

Report on the list of issues of Venezuela in the framework of the 136th Session of the Human Rights Committee

August 2022

The organizations Center for Human Rights Defenders and Justice (CDJ, for its Spanish name)¹ and Venezuelan Observatory of Social Conflict (OVCS, for its Spanish name)² submit the following written contribution in order to provide information to the Human Rights Committee on aspects of concern regarding the failure of the Venezuelan State to comply with its obligations under the International Covenant on Civil and Political Rights (ICCPR), and in accordance with the fifth report submitted by Venezuela in September 2021.

General Considerations

I. Consultation with Civil Society

1. In accordance with the guidelines of the Human Rights Committee³, as part of the process of preparing its fifth report, the State assures in it to have carried out public consultations with members of non-governmental organizations⁴. In this regard, the CDJ and the OVCS draw the Committee's attention to the fact that no consultation with independent human rights organizations took place. On the contrary, the independent civil society has been systematically attacked for its advocacy work before the international protection systems⁵.

2. In Venezuela there are organizations and institutions that present themselves as non-governmental and independent but respond to the political interests of the government administration. Therefore, they tend to generate information that, in addition to aligning themselves with the State's discourse on the human rights situation in the country, seeks to discredit the work of the independent human rights movement⁶. For this reason, the information presented by Venezuela

¹ The CDJ is a non-governmental organization that emerged in 2017 with the aim of promoting and defending human rights, in the face of the existing needs to work for the strengthening of justice and democratic institutions in Venezuela in accordance with international obligations and regulations on the matter. As well as to ensure the defense and protection of human rights defenders, by strengthening their capacities and safeguarding their security, with the understanding that their work is fundamental for the full existence of democracy and the rule of law. As an organization, our objective is to generate policies of change to guarantee the progressiveness of human rights, the strengthening of democratic institutions, the State's compliance with its international obligations, and to provide elements so that human rights defenders can carry out their work in a safe and enabling environment.

² OVCS is a Venezuelan non-governmental organization (NGO) committed to the promotion and defense of human rights. Since its founding (2011), OVCS has been dedicated to monitoring, documenting, disseminating, developing specialized databases, and reporting on the human rights situation in Venezuela, with an emphasis on the right to peaceful assembly and demonstration. Its products are currently a fundamental pillar of the record and memory of the human rights situation in Venezuela, as well as a fundamental input for international human rights protection organizations, civil society, the media, and governments concerned about the current situation in the country. In addition, the OVCS has given numerous courses and workshops related to the area of documentation and the right to peaceful demonstration. Its main beneficiaries have been university students, human rights defenders and activists, journalists and trade unionists. All OVCS activities are aimed at strengthening democracy, guaranteeing freedoms and human dignity.

³ Human Rights Committee: Guidelines to the treaty-specific document relating to the International Covenant on Civil and Political Rights to be submitted by States parties under article 40 of the Covenant CCPR/C/2009/1

⁴ State report. CCPR/C/VEN/5 page 2, para. 5.

⁵ Center for Defenders and Justice. Situación de las personas defensoras de derechos humanos en Venezuela - Año 2021 (Situation of human rights defenders in Venezuela - Year 2021). Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/01/CDJInformeAnual2021.pdf>; Center for Defenders and Justice. Situación de personas defensoras de derechos humanos en Venezuela - Año 2020 (Situation of human rights defenders in Venezuela - Year 2020). Available in Spanish at: <https://centrodefensores.org.ve/?s=08>

⁶ The Iguana TV. 24.09.20. Minutes 1:57 - 2:27. Available at: <https://www.youtube.com/watch?v=7AJ3Ege-GEs&pbjreload=101>; The interview was replicated on La Iguana TV's web portal: <https://www.laiguana.tv/articulos/809138-maria-alejandra-diaz-informe-onu-clodovaldo/>; Tweet from the organization Sures. 29.11.20. Available at: <https://twitter.com/SuresDDHH/status/1333060177877229569>; Tweet from the Samuel Robinson Institute. 11.08.21. Available at: https://twitter.com/isrobinson_/status/1425528593921216521; Instituto Samuel Robinson aborda multipolaridad y desafíos de

in its fifth report does not reflect a real, balanced and, above all, true and transparent vision of the human rights situation in the country.

II. Generalized context of the closure of civic and democratic space

3. The Venezuelan context is characterized by the erosion of the rule of law and the existence of a Complex Humanitarian Emergency, derived from the establishment of an authoritarian regime, which, through actions and omissions, has hindered and limited the exercise of civil and political rights of the population. The State has taken increasingly severe actions to weaken and suppress civic space, limiting, restricting, and criminalizing the exercise of the fundamental freedoms. This has affected the exercise of the rights of the Venezuelan population and has had a particularly adverse effect on activities of defense, demand and promotion of human rights.

4. The activities carried out by organizations and individuals, framed within the rights to freedom of association, peaceful assembly and demonstration, defense of rights and expression, have been affected by the adoption of a State Policy of repression, criminalization and social control. One of the bases of this policy is the thesis of the "internal enemy"⁷, under which peaceful demonstrators, human rights defenders, union leaders, social leaders and people who dissent from government policies are classified as enemies, traitors and destabilizing actors who must be neutralized in order to preserve the security of the nation⁸. Thus, those who denounce or speak out against the serious human rights violations occurring in the country, the abuses of power and the arbitrary actions carried out by the State, are subjected to attacks and aggressions in retaliation for their activities and as a kind of exemplary punishment against those who intend to take part in the defense and demand for rights.

5. The policy of criminalization and repression against the defense and demand for human rights is progressively polished, and in recent years has deepened as a result of actions aimed at closing the civic and democratic space in Venezuela. It is considered a State Policy because it is materialized systematically due to the existence of a restrictive regulatory framework, the lack of democratic institutionalism, and the execution of different patterns of attack as part of the repression and social control exercised by State officials, security agencies and para-state actors.

6. The OVCS has documented how the demand and defense of human rights has been affected by the criminalization of the right to peaceful assembly and demonstration. Restrictive measures have been imposed and the right to protest has been repressed. In this regard, the logic of the internal

la izquierda mundial. Correo del Orinoco. 08.10.21. Available at: <http://www.correodelorinoco.gob.ve/instituto-samuel-robinson-abor-da-multipolaridad-y-desafios-de-la-izquierda-mundial/>

⁷ As part of its repressive policy, the Venezuelan State has developed the thesis of the Internal Enemy, based on the doctrine of national security. Accordingly, anyone who dissents, opposes or challenges the government's administration is considered an enemy of the interests of the State and a danger to national security. For this reason, those who carry out actions of documentation, denunciation, promotion and demand for rights face repressive actions, criminalization and social control as a form of reprisal.

