comunicados-2/comunicado-915-protestas-postelectorales-138-reprimidas-durante-29-y-30-de-julio (in Spanish).

an “X”. Furthermore, there were reports of passports, both inside and outside the country, being cancelled and of civil servants being dismissed.

31. Various international organizations and prominent figures spoke out in response to the violent repression, including the Secretary-General and the United Nations High Commissioner for Human Rights.[26] The mission made repeated public appeals, calling for an end to the repression and demanding a thorough investigation into “the spate of grave human rights violations”.[27]

32. On 22 August 2024, in response to an appeal lodged by President Maduro, the Electoral Chamber of the Supreme Court of Justice “indisputably” certified the electoral material that had been examined and “categorically” validated the results announced by the National Electoral Council, without presenting any evidence to justify its decision.[28] In a message prior to the publication of the ruling, the mission recalled the lack of independence of both institutions.[29]

33. The Attorney General initiated an ex officio investigation into the online publication of election tally sheets by the opposition for crimes, inter alia, of “usurpation of functions”, “criminal association” and “conspiracy”.[30] Between 26 and 30 August 2024, opposition candidate Edmundo González Urrutia was summoned to testify by the Office of the Attorney General, which he decided not to do, alleging the absence of “guarantees of independence and due process”.[31] On 2 September 2024, a tribunal for terrorism cases issued an arrest warrant against him.[32] On 7 September 2024, Mr. González Urrutia was forced to go into exile in Spain due to the persecution to which he was subjected.[33]

III. Update on patterns of violations

34. In its last report, published in December 2023, the mission concluded that the repressive apparatus of the State had not been dismantled and continued to represent a latent threat that could be activated when the Government deemed it necessary.[34] During the reporting period, especially after the presidential election of 28 July 2024, the system of harassment and violent repression against real or perceived opponents was reactivated in an intense and accelerated manner.

35. The repression resulted in the commission of serious human rights violations and crimes. During the reporting period, the mission investigated cases of deaths during protests, arbitrary detentions, followed by or resulting from serious violations of due process, short-term enforced disappearances, as well as acts of torture, inhuman, cruel or degrading treatment and sexual and gender-based violence. The mission investigated a selection of cases, the most illustrative of which are analysed in detail in the conference room paper accompanying this report.[35]

[26] See https://news.un.org/en/story/2024/07/1152661.
[27] See https://www.ohchr.org/en/press-releases/2024/08/venezuela-fact-finding-mission-calls-end-repression-thorough-investigations; and https://www.ohchr.org/en/press-releases/2024/07/venezuela-un-fact-finding-mission-expresses-alarm-over-human-rights.
[28] Supreme Court of Justice, Judgment No. 31, 22 August 2024, available at https://www.instagram.com/p/C-_CFYHS0ee/?img_index=7 (in Spanish).
[29] See https://x.com/UN_HRC/status/1826624015097888919.
[30] See https://x.com/TarekWiliamSaab/status/1821315584929448088/photo/1 (in Spanish).
[31] See https://www.instagram.com/p/C_HSe9IM4ZE (in Spanish).
[32] See https://www.instagram.com/p/C_bvY0fNwC6/ (in Spanish).
[33] See https://www.exteriores.gob.es/es/Comunicacion/Comunicados/Paginas/2024_COMUNICADOS/20240908_COMU049.aspx (in Spanish).
[34] A/HRC/54/57, para. 108.
[35] The conference room paper will be available at https://www.ohchr.org/en/hr-bodies/hrc/ffmv/index.

A. Deaths in the context of protests

36. On 12 August 2024, the Attorney General acknowledged the deaths of 25 persons in the protests that had taken place on 29 and 30 July 2024, without identifying all of those killed.[36] The Attorney General attributed all the deaths to "criminal groups instrumentalized by the so-called *comanditos* [local support groups of the Democratic Unity Round Table]".[37] He also stated that he had no information on any case of excessive use of force by the security forces.[38]

37. The mission investigated a wide array of independent and credible sources, including testimonies from family members and public officials, as well as a substantial collection of audiovisual material. As a result of that investigation, the mission was able to document 25 deaths in the context of the protests.

38. All the registered victims were male, with 68 per cent (17) of them under 30 years of age. Of those, 10 were youths, that is, 24 years of age or younger. Two of the victims were children, one aged 15 and the other aged 17.[39] One of the victims was a member of the Bolivarian National Guard.

39. The deaths were concentrated in 10 of the country's 24 federal entities, particularly in the Metropolitan District of Caracas (33 per cent) and in the Aragua State (28 per cent).

40. The mission was able to determine that 24 of the 25 deaths were caused by gunshot wounds, mostly to the neck or the front or back of the chest. One death was caused by blunt force trauma. In seven cases, the death certificates obtained by the mission confirmed that the cause of death was due to gunshot wounds.

41. Even though the mission has so far not been able to establish responsibility for the killings under its standard of proof, initial investigations yielded some circumstantial evidence. For example, the mission documented that armed civilians were present and shooting during several protests, either interacting with the security forces or acting alone. In several of the cases investigated, members of the Bolivarian National Guard or the Bolivarian National Police used their firearms to repress protesters. Further investigations are needed to reach conclusions in that regard.

B. Arbitrary detentions

42. The mission continued to investigate numerous cases of arrest of real or perceived opponents of the Government. Arrests increased significantly during the election campaign and especially in the days following the election of 28 July 2024. The number of arbitrary detentions identified by the mission during that period was significantly higher than in previous years, being the highest number recorded since the 2019 crisis.

