

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/world-report/2022/country-chapters/venezuela>

### Annual reports

Events of 2021

A man casts his vote during regional elections, at a polling station in Caracas, Venezuela, on November 21, 2021.

2021APPhoto/Ariana Cubillos.

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The Nicolás Maduro government and its security forces are responsible for extrajudicial executions and short-term forced disappearances and have jailed opponents, prosecuted civilians in military courts, tortured detainees, and cracked down on protesters. They used a state of emergency implemented in response to Covid-19 as a pretext to intensify their control over the population. The lack of judicial independence contributed to impunity for these crimes. Judicial authorities have participated or been complicit in the abuses.

A United Nations Fact-Finding Mission (FFM) identified patterns of violations and crimes that were part of a widespread and systematic course of conduct that it concluded amounted to crimes against humanity. In November 2021, International Criminal Court (ICC) prosecutor Karim Khan announced his decision to open an investigation into possible crimes against humanity committed in Venezuela.

Venezuela is facing a severe humanitarian emergency, with millions unable to access basic healthcare and adequate nutrition. Limited access to safe water in homes and healthcare centers and a vaccination plan marred by opacity may have contributed to the spread of Covid-19.

Starting in August 2021, government and opposition representatives held meetings in Mexico to negotiate issues including electoral guarantees, the lifting of sanctions, respect for rule of law, humanitarian aid, and political rights. The government withdrew from negotiations in October, following the extradition to the United States of Colombian businessman Alex Saab, a close government ally. The negotiations had not resumed at time of writing.

Prior to the negotiations, the government had made limited concessions, largely due to increased international pressure, including naming new National Electoral Council members and allowing the World Food Program (WFP) to deploy.

An independent EU electoral mission that monitored the November regional elections reported that political opponents remained arbitrarily disqualified from running for office, there had been unequal access to the media, and the lack of judicial independence and of respect for the rule of law had undermined the elections impartiality and transparency.

Persistent concerns include brutal policing practices, abject prison conditions, impunity for human rights violations, and harassment of human rights defenders and independent media.

The exodus of Venezuelans fleeing repression and the humanitarian emergency represents the largest migration crisis in recent Latin American history.

The government has jailed political opponents and disqualified them from running for office. As of October 25, there were 254 political prisoners, the Penal Forum, a network of pro-bono defense lawyers, reported. While some detainees were released or transferred from

intelligence installations to common prisons, a revolving door persists, with new critics being subject to arbitrary prosecutions.

Security agents arbitrarily detained Freddy Guevara, of the Popular Will party, on July 12. Officials accused him of working with gangs that had engaged in a deadly standoff with police in Caracas, and charged him with terrorism, attacking the constitutional order, conspiracy to commit a crime, and treason. He was held incommunicado at the Bolivarian National Intelligence Service (SEBIN) headquarters until August 15 and released following the first round of negotiations in Mexico on the condition that he appear in court every 30 days.

Intelligence and security forces have tortured various detainees and their family members. In 2020, the UN Office of the High Commissioner for Human Rights (OHCHR) reported cases of alleged torture and ill-treatment including severe beatings with boards, suffocation with plastic bags and chemicals, submersion in water, electric shocks to eyelids and genitals, exposure to cold temperatures, and handcuffing for extended periods.

During several crackdowns since 2014, security forces and pro-government armed groups known as *colectivos* have attacked demonstrations. Security forces have severely injured and occasionally killed demonstrators they had deliberately shot at point-blank range with riot-control munitions, brutally beaten others who offered no resistance, and staged violent raids on apartment buildings.

Of the 15,756 people arbitrarily arrested since 2014, 9,406 had been conditionally released as of July 2021, but remained subject to prosecution, and 872 had been prosecuted in military courts, according to the Penal Forum.

In June 2021, OHCHR reported continuing torture, ill-treatment, enforced disappearances, and arbitrary detentions.

Between 2016 and 2019, police and other security forces killed more than 19,000 people, alleging resistance to authority. In June 2021, OHCHR reported that killings by security forces had slightly declined but continued. Many of these were consistent with previous patterns of extrajudicial executions, OHCHR said.

Agents of FAES, a special police force, and others have killed and tortured with impunity in low-income communities, instilling fear and maintaining social control. Previously, military and police raids in low-income communities, called Operations to Liberate the People by authorities, resulted in widespread allegations of extrajudicial killings, arbitrary detentions, mistreatment of detainees, and forced evictions.

