

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

26 August 2015

Index: AMR 53/2329/2015

Venezuela: Concerns over grave human rights violations on the border with Colombia

Amnesty International is extremely concerned at reports of human rights violations in the area along the border with Colombia in the context of a security and anti-smuggling operation by the Venezuelan authorities.

On 21 August a state of emergency was declared in six municipalities in Táchira State in order to combat paramilitarism, drug trafficking and smuggling in the border region. A few days earlier, on 19 August, there had been clashes between the security forces and alleged smugglers in which in three members of the armed forces and a civilian were injured.

The Governor of Táchira State has been reported in the press as stating that at least 1,000 people were deported to Colombia between 21 and 25 August.

According to reports received by Amnesty International, people who were deported had been detained during military operations and expelled to Colombia without any opportunity to challenge their expulsion or to gather their belongings. There are reports of ill-treatment in detention, forced evictions and the destruction of houses where Colombian nationals, or people believed to be Colombian, were living, without any attempt to respect human rights guarantees.

Amnesty International is particularly concerned at reports suggesting that families may have been split up and that children may have been separated from their parents and left alone in Venezuela after the parents were expelled to Colombia.

Amnesty International recognizes that the state has a duty to maintain security and public order, including in the areas along the border, and that in some extraordinary circumstances, which are provided for in law, a state of emergency may be declared for a limited period. However, this should not result in human rights violations.

All expulsion and deportation procedures must include the safeguards set out in national legislation and conform to international human rights standards. This means that the Venezuelan authorities must ensure that the cases of every person

threatened with expulsion or deportation are examined individually in a fair and transparent process in which the expulsion can be challenged and the decision to deport reconsidered.

In addition, steps should be taken to ensure that immigration officials and military personnel respect human rights and the rule of law when carrying out detentions, deportations or expulsions and that reports of abuses are promptly, independently and impartially investigated.

It is imperative that the suspension of constitutional guarantees during the state of emergency does not open the way for human rights violations.

According to its international human rights obligations, Venezuela has a duty to protect the right to life, to physical integrity, to due process and to the protection of the law, among others, at all times, including under a state of emergency. The provisions of a state of emergency must not result in discrimination on the grounds of race, colour, sex, national origin, language, religion or social origin. Every measure implemented under the state of emergency must be proportionate to the context, severity, scale and nature of the emergency.