43. Of the detentions investigated that occurred prior to the election, the mission has reasonable grounds to believe that the authorities carried out at least 39 arbitrary detentions (32 men and 7 women) of real or perceived opponents of the Government. Due to time and other constraints referred to above, the mission only investigated a limited number of detentions from the period after 28 July 2024. Of those, the mission considered that there were reasonable grounds to believe that 10 were arbitrary (five men and five women). However, those figures represent a very limited sample of a much larger universe of detentions.

44. In most of the cases investigated, the detentions involved or were followed by serious and systematic violations of due process. Furthermore, the mission has reasonable grounds to believe that, of the victims from the 49 arbitrary detention cases investigated during this

[36] See https://www.youtube.com/watch?v=18WzFNo09e0 (in Spanish).
[37] Ibid.
[38] See https://caracol.com.co/2024/08/04/no-existen-ordenes-de-captura-contra-machado-y-gonzalez-saab-fiscal-general-de-venezuela (in Spanish).
[39] Under article 1 of the Convention on the Rights of the Child, a child is anyone below the age of 18. The Bolivarian Republic of Venezuela is a State party to the Convention.

period, 13 were also victims of short-term enforced disappearances (27 per cent), 13 were victims of torture (27 per cent) and 8 were victims of sexual or gender-based violence (16 per cent).

1. Targeted detentions linked to conspiracies

45. As in previous years, the Government invoked the existence of conspiracies as a justification for intimidating, arresting and prosecuting its opponents or critics. Since December 2023, the authorities have claimed the existence of at least 10 conspiracies, which, according to the authorities themselves, sought to destabilize the country, overthrow the Government or threaten the life of President Maduro and other State authorities.

46. The bulk of the arrests took place between December 2023 and March 2024. At least 48 persons (39 men and 9 women), including civilians and military personnel, were arrested in connection with those conspiracies. That amounts to at least three detentions every week for four months. In addition, arrest warrants were issued for 15 other persons (11 men and 4 women). The mission investigated a significant number of cases and concluded, with reasonable grounds to believe, that in at least 25 cases the arrests were arbitrary.

47. Of those detentions, eight (seven men and one woman) were Vente Venezuela leaders and activists. Moreover, arrest warrants were issued for six other persons, all close associates of Ms. Machado, who were granted asylum in the residence of the Ambassador of Argentina in Caracas and, subsequently, placed under the protection of the Embassy of Brazil.

48. Out of the several conspiracies announced by the Government, the main one was Operation White Armband (*Brazalete Blanco*), which prompted the arrest and prosecution of dozens of people.[40] One of them is human rights defender Rocío San Miguel, who was arrested in February 2024 along with her daughter and other close relatives. In a public statement, the mission expressed its deep concern at the irregularities committed in connection with those arrests and "urged the Government to end a wave of repression against opponents".[41]

49. Another of the persons implicated by the Government in Operation White Armband, former Lieutenant Ronald Ojeda, was abducted from his home in Santiago, Chile, on 21 February 2024 and his dead body was found with signs of torture shortly afterwards. The office of the prosecutor in Chile ruled out that the kidnapping of Mr. Ojeda had been motivated by extortion.

50. The mission recalls that the practice of invoking the existence of conspiracies to repress dissent through arbitrary arrests is not new.[42] The mission also recalls that the State has a duty to maintain public order and to prevent acts of violence. However, all measures adopted to that effect must be consistent with international human rights law, including due process guarantees for those allegedly responsible.

2. Detentions linked to electoral campaign events

51. The mission documented numerous arrests of persons linked to, or who had participated in electoral events organized by, the political opposition. Although not restricted to this period, such arrests increased significantly during the election campaign period (4–25 July 2024). The mission documented the cases of 121 persons (106 men and 15 women) who had been arrested in the context of opposition campaign events.

[40] A detailed explanation of Operation White Armband is set out in the conference room paper accompanying the present report.

[41] See https://www.ohchr.org/en/press-releases/2024/02/venezuela-fact-finding-mission-expresses-profound-concern-over-detention.

[42] In its first report, the mission presented a non-exhaustive list of 19 operations that, according to the authorities, were carried out between 2014 and May 2020 against the Government of President Maduro. See the conference room paper on the detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, paras. 258 and 259, available on the web page of the mission at https://www.ohchr.org/en/hr-bodies/hrc/ffmv/index.

52. Among those detained were numerous members or supporters of Vente Venezuela and other opposition parties. Business owners or workers, and their relatives, were also arrested simply for providing accommodation, food, transport or technical production services for electoral events of the opposition.

53. Such persons were generally held under arrest for brief periods in relation to common crimes. In most cases, there were no formal charges filed and the persons were released without charge.

3. Detentions following the election of 28 July 2024

54. Following the election of 28 July 2024, the authorities launched an unprecedented campaign of mass and indiscriminate arrests, while targeted arrests of opposition and civil society actors also continued. The number of detentions reported by the authorities reached levels only comparable to those during the 2014, 2017 and 2019 protests.

55. The number of people detained varied according to sources. The authorities provided general figures on social media and in various public statements by the Attorney General and President Maduro. According to the Attorney General, on 31 July 2024, after two days of protests, the number of arrests amounted to 1,062.[43] A week later, President Maduro stated that there were 2,229 persons being detained, whom he portrayed as "terrorists".[44] The official website of the Office of the Attorney General has been inoperative since election day, and no specific details of all those detained have been made public.

56. Several Venezuelan human rights organizations provided the mission with records of detentions based on their own internal verification processes, including complaints lodged by victims' relatives. The organization Foro Penal maintained a regular register of detainees with disaggregated data. According to that organization, the number of detentions between 29 July and 31 August 2024 reached 1,619 (1,397 men and 222 women).