⁸ Some examples; Tweet by William Castillo. 10.03.21. Available at: <https://twitter.com/planwac/status/1369799621678088198>
La Hojilla. 15.05.21. Minutes 52:58-56:12. Available at: https://www.youtube.com/watch?v=Blh7rQlQo&ab_channel=LuiginoBracciRoa-Situaci%C3%B3nVenezuela;Con%20el%20mazo%20dando.Gobierno%20brit%C3%A1nico%20entrega%20mas%20de%20750%20mil%20libras%20a%20medios%20y%20ONG%20de%20la%20derecha%20venezolana.07.01.21. Available at: <https://mazo4f.com/gobierno-britanico-entrega-mas-de-750-mil-libras-a-medios-y-ong-de-la-derecha-venezolana>; Lechuguinos. COMMUNICATION MERCENARIES! Efecto Cocuyo received 1 million dollars to destabilize and lie about Venezuela. 07.01.21. Available at: <https://www.lechuguinos.com/efecto-cocuyo-financia-miento-britanico/>; Lechuguinos. UNITED KINGDOM FUNDS ANTI-GOVERNMENT MEDIA AND NGOS IN VENEZUELA. Mission Truth. 12.01.21. Available at: <https://misionverdad.com/venezuela/reino-unido-financia-medios-y-ong-antigubernamentales-en-venezuela>

Post on Twitter: https://twitter.com/mision_verdad/status/1347503566009884672

enemy is applied against those who participate in and organize peaceful social protests. Among the main repressive patterns identified are arbitrary detentions, enforced disappearances, executions and deaths in the context of protests as a result of the excessive and disproportionate use of force implemented by the security forces of the State⁹. **Between 2017 and 2021 alone, 251 people were killed in the context of demonstrations in Venezuela**¹⁰.

7. These patterns have also been applied against human rights defenders and organizations. From 2019 to June 2022, the CDJ documented **1,935 attacks against them**, with the main forms of attack being stigmatization, intimidation, harassment, threats, digital attacks, arbitrary detentions and prosecutions, as well as violations of personal integrity. Starting with acts of stigmatization, characterized by discredit and hate speech against the defense and demands for rights, state and non-state actors materialize threats and aggressions¹¹.

8. The Venezuelan State has received repeated calls and recommendations from human rights protection mechanisms, such as the Working Group of the Universal Periodic Review¹², the Special Procedures on the situation of human rights defenders, freedom of expression and freedom of association and demonstration, and the Office of the High Commissioner for Human Rights¹³ in relation to the situation of repression and criminalization. However, to date it has not implemented

⁹ Observatorio Venezolano de Conflictividad Social, 'Situación de la criminalización y represión en Venezuela' (2018, 2019, 2020, 2021). Available at <https://www.observatoriodeconflictos.org.ve>

¹⁰ Observatorio Venezolano de Conflictividad Social, 'Contribution to the third cycle of the Universal Periodic Review (UPR), January 2022. Available at: <https://www.observatoriodeconflictos.org.ve/sin-categoria/examen-periodico-universal-epu-venezuela>

¹¹ Center for Defenders and Justice. Situación de las personas defensoras de derechos humanos en Venezuela - Año 2021; Año 2020 y Primer semestre 2022. Available at: <https://centrodefensores.org.ve>

¹² Universal Periodic Review Working Group. Report of the Working Group on the Universal Periodic Review. A/HRC/34/6. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/47/PDF/G1644147.pdf?OpenElement>

¹³ See: Venezuela: Human rights defenders released but charges against them remain; criminalization of civil society must end. GENEVA (18 February 2021). At: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26757&LangID=S>

@MaryLawlorhrds: Press release: In recent months, #Venezuela has intensified pressure against civil society working to alleviate the humanitarian crisis. We urge the government to drop the charges against the 5 #Azul-Positivo #defensoresxs. En: <https://twitter.com/MaryLawlorhrds/status/1362425419836911619>

AL VEN 1/2021. At: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26005>

Statement by Marta Valiñas, Chairperson of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 46th session of the Human Rights Council. 10 March 2021. Geneva, Switzerland. Available at:

<https://www.ohchr.org/SP/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26872&LangID=S>

Speech by the United Nations High Commissioner for Human Rights, Michelle Bachelet. 46th session of the Human Rights Council. Geneva, Switzerland. Available in:

Report on the situation of human rights in Venezuela. 47th session of the Human Rights Council. Michelle Bachelet, United Nations High Commissioner for Human Rights. Geneva, 5 July 2021. At: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=27265&LangID=S>

CONTINUED - Presentation of report by the High Commissioner for Human Rights, Michelle Bachelet, on the human rights situation in Venezuela, followed by an interactive dialogue <https://media.un.org/en/asset/k1b/k1b6fgm8r>

Inter-American Commission on Human Rights (IACHR). <https://twitter.com/CIDH/status/141137545319092993> and <https://twitter.com/CIDH/status/1411375455198920707>

A/HRC/48/19. Situation of human rights and technical assistance

A/HRC/48/19. Situation of human rights and technical assistance in the Bolivarian Republic of Venezuela of Venezuela. Report of the United Nations High Commissioner for Human Rights. In:

https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session48/Documents/A_HRC_48_19_UnofficialSpanishVersion.pdf 323rd Meeting, 48th Regular Session Human Rights Council. <https://media.un.org/en/asset/k1y/k1y9yum98f>

A/HRC/48/CRP.5 16 September 2021. Human Rights Council Forty-eighth session 13 September-8 October 2021. Agenda item 4: Human rights situations that require the Council's attention.

Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. At:

https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf

19th Meeting, 48th Regular Session Human Rights Council. ID with Fact-finding mission on Venezuela. <https://media.un.org/en/asset/k19/k1966rofzk>

Venezuela: criminalisation, attacks, harassment and threats against human rights defenders (joint communication)

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26550>

A/HRC/48/28.

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any of them and continues to strengthen the Policy of Criminalization, Repression and Social Control in the framework of the closure of civic and democratic space.

III. On articles of the International Covenant on Civil and Political Rights

ARTICLE 2 - Measures taken to ensure the Covenant's applicability

9. Paragraph 23 of the State's Fifth Report affirms the independence of the Ombudsman's Office from the other public powers of the State, as well as "the development of transparent and impartial investigations in cases of human rights violations". In this regard, the CDJ and the OVCS recall the downgrading of the Venezuelan Ombudsman's Office to category B in 2016¹⁴, and draw the Committee's attention to its role in the country, as the State's report does not reflect the role that the Ombudsman's Office has played in criminalizing the defense, demand and promotion of human rights and the exercise of peaceful demonstration.

10. The Ombudsman's Office does not act as an independent body. Like the Judicial Branch and the Public Prosecutor's Office, the Ombudsman's Office responds to the interests of the Executive Branch in actions and omissions aimed at guaranteeing its permanence in power, and at the same time, entail responsibility in human rights matters. These organs of public power have been part of the executing arms of the Policy of Criminalization and Repression in Venezuela¹⁵. Particularly, the Ombudsman's Office, as of the date of presentation of this report, has remained silent in the face of the actions and measures carried out by the various branches of government to close the civic and democratic space.

11. Despite the denunciations made by the organized civil society and international protection organizations, including the Independent International Fact-Finding Mission on Venezuela, regarding the closure of civic space and the criminalization of fundamental freedoms¹⁶, instead of opening investigations against those responsible and pronouncing themselves on the matter, the Ombudsman's Office and the Attorney General's Office have instrumentalized their own functions by allowing and promoting the criminalization of peaceful demonstrators and human rights defenders.