Armed groups including the National Liberation Army (ELN), Patriotic Forces of National Liberation (FPLN), and groups that emerged from the Revolutionary Armed Forces of Colombia (FARC) operate mostly in border states. In Apure, they establish and brutally enforce curfews; prohibitions on rape, theft, and murder; and regulations governing everyday activities. Impunity is the norm, and residents say security forces and local authorities often collude with armed groups.

Starting in March 2021, Venezuelan security forces committed egregious abuses against Apure residents during a weeks-long operation against a FARC dissident group known as the Martin Villa 10th Front. The operation led to the execution of at least four peasants, arbitrary arrests, the prosecution of civilians in military courts, and the torture of residents accused of collaborating with armed groups. Hundreds were forcibly displaced within Venezuela and at least 5,800 people fled to Colombia, according to the Office of the United Nations High Commissioner for Refugees (UNHCR). Most had returned to Venezuela by August, but confrontations continued.

Mining is the leading driver of deforestation in the Venezuelan Amazon, after agriculture. After President Maduro illegally declared the creation in 2016 of a special mining zone in the north of Bolívar state that covers 24 percent of the country's Amazon rainforest, the area has lost more than 230,000 hectares of forest cover, according to a study by the non-governmental organization SOS Orinoco. Analysis of satellite imagery suggests mining operations currently occupy at least 20,000 hectares of the special zone.

The special mining zone encompasses 14 Indigenous territories, whose residents were reportedly not consulted before its creation. People in multiple riverside Indigenous communities within and downstream from the mining zone are reportedly experiencing severe mercury poisoning, a toxic substance used to separate gold from impurities.

Bolívar state is the epicenter of malaria in Venezuela, accounting for 55 percent of all cases, and there is a high prevalence of malaria among gold miners, whose high mobility represents an important vector of contagion. Pools of stagnant and polluted water resulting from mining activity have also become malaria breeding grounds, OHCHR reported.

Illegal gold mining in Bolívar state is largely controlled by criminal group syndicates and Colombian armed groups which police citizens, impose abusive working conditions, and viciously treat those accused of theft and other offenses, sometimes dismembering and killing them in front of others. The syndicates operate with government acquiescence and sometimes involvement. In September, the Organisation for Economic Co-operation and Development (OECD) reported that the Venezuelan military and political elites, Colombian armed groups, and domestic gangs continued to be key actors in the gold trade.

The judiciary stopped functioning as an independent branch of government when former President Hugo Chávez and supporters in the National Assembly took over the Supreme Court in 2004. Supreme Court justices have openly rejected the separation of powers and consistently upheld abusive policies and practices.

There has been no meaningful justice in Venezuela for the victims of extrajudicial killings, arbitrary arrests, and torture committed by security forces with the knowledge or acquiescence of Venezuelan high-level authorities. Judicial authorities have been complicit in the abuses, the UN Fact-Finding Mission reported in September 2021, including by issuing retrospective arrest warrants for illegal arrests, routinely ordering pre-trial detention, upholding detentions based on flimsy evidence, and failing to protect victims of torture. Judges allowed significant procedural delays and interfered with the right to choose one's own lawyer.

The Attorney General's Office reported that between August 2017 and May 2021, 716 officials were charged with crimes connected with human rights violations, 1,064 were indicted, 540 arrested and 153 convicted. The Fact-Finding Mission noted some discrepancies in the numbers provided by Venezuelan authorities and found that there was no evidence that authorities were carrying out investigations into

responsibility for violations further up the chains of command.

In June, Maduro announced a legal reform of the judicial system, creating a special commission headed by his wife and National Assembly deputy Diosdado Cabello. The focus of the reform so far has been on reducing overcrowding in pretrial detention centers, which held 38,736 people in June 2021, up from 22,759 in May 2016.

In December 2020, government supporters gained control of the National Assembly in elections of widely disputed legitimacy. The government disbanded a National Constituent Assembly established in 2017 to rewrite the constitution, which had effectively replaced the National Assembly.

In 2020, the Supreme Court orchestrated the takeover of several opposition political parties, replacing their leadership with government supporters ahead of the December elections. In 2021, the new National Electoral Council announced that some opposition political parties would be able to participate in November 2021 elections. The opposition confirmed its participation as the Unitary Platform. The European Union, a delegation of members of the European Parliament, the Carter Center, and the United Nations monitored elections.

The WFP estimates that one in three Venezuelans is food insecure and in need of assistance. In 2019, 9.3 million Venezuelans suffered from food insecurity, which was projected to increase significantly. UNICEF reported 5.8 percent of children screened between January and June 2021 with acute malnutrition, including 1.5 percent with severe acute malnutrition.