57. Within that universe of cases, the mission was able to document 143 arrests, based on information from at least two credible sources, and started investigating 12 cases, as detailed in the conference room paper accompanying the present report. As for the remaining cases, the mission considers that their legal basis is prima facie questionable.

58. During this period, the mission also gathered information about the detention of 158 children (130 boys and 28 girls) after the protests, who were charged with serious offences such as terrorism, a phenomenon not previously identified by the mission. In some of the registered cases, the victims were children with disabilities. Although the detained children were generally taken to rehabilitation centres for juvenile offenders, in some cases they were held in ordinary prisons, disregarding the obligation to separate them according to age and gender. The lack of separation in detention centres placed children in a special situation of vulnerability. According to information received by the mission, that affected, in particular, girls, who, in some instances, were subject to sexual harassment in the presence of adult male prisoners.

59. The mission was able to ascertain that those arrests took place in two main contexts. First, numerous arrests were recorded in the framework of spontaneous protests against the election results announced by the authorities, mainly between 29 and 31 July 2024. Some of the arrests during the demonstrations were massive and indiscriminate. The mission also documented numerous arrests of individuals who had simply been in the vicinity of a protest, even if they had neither participated in nor intended to attend the protests, or simply because they had been dressed in a manner that the authorities considered suspicious.

60. Second, arrests took place in the framework of Operation Tun Tun. Those arrests affected people who were not necessarily politically active, but who had decided to protest in the streets or to express, in particular on social media, their rejection, or demand transparency, of the election results announced by the authorities. Most of those people, who

[43] See https://www.youtube.com/watch?v=xxzkItzRjJc&list=UULF-daMtfbj7N9ob6PO887Jag&rco=1 (in Spanish).

[44] See https://www.instagram.com/compasinformativo/reel/C-WUlQDxUPF (in Spanish).

come from working-class neighbourhoods, were identified by the security forces through an analysis of videos or photographs or by informants aligned with the Government.

61. Some of the arrests were recorded from inside the homes of victims and broadcast on social media, occasionally in real time; they indicate clear characteristics of arbitrary arrests, that is without warrants previously issued by a judicial authority or without an evident legal basis.

62. The current Minister of the Interior, Justice and Peace, Diosdado Cabello, published images of several of the arrests carried out in the framework of Operation Tun Tun on his television programme, *Con el Mazo Dando* ("Going at it with the club"), in a threatening fashion to generate terror among the population. The security forces, such as the General Directorate of Military Counter-Intelligence and the Scientific, Penal and Criminalistic Investigation Service Corps, also published threatening videos depicting the arrest of people in connection with Operation Tun Tun.[45]

63. Lastly, the mission continued registering and investigating targeted arrests of political leaders and activists, journalists and human rights defenders. Those include prominent members of opposition parties, such as Ricardo Estévez, María Oropeza, Freddy Superlano and Williams Dávila. Those cases were investigated by the mission, which found reasonable grounds to believe that their detentions were arbitrary.

64. Some of the arrests occurred as people were preparing to board a flight at Maiquetía "Simón Bolívar" International Airport in Caracas. In at least one case, one of the detainees was travelling to attend a meeting of a United Nations human rights mechanism, in what can be interpreted as a form of reprisal for cooperating with such a mechanism.

4. Serious violations of due process

65. Although violations of due process against real or perceived opponents were registered in previous reports of the mission, the gravity and widespread nature of these violations reached unprecedented levels. In particular, since the post-election crisis, the criminal proceedings initiated against the hundreds of detainees have systematically failed to comply with minimum due process guarantees.

66. The mission recalls that, according to category III of the Working Group on Arbitrary Detention, serious disregard of international norms relating to the right to a fair trial confers an arbitrary character on the deprivation of liberty. Virtually all cases investigated by the mission fit that criterion, frequently together with other criteria of the Working Group.

67. In most cases, arrests were carried out without a warrant, despite the absence of in flagrante delicto and/or without the reason for the arrest being given. The authorities frequently failed to respect the 48-hour time limit stipulated in article 44 of the Constitution for a detained person to be brought before a court.

68. The mission observed the practice of denying detainees the right to designate a lawyer of their choice and instead imposing a public defender to represent them. Among the dozens of cases investigated, the mission identified only 10 cases in which detainees were able to appoint lawyers of their choice. Numerous sources agreed that public defenders refrained from providing adequate and diligent legal assistance due to fear of reprisals or because of an explicit political directive to the contrary from within the Office of the Public Defender.

69. Without adequate justification, the authorities held initial court appearances – and even preliminary hearings – at night and in non-judicial premises, such as prisons and other detention centres. In none of the cases investigated or documented by the mission were those proceedings conducted publicly, nor were they communicated in advance to relatives and lawyers. Moreover, according to the testimonies received by the mission, those hearings were often collective and summary in nature, without the public defenders making any statements in defence of the accused or without the detainees being allowed to intervene. Proceedings were sometimes conducted online, without proper justification.

[45] See https://www.tiktok.com/@elvigilantexvenezuela/video/7400416633392532742 (in Spanish).

70. In most of the cases investigated, persons detained were charged with serious crimes such as "treason", "conspiracy to destroy the form of government", "terrorism", "association" and – particularly for persons detained for expressing criticism or opinions – "incitement to hatred". As mentioned in the mission's previous reports, all those offences are ambiguously defined and often prosecuted concurrently. The accumulation of charges can lead to the imposition of the constitutional maximum sentence of 30 years' imprisonment without the right to alternative sentencing measures and other procedural benefits.