12. In addition, the Ombudsman's Office has also been one of the key actors in the impunity of victims of repression in peaceful demonstrations and in failing to act in the face of arbitrary investigations or criminal proceedings against those who were protesting. This situation goes against the calls of the international community, and the accreditation of the Office of the High Commissioner for Human Rights and the Independent International Fact-Finding Mission, on the commission of human rights violations in the context of peaceful demonstrations¹⁷.

¹⁴ <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/StatusAccreditationChartNHRIs.pdf>

¹⁵ Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (A/HRC/48/CRP.5) 16 September 2021 From: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>

¹⁶ A/HRC/41/18. Recommendations (e); (f); (k). Available at:

https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Documents/A_HRC_41_18_SP.docx

A/HRC/44/20. Recommendations (a); (b); (d); (e). Available at:

https://www.ohchr.org/Documents/Countries/VE/A_HRC_44_20_UnofficialVersion_SP.pdf

A/HRC/45.CRP.11. Recommendation (a). Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf

¹⁷ See: OHCHR Human rights violations and abuses in the context of the protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017.

At: https://www.ohchr.org/sites/default/files/Documents/Countries/VE/HCReportVenezuela_1April-31July2017_SP.pdf ; and Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (A/HRC/45/33). At: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>

13. The Ombudsman's Office has ignored or discredited reports of attacks against human rights defenders and organizations. In this regard, it has been documented that those who have been the target of attacks and aggressions, and who have denounced them, have received no response from the entity. In addition, the Ombudsman's Office remains silent in the face of continuous threats and calls for violence by state and para-state actors against them.

14. The lack of independence of powers and the lack of institutionalism is a structural problem on which the State does not pronounce itself in its report. In the framework of the Policy of Criminalization, Repression and Social Control against the defense and demand for human rights, instances such as the Judiciary and the Attorney General's Office have played an essential role, both by action and omission, in the lack of guarantee of civil and political rights. Both instances have issued stigmatizing speeches by their representatives, have initiated arbitrary judicial processes, have criminalized defenders and peaceful demonstrators, and have perpetuated impunity in the face of complaints of human rights violations.

Restrictive legislative framework

15. On the other hand, in its fifth report, the Venezuelan State did not pronounce itself on legislative provisions adopted in the country and their compliance or not with the provisions of the Covenant, in accordance with its article 2. In this regard, we emphasize that far from promoting a regulatory framework that guarantees and protects the civic and democratic space, restrictive regulations have been adopted that criminalize the exercise of the freedoms of peaceful assembly and demonstration, association, defense of rights and expression. Some of the measures that restrict civic space and on which the State did not pronounce itself are:

- a. National Security Law (LOSN), 2002¹⁸, criminalizes activities that the State considers may disrupt or affect the organization and functioning of facilities or the economic and social life of the country. This law has allowed the application of the *internal enemy thesis* and consequently the criminalization and prosecution of organizations and defenders, as well as demonstrators, because they are considered enemies or destabilizing agents.
- b. Law against Organized Crime and Terrorist Financing, 2012¹⁹, which ambiguously criminalizes terrorism, terrorist financing and organized crime, and establishes the control, supervision, oversight and monitoring, including police and judicial investigation without prior notice, of any financial transaction that is considered by the authorities as "unusual or suspicious". This law has already been applied against organizations and individuals, and threats of its application have been recorded. Currently, this law served as the basis for Administrative Ruling 002-2021, which pre-classifies human rights organizations as terrorists.

¹⁸Ordinary Official Gazette No. 37.594 of December 18, 2009, <http://historico.tsj.gob.ve/gaceta/diciembre/181202/181202-37594-01.html>

¹⁹ Official Gazette No. 39.912 of April 30, 2012. At: <http://historico.tsj.gob.ve/gaceta/abril/3042012/3042012-3417.pdf#page=2>

- c. Registration and Enlistment law for the Integral Defense of the Nation, 2014²⁰, according to which legal entities must periodically provide information about their members and activities, and require their personnel to register. Limiting and placing additional requirements on freedom of association and acting as a factor that undermines the free development of the right to defend rights.
- d. Resolution No. 008610 (2015)²¹, issued by the Ministry of the People's Power for Defense, which authorized the Armed Forces to act in public order control functions, despite not being the specialized and authorized body to do so. Likewise, it allows the use of firearms in the control of demonstrations. Becoming a legal measure that criminalizes the right to protest, systematizing and sharpening the System of Repression through the endorsement of the militarization of citizens.
- e. Decree of State of Emergency and Economic Emergency 2016²², was in force for 5 years without being notified to the Committee in accordance with the provisions of the Covenant. During its validity, the instrument was used to deepen the closure of civic space, justifying itself in the need to protect the State from internal and external enemies, qualifying as such any person or group that opposes the interests or guidelines of the government. Since 2016, attacks against human rights defenders have increased because of the arbitrariness and discretionality of state management. As a result of this decree, plans such as the Zamora 200 Civic Military Plan (2017) and the Network of Articulation and Socio-Political Action (RAAS) (2018) were also implemented, which have served to institutionalize the figure of informing, allowing the action of paramilitary groups in public order control functions under the argument of protecting sovereignty and peace, perfecting the system of repression, and social control and intelligence implemented against citizens and human rights defenders.
- f. Zamora Civil-Military Plan 200 (2017)²³, was designed as a civic-military operation, in which armed forces, security agencies, militiamen, and armed civilians take part, called "popular forces", integrated by the communal councils, the armed collectives and the Bolívar Chávez Battle Units (UBCh). Based on the logic of the existence of an internal enemy, these forces are called upon to exercise public order functions in protest activities because they are considered "destabilizing" activities.
- g. Popular System of Protection for Peace (SP3, for its Spanish name)²⁴, established in the government plan called Plan de la Patria, it is established as a structure of articulation and

²⁰ Official Gazette No. 40.440 of 06.25.14. Substitutes the former Law on Military Recruitment and Enlistment. In: <http://historico.tsj.gob.ve/gaceta/junio/2562014/2562014-4009.pdf#page=2>

²¹ Official Gazette No. 40.589 of January 27, 2015. En <https://www.scribd.com/document/254224935/Gaceta-oficial-N%C2%BA-40-589-del-27-01-2015>

²² Extraordinary Official Gazette No. 6.227 of May 16, 2016. At: <https://albacidad.org/wp-content/uploads/2016/05/312792311-Gaceta-Oficial-Extraordinaria-N%C2%BA-6-227-pdf.pdf>

²³ AVN: Zamora 200 civic-military exercise strengthens union between the FANB and the Venezuelan people. 13/01/2017: <http://www.avn.info.ve/print/381074>

Andrés Bello Catholic University Human Rights Center. 10 clues to understand Plan Zamora 200. Available at: <https://elucabistadev2.ucab.edu.ve/wp-content/uploads/2017/05/Para-entender-el-Plan-Zamora-CDH-UCAB-1.pdf>