Venezuelas collapsed health system has led to the resurgence of vaccine-preventable and infectious diseases, and hundreds of people allegedly dying due to barriers to performing transplants. Shortages of medications and supplies, interruptions of utilities at healthcare centers, and the emigration of healthcare workers have led to a decline in operational capacity.

OHCHR expressed concern over the absence of public data to monitor and adequately inform public health policies. The government has not published epidemiological data since 2017.

School attendance, already low due to the humanitarian emergency, has declined further because of Covid-19 and related restrictions. UNICEF reported that 6.9 million students in Venezuela missed almost all classroom instruction between March 2020 and February 2021. In-person classes resumed in October 2021, but with limited attendance.

As of October 28, Venezuela had confirmed 403,318 cases of Covid-19 and 4,848 deaths. Given limited availability of reliable testing, lack of government transparency, and persecution of medical professionals and journalists who report on the pandemic, the actual numbers are probably much higher. Access to maternal health and sexual and reproductive services, already dire, has further deteriorated with the pandemic as the government failed to ensure access to services.

Monitor Salud, a nongovernmental organization (NGO), reported 83 percent of hospitals have insufficient or no access to personal protective equipment such as masks and gloves, and 95 percent similarly lack sufficient cleaning supplies, including soap and disinfectant. As of October 28, 779 doctors and nurses had reportedly died from Covid-19.

Venezuelas Covid-19 vaccination has been marred by corruption allegations and opacity regarding the acquisition and distribution of vaccines and other medical supplies. The government scheduled vaccinations using the Fatherland ID, a document provided to Venezuelans since 2017 to access public benefits, which has been used to exercise social and political control, especially during elections.

On October 27, the government reported that 61.6 percent of Venezuelans had received at least one dose of the Covid-19 vaccines. Yet only 21.6 percent of Venezuelans were fully vaccinated as of that date, according to the Pan American Health Organization, and 25 to 28 percent of health professionals were still waiting for their second vaccine shot in August.

Some 5.9 million Venezuelans, approximately 20 percent of the country's estimated total population, have fled their country since 2014, the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela reports.

While many neighboring governments welcomed Venezuelans, lack of a coordinated regional strategy left many stranded in inadequate conditions or unable to receive refugee status or other legal protections. In some countries, Venezuelans are being deported or facing xenophobia and difficulties obtaining affordable health care, education, or legal status that would allow them to work.

The economic impact of the pandemic and host government lockdowns led an estimated 151,000 Venezuelans to return home between March 2020 and March 2021, the United Nations System reported. Returnees were held in overcrowded, unsanitary quarantine centers, suffering threats, harassment, and abuse by Venezuelan authorities and *colectivos*.

The government has expanded and abused its power to regulate media and close dissenting outlets and carried out campaigns of stigmatization, harassment, and repression against the media. While a few newspapers, websites, and radio stations criticize authorities, fear of reprisals has made self-censorship a serious problem.

In May, authorities seized the headquarters of newspaper *El Nacional*, after the Supreme Court ordered it to pay more than US\$13 million in damages for alleged defamation of Diosdado Cabello. The move appears intended to silence one of the few remaining independent outlets in Venezuela.

In 2017, the Constituent Assembly passed a vague Law Against Hatred, forbidding political parties that promote fascism, hatred, and intolerance, and establishing prison sentences of up to 20 years for publishing messages of intolerance and hatred. During the Covid-19 state of emergency, many people sharing or publishing information on social media questioning officials or policies have been charged with incitement to hatred and other crimes.

In 2010, the Supreme Court ruled that individuals or organizations receiving foreign funding can be prosecuted for treason, and the National Assembly prohibited international assistance to organizations that defend political rights or monitor the performance of public

bodies.

Starting in November 2020, Venezuelan authorities and security forces have conducted a systematic campaign against human rights and humanitarian groups, freezing bank accounts, issuing arrest warrants, and raiding offices, as well as detaining members for questioning. They have adopted new measures to restrict international funding and require NGOs to provide sensitive information regarding their activities and contributions.

In July, police detained three members of FundaRedes after they reported harassment by intelligence services and unidentified armed men to the prosecutors office in Falcon state. The group had recently accused Venezuelan authorities of links to armed groups in Apure state. The activists were charged with treason, terrorism, and incitement to hatred, based on publications on social media and the organizations website. Two of them were released on October 26 on the condition that they appear in court every eight days; the organizations director was still being held incommunicado at the SEBIN headquarters at time of writing.