71. On 30 July 2024, the Attorney General announced, on his official X account, that all detainees would be charged, inter alia, with "incitement to hatred" and "terrorism". That announcement was made without having assigned individual responsibility for the alleged conduct.[46]

72. The hundreds of children detained following the protests did not benefit from the procedural guarantees afforded to them by the Organic Law for the Protection of Children and Adolescents and by international norms and standards. That special protection includes the obligation to inform parents or guardians of such detention and to ensure their participation in judicial proceedings, to guarantee that child detainees are brought before a judge within 24 hours of arrest or to impose pretrial detention only in very exceptional circumstances.

73. The mission noted with great concern that, after the post-election crisis, the efforts of the authorities to uphold the appearance of legality, which were already minimal in previous periods, almost completely disappeared. For example, after the election, the mission investigated cases in which judicial authorities rejected habeas corpus petitions, as officials claimed that they were not authorized to accept complaints related to "*guarimbas*" (protests). The risk of the rule of law breaking down is very high.

C. Short-term enforced disappearances

74. The mission recorded an increase in the number of allegations of enforced disappearance, reaching levels not seen since 2019. During the period prior to the elections, the mission investigated 29 cases (involving 22 men and 7 women). The mission has reasonable grounds to believe that, in 15 of them, there was a short-term enforced disappearance. Under an expansive interpretation of the international prohibition of enforced disappearance, the number of cases would amount to 28, as elaborated in the conference room paper accompanying the present report. In the remaining case, the mission found no reasonable grounds to believe that there was an enforced disappearance.

75. In relation to detentions that occurred after 28 July 2024, the mission started investigating at least 27 cases, including those of 7 children, with preliminary indications that they might constitute short-term enforced disappearances. The mission considers it necessary to further investigate those cases to reach conclusions in line with its standard of proof.[47]

76. In 13 of the cases investigated in the run-up to the elections, the mission noted that, even though the authorities had not given any information to relatives about the detainees' fate and whereabouts (when they were in their custody), detainees were brought before a tribunal within the statutory deadline of 48 hours (with serious and systematic breaches of due process), and/or the detention was publicly acknowledged by the Attorney General (without providing details about the fate and whereabouts of the person and, in some instances, through social media). Those cases present challenges for the interpretation and application of the prohibition of enforced disappearances under international human rights law. Should an extensive interpretation of the prohibition be adopted, those cases would constitute enforced disappearance; however, under a restrictive interpretation, they would not be technically considered as enforced disappearances. In any event, the mission considers

[46] See https://x.com/MinpublicoVEN/status/1818306905581752371 (in Spanish).

[47] In these cases, information obtained by the mission indicates that detainees were not allowed to communicate with their families and lawyers; that there was no acknowledgement of the detention by any authority; and that review hearings took place after the 48-hour time limit.

that, in those cases, the authorities played with the boundaries of the law and used subterfuge to violate the rights of detainees.

77. In some instances, particularly in high-profile political cases, such as those involving regional leaders of Vente Venezuela or members of other political parties, the Office of the Attorney General reported the arrests through ad hoc press conferences or on State television or radio programmes, or even through the personal X account of the Attorney General. In none of those announcements did the Attorney General provide information on the whereabouts or fate of the persons detained, nor on the forces holding them in custody.

78. In the cases investigated by the mission, the relatives and lawyers of the disappeared persons were either told that they were not detained or were denied any information when they went to inquire at different detention centres, including those in which the person was being held. In addition to the ensuing anguish suffered by the families of not knowing the whereabouts of their loved ones, lawyers were prevented from exercising legal remedies to protect those detained.

79. In most of the cases investigated by the mission, relatives managed to obtain information about the whereabouts of the detained persons through unofficial channels or through acquaintances. In at least three cases, lawyers attempted to file habeas corpus petitions, which were not received by the authorities. In other cases, appeals and complaints filed with the Office of the Attorney General and the Office of the Ombudsman went unanswered. In all cases investigated by the mission, serious and systematic violations of due process were also identified, such as the absence of communication with relatives and lawyers, the denial of the right to appoint lawyers of choice or the fact that initial court appearances – and even trials – were held at night, sometimes in detention centres.

80. In four of the cases investigated by the mission, the disappeared persons were not brought before a tribunal for periods of 30 days or more. In the case of Captain Anyelo Heredia, the Attorney General announced, on 22 January 2024, that he had been arrested on 19 January 2024. However, the mission has reasonable grounds to believe that Mr. Heredia was in fact arrested a month earlier, on 16 December 2023, and that he was held in a clandestine location until 27 January 2024, where he was subject to acts of torture.

81. In the case of three regional leaders of Vente Venezuela detained on 23 January 2024 – Luis Camacaro, Juan Freites and Guillermo López – the Attorney General only acknowledged their detention on 26 January 2024 and it was not until 19 February 2024 that they were presented before a judge for the first time. During that period, the three leaders were transferred to different regional premises of the Bolivarian National Intelligence Service. Their relatives searched for them in various official locations and detention centres without obtaining any information. In addition, their lawyers filed habeas corpus petitions as well as complaints with the Office of the Ombudsman and the General Directorate for the Protection of Human Rights, which yielded no response.

82. The high number of short-term enforced disappearances registered during the reporting period, as well as those recorded in previous reports by the mission, indicates that they are neither isolated events, nor are they the result of one-off procedural errors.