²⁴ Official Gazette No. 40.582 of January 16, 2015. Available at: <https://dhqrdotme.files.wordpress.com/2015/01/sistema-popular-de-proteccion-para-la-paz.pdf>

integration of the public powers with organized communities in the form of Communal Councils, Communes, and other grassroots organizations and popular intelligence. Within the framework of SP3, the Popular Subsystem is created, under which social intelligence, security and community surveillance functions are delegated to the organizations that comprise it, in order to "defend" the country against internal threats. Subsequently, the Network of Articulation and Socio-Political Action²⁵ was created as a fundamental component of the Popular Subsystem to exercise public order, intelligence and monitoring functions in the communities. In relation to the right to peaceful demonstration, these structures have formed part of the State's repressive apparatus, particularly the armed paramilitary collectives, which have been called upon to act in the context of community protests.

h. Law Against Hate, Intolerance and for Peaceful Coexistence 2017²⁶, enacted contrary to constitutional processes, has served to persecute, intimidate and prosecute social leaders, journalists and dissidents who demand the Venezuelan State to comply with its obligations and respect their rights. The instrument facilitates the criminalization and prosecution of anyone who expresses critical opinions or dissents from government policies.

i. In 2019 the Autonomous Service of Registries and Notaries, announced the suspension and limitation of registration activities to foundations non-governmental organizations, associations, and foundations. The published post expresses the prohibition to register constitutive acts, and ordinary and extraordinary updates²⁷. Since then, organizations have faced greater difficulties in registering or updating their statutes, violating their right to freedom of association.

j. The creation of the National Anti-Terrorism Corps 2020²⁸, this body would be empowered to carry out tactical operations, intelligence and counterintelligence for the prevention of crimes of corruption, organized crime, drug trafficking and terrorism and may carry out tactical operations necessary to "*prevent, suppress, neutralize and combat*" these crimes. In relation to the work of human rights defenders, taking into account the institutionalization of the *logic of the internal enemy* as part of the criminalization policy, in addition to threats made by different officials, the broad discretionary powers given to the agency to inspect, raid, investigate and detain people they consider to be terrorists stand out, because those who defend human rights are stigmatized and labeled as terrorists and interventionists, as well as criminalized for receiving international cooperation.

²⁵ Twitter. United Socialist Party of Venezuela announces on its social networks the creation of the RAAS. 2018. Available at: <https://twitter.com/partidopsuv/status/985709362671861760?lang=en>

Venezuelan Observatory of Social Conflict. Increasing social control, discrimination and repression in Venezuela: Red de Articulación y Acción Socio-política. Available at: <https://www.observatoriodeconflictos.org.ve/sin-categoria/aumenta-el-control-social-discriminacion-y-represion-en-venezuela-red-de-articulacion-y-asociacion-politica-raas>

²⁶ Official Gazette No. 41.274, November 8, 2017. At: <http://espaciopublico.org/wp-content/uploads/2017/10/Borrador-Ley-contra-el-el-odio-la-intolerancia-y-por-la-convivencia-pac%C3%ADfica.pdf>.

²⁷ OL VEN 6/2019. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?qId=24894>

State's response

²⁸ Official Gazette No. 41.828 of February 27, 2020. En: [http://spgoin.imprentanacional.gob.ve/cgi-](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700032593/0&Nombred=spgoin&CodAsocDoc=2097&Sesion=314179497)

[win/be_alex.cgi?Documento=T028700032593/0&Nombred=spgoin&CodAsocDoc=2097&Sesion=314179497](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700032593/0&Nombred=spgoin&CodAsocDoc=2097&Sesion=314179497)

k. The State of Alarm decreed on March 13, 2020²⁹, which during its validity existed alongside the State of Exception and Economic Emergency, served to deepen and strengthen social control and the Criminalization Policy. Through the calls for action to security agencies and parallel structures to "neutralize" those considered "enemies of the homeland", aggressions against those who defend human rights increased.

l. Circular SIB-DSB-CJ-OD-06524 of the Superintendency of Banking Institutions of Venezuela 2020³⁰, instructs financial institutions to establish and strengthen measures for monitoring the banking activities of Non-Governmental Organizations to identify those who receive and send funds to the organizations and "detect" unusual activities such as money laundering, financing of terrorism and proliferation of weapons of mass destruction.

m. Joint Resolution of the Ministry of Foreign Affairs and the Ministry of Internal Relations³¹, in which a set of rules and regulations are issued that condition the recognition and operation of non-governmental associative organizations not domiciled in Venezuela, generating greater controls over their free exercise.

n. Administrative Ruling N° ONCDOFT-002-2021 2021³², published in the Official Gazette 42.118, which states that non-governmental organizations must register in the Unified Register of Regulated Entities of the National Office against Organized Crime and Terrorist Financing. Under the justification of seeking to regulate the activities of subjects whose activities are not regulated by a special law, or who carry out activities that must be supervised, Article 16 includes non-profit organizations, obliging them to provide information on the activities they carry out.

16. In addition to this, the application of the Organic Law of National Security persists; the reforms made in 2005 to the penal code to accuse and charge persons detained in the context of protests; the Organic Law Against Organized Crime and Financing of Terrorism; the requirement of a permit to demonstrate in accordance with decision No. 276 of the Constitutional Chamber of the Supreme Court remains in force; Resolution No. 008610, which empowers the Armed Forces to act in public order control functions and allows them to use firearms, despite the use of firearms, despite not being the specialized body empowered to do so. Among other regulations that violate this right.

17. As of the date of this report, the Foreign Policy Commission of the National Assembly announced the discussion of a Draft Law on International Cooperation³³, to be submitted for public consultation and presented to the plenary of the Assembly for approval³⁴. The bill contemplates measures that are manifestly restrictive to the work of the organizations, and conditions their existence within the framework of legality to a new registry to be created by the regulations of the law, if approved.

²⁹ Decree No. 4,160, Official Gazette No. 6,519 of March 13, 2020.

³⁰ Circular SIB-DSB-CJ-OD-06524 of November 20. Available at: <http://www.mppef.gob.ve/wp-content/>

³¹ Official Gazette No. 41.994 of 27 October 2020

³² Official Gazette No. 42,118 of May 3, 2021. Available at: [http://spgoin.imprentanacional.gob.ve/cgi-](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700035845/0&Nombred=spgoin&CodAsocDoc=2526&TipoDoc=GCTOF&t05=png&TSalida=l&Sesion=164964439&T05=PDF&T04=0)

[win/be_alex.cgi?Documento=T028700035845/0&Nombred=spgoin&CodAsocDoc=2526&TipoDoc=GCTOF&t05=png&TSalida=l&Sesion=164964439&T05=PDF&T04=0](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700035845/0&Nombred=spgoin&CodAsocDoc=2526&TipoDoc=GCTOF&t05=png&TSalida=l&Sesion=164964439&T05=PDF&T04=0)

³³ See the content of the law at: <https://centrodefensores.org.ve/wp-content/uploads/2022/07/BorradorProyectoLeyCooperacionInternacional2022.pdf>

³⁴ National Assembly. Comisión de Política Exterior debate Proyecto de Ley de Cooperación Internacional. 07.07.22. Available at:

<https://www.asambleanacional.gob.ve/noticias/comision-de-politica-exterior-debate-proyecto-de-ley-de-cooperacion-internacional>

Additionally, it also contemplates the discretionary possibility of elimination of organizations that do not comply with its provisions, and broadly and ambiguously typifies those activities that could contribute to the imposition of sanctions in the country as a premise for the sanctions that the law would provide. This Bill is not only limited to the financial aspect, but also to the technical aspect involving partnerships with international organizations and agencies³⁵.

