



CRACKDOWN ON DISSENT

Brutality, Torture, and Political Persecution in Venezuela

HUMAN
RIGHTS
WATCH



Foro Penal



Crackdown on Dissent

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The Foro Penal (FP) or Penal Forum is a Venezuelan NGO that has worked defending human rights since 2002, offering free assistance to victims of state repression, including those arbitrarily detained, tortured, or murdered. The Penal Forum currently has a network of 200 volunteer lawyers and more than 4,000 volunteer activists, with regional representatives throughout Venezuela and also in other countries such as Argentina, Chile, Norway, Spain, Sweden, Uruguay, and the USA. Volunteers provide assistance and free legal counsel to victims, and organize campaigns for the release of political prisoners, to stop state repression, and increase the political and social cost for the Venezuelan government to use repression as a mechanism to stay in power.

Between February 2014 and September 2017, the Penal Forum has methodologically registered more than 11,000 detentions for political reasons in Venezuela and its lawyers have assisted the vast majority of those cases. By registering every victim in its data base, providing on the ground assistance to families and victims, and raising local and international attention, the Penal Forum has contributed to the release of many political prisoners and detainees.

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Summary

In April 2017, tens of thousands of people took to the streets in Venezuela to protest against the government-controlled Supreme Court's attempt to usurp the powers of the country's legislative branch. Demonstrations quickly spread throughout the country and continued for months, fueled by widespread discontent with the authoritarian practices of President Nicolás Maduro and the humanitarian crisis that has devastated the country under his watch.

The government responded with widespread violence and brutality against anti-government protesters and detainees, and has denied detainees' due process rights. While it was not the first crackdown on dissent under Maduro, the scope and severity of the repression in 2017 reached levels unseen in Venezuela in recent memory.

Security forces and armed pro-government groups attacked protesters in the streets, using extreme and at times lethal force, causing dozens of deaths and hundreds of injuries. Authorities detained thousands of protesters and bystanders, many of whom have been subsequently prosecuted in military courts.

The crackdown has extended beyond the protests, with government intelligence agents pulling people from their homes or detaining them on the streets even when no demonstrations were taking place.

Once detained, government agents have subjected opponents to abuses ranging from severe beatings to torture involving electric shocks, asphyxiation, and other techniques.

This joint report by Human Rights Watch and the Penal Forum, based on in-country research, documents 88 cases involving at least 314 people who were victims of serious human rights violations during the crackdown between April and September 2017. These abuses were committed by different security forces and armed pro-government groups known as *colectivos* in Caracas and 13 states—Anzoátegui, Aragua, Carabobo, Barinas, Bolívar, Lara, Mérida, Miranda, Monagas, Sucre, Táchira, Vargas, and Zulia.

While Human Rights Watch and the Penal Forum have, to date, been unable to determine the full scope of human rights violations committed during the crackdown, our research shows that the abuses were not isolated cases or the result of excesses by rogue security force members. On the contrary, the fact that widespread abuses by members of security forces were carried out repeatedly, by multiple security forces, in multiple locations across 13 states and the capital—including in controlled environments such as military installations and other state institutions—over the six-month period covered by this report, supports the conclusion that the abuses have been part of a systematic practice by the Venezuelan security forces.

Our findings are broadly consistent with those of the Office of the High Commissioner for Human Rights (OHCHR), which in August 2017 reported “the existence of a policy to repress political dissent and instill fear in the population to curb demonstrations” in Venezuela. In its report, the OHCHR stated that it found “a picture of widespread and systematic use of excessive force and arbitrary detentions against demonstrators,” as well as “patterns of other human rights violations, including violent house raids, torture and ill-treatment of those detained in connection with the protests.”

Despite the overwhelming evidence of human rights violations, we found no evidence that key high-level officials—including those who knew or should have known about the abuses—have taken any steps to prevent and punish violations. On the contrary, they have often downplayed the abuses or issued implausible blanket denials. These high-level officials bear responsibility for pervasive, serious abuses being committed on their watch.

The government has repeatedly blamed the violence on the protesters. There have indeed been credible reports of violence by some protesters, and governments not only have a right but an obligation to bring the perpetrators of such violence to justice. It is, nonetheless, unlikely that any opponent accused of crimes would receive a fair trial today in Venezuela, given the absence of judicial independence in the country.

The violent abuses compiled in this report were not carried out by security force personnel who were under attack or threatened with violence. This report describes acts of torture and other violent brutality carried out against people who were in the custody of security forces, as well as acts of disproportionate violence and deliberate abuse carried out against people at protests, in the streets, and even in their own homes.

During 2017, democratic governments throughout the region and elsewhere have spoken out about the crackdown on peaceful expression and protest in Venezuela. It is urgent that they redouble multilateral pressure on the Venezuelan government to ensure it releases those who were arbitrarily arrested, drops charges in cases in which detainees were subject to politically-motivated prosecutions, and holds accountable those responsible for human rights violations. If the Venezuelan government proves unable or unwilling to do so, they should push for push for accountability abroad.

Torture and Other Cruel, Inhuman, or Degrading Treatment of Detainees

In 53 cases involving at least 232 people documented in this report, detainees were subjected to physical and psychological abuse, with the apparent purpose of either punishing them or forcing them to incriminate themselves or others. Most of these abuses have been carried out at bases of the Bolivarian National Guard (*Guardia Nacional Bolivariana*, GNB) or headquarters of the Bolivarian National Intelligence Services (*Servicio Bolivariano de Inteligencia Nacional*, SEBIN). In some of these cases, the abuses suffered by detainees clearly constituted torture.

These include:

- Electric shocks;
- Severe beatings;
- Being hung in stress positions;
- Sleep deprivation;
- Asphyxiation; and,
- Sexual abuse, including in some cases rape.

In other cases, security forces have engaged in abuses that included detonating teargas canisters in closed environments where detainees were being held, holding detainees for prolonged periods of time with other detainees in small confinement cells, and denying them access to food or water or forcing them to eat raw pasta mixed with excrement or other food deliberately tainted with cigarette ashes or insects.

Security agents have also denied or failed to provide access to medical treatment to some detainees who had preexisting medical conditions or suffered serious injuries during their arrest and subsequent detention—including being shot with pellets at very close range.

This report describes in detail seven cases of detainees who were tortured. These cases illustrate how far security agents have been willing and able to go to punish or intimidate detainees. It also includes dozens of other cases where victims were subject to cruel, inhuman, and degrading treatment while in detention, including some that may also rise to the level of torture.

Arbitrary Arrests and Prosecutions

Since early April, more than 5,400 people have been detained in the context of massive anti-government demonstrations in Venezuela, according to data gathered by the Penal Forum.

While those arrested included demonstrators, bystanders, and people filming demonstrations—as had happened during the suppression of protests in 2014—this year saw an increase in the number of detentions carried out by intelligence or security agents in incidents completely unrelated to the protests. Those detained in such cases were political opponents, including lesser known activists, or people whom the government claimed had links to the political opposition. In some of these politically motivated prosecutions, detainees were taken away from homes or arrested hours or days after demonstrations in unrelated incidents.

In most cases of arrests documented by Human Rights Watch and the Penal Forum, detaining agents belonged to the GNB, SEBIN, the Bolivarian National Police (*Policía Nacional Bolivariana*, PNB), or state police forces. Often, detainees were not informed of the reasons for their arrests, and sometimes were not told who was detaining them. In some cases, the detentions were carried out by members of armed pro-government groups called *colectivos*, who then handed over detainees to security forces.

In several cases, those arrested described being driven around and parked in different places for hours—a practice called “spinning around” or “ruletear” in Venezuela—instead of being taken directly to a detention center or before a judge. During this period, security forces often harassed and threatened detainees, at times putting them in armored vehicles and detonating teargas canisters inside the vehicles, rubbing teargas powder on their faces, or subjecting them to heavy beatings. Security agents and members of *colectivos* sometimes stole such personal belongings as money or cell phones from detainees during arrests.

Many detainees were released without being brought before a judge, but thousands of others were subject to arbitrary prosecutions that lacked the most basic due process guarantees. In addition to those who remain behind bars, according to the Penal Forum, 3,900 people are still subject to arbitrary criminal prosecutions and to precautionary measures that limit their freedom in different ways. At least 757 civilians were prosecuted by military courts, in violation of international law. Others were brought before civilian courts without adequate access to lawyers or families to face prosecutions based on what they claimed was planted evidence. Dozens remained behind bars for periods of up to several months, despite having a judicial order for their unconditional release or a judicial order for their release on bail.

Excessive Use of Force in the Streets

During the period covered by this report, Venezuelan security forces—including the GNB, the PNB, and state police forces—systematically used excessive force to suppress anti-government protests, often in situations where no use of force appeared to be justifiable. “Colectivos” at times worked alongside Venezuelan security forces to suppress demonstrations.

Security forces have used less-lethal weapons—such as water cannons, teargas, and pellets—in ways that seemed deliberately intended to inflict painful injuries. In other incidents, security force personnel used modified rubber-pellet shotgun shells that instead shot marbles, broken glass, or metal bolts.

The result has been dozens of people dead and hundreds injured, some severely. According to the OHCHR, out of the 124 deaths recorded by the Attorney General’s Office that occurred in the context of anti-government demonstrations until July 31, 2017, security forces were reportedly found to be responsible for at least 46, the *colectivos* for 27, and 51 cases remained unsolved. The latest figures published by the Attorney General’s Office indicate that, by the end of July, the office was investigating nearly 2,000 cases of people injured during the protests. In more than half of them, the office was investigating alleged violations of fundamental rights.

In many cases, demonstrators or individuals whom authorities believed to be involved in protests were subjected to levels and forms of violence by security forces or *colectivos*¹ amounting to cruel, inhuman, or degrading treatment.

The Venezuelan government claims that 10 security-force officers died in the context of the demonstrations, and reported several instances of violence against government supporters, including two cases in which the victims were allegedly set on fire and one in which a retired military officer was lynched. Some protesters used rocks, Molotov cocktails, weaponized fireworks, and homemade mortars and explosive devices during clashes with security forces.

All crimes—including those committed against security forces, protesters, and bystanders—require rigorous investigation, and those credibly alleged to have committed crimes should be subject to prosecution by courts that are not under political control by the executive branch and are capable of upholding basic due process guarantees.

Lack of Accountability and the Responsibility of High-level Officials

Since former President Hugo Chávez and his allies in the National Assembly politically took over Venezuela’s Supreme Court in 2004, the judiciary has stopped functioning as an independent branch of government, a check on the abuse of power by the executive branch, and a guarantor of fundamental rights.

In early 2017, Attorney General Luisa Ortega Díaz, a former government loyalist, began to visibly distance herself from the government. She openly condemned government abuses, including by security forces, and published official information based on investigations carried out by her office, including data regarding deaths and serious injuries that occurred in the context of demonstrations, until the pro-government Constituent Assembly fired her and replaced her with a government supporter in August.

In early August, the government’s communications ministry said that Ortega Díaz had charged 54 members of security forces with responsibility in 17 deaths.¹ In October, a

¹ Venezuelan Communications Ministry, “Fatal victims of political violence in Venezuela April-August 2017” (Víctimas fatales de la violencia política en Venezuela abril-agosto 2017), August 4, 2017, <http://minci.gob.ve/wp-content/uploads/2017/08/Investigaci%C3%B3n-Period%C3%ADstica-V%C3%ADctimas-Fatales-de-la-Violencia-Pol%C3%ADtica-ABRIL-AGOSTO-2017-Actualizado-04-08-17.pdf> (accessed October 3, 2017).

government representative said that public officials who were responsible for “bad practices” in 16 “isolated cases” had been handed over to the judicial system, without specifying the cases. The representative said that in 16 cases, they presumed responsibility on the part of state security agents, in which 25 officials had been charged, and that 14 civilians had been charged in other cases; she also said that 78 percent of cases were still under investigation.²

In October, Human Rights Watch and the Penal Forum requested updated information from the Venezuelan government on the status of all investigations that are still open, but had received no response at time of publication.

With the exception of Attorney General Ortega Díaz, who seems to have been fired as a result of her open criticism of the government, high-ranking officials do not appear to have taken adequate steps to bring abuses to an end or ensure accountability, nor did they publicly support the efforts by Ortega Díaz to investigate the abuses.

Under international law, the Venezuelan government has an obligation to prevent serious human rights violations, and to investigate and ensure accountability for violations that take place. Government officials who commit or fail to prevent, investigate, and punish torture and other serious violations can and should be held accountable. Venezuela is a State Party to the International Criminal Court (ICC). The ICC has jurisdiction over crimes against humanity, war crimes, and genocide, including when committed on territories of state parties.

Some of the key high-level officials in charge of security forces implicated in widespread abuses who have failed to take adequate steps to prevent, investigate, and punish human rights violations committed by their subordinates are:³

² “Venezuela: Violence and freedom of expression” (Venezuela: Violencia y libertad de expresión), YouTube video uploaded by the Inter-American Commission on Human Rights on October 25, 2017, <https://www.youtube.com/watch?v=rVoNW2PdBJs> (accessed October 26, 2017).

³ For additional information, see Human Rights Watch, “Venezuela: Senior Officials’ Responsibility for Abuses,” June 15, 2017, <https://www.hrw.org/news/2017/06/15/venezuela-senior-officials-responsibility-abuses> (accessed November 13, 2017).

- President Nicolás Maduro, who is the Commander in Chief of the Armed Forces, which include the Bolivarian National Guard and the General Directorate of Military Counter Intelligence;
- Maj. Gen. José Benavides Torres, the head of the Bolivarian National Guard;
- Chief General Vladimir Padrino López, the defense minister and the strategic operational commander of the Armed Forces;
- Maj. Gen. Néstor Reverol, the interior and justice minister;
- Gen. Carlos Alfredo Pérez Ampueda, director of the Bolivarian National Police;
- Maj. Gen. Gustavo González López, the national intelligence director; and
- Gen. Edgar Rojas Borges, the military attorney general.

This list is not comprehensive and is not meant to exclude other officials who may be directly responsible for human rights violations documented in this report, including those who committed them and others who failed to prevent and punish them.

After years of silence, key international leaders have begun to raise their voices and openly criticize abuses committed by the Venezuelan government. In 2016, OAS Secretary General Luis Almagro, invoking the Inter-American Democratic Charter, produced a series of comprehensive reports on Venezuela’s crisis and convened several public meetings to discuss its compliance with the charter’s provisions. In April 2017, citing the charter, 19 of the 35 OAS member states for the first time expressed “grave concern regarding the unconstitutional alteration of the democratic order” in Venezuela.⁴ In several subsequent meetings, foreign affairs ministers of the region addressed and openly criticized the human rights situation in Venezuela.

In August, the “Lima Group”—a coalition of 11 Latin American governments and Canada that is following Venezuela’s crisis closely—condemned the breakdown of democratic order and the systematic violation of human rights in Venezuela. They have carried out periodic meetings to evaluate developments and published several statements since then. Canada and the United States have imposed targeted sanctions on key Venezuelan officials, including on President Nicolás Maduro. The European Union imposed an arms

⁴ OAS Permanent Council, Resolution on Recent Events in Venezuela, April 3, 2017, http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-022/17 (accessed October 26, 2017).

embargo and targeted sanctions against Venezuelan officials, including freezing their assets and cancelling visas.

Venezuela was also a priority of the UN Human Rights Council agenda in September. The United Nations High Commissioner for Human Rights presented his office's report on Venezuela, and many other countries expressed serious concern regarding the human rights and humanitarian crisis in the country. In November, UN Security Council members held a special session to discuss Venezuela's crisis.

Recommendations

To ensure accountability for and deter the repetition of the human rights abuses documented in this report, it is critically important to redouble international pressure on the Venezuelan government. Specifically:

The Lima Group, the European Union, and other UN Member States should:

- Press the Maduro government to release all people who have been arbitrarily detained, and drop politically-motivated charges against people subject to arbitrary prosecutions; and,
- If they have not done so, impose targeted sanctions against specific Venezuelan officials implicated in grave human rights abuses, including freezing their assets and denying them entry to these countries.

States Parties to the Convention Against Torture should:

- To the extent possible under domestic law, exercise criminal jurisdiction over any Venezuelan authority responsible for torture in accordance with Article 5 of the Convention Against Torture.

The UN Human Rights Council should:

- Ask the OHCHR to continue to closely monitor the situation in Venezuela, and to keep the Council regularly informed;
- Act on the OHCHR call to open an international investigation into human rights violations in Venezuela, which should be conducted with a view toward future prosecutions in competent courts; and,

- Request that the OHCHR or HRC-mandated investigation makes concrete recommendations for restoring judicial independence in the country.

Methodology

This report is a joint publication of Human Rights Watch and the Penal Forum. It is based on interviews conducted by Human Rights Watch researchers with more than 120 people about 88 cases, including 86 alleged victims of human rights abuses or their family members. Other people interviewed were 12 private lawyers affiliated with the Penal Forum who assisted detainees pro-bono (in addition, a thirteenth lawyer provided information in writing), at least 16 medical professionals who attended to people injured during or near demonstrations, four journalists who witnessed the attack on the National Assembly premises, and nine human rights defenders. The Penal Forum reached out to private lawyers who contribute pro-bono to the organization and helped gather the information contained in this report. Its team reviewed and contributed to the report before its publication.

Human Rights Watch conducted a research mission to Venezuela in August 2017, which included visits to Caracas, Aragua state, Carabobo state, Lara state, Mérida state, and Táchira state. Other interviews were conducted via telephone, email, Skype, or text messaging service prior to and following the fact-finding mission. Researchers also interviewed additional victims or lawyers in the states of Anzoátegui, Barinas, Bolívar, Miranda, Monagas, Sucre, Vargas, and Zulia. One interview was carried out in Bogotá.

In Venezuela, researchers conducted interviews with the support of the following local human rights groups: Promedehum in Mérida state, Funpaz in Lara state, and Espacio Público in Caracas.

All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be used. Interviewees were told they could decline to answer questions or end the interview at any time. All provided oral consent to be interviewed. None received compensation for the interviews.

To protect the safety of some victims and family members who testified, we have used pseudonyms to identify them in this report or we have deliberately avoided including details about the date or location in which the abuses occurred. In all such cases, Human Rights Watch and the Penal Forum have the relevant documentation on file.

In most of the countries where Human Rights Watch works, the practice is to seek meetings with government officials to discuss and seek information and commentary regarding the issues on which it is reporting. This has been our practice in Venezuela as well. Between 2002

and 2007, Human Rights Watch staff held meetings with President Hugo Chávez, senior members of his administration, justices of the Supreme Court, the attorney general, members of the National Assembly, and numerous officials in multiple government agencies.

However, when conducting research for this report, Human Rights Watch deliberately chose not to establish contact with government officials or draw public attention to our presence in the country. This decision was made out of concern for possible repercussions to victims, human rights defenders, and other interviewees; the risk of compromising our ability to conduct the research; and the safety of our staff. We also took into account the Venezuelan government's decision to detain and expel Human Rights Watch representatives in 2008, and its declaration that our presence would not be "tolerated" in the country.

In October 2017, we sent letters to Venezuelan authorities with an overview of our findings, requesting the government's perspective and detailed information on the status of investigations into abuses committed by security forces, and investigations into incidents of violence allegedly committed by anti-government protesters or opposition supporters. The letters were addressed to Foreign Affairs Minister Jorge Arreaza, Defense Minister Vladimir Padrino López, and Interior and Justice Minister Néstor Reverol. A copy of the letter to Arreaza—which is identical to the other two—is included as an annex to this report. At time of writing, we had not received a response.

To present an official perspective, this report uses official data from the Attorney General's Office compiled until July 31, 2017. We reviewed statistics, reports, and press releases produced by the Attorney General's Office about alleged violent incidents and human rights violations related to the 2017 protests. We also reviewed statements made by President Maduro and several of his cabinet ministers, the attorney general, and top officials including from the National Bolivarian Police, the Bolivarian National Guard, the Bolivarian National Intelligence Services, and members of the National Constituent Assembly. We also conducted an extensive review of news accounts in official media outlets, Twitter feeds of state officials, and other official sources to evaluate the government's position with respect to specific incidents referred to in this report. Finally, we carefully looked at the government's own public evaluation of the overall performance of its security forces in the context of protests.

Cases

This report is based on information we gathered and reviewed on 88 incidents, referred to hereafter as "cases," in which individuals described being the victims of human rights

violations that include excessive use of force on the streets, arbitrary arrests or prosecutions, or abuses in detention. Many said they were subject to these violations alongside other people, and were direct witnesses to abuses suffered by others. This included abuses committed during arrests and while in detention facilities, as well as due process violations before or during judicial hearings. The 88 cases documented here involve a total of at least 314 victims.

In addition to these cases, we documented six instances of raids or other operations targeting residential buildings in Caracas and four states, in which residents claim dozens more were victims of excessive use of force or arbitrary arrests by security forces and *colectivos*.

In the vast majority of these cases, the facts described in this report are based on testimonies provided directly to researchers by the victims, or by eyewitnesses or relatives in cases where victims are still in detention or were killed.

In 30 of the cases, we also reviewed additional evidence—such as photographs, video footage, medical reports, judicial rulings, or other testimony—that corroborated the accounts we received. In three of those cases, we observed first-hand and photographed physical injuries that the victims said had been inflicted by security forces. In Venezuela’s military courts, access to judicial files is nearly impossible, and in civilian courts, obtaining copies of such documents is extremely difficult.

This report bases its assessments of the credibility of victims and witnesses on careful review of corroborating evidence when available, as well as on whether the detailed accounts provided by the victim, family members, eyewitnesses, or lawyers were consistent, both internally and with patterns and practices documented in other cases. We did not include in the report those cases where we found inconsistencies or implausible and uncorroborated assertions.

A list and brief description of the 88 cases we documented can be found in the annex at the end of the report. Not all these cases are included in the text of the report, and those included are not described with the same level of detail.

Background

The Protests

In early 2014, the Venezuelan government responded to massive anti-government protests with brutal force. For several weeks, security forces used excessive force against unarmed protesters and bystanders. Government forces also tolerated and sometimes collaborated directly with armed pro-government gangs that attacked protesters with impunity.

Detainees were often held incommunicado on military bases for 48 hours or more before being presented to a judge, and in some cases, suffered abuses including severe beatings, electric shocks or burns, and being forced to squat or kneel without moving for hours.⁵

In the vast majority of cases, no one has been brought to justice for these abuses—nor for other sporadic abuses committed against protesters and opponents in subsequent years.⁶

On March 29, 2017, the Venezuelan Supreme Court, which is under the political control of the government, effectively shut down Congress, the only official institution that remained independent of executive control, by ruling that it would assume all legislative powers itself or choose some other institution to delegate them to.⁷ Two days earlier, the court had ruled that a statement of support to the Organization of American States by the legislature may constitute treason and warned that the legislators responsible would not enjoy parliamentary immunity.⁸

These rulings received widespread condemnation both nationally and internationally. In a surprising move, Attorney General Luisa Ortega Díaz, who until then had been a loyal supporter of the regime, publicly challenged the Supreme Court's decisions, which she

⁵ Human Rights Watch, *Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System*, May 2014, <https://www.hrw.org/report/2014/05/05/punished-protesting/rights-violations-venezuelas-streets-detention-centers-and>.

⁶ See, for example, "Dissidents Allege Torture, Coerced Confessions," Human Rights Watch news release, July 26, 2016, <https://www.hrw.org/news/2016/07/27/venezuela-dissidents-allege-torture-coerced-confessions>; Inter American Commission on Human Rights, 2015 Annual Report, chapter IV.b., <http://www.oas.org/es/cidh/docs/anual/2016/docs/InformeAnual2016cap4B.Venezuela-es.pdf> (accessed November 14, 2017); Inter American Commission on Human Rights, 2016 Annual Report, chapter IV.b., <http://www.oas.org/es/cidh/docs/anual/2016/docs/InformeAnual2016cap4B.Venezuela-es.pdf> (accessed November 14, 2017).

⁷ Tweet by Venezuela's Supreme Court, March 29, 2017, https://twitter.com/TSJ_Venezuela/status/847253601433010182 (accessed November 3, 2017).