D. Torture and cruel, inhuman or degrading treatment

1. Torture

83. The mission continued receiving allegations of torture or cruel, inhuman or degrading treatment committed against real or perceived opponents of the Government while they were in the custody of security forces in prisons and other detention facilities. The mission was able to establish reasonable grounds to believe that, in at least seven cases, the authorities committed acts of torture or cruel, inhuman or degrading treatment. All of those cases occurred before 28 July 2024. The mission also received allegations of other cases that could not be investigated in detail due to the fear of reprisals against victims or their families.

84. The methods of torture used in the cases investigated by the mission include punching, beatings with wooden planks or bats wrapped in foam, and electric shocks, including to the

genitals. Other methods recorded include suffocation with plastic bags, immersion in cold water and sleep deprivation through lighting and/or loud music 24 hours a day. Those methods are consistent with the methods of torture used by the Bolivarian National Police and intelligence services as documented in previous reports of the mission.

85. An illustrative case is that of John Álvarez, a student and youth leader with the Bandera Roja political party. Mr. Álvarez was arrested on 30 August 2023 and, on the same day, was taken to a police station in Caracas where he was subjected to physical and sexual torture. Mr. Álvarez was beaten and given electric shocks to his genitals and other parts of his body to force him to implicate various trade union leaders, politicians and journalists in illegal acts. As a result of the torture to which he was subjected, Mr. Álvarez suffers from physical sequelae.

86. The mission investigated nine other cases in which authorities coerced and intimidated detainees, including threats against family members, so that detainees would incriminate themselves or others by recording video messages, although these videos were not always made public. The mission recalls that such practices without the presence of defence counsel are a serious violation of the right against self-incrimination and cannot be used in a judicial process. Depending on the circumstances, these practices may even constitute acts of torture. In some of these cases, victims were also threatened that their families and associates would be harmed, which could constitute an act of torture.

87. Due to the aforementioned limitations on access to information, it is likely that most cases of torture and cruel, inhuman or degrading treatment that occurred after 28 July 2024 will be reported at a later stage by victims or their families. The mission recalls that, in previous phases of protests, most acts of torture took place in the hours and days immediately following detention.[48] Those cases require serious investigation to identify and bring those responsible to justice.

88. The mission recalls that torture has a far-reaching impact on the victims and those close to them that goes far beyond the commission of the torture itself. The dozens of victims identified in the mission's previous reports have not received any form of reparation from the State and continue to require special assistance and attention to try to overcome the physical sequelae of this serious human rights violation. No State institution is currently implementing care or support programmes for these victims.

2. Conditions of detention

89. The mission also continued receiving allegations from real or perceived opponents of the Government regarding the poor conditions of detention in prisons. That also included the detention of elderly persons with serious health problems, for whom their lawyers requested humanitarian measures that were not granted.

90. In some of the cases investigated, the mission has reasonable grounds to believe that the conditions of detention constituted acts of torture or cruel, inhuman or degrading treatment or punishment. For example, the high-ranking military officer Oswaldo García Palomo, who is serving a 30-year prison sentence after being linked to Operation Constitution, was subjected to prolonged solitary confinement for more than 15 days in a cell measuring 4 m^2 in an area known as "the house of dreams", at the Headquarters of the General Directorate of Military Counter-Intelligence in Boleíta, where he constantly inhaled carbon monoxide and the temperature could reach 40ºC.

91. The mission investigated conditions of detention in El Rodeo I Capital Judicial Prison, in Miranda State, which was reopened in early 2024. El Rodeo I includes an annex that operates as a maximum security prison housing civilians and military personnel linked by the Government to various conspiracies, including Operation White Armband. Prisoners are housed in cells measuring 4 m^2 in unsanitary conditions, with strict limitations on leaving their cells and insufficient access to food, water and sanitation. Prisoners have limited contact with the outside world, due to arbitrary restrictions on visits and a total ban on phone calls. Guards keep their faces covered at all times and do not wear any form of identification, even

[48] A/HRC/45/33, para. 47.

when accompanying the sporadic visits. The mission also received allegations of threats, ill-treatment and solitary confinement for prolonged periods of time. The situation in El Rodeo I is covered in detail in the conference room paper accompanying the present report.

92. Following the mass arrests after the announcement of the election results, the detained men were taken to several prisons, notably Yare III prison (Miranda State) and the newly restructured detention centres of Tocorón (Aragua State) and Tocuyito (Carabobo State). The President hinted at the possibility of those new centres becoming "work camps" for the "re-education" of inmates.[49] Most of the women detained during the protests were transferred to La Crisálida (Miranda State). The mission recorded numerous allegations of critical conditions of detention in those centres, as well as of treatment that could potentially constitute acts of physical or psychological torture. Again, further investigations are needed to corroborate those serious allegations.

E. Sexual and gender-based violence

93. Although the number of cases of sexual and gender-based violence recorded by the mission against real or perceived opponents of the Government remained relatively low between September 2023 and July 2024, it increased sharply after the election of 28 July 2024. As in the 2014–2019 and 2020–2023 periods, sexual and gender-based violence was mainly committed during arrests, in the context of interrogations and in places of detention. Detainees and family members visiting them in detention centres – particularly women and girls – were the main victims of the acts recorded.

94. Due to the aforementioned limitations on access to information, the mission did not meet its standard of proof in all of the cases it investigated. The mission concluded, with reasonable grounds to believe, that sexual and gender-based violence had occurred in three cases before 28 July 2024 and in four cases thereafter. It also received and analysed credible information on 15 other cases of sexual and gender-based violence. The mission also recorded numerous allegations of sexist insults during the protests and acts of forced nudity and invasive searches in several detention centres.