18. On the other hand, a proposed ordinance *on citizen coexistence, civic and communal peace justice*³⁶ presented by the mayor's office of the *Libertador* municipality of the Capital District is being discussed. The text, among other things, contemplates within the articles restrictions to the right to peaceful demonstration, including the request for a permit to protest, under penalty of sanctions if not complied with, being provisions that are detached from international human rights standards and the constitution itself, being a new element added to the existing policy of criminalization, repression and social control in the country.

19. The OVCS and the CDJ express concern about these measures because they have been used to criminalize and endorse repression in Venezuela. Due to these measures, the right to social protest has been particularly affected by being restricted beyond legal limits, without obeying the principles of necessity and proportionality, providing measures and spaces that facilitate the systematization of a system of repression in a framework of impunity. Likewise, freedom of association and the work of defenders has been arbitrarily limited and conditioned by these measures.

Suggested questions:

What actions will the State take to ensure impartial and transparent investigation of actions aimed at closing civic space and criminalizing fundamental freedoms?

Provide information on the need to adopt an International Cooperation Act if there are already regulations in place in the country to enforce these activities and how it will guarantee the rights to freedom of association.

Report on measures to be taken by the State to ensure a domestic regulatory framework in accordance with its obligations under the Covenant to guarantee the rights to peaceful assembly and demonstration, association and the defense of rights.

ARTICLE 4 - States of Exception

20. In the period under analysis, the Venezuelan State adopted two States of Emergency, which coexisted for more than a year in the period 2020-2021, being the first one decreed in 2016, and the second one in 2020, after the declaration of pandemic by Covid-19³⁷. In this regard, in its fifth report, the Venezuelan State limited itself to justifying both states of emergency, without mentioning the rights violations that occurred during both states of exception, nor its failure to comply with the

³⁵ Center for Defenders and Justice. Situación de las personas Defensoras de Derechos Humanos en Venezuela - Mayo 2022 (Situation of Human Rights Defenders in Venezuela - May 2022). Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/06/CDJReporteMayo2022.pdf>

³⁶ See: <https://www.observatoriodeconflictos.org.ve/wp-content/uploads/2022/06/Proyecto-de-Ordenanza-de-Convivencia-Ciudadana-Civismo-y-Paz-Comunal-Municipio-Libertador-mayo-2022-1.pdf>

³⁷ Extraordinary Official Gazette No. 6.227 of May 16, 2016. At: <https://albacidad.org/wp-content/uploads/2016/05/312792311-Gaceta-Oficial-Extraordinaria-N%C2%BA-6-227-pdf.pdf>

Decree No. 4,160, Official Gazette No. 6,519 of March 13, 2020.

formal requirements established by domestic law for the declaration of states of emergency, nor the lack of timely notification to the Committee.

21. The referring organizations were able to document how, during the exceptional regime, measures and actions were adopted that did not comply with the principles of temporality, necessity, proportionality and legality and contributed to the closing of the civic and democratic space in the country.

22. During the State of Emergency and Economic Emergency of 2016, a series of measures were adopted whose ultimate goal was to strengthen social control, repression and persecution against those who dissent from the current administration, including people who defend and demand rights in the country. Thus, during this period the Zamora 200 Plan was created, the Popular System of Protection for Peace (SP3), the Law Against Hate and Intolerance and for Peaceful Coexistence was adopted, the National Anti-Terrorism Corps was created, and the registration of new non-governmental organizations was suspended, in the terms already explained in the analysis of Article 2.

23. In this regard, attention is drawn to Plan Zamora 2000 and the creation of the Popular System of Protection for Peace, which have been deliberately used for the repression of peaceful demonstrations and the intimidation of organizations and defenders, while providing social intelligence and public order control functions to armed paramilitary collectives³⁸.

24. On the other hand, in relation to the State of Alarm decreed on March 13, 2020 due to the Covid-19 pandemic, the submitting organizations documented the strengthening of the State's actions to close civic space in Venezuela by criminalizing the exercise of fundamental freedoms. In this sense, while the State of Alarm was in effect, State officials made public calls to armed civilians, security agencies and supporters of the governing party under the slogan of the "Bolivarian Rage", urging them to "protect the nation" by acting against those perceived to be "enemies" or "traitors of the homeland" in order to neutralize them³⁹.

25. During its term, greater social control was observed, as well as an increase in criminalization. Constant threats against human rights organizations and their members, arbitrary detentions, and raids on the headquarters of organizations were documented⁴⁰. In this context, the State also adopted a series of arbitrary measures aimed at criminalizing international cooperation, including: Circular SIB-DSB-CJ-OD-06524 of the Superintendence of Banking Institutions of Venezuela, the joint Resolution of the Ministry of Foreign Affairs and the Ministry of Internal Relations, and Administrative Ruling No. ONCDOFT-002-2021. All explained previously in the analysis of Article 2.

26. During the State of Alarm, the OVCS documented a total of 9,633 protests, of which at least 412 were repressed, impeded or obstructed, leaving a total of 415 people detained, 150 injured and 6

³⁸ The OVCS has defined Paramilitary organizations as groups of armed pro-government civilians who act with the endorsement or tolerance of the representatives of the public authorities and in coordination with the State security forces. It should be noted that paramilitary groups are also identified as collectives or armed collectives. Report: Demonstrators targeted by paramilitary collectives:

<https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/informe-manifestantes-en-la-mira-de-colectivos-paramilitares>

³⁹ Center for Defenders and Justice. Situación de personas defensoras de derechos humanos en Venezuela - Año 2020 (Situation of human rights defenders in Venezuela - Year 2020). Available at: <https://centrodefensores.org.ve/?s=08>

⁴⁰ Ibidem

people killed⁴¹. These demonstrations took place for different reasons, but mainly those related to the socio-economic crisis affecting the country, the effects of the pandemic on the already precarious situation of Venezuelans, and the inadequacy of the salary⁴².

27. It is necessary for the Committee to take into consideration the national regulations for the declaration of a State of Emergency. In accordance with the Organic Law on States of Emergency⁴³ and the Venezuelan Constitution⁴⁴, a State of Emergency and Economic Emergency can only last for sixty days, extendable for an equal period of time, while a State of Alarm can only last for thirty days, extendable for an equal period of time. In attention to the temporary nature of these measures, and taking into consideration their necessity and proportionality. The Venezuelan State did not comply with these provisions and maintained the country under two states of exception, and in turn under a state of alarm for a longer period of time than allowed by national law.