⁸ Tweet by Venezuela's Supreme Court, March 28, 2017, https://twitter.com/TSJ_Venezuela/status/846734321268523008 (accessed October 5, 2017).

called a “rupture of constitutional order.”⁹

In response to this backlash, President Maduro instructed the Supreme Court to reconsider its rulings. The court promptly complied, partially reversing these controversial decisions.¹⁰

Nonetheless, the Supreme Court rulings motivated many more Venezuelans to take to the streets, demanding the reestablishment of the full powers of the opposition-led National Assembly. Protestors also called on the government to hold free and fair elections, release political prisoners, reestablish judicial independence, and address the humanitarian crisis that Venezuelans are facing.¹¹

The turnout for the anti-government demonstrations was massive and protests quickly spread throughout the country, almost on a daily basis. The government’s response was a crackdown involving widespread abuses, including those detailed in this report. Despite the overwhelming evidence of human rights violations, there is no indication that key high-level officials—including those who knew or should have known about the abuses—have taken any steps to prevent and punish violations. On the contrary, they have often downplayed the abuses or issued implausible blanket denials.¹² In an isolated instance, in

⁹ “Venezuela’s top prosecutor Luisa Ortega Díaz rebukes Supreme Court power grab,” Associated Press, March 31, 2017, <https://beta.theglobeandmail.com/news/world/venezuelas-top-prosecutor-luisa-ortega-diaz-rebukes-supreme-court-power-grab/article34548004/?ref=http://www.theglobeandmail.com&> (accessed October 4, 2017).

¹⁰ Supreme Court ruling, <http://historico.tsj.gob.ve/decisiones/scon/abril/197399-157-1417-2017-17-0323.HTML> (accessed October 5, 2017); “Supreme Court cancels decision to take over the National Assembly’s powers” (TSJ supprime decisión de asumir las facultades de Asamblea Nacional), *CNN*, April 1, 2017, <http://cnnespanol.cnn.com/2017/04/01/tsj-de-venezuela-supprime-decision-de-asumir-las-competencias-de-asamblea-nacional/> (accessed October 4, 2017).

For additional information on lack of judicial independence in Venezuela, see Human Rights Watch, *A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*, September 18, 2008, <https://www.hrw.org/report/2008/09/18/decade-under-chavez/political-intolerance-and-lost-opportunities-advancing-human>; and Human Rights Watch, *Tightening the Grip: Concentration and Abuse of Power in Chávez’s Venezuela*, July 17, 2012, <https://www.hrw.org/report/2012/07/17/tightening-grip/concentration-and-abuse-power-chavez-venezuela>.

¹¹ Severe shortages of medicine, medical supplies, and food have undermined the ability of many Venezuelans to get adequate nutrition and health care. The government has denied that the crisis exists, failed to alleviate the shortages, and made only limited efforts to obtain readily available international humanitarian assistance. For additional information see, Human Rights Watch, *Venezuela’s Humanitarian Crisis: Severe Medical and Food Shortages, Inadequate and Repressive Government Response*, October 24, 2016, <https://www.hrw.org/report/2016/10/24/venezuelas-humanitarian-crisis/severe-medical-and-food-shortages-inadequate-and>.

¹² In May, President Nicolás Maduro publicly praised the conduct of the security forces and has never expressed concern about the abuses. That same month, Maj. Gen. Néstor Reverol, the interior minister, heaped praise on a gathering of police chiefs from across the country, but said nothing about the need to curb abuses. In September, Delcy Rodríguez, the pro-government president of the Constituent Assembly who is part of a “Truth Commission” to investigate what happened in 2017, said that security forces had acted in “strict compliance with the Venezuelan constitution and laws.” A government representative told the Inter-American Commission on Human Rights in October that all the deaths were caused by “acts of violence and hatred crimes promoted by some sectors of the Venezuelan extreme right” and that security forces had complied with “universal principles regarding how law enforcement agents should act.” Tweet by Nicolás Maduro, May 26,

June, Defense Minister Vladimir Padrino López acknowledged for the first time that National Guard members had committed abuses.¹³

On May 1, President Nicolás Maduro announced that his government would organize elections to establish a Constituent Assembly to draft a new constitution. (The announcement came after months of delaying elections for governors, which the Constitution mandated for 2016). The executive decree establishing the new body granted it broad powers, including to conduct a “reorganization of the state that recaptures the constitutional principle of cooperation of public powers” (instead of protecting the separation of powers) and the possibility to “expand the powers of the justice system to eradicate impunity” for crimes including “crimes against the Fatherland,” “terrorism,” and “foreign interference” to protect Venezuela from “foreign intervention.”¹⁴ The Supreme Court subsequently upheld Maduro’s proposal, validated the proposed rules to elect pro-government members to the Constituent Assembly, and rejected challenges to the process filed by Attorney General Ortega Díaz.¹⁵

2014, <https://twitter.com/NicolasMaduro/status/868240897091264514> (accessed October 26, 2017); “Reverol defines with the Bolivarian National Police strategies to protect public order” (Reverol define con PNB estrategias de protección del orden público), *PSUV*, May 30, 2017, <http://www.psu.org.ve/temas/noticias/coordinacion-reestructuracion-nestor-luis-reverol-ministro-pnb-regiones-estrategicas-acciones-orden-publico-consolidacion/#.WTG7N4WcGUk> (accessed October 26, 2017); “Truth Commission says the Bolivarian National Guard respected human rights during anti-government protests” (Comisión de la Verdad señala que GNB respetó DDHH en protestas opositoras), *El Universal*, http://www.eluniversal.com/noticias/politica/comision-verdad-senala-que-gnb-respeto-ddhh-protestas-opositoras_670640 (accessed October 26, 2017); “Venezuela: Violence and freedom of expression” (Venezuela: Violencia y libertad de expresión), YouTube video uploaded by the Inter-American Commission on Human Rights on October 25, 2017, <https://www.youtube.com/watch?v=rVoNW2PdBJs> (accessed October 26, 2017).

¹³ “What did Vladimir Padrino López Say and Why did he Say it?,” *Caracas Chronicles*, June 7, 2017, <https://www.caracaschronicles.com/2017/06/07/what-did-vladimir-padrino-lopez-say-and-why-did-he-say-it/> (accessed November 14, 2017).

¹⁴ Presidential decree No. 2830, May 1, 2017, http://www.presidencia.gob.ve/Site/Web/Principal/paginas/Gaceta/Gaceta_Oficial_Extraordinaria_6295.pdf (accessed October 9, 2017).

¹⁵ On May 23, Maduro issued another decree outlining the composition of the Constituent Assembly. It states that 364 of its members would be elected as representatives of specific areas of the country (“territorial representation”), eight would represent indigenous communities, and the rest would be elected to represent specific groups (“sectorial representation”). There are seven “sectors” that would be represented by this last group, according to the decree: fishermen and peasants, people with disabilities, business people, pensioned people, students, workers, and members of communal councils. A total of 174 representatives would be chosen from these sectors, according to electoral rules later adopted by the National Electoral Council. The “sectorial representation,” critics say, reflects an essentially arbitrary choice of groups to represent. Critics argue that because the “territorial representation” component is based on a fixed number of representatives per municipality, independently of how many people live in it, it gives larger weight to the vote of those who live in rural areas. People living in many rural areas have traditionally supported the Maduro administration, while opposition to the government is generally quite widespread in urban areas. “The ABCs of Maduro’s Constituent Assembly Proposal,” Human Rights Watch “Venezuela’s Crisis” blog posting, <https://www.hrw.org/content/306478> (accessed November 3, 2017); Tweet by Venezuela’s Supreme Court, May 31, 2017, https://twitter.com/TSJ_Venezuela/status/869952063127662592/photo/1?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2F (accessed October 4, 2017); “Supreme Court: The executive has powers to

Despite widespread opposition in Venezuela and criticism from abroad, the government moved forward with the election of Constituent Assembly members on July 30. The company hired by the government to oversee the election later concluded that the turnout figures were tampered with and estimated that actual voter turnout was likely one million less than officially reported.¹⁶ The Constituent Assembly's first moves were to remove Attorney General Ortega Díaz from office, appoint Tarek William Saab, a government loyalist who served as Venezuela's Human Rights Ombudsman, as the new attorney general, and take over the National Assembly's powers.¹⁷

Venezuelan Security Forces

The security forces mentioned in this report include the following:

Bolivarian National Guard (GNB)

The Bolivarian National Guard (*Guardia Nacional Bolivariana*, GNB) is part of the Venezuelan Armed Forces, together with the Army, the Navy, the Air Force, and the Militia. While the Army, the Navy, and the Air Force have primary responsibility for conducting military operations to protect national defense, the GNB's primary responsibility is “conducting required operations to ensure internal order of the country.”¹⁸ (The GNB is also charged with cooperating with other Armed Forces units in protecting national defense.) On June 20, 2017, President Maduro—who is the commander-in-chief of the Armed Forces—asked that the number of GNB members be increased by 20,000.¹⁹

convoke a Constituent Assembly” (TSJ: Ejecutivo venezolano facultado para llamar a Constituyente), Telesur, May 31, 2017, www.telesurtv.net/%2Fnews%2Ftsj-Ejecutivo-venezolano-facultado-para-llamar-a-Constituyente-20170531-0041.html (accessed October 4, 2017).

¹⁶ Smartmatic statement on the recent Constituent Assembly Election in Venezuela, August 2, 2017, <http://www.smartmatic.com/news/article/smartmatic-statement-on-the-recent-constituent-assembly-election-in-venezuela/> (accessed October 4, 2017).

¹⁷ Tweet by the National Constituent Assembly, August 18, 2017, https://twitter.com/ANC_ve/status/898577887460306945 (accessed October 5, 2017); “New Venezuelan Assembly Votes to Oust Chief Prosecutor,” *Bloomberg*, August 5, 2017, <https://www.bloomberg.com/news/articles/2017-08-05/venezuela-guard-surrounds-prosecutor-s-office-before-ouster-vote> (accessed October 5, 2017); “Constituent Assembly votes to remove Luisa Ortega,” *Al Jazeera*, August 5, 2017, <http://www.aljazeera.com/news/2017/08/troops-encircle-chief-prosecutor-luisa-ortegas-office-170805130418407.html> (accessed October 5, 2017).

¹⁸ The militia is not described as part of the Venezuelan Armed Forces in the Constitution; they were created in 2007 by former President Hugo Chávez. Constitution of the Bolivarian Republic of Venezuela, art. 329; Organic Law on the National Bolivarian Armed Forces, arts. 40- 42; Bolivarian National Guard, “Mission” (Misión), n.d., <http://www.guardia.mil.ve/web/mision/> (accessed September 28, 2017).

¹⁹ “Maduro orders to incorporate 40,000 officers to the National Guard and Police” (Maduro ordena incorporar 40.000 efectivos a la Guardia Nacional y la Policía), *Infodefensa*, July 3, 2017, <http://www.infodefensa.com/latam/2017/07/03/noticia-maduro-ordena-aumentar-20000-efectivos-guardia-nacional-venezuela.html> (accessed October 5, 2017); “Maduro asks for 40,000 young members for the GNB and PNB” (Maduro pide incorporar a 40,000 jóvenes a la GNB y en la PNB), *El*

General Direction of Military Counterintelligence (DGCIM)

The General Direction of Military Counterintelligence (*Dirección General de Contrainteligencia Militar*, DGCIM) is the military counterintelligence agency. Its mission is to carry out, coordinate, and execute all activities required to discover, report, and deter “enemy activity,” as well as to contribute to the security of the Armed Forces and the president.²⁰ It also serves as an auxiliary body to carry out investigations for both the ordinary and military justice systems.²¹

Anti-Extortion and Kidnapping National Commando (CONAS)

The Anti-extortion and Kidnapping National Commando (*Comando Nacional Antiextorsión y Secuestro*, CONAS) was created by the Ministry of Defense in 2013 as an elite military force specialized in police investigation to combat the crimes of extortion and kidnapping.²² In 2015, Defense Minister Vladimir Padrino said CONAS acts as a rapid intervention unit that “has expanded beyond those two criminal phenomena [extortion and kidnapping],” to include “anti-subversive activities.”²³

National Bolivarian Police (PNB)

In 2008, the government of Venezuela created the National Bolivarian Police (*Policía Nacional Bolivariana*, PNB). The PNB began operations in 2009,²⁴ and as of 2017 there were 26,248 PNB officers.²⁵ On June 20, 2017, President Maduro asked that the number of PNB officers be increased by 20,000.²⁶

Nacional, June 20, 2017, http://www.el-nacional.com/noticias/gobierno/maduro-pide-incorporar-40000-jovenes-gnb-pnb_188676 (accessed October 5, 2017).

²⁰ Organic Regulation of the General Direction of Military Counterintelligence (*Reglamento Orgánico de la Dirección de Contra Inteligencia Militar*), published in the Official Gazette of the Bolivarian Republic of Venezuela, No. 40.599 on February 10, 2015.

²¹ *Ibid.*

²² Resolution No. 000568 of the Ministry of Popular Power for Defense, dated April 2, 2013, published in Official Gazette No. 40.140, dated April 4, 2013.

²³ “Operation by the National Anti-Extorsion and Kidnap Command of the GNB is activated” (Activado operativo del Comando Nacional Antiextorsión y Secuestro de la GNB), *Informe 21*, <https://informe21.com/politica/activado-operativo-del-comando-nacional-antiextorsion-y-secuestro-de-la-gnb> (accessed October 24, 2017).

²⁴ National Bolivarian Police, “The National Bolivarian Police” (Cuerpo de Policía Nacional Bolivariana), n.d., <http://www.policianacional.gob.ve/index.php/institucion/resena> (accessed September 28, 2017).

²⁵ National Bolivarian Police, “National Deployment” (Despliegue a nivel nacional), <http://www.policianacional.gob.ve> (accessed September 30, 2017).

²⁶ “Maduro orders to incorporate 40.000 officers to the National Guard and Police” (Maduro ordena incorporar 40.000 efectivos a la Guardia Nacional y la Policía), *Infodefensa*, July 3, 2017, <http://www.infodefensa.com/latam/2017/07/03/noticia-maduro-ordena-aumentar-20000-efectivos-guardia-nacional-venezuela.html> (accessed October 5, 2017); “Maduro asks for 40,000 young members for the GNB and PNB” (Maduro pide

State and Municipal Police

While the Venezuelan Constitution provides that public security operations will be conducted by a national police force, states and municipalities have, at times, participated in these operations in several cases documented in this report. For example, the report includes cases where members of the police force of the state of Lara, called “Poli-Lara,” or the police forces of the states of Monagas and Merida have participated.²⁷

Scientific, Penal, and Criminal Investigative Police (CICPC)

The Scientific, Penal, and Criminal Investigative Police (*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas*, CICPC) is charged with carrying out forensic investigations to support the work of prosecutors investigating crimes.²⁸ Members of the CICPC report to the Ministry of the Interior, Justice, and Peace, who in turn reports to the president.²⁹

Bolivarian National Intelligence Service (SEBIN)

In 2010, then-President Hugo Chávez created the Bolivarian National Intelligence Service (*Servicio Bolivariano de Inteligencia Nacional*, SEBIN) to replace the National Directorate of Intelligence and Prevention Services (*Dirección Nacional de los Servicios de Inteligencia y Prevención*, DISIP). Since 2012, SEBIN reports to the Vice-Presidency of Venezuela.³⁰ Its main responsibilities include “assist[ing] the executive branch in the elaboration of public policies on security,” “plan[ning] and execut[ing] activities to contribute to the Nation's stability and security,” and “perform[ing] activities as an auxiliary body of investigation.”³¹

incorporar a 40,000 jóvenes a la GNB y en la PNB), *El Nacional*, June 20, 2017, http://www.el-nacional.com/noticias/gobierno/maduro-pide-incorporar-40000-jovenes-gnb-pnb_188676 (accessed October 5, 2017).

²⁷ Constitution of the Bolivarian Republic of Venezuela, art. 332.

²⁸ Organic Law of the Investigative Police Service, the Scientific, Penal and Criminal Investigative Force, and the National Institute of Medicine and Forensic Sciences, (*Ley Orgánica del Servicio de la Policía de Investigación, el Cuerpo de Investigaciones Científicas, Penales y Criminalísticas y el Instituto Nacional de Medicina y Ciencias Forenses*), published in Official Gazette No. 6.079 Extraordinary, dated June 15, 2012, art. 35.

²⁹ *Ibid.*, art. 48.

³⁰ Presidential Decree No. 9.308 through which SEBIN is assigned to the Vice-Presidency of the Bolivarian Republic of Venezuela (Decreto mediante el cual se adscribe a la Vice-Presidencia de la Republica Bolivariana al SEBIN), published in Official Gazette No. 40.066, December 6, 2012.

³¹ Presidential Decree No. 7453, Official Gazette No. 39.463, June 1, 2010, arts. 1, 3.

“Colectivos”

In Venezuela, the term *colectivos* was used for a long time to refer to a wide range of social organizations that supported, and, in some cases, helped implement the government’s policies. Many of these groups do not engage in violent behavior.³²

However, since the 2014 crackdown on protests, the term *colectivos* has been more commonly used to describe armed pro-government gangs that have attacked protesters, bystanders, or people they believed to be government opponents, often in plain sight of Venezuelan security forces. In cases we have documented since then, the security forces have collaborated with these groups, who at times have detained people before turning them over to security forces. This report uses both terms—“armed pro-government gangs” and *colectivos*—to refer to groups that carry out violent attacks or detentions that appear to be motivated by loyalty to the government.

The Venezuelan Criminal Justice System

Under Venezuelan criminal law, an individual may be detained as a consequence of a judicial order, or, exceptionally, if caught while committing a crime.³³ The Venezuelan Constitution provides that any person under arrest has the right to communicate immediately with members of his or her family, an attorney, or any other person he or she trusts. These people have the right to be informed where the detainee is being held, to be notified immediately of the reasons for the arrest, and to have a written record inserted into the case file concerning the detainee’s personal integrity.³⁴

The detainee is required to be brought before a judge within 48 hours of the detention in what is called a “presentation hearing” (*audiencia de presentación*).³⁵ During this hearing,

³² These include, among others, educational, environmental, feminist, and labor groups. “Venezuelan Colectivos: Representatives of the Communal and Popular Power” (Colectivos venezolanos: representantes del Poder Comunal y Popular), Telesur, February 13, 2014, <https://www.telesurtv.net/news/Colectivos-venezolanos-representantes-del-Poder-Comunal-y-Popular-20140213-0035.html> (accessed October 25, 2017).

³³ When detaining someone, agents must abide by certain legal requirements, including the following: (i) only use force when strictly necessary and in the required proportion, (ii) not use weapons, except in case of resistance that risks the life or integrity of people, (iii) not inflict, instigate or tolerate any act of torture or cruel, inhuman or degrading treatment, (iv) identify themselves as agent of a security force, (v) provide information to the detainee of his rights, (vi) provide information to family members regarding the location where the individual is detained and write down the place, date, and time of the detention. Organic Code of Criminal Procedures (*Código Orgánico Procesal Penal*), art. 119.

³⁴ Constitution of the Bolivarian Republic of Venezuela, art. 44

³⁵ Organic Code of Penal Prosecution, art. 236. Also, the detainee enjoys the following legal rights: (i) to be informed in a clear and specific manner of the facts that are being attributed to him, (ii) to contact his family and attorneys to inform them of his detention, (iii) to not be subjected to torture or other cruel, inhuman or degrading treatments, (iv) to be heard throughout the process when he requests it, (v) not be subjected to techniques or methods that might alter his free will (even

a prosecutor provisionally brings charges (*imputa*) against the detainee for crimes he or she may have committed, and the judge is responsible for reviewing the legality of the arrest and accepting or rejecting the charges. If the judge accepts the charges, the Attorney General's Office must open an investigation to determine if it will formally accuse the detainee, which should be completed within 45 days if the person is detained,³⁶ or within eight months if the person was released after the initial hearing.³⁷ A failure to charge the detainee within 45 days should result in his or her release.³⁸

If the prosecutor moves forward with the accusation, the person accused of committing a crime must be brought again before a judge in what is called a "preliminary hearing" (*audiencia preliminar*), where both the prosecutor and the defense are required to present preliminary evidence and arguments.³⁹ The judge then decides whether to shelve the case until new evidence is available to reopen the investigation, dismiss it, or send it to trial.⁴⁰

If the judge decides to move forward with the trial, the person accused of committing a crime should be released on bail or on conditional liberty, or, exceptionally, sent to pre-trial detention. No monetary payment is required for release on bail in Venezuela. Venezuelan law allows judges to release people facing criminal prosecution if they present a guarantor, who may be required to prove that he or she meets a monthly income threshold and who must assure the judge the detainee will present him or herself before the court during the process.⁴¹ Detainees may also be released subject to other requirements, such as presenting him or herself periodically before the courts. In some cases documented for this report, detainees were released on condition that they not speak publicly, to the media or otherwise, about their cases.

Similar criminal procedures are provided for in Venezuelan law for prosecutions by military courts. However, international law provides that civilians should not be prosecuted before military courts. The Venezuelan Constitution, in article 261, limits military jurisdiction to crimes that are of a military nature.⁴² The International Covenant on Civil and Political Rights

with his consent), (vi) to be assisted during the initial stages of the investigation by counsel selected by himself, or family member or, if there is none, by a public defender, among others. Organic Code of Penal Prosecution, art. 236.

³⁶ *Ibid.*, art. 236.

³⁷ *Id.*, arts. 295-296.

³⁸ *Id.*, art. 236.

³⁹ *Id.*, art. 309.

⁴⁰ *Id.*, art. 313.

⁴¹ *Ibid.*, arts. 242(8), 244.

⁴² Constitution of the Bolivarian Republic of Venezuela, art. 261.

(ICCPR), which Venezuela ratified in 1978, guarantees the right to a timely trial by a competent, independent, and impartial tribunal.⁴³ In 2015, the Human Rights Committee, the expert body charged with interpreting the ICCPR, called on the Venezuelan government to “adopt the necessary measures to prohibit military courts from trying civilians.”⁴⁴ Similarly, the Inter-American Court of Human Rights has ruled that military courts should not try civilians.⁴⁵

⁴³ ICCPR, art. 14.

⁴⁴ Human Rights Committee, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela, CCPR/C/VEN/CO/4, August 14, 2015, para. 16, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fVEN%2fCO%2f4&Lang=en (accessed September 19, 2017): “The State party should adopt the legislative or other necessary measures to prohibit military courts from trying civilians.”

⁴⁵ Inter-American Court of Human Rights, Cantoral Benavides vs. Perú Case, August 18, 2000, http://www.corteidh.or.cr/docs/casos/articulos/Seriec_69_esp.pdf (accessed September 19, 2017).

Arbitrary Arrests and Physical Abuse of Detainees

Since early April, members of different security forces have detained more than 5,400 people in the context of massive anti-government demonstrations in Venezuela.⁴⁶ While some detainees may have been implicated in acts of violence, the vast majority were nonviolent demonstrators, bystanders, people filming demonstrations, government opponents, and some taken from their homes because the government claimed they had links to the political opposition. Police arrested some hours or days after demonstrations.

In many cases documented by Human Rights Watch and the Penal Forum in which people were taken from their homes or picked up on the street in incidents unrelated to the protests, no search or arrest warrants were produced by detaining agents. Often, detainees were not informed of the reasons for their arrests, or even who was detaining them.

In several cases, those arrested described being driven around for hours—a practice called “spinning around” or “*ruletea*” in Venezuela—instead of being taken directly to a detention center or before a judge. During these “ruleteos,” security forces often harassed and threatened detainees, at times subjecting them to violent abuses inside the vehicles. Security agents and armed pro-government groups sometimes stole personal belongings, such as money or cell phones, from detainees during arrests.

Hundreds of detainees were released without ever being brought before a judge, but thousands of others were subject to prosecutions that lacked the most basic due-process guarantees. In addition to those who remain behind bars, according to the Penal Forum, 3,900 people are still subject to arbitrary criminal prosecutions and to precautionary measures that limit their freedom in different ways. At least 757 civilians were prosecuted by military courts, while others have been brought before civilian courts—without adequate access to lawyers or families—to face prosecutions, often based on planted evidence. Dozens remained behind bars for periods of up to several months, despite, in some cases, having a judicial order for their unconditional release or a judicial order for their release on bail, and having submitted the required paperwork for their release.

Detainees have been held in high-security prisons, military prisons, or headquarters of the Bolivarian National Intelligence Service (SEBIN).