95. Among the acts of sexual and gender-based violence investigated by the mission, the victims identified were six women, three girls and three men. Those acts included threats of rape or other forms of sexual and reproductive violence (including one case in which a pregnant teenage girl was threatened with forced abortion); groping of breasts, buttocks and genitals; forced nudity in front of guards and other detainees of the opposite sex, sometimes involving compulsory physical exercise; invasive searches; innumerable sexist insults; and denial of sexual and reproductive rights of pregnant or breastfeeding women in detention.

96. Prior to 28 July 2024, the most significant case investigated by the mission was that of John Álvarez, who suffered sexualized torture. Mr. Álvarez received electric shocks to his genitals at a police station in Caracas during his detention. Moreover, also during the period before 28 July 2024, the mission documented five cases of forced nudity and searches of women during visits to persons deprived of their liberty, including at the El Rodeo I prison. In another case, a journalist was subjected to forced nudity by law enforcement officials who detained him while he was covering a story.

97. Among the events that took place after the presidential election, the mission investigated the case of two girls, aged 15 and 17, who were detained during post-election protests, even though they had not participated in them. The officers of the Bolivarian National Guard who arrested them beat them, pulled their hair, called them "*guarimbera* bitches"[50] and groped one of them between the legs over her clothes. They were then taken to a Bolivarian National Guard command centre, where they were beaten and humiliated. One of them was forced to pull down her trousers and officials groped her genitals. In another case investigated by the mission, a woman, a relative of a detainee, was subjected to extortion

[49] See https://www.youtube.com/watch?v=acKAxmLI7HE (in Spanish).
[50] *Guarimbera* is Venezuelan slang for those who participate in protests.

by an official who requested sexual favours in exchange for improving her relative's conditions of detention.

98. In the period after the presidential election, the mission recorded a large number of cases of invasive searches and forced nudity of women and girls while in detention. Such practices were reported, in particular, in the National Institute of Female Orientation, which is a women's prison.

IV. New restrictions on civic and democratic space

99. During the reporting period, there were new developments in the shrinking civic and democratic space, confirming the trend recorded in the mission's previous report.[51] The mission recorded an intensification of acts of harassment, criminalization and other limitations on the work of key civil society actors. A non-governmental organization, the Centre for Defenders and Justice, calculated that the attacks against human rights defenders in the first half of 2024 had increased by 92 per cent compared with the same period in the previous year.[52]

100. Freedom of expression was severely curtailed by attacks against and judicial persecution of journalists, social media content creators and unknown individuals who simply shared opinions critical of the Government on their social media. The mission recorded the detention of at least 16 journalists and social communicators during the reporting period, most of them (10) after the election of 28 July 2024. Additional closures of radio stations, bans on cable news programmes and blocking of websites were also recorded, including those of non-governmental organizations and independent news portals.[53]

101. During the post-election protests, President Maduro strongly criticized the most popular social media platforms, accusing them of "inciting hatred [and] fascism".[54] He decreed the temporary suspension of the X social network[55] and urged users to uninstall the WhatsApp application.[56] The President of the National Assembly described social media as "the greatest danger to human freedom" and announced legislative measures to regulate it.[57]

102. On 15 August 2024, the National Assembly adopted, on second reading, the Act on the Control, Regularization, Operations and Financing of Non-Governmental and Related Organizations. That Act has been questioned in the past by the mission and other international mechanisms since it imposes arbitrary limitations on the autonomous functioning of those organizations.[58]

103. In March 2024, President Maduro presented a draft bill on fascism, neo-fascism and similar expressions in the exercise of politics and national life, which was approved on first reading by the National Assembly on 2 April 2024.[59] Under a broad and ambiguous definition of "fascism" and "neo-fascism", the bill criminalizes ideological expressions such as "conservatism" and "neo-liberalism" and proposes severe restrictions and criminal sanctions on individuals, the media, non-governmental organizations and political parties.

[51] A/HRC/54/57.
[52] See https://centrodefensores.org.ve/?p=623 (in Spanish).
[53] See https://ipysvenezuela.org/2024/08/20/periodistas-en-el-exilio-aproximacion-a-la-diaspora-de-la-prensa-venezolana (in Spanish).
[54] See https://www.youtube.com/watch?v=Y81WMcvI9r4 (in Spanish).
[55] See https://x.com/Mippcivzla/status/1821697007515214110 (in Spanish).
[56] See https://www.youtube.com/watch?v=JnzS10OsBMg (in Spanish).
[57] See https://www.youtube.com/watch?v=nvcDn-lPAYI (in Spanish).
[58] See https://www.ohchr.org/en/press-releases/2023/01/venezuela-draft-ngo-law-reaching-point-no-return-closure-civic-space.
[59] See https://www.agenzianova.com/es/news/venezuela-il-parlamento-approva-in-prima-lettura-la-legge-contro-il-fascismo (in Spanish).

V. Crimes against humanity and the crime of persecution

104. The mission has reasonable grounds to believe that some of the human rights violations investigated during the reporting period were committed following the same course of conduct that the mission qualified in previous reports as crimes against humanity. Those violations constitute the crimes of imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape or any other form of sexual violence of comparable gravity; and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health.[60] Such behaviour was adopted as part of the same widespread and systematic attack against the civilian population, in furtherance of a State policy to silence, discourage and quash opposition to the Government of President Maduro, or in support of such a policy. The mission concluded in the past and continues to believe that those violations and crimes were committed intentionally as part of the attack, that the material and intellectual perpetrators had knowledge of the attack and that their acts were part of the attack.