28. On the other hand, both the Decree declaring the State of Emergency, as well as its extensions, must have the approval of the National Assembly and the pronouncement of the Supreme Court of Justice (TSJ, for its Spanish name) on its constitutionality. In this regard, we recall the lack of independence of powers; thus, although the TSJ declared the constitutionality of the Decrees and their extensions, this was not due to an analysis of the substance and form of these measures, but to the objectives of the centralized power in the National Executive Branch.

Suggested question:

Given that by the year 2021 the States of Emergency will no longer be extended, why have the factual and legal measures restricting rights adopted during their validity not been repealed?

ARTICLE 9 - Right to personal liberty

29. Paragraphs 86, 87, and 88 of the fifth part of the State's report affirm full compliance with the legal framework, in accordance with the principle of legality, which regulates any restriction on the right to personal liberty, given that such a restriction may only proceed with a court order, or in a situation of flagrante delicto, in accordance with Articles 44 and 49 of the Venezuelan Constitution. Otherwise, under domestic law, any detention that does not comply with those parameters will be considered arbitrary. In addition, the State affirms the prohibition of public servants from ordering, tolerating, or promoting threats to human rights in the context of arbitrary detentions.

30. In this regard, we highlight before this Committee the practice of arbitrary detentions against peaceful demonstrators and human rights defenders. Contrary to the State's assertion, arbitrary detentions are a recurrent and systematic practice used by the State against voices critical of the government's administration. They also occur within a framework of political persecution and social control.

⁴¹ Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2020. Available at:

<https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/informe-anual-situacion-de-la-conflictividad-en-venezuela-en-2020>

⁴² Ibidem

⁴³ Organic Law on States of Exception. Published in Official Gazette No. 37.261 of August 15, 2001. Available in Spanish at:

<https://www.pcivil.gob.ve/wp-content/uploads/pdf/marco-legal/LEY-ORG%C3%81NICA-SOBRE-LOS-ESTADOS-DE-EXCEPCI%C3%93N.pdf>

⁴⁴ Constitution of the Bolivarian Republic of Venezuela. Article 338. Available in Spanish at: https://www.oas.org/dil/esp/constitucion_venezuela.pdf

31. The OVCS has documented the use of arbitrary detentions as part of the patterns of the Policy of Repression and Criminalization of peaceful demonstrations. In the period covered by this assessment there have been hundreds of arbitrary detentions of demonstrators in the context of peaceful protests, only between 2020 and 2021 there were 522⁴⁵. Protesters, because of their demand for rights, are placed under the logic of the internal enemy, alleging that their activities are linked to terrorism, criminal practices and hatred; therefore, it has been a frequent practice of the State to charge peaceful protesters for crimes under the Criminal Code and the Law against Organized Crime and Terrorist Financing⁴⁶.

32. In this regard, the CDJ has documented since 2019 at least 16 arrests against defenders⁴⁷, all of which are presumed to be arbitrary, including those that had a court order, as they were not based on impartial investigations, but on politicized accusations used to justify the deprivation of liberty, and in some cases, the subsequent opening of prosecution proceedings.

33. Some emblematic cases are that of the five defenders of the organization Azul Positivo (2020), who, after the improper use of the figure of flagrancy, were arbitrarily detained and tried before a court with jurisdiction over terrorism for the crimes of money laundering, provided for in Article 35 of the Law Against Organized Crime and Financing of Terrorism; Association to commit crimes, provided for in Article 35 of the aforementioned law and Fraudulent handling of smart cards or similar instruments, provided for in the Special Law Against Computer Crimes. They were subjected to criminal proceedings for more than a year until the case was dismissed⁴⁸. And that of Rafael Tarazona, Omar de Dios García and Javier Tarazona members of the organization FundaRedes (2021), who after their detention are being subjected to an arbitrary process against them charged with the crimes of promotion of hatred, treason and terrorism, at the date of submission of this report Javier is still detained⁴⁹.

Suggested questions:

Could the State provide information on the processes of investigation, punishment of those responsible and reparation for defenders and demonstrators who have been victims of arbitrary detentions?

Could the State provide information on preventive measures implemented to reduce arbitrary detentions?

⁴⁵ Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2020. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/informe-anual-situacion-de-la-conflictividad-en-venezuela-en-2020>; Social Conflict in Venezuela in the first quarter of 2021. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/3752>

⁴⁶ Venezuelan Observatory of Social Conflict. Situation of criminalization and repression in Venezuela - 2018. Available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2019/06/INFORMEcriminalizaci%C3%B3nyrepresi%C3%B3n-FINAL-digital-1.pdf>

⁴⁷ Center for Defenders and Justice. Situación de las personas defensoras de derechos humanos en Venezuela - Año 2021 (Situation of human rights defenders in Venezuela - Year 2021). Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/01/CDJInformeAnual2021.pdf>

⁴⁸ Urgent appeal of the International Federation for Human Rights. 19.01.21. Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/venezuela-detencion-arbitraria-de-integrantes-de-azul-positivo>

OHCHR. Communiqué. 14.01.21. Available at: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26660&LangID=S>

Communique of the Observatory of the World Organisation Against Torture. 18.01.21. Available at: <https://www.omct.org/es/human-rights-defenders/urgent-interventions/venezuela/2021/01/d26282/>

⁴⁹ Chronology of the FundaRedes case for Access to Justice: <https://accesoalajusticia.org/cronologia-del-caso-de-la-ong-fundaredes/>

ARTICLE 14 - Administration of justice

34. The State's fifth report affirms the independence and impartiality of the judiciary, as well as alleged progress in guaranteeing due process in the terms established in the article; however, the State has not fully complied with its obligations in terms of due process. In the context of repressive and criminalization patterns, violations of due process and subjection to prosecution without the necessary guarantees in a criminal process have been documented.

35. The CDJ and the OVCS draw the Committee's attention to the use of practices such as the imposition of public defense, isolation from lawyers, judicial harassment, unjustified procedural delays and the use of pre-trial detention as a form of punishment.

36. Our organizations are concerned about the use of special jurisdictions to prosecute human rights defenders, a situation that has already been examined by the Independent International Fact-Finding Mission⁵⁰ In this regard, the jurisdiction with competence in terrorism matters or the military jurisdiction have been used repeatedly as the enforcement arm of judicial processes and raids against human rights defenders and peaceful demonstrators.

37. Among the main patterns of the repressive system the OVCS has identified in recent years the increased use of criminal justice and due process violations against peaceful protesters, following demonstrations in 2014 and 2017⁵¹.

Suggested question:

What actions does the State take to prevent and investigate arbitrary detentions and violations of due process of law in the case of protesters and defenders?

ARTICLE 19 - Freedom of expression

38. The State's report attests to compliance with freedom of expression obligations by virtue of the various media outlets that exist and operate in the country, many of which belong to the National System of Public Media; however, it makes no mention of respect for and protection of this right in the individual sphere, and particularly, in those groups that dissent from the current administration.