⁴⁶ The Penal Forum confirmed this number through its nationwide network of pro-bono lawyers.

In 53 cases involving at least 233 people documented for this report, people were subjected to physical and psychological abuse while in detention, either with the apparent purpose of punishing them, or to force them to incriminate themselves or others.

Some of the abuses suffered by detainees include brutal beatings, electric shocks, exposure to teargas in closed environments, sexual abuse, and being held in small, overcrowded punishment cells called “Little Tigers” (*Tigritos*).⁴⁷ Some detainees were denied access to food or water, while others were given, and sometimes forced to eat food with excrement or cigarette ashes in it. Some detainees who had suffered serious abuse during their arrest and subsequent detention did not have access to medical treatment while in custody. Many were insulted with political epithets, accused of being “*guarimberos*”—a pejorative term used by government supporters to describe those who participate in opposition demonstrations—or forced to incriminate leaders of the political opposition.

Cases of Detainee Torture

In the following seven cases, the abuses amounted to torture, as defined by international law. They illustrate how far Venezuelan security forces have been willing to go to punish detainees for their real or perceived links with the political opposition, or force them to incriminate themselves or others, including leaders of the political opposition.

Venezuela is a party to the UN Convention Against Torture and Other Cruel, Degrading and Inhuman Treatments, which prohibits such abuses.⁴⁸

Ernesto Martin (Caracas)

The account below is based on interviews with **Ernesto Martin** (pseudonym) and his wife, unless noted otherwise in footnotes.⁴⁹ Details have been withheld to preserve his anonymity.

In April, a group of plainclothesmen arrived at the home of Martin and identified themselves as members of the General Directorate of Military Counterintelligence

⁴⁷ There are different reasons why these cells are commonly called *Tigritos* in Venezuela. Some activists say it is due to the size of the cage—which barely fits a tiger—and others claim it is due to the smell in these overcrowded cells, which is as bad as the stench in a small tiger cage.

⁴⁸ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85; signed by Venezuela on February 15, 1985 and ratified on July 29, 1991.

⁴⁹ Human Rights Watch interview with Ernesto Martin, August 22, 2017; Human Rights Watch interview with Beatriz Pérez, Martin’s wife, June 7, 2017.

(Dirección General de Contrainteligencia Militar, or DGCIM). The officers told Martin that they had an order to take him in for interrogation. Before taking him away, they allowed Martin to tell his mother he was being arrested, and send his wife a Facebook message letting her know he was being taken for questioning.

The officers placed Martin in a truck and drove him to Caracas, where he was handed over to officers of the DGCIM and taken to a well-lit 2x2 meter room at the DGCIM headquarters. They handcuffed Martin with his arms behind his back, and blindfolded him. They left him there until the early morning, when they took him to another room in the same building where a man wearing the uniform of a Bolivarian National Guard (GNB) captain asked him if he knew why he was there, and told him it was a “grave crime” to “meddle with” the government. The officer was referring to a public statement from the day before in which Martin had criticized the regime.

The GNB captain accused Martin of having links to the opposition and of being a terrorist, and told him, “You receive dollars from the opposition and you will tell us who gave you those dollars.” When Martin said he did not receive any money, the captain said he knew Martin was funded by “Capriles and Leopoldo”—two prominent opposition leaders—slapped his face, and ordered a young officer from the DGCIM to give him the “reversed 440,” referring to the voltage of electric shocks that Martin was about to suffer. The young officer took Martin to a large enclosed space that was cold and had a wet floor, and forced him to undress.

Once Martin was naked, the young officer and two of his colleagues handcuffed Martin’s ankles and wrists together in front of him and attached the handcuffs to a chain that was hanging from the ceiling. They lifted Martin a few centimeters above the ground and started to throw water at him. Martin said he heard someone say that they needed to wet him well so he did not burn. The officers touched Martin with the tip of a long metal stick. An electric shock caused Martin’s body to spasm painfully. A man who Martin thinks was the GNB captain asked him who had given him the dollars, and when Martin said he did not have any dollars, the young officer said, “We were asked to give you 440, but since you’re a little girl, we’ll give you 220.”

For about 15 minutes, the officers alternated between questioning Martin, giving him electric shocks for five seconds at a time, and dousing him with water. The first time they applied the stick right under his buttocks, which caused him to urinate on himself. He was then left hanging there for about an hour.

Lowered and allowed to dress, Martin was taken to a room where the young officer pointed a gun at his head and told him that if he did not speak, he would never be released. The officers left Martin in that room for three days, and only entered the room to feed him three times a day, and twice a day to take him to the bathroom. The food had either insects or cigarette ashes in it, or had been spat or urinated upon, he said.

On the fourth day, the officers allowed Martin to call his wife, **Beatriz Pérez** (pseudonym). During that first call, she told him to have “strength and faith”—a phrase that imprisoned opposition leader Leopoldo López’s wife, Lilian Tintori, is known for using publicly when referring to her husband’s detention and the opposition’s struggle on the streets. After the call, Martin was taken back to the same room and subjected to the same torture with electricity for a total of 10 minutes, but this time they asked him about his relationship with López and Tintori. When Martin was taken back to an office for interrogation, the young officer who had tortured him and two others, including a man who Martin believed was an officer of the Scientific, Penal, and Criminal Investigations Police (CICPC in the Spanish acronym), interviewed him, beat him, called him a “trifling idiot,” and told him he had to respect the government. “Trifling” (*esquálido*) is an insult that government supporters often use to refer to opposition supporters in Venezuela.

Martin then spent three weeks in a communal office space used by various DGCIM officers—the first week, seated in a wooden chair, from which he was under orders not to move except to go to the bathroom. He was later transferred to a cell with a toilet and shower, where he was not mistreated. He had now been away from home for almost a month.

After the DGCIM agents arrested Martin, his wife visited every installation where she thought he might be held, including military headquarters, as well as offices of the intelligence services, the investigative police, and the Bolivarian National Police. Everywhere, officers told her that they had not detained anyone that day and Martin was not there, she said. She only learned of his whereabouts when he called days later. Martin was allowed to call his wife almost daily after that first call, but never mentioned the abuses for fear of exposing himself or his family to retaliation. No family member or lawyer was allowed to see Martin during his entire detention.

In June, a GNB colonel summoned Martin to his office, where an officer told him he could not discuss politics through his social networks and that he should forget about what had happened.

The officers then took Martin to a courtroom for the first time, where the DGCIM told him to sign a court document that said he had been detained for one day, not several weeks. He was released on condition that he present himself before the courts every 15 days.

In mid-October, Martin fled Venezuela.

Orlando Moreno (Monagas state)

The account below is based on an interview with **Orlando Moreno** and a written summary of his case provided by his lawyer, unless noted otherwise in footnotes.⁵⁰

On June 27, officers of the Monagas state police force tried to detain Moreno, a 26-year-old student and representative of the opposition party Vente Venezuela in Monagas state, as he was getting into a car after an anti-government demonstration in Maturín. Moreno managed to drive away in another vehicle, but he was intercepted by an unmarked car with no license plates, from which two armed men who did not identify themselves descended and forced him to get out. Minutes later, uniformed state police officers arrived, and the two unidentified men handed Moreno over to them.

While the officers were taking Moreno to the *Comando Desur*—the local headquarters of the Bolivarian National Guard (GNB)—state police officers beat him on his head and back with their fists. At the station, a man who identified himself as a GNB lieutenant asked him if he had information about where they could find opposition leaders—including María Corina Machado, the leader of the political party to which Moreno belonged—and told Moreno that the opposition leaders would not be able to free him. The lieutenant took Moreno into an office where he counted about 10 officials who had arrived in three unmarked vehicles that Moreno thinks were from the Bolivarian National Intelligence Services (SEBIN). One of the officers told him that he would “stay there like **Yoel Bellorin**.” A university professor affiliated with the Progressive Movement of Venezuela, a political party, Bellorin was arrested in April 2017 and reportedly subjected to physical abuse. He remained in detention at time of writing.⁵¹

One of the officers told Moreno that “he would not come out of this shit” and tried to force him to say on camera that Machado and two other opposition leaders from Monagas state had provided him funding and instructed him to carry out violent protests. Moreno refused.

⁵⁰ Human Rights Watch interview with Orlando Moreno, September 25, 2015; Written summary of the case provided by José Armando Sosa, FP lawyer, September 2017.

⁵¹ Written summary of the case provided by José Armando Sosa, FP lawyer, September 2017.

That night, GNB officials transferred him to a prison in La Pica, Monagas state, where he spent the night on the floor in a corridor with his hands handcuffed in front of him.

Immediately after that, the officer in charge of overseeing the prison took him outside to the back of the prison and handcuffed him to an elevated water tank high enough that Moreno could barely touch the ground with the tips of his toes. He spent all day—about nine hours—in that position, at times under blazing sun, without access to food, water, or a bathroom. While he was hanging there, several officers walked by, identified him as the one who refused to make a video confession, called him a “*guarimbero*” and beat him on the head or kicked his ribs. A GNB officer stood beside him all day and did not prevent the abuse.

At 5:30 p.m., officers took Moreno down and handcuffed him to a window. Although he was not hanging, he was not able to sit or lie down. He spent several hours standing up.

The following day, members of the GNB continued to hit him. One of them said, “Let’s see what the head of a *guarimbero* feels like” and punched him in the head while wearing a bulky graduation ring.

On June 30, Moreno was taken before a judge, who charged him with “instigating hatred” and possessing explosives, and released him on condition that he present himself before the court every 15 days. His lawyer said that the sole evidence against him were some containers with gasoline that security forces found near where he was detained, but with no evidence that they were his or that he had any involvement with them.⁵² At time of writing, no date had been set for Moreno’s preliminary hearing.

Armando López Carrera, Javier Mendoza, Antonio Alonzo Rivera, and Andrés Salamanca (Carabobo state)

The account below is based on interviews with **Armando López Carrera** (pseudonym), **Antonio Alonzo Rivera** (pseudonym), and **Andrés Salamanca** (pseudonym), unless noted otherwise in footnotes.⁵³

On July 20, police arrested and beat four teenagers—Salamanca, 17; **Javier Mendoza**, 17; Alonzo Rivera, 16; and López Carrera, 17 (who is a dual US-Venezuela citizen)—at

⁵² Human Rights Watch interview with José Armando Sosa, FP lawyer, October 10, 2017.

⁵³ Human Rights Watch interview with Armando López Carrera, August 16, 2017; Human Rights Watch interview with Antonio Alonzo Rivera, August 16, 2017; Human Rights Watch interview with Andrés Salamanca, August 16, 2017.

demonstrations in various parts of Valencia, Carabobo state. In the course of doing so, they shot Salamanca with a shotgun while he was lying on the ground. The following day, the four teenagers were taken to a juvenile court. While the Attorney General's Office did not find that the evidence against them warranted criminal charges, the judge charged Carrera, Rivera, Mendoza, and Salamanca with instigation to public disobedience and injuries and granted them bail. It took well over a week for them to be released.⁵⁴

The four teenagers were taken to the *Comando Desur*—the local GNB station—in Ciudad Chávez. At that point, Salamanca was separated from the others.

Salamanca told Human Rights Watch that he spent eight days at *Comando Desur*, during which time GNB officers refused to provide him with medication or alcohol to clean his shotgun wounds, which were rapidly becoming infected, claiming that they could not help him because they were not doctors. During the hearing, the judge had ordered that Salamanca receive medical treatment. They did not allow him to go to the bathroom or shower, so he had to urinate and defecate in the cell, Salamanca said.

Carrera, Mendoza, and Rivera were transferred by agents the following day—July 22—from Ciudad Chavez to the Dr. Alberto Ravelli Juvenile Prison. Carrera and Rivera described to Human Rights Watch how, upon arrival, prison guards forced them to squat and walk while crouched for about 100 meters. While they did so, the guards beat them with sticks. The guards later cut their hair and told them that they would have to eat it. Without giving them any food, they forced the three detainees to undergo at least two hours of military training in the sun. The guards forced them to bend over so they would have to stand on their feet and head without using their hands, and hold that pose, without using their hands, for about five minutes, as a form of punishment. When Salamanca joined them in Ravelli a few days later, agents subjected him to the same treatment.

The four teenagers were respectively held for 2 to 8 additional days in the “*Tigrito*” punishment cell, which was 1x3 meters, with no light or ventilation, and crowded with 26 detainees, including convicted prisoners. The detainees were only given five liters of water per day for all. Most detainees spent all day standing up. Once a day, they were allowed to shower for a few seconds, and to go to the toilet. Carrera told Human Rights Watch it was extremely hot, and the smell was unbearable. The conditions were so bad, he said, that some detainees asked others to hit them hard in the chest so they would faint, and guards

⁵⁴ Human Rights Watch interview with Luis Betancourt, FP lawyer, August 16, 2017; court documents on file at Human Rights Watch.

would have to take them out. Carrera fainted several times as a consequence of the overcrowding.

They were all released on different dates in early August.

Reny Elías (Zulia state)

The account below is based on an interview with **Reny Elías**, unless noted otherwise in footnotes.⁵⁵

On July 20, the Democratic Unity Roundtable, an umbrella organization of opposition parties, organized a national strike to protest the election, scheduled for July 30, to choose members of the National Constituent Assembly. While the strike was taking place in Zulia state, Elías, a 35-year-old employee in the health division of the Zulia governor's office, stayed at home. Elías said he also worked as a hair stylist, and was serving those clients at home on July 30.

At about 5:30 p.m., when he opened the door to let one of his clients leave, a group of heavily armed and uniformed members of the Bolivarian National Police (PNB) abruptly entered without showing a warrant. The officers beat him with their shields and helmets, dragged him across the street by his hair, and placed him in an official vehicle.

They took Elías to a building that belongs to Corpoelec, a government-owned electric utility. They took away his personal belongings, which he never got back, and placed him in a GNB vehicle. An officer hit Elías's leg with his helmet, which made Elías fall to the ground from the vehicle, and they continued to beat him as he lay there.

The officers then forced Elías to lie on the ground with a group of about 20 people, and some 15 PNB officers walked repeatedly on their backs in heavy boots. For about two hours, the officers beat them with their rifle butts, and threw teargas powder and water in their faces. The officers told the detainees not to look at them; if they did, they would beat them harshly. The whole time, they insulted the detainees, calling them "fucking *guarimberos*," threatening them with death, and taunting, "Tell the opposition to come and get you out of here!"

During the group's detention at Corpoelec, Elías saw officers inappropriately touching the legs and breasts of two female detainees, including a 16-year-old girl. An officer grabbed one

⁵⁵ Human Rights Watch interview with Reny Elías, September 22, 2017.

of the woman's hands and placed it on his crotch, telling her boyfriend, who was also detained, "Look how your girlfriend touches my penis." Officers took the woman to another room for about 20 minutes, and while she returned visibly traumatized, she did not say what the officers had done to her. The 16-year-old girl was let go, after being threatened with detention again, if she spoke of what had happened. (Another detainee, testifying at his presentation hearing, corroborated Elías's account of sexual abuse that day and reported that an officer had offered another woman her freedom if she would have sex with him.⁵⁶)

Continuing his account of July 20, Elías told Human Rights Watch he witnessed the officers choosing one young man, pulling down his pants in front of the other detainees, putting teargas powder and water in his anus, and penetrating him with a broom stick. The man "screamed horribly," Elías said.

Officers later ordered the detainees into the back of a government truck, where they forced them to kneel with their hands behind their backs, heads down. The officers used their helmets to beat anyone who looked up at them or tried to shift from that position.

The officers drove them to the *Comando Regional 3* GNB station and put them in what the officers called "the tent for *guarimberos*." Some GNB officers tried to help the detainees by giving them water or providing them with a pen and paper to send notes to their families, who by this point were waiting outside.

A week later, all 20 detainees were allowed visits from their lawyers, before being taken before a military court.⁵⁷ During the hearing, a military prosecutor accused them all, *en masse*, of crimes including rebellion, "attacking a sentinel," and disdain for the Armed Forces, alleging they were responsible for violent incidents that had occurred on the day of the strike. The prosecutor provided no evidence specific to any individual detainee.

A lawyer present at the hearing said that Elías and other detainees told the judge about the abuses they had suffered at the hands of the GNB officers. Two detainees said they had been beaten with a steel cable, and two others said the officers had set their hair on fire, causing burns on the back of one of them. A medical report reviewed by the lawyer confirmed evidence consistent with rape in the case in which the detainee reported having been penetrated with the broomstick.

⁵⁶ Human Rights Watch interview with Laura Valbuena, FP lawyer, September 20, 2017.

⁵⁷ *Ibid.*

The judge sent the detainee who said he had been raped with a broomstick to house arrest and the other 19 detainees back to the GNB station. This time, agents put them in a cell, instead of in the tent “for *guarimberos*.” A high-level PNB official told them that it was punishment for having told the judge about the abuses. They shared, with about 30 others, an overcrowded room that lacked ventilation and water. They ate only food brought to them by their families, and the GNB officers ate some of that.

A week later, Elías was transferred to a prison, where he was placed in the women’s pavilion, after telling the prison director he was gay. The prison director told Elías he would help him because “he was a *compañero*,” suggesting the director was only going easy on him because Elías worked for a Chavista governor. It was at the prison that Elías saw his family for the first time.

During his entire detention, Elías received no medical treatment, despite having severe pain in his ribs from the beatings he had received. A few officers tried to help him, but they did not have the medication or medical supplies necessary to provide proper care.

On September 15, a military judge released Elías and the other 18 detainees on conditional liberty, after dismissing all charges except that of “attacking a sentinel.” The judge ordered them all to appear before the court every week until their preliminary hearing on October 4. During that hearing, a judge acquitted 17 and charged Elías and two others of “attacking a sentinel.” The three formally pled guilty in order to receive suspended sentences; the judge ordered them to perform community service and present themselves before the court every month. He also barred them from leaving the country, according to their lawyer, who was present at the hearings.

Alejandro Pérez Castilla (Carabobo state)

The account below is based on interviews with **Alejandro Pérez Castilla** (pseudonym) and his lawyer, unless noted otherwise in footnotes.⁵⁸

On July 26, GNB members detained 32-year-old Pérez Castilla when he tried to stop agents from detaining a young boy with disabilities. At that time, violence broke out when about 20 GNB motorcycles, four armored vehicles, and dozens of GNB members on foot arrived at the site of the roadblock, and the officers began to fire shotgun and teargas canisters at

⁵⁸ Human Rights Watch interview with Alejandro Pérez Castilla, August 16, 2017; Human Rights Watch interview with Luis Betancourt, FP lawyer, August 16, 2017.

protestors and nearby residences. Several shotgun pellets struck Pérez in the arm, chest, and abdomen.

He tried to run away, but a GNB officer blocked him with his motorcycle. Several officers beat and kicked him repeatedly. They pushed him into an armored vehicle, where they continued beating him, stepped on his fingers, and burned his back with a cigarette lighter. The officers forced Pérez to lie on the vehicle's floor, placed a shield on him, and walked on the shield, which he said painfully compressed his ribcage. Another GNB member took his own penis out of his pants and pushed Pérez's face towards it, while the others laughed. When they found out that Pérez had a daughter, they threatened to rape her.

When they arrived at a GNB station, a GNB member rubbed teargas powder on Pérez's face, eyes, nose, and shotgun-pellet wounds. Another officer held his eyes open so they could put powder in them, while a female sergeant told him they were only getting started.

When GNB officers took Pérez to receive medical care, one of the officers threw away the painkillers that the medical staff gave him. When they arrived at another GNB station, the officers handcuffed Pérez to the cage of an air conditioner so high that he could barely stand on tiptoe. While he was hanging there, a sergeant beat Pérez in the ribs for approximately an hour, and later handcuffed him to a metal bench and used a taser to administer electric shocks to his calf.

An officer then ordered Pérez to be put in a small, windowless room, into which officers threw a teargas canister and closed the door. After Pérez fainted, officers took him outside. When he woke up, a captain put teargas powder on a damp towel, added inflammable oil to it, set it on fire, and forced Pérez to blow. When he did, it burned his face. Two guards and a third person Pérez could not identify beat Pérez again and urinated on him, before taking him to a small, overcrowded cell. Detainees in the cell shared some Betadine antiseptic they had hidden with Pérez so he could clean some of his wounds. He did not receive any medical treatment from the authorities.

A week after his arrest, Pérez was allowed to speak with a lawyer for five minutes, before a military tribunal hearing. A prosecutor charged Pérez with offending the Armed Forces, and on July 31 the judge sent him to house arrest pending trial.⁵⁹

⁵⁹ Decision by military judge, July 31, 2017 (copy on file at Human Rights Watch).

Manuel Rojas Villas (Táchira state)

The account below is based on an interview with **Manuel Rojas Villas** (pseudonym).⁶⁰

On the morning of July 30, the day of the Constituent Assembly election, Rojas Villas, a 21-year-old who had been active in demonstrations, was walking home near the city of San Cristóbal, Táchira state, after an evening out with friends. He told Human Rights Watch that he walked past a parked truck, and five armed men wearing balaclavas got out.

One of them said, “You’re a *guarimbero!*” and punched him in the head. Rojas fell to the ground, and the men used his own jacket to cover his head, preventing him from seeing anything, and put him in the truck. They never identified themselves or gave him any other reason for taking him away.

The men drove Rojas to a school that was being used as a polling station, and presented him to the GNB commanding officer, who ordered his transfer to the nearby *Copa de Oro* GNB base. At the base, Rojas’s captors forced him to hold Molotov cocktails while they took pictures. The base commander informed Rojas’s captors that they could not detain him there, as they were already at full capacity. So the men brought Rojas back to the school.

When they arrived, people who had begun to queue to vote saw Rojas coming into the school and shouted: “They caught him! Give him 15 years!” The GNB commander in charge of the polling station ordered the agents who had captured Rojas to interrogate him. They took him to a small classroom, where they confiscated his phone and personal belongings and began to beat him. At some point, when Rojas’s girlfriend called, they stopped beating him and allowed him to briefly tell her that he had been detained. When she called back, seconds later, they instructed him to say that he was fine.

Rojas’s captors then sat him on the floor, took his blindfold off, and forced him to record a video in which they ordered him to incriminate local youths as leaders of the “Resistance” and admit to being paid 100,000 bolívares to demonstrate. Whenever he made a mistake in what they wanted him to say, they stopped the camera, hit him, and started recording again. Once they were done, the men tied Rojas’s ankles to his wrists behind him, and left him in the room with a guard. He felt dizzy from all the blows to his head.

After about 90 minutes, men wearing green uniforms that Rojas could not identify came in, blindfolded Rojas, and took him to a white truck parked outside. They drove Rojas to what

⁶⁰ Human Rights Watch interview with Manuel Rojas Villas, August 8, 2017.

appeared to be a GNB base, given the presence of several GNB members on the scene. They took him immediately to a room downstairs, where officers had him sit on the floor and kicked him in the stomach. Four new officers, wearing balaclavas to mask their faces, took him to another cell, where he was handcuffed to a chair and beaten again. They forced him to film another video, then took him to a cell.

Hours later, a nurse came to treat his wounds. Sometime afterwards, officers blindfolded him again and drove him, at night, to a nearby location in the mountains, where he received food and was not beaten. He described seeing uniformed personnel he thought were soldiers coming and going there. On the third day, officers blindfolded him again and took him to a truck, where someone he could not see threatened to kill him if he ever spoke of where he had been detained. Officers drove him to an unknown location where they took his handcuffs off and told him to get out of the truck and, once he could not hear the engine anymore, run away. When they left, he managed to get help from an old woman who lived nearby, and he made it home to his family.

Throughout his detention, which lasted almost four days, Rojas was, in effect, disappeared. While his family learned of his detention when his girlfriend called on the day of his arrest, security officials denied detaining him and claimed that they were unaware of his whereabouts and condition.

Wully Arteaga (Caracas)

The account below is based on interviews with **Wully Arteaga**, unless noted otherwise in footnotes.⁶¹

On July 27, uniformed members of the GNB detained Arteaga, a 23-year-old violinist, during a protest in Caracas against the government's plan to convene a Constituent Assembly. Between 2013 and 2015, Arteaga was a member of the National System of Juvenile and Children's Orchestras, a state-run education program that former President Hugo Chávez strongly supported during his tenure in office. Arteaga said he joined the protests in May 2017 after Armando Cañizales, another violinist in the state-run program, was killed during an anti-government demonstration. Images of Arteaga playing his violin during the protests went viral on social media, and he soon became a symbol of peaceful protest in Venezuela.