105. In its 2020 report to the Human Rights Council, the mission stated that some of the conduct that was qualified in the report as a crime against humanity could also constitute the crime against humanity of persecution. Taking into consideration both the above-mentioned course of conduct and State policy, as well as the profile of the victims and public statements by high-level State representatives, the mission has reasonable grounds to believe that, throughout the period covered by its mandate, the crime of persecution has been committed in the Bolivarian Republic of Venezuela. In order to reach that conclusion, the mission has taken into account the serious human rights violations that were documented and investigated in the present and previous reports, including arbitrary detention, torture, sexual violence, as well as other violations committed in connection with them, such as violations of the right to participate in public affairs and the rights to freedom of expression, assembly and association. All those violations, committed within the framework of a discriminatory policy and taken together, constitute the crime against humanity of persecution on political grounds, by reason of the identity of the victims as real or perceived political opponents of the Government or persons who are simply critical of the Government.

VI. Institutions and other actors involved

106. The mission has reasonable grounds to believe that the acts and omissions committed by State agents, as described in the present report, entail the international responsibility of the State.

107. The human rights violations described in the present report involved a wide range of institutional actors. Statements by the highest State authorities, particularly after 28 July 2024, encouraged and guided repression and contributed to a climate of hostility and violence. For example, during the electoral campaign, President Maduro called upon people to vote for him in order to avoid “a bloodbath” and a “civil war”,[61] and warned that there would be “an iron fist and justice for the fascists and for those who are violent”.[62] After the first days of protests, the President called for “maximum punishment” for the protesters and announced that “this time there would be no pardon”.[63]

108. State security forces were involved in the commission of violations and crimes. Most of the arbitrary detentions were carried out by the intelligence services, both civilian (the

[60] In the case of the 2020 report, the mission also included murder and enforced disappearance of persons for a prolonged period (see the conference room paper on the detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, para. 2084). Regarding the killings committed in the context of post-election protests, the mission does not have sufficient information at this time to make a definitive determination on responsibility for these acts and, therefore, defers to a later date its determination on the inclusion of these acts within its findings on crimes against humanity, including the crime of persecution.

[61] See https://www.youtube.com/watch?app=desktop&v=Kda9laX4SQk (in Spanish).

[62] See https://www.youtube.com/watch?v=iSc6APkvS3k/ (in Spanish).

[63] See https://www.youtube.com/watch?v=acKAxmLI7HE (in Spanish).

Bolivarian National Intelligence Service) and military (the General Directorate of Military Counter-Intelligence), the Bolivarian National Police, including its new Directorate of Strategic and Tactical Action, identified by the mission in its previous report,[64] and the Bolivarian National Guard. The last two institutions also carried out arbitrary detentions, in particular, in the context of the protests after 28 July 2024.

109. The Bolivarian National Guard, under the command of the Minister of Defence, General Vladimir Padrino López, was deployed to control the protests, at times taking a leading role beyond its constitutionally mandated duties to support other forces in maintaining public order. The mission documented the participation of the Bolivarian National Guard in arbitrary arrests during the protests following the presidential election, sometimes in collusion with armed civilian groups. The mission also received allegations, which have yet to be verified under its standard of proof, of the possible involvement of the Bolivarian National Guard in deaths during the protests.

110. As the mission has continued to document, the Supreme Court of Justice, the governing body of the judiciary, and judicial actors in general, operated with a lack of independence and were subject to interference by the executive.[65] Caryslia Beatriz Rodríguez, President of the Electoral Chamber of the Supreme Court of Justice – who was also appointed President of the Board of Directors of the same court on 17 January 2024 – as well as two of its Vice-Presidents, were government party activists and held popularly elected positions. The mission also notably found systematic violations of due process in the proceedings initiated by the courts of the special jurisdiction on terrorism, which are responsible for most of the cases against opposition politicians and participants in the post-election protests.

111. The Attorney General, Tarek William Saab, continued to operate as part of the Government's repressive apparatus to give a semblance of legality to the serious human rights violations committed during the reporting period. The role played by the Attorney General was most conspicuously evident during the crackdown after the announcement of the election results. Following the protests, the Attorney General led the State action that resulted in human rights violations, including mass arrests, under the guise of the executive's narrative of fighting a "coup d'état" and "fascism".

112. The mission notes with particular concern the lack of action and response from the Office of the Ombudsman, the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment – which is part of the organizational structure of the Office of the Ombudsman– and the General Directorate for the Protection of Human Rights within the Office of the Attorney General. The only statements issued by the Ombudsman, Alfredo Ruíz, during this period were in praise of the electoral process or in support of the endorsement of the results by the Supreme Court of Justice.[66] The mission found several cases in which relatives and/or lawyers of persons who had been arbitrarily detained and/or disappeared filed complaints with the Office of the Ombudsman and the Office of the Attorney General. Those complaints were never answered and, in some cases after the post-election crisis, the authorities even refused to receive them.

113. The actions of other State powers and institutions also reflected their alignment with the executive to the detriment of the exercise of their constitutional mandates in an independent and balanced manner. The President of the National Electoral Council, Elvis Amoroso, was a member of Congress for the ruling party and Comptroller General.[67] Under his tenure, the Council conducted the electoral process in a way that, according to the United Nations panel of experts, "fell short of the basic transparency and integrity measures"

[64] A/HRC/54/57, paras. 83–96.

[65] The lack of independence of the judicial system was analysed by the mission in A/HRC/48/69, paras. 14–56.