Corruption, weak security, deteriorating infrastructure, overcrowding, insufficient staffing, and improperly trained guards allow armed gangs effectively to control detainees. Excessive use of pretrial detention contributes to overcrowding.

Lack of access to clean water and sufficient, nutritious food, as well as low quality hygiene and medical services, have contributed to a high incidence of hunger and disease in prisons. The Venezuelan Observatory of Prisons (OVP) reported that 73 percent of detainee deaths due to health conditions in the first half of 2021 were from malnutrition or tuberculosis, both of which are preventable. Inadequate conditions may have also contributed to the spread of the virus that causes Covid-19. Based on official statements, the OVP reported 135 cases of Covid-19 in prisons and detention centers in 2020, and two deaths. Given insufficient testing, the real numbers are likely much higher.

During a visit to Venezuela in November 2021, ICC Prosecutor Karim Khan announced that his office would open an investigation into possible crimes against humanity committed in the country. The situation in the Venezuela had been under preliminary examination by the Office of the Prosecutor since February 2018. A June 2021 prosecution filing before the ICC, made public in August, reported the offices conclusion that Venezuelan authorities were unwilling to genuinely investigate and prosecute relevant cases.

In September, the United Nations Fact-Finding Mission on Venezuela found that the justice system has played a significant role in the repression of opponents. Procedural irregularities and interference in the judiciary, including by high-ranking authorities such as Maduro and Diosdado Cabello, have ensured impunity for human rights violations. A previous report concluded there were reasonable grounds to believe that pro-government groups and high-level authorities had committed violations amounting to crimes against humanity.

OHCHR maintains an in-country presence, which increased to 12 officers in 2021. The office updated the UN Human Rights Council in 2021 on continuing abuses. In June, it found Venezuela had made limited progress towards the implementation of its recommendations from previous reports. Both OHCHR and the UN special rapporteur on unilateral coercive measures highlighted in September that unilateral sectorial sanctions have exacerbated Venezuelas pre-existing economic and social crises, although OHCHR also pointed to other problems, including lack of official information and the need to investigate allegations of discrimination in food and health care access.

In April, after more than a year of negotiations, the WFP announced an agreement with the Maduro government, allowing it to supply food to young children. The agency started delivering aid in July and planned to reach 185,000 children by the end of 2021.

In March 2021, the US government granted temporary protected status for 18 months to Venezuelans already in the US. The decision followed the Colombian governments landmark announcement, in February, granting 10 years of legal status to the estimated 1.7 million Venezuelans there, and to those who enter Colombia legally during the next two years.

Several governments and institutions have imposed targeted sanctions on Venezuelan officials implicated in human rights abuses and corruption by canceling their visas and freezing their funds abroad. Others imposed financial sanctions, including the US, which during the administration of then-President Donald Trump imposed a ban on dealings in new stocks and bonds issued by the Venezuelan government and its state oil company. They remained in effect at time of writing. Despite a humanitarian exception, these sanctions could exacerbate the humanitarian emergency which predates them, due to overcompliance.

The administration of US President Joe Biden has publicly criticized human rights abuses by the Maduro government and expressed willingness to lift sanctions in exchange for concrete progress during the Mexico negotiations.

In addition to adopting targeted sanctions, the European Union has consistently condemned abuses by the Venezuelan government, including at the UN Human Rights Council, and plays a leading role in the International Contact Group, which seeks a political solution to the Venezuelan crisis and works to lay the groundwork for credible elections. Norway facilitated the Mexico talks, in which the Netherlands and Russia participated as guarantors.

An estimated 7 million people needed humanitarian assistance in 2020, the UN Humanitarian Response Plan for Venezuela noted. The plan, updated in 2021, calls for \$708.1 million to assist 4.5 million of the most vulnerable Venezuelans. As of October 28, more than \$210 million had been disbursed, and from January through July, 2.5 million people had received assistance. International organizations continued to face limitations importing humanitarian supplies, obtaining visas for personnel, acquiring movement permits, and accessing gasoline. This often led to delay or suspension of activities.

As a member of the UN Human Rights Council, Venezuela votes regularly to prevent scrutiny of human rights violations, including in Syria, Yemen, Belarus, Burundi, Eritrea, and Iran.

The Inter-American Commission on Human Rights continues to monitor Venezuela, applying the American Declaration of the Rights and Duties of Man, after Venezuela withdrew from the American Convention on Human Rights in 2013.

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