39. In this regard, the undersigned organizations draw the Committee's attention to the persecution of those who defend and demand human rights. Peaceful demonstrators are persecuted and criminalized for expressing their discontent through protest and demanding rights. In the case of human rights organizations and defenders, their criminalization is motivated by their advocacy activities, international cooperation, their denunciations of the human rights situation in the country and their demand for accountability. Demonstrators and defenders are constantly subjected to intimidation, harassment, and threats for making demands and public denunciations in favor of the respect for human rights and for making visible the crisis in the country.

⁵⁰ International Independent Fact-Finding Mission. 16.09.21. A/HRC/48.CRP5. Available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf

⁵¹ Office of the High Commissioner for Human Rights. Human rights violations and abuses in the context of the protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017. 2017. Available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/violaciones-y-abusos-de-los-derechos-humanos-en-el-contexto-de>

40. In the context of the exercise of peaceful demonstrations, repression occurs against those who demand and demand the State to vindicate their rights, under a critical stance that is uncomfortable to government interests. In this regard we highlight that in the years 2017 and 2019, characterized by massive protests against government management, the highest number of deaths in the context of peaceful demonstrations were documented. In 2017 approximately 160⁵² and in 2019 there were 67 people killed, respectively⁵³. This occurs in the context of the closure of civic and democratic space that has resulted in lethal repression against people who express their disagreement with the government administration and carry out activities that the State considers a threat and therefore justifies and endorses the use of measures to neutralize and limit the rights of these people, including silencing them through the use of force.

Suggested question:

Through what measures can the State guarantee the free and effective exercise of freedom of expression of human rights defenders, protesters and dissident groups?

ARTICLE 21 - Peaceful Demonstration

41. In its fifth report, between paragraphs 151 and 156, the State attempts to demonstrate its compliance with its obligations regarding peaceful demonstration by asserting the existence of regulations that, far from guaranteeing this right, impose arbitrary limitations. First, reference is made to the need to request a permit to hold a demonstration, on the understanding that, if the demonstration is not authorized, it cannot be carried out in accordance with the law. This is in contravention of international standards on the matter, and in relation to the development of the right to freedom of peaceful assembly. This, moreover, must be contextualized in the Venezuelan scenario in which any person who exercises his or her fundamental freedoms to express opinions critical of the government is immediately considered an enemy of the State.

42. In the Concluding Observations of the State's fourth report, the Committee expressed its concern about the violation of human rights in the context of peaceful demonstrations⁵⁴. In response, in its fifth report, the State attempted to justify the use of force by affirming that the demonstrations were not peaceful, but rather that they resulted in violence that required the use of State security forces, in accordance with a sustained discourse that those who carry out peaceful protests for political reasons or for social demands are the ones who carry out violent actions. Contrary to the State's assertion, the OVCS, documented between 2011 and 2021 **92,719 peaceful protests⁵⁵, and during the first half of 2022 another 3,892**, during the period also recorded repressive patterns, which

⁵² Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2017. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2017>

⁵³ Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2019. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2019>

⁵⁴ Ibidem

⁵⁵ Venezuelan Observatory of Social Conflict. Report: Social Conflict in Venezuela 2020. Available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2021/01/INFORMEOVCS-ANUAL-2020.pdf>

between 2017 and 2021 left a total of at least 251 people killed⁵⁶, hundreds of arbitrary detentions and wounded as a result of excessive and disproportionate use of force.

43. The submitting organizations draw the Committee's attention to the fact that the State's argument in no way represents the reality of peaceful demonstrations in Venezuela, but rather seeks to justify the excessive and disproportionate use of force in the face of the exercise of the right to peaceful demonstration.

44. Additionally, it is necessary to draw the Committee's attention to paragraph 167 of the State's Fifth Report, which refers to the demonstrations that occurred in 2019 with the proclamation of Juan Guaidó as Interim President. This year has so far been the year with the highest number of documented protests, with a total of 16,739⁵⁷; however, the report does not mention the repressive actions carried out in the protests in favor of the entry into the country of humanitarian aid and a change of government, which left a balance of 67 people killed⁵⁸. Likewise, in paragraph 164, reference is made to the 2017 demonstrations, reiterating the position of the alleged use of violence by the demonstrators; however, no mention is made of the State's repression in response to the demonstrations, which resulted in the deaths of more than approximately 160 people⁵⁹.

45. The OVCS has identified the repression and criminalization of the right to demonstrate as a State Policy. Among the patterns that characterize this policy are: 1) a speech that identifies those who demonstrate against the government as enemies, terrorists and destabilizing agents that must be neutralized; 2) joint attacks exercised mainly by officials of the Bolivarian National Guard (GNB), Paramilitary Collectives, National, state and municipal police forces. Special Action Forces of the PNB (FAES), Military Counter Intelligence Directorate (DGCIM), Bolivarian National Intelligence Service (SEBIN) and other civilians who are part of the Popular Protection System for Peace (SP3). 3) Excessive, systematic and disproportionate use of force through the use of toxic substances and firearms. 4) Practice of cruel, inhuman or degrading treatment of demonstrators. 5) Practice of torture and sexual abuse of demonstrators. 6) Arbitrary detentions. 7) Raids without warrants. 8) Aggression against journalists during the coverage of demonstrations. 9) Persecution of demonstrators, social leaders, union leaders, student leaders and leaders of opposition parties. 10) Arrests and aggressions in residential areas at night. 11) Prosecution of civilians in military courts. 12) Selective extrajudicial executions of demonstrators. 13) Use of the structures of the Popular

⁵⁶ Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2017. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2017>

Venezuelan Observatory of Social Conflict. Social Conflictivity in Venezuela in 2018. Available at:

<https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-2018>

Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2019. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2019>

Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2020. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/informe-anual-situacion-de-la-conflictividad-en-venezuela-en-2020>

Venezuelan Observatory of Social Conflict. Social Conflictivity in Venezuela in the first quarter of 2021. Available at:

<https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/3752>

Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in April 2021. Available at:

<https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-abril-de-2021>

⁵⁷ Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2017. Available at:

<https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2017>

⁵⁸ Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2019. Available at:

<https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2019>

⁵⁹ Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2017. Available at:

<https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2017>

System of Protection for Peace (SP3) to exercise social control functions in vulnerable communities.

14) The actions of the National Anti-Terrorism Corps, as a new mechanism of social control and intelligence. 15) Increased use of criminal law, under the logic of the enemy to persecute and criminalize.

46. The OVCS emphasizes that most of the documented demonstrations have a focus on social demands to the extent that the Complex Humanitarian Emergency has advanced in the country, and the process of hyperinflation. However, it should be recalled that the official position of the State is to deny the existence of a humanitarian emergency and a human rights crisis. Therefore, instead of enforcing social demands, the State has given them a political tinge and has directed efforts to repress them. In this sense, the Policy of Repression and Criminalization also serves as an exemplary message to the entire population considered dissident and qualified as "enemies", as part of the closure of civic space.