After detaining him on the street, GNB agents forced Arteaga into an armored vehicle with other detainees, where they covered their eyes with pieces of cloth and tied their hands

⁶¹ Human Rights Watch interview with Wully Arteaga, September 16, 2017.

behind their backs with their own shoelaces. GNB officers hit Arteaga on the head with helmets and with his own violin, and he heard one officer say, “rape that bitch.” Although he had his eyes covered, he could hear a woman who was close to him scream that a member of the GNB was “raping her with his fingers.”

GNB agents moved Arteaga and about 20 others to a truck and took them to the parking lot of a government-run supermarket in the Bicentennial Shopping Mall in Caracas, where Arteaga said the GNB held detainees during the protests. There, a GNB officer asked loudly: “Where is the violinist? Raise your hand.” When officers found him among the detainees, they placed him underneath a stream of dirty water that was falling from the building’s roof into the parking lot.

A few hours later, they took Arteaga to the Fuerte Tiuna military base. There, a GNB member set Arteaga’s hair on fire with a cigarette lighter. Two officers put out the fire by hitting him in the head with their helmets.

The GNB officers then drove Arteaga and other detainees in a truck to a GNB base in the El Paraiso neighborhood of Caracas. In the vehicle, the officers “beat us more than ever,” he said. “Let’s see who beats them the hardest, the winner gets to hit them three more times,” he heard an officer say.

“Beat the violinist harder,” an officer shouted. While some officers held him, another hit Arteaga with a metal tube on his back, head, and right ear. His ear started bleeding, he said, and after that blow, he could not hear anything out of it for around two weeks. When we interviewed him two almost months later, he said he still could not hear properly.

On each of three consecutive days, GNB members took Arteaga to the same office inside the GNB base and interviewed him for about two hours. They asked him what he did for a living and whether he was paid to protest by opposition leaders, including by María Corina Machado and Lilian Tintori.

Arteaga told Human Rights Watch that officers did not force him to say anything, but he was afraid of expressing himself freely because, as he was being interviewed, on two occasions he saw officers making Molotov cocktails in the office. Arteaga later realized that the officers were making the Molotov cocktails in order to falsely implicate him in crimes. On his last visit to the office at the GNB base, an officer indeed asked him to stand beside the cocktails, while others took photos of him.

Five days before his detention, Arteaga was wounded when uniformed GNB officers shot him in the face with a pellet gun at another protest. Even though he received medical treatment immediately after being injured, he was still in pain when he was arrested. Arteaga said he repeatedly asked officers for medical treatment for the previous wounds, but they ignored his request.

A lawyer from the Penal Forum was allowed to see Arteaga on July 28, when Arteaga was taken to the investigative police offices in Caracas.⁶² The lawyer said that on July 30, he saw officers bring Arteaga to court, and waited outside to learn when Arteaga's hearing would be and in which courtroom. At the same time, a civilian judge and a court official were telling Arteaga that he would be represented not by his Penal Forum attorney but by a public defender whom he had not yet met. A prosecutor charged Arteaga with possession of flammable substances, public incitement to commit crimes, and association to commit crimes. The judge said Arteaga could be released on bail, but only upon presentation of a guarantor.⁶³

When Arteaga's Penal Forum lawyer eventually gained access to the case file, he filed the paperwork for someone to serve as guarantor. But Arteaga was not immediately released. Authorities only let Arteaga go several days later, on August 15, after his case received widespread international attention and his release was publicly and formally requested by Tarek William Saab—the attorney general appointed by the pro-government Constituent Assembly after the firing of Luisa Ortega Díaz.⁶⁴ GNB members convinced Arteaga to sign a document saying he had not been mistreated, drove him to a park in Caracas, and dropped him off, without notifying his lawyers or family of his release.

On the day Arteaga was released, the powerful Chavista politician Diosdado Cabello aired a video on TV with parts of Arteaga's interviews in prison to show what he called "the truth about Wully."⁶⁵ Arteaga explained that the video was edited to take his statements out of context. For example, in the video he is seen saying that GNB officers did not destroy his violin, but he was referring to the day he was detained in July and not to a previous incident in May, when officers did destroy it.⁶⁶

⁶² Human Rights Watch interview with Alfredo Romero, FP director, August 24, 2017.

⁶³ Ibid.

⁶⁴ Tweet by Tarek William Saab, August 15, 2017, <https://twitter.com/TarekWilliamSaab/status/897631036137451520> (accessed September 19, 2017).

⁶⁵ "Con el Mazo Dando 16/08/2017," Youtube video uploaded by Noticias Venezuela on August 16, 2017, <https://www.youtube.com/watch?v=zr4deoiZKGQ> (accessed September 27, 2017).

⁶⁶ "In Venezuela, the Police destroys Willy Arteaga's violin, Violinist of Liberty" (En Venezuela, la Policía le destroza el violín a Willy Arteaga, "Violinista de la Libertad"), YouTube video uploaded by LoMásTrinado on May 24, 2017, <https://www.youtube.com/watch?v=dWoaA5TpFhw> (accessed October 25, 2017).

Arteaga was also shown saying that he had not been mistreated in the GNB base where he was detained; but the parts of the interviews in which he said he had suffered abuses elsewhere were edited out.

Arteaga, who was required to present himself before the court periodically and was told by the judge that he could not participate in demonstrations, fled Venezuela in September.

Arrests of Political Opponents or People with Links to the Opposition

In researching this report, Human Rights Watch and the Penal Forum documented at least 28 cases in which those arrested were political opponents or had real or perceived links to the opposition. These include the cases summarized below (other cases are described in the annex to this report).

Wilmer Azuaje, a 40-year-old opposition legislator, whom intelligence agents stopped on May 2. Azuaje and a member of his staff were driving in Barinas state when agents forced Azuaje out of the car, handcuffed him, and took him to SEBIN headquarters in Barinas, his mother said in documents filed with the Attorney General's Office and the Ombudsman's Office days later. The agents did not have an arrest warrant.⁶⁷ For weeks, Azuaje's family did not receive any official confirmation of his whereabouts, and Azuaje was unable to see his family or lawyer. On June 28, the Venezuelan Supreme Court ruled that Azuaje had been detained while committing a crime, because when SEBIN agents detained him and searched his vehicle, the agents claimed to have found grenades and explosives, in violation of the Law of Arms and Explosives. The court ordered Azuaje transferred to house arrest.⁶⁸ Pictures of Azuaje in jail have circulated on social media, showing him handcuffed to a ladder.⁶⁹ Azuaje was eventually transferred to the high-security prison "26th of July" in Guárico state, where he remains in detention at time of writing.

Roberto Picon, a 55-year-old engineer who for years has advised the opposition umbrella organization, the Democratic Unity Roundtable (*Mesa de la Unidad Democrática*, MUD), on electoral matters and had, since February, coordinated the opposition's technical support team. On the evening of June 22, a group of more than 30 SEBIN officers entered the home of a colleague of Picon, without a search warrant, and arrested Picon and others. Members

⁶⁷ Human Rights Watch interviews with family member of Wilmer Azuaje, May 2017; copies of documents family member filed, as well as relevant photos and videos, on file with Human Rights Watch.

⁶⁸ Supreme Court of Venezuela, Case AA10-1-2017-000056, June 28, 2017.

⁶⁹ Photograph available at: https://www.cubanet.org/wp-content/uploads/2017/07/wilmer_azuaje_encadenado_carcel_venezuela.jpg (accessed November 14, 2017).

of the opposition had met several times at that home and, hours earlier, a meeting of leaders from the MUD had taken place there.

On June 25, President Maduro said on television that, days earlier, security forces had seized two servers which he claimed were used to organize “a hacking, intervention, and sabotage process” of the electoral computer system. He accused Picon, who he said was “very close” to opposition leader Henrique Capriles Radonski, of directing the hacking attempt.⁷⁰ The official TV channel *Venezolana de Televisión* reported that five people had been detained and were “cooperating with the investigation.”⁷¹

A day later, Picon was brought before a military court, and a military prosecutor charged him with rebellion, treason, and “abduction of goods belonging to the Armed Forces.”

Picon’s family received no official information about his whereabouts for four days. Authorities allowed him to see his children 57 days into his detention, and to see his lawyer an additional 13 days after that. In August, he spent 17 days isolated in a bathroom, his daughter said, and was allowed exposure to sunlight only after 87 days in detention. In October, Picón’s case was transferred from military courts to the jurisdiction of the Supreme Court, which sent it in November to a lower-level ordinary court. At time of writing, Picon was still detained in SEBIN headquarters in Caracas.⁷²

Carlos Graffe, 31, an activist with the opposition party Popular Will, who has collaborated with human rights groups and worked for a decade in low-income neighborhoods in Carabobo state. Agents, whom Graffe later told his mother belonged to PNB, grabbed him on July 13, while he was leaving a meeting of health workers in Valencia, Graffe’s family said.⁷³ Days prior to his detention, Graffe had actively promoted the unofficial plebiscite organized by the opposition on July 16.⁷⁴ In a video of his arrest, filmed by a passerby,

⁷⁰ “Roberto Picon, friends with Capriles Radonski, headed CNE hacking attempt” (Roberto Picón, amigo de Capriles Radonski, lideraba hackeo informático del CNE), YouTube video uploaded by Multimedia VTV on June 25, 2017, <https://www.youtube.com/watch?v=Kmywil3prgY> (accessed October 9, 2017).

⁷¹ “Roberto Picon, close to Capriles Radonski, headed CNE hacking attempt, President Maduro informed” (Roberto Picón, allegado de Capriles Radonski, lideraba hackeo informático al CNE, informó Presidente Maduro), *Venezolana de Televisión*, June 25, 2017, <http://vtv.gob.ve/roberto-picon-amigo-de-capriles-radonski-lideraba-hackeo-informatico-del-cne-senaló-jefe-de-estado/> (accessed October 9, 2017).

⁷² Human Rights Watch interviews with Isabella Picon, daughter of Roberto Picon, June-November, 2017.

⁷³ Human Rights Watch interview with Oswaldo Graffe, father of Carlos Graffe, July 17 and November 11, 2017; Human Rights Watch interview with Elsa Henríquez Amador and Betalia Bermejo, mother and friend, respectively, of Carlos Graffe, August 16, 2017.

⁷⁴ Tweet by Carlos Graffe, July 13, 2017, <https://twitter.com/CarlosGraffe/status/885543240191156224> (accessed October 9, 2017).

Graffe shouts that he is being kidnapped, and is seen being forced, by men in plainclothes, into a white van.⁷⁵ Another man is seen climbing into a blue vehicle, which Graffe's father said belonged to his son. The family has not seen that vehicle since then. On July 14, Graffe was brought before a military court and charged with stealing "materials that belong to the Armed Forces" and "instigating rebellion." A judge ordered his pretrial detention in the Ramo Verde military prison. On October 13, Graffe was transferred to a military hospital to get medical treatment, and on November 15, he was transferred to house arrest. Graffe remains subject to criminal prosecution.

Ángel Wladimir Zerpa, 57. Newly appointed by the opposition-led National Assembly to Venezuela's Supreme Court, Zerpa had lunch out with a family member on July 22. Upon returning home, they noticed that a car that had been parked outside of their home since the previous day was still there. They decided to keep driving, and noticed that the parked car began to follow them. Someone in the car pointed a gun at them, forcing them to stop. Three men—two uniformed and one in plainclothes—identified themselves as SEBIN agents and arrested Zerpa. Zerpa asked to see the men's order for his arrest, but they had none, according to family members.⁷⁶

The men said Zerpa's arrest was an order from President Nicolás Maduro, according to the family. A day after Zerpa's detention, Maduro said on TV—speaking of the Supreme Court appointments made by the opposition-led National Assembly—that "those people they appointed, those usurpers out there, they will all go to jail, one by one."⁷⁷

Zerpa was taken to SEBIN headquarters, and for at least 48 hours, his family was unaware of his whereabouts.⁷⁸ Representatives from the Attorney General's Office asked to visit Zerpa at the intelligence headquarters, where they believed he was being held, but they were denied access.⁷⁹

⁷⁵ Tweet by Carlos Graffe, July 13, 2017, <https://twitter.com/CarlosGraffe/status/885703375433736192> (accessed October 9, 2017).

⁷⁶ Human Rights Watch interview with Zerpa's family members, August 16, 2017.

⁷⁷ "One after the other the magistrates appointed by Parliament will go to jail" (Uno a uno irán presos magistrados nombrados por el Parlamento), *HispanTV*, July 24, 2017, <http://www.hispantv.com/noticias/venezuela/348330/maduro-magistrados-presos-congelar-bienes-oposicion> (accessed October 9, 2017).

⁷⁸ "It is denounced that no one has seen Ángel Zerpa for 48 hours" (Denuncian que nadie ha visto a Ángel Zerpa desde hace 48 horas), *El Nacional*, July 24, 2017, http://www.el-nacional.com/noticias/presos-politicos/denuncian-que-nadie-visto-angel-zerpa-desde-hace-horas_194864 (accessed October 9, 2017).

⁷⁹ "Venezuela's Attorney General's Office files complaint after the detention of the lawyer, Ángel Zerpa" (Fiscalía de Venezuela interpone amparo tras la detención del abogado Ángel Zerpa), *CNN*, July 24, 2017, <http://cnnespanol.cnn.com/2017/07/24/fiscalia-de-venezuela-interpone-amparo-tras-la-detencion-del-abogado-zerpa/> (accessed October 9, 2017).

On July 24, Zerpa was taken to a military court hearing from which his lawyers said they were excluded, charged with treason, and sent back to SEBIN headquarters in Caracas.⁸⁰ On August 25, he was released on condition that he present himself before the courts every week. According to his family, the judge prohibited him from leaving the country and ordered him not to talk to the media about his case. In October, the case was transferred from military courts to the jurisdiction of the Supreme Court.⁸¹

Juan Carlos Marquina, 42, brother of opposition legislator José Manuel Olivares Marquina. Olivares said that on September 25, at least 12 armed SEBIN agents wearing ski masks tried to burst into the formal opening of a children’s soup kitchen in Vargas state, an event in which Olivares was participating. Olivares told Human Rights Watch that he was there with part of his team, his wife, and his brother—Juan Carlos Marquina—and that members of the community stopped the agents from entering.⁸²

Olivares said that he left with his wife in one car, while Marquina left in a car that his mother had bought him. SEBIN agents stopped both vehicles, forced everyone out, and searched the cars. Olivares said he heard an agent say that they were taking his brother, and he saw agents handcuff and detain Marquina.

That day, the powerful Chavista politician and current member of the Constituent Assembly Diosdado Cabello said that security forces had stopped a caravan of cars in Vargas state that had passed through a check point “by chance,” and that Marquina had been detained because he was driving a stolen car, according to news reports.⁸³

Over the course of more than two days, Olivares’s mother visited two SEBIN headquarters in Caracas and was told that Marquina was not being held at either. Olivares and his family did not know Marquina’s whereabouts until the evening of September 27, when he was brought before a judge. His lawyer was able to see him minutes before the hearing, in which Olivares was charged with having forged documents—authorities claimed the paperwork for his car had been altered prior to its purchase by Olivares’ mother, Olivares said. Marquina was taken to SEBIN headquarters in Caracas called “El Helicoide.”⁸⁴

⁸⁰ Human Rights Watch interview with Alfredo Romero, FP director, July 26, 2017.

⁸¹ Human Rights Watch interview with Zerpa’s family members, August 25, 2017 and November 11, 2017.

⁸² Human Rights Watch interview with José Manuel Olivares, September 28, 2017.

⁸³ “Diosdado Cabello: Olivares’ brother was detained for having a stolen car” (Diosdado Cabello: Hermano de Olivares fue detenido por tener un carro robado), *800 Noticias*, September 25, 2017, <http://800noticias.com/diosdado-cabello-hermano-de-olivares-fue-detenido-por-tener-un-carro-robado> (accessed October 9, 2017).

⁸⁴ Human Rights Watch interview with José Manuel Olivares, September 28, 2017.

Military Prosecutions

More than 757 civilians have been prosecuted by military courts since early April, despite clear rules under international law prohibiting such prosecutions. While no public record of the military proceedings is available—a problem in its own right—the accounts by lawyers and family members include many disturbing allegations of abuses and procedural defects in the conduct of such prosecutions. Hearings are often held in military courts or other military installations, presided over by military judges who report to the minister of defense. Protesters are charged with serious crimes under the military code, such as “rebellion” and “treason,” for alleged acts of violence at protests for which these charges would be grossly disproportionate even if the defendants had committed them.

In researching this report, Human Rights Watch and the Penal Forum documented 18 cases involving at least 119 people in which detainees were brought before military courts. The examples below are as relayed to us by lawyers who were present at the proceedings and provided legal defense to some of the detainees (other cases of civilians prosecuted in military courts are described in the annex to this report).

On May 5, **40 people** who had been detained separately near a food company in Valencia, Carabobo state, which had been looted a day earlier, were brought before a military judge in an improvised courtroom inside the GNB base “Ciudad Chávez.” The hearing started at 7 p.m. and lasted 12 hours.

During the hearing, most detainees showed bruises that they said were caused by GNB members who beat them, sometimes with an aluminum bar or a baseball bat. Some claimed the officers cut their hair during their detention. At least 15 said they were forced to eat raw pasta mixed with human excrement—the officers allegedly put teargas powder in their noses so they would be forced to open their mouths to eat.

Without individualizing the criminal responsibility of each, all 40 were charged *en masse* with rebellion. The military judge admitted the charges against all, but sent only 19 to the non-military “26th of July” high-security prison in Guárico state, without providing any explanation. The others were released on conditional liberty.⁸⁵

⁸⁵ Human Rights Watch interview with Luis Betancourt, FP lawyer, May 14, 2017.

Weeks later, the judge authorized the conditional release of the 19, ordering them to present themselves before the court periodically. At time of writing, the investigation remained open.⁸⁶

On May 9, **16 people** who had been detained in different circumstances in La Villa de Rosario, Zulia state, were brought together before a military court in Maracaibo. The detainees included a man who said he was walking home from work when he was picked up by the GNB, and two brothers who said they were working on the roof of their home and were detained without a judicial order. Two others were reportedly taken to the offices of the investigative police (CICPC) from the hospital where they were being treated—one said he was there after suffering an accident at home and the other said that he was a government supporter who had been hit by a bottle in a protest. CICPC agents asked them to declare who had injured them, and then held them.

Eight of the 16 claimed that they were beaten by GNB members when they were detained, and that the officers spread a white powder on their faces that caused a burning sensation and made them cry, which they described as being similar to the effect of teargas.

On May 11, the prosecutor charged the 16 detainees with rebellion and “attacking a sentinel,” without specifying what each of them had done. The judge accepted the charges against all detainees, but ordered seven of the 16 held in pretrial detention at the Santa Ana prison, an installation for people prosecuted in military courts, and released the rest on conditional liberty.⁸⁷ The judge provided no explanation for the distinction.

In mid-August, during the preliminary hearing, the military judge dropped all charges against five, and accused 11 of several crimes, including attacking a sentinel, violating security zones, and insulting the Armed Forces. Their lawyer said the 11 who were charged feared a military trial and thus pleaded guilty; each of them was sentenced to three months of community service and was required to appear before the court every 30 days.⁸⁸

Politically Motivated Prosecutions of Opposition Mayors

In mid-2017, the Venezuelan Supreme Court sentenced five opposition mayors to 15 months in prison each and disqualified all from running for office for the same period of time. The

⁸⁶ Human Rights Watch interview with Luis Betancourt, FP lawyer, September 25, 2017.

⁸⁷ Human Rights Watch interview with Laura Valbuena, FP lawyer, May 15, 2017.

⁸⁸ Human Rights Watch interview with Laura Valbuena, FP lawyer, September 20, 2017.

convictions followed summary proceedings that lacked basic due process guarantees. Harassing mayors for their politics goes back at least to 2014, when, during a previous crackdown on anti-government protests, the Supreme Court instituted summary proceedings for the first time against two opposition mayors, Daniel Ceballos and Vicencio Scarano.⁸⁹

The mayors punished to date in 2017 are **Alfredo Ramos**, of the Iribarren municipality in Lara state, **Gustavo Marciano** of the Diego Bautista Urbaneja municipality in Anzoátegui state, **Carlos García** of the Libertador municipality in Mérida state, **David Smolansky**, of the El Hatillo municipality in Miranda state, and **Ramón Muchacho**, of the Chacao municipality in Miranda state.⁹⁰

In each of these cases, the Supreme Court's Constitutional Chamber first issued a ruling ordering the mayors to ensure that people did not block roads in their municipalities, and to remove any obstacles that prevented citizens from moving around freely.⁹¹ Later, the Constitutional Chamber accused the mayors of contempt for failing to comply with this order and instituted summary proceedings in which the Constitutional Chamber itself was responsible for both the "accusation" and "sentencing" in the case. The rulings of the Constitutional Chamber, in these cases a court of first instance, are not subject to appeal, which violates the due process right of defendants to appeal a criminal conviction.

Four of the five mayors fled the country. Only Ramos was detained, on July 28, after the Supreme Court handed down its ruling on his case. According to Ramos' wife and

⁸⁹ Human Rights Watch, "Letter to Pope Francis," June 5, 2015, <https://www.hrw.org/news/2015/06/05/venezuela-letter-pope-francis>.

⁹⁰ Supreme Court of Venezuela, "Constitutional Chamber of the Supreme Court sanctions the mayor of the Iribarren municipality of Lara State to 15 months in prison" (Sala Constitucional del TSJ sanciona al Alcalde del municipio Iribarren del estado Lara a 15 meses de prisión), July 28, 2017, <https://www.facebook.com/TSJVenezuela/photos/a.1431172463657220.1073741828.1390972677677199/1450795105028289/?type=3&theater> (accessed September 25, 2017); Tweet by the Supreme Court of Venezuela, July 25, 2017, https://twitter.com/TSJ_Venezuela/status/889962014176665601 (accessed September 25, 2017); Supreme Court, "Constitutional Chamber of the Supreme Court sanctions the mayor of the Libertador municipality of Mérida State to 15 months in prison" (Sala Constitucional del TSJ sanciona al Alcalde del municipio Libertador del estado Mérida a 15 meses de prisión), August 2, 2017, <https://www.facebook.com/TSJVenezuela/posts/1455650564542743> (accessed September 25, 2017); "For violating constitutional norms on public demonstrations, the Supreme Court sanctioned Chacao's Mayor to 15 months in prison" (Por violar norma constitucional sobre manifestaciones públicas, TSJ condenó a 15 meses de prisión al Alcalde de Chacao), *Venezolana de Televisión*, August 8, 2017, <http://vtv.gob.ve/tsj-sanciono-con-15-meses-de-prision-al-alcalde-del-municipio-chacao-ramon-muchacho/> (accessed September 25, 2017); Tweet by Venezuela's Supreme Court, August 9, 2017, https://twitter.com/TSJ_Venezuela/status/895459690959732736 (accessed September 25, 2017).

⁹¹ For example: Supreme Court of Venezuela, Constitutional Chamber, May 24, 2017, <https://www.civilisac.org/civilis/wp-content/uploads/Sentencia-369-Sala-Constitucion-24-5-17-Alcalde-Mun-Chacao-Miranda.pdf> (accessed October 24, 2017); Supreme Court of Venezuela, Constitutional Chamber, May 24, 2017, <http://www.civilisac.org/civilis/wp-content/uploads/Sentencia-368-Sala-Constitucional-24-5-17-Alcalde-Mun-El-Hatillo-Miranda.pdf> (accessed October 24, 2017).

daughter, Ramos learned he had been sentenced when the Supreme Court tweeted about it. They claim he was at the Iribaren municipal building with his family and staff when a group of at least 20 heavily armed men with faces covered forcefully entered his office.⁹² Without showing a judicial order, and after threatening to throw a teargas canister inside the office, they allegedly forced Ramos out and took him to a GNB station. Ramos' wife was allowed to stay with him for several hours, but after telling her she could go home to fetch his medication and clothes, they did not allow her back in, she said.