[66] See http://www.defensoria.gob.ve/index.php/2024/07/28/defensor-del-pueblo-ejercio-su-derecho-al-sufragio-y-lo-califico-como-un-acto-de-participacion-democratico (in Spanish); and http://www.defensoria.gob.ve/index.php/2024/08/22/defensor-del-pueblo-destaco-la-importancia-de-la-decision-emitida-por-la-sala-electoral-del-tsj (in Spanish).

[67] Conference room paper of the mission on the government apparatus, its repressive mechanisms and restrictions on civic and democratic space, para. 111.

that are essential for "credible elections".[68] The National Assembly, the President of which is Jorge Rodríguez, continued to be instrumental in the approval of new laws restricting civic and democratic space without any genuine and democratic debate.

VII. Progress on international accountability

114. On 1 March 2024, the Appeals Chamber of the International Criminal Court ruled against an appeal filed by the Bolivarian Republic of Venezuela, confirming the authorization for the Office of the Prosecutor of the Court to continue its investigation pursuant to article 18 (2) of the Rome Statute.

115. On 5 April 2024, Chamber 1 of the Federal Criminal and Correctional Chamber of Buenos Aires issued a ruling confirming the jurisdiction of Argentine courts to investigate crimes against humanity in the Bolivarian Republic of Venezuela.[69] The case was initiated following a suit filed in June 2023 by the Clooney Foundation for Justice, initially in relation to the killing of two persons in the 2014 protests by members of the Bolivarian National Guard.[70]

116. The same court is considering another complaint of crimes against humanity filed by the non-governmental organization Foro Argentino por la Democracia en la Región in January 2023.

VIII. Conclusions and recommendations

A. Conclusions

117. **During the period covered by the present report and, in particular, after the presidential election of 28 July 2024, the State reactivated and intensified the harshest and most violent mechanisms of its repressive apparatus. As part of that repression, the authorities carried out, in a conscious and deliberate manner, actions aimed at dismantling and demobilizing organized political opposition, inhibiting the dissemination of independent information and opinions critical of the Government and preventing peaceful citizen protests. The brutality of the repression continues to generate a widespread climate of fear among the population.**

118. **The protests against the election results announced by the authorities and the State's repressive response marked a new milestone in the deterioration of the rule of law. The main public authorities abandoned all semblance of independence and openly deferred to the executive. In practice, many judicial guarantees lost their effectiveness, leaving the citizenry helpless in the face of the arbitrary exercise of power.**

119. **The mission has reasonable grounds to believe that some of the human rights violations investigated during the reporting period were committed following the same course of conduct that the mission qualified in previous reports as crimes against humanity. Those violations were not the result of isolated or random acts but were committed as part of a coordinated plan to silence, discourage and quash opposition to the Government of President Maduro.**

120. **The mission also considers that some of the violations documented in the period covered by its mandate, which fall within the parameters described above, including arbitrary detentions, torture and sexual violence, as well as other violations committed in connection with them, taken as a whole, constitute the crime against humanity of**

[68] See https://news.un.org/en/sites/news.un.org.en/files/atoms/files/Interim_Report_PoE_Venezuela_090824.pdf.

[69] Judgment No. CFP 2001/2023/CA1, 5 April 2024.

[70] A/HRC/54/57, para. 22.

persecution on political grounds. That crime has been committed against persons who are critical of the Government and real or perceived political opponents.

B. Recommendations

121. **The mission reiterates its previous recommendations and recommends the authorities of the Bolivarian Republic of Venezuela:**

(a) **To investigate allegations of the abusive use of lethal force by security forces and the involvement of armed civilians acting with the collusion of security forces in the context of the post-election protests and ensure accountability for those responsible;**

(b) **To end the practice of arbitrary detentions as described in the present report and immediately release all persons who are arbitrarily detained;**

(c) **To respond immediately to any allegation of the detention or criminal prosecution of children, in accordance with international norms and standards, as well as Venezuelan legislation, taking into consideration the best interests of the child, ensuring separation from adults and when there is a risk of danger;**

(d) **To end the practice of short-term enforced disappearances, ensuring that all records of detained persons are freely accessible to relatives and lawyers;**

(e) **To provide appropriate conditions of detention, taking into account the specific needs and situation of each person deprived of their liberty, including women, girls and LGBTIQ+ persons;**

(f) **To take immediate steps to ensure that all persons, regardless of their gender identity, are protected from sexual and gender-based violence in detention and that any such violence, including invasive searches and forced nudity, is investigated and punished in accordance with the law;**

(g) **To take immediate action on allegations of torture and cruel, inhuman or degrading treatment and carry out a review of all cases documented in this and previous mission reports, in order to properly investigate such allegations and ensure that survivors have access to comprehensive redress and reparation;**

(h) **To establish protection programmes for victims of serious human rights violations, ensuring a specific perspective that mitigates the differential impact on women, as well as comprehensive reparation for harm suffered;**

(i) **To develop protocols to ensure the openness and transparency of prosecutorial investigations and judicial proceedings, including strict respect for due process;**

(j) **To cooperate actively and genuinely with United Nations human rights protection bodies and mechanisms, including the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, the treaty bodies and special procedures;**

(k) **To cooperate actively with the inter-American system for the protection of human rights, comply with the precautionary measures of the Inter-American Commission on Human Rights and with any applicable decisions of the Inter-American Court of Human Rights.**

122. **The mission recommends that the international community continue to actively monitor the human rights situation in the Bolivarian Republic of Venezuela. In particular, it should insist on the need for accountability in cases of serious human rights violations and international crimes, as well as justice and reparations for victims.**

123. **The mission reiterates the importance of supporting genuine accountability efforts at the national level, including those carried out on the basis of the principle of universal jurisdiction, as well as the investigation of the International Criminal Court.**