47. The State makes no mention of the militarization of public order control, a function that corresponds to the civilian sphere. This should be seen as a sign of the institutionalization of the speech that criminalizes the exercise of peaceful demonstration, insofar as by affirming that those who exercise this right against the administration are enemies, it is intended to justify the use of military force to control demonstrations, since it is the military bodies that are trained to deal with situations of threat and neutralization of enemies. In the same sense, it is also necessary to refer again to the use of the Popular System of Protection for Peace (SP3), explained above, since the armed collectives are also agents of repression of demonstrations. Between 2017 and June 2021, the responsibility of these actors for the repression of 714 protests was documented.

48. In this regard, we remind the Committee of the work of the International Independent Fact-Finding Mission on Venezuela⁶⁰, which since 2020 has been investigating the possible commission of crimes against humanity⁶¹. The Mission has determined the possible commission of crimes against humanity in the country, based, among other contexts, on the repression of peaceful demonstrations⁶². In the same sense, the Office of the High Commissioner for Human Rights has also accredited the existence of a pattern of repression of peaceful demonstrations, and specifically, for the year 2017, it reported the correlation between the number of demonstrations and the detention and death of demonstrators⁶³. Finally, it should be recalled that the investigation phase of the International Criminal Court on Venezuela regarding the possible commission of possible crimes against humanity in the country, covers the events that occurred in peaceful demonstrations since 2017⁶⁴.

⁶⁰ United Nations. Human Rights Council. Resolution 42/25. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/264/26/PDF/G2026426.pdf?OpenElement>

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⁶² International Independent Fact-Finding Mission for the Bolivarian Republic of Venezuela. A/HRC/45/CRP.1. Available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf.

⁶³ Office of the High Commissioner for Human Rights. Human rights violations and abuses in the context of the protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017. 2017. Available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/violaciones-y-abusos-de-los-derechos-humanos-en-el-contexto-de>

⁶⁴ International Criminal Court. Mr. Karim A.A. Khan QC, ICC Prosecutor, opens an investigation into the situation in Venezuela and concludes a Memorandum of Understanding with the Government. 05 November 2021. Available at: <https://www.icc-cpi.int/news/icc-prosecutor-mr-karim-aa-khan-qc-opens-investigation-situation-venezuela-and-concludes>

49. The criminalization of protest occurs within a regulatory framework that permits and endorses its repression, and is also framed within a generalized context of social control under which, with the transfer of public order and intelligence functions to armed civilians belonging to the para-state system SP3, intimidation and repression persist. In this sense, the violation of the right to peaceful demonstration should not be seen as isolated acts, but as a systematic practice carried out within the framework of a chain of command⁶⁵ aimed at criminalizing this right.

Suggested questions:

Provide information on the need for the State to militarize the control of public order in peaceful demonstrations and adopt the Zamora 200 Civic Military Plan and the Popular Protection System for peace. What measures are used to prevent the excessive and disproportionate use of force?

What measures has the State taken in response to the actions of armed paramilitary collectives that carry out repressive actions in peaceful demonstrations?

What measures have been taken to investigate and sanction the chain of command that orders the repression of demonstrations?

ARTICLE 22 - Freedom of Association

50. In the Concluding Observations of the Committee in the last review of Venezuela in 2015, concern was expressed about the targeting of human rights defenders in the framework of their activities of denunciation, documentation and international advocacy⁶⁶. Subsequently, in 2017 it requested the Venezuelan State to provide information in relation to the implementation of the obligations regarding the measures taken to provide protection to human rights defenders and investigate the attacks against them; however, in the late response of the State in its fifth report no mention is made in this regard.

51. In this regard, the submitting organizations highlight the lack of adoption of measures to guarantee the protection and security of defenders and organizations, but rather that the persecution has intensified through the creation of new legal and factual mechanisms that restrict their work in the framework of freedom of association. The accusations persist, particularly from those media belonging to the National System of Public Media, highlighting those made in the program *Con el Mazo Dando*, where threats, calls for violence and acts of stigmatization are constantly made against defenders and human rights defenders in the country⁶⁷.

52. The State's fifth report, in paragraph 137, asserts the guarantee and protection of the right to freedom of association, referring to the fourth report submitted in 2012, stating that the same guarantees remain, and additionally updating the number of registered organizations; however, no

⁶⁵ International Independent Fact-Finding Mission for the Bolivarian Republic of Venezuela. A/HRC/45/CRP.1. Available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf

⁶⁶ Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela. CCPR/C/VEN/CO/3.15.08.2015. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhssbM7JCwZtFkfb2j9CZsrncbCJTZq7FHMMeF5ZKobh7v6BNh7YSs9wUKw7ySny41o4jZSXEOlxUMwKGU%2fI9kiGVq6CmC6URiwR3O1WdegK5>

⁶⁷ Center for Defenders and Justice. Situación de las personas defensoras de derechos humanos en Venezuela - Año 2021 (Situation of human rights defenders in Venezuela - Year 2021). Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/01/CDJInformeAnual2021.pdf>
Center for Defenders and Justice. Situación de personas defensoras de derechos humanos en Venezuela - Año 2020 (Situation of human rights defenders in Venezuela - Year 2020). Available at: <https://centrodefensores.org.ve/?s=08>

mention is made about the measures adopted to restrict this right, nor about the criminalization of those who promote and demand human rights, such as human rights defenders, social leaders, workers and trade union leaders.

53. The Venezuelan State has attempted to restrict the work of human rights organizations and the trade union movement through the imposition of regulatory measures that limit the right to freedom of association, based on the logic of the internal enemy, particularly under the argument that the organizations use international cooperation to promote and carry out allegedly interfering activities in the country. Under the justification of preserving the security of the nation, efforts have been made to impede the work of the organizations, including the prohibition of registration of new organizations, and the control of their activities and monitoring of their funds under Administrative Ruling 002-2021, which, in addition, prequalifies the organizations as terrorists in accordance with the repeated unfounded accusations coming from State officials.

54. In addition, the set of restrictive norms in Venezuela has been applied to individuals and organizations in order to accuse them of the activities that they carry out within the organizations, which are characteristic of freedom of association and the defense of human rights. In this regard, it highlights the application of the Law against the Financing of Terrorism, which has been used repeatedly against organizations and defenders because of their activities as an association and framed within the framework of international cooperation and the use of criminal law under the logic of the enemy against trade union leaders. In this regard, the case of the 5 members of Azul Positivo, who were charged with the crime of money laundering imposed by this law, and recently the case of humanitarian workers Gabriel Blanco and Emilio Negrín stand out.

55. Finally, we request the Committee to examine the State's actions against freedom of association in a comprehensive manner, and understanding this as part of a systematic policy, which is not only composed of restrictive measures, but a policy of criminalization that seeks to punish the exercise of this right, limit the work of organizations and serve as an exemplary punishment. The main patterns identified are stigmatization, intimidation, harassment, threats, digital attacks, arbitrary detentions and prosecutions, as well as violations of personal integrity.

Suggested questions:

How does the State guarantee the right to association without arbitrarily interfering in the work of civil society organizations?

What measures will the State take to ensure the protection of civil society, in particular human rights defenders and trade union leaders, and to investigate attacks and interference against them?

What measures are in place to ensure the exercise of freedom of association in safety and without fear of reprisals?