Ramos was transferred to SEBIN headquarters in Caracas (*El Helicoides*) and was not allowed to see his family or lawyers for 26 days, his family said. They traveled from Barquisimeto to Caracas to try to visit him “many times” but SEBIN agents told them he was not authorized to receive visits. After Ramos suffered a hypertension crisis on August 31, he was able to see a cardiologist while in detention but his family was denied access to the medical report. At time of writing in November, Ramos had not been able to see another medical professional and remained in detention.⁹³

Between May and July 2017, the Supreme Court issued similar injunctions against at least nine other mayors and one governor, all of them from the opposition.⁹⁴

⁹² Human Rights Watch interview with Carmen and Natasha Ramos, wife and daughter of Alfredo Ramos, September 7, 2017.

⁹³ Human Rights Watch interview with Ana Leonor Acosta, Ramos' lawyer, November 6, 2017.

⁹⁴ The Supreme Court has issued similar decisions in the cases of Henrique Capriles Radonski, governor of Miranda State (<http://www.civilisac.org/civilis/wp-content/uploads/Sentencia-389-Sala-Constitucional-1-6-17-Gobernador-Estado-Miranda.pdf>), Gerardo Blyde, mayor of the Baruta municipality in Miranda state (<https://www.civilisac.org/civilis/wp-content/uploads/Sentencia-365-Sala-Constitucional-24-5-17-Alcalde-Mun-Baruta-Miranda.pdf>), José Fernández, mayor of Los Salias municipality in Miranda State (<https://www.civilisac.org/civilis/wp-content/uploads/Sentencia-367-Sala-Constitucional-24-5-17-Alcalde-Mun-Los-Sal%C3%ADas-Miranda.pdf>), Carlos Ocariz, mayor of Sucre municipality in Miranda State (<https://www.civilisac.org/civilis/wp-content/uploads/Sentencia-373-Sala-Constitucional-25-5-17-Alcalde-del-Municipio-Sucre-Miranda.pdf>), Ronald Aguilar, mayor of Antonio José de Sucre Municipality in Barinas state (<http://www.correodelorinoco.gob.ve/tsj-ordena-al-alcalde-de-socopo-realizar-acciones-necesarias-que-impidan-colocacion-de-obstaculos-en-las-vias/>), José Luis Machín, mayor of Barinas municipality in Barinas State (<https://www.civilisac.org/civilis/wp-content/uploads/Sentencia-376-Sala-Constitucional-31-5-17-Alcalde-Municipio-Barinas-Barinas.pdf>), José Antonio Barrera, mayor of Palavecino municipality in Lara State (<https://www.civilisac.org/civilis/wp-content/uploads/Sentencia-401-Sala-Constitucional-1-6-17-Alcalde-Municipio-Palavecino-Estado-Lara.pdf>), Juan José Peña, mayor of Alberto Adriani municipality in Mérida State (<https://www.civilisac.org/civilis/wp-content/uploads/Sentencia-370-Sala-Constitucional-24-5-17-Alcalde-Mun-Alberto-Adriani-Mérida.pdf>), Omar Lares, mayor of Campo Elías municipality in Mérida State (<https://www.civilisac.org/civilis/wp-content/uploads/Sentencia-372-Sala-Constitucional-24-5-17-Alcalde-Municipio-Campo-El%C3%ADas-Mérida.pdf>), and Evelin Trejo, mayor of Maracaibo municipality in Zulia state (<http://www.correodelorinoco.gob.ve/sala-constitucional-admite-demanda-por-intereses-colectivos-y-difusos-contra-alcaldes-de-maracaibo-y-san-cristobal/>) (accessed October 2, 2017).

One of them is **Omar Lares**, the mayor of the Campo Elías municipality in Mérida state.⁹⁵ On July 30, dozens of GNB, PNB, and SEBIN agents, as well as members of *colectivos* burst into his home. The mayor and most of his family were able to escape, but **Juan Pedro Lares**, his 23-year-old son, was captured and has since been arbitrarily detained.⁹⁶

An employee of the Lares family who was there when the security forces stormed the house said the officers forced him and Juan Pedro to kneel on the ground, handcuffed them, and told them they could shoot them anytime “because no one was watching.” They threatened to spray both of them with gasoline and set them on fire, he said, “if they did not tell them where the firearms were.” They also placed a gun against Juan Pedro’s head, threatening to kill him “if he didn’t tell the truth,” and then hit him on the neck with it. They let the employee go, and drove Juan Pedro away in an official SEBIN vehicle.

As of November 2017, Juan Pedro was being held at the Helicoide, one of SEBIN’s headquarters in Caracas. He had not been charged with any crime nor taken before a judge.

Arrests and Abuses of Demonstrators and Bystanders

On April 26, GNB personnel detained **David Romero** (pseudonym), a 19-year-old student, during confrontations between demonstrators and security forces in Barquisimeto, Lara state. According to Romero’s account of what followed, agents captured and then beat him and others with their fists and rifle butts during an operation in a residential zone that had been barricaded by anti-government protesters.⁹⁷

The GNB officers took Romero to a truck, where 28 people—including 11 who were under 18 years old—were already detained. According to Romero, when they arrived at a GNB station, uniformed men from CONAS started to beat several of the detainees, including Romero, who said the officers threatened him, grabbed him by the hair, punched and kicked him, and took away his ID, money, and cell phone.

On April 28, 28 detainees from the April 26 raid were presented before the courts. The adults, including Romero, were charged with several crimes, including obstructing public roads and attacking a sentinel. The prosecutor did not allege any facts that pointed to the

⁹⁵ Supreme Court of Venezuela, Constitutional Chamber, May 24, 2017, www.civilisac.org/civilis/wp-content/uploads/Sentencia-372-Sala-Constitucional-24-5-17-Alcalde-Municipio-Campo-El%C3%ADas-M%C3%A9rida.pdf (accessed October 2, 2017).

⁹⁶ Human Rights Watch interviews with Omar Lares and Ramona Rangel Colmenares, parents of Juan Pedro Lares, August 6 and September 11, 2017; audio message from Lares family’s employee on file at Human Rights Watch.

⁹⁷ Human Rights Watch interview with David Romero, August 14, 2017.

individual criminal responsibility of any of the defendants. The judge authorized their release on bail and requested five guarantors for each, but it took several weeks after the guarantors were presented for the detainees to actually be released, forcing them to remain in detention arbitrarily.⁹⁸

During this period, and for more than a month, Romero said, he was held with 27 others at a detention center in horrible conditions. When the detainees arrived at the center, one sergeant struck each of them on the head with a rock, which he called the “stone of justice.” All detainees were held in a small 3x3 meter cell that did not have a toilet, so they had to use a bottle that the prison guards would take out in the morning. Once a day, they would throw a small teargas canister inside the cell, which would take about 10 minutes to dissipate through the only window the room had. The guards did not feed the detainees; they ate only what their families brought to them that the guards did not take for themselves, Romero said.

Romero was eventually released on bail but still needed to present himself before the courts every eight days as of October 2017.

On May 1, **Emerson Ibarra**, a 24-year-old student, was demonstrating in Mérida when about 10 PNB officers on motorcycles surrounded him. This, he told us, is what happened next:

One officer stripped off the balaclava Ibarra was wearing that day, and another told him to get on the motorcycle. When he resisted, one of them struck him in the face with his rifle butt and forced him onto the motorcycle.⁹⁹

Ibarra was taken with three others he did not know—whom he said were 17, 20, and 25 years old—to the state police headquarters in Glorias Patrias, downtown Mérida, where several officers beat them before taking them to the office of the intelligence division of the state police.

When they arrived, the police officers called them “fucking *guarimberos*.” One of the officers, whom he recognized as having participated in his arrest, beat him with handcuffs for 10 minutes, while another accused him of being a student leader and having pictures of

⁹⁸ “People detained on April 26 in Sucre are presented [to the courts] without notice” (Presentan “sorpresivamente” a detenidos del 26A en la Sucre), *El Impulso*, April 29, 2017, <http://www.elimpulso.com/noticias/regionales/presentan-sorpresivamente-detenidos-del-26a-la-sucre> (accessed October 9, 2017).

⁹⁹ Human Rights Watch interview with Emerson Ibarra, August 10, 2017.

the protests on his Twitter account. The officer said he did not want to see him on the streets again or he would: “fuck [him] over.”

That evening, the officers put them in a kitchen inside the intelligence offices, adjusted the handcuffs very tight, and deprived them of sleep by repeatedly entering the room screaming “guarimberos!” or insults at them. Ibarra’s family was unable to see him for six days.

On May 4, the four young men were taken before a court. Although the Attorney General’s Office requested their release without any precautionary measures, the judge ruled they would only be released on bail. The paperwork for their release on bail was filed that same day, but they remained in detention for eight days because of delays in processing the papers. A few days later, when Ibarra was at a room with other detainees, two officers of the intelligence division of the state police threw a teargas canister inside the room and mocked their reaction, he said. Ibarra fled the country.

On May 15, PNB officers detained **Carlos Jordan** (pseudonym) in Aragua state as he was heading home.¹⁰⁰ An anti-government demonstration was taking place nearby at the time, and another nine people who claim they had not participated in the demonstration were also detained that day in the same vicinity.

After he was detained, the officers forced Jordan to take off his pants and one of the officers anally penetrated Jordan with a “tube,” Jordan told the judge in his first hearing. At the hearing, detainees said that during their detention the PNB officers brutally beat them with their helmets and the butts of their weapons, and forced them to breathe teargas residues and to dance sensually amongst themselves while the PNB officers laughed. The officers stole shoes, cellphones, and money from the detainees.

On May 17, Jordan and the others were taken before a judge and charged with instigation to commit crimes. His lawyer claimed his release was deliberately delayed and Jordan was taken back to the same detention facility for a week, until the court finally accepted the guarantors presented by his defense.

In June, GNB agents arrested **Lawrence Esposito** (pseudonym), a 17-year-old student, as he was filming an anti-government demonstration with his phone in Carabobo state.

¹⁰⁰ Human Rights Watch interview with Dimas Rivas, FP lawyer, September 20, 2017.

According to Esposito, a motorcycle officer pointed his firearm at his ribs and told him to get on the motorcycle.¹⁰¹

GNB agents forced Esposito into an armored vehicle. Inside, he said, the officers repeatedly beat him and other detainees, threatened to rape them, and shot pepper spray in their faces. They then threw a teargas canister inside the vehicle and closed the doors, which caused Esposito and others to pass out.

The GNB members took Esposito and other detainees to a base and left them outside on a patio where the officers let two Pitbull dogs and two German Shepherds attack them, Esposito said. The highest-level official there punched Esposito on the chest, which interrupted his breathing, and when he fell, the chief said: “Now you’ll cry.”

At the detention center, 18 detainees were packed into a 3x3 meter cell, according to Esposito. During his detention, Esposito said, he saw GNB members take two detainees into a corridor to have one shoot the other. When one refused, an officer shot pellets at the other nonetheless and then put salt on his wounds, causing him to faint.

Within two days of his arrest, Esposito was allowed to speak to his lawyer, but for only five minutes, prior to being taken before a judge. Esposito says the judge released him but told him that he should tell no one what had happened.

Following Esposito’s release, his relatives received several intimidating phone messages from unknown numbers. Esposito’s mother said that a black motorcycle without a license plate stopped next to her and a man asked her if she was “Lawrence’s mother.” After she denied being his mother, the man said, “Yes. You are the mother of Lawrence. Let me give you some advice: keep quiet, because life is worth nothing in this country. Don’t go to the Attorney General’s Office anymore. Don’t file any complaints. Leave your son quiet at home. Mothers should take care of their sons.”

On June 20, **Jorge Jiménez** (pseudonym), a 17-year-old student, was walking to his grandmother’s home when he found himself between demonstrators and Márida police officials during a demonstration.¹⁰² He had his face covered with a T-shirt to avoid breathing teargas.

¹⁰¹ Human Rights Watch interview with Lawrence Esposito (pseudonym), August 16, 2017; Human Rights Watch interview with FP lawyer, August 16, 2017; Human Rights Watch interview with María Canteras (pseudonym), Esposito’s mother, August 16, 2017.

¹⁰² Human Rights Watch interview with Fernando Cermeño, FP lawyer, September 22, 2017.

Police officers grabbed him and took him to a police station, where an officer beat him in the stomach and on the head and shoulder, slapped him, and hit him on the legs with a stick because, the officer said, Jiménez was a “*guarimbero*.” At CICPC headquarters, officers put a plastic bag over his head to force him to give them names and addresses of those who had been participating in protests.

When the Penal Forum found out about his detention, a lawyer went to the CICPC offices, and was told that Jiménez was not under arrest, but rather being interrogated. Neither the lawyer nor his family was allowed to see him, according to his lawyer, and the lawyer threatened to file a writ of habeas corpus. Hours later, CICPC officers let Jiménez go, without ever bringing him before a judge.

On July 6, GNB agents detained **Carlos Julio Rojas**, a journalist and social activist who had been collaborating with two nongovernmental organizations that work with residents of several Caracas neighborhoods, as he was walking in Caracas. Rojas said that the agents stopped him and, after he gave them his ID and press credentials, said they had an arrest warrant for him and forced him into a police car.

Once inside the car, Rojas heard the voice of someone he thought was a high-ranking official saying on speaker phone: “I want Carlos Julio’s cellphone.” The officers took the phone, and he never saw it again, Rojas said.

Rojas said he was taken from one location to another for hours until he was eventually taken to a police station where he was placed in a 2x2 meter cell with no bathroom or natural light, called “Tigrito” in Venezuela. Officers later forced Rojas out and into an office in what appears to have been an attempt to frame him: several teargas canisters sat on a table and officers beat him until they managed to take a picture of him beside the canisters, Rojas said. The picture finally taken shows Rojas’ back, and not his face, which had bruises, according to Rojas.¹⁰³

On August 24, Rojas was taken before a judge for the preliminary hearing in which prosecutors are supposed to charge detainees with crimes. Even though the military prosecutor did not charge him with any crimes, the military judge nonetheless ruled that Rojas would be subject to precautionary measures—which are typically adopted, under Venezuelan law, to ensure that a person accused of committing a crime appears before a court. Rojas said he must now present himself before the military court every 30 days,

¹⁰³ Human Rights Watch interview with Carlos Julio Rojas, September 12, 2017.

cannot talk to the media about his case, and cannot participate in “political meetings for the purpose of engaging in conspiracy.”

On July 20, agents arrested **Manuel Rocas** (pseudonym), a 19-year-old student, while he was jogging with a friend in Mérida close to a demonstration that his mother, who has spoken to him in detention, says he did not know was taking place. An armored vehicle passed by firing teargas, and GNB members on motorcycles with their faces covered by balaclavas surrounded and arrested him, his mother said.¹⁰⁴ They spat on him, hit him, forced him onto a motorcycle, and drove him away. Rocas was charged with instigation. At time of writing, he remained detained.

The same day, near the spot where Rocas was arrested, agents from the GNB detained 33-year-old **Ambrosio Arragoza** (pseudonym). They grabbed him on the street when he was going to the bakery with three neighbors, his brother said; the agents arrested the others as well. Agents threw Arragoza inside a GNB armored vehicle, where they beat him. Arragoza was charged with “instigating public disorder” and spent a month in jail, according to his brother.¹⁰⁵

Illegal Detentions by Colectivos

In some cases reviewed by Human Rights Watch and the Penal Forum, it was impossible to determine whether arresting agents had the power to arrest or were acting on their own initiative. Often, they were wearing balaclavas, lacked official identification, and were not identifiable.

Human Rights Watch and the Penal Forum documented some cases in which *colectivos*—who have no powers of arrest under Venezuelan law—illegally detained people and handed them over to police or GNB officers, including the cases described below.

On April 13, members of *colectivos* illegally detained **Alberto Brito and Maribel Ilarraza** in two separate incidents in Caracas, and then transferred them to security forces, according to relatives of Brito and their lawyer. The two did not know each other. The day following their detention, they were taken together before the same court in Caracas, where a judge charged them with “instigation to commit crimes” and “holding incendiary substances” during an anti-government demonstration. The judge imposed bail on Brito and authorized

¹⁰⁴ Human Rights Watch interview with Lucy Rocas (pseudonym), mother of Manuel Rocas (pseudonym), August 10, 2017.

¹⁰⁵ Human Rights Watch interview with Arragoza’s brother, August 10, 2017.

Ilarraza's release without a guarantor, but requested a statement (*caución juratoria*) that she would present herself before the court. Brito and Ilarraza's lawyer filed the paperwork in their cases on April 24, but the court had not yet processed the documents at time of writing. Both Brito and Ilarraza remained in detention as of October 2017.¹⁰⁶

On May 4, three female members of a *colectivo* detained **Lina Espinoza** (pseudonym), a 19-year-old student, as she was getting into her car after a visit to a pharmacy, she told Human Rights Watch.¹⁰⁷ Espinoza said that the women kicked and punched her while asking if she was a student. They forced her to start the engine and sit in the back seat between two of them. The third drove the car towards a GNB station. When they arrived, they pushed Espinoza out of the car towards a GNB officer and said, "Here, we brought you another one."

Espinoza said she was taken into an official vehicle together with an injured boy that she estimates was 15 years old and a third detainee. "From the trailer, I could see that they searched my whole car, and then four *colectivos* got inside the car. They were four men, dressed in [the government official party] t-shirts, and they said: 'Let's go kill some students,' and they left," Espinoza said.

The GNB personnel forced the three detainees into a jeep and asked them who had paid them. The 15-year-old gave them a name, and when the GNB personnel realized he had lied, they beat them all, Espinoza said.

Espinoza spent two days at the GNB headquarters, where the officers took pictures of her and the other two detainees with shields and Molotov cocktails, she said. Espinoza told us that she has diabetes and that following her arrest she suffered a medical crisis that required taking her to a health center. Despite a doctor's objection, who told a GNB officer that he would be responsible if Espinoza died, the GNB officer insisted that she be taken back to GNB headquarters. The GNB let the 15-year-old go, but transferred Espinoza and the other detainee to a prison.

On May 7, Espinoza and the other detainee were presented before a military court. A military judge confirmed several charges against her, including attacking a soldier and demonstrating in a security zone, she said. Espinoza said that she remained in detention 19 more days, and her medical condition deteriorated.

¹⁰⁶ Human Rights Watch interview with Mariana Ortega, FP lawyer, August 21, 2017.

¹⁰⁷ Human Rights Watch interview with Lina Espinoza, August 15, 2017.

On May 26, a military judge allowed her to be transferred to house arrest as a humanitarian measure. Prior to releasing her, agents had her sign a document saying that her human rights had not been violated, she said. On August 7, during the preliminary hearing in her case, Espinoza pleaded guilty to attacking a soldier to avoid going back to jail. A judge sentenced her to 120 hours of community service and ordered her to appear before the court every 30 days, she said.

Abuses in the Streets

Between April and July 2017, Venezuelan security forces—including the Bolivarian National Guard (GNB), the Bolivarian National Police (PNB), the Bolivarian National Intelligence Services (SEBIN), and state police forces—together with armed pro-government groups called *colectivos* systematically used disproportionate force to suppress anti-government protests. In some of these cases it appeared not only that the force used was disproportionate, but that no use of force on the part of security forces was warranted at all.

In August 2017, the United Nations' Office of the High Commissioner for Human Rights (OHCHR) concluded that the Venezuelan government was pursuing “a policy to repress political dissent and instill fear in the population to curb demonstrations.”¹⁰⁸ It asserted that its research “paint[ed] a picture of widespread and systematic use of excessive force and arbitrary detentions against demonstrators in Venezuela,” as well as “patterns of other human rights violations, including violent house raids, torture and ill-treatment of those detained in connection with the protests.”¹⁰⁹

An official report by the Venezuelan Communications Ministry reported 167 deaths in connection with the demonstrations between April 6 and August 4, 2017, including 17 cases in which the deceased were younger than 18 years old. Twenty-nine of these deaths occurred on July 30, the day of the election of Constituent Assembly members.¹¹⁰

According to the OHCHR, of the 124 deaths recorded by the Attorney General's Office that occurred in the context of anti-government demonstrations between April 1 and July 31,

¹⁰⁸ Office of the High Commissioner for Human Rights (OHCHR), “Venezuela: Human rights violations indicate “policy to repress” – UN report,” August 30, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22007&LangID=E> (accessed November 14, 2017).

¹⁰⁹ Office of the High Commissioner for Human Rights (OHCHR), “UN human rights team's findings indicate patterns of rights violations amid mass protests in Venezuela,” August 8, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21948&LangID=E> (accessed October 3, 2017).

¹¹⁰ Venezuelan Communications Ministry, “Fatal victims of political violence in Venezuela April-August 2017” (Víctimas fatales de la violencia política en Venezuela abril-agosto 2017), August 4, 2017, <http://minci.gob.ve/wp-content/uploads/2017/08/Investigaci%C3%B3n-Period%C3%ADstica-V%C3%ADctimas-Fatales-de-la-Violencia-Pol%C3%ADtica-ABRIL-AGOSTO-2017-Actualizado-04-08-17.pdf> (accessed October 3, 2017); Venezuelan Attorney General's Office, “Balance of Victims Killed and Injured During Demonstrations in April-July 2017” (Balance de víctimas fallecidas y lesionadas durante manifestaciones en abril-julio de 2017), July 27, 2017 (copy on file at Human Rights Watch).

2017, security forces were allegedly responsible for at least 46 and *colectivos* for 27. The office lacked the evidence to issue findings as to who was responsible for the rest.¹¹¹

During the 2014 crackdown on anti-government protests, security forces allowed *colectivos* to assault unarmed civilians, and in some cases collaborated with them in the attacks.¹¹² In at least four cases documented for this report, *colectivos* acted to make arrests or detain individuals who were then turned over to the security forces. In several cases, witnesses described how *colectivos* worked alongside or in sight of security forces to suppress demonstrations, at times shooting live ammunition at protesters. On July 5, members of *colectivos* attacked and besieged the opposition-controlled National Assembly in Caracas for several hours, in plain sight of security forces who appeared to do little to protect the institution or disperse the pro-government armed groups.¹¹³

During the April-July period, security forces used such less lethal weapons as water cannons, teargas, and pellets in a way that appeared deliberately meant to inflict pain to protesters and bystanders.¹¹⁴ Witnesses, victims, and medical personnel who attended them described many incidents where security forces used modified rubber-pellet shotgun shells loaded instead with marbles, broken glass or metal bolts. Such projectiles can in some cases be lethal. Under some circumstances the abusive use of such less lethal weapons, when employed with the intent of causing grave harm, and depending on the seriousness of pain and suffering inflicted, may amount to cruel, inhuman, or degrading treatment or torture.¹¹⁵

Throughout the country, demonstrators and citizens living in areas barricaded by protestors have frequently been injured by teargas canisters, regular or modified shotgun rounds, and bullets fired at close range by security forces and *colectivos*, at times leading to serious injuries, some of them permanent, and even death. In many cases, security

¹¹¹ OHCHR, “Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017,” August 2017, http://www.ohchr.org/Documents/Countries/VE/HCREportVenezuela_1April-31July2017_EN.pdf (accessed October 3, 2017).

¹¹² Human Rights Watch, “Punished for Protesting: Rights Violations in Venezuela’s Streets, Detention Centers, and Justice System,” May 5, 2014.

¹¹³ Human Rights Watch confidential interviews with parliamentary press and journalists, Caracas, August 21, 2017.

¹¹⁴ Although the term “non-lethal” weapon is used in the United Nations Basic Principles for the Use of Force and Firearms by Law-Enforcement, we are using “less lethal” to reflect the fact that their misuse still carries the risk of causing injury and death.

¹¹⁵ For more information, see report to the Human Rights Council of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Mission to Morocco, A/HRC/22/53/Add.2, para. 22, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2_en.pdf (accessed October 4, 2017).

forces reportedly issued no warning prior to firing a wide range of riot-control munitions and teargas canisters on demonstrations and surrounding residential areas, according to interviews with demonstrators and bystanders. And, as already detailed earlier in the report, security forces also frequently subjected demonstrators and bystanders to vicious beatings and other forms of physical violence when suppressing demonstrations.

The government claims that 10 security-force officers—three from the GNB, one from the DGCIM, and six from state police forces—died in the context of the demonstrations. It reported several instances of violence against government supporters, including two cases in which the victims were allegedly set on fire and one in which a retired military officer was lynched.¹¹⁶

Some groups of anti-government protesters at times used rocks, Molotov cocktails, weaponized fireworks, and homemade mortars and explosive devices in clashes with security forces.

Unlawful or violent assemblies may be dispersed by security forces. But in dispersing any peaceful assembly, even an unlawful one, security forces should avoid the use of force or, if that is not practicable, restrict its use to the minimum extent necessary. In dispersing violent assemblies, law enforcement may use firearms only when less dangerous means are not practicable, and then only to the minimum extent necessary. They should in all cases use firearms only in self-defence or in defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life or to arrest or prevent the escape of a person who presents such a danger and is resisting their authority. Even in these circumstances, firearms should be used only when less extreme methods are insufficient to achieve these objectives. The intentional lethal use of firearms is permissible only when strictly unavoidable in order to protect life.¹¹⁷

¹¹⁶ Venezuelan Communications Ministry, “Fatal victims of political violence in Venezuela April-August 2017.”

¹¹⁷ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August-7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx> (accessed October 3, 2017). For more information, see Joint Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the Proper Management of Assemblies, A/HRC/31/66, February 2016, <http://www.refworld.org/docid/575135464.html> (accessed October 4, 2017).

Killings

On April 26, **Juan Pablo Pernaletе**, a 20-year-old basketball player who was studying public accounting, was participating in an anti-government demonstration in the Altamira neighbourhood in Caracas when a GNB officer fired a tear-gas projectile designed to be fired at long range into Pernaletе's chest from 15 meters away. The impact killed Pernaletе.¹¹⁸

While government officials immediately blamed Pernaletе's death on his fellow protesters,¹¹⁹ an investigation by the then-Attorney General Luisa Ortega Díaz established that a GNB officer indeed fired the fatal round.¹²⁰ A lawyer working on the case said that evidence in Ortega Díaz's file on the case indicated that the guard had shot the long-range projectile from a distance of about 15 meters from Pernaletе.¹²¹

On September 8, Tarek Saab William, the attorney general appointed by the pro-government Constituent Assembly after it fired Ortega, announced that he was reopening the investigation into Pernaletе's killing upon the suspicion that evidence incriminating the GNB had been manipulated.¹²²

On August 13, **Luis Guillermo Espinoza**, a 16-year-old student and soccer player, died several weeks after a GNB member shot him in the head at point blank range during a demonstration in San Diego, Carabobo state. A witness described to Human Rights Watch how the teenager was trying to run away from GNB members on June 5 when three motorcycles surrounded him. Espinoza resisted when the officers beat him, and then he tried to run away. "One officer pointed his gun at his head and Luis stopped for a second,"

¹¹⁸ Human Rights Watch interview with Elvira Llovera, mother of Pernaletе, August 19, 2017.

¹¹⁹ "Foreign Affairs minister denounces responsibility of the media in actions that validate interventions" (Canciller denuncia responsabilidad de medios en configuración de hechos que validan intervenciones), *Agencia Venezolana de Noticias*, April 29, 2017, <http://www.avn.info.ve/contenido/canciller-denuncia-responsabilidad-medios-configuración-hechos-que-validan-intervenciones> (accessed October 4, 2017).

¹²⁰ "Attorney General's Office Publishes Pernaletе Case" (Ministerio Público publica caso Pernaletе), YouTube video uploaded by El Foco Digital on May 27, 2017, <https://www.youtube.com/watch?v=inqAnMKjZZk> (accessed October 3, 2017); "Venezuela's Attorney General confirms that the student Juan Pernaletе died due to the impact of a teargas canister" (La fiscal general de Venezuela confirma que el estudiante Juan Pernaletе murió por el impacto de una bomba lacrimógena lanzada por la Guardia Nacional), *BBC*, May 24, 2017, <http://www.bbc.com/mundo/noticias-america-latina-40037960> (accessed October 10, 2017).

¹²¹ Human Rights Watch interview with Andrea Santacruz, lawyer from the Human Rights Center at Metropolitan University, August 19, 2017.

¹²² "Tarek William Saab re-opened the Juan Pablo Pernaletе case" (Tarek William Saab reabrirá caso de Juan Pablo Pernaletе), *El Nacional*, September 7, 2017, http://www.el-nacional.com/noticias/politica/tarek-william-saab-reabrir-caso-juan-pablo-pernalete_202639 (accessed October 2, 2017).

the witness told Human Rights Watch. “The guard turned his head and Luis began to run again. I heard a shot. I closed my eyes. And then I saw him [on the ground].”¹²³

In another case documented for this report, a bystander died when security forces allegedly fired into residential areas where protesters had sought refuge. On July 11, security forces allegedly fired their guns through the gates of a residential complex in El Tocuyo, Lara state, and killed **Janeth Angulo**, a 55-year-old retired sports teacher and community organizer, who was standing outside her home. “She had come out to let a pregnant demonstrator seek refuge in her home some 300 meters away from the gate where the security forces were shooting, when she was hit in the head by a bullet,” one of her sisters said. Her family said a police officer was later arrested in connection with Angulo’s death.¹²⁴

On June 7, **Neomar Lander**, 17, traveled with his mother and cousin from Guarenas, where they lived, to participate in an anti-government demonstration in Caracas.¹²⁵ When GNB and PNB officers moved to disperse the demonstration, protestors began running in different directions, Zugeimar Armas, Lander’s mother, said. Armas lost sight of her son.

Later that afternoon, she got a phone call in which someone she knew told her there was a video circulating on social media showing that Lander had been killed. Armas went to a clinic where she had been told that Lander had been taken. When she arrived, a doctor told her that the boy had arrived without vital signs. Armas said she was allowed to see her son’s body; he had a “hole” in his chest that was “just too big.”

On June 8, the vice president of Venezuela said that Lander had died as a consequence of the explosion of a mortar, and that his death had not been caused by the impact of a teargas canister.¹²⁶

¹²³ Human Rights Watch interview with witness who requested anonymity, August 17, 2017; “Luis Guillermo Espinoza, a soccer player victim of repression in Carabobo” (Luis Guillermo Espinoza, un futbolista víctima de la represión en Carabobo), *El Carabobeño*, August 13, 2017, <https://www.el-carabobeno.com/luis-guillermo-espinoza-futbolista-victima-de-la-represion-en-carabobo/> (accessed October 3, 2017); “Luis Guillermo Esponoza, teenager hit on the head by the GNB on June 5 in Carabobo” (Murió Luis Guillermo Espinoza, adolescente herido en la cabeza por la GNB el 5 de junio en Carabobo), *Runrunes*, August 13, 2017, <http://runrun.es/nacional/321504/murio-luis-guillermo-espinoza-adolescente-herido-en-la-cabeza-por-la-gnb-el-5-de-junio-en-carabobo.html> (accessed October 3, 2017).

¹²⁴ Human Rights Watch interview with Judith Angulo, August 14, 2017.

¹²⁵ Human Rights Watch interview with Zugeimar Armas, Lander’s mother, October 6, 2017.

¹²⁶ “Analysis confirm that Neomar Lander died from explosion of mortar” (Análisis confirman que Neomar Lander murió por explosión de mortero), *Agencia Venezolana de Noticias*, 8 de junio de 2017, <http://avn.info.ve/contenido/an%C3%A1lisis-confirman-que-neomar-lander-muri%C3%B3-explosi%C3%B3n-mortero> (consultado el 17 de noviembre de 2017).

In October, a representative of the Attorney General's Office told Armas and her husband that they should trust her and prosecutors, who were investigating the case at the time. Armas told Human Rights Watch in October, "How can she ask that we trust her if four months have gone by, nothing has happened, and the government has said Neomar killed himself?"

Serious Injuries

The last statistics published by the Attorney General's Office under the recently fired Luisa Ortega Díaz indicate that by the end of July, the office was investigating nearly 2,000 cases of people injured during the protests. While the number appears to have included cases in which protesters as well as security forces were the alleged perpetrators, in more than half of the cases the office had evidence suggesting fundamental rights violations.¹²⁷

Medical professionals interviewed by Human Rights Watch who worked in different health centers in five locations reported treating numerous people with injuries caused by shotgun pellets and teargas canisters fired at point-blank range (*a quemarropa*) on protesters, with wounds located in the abdomen, upper body, head, and eyes.¹²⁸

On May 18, **Oscar Serrada**, a 22-year-old student, was participating in an anti-government protest on the Francisco Fajardo highway in Caracas when GNB and PNB personnel started shooting teargas canisters towards demonstrators. Most demonstrators started to run away, but some began throwing rocks and Molotov cocktails towards the security officials.¹²⁹

Serrada said that he ran from the highway and that when he was on a nearby avenue, he walked toward some members of the GNB with his hands up in the air, asking them to "stop repressing the demonstration." As he got closer, he saw a guardsman less than 10 meters away pointing his shotgun at him, so he turned around and started to run away. He felt an impact on the back of his right leg, and felt he was losing a lot of blood, Serrada said.

Someone saw Serrada limping and drove him on a motorcycle to a nearby Green Cross urgent care station, where he received first-aid. Serrada later went to a clinic, where an X-

¹²⁷ Venezuelan Attorney General's Office, "Balance of Victims Killed and Injured During Demonstrations in April-July 2017."

¹²⁸ Human Rights Watch confidential interviews with medical professionals in San Cristobal, Mérida, Valencia, Valera, and Caracas, August and October 2017.

¹²⁹ Human Rights Watch interview with Oscar Serrada, August 22, 2017.

ray revealed he had a glass marble lodged in his leg. Doctors operated on Serrada two days later to remove the marble, he said. We reviewed images of Serrada getting medical care on the street, of his X-rays, and the marble that was taken from his body.¹³⁰

In early July, **Hernán Sánchez** (pseudonym), a 16-year-old student in Mérida state, was walking to theatre practice from school when he encountered a demonstration. When the Mérida state police arrived, Sánchez said, he ran and tried to hide behind a car. He alleges that a policeman mounted on a motorcycle saw him and shot him at close range with a shotgun loaded with birdshot. Sánchez said that, unaware of his injuries, he continued to run until he was caught by policemen who took him to a nearby station. Only then did he notice that he was bleeding from his abdomen, Sánchez said.¹³¹

Sánchez said that despite the blood-soaked white t-shirt indicating that he was wounded, police officers beat him at the station prior to releasing him in a public square a few minutes later. A man who passed by took him to a clinic, where, Sánchez said, doctors told him the pellets had ruptured his colon, and that a piece of the cartridge was still inside his body. Doctors performed a colostomy, and Sánchez spent over a month at the hospital. His family told Human Rights Watch that the three operations cost them around 15 million bolivares and that Sanchez's mother, who had to stop working to take care of her son, had to cancel her restaurant's lease, which she could not afford paying anymore, and take up loans to pay for his treatment.¹³²

In another case in late June, 19-year-old **Carlos Rambrant** (pseudonym) was at the frontline of a protest with other youths when he suddenly found himself on the ground. X-rays that Rambrant's family shared with Human Rights Watch showed a bullet lodged in one of his cervical vertebrae. Rambrant explained that the bullet had not gone through his neck because it had first ricocheted off the inside of his gas mask. He could not move, and felt as though his body had died but he was still conscious.¹³³

Fellow demonstrators quickly brought Rambrant to a hospital where doctors stabilized him, he said. The investigative police (CICPC) quickly appeared to question him. For fear of being arrested, the Rambrant family lied to the CICPC and said that he had been shot by a robber.

¹³⁰ "Urgent Portrait #15: Oscar Serrada" (Retrato Urgente #15 Oscar Serrada), YouTube video uploaded by Retratos Urgentes on June 8, 2017, <https://www.youtube.com/watch?v=LY1Zd-EXQBQ> (accessed October 3, 2017).

¹³¹ Human Rights Watch interview with Hernán Sánchez (pseudonym), August 11, 2017.

¹³² Human Rights Watch interview with Rosa Sánchez (pseudonym), mother of Sánchez (pseudonym), August 11, 2017.

¹³³ Human Rights Watch interview with Carlos Rambrant (pseudonym), August 14, 2017.

Lying in bed, Rambrant told us that the bullet did not cut his spine but had burned a part of it, leaving him with temporary paralysis. “At first, because of the shock, all of the pain got blocked and I didn’t feel it. But my senses returned progressively and it is now really painful. I have a bit more mobility now, but I still don’t feel anything from the heart down,” he explained. He said doctors told him that it might take up to a year before he can walk again.

Beatings

On July 22, in Barquisimeto, Lara state, GNB personnel allegedly beat up **Luis Enrique Díaz Kay**, a press photographer who had tried to prevent the arrest of a young man he thought had been mistakenly arrested for protesting. The GNB officers punched him in the head and he fell to the ground, he said. According to Díaz, while some were holding his feet, others beat and kicked him in different parts of his body. Díaz said he fought back and managed to put himself back on his feet but one of the guards put him in a strong chokehold that fractured two of his cerebral vertebrae, right before Díaz bit him and managed to escape, Díaz said.¹³⁴ When we interviewed Díaz in August, he was wearing a neck brace. A copy of his medical report, seen by Human Rights Watch, was consistent with his description of his injuries.

On July 26, GNB agents captured 37-year-old **Alberto Caramés** (pseudonym) during an attempt to disperse a protest barricade in Mérida. Caramés said a guard broke his jaw with the butt of his gun, and that he could feel his lower molars touching his palate. Guards then took his shoes off and tied his hands with his sweater to a motorcycle. They dragged him barefoot at a speed of 20 or 30 kilometres per hour for about 10 meters, he said. As a result, his soles were completely burned, Caramés said. The sweater then broke, and he fell to the ground. He fainted and later woke up in a private clinic.¹³⁵

Raids in Residential Areas

In researching this report, Human Rights Watch and the Penal Forum also documented six instances in which Venezuelan security forces raided residential areas and apartment buildings in Caracas and four states. In some of these raids, which usually occurred near protest barricades that residents had erected, security forces allegedly burst into homes without warrants, stealing personal belongings and food, and beating and detaining residents.

¹³⁴ Human Rights Watch interview with Luis Enrique Díaz Kay, August 14, 2017.

¹³⁵ Human Rights Watch interview with Alberto Caramés (pseudonym), August 12, 2017.

On May 15, dozens of residents of the **Mañongo residential area** of Valencia, Carabobo state, participated in a nationwide anti-government protest called “the Planton,” or sit-out, with protestors blockading main roads. Around 4 p.m., after the demonstration ended, at least 50 GNB and CICPC members forcefully entered four residential buildings in the area claiming that they were looking for a sniper, one resident said. Residents told us that security agents used force to break into several apartments, where they stole personal belongings, including cell phones, clothes, and cash. One resident said she saw an agent pointing a gun at a woman who was carrying a baby; others reported that agents beat and detained several residents as well as two people working at the buildings.¹³⁶

On June 13, GNB and CONAS agents raided the **Los Verdes** apartment complex in Caracas, hours after many residents had participated in anti-government protests, a resident said.¹³⁷ The officers who entered the resident’s home were armed, had their faces covered with black masks, and did not have any identifying documents, the resident said. They had no judicial order, she said, and told her that if she cooperated with them, “there would be no violence.”

Another resident of the Los Verdes apartment complex told the news site *Crónica Uno* that a group of 10 armed men—two of them wearing masks—entered her home, accused her of collaborating with “terrorists,” and shot her dog in the eye when it started barking.¹³⁸ Others told Venezuelan media outlets in taped interviews that security agents damaged cars, entered homes without a judicial warrant, seized computers and footage of security cameras from the building’s main offices, and detained several people.¹³⁹ Residents recorded the moment when a military convoy broke into the building complex’s main entrance, and took pictures of destroyed cars and doors, according to press accounts.¹⁴⁰

¹³⁶ Human Rights Watch interviews with residents who requested anonymity, May 15-17, 2017.

¹³⁷ Human Rights Watch interview with resident who requested anonymity, June 13-14, 2017.

¹³⁸ “Cross, the dog that was killed by an official during the search in Los Verdes” (Cross, el perro mestizo que mató un funcionario durante el allanamiento en Los Verdes), *Crónica Uno*, June 14, 2017, <http://cronica.uno/cross-perro-mestizo-mato-funcionario-allanamiento-los-verdes/> (accessed October 3, 2017).

¹³⁹ “Los Verdes neighbors, victims of state terrorism” (Vecinos de Los Verdes, víctimas de terrorismo de Estado), YouTube video uploaded by Noti minuto on June 14, 2017, <https://www.youtube.com/watch?v=oGEGJdJC2hQ> (accessed October 3, 2017).

¹⁴⁰ “Photographs and Videos : GNB and CONAS caused destruction in Los Verdes in El Paraíso” (Fotos y Videos : GNB y CONAS causaron destrozos en Los Verdes del Paraíso), *El Impulso*, June 14, 2017, <http://www.elimpulso.com/noticias/nacionales/fotos-videos-gnb-conas-causaron-destrozos-los-verdes-del-paraiso> (accessed October 3, 2017); “Los Verdes neighbors presented their complaints to the Venezuelan Attorney General” (Vecinos de Los Verdes presentaron sus denuncias ante la fiscal general venezolana), *NTN24*, June 22, 2017, <https://twitter.com/NTN24ve/status/877817185107714048> (accessed October 3, 2017); “Penal Forum offers assessment of raids in Los Verdes” (Foro Penal ofreció balance sobre allanamientos en Los Verdes), *El Informador Web*, June 21, 2017, <https://twitter.com/elinformadorweb/status/877724972105441280> (accessed October 3, 2017).

That evening, Interior and Justice Minister Néstor Reverol said on Twitter that 23 “terrorists” had been detained during the operation.¹⁴¹

In other instances, security forces are alleged to have fired indiscriminately into residential areas where protesters were active or presumed to live. In the city of Mérida, for instance, residential complexes near the areas of La Croacia, La Humboldt, and Cardenal Quintero were particularly affected. First aid volunteers who worked in those areas during the protests said that several individuals living in the residential complexes were affected by the teargas launched by security forces from the streets towards their homes.¹⁴² A young medical student living there, who also treated the patients, described how national guard personnel shot about 30 teargas canisters towards the **Cardenal Quintero residences** on May 27.¹⁴³

On May 30, residents of the **Parque Las Américas** apartment buildings complex in Mérida told Promedehum, a local human rights group, that several apartments, including some where the residents were at home, were set on fire when GNB personnel fired teargas canisters through the windows. The governor of Mérida state cited a firefighters’ report that said the cause of fire was “indeterminate,” according to Promedehum. Residents also said security forces fired shotgun shells modified with large glass marbles directly into the apartments. Other teargas canisters landed inside a pre-school in the area, Promedehum said. Although there were no children inside at the time, several staff members hid in the restrooms.¹⁴⁴

¹⁴¹ Tweet by Nestor Reverol, June 13, 2017, <https://twitter.com/NestorReverol/status/874816126018093060> (accessed October 9, 2017).

¹⁴² Human Rights Watch interview with first aid volunteers, August 11, 2017.

¹⁴³ Human Rights Watch interview with confidential source, August 11, 2017.

¹⁴⁴ Information and pictures provided to Human Rights Watch by Promedehum staff, who interviewed the residents.

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Human Rights Watch and the Penal Forum are deeply grateful to the victims and their family members who shared their testimonies with us. Human rights violations often inflict deep wounds on victims and their families, and recounting such stories can be painful. Many of the victims who spoke with us expressed the hope that, by telling their stories, they could help prevent others from suffering the same abuses.

Annex of Cases

1. **Ernesto Martín** (pseudonym) (34), Caracas. In April, DGCIM agents arrested Martín after he publicly criticized the government. He said officers handcuffed his hands and ankles, hanged him from the ceiling, and gave him electric shocks while they asked him about his links with the opposition. He reported also being subjected to beatings and threatened with death.¹⁴⁵
2. **Alejandro Pérez Castilla** (pseudonym) (32), Carabobo state. On July 26, GNB agents detained Pérez during a demonstration. He said they threw him inside an armored vehicle, where they beat him for hours, walked on his fingers, pressed his face towards one of the guards' genitals, and threatened to rape his daughter. While in detention, he said, agents rubbed teargas powder on his face and in his eyes, nose, and birdshot wounds (from shots received during the demonstration). Pérez Castilla explained that they beat him while he was hanging handcuffed by his hands from the cage of an air-conditioner and barely able to touch the floor. He said that they later forced him to sit handcuffed to a metal bench and used a stun gun on his calf. He said agents also detonated a teargas canister inside his small cell and then closed the door.¹⁴⁶
3. **Orlando Moreno** (26), Monagas state. On June 27, Monagas state police detained Moreno as he was leaving an opposition demonstration. He said that, while in detention, GNB agents hanged him from an elevated water tank with his feet barely touching the floor, and beat him repeatedly so he would film a video incriminating opposition leaders, including María Corina Machado, the head of the party he represented in Monagas, in financing the protests.¹⁴⁷
4. **Carlos Jordan** (pseudonym), Aragua state. On May 15, after PNB agents detained Jordan, an agent ordered him to take off his pants and penetrated him with a tube, Jordan later told a judge. While in detention, PNB officers beat him and other detainees with their rifle butts and helmets, forced them to inhale teargas residue, and made them dance sensually with each other while the officers laughed, a lawyer present at the hearing said.¹⁴⁸

¹⁴⁵ Human Rights Watch interview with Ernesto Martín, August 22, 2017, and October 17, 2017; Human Rights Watch interview with Martín's wife, June 7, 2017 and October 17, 2017.

¹⁴⁶ Human Rights Watch interview with Alejandro Pérez Castilla, August 16, 2017

¹⁴⁷ Human Rights Watch interview with Orlando Moreno, September 25, 2015; written summary of the case provided by José Armando Sosa, Monagas coordinator of the FP, September 2017.

¹⁴⁸ Human Rights Watch interview with Dimas Rivas, FP lawyer, September 20, 2017.

5. **Reny Elías** (35), Zulia state. On July 20, PNB agents arrested Elías at home without a warrant and beat him with shields and helmets while they dragged him out by pulling his hair, according to Elías. While in detention, he said, agents beat him with rifle butts and helmets, forced him to lie down on the floor while they walked on his back, and poured water and teargas powder on his face. He also said he witnessed another male detainee getting raped with a broomstick, and female detainees being sexually harassed.¹⁴⁹
6. **Diego Martínez** (pseudonym) (14), Mérida state. Martínez said that on June 13, a GNB motorcycle ran him over while he was running away from a protest in which he was participating, breaking his leg. Martínez told a local human rights organization that officers dragged him violently towards an armored vehicle, where he was beaten, kicked, hit with guns and a helmet, spat on, and threatened with death and with a birdshot shot to his face or a gas canister detonation over his head. He also claimed that an officer stood on his broken leg while they were inside the vehicle.¹⁵⁰
7. **Forty detentions near looted food company**, Carabobo state. On May 5, GNB personnel detained 40 people in separate incidents near a food company that had been looted a day earlier. Detainees were beaten, forced to eat raw pasta with excrement, and had teargas powder rubbed in their noses to force them to open their mouths to eat, according to testimony they provided in a judicial hearing, a lawyer present at the hearing said.¹⁵¹
8. **Jorge Jiménez** (pseudonym) (17), Mérida state. On June 20, Mérida state police agents detained Jiménez after he was caught in a confrontation when he was passing by a demonstration, according to a lawyer who provided legal defense in the case. The lawyer said that at CICPC headquarters, a police officer beat Jiménez in his stomach and on the head and shoulder, slapped him on the face, and beat his legs with a stick. An agent allegedly put a plastic bag over his head to coerce him into giving them names and addresses of other people who participated in demonstrations. The interrogation lasted more than 6 hours, the lawyer said.¹⁵²
9. **Wully Arteaga** (23), Caracas. Arteaga said that on July 27, GNB agents detained him when he was peacefully participating in a protest. Arteaga said that during his detention, officers beat him with a metal tube, set his hair on fire and then put it out by beating him with their helmets, and interrogated him apparently so he

¹⁴⁹ Human Rights Watch interview with Reny Elías, September 22, 2017.

¹⁵⁰ Testimony gathered by the Human Rights Clinic of the Universidad de Los Andes (DDHHULA); photos of wounds and radiography on file at Human Rights Watch.

¹⁵¹ Human Rights Watch interview with Luis Betancourt, FP lawyer, May 14, 2017.

¹⁵² Human Rights Watch interview with Fernando Cermeño, FP lawyer, September 22, 2017.

would incriminate opposition leaders. Arteaga said that he also witnessed a female detainee being sexually abused.¹⁵³

10. **Armando López Carrera** (pseudonym) (17), Carabobo state. López said that on July 20 GNB personnel arrested him and Rivera (below) during a confrontation between protestors and security forces. He said that during his detention, agents forced him to squat and walk while crouched. In addition, he said, they hit him with sticks, cut his hair, beat him, and forced him to do military training exercises and to bend over so he would have to stand on his feet and head without using his hands for about five minutes as a form of punishment. He said he was held in an overcrowded punishment cell for several days.¹⁵⁴
11. **Antonio Alonzo Rivera** (pseudonym) (16), Carabobo state. Rivera said that on July 20, GNB agents beat and arrested him and Carrera (above) during a demonstration. While detained, agents forced him to squat and walk in a crouched position, he said. Rivera also said that they hit him with sticks, cut his hair, beat him, forced him to do military training, and forced him to bend over so he would have to stand on his feet and head without using his hands for about five minutes as a form of punishment. He said they held him in an overcrowded punishment cell for several days.¹⁵⁵
12. **Andrés Salamanca** (pseudonym) (17), Carabobo state. Salamanca said that on July 20, GNB personnel detained him when he was on his way to play basketball. Agents shot buckshot at him while he was on the ground, beat him, and threatened to kill him, he said, and forced him to squat and walk while crouched. Salamanca also said that they hit him with sticks, cut his hair, beat him, forced him to do military training, forced him to bend over so he would have to stand on his feet and head without using his hands for about five minutes as a form of punishment. He said he was held in an overcrowded punishment cell alongside Carrera and Rivera (above) for several days.¹⁵⁶
13. **Lawrence Espósito** (pseudonym) (17) Carabobo state. On June 5, Espósito said, GNB officers detained him while he was filming a demonstration with his phone. They took him to an armored vehicle with other detainees, where agents beat them, threatened to rape them, sprayed pepper in their faces, shut the doors, and threw teargas inside, he said. Espósito also described how agents took them to a base and left them in an outdoor area, where they then let two Pitbull dogs and two

¹⁵³ Human Rights Watch interview with Wully Arteaga, September 16, 2017.

¹⁵⁴ Human Rights Watch interview with Armando López Carrera, August 16, 2017; court records on file at Human Rights Watch.

¹⁵⁵ Human Rights Watch interview with Antonio Alonzo Rivera, August 16, 2017; court records on file at Human Rights Watch.

¹⁵⁶ Human Rights Watch interview with Andrés Salamanca, August 16, 2017.

German shepherds out to attack them. He said he witnessed a GNB officer force one detainee to shoot another with birdshot and, when he refused, saw the agent shoot the detainee who had refused and put salt in the wounds.¹⁵⁷

14. **Manuel Rojas Villas** (pseudonym) (21), Táchira state. On July 30, Rojas said, five unidentified men kidnapped him after calling him a demonstrator, and punched him. The men drove Rojas to a polling station, he said, where a GNB commander ordered them to interrogate him. They did so, Rojas recalled, beating him to force him to record incriminating videos. Rojas explained he was left in a stress position, with his hands tied to his ankles behind him. Agents beat him while he was handcuffed to a chair. Throughout his four-day detention, authorities did not provide any information about Rojas' whereabouts to his relatives.¹⁵⁸
15. **David Romero** (pseudonym) (19), Lara state. Romero said GNB agents detained him on April 26 during confrontations between demonstrators and security forces. They captured and beat him with their rifle butts, he said. While in detention, he said, agents beat him repeatedly, including once on the head with a stone, and they detonated a teargas canister inside his cell every day.¹⁵⁹
16. **Emerson Ibarra** (24), Mérida state. While protesting on May 1, Ibarra said a PNB officer gave him a blow with his rifle to the face and detained him. While in detention, he said, agents repeatedly beat him. He said agents also detonated a teargas canister inside his cell with him and other detainees inside.¹⁶⁰
17. **Alberto Caramés** (pseudonym) (37), Mérida state. On July 26, PNB and GNB agents beat Caramés and broke his jaw when hitting him in the face with the butt of a gun while he was demonstrating, Caramés said. He explained that agents then took his shoes off, tied his hands with his sweater to an official motorcycle, and dragged him barefoot, burning his soles, for several meters. He said that he fainted from the pain and woke up in a clinic.¹⁶¹
18. **Gianni Scovani** (33), Anzoátegui state. On July 30, PNB and GNB officers brutally beat Scovani in a parking lot near an ongoing demonstration. The beating was caught on tape. GNB officers initially took him to a GNB base, where he was denied

¹⁵⁷ Human Rights Watch interview with Lawrence Esposito (pseudonym), August 16, 2017; Human Rights Watch interview with FP lawyer, August 16, 2017; Human Rights Watch interview with Maria Canteras (pseudonym), mother, August 16, 2017.

¹⁵⁸ Human Rights Watch interview with Manuel Rojas Villas, August 8, 2017; Human Rights Watch interview with FVP lawyer, August 8, 2017.

¹⁵⁹ Human Rights Watch interview with David Romero, August 14, 2017.

¹⁶⁰ Human Rights Watch interview with Emerson Ibarra, August 10, 2017.

¹⁶¹ Human Rights Watch interview with Alberto Caramés, August 12, 2017; images of wounds and radiographies on file at Human Rights Watch.

- access to his family, lawyers, and medical treatment, despite the injuries from the beatings and his Asperger condition, a lawyer involved in the case said.¹⁶²
19. **Luis Guillermo Espinoza** (16), Carabobo state. A witness reported that, on June 5, GNB members shot Espinoza in the head at close range after they arrested him during a demonstration. Espinoza died after several weeks in a coma, on August 13.¹⁶³
 20. **Hernán Sánchez** (pseudonym) (16), Mérida state. On July 5, the Mérida state police shot Sánchez at close range as he was walking down the street close to a demonstration, Sánchez said. Though he was visibly injured, agents then took him by motorcycle to a police station and beat him before letting him go. He said the pellets perforated his abdomen and ruptured his colon and that he spent a month in the hospital and had three surgeries, including a colostomy.¹⁶⁴
 21. **Armando Andrés Gonzalez** (24), Caracas. On June 5, a GNB officer hit González on the back of his neck, González said. González was working as a green cross volunteer providing transportation to injured protesters during a demonstration. González explained that he fell to the ground and that around 15 officers surrounded him, beating and kicking him repeatedly. As he was leaving, one of guards fired riot-control munitions directly at his leg at close range, he said.¹⁶⁵
 22. **Oscar Serrada** (22), Caracas. Serrada said that on May 18 a GNB officer shot him in the leg with modified ammunition containing glass marbles from less than 10 meters away, as he was running away.¹⁶⁶
 23. **Gonzalo Nuñez** (pseudonym) (15), Miranda state. On May 14, he was walking home from work and passed through a road where a demonstration was taking place when a GNB officer shot **Nuñez** in the foot while he was running away from the mayhem, a lawyer who provided legal defense in the case said. He added that while **Nuñez** was on the ground, a GNB officer shot him in the thigh; another agent shot again aiming at his face but he covered himself and was shot in the arm.¹⁶⁷

¹⁶² Human Rights Watch interview with Alfredo Romero, July 15, 2017; copy of the video of the beating on file at Human Rights Watch.

¹⁶³ Human Rights Watch interview with confidential witness, August 2017; and « Death of Luis Guillermo Espinoza, the teenager wounded in the head by the National Guard on June 5 in Carabobo », (Murió Luis Guillermo Espinoza, adolescente herido en la cabeza por la GNB el 5 de junio en Carabobo), *RunRun.Es* August 13, 2017, <http://runrun.es/nacional/321504/murio-luis-guillermo-espinoza-adolescente-herido-en-la-cabeza-por-la-gnb-el-5-de-junio-en-carabobo.html> (accessed October 26, 2017).

¹⁶⁴ Human Rights Watch interview with Hernán Sánchez (pseudonym), August 11, 2017; Human Rights Watch interview with Rosa Sánchez (pseudonym), mother of Hernán Sánchez (pseudonym), August 11, 2017.

¹⁶⁵ Human Rights Watch interview with Armando Andrés Gonzalez, August 18, 2017; video with images of the attack on file at Human Rights Watch.

¹⁶⁶ Human Rights Watch interview with Oscar Serrada, August 22, 2017; images of medical records on file at Human Rights Watch.

¹⁶⁷ Human Rights Watch interview with Alberto Iturbe, FP lawyer, September 20, 2017.

24. **Carlo Cutarelli**, Lara state. Cutarelli said that on April 6, GNB agents on motorcycles shot rubber bullets at him from close range as he was training for a marathon, close to a demonstration. He claims they brutally beat him and denied him medical attention and access to family and food during his detention.¹⁶⁸
25. **Gaetano Costa Ribas** (42), Lara state. Costa said that in June, GNB personnel stopped him at a checkpoint and beat him harshly after accusing him of being a leader of the “Resistance.” In another incident on July 20, Costa said that he was captured when trying to run away from PNB officers who had started to disperse a demonstration. He said that they beat him and shot buckshot at him at close range.¹⁶⁹
26. **Donner Rivas**, Bolivar state. Rivas said that on April 19, a GNB officer fired buckshot at him from close range while he was covering a demonstration as a journalist, and stole his camera. Rivas was detained days later by GNB personnel who recognized him on the street as the person who had filed a complaint accusing a GNB officer of stealing his camera, a lawyer present at his judicial hearing said.¹⁷⁰
27. **Francisco José Sánchez Ramírez** (22) and **Francisco Alejandro Sánchez Ramírez** (22), Caracas. On April 13, agents arrested the two brothers and accused them of participating in an attack on a building that belongs to the judiciary during an anti-government protest. At the offices of SEBIN, the agents beat them and threatened them with death so they would confess and incriminate themselves on camera, and the resulting video was later broadcast by the government, according to their father.¹⁷¹
28. **Carlos Sardi**, Carabobo state. Agents detained Sardi on May 6 while he was protesting. They beat him and forced him to wear a black hood, while individuals asked him about people who had allegedly been involved in the protests, according to a lawyer present at his initial hearing.¹⁷²
29. **Abraham Cantillo**, Lara state. Cantillo said that on July 20, members of *colectivos* mugged, threatened, and kidnapped him at gun point. He claimed that they later interrogated him, beat him, threatened to kill him and to rape his daughters, and hung him by the wrists. They repeatedly asked him about the whereabouts of Pedro

¹⁶⁸ Human Rights Watch interview with Carlo Cutarelli, August 15, 2017.

¹⁶⁹ Human Rights Watch interview with Gaetano Costa Ribas, August 14, 2017.

¹⁷⁰ Human Rights Watch interview with Ezequiel Monsalve, FP lawyer, September 20, 2017.

¹⁷¹ Testimony provided by José Sánchez, father, to the National Assembly, https://www.youtube.com/watch?v=a52P_N_1-4U (accessed October 16, 2017).

¹⁷² Human Rights Watch interview with Luis Betancourt, FP lawyer, May 14, 2017.

- Troconis, a Penal Forum lawyer in Lara state who was appointed to the Supreme Court by the opposition-led National Assembly, he said.¹⁷³
30. **Orlando Bermudez** (pseudonym), Caracas. On April 21, six armed men on motorcycles intercepted Bermudez while he was walking on the street, he said. Bermudez said that the men, whom he believed were members of *colectivos*, blindfolded him, took him to an unknown location, interrogated him, and forced him to record a video saying he had been paid by an opposition legislator to organize barricades.¹⁷⁴
 31. **Yoel Bellowin**, Monagas state. On April 19, GNB officers beat, threatened, and applied electric shocks to Bellowin so he would incriminate political leaders from the opposition, according to a lawyer who defended him.¹⁷⁵
 32. **UPEL students**, Aragua state. On July 2, PNB personnel entered the university, beat students, and took them away, according to lawyers who later defended the detainees. The lawyers say that according to the students, while inside an armored vehicle, an agent placed a female student's head close to his genitals, touched her breasts, and told her, "This is what you like." While in detention agents allegedly denied them food, beat them on the head, and insulted them. Four of the students reportedly got sick with malaria in prison, and did not receive adequate treatment.¹⁷⁶
 33. **María González (pseudonym)**, Miranda state. On May 17, GNB officers detained González while she was protesting, her lawyer said. GNB agents beat and threatened her, urinated on her, and blew some powder on her face which made her dizzy and pass out, a lawyer who has provided legal representation for her said. She claims having woken up with vaginal pain, and believes she was raped.¹⁷⁷
 34. **Nicolás Pérez Prieto** (26), Caracas. On May 29, Pérez was hit by a teargas canister that ricocheted off the ground while he was covering a demonstration as a photojournalist. He said a PNB officer grabbed him by the neck and pushed him. While on the ground, he said, agents repeatedly stepped on him until he passed out.¹⁷⁸
 35. **Carlos Julio Velasco** (18), Caracas. On June 12, GNB agents detained Velasco, a student and first aid volunteer, as he was walking in an area close to where a building that belongs to the judiciary had been set on fire by unknown individuals,

¹⁷³ Human Rights Watch interview with Abraham Cantillo, August 15, 2017 and October 18, 2017.

¹⁷⁴ Human Rights Watch interview with Orlando Bermudez, April 24, 2017.

¹⁷⁵ Written summary of the case provided by José Armando Sosa, Monagas coordinator of the FP, September 2017.

¹⁷⁶ Human Rights Watch interview with Dimas Rivas and Daniel Merchan, FP lawyers, September 20, 2017.

¹⁷⁷ Human Rights Watch interview with Alberto Iturbe, FP lawyer, September 20, 2017.

¹⁷⁸ Human Rights Watch interview with Nicolás Pérez Prieto, August 18, 2017.

- his relatives said. According to family members, agents hit him twice with a metal stick on his spine, which they said caused excruciating pain. A judge did not allow his release on humanitarian grounds, despite having medical problems and not having received adequate treatment while in detention.¹⁷⁹
36. **La Villa de Rosario detentions**, Zulia state. Sixteen people who had been detained in different circumstances in La Villa de Rosario were brought together before a military court, a lawyer present at the hearing said. The lawyer said that they alleged GNB personnel beat eight of them during their detention. They also reportedly alleged that officers also spread a white powder on their faces, which caused a burning sensation and made them cry.¹⁸⁰
 37. **Ambrosio Arragoza** (pseudonym) (33), Mérida state. On July 20, agents arrested Arragoza while he was walking down the street, and threw him inside an armored vehicle with other detainees, where they were beaten, his brother said. The GNB personnel then doused water on the detainees and sprayed teargas at them while in detention, according to the brother.¹⁸¹
 38. **Sebastian Lluviera** (pseudonym) (19), Mérida state. On July 26, police and intelligence agents arrested Lluveira when he was returning home from a party, beat him, blindfolded him, and threw him inside a SEBIN vehicle, Lluviera's mother said. According to the mother, agents beat him with shields, guns, and fists, and threatened to disappear him while driving him around and interrogating him.¹⁸²
 39. **Carlos Julio Rojas**, Caracas. On July 6, PNB agents detained Rojas, drove him around for hours, took him to a police station and placed him in a small punishment cell in the Ramo Verde military jail, where he spent 21 days without any natural light, he said.¹⁸³
 40. **Lina Espinoza** (pseudonym) (19), Lara state. Espinoza said that on May 4, *colectivos* detained her as she was getting into her car returning from a pharmacy, and took her to GNB headquarters. While in detention, she said she suffered from a severe diabetes crisis. She said that agents coerced her into signing a document stating that her human rights had not been violated in order to be released from detention to house arrest.¹⁸⁴

¹⁷⁹ Human Rights Watch interview with relatives of Velazco, August 20, 2017.

¹⁸⁰ Human Rights Watch interview with Laura Valbuena, FP lawyer, May 15, 2017.

¹⁸¹ Human Rights Watch interview with Roman Arragoza, sibling of Ambrosio Arragoza, August 10, 2017.

¹⁸² Human Rights Watch interview with Lluviera's mother, August 10, 2017.

¹⁸³ Human Rights Watch interview with Carlos Julio Rojas, September 12, 2017.

¹⁸⁴ Human Rights Watch interview with Lina Espinoza, August 15, 2017.

41. **Alfredo Santacruz** (pseudonym) (20), Caracas. On June 12, Santacruz's lawyer and grandmother explained, security force personnel detained him as he was taking notes about an ongoing protest. Santacruz's lawyer said he did not receive proper medical attention in detention, despite suffering from asthma and epilepsy. Although he had an epileptic attack during a judicial hearing, the lawyer said, the judge did not authorize his release from detention as a humanitarian measure.¹⁸⁵
42. **Juan José Prado, Wilfredo Mota, Kendall Acevedo, and Johan Moreno**, Aragua state. On April 19, armed groups shot at them and beat them before turning them over to Aragua state police officers, their lawyer said. He also reported that at the CICPC office they were held in very poor detention conditions, slept bent over or sitting, and were handcuffed to the cell's bars. Some had gastrointestinal illnesses and alleged that they received no medical treatment.¹⁸⁶
43. **Ángel Eduardo Meso Parra**, Carabobo state. On August 6, a GNB armored vehicle stopped Meso when he was walking home and arrested him, Meso Parra's lawyer said. The lawyer also said that a GNB officer kicked him, dislocating his shoulder, and hit him with an aluminum rod, which possibly fractured his left index finger. Meso Parra reported to his lawyer that agents threatened to rape him on multiple occasions.¹⁸⁷
44. **Luis Alberto Gamez Mora**, Carabobo state. On April 19, agents from the Guacara municipal police arrested Gamez outside of his home when his house was raided by the municipal police, his lawyer explained. Municipal police officers beat him, resulting in broken ribs and blood in his urine, according to the lawyer. Gamez reported to his lawyer that despite his serious injuries, he was not taken to a hospital.¹⁸⁸
45. **Eliecer Castro** (pseudonym) (22), **Sarah Palacios** (pseudonym) (43), **German Cortés** (pseudonym) (23), Mérida state. On July 20, GNB personnel arrested the three as they were passing near a demonstration, Castro's mother said. She explained that the detainees were beaten during their arrest, and kept in a small overcrowded punishment cell with a total of about 16 detainees in it, where they could not lie down at any time. She added that Palacios was kept handcuffed around the clock.¹⁸⁹

¹⁸⁵ Human Rights Watch interview with FP lawyer and Santacruz's grandmother, August 20, 2017.

¹⁸⁶ Human Rights Watch interview with Dimas Rivas, FP lawyer, September 20, 2017; written description of case provided by lawyer on file at Human Rights Watch.

¹⁸⁷ Human Rights Watch interview with FP lawyer, September 23, 2017.

¹⁸⁸ Ibid.

¹⁸⁹ Human Rights interview with Carmen Romero (mother of Castro, sister of Palacios, and aunt of Cortes), August 10, 2017.

46. **David Jose Vallenilla**, Caracas. On June 22, a military police sergeant shot and killed Vallenilla through the fence of an airbase in Caracas while he was protesting. The moment of the shooting was caught on tape. Vallenilla suffered wounds to the lungs and heart and the Attorney General's Office confirmed that he was shot.¹⁹⁰
47. **Juan Pablo Pernaletе** (20), Caracas. On April 26, a long-range teargas projectile struck Pernaletе in the chest and killed him while protesting. An investigation by the Attorney General's Office established that a GNB officer fired the fatal round.¹⁹¹
48. **Janeth Angulo** (56), Lara state. One of Angulo's relatives said her sister was killed on July 11 from a bullet that struck her in the head when GNB personnel moved to attack and dismantle a barricade outside her home. Neighbors could not immediately take her to see a doctor because shooting by security forces continued, they said.¹⁹²
49. **José Gregorio Pérez** (20), Táchira state. On June 15, Pérez' mother said, two people wearing ski masks—she thought they were in all likelihood *colectivos*—raced past him while he was waiting at a bus stop with a group of fellow students in an area that was frequently barricaded, and shot at them with a pistol. A bullet hit him in the head and killed him, she said.¹⁹³
50. **Neomar Lander** (17), Caracas. Lander was killed by teargas canister that hit him in the chest during a demonstration on June 7, according to his mother and information published by the Attorney General's Office.¹⁹⁴
51. **Carlos Rambrant** (pseudonym) (19), Lara state. Rambrant explained that a bullet hit him in the neck on June 29 and lodged itself in one of his cervical vertebrae while he was demonstrating. CICPC officers quickly appeared to question him when

¹⁹⁰ Human Rights Watch interview with medical professional, October 19, 2017; copy of the video on file at Human Rights Watch.

¹⁹¹ Human Rights Watch interview with Elvira Llovera, mother of Pernaletе, August 19, 2017; "Foreign Affairs Minister denounces responsibility of the media in actions that validate interventions" (Canciller denuncia responsabilidad de medios en configuraci6n de hechos que validan intervenciones), *Agencia Venezolana de Noticias*, April 29, 2017, <http://www.avn.info.ve/contenido/canciller-denuncia-responsabilidad-medios-configuraci6n-hechos-que-validan-intervenciones> (accessed October 4, 2017); "Attorney General's Office Publishes Pernaletе Case" (Ministerio P6blico public caso Pernaletе), YouTube video uploaded by El Foco Digital on May 27, 2017, <https://www.youtube.com/watch?v=inqAnMKjZZk> (accessed October 3, 2017); "La fiscal general de Venezuela confirma que el estudiante Juan Pernaletе muri6 por el impacto de una bomba lacrim6gena lanzada por la Guardia Nacional », BBC, <http://www.bbc.com/mundo/noticias-america-latina-40037960> (accessed October 10, 2017); Human Rights Watch interview with Andrea Santacruz, lawyer from the Human Rights Center at the Metropolitan University, August 19, 2017; "Tarek William Saab reopened Juan Pablo Pernaletе case" (Tarek William Saab reabrira caso de Juan Pablo Pernaletе), *El Nacional*, September 7, 2017, http://www.el-nacional.com/noticias/politica/tarek-william-saab-reabrira-caso-juan-pablo-pernalete_202639 (accessed October 2, 2017),

¹⁹² Human Rights Watch interview with Judith and Francia Angulo, Janeth's siblings, August 14, 2017.

¹⁹³ Human Rights Watch interview with Carmen Victoria P6rez, August 8, 2017.

¹⁹⁴ Human Rights Watch interview with Zugeirmar Armas, Neomar Lander's mother, October 6, 2017; information published by the Attorney General's Office and images of the day he was killed on file at Human Rights Watch.

- he arrived at the hospital, he said. For fear of his being arrested, the Rambrant family told the CICPC that he had been shot by a robber. When interviewed in August 2017, he was still suffering from temporary paralysis in his lower body and in severe pain.¹⁹⁵
52. **Luis Enrique Díaz Kay** (40), Lara state. Díaz said that on July 22 several GNB personnel seized him and punched him when he tried to prevent the arrest of a young man during an opposition demonstration he was covering as a press photographer. While on the ground, he said, some GNB officers held his legs while others beat and kicked him, fracturing two of his ribs. Díaz resisted and a guard gave him a strong chokehold that fractured two of his cerebral vertebrae, he said.¹⁹⁶
53. **Vladimir Galavis** (56), Caracas. Galavis said that on May 22, GNB personnel fired a water cannon directly at him as he walked away from the agents during an anti-government demonstration, knocking him to the ground. He said that a week later, in another demonstration, GNB personnel shot teargas canisters directly at demonstrators, and one hit him in the back. He and others sought refuge in a shopping mall, but GNB officers followed them. He witnessed GNB personnel using teargas inside the mall, he said, and beating people with batons and shields.¹⁹⁷
54. **Elyangelica González**, Caracas. González, a journalist, said that on March 31, more than 10 GNB members tried to stop her from covering a student anti-government protest outside the Supreme Court. She said agents beat her, dragged her for several meters, and pulled her hair. They also damaged her work equipment and cell phones, she said, and temporarily detained her before letting her go.¹⁹⁸
55. **Alberto Ramon** (pseudonym) (19), Mérida state. On July 26, PNB agents wounded Ramon with birdshot in his arm, shoulder, and eyebrow when they fired through the gate of his residence, Ramon's mother said.¹⁹⁹
56. **José Luis Barquez** (46), Mérida state. On June 1, agents riding motorcycles surrounded and stopped him near his home, Barquez said. He said an agent hit him with his rifle in the back of the head, said "this is one," and left. Barquez is a well-known opposition politician in Mérida.²⁰⁰

¹⁹⁵ Human Rights Watch interview with Carlos Rambrant, August 14, 2017.

¹⁹⁶ Human Rights Watch interview with Luis Enrique Díaz Kay, August 14, 2017.

¹⁹⁷ Human Rights Watch interview with Vladimir Galavis, August 17; images of the incident on file at Human Rights Watch.

¹⁹⁸ Testimony provided by Elyangelica González, available at: <https://www.youtube.com/watch?v=AztW8YZB4p8> (accessed October 16, 2017).

¹⁹⁹ Human Rights Watch interview with Monica Ramon (pseudonym), August 10, 2017

²⁰⁰ Human Rights Watch interview with José Luis Barquez, August 10, 2017.

57. **Francisco Peña** (pseudonym) (49), Táchira state. On July 30, Peña said, unidentified men thought to be *colectivos* shot at him and hit him after electoral material was stolen and local authorities accused him of being responsible. Later that day, he said, a homemade mortar was thrown into his home, he assumed by *colectivos*.²⁰¹
58. **Mildred Manrique**, Caracas. On May 24, GNB personnel shot teargas canisters directly at her and other journalists who were filming incidents during a protest, and one of them hit Manrique in the chest, Manrique said.²⁰²
59. **Wilmer Azuaje** (40), Barinas state. Azuaje, an opposition legislator, was detained by SEBIN agents on May 30, according to his family. The agents beat and kicked him before putting him on a military plane and forcibly taking him to Caracas, his family said. For weeks, his family did not receive any official confirmation of his whereabouts and he was unable to see them or his lawyers, his family said. Weeks later, the Supreme Court ordered Azuaje transferred from SEBIN headquarters to house arrest, but he remains in detention, now in a regular prison.²⁰³
60. **Roberto Picon** (55), Caracas. On June 22, SEBIN agents arrested Picon, a technical adviser for the opposition on electoral matters, without a warrant inside a private home where a meeting of the opposition had taken place, his family said. Picon was tried by a military court and charged with crimes including rebellion and treason, according to his family. According to his daughter, he was held in a bathroom for 17 days, denied access to lawyers or family for 57 days, and only allowed exposure to sunlight after 87 days. He remains in detention.²⁰⁴
61. **Carlos Graffe** (31), Carabobo state. On July 13, SEBIN agents detained and forced Graffe, an activist of an opposition party, into a car, days after he had vocally supported the opposition-led plebiscite opposing the Constituent Assembly vote, his family said. He was brought before a military judge in an improvised courtroom, to which neither his family nor lawyers had access. Graffe spent 3 months in detention at the Ramo Verde military jail. On October 13, he was taken to a military hospital, and in mid-November, he was transferred to house arrest. He remains subject to prosecution.²⁰⁵

²⁰¹ Human Rights Watch interview with Francisco Peña, August 8, 2017.

²⁰² Human Rights Watch interview with Mildred Manrique, May 26, 2017; images of the attack on file at Human Rights Watch.

²⁰³ Human Rights Watch interviews with family member of Wilmer Azuaje, May 2017; copies of photos and videos on file at Human Rights Watch.

²⁰⁴ Human Rights Watch interviews with Isabella Picon, daughter of Roberto Picon, June-September 2017; written updates sent by the Picon family to Human Rights Watch.

²⁰⁵ Human Rights Watch interview with Oswaldo Graffe, father of Carlos Graffe, July 17, 2017; and with Elsa Henriquez Amador and Betalia Bermejo, mother and friend respectively of Carlos Graffe, August 16, 2017.

62. **Ángel Zerpa** (57), Caracas. On July 22, SEBIN agents arrested Zerpa, who had been recently appointed by the opposition-led National Assembly to Venezuela's Supreme Court. Agents claimed they were ordered by President Maduro to arrest him, according to his family. They took him before a military court, where his lawyers were not allowed access, and charged him with treason. Zerpa was held for days at SEBIN headquarters in a dirty bathroom, his family said, until he went on a hunger strike and was then taken to the hospital. As of October, 2017 he was under house arrest.²⁰⁶
63. **Juan Carlos Marquina** (42), Vargas state. On September 25, at least 12 armed SEBIN agents wearing ski masks tried to burst into the formal opening of a children's soup kitchen in Vargas state, an event in which opposition legislator Juan Manuel Olivares was participating. Olivares said that SEBIN agents handcuffed and detained Marquina as they were leaving. Olivares and his family did not know Marquina's whereabouts until the evening of September 27, when he was brought before a judge. His lawyer was able to see him minutes before the hearing, in which Olivares was charged with having forged documents—authorities claimed the paperwork for his car had been altered prior to its purchase by Olivares' mother, Olivares said.²⁰⁷
64. **Gustavo Marcano**. On July 25, the Supreme Court sanctioned Marcano, then mayor of Lechería (Anzoátegui state), to 15 months in prison and disqualified him from running for office following a summary proceeding that lacked basic due process guarantees. He was accused of failing to comply with a previous Supreme Court ruling ordering him to clear obstructions in the roads. He fled the country.²⁰⁸
65. **Alfredo Ramos**. On July 28, the Supreme Court sanctioned Ramos, the mayor of Iribarren (Lara state), to 15 months in prison and disqualified him from running for office following a summary proceeding that lacked basic due process guarantees. He was accused of failing to comply with a previous Supreme Court ruling ordering him to clear obstructions in the roads. That day, SEBIN agents detained Ramos, who remains in SEBIN custody. His family said that he had a hypertension crisis and no access to adequate medical care while in detention.²⁰⁹

²⁰⁶ Human Rights Watch interview with Zerpa's family members, August 16, 2017.

²⁰⁷ Human Rights Watch interview with José Manuel Olivares, September 28, 2017.

²⁰⁸ Human Rights Watch interview with Gustavo Marcano, November 2, 2017; Supreme Court ruling on file at Human Rights Watch.

²⁰⁹ Human Rights Watch interview with Carmen and Natasha Ramos, wife and daughter of Alfredo Ramos, September 7, 2017; Supreme Court ruling on file at Human Rights Watch.

66. **Carlos García.** On August 2, the Supreme Court sanctioned García, then mayor of Libertador (Mérida state), to 15 months in prison and disqualified him from running for office following a summary proceeding that lacked basic due process guarantees. He was accused of failing to comply with a previous Supreme Court ruling ordering him to clear obstructions in the roads. He fled the country.²¹⁰
67. **Ramon Muchacho.** On August 8, the Supreme Court sanctioned Muchacho, then mayor of Chacao (Miranda state), to 15 months in prison and disqualified him from running for office following summary proceedings that lacked basic due process guarantees. He was accused of failing to comply with a previous Supreme Court ruling ordering him to clear obstructions in the roads. He fled the country.²¹¹
68. **David Smolansky.** On August 9, the Supreme Court sanctioned Smolansky, then Mayor of El Hatillo (Miranda state), to 15 months in prison and disqualified him from running for office following a summary proceeding that lacked basic due process guarantees. He was accused of failing to comply with a previous Supreme Court ruling ordering him to clear obstructions in the roads. He fled the country.²¹²
69. **Omar Lares.** Mayor of Campo Elías (Mérida state). On July 30, Lares said, dozens of GNB, PNB, and SEBIN agents, as well as members of *colectivos*, burst into his home looking for him. Lares is subject to a Supreme Court injunction that may lead to a sanction similar to the ones listed above against other opposition mayors. The mayor and the rest of his family were able to escape, but Juan Pedro Lares Rangel, his 23-year-old son, was taken into custody and was still in detention as of November 2017.²¹³
70. **Juan Pedro Lares Rangel (23),** Mérida state. On July 30, armed men broke into the family home looking for Juan Pedro's father (above case), and raided it without a warrant. They detained Lares, threatened to spray him with gasoline and set him on fire, and hit him in the neck with a firearm, a witness said. The officers also stole property from their home, according to a family employee who was there. As of November 2017, Juan Pedro Lares remained in detention without having been brought before a judge or charged with the commission of any crime, according to his parents.²¹⁴

²¹⁰ Supreme Court ruling on file at Human Rights Watch.

²¹¹ Human Rights Watch interview with Ramón Muchacho, September 16, 2017; Supreme Court ruling on file at Human Rights Watch.

²¹² Human Rights Watch interview with David Smolansky, September 6, 2017; Supreme Court ruling on file at Human Rights Watch.

²¹³ Human Rights Watch interview with Omar Lares, August 6, 2017.

²¹⁴ Human Rights Watch interview with Omar Lares, August 6, 2017; Human Rights Watch interview with Ramona Rangel, September 12, 2017; audio with taped testimony of witness on file at Human Rights Watch.

71. **Martín González** (pseudonym), Caracas. In May 2017, PNB officers detained González on the street as he was leaving a demonstration. They beat him and arbitrarily detained him for several hours.²¹⁵
72. **Sergio Contreras**, Caracas. On May 10, PNB officers allegedly beat and detained Contreras while he was protesting. He was brought before a military tribunal and charged with rebellion, treason, and stealing military material, according to a lawyer present at the hearing.²¹⁶
73. **UCAB Puerto Ordaz**, Bolivar state. On June 1, GNB members illegally entered the Andrés Bello Catholic University (UCAB) campus in Puerto Ordaz, Guayana, and detained **Nelson Nava**, a student, according to the university.²¹⁷ Outside campus, they detained **Marcos Valverde**, a journalist and university professor who tried to mediate with the officers. Both were taken to GNB headquarters. Valverde was released after several hours, while Nava was charged with public incitement to commit crimes, and released on conditional liberty.²¹⁸
74. **Simon Bolivar University**, Caracas. On June 29, PNB officers detained at least 15 students at the Simon Bolivar University when they were participating in an anti-government protest. After the case garnered great attention in Venezuela, the students were brought before a judge—the prosecutor did not bring any charges and the judge released them, a lawyer who participated in their defense said.²¹⁹
75. **Lisbeth Añez** (51), Caracas. An activist known for providing food and support to political prisoners, Añez was arrested by DGCIM agents at the Caracas airport as she was boarding a flight on May 11. She was brought before a military court, and charged with rebellion and treason, based on evidence that included alleged WhatsApp messages between Añez and a young man who had been detained days earlier.²²⁰

²¹⁵ Human Rights Watch witnessed the detention and corroborated information regarding his arrest; video of the arrest on file at Human Rights Watch.

²¹⁶ Human Rights Watch interview with Alfredo Romero, FP director, May 14, 2017.

²¹⁷ “In light of the violation of Guayana University Campus” (Ante violación del recinto universitario de su sede de Guayana), UCAB press release, May 16, 2017, <http://guayanaweb.ucab.edu.ve/noticias-reader-guayana-actual/items/comunicado-ante-violacion-del-recinto-universitario.html> (accessed November 14, 2017).

²¹⁸ “Two UCAB students, free at last!” (Dos Ucabistas, al fin libres!), *Elucabista.com*, n.d., <http://elucabista.com/2017/05/19/liberados-dos-ucabistas-guayana-caracas/> (accessed November 14, 2017); “Marcos Valverde, detained professor of UCAB Guayana, speaks” (Habla Marcos Valverde, profesor detenido en UCAB Guayana), *Elucabisa.com*, n.d. <http://elucabista.com/2017/05/19/habla-marcos-valverde-profesor-detenido-ucab-guayana/> (accessed November 14, 2017).

²¹⁹ Tweet by Alfredo Romero, FP director, July 2, 2017, <https://twitter.com/alfredoromero/status/881611049136476160> (accessed November 14, 2017); “Unequally repressed: Why USB students walk while UPEL kids rot in jail,” *Caracas Chronicles*, July 4, 2017, <https://www.caracaschronicles.com/2017/07/04/unequally-repressed-why-usb-students-walk-while-upel-kids-rot-in-jail/> (accessed November 14, 2017);.

76. **Oriente University**, Sucre state. According to university officials, on June 22, *colectivos* and PNB, GNB, and state police officers entered the campus, destroyed classrooms, and detained seven students.²²¹
77. **Manuel Rocas** (pseudonym) (19), Mérida state. On July 20, Rocas' mother said, her son was surrounded by GNB personnel on motorcycles wearing balaclavas when jogging in the street with a friend. The agents arbitrarily arrested him, hit him, and spat on him, before driving him away. She said they placed Rocas in a cell with 18 other people and charged him with instigation to commit crimes. Though his lawyer has filed the paperwork for his release on bail, he continued to be detained at time of writing.²²²
78. **Rafael Cuevas** (40), Mérida state. On June 26, Cuevas said, PNB and GNB agents stopped him during a demonstration and grabbed him by the testicles to force him onto an official vehicle, where he was beaten and insulted.²²³
79. **Marthe Arllentina Calles** (62), Lara state. On June 9, Arllentina said, GNB personnel arbitrarily arrested her while she was resting on a small wall close to a demonstration. GNB officers put her in a truck and took her to a GNB base, she said, where she spent two nights in detention. She was released for humanitarian reasons.²²⁴
80. **Carlos “Pancho” Ramírez** (27), Mérida state. On May 15, Ramírez' lawyer said, GNB members arrested him and took him to a military court where he was accused of rebellion. He was imprisoned with convicted prisoners, the lawyer said, and did not have access to his lawyer or family during his initial detention.²²⁵
81. **Carlos David Briceño “Apio”**, (30), Mérida state. On June 5, Briceño's lawyer said, Mérida state police officers arrested Briceño when he was taking photos of a demonstration for a local newspaper. Briceño was taken to a military court, where he was charged with insulting and attacking soldiers. His lawyers only managed to see him at trial.²²⁶
82. **Alberto Brito and Maribel Ilaraza**, Caracas. Members of *colectivos* separately detained Brito and Ilaraza on April 13 and handed them over to the GNB, their

²²⁰ Human Rights Watch interview with Alfredo Romero, FP director, May 14, 2017; Human Rights Watch interview with Luis González Añez, son of Lisbeth Anez, September 5, 2017.

²²¹ “Press release: Stop violations to university campus [autonomy]” (Comunicado: Ya basta de tanta violación al recinto universitario), University del Oriente press release, n.d., <http://www.bolivar.udo.edu.ve/index.php/component/flexicontent/36-noticias/899-comunicado-decanato-del-nucleo-de-sucre> (accessed November 14, 2017).

²²² Human Rights Watch interview with Lucy Rocas (pseudonym), August 10, 2017.

²²³ Human Rights Watch interview with Rafael Cuevas, August 10, 2017.

²²⁴ Human Rights Watch interview with Marthe Arllentina Calles, August 14, 2017.

²²⁵ Human Rights Watch interview with Francisco Pereira, lawyer, August 12, 2017.

²²⁶ *Ibid.*

- lawyer said. A judge charged them with “instigation to commit crimes” and “holding incendiary substances” during anti-government demonstrations. Though they submitted documentation required for their conditional release, the court has failed to process the documents, she said. They remain in detention.²²⁷
83. **Daniela Zambrano**, Caracas. A journalist, Zambrano said she was detained on June 15 with two cameramen while they were leaving a demonstration they had been covering against President Maduro’s proposal to establish a Constituent Assembly. An official working for the subway system detained Zambrano, told her she did not have authorization to cover the protest, and forbade her and the cameramen from leaving until SEBIN agents arrived, she said. The intelligence agents asked her for her name, ID number, cellphone number, and Twitter account, and held her for almost two hours. She was only released after the crew erased the footage they had taped.²²⁸
84. **Laura Vildemar** (pseudonym) (37), and son, **Sampson Cristian Vildemar** (pseudonym) (18), Lara state. According to a relative, on July 24 CONAS agents detained Sampson at a barricade. When his mother tried to stop them, she was detained as well. Both were taken to a CONAS base, the relative said, where they claim they were framed with planted evidence. The two were initially presented before a military court. The case was subsequently transferred to civilian court, where they were charged with blocking public roads and holding incendiary weapons. They remained in detention at time of writing.²²⁹
85. **William Guedez (26)**, Miranda state. According to a lawyer who provided legal defense in the case, GNB officers detained Guedez while he was walking on a street where protests were taking place on April 14. While in detention, agents repeatedly beat him, including in the face, and broke some blood vessels in his eye, the lawyer said.²³⁰
86. **Anthony Ortiz (19)**, Miranda state. A lawyer who provided legal defense in the case said that on April 12, GNB members detained Ortiz while he was walking through an area where protests were taking place. They repeatedly beat him while in detention, injuring his knee to a point where he had trouble standing, the lawyer said.²³¹

²²⁷ Human Rights Watch interview with Brito’s mother, Marina Siomara Morey, and Brito’s girlfriend, Obelin Cabrera, August 21, 2017; Human Rights Watch interview with FP lawyer, August 21, 2017.

²²⁸ Human Rights Watch interview with Daniela Zambrano, June 17, 2017.

²²⁹ Human Rights Watch interview with Fernando Verdes (pseudonym), August 15, 2017.

²³⁰ Human Rights Watch interview with Alberto Iturbe, FP lawyer, September 20, 2017.

²³¹ Human Rights Watch interview with Alberto Iturbe, FP lawyer, September 20, 2017.

87. **Edgar Enrique Mujica Jiménez**, Carabobo state. On May 3, municipal police officers beat Mujica and arrested him when he tried to stop them from arresting members of his family, lawyers from the Penal Forum said. Mujica was charged with offenses, including instigating the commission of crimes. He spent a week in detention.²³²
88. **Nicolás Arvelo** (pseudonym), 26, Caracas. SEBIN agents detained Arvelo when he was having dinner at a restaurant and drove him to SEBIN headquarters where, according to his family, agents severely beat him to force him to confess on video to involvement in violent incidents related to anti-government protests. He remained in detention at time of writing.²³³

²³² Human Rights Watch interview with FP lawyer, September 23, 2017.

²³³ Human Rights Watch interview with several family members, October 14-15, 2017, and with Alfredo Romero, FP director, October 17, 2017.

Annex: Letter to the Venezuelan Government

Jorge Arreaza
Minister of Foreign Affairs
Caracas, Venezuela

New York, October 23, 2017

Mr. Arreaza,

I am writing on behalf of Human Rights Watch to request information from the Venezuelan government regarding investigations into abuses committed in the context of anti-government protests in 2017.

In early April 2017, Human Rights Watch launched a “Venezuela’s Crisis” blog to provide timely and reliable information of what happened in the country.²³⁴ We found evidence of very serious abuses, including excessive use of force in the streets against demonstrators and bystanders, arbitrary arrests and abuses against detainees, as well as arbitrary prosecutions, including hundreds of cases of civilians who were prosecuted in military courts, in violation of both Venezuelan and international law.

Similarly, our findings are consistent with those of the United Nations’ Office of the High Commissioner for Human Rights (OHCHR), which reported in August 2017, “the existence of a policy to repress political dissent and instill fear in the population to curb demonstrations.” The OHCHR claimed that its research “paint[ed] a picture of widespread and systematic use of excessive force and arbitrary detentions against demonstrators in Venezuela,” as well as “patterns of other human rights violations, including violent house raids, torture and ill-treatment of those detained in connection with the protests.”²³⁵

²³⁴ The “Venezuela’s Crisis” blog is available at: <https://www.hrw.org/blog-feed/venezuelas-crisis>.

²³⁵ Office of the High Commissioner for Human Rights (OHCHR), “UN human rights team’s findings indicate patterns of rights violations amid mass protests in Venezuela,” August 8, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21948&LangID=E> (accessed October 3, 2017).

We are currently preparing a report with all our findings, including but not limited to those already published in the blog. We are writing to seek your input for such publication. For that purpose, we would appreciate if you could provide us with the following information:

1. What is the status of ongoing judicial and administrative investigations of members of the Bolivarian National Guard, the Bolivarian National Police, the Bolivarian National Intelligence Services, the General Direction of Military Counterintelligence, the Anti-extortion and Kidnapping National Commando, the Scientific, Penal, and Criminal Investigative Police, and state police forces implicated in human rights violations committed in 2017? Specifically:
 - a. How many investigations have been opened in cases of human rights abuses?
 - i. How many of these investigations are related to killings that occurred during anti-government protests between April and July 2017?
 - ii. How many of these investigations are related to serious injuries that occurred during anti-government protests between April and July 2017?
 - iii. How many of these investigations are related to arbitrary arrests and prosecutions?
 - b. How many officers have been charged with crimes in cases in which they have allegedly committed abuses? Please specify to which force the officers belonged and their rank.
 - c. How many officers are in detention for their alleged participation in abuses? Please specify to which force the officers belonged and their rank.
 - d. Is there any investigation open, and has any officer been charged or detained for allegations of torture? Please specify to which force the officers belonged and their rank.
 - e. In how many investigations have civilians who belong to armed pro-government groups called *colectivos* been implicated?
 - i. How many members of *colectivos* have been charged with crimes in cases in which they have allegedly committed abuses?
 - ii. How many members of *colectivos* are in detention for their alleged participation in abuses?
 - iii. Is there any investigation open, and has any member of a “colectivo” been charged or detained, for allegations of torture?
2. How many civilians have been prosecuted by military courts?

- a. How many were charged with “rebellion” or “treason” for acts allegedly committed during anti-government protests or linked to them?
 - b. How many remain subject to military prosecutions?
 - c. How many are in detention based on these prosecutions?
3. How many civilians are currently being held in installations of the Bolivarian National Intelligence Services, of the Bolivarian National Guard, of the General Direction of Military Counterintelligence, and in military prisons nation-wide?
 4. How many detainees have a judicial order for their unconditional release? How many have a judicial order for their release on bail?
 5. Please provide any specific or additional information you deem pertinent regarding the cases published in the “Venezuela’s Crisis” blog.

In August, the government claimed that 10 security-force officers died in the context of the demonstrations. It reported several instances of violence against government supporters, including two cases in which the victims were allegedly set on fire and one in which a retired military officer was lynched.²³⁶ We would also be interested in obtaining updated official information regarding allegations of violent acts committed against security forces or government supporters, supposedly committed by anti-government protesters or opposition supporters, as well as information of ongoing investigations into these incidents and their results.

To be able to include this information in our publication, we would kindly request that you respond to this letter (with all or part of the information requested) by November 6, 2017.

Thank you,

Joe Saunders
Deputy Program Director
Human Rights Watch

²³⁶ Venezuelan Communications Ministry, “Fatal victims of political violence in Venezuela April-August 2017” (Víctimas fatales de la violencia política en Venezuela abril-agosto 2017), August 4, 2017, <http://minci.gob.ve/wp-content/uploads/2017/08/Investigaci%C3%B3n-Period%C3%ADstica-V%C3%ADctimas-Fatales-de-la-Violencia-Pol%C3%ADtica-ABRIL-AGOSTO-2017-Actualizado-04-08-17.pdf> (accessed October 3, 2017).

CRACKDOWN ON DISSENT

Brutality, Torture, and Political Persecution in Venezuela

In April 2017, tens of thousands of people took to the streets in Venezuela in response to the government-controlled Supreme Court's attempt to usurp the powers of the country's legislative branch. The protests quickly spread throughout the country and continued for months, fueled by widespread discontent with the government's authoritarian practices and the humanitarian crisis that has devastated the country under President Nicolás Maduro's watch.

The government responded with widespread and systematic violence against anti-government protesters and detainees, as well as systematic denial of detainees' due process rights. While it was not the first crackdown on dissent under Maduro, the scope and severity of the repression in 2017 reached levels unseen in Venezuela in recent memory.

Crackdown on Dissent documents 88 cases of abuse involving at least 314 victims committed by different security forces in multiple locations, including in closed environments like military installations, between April and September 2017. The cases include instances of excessive force on the streets; arbitrary detention, including of individuals pulled from their homes or arrested in incidents unrelated to the demonstrations; and physical abuse of detainees ranging from severe beatings to torture involving electric shocks, asphyxiation, and other techniques.

There is no indication that Venezuelan high-level officials—including those who knew or should have known about the abuses—have taken any steps to prevent and punish violations.

Governments around the world have spoken out about the crackdown on peaceful expression and protest in Venezuela. It is urgent that they redouble multilateral pressure on the Venezuelan government to release people arbitrarily detained, drop politically-motivated prosecutions, and hold accountable those responsible for abuses.



A protestor is arrested by the National Guard during an anti-government demonstration in Caracas on July 27, 2017.

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