

# Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017



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Cover photo: An opposition protestor, draped in a flag, stands in front of military police in Caracas, 31 May 2017.

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Bolivarian Republic of Venezuela  
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Report by the Office of the United Nations  
High Commissioner for Human Rights



## Executive summary

On 6 June 2017, the Office of the United Nations High Commissioner for Human Rights (OHCHR) established a team to document and report on human rights violations in the context of mass protests in the Bolivarian Republic of Venezuela between 1 April and 31 July 2017. In the absence of authorization from the Government to enter the country, the OHCHR team conducted remote monitoring activities in the region that included 135 interviews with victims and their families, witnesses, representatives of non-governmental organizations (NGOs), journalists, lawyers, doctors, first responders and the Attorney-General's Office. OHCHR received written information from the Ombudsperson's Office and the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations in Geneva.

OHCHR's findings detailed in this report point to an increasingly critical human rights situation since the protests began, with mounting levels of repression of political dissent by national security forces, and increasing stigmatization and persecution of people perceived as opposing the Government of President Maduro. OHCHR documented extensive violations of human rights by national authorities in the context of country-wide demonstrations aimed at curbing any type of anti-government protests. OHCHR found that security forces systematically used excessive force and arbitrarily detained protesters. Patterns of ill-treatment, in some cases amounting to torture, and serious violations of due process rights of persons detained in connection with the protests by Venezuelan authorities were also documented.

Credible and consistent accounts of victims and witnesses indicate that security forces systematically used excessive force to deter demonstrations, crush dissent and instil fear. The Bolivarian National Police (PNB) and the Bolivarian National Guard (GNB), which is part of the armed forces, used tear gas and other less lethal weapons, such as water cannons and plastic pellets, during demonstrations without prior warning, in a non-progressive manner, and in violation of the international legal principles of necessity and proportionality. Less lethal weapons were also used systematically in a manner intended to cause unnecessary harm, for example security forces shot tear gas grenades directly at demonstrators at short range and manipulated ammunition to make them more harmful. OHCHR also documented the use of lethal force against protestors by security forces. Authorities rarely condemned incidents of excessive use of force, in most cases denied security forces were responsible for such incidents, and repeatedly labelled demonstrators as "terrorists."

As of 31 July, the Attorney-General's Office was investigating 124 deaths in the context of demonstrations. OHCHR found that security forces (mainly the GNB) were allegedly responsible for at least 46 of these killings. According to the government, nine security officers were also killed in the context of demonstrations.

No official data on the number of detentions connected to the protests is publicly available. According to NGO sources, 5,051 individuals, including 410 children, were arbitrarily detained between 1 April and 31 July, with more than 1,300 persons still in detention as of 31 July. OHCHR found that some detentions may have constituted enforced disappearances, as the authorities refused to acknowledge, for an initial period of time, the fate or whereabouts of the detainees.

Security forces regularly used excessive force at the moment of arrest and in a majority of detention cases documented by OHCHR. Detainees were often subjected to cruel, inhuman or degrading treatment or punishment and, in several cases documented, the ill-treatment amounted to torture. Treatment included the use of electric shocks, severe beatings, stress positions, suffocation, and threats of sexual violence and death, and intended to punish,

humiliate and terrorize the detainees, as well as to extract confessions and information about alleged anti-government activities.

OHCHR identified a pattern of serious violations of due process in the cases of detention documented, including lack of arrest warrants, *incommunicado* detention, lack of access to legal counsel, and breaches of the principle of presumption of innocence. Over 600 civilians detained in the context of the demonstrations were subjected to military jurisdiction, and charged with military offences, in violation of fair trial guarantees under international human rights law.

OHCHR documented a pattern of violent and illegal house raids throughout the country. The raids usually involved intentional and unnecessary destruction of private property. The violent way the raids were conducted suggests that security forces intended to instil fear within communities and deter them from further protests.

Authorities systematically violated the right of peaceful assembly, mainly by repressing protests, criminalizing individuals who exercise this right and by imposing undue restrictions on this right.

OHCHR received consistent accounts from journalists and media workers that security forces targeted them including by shooting buckshot and tear gas grenades directly at them, detaining them and stealing their equipment, to prevent them from covering demonstrations.

OHCHR also received numerous accounts about the activities of pro-Government armed groups (armed *colectivos*) in the context of protests. According to these accounts, armed *colectivos* routinely broke into protests riding motorcycles and carrying firearms. They harassed, attacked and shot at demonstrators, media workers and by-standers. They also arrested demonstrators and participated in violent house raids. Witnesses and sources reported how these groups had been operating with the acquiescence of, and sometimes in coordination with, security forces and local authorities. According to OHCHR estimates, armed *colectivos* are allegedly responsible for at least 27 killings during recent demonstrations.

Loosely organised groups of anti-Government protestors have resorted to violent means, in some cases targeting security forces, vehicles and government offices. At least four people were allegedly killed by anti-government groups or individuals.

The worsening human rights situation described in this report is taking place within a wider severe economic and social crisis in the country and an increasingly unstable and polarized national political situation. At the end of the report, OHCHR offers recommendations to State authorities aimed at preventing further violence and human rights violations and in support of political dialogue, and urges the Venezuelan authorities to implement them without delay.

OHCHR continues to request full and unfettered access to the Bolivarian Republic of Venezuela to assess the human rights situation in the country and stands ready to engage in dialogue with the Venezuelan government, including on technical cooperation.

## Acronyms

ADI	Integrated Defence Areas
CICPC	Bureau for Scientific, Criminal, and Forensic Investigations
CGR	National Comptroller's Office
CNE	National Electoral Council
CONATEL	National Telecommunication Commission
CONAS	National Anti-Extortion and Kidnapping Command
DGCIM	Directorate General of Military Counterintelligence
GNB	Bolivarian National Guard
MERCOSUR	Southern Common Market
MUD	Democratic Unity Roundtable
NGO	Non-Governmental Organization
OAS	Organisation of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
PNB	Bolivarian National Police
PSUV	United Socialist Party of Venezuela
REDI	Integrated Defence Strategic Regions
SCJ	Supreme Court of Justice
SEBIN	Bolivarian National Intelligence Service
SNTP	National Press Workers Union
ZODI	Integrated Operational Defence Zones

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## I. Introduction and methodology

In a letter dated 1 May 2017, the High Commissioner for Human Rights asked the Government of the Bolivarian Republic of Venezuela to grant OHCHR access to the country to assess the human rights situation, consolidate working relationships with government and human rights counterparts, and explore conditions for technical cooperation.

In the absence of a response, on 9 June the High Commissioner informed the Venezuelan authorities that his Office had set up a team to monitor the human rights situation in the country with the view to producing a report.

On 28 June and 5 July, OHCHR transmitted requests for information and meetings to the Venezuelan authorities through Venezuelan government interlocutors in Geneva. On 10 July, the Government informed OHCHR that such requests had been delivered and that a reply was expected. At the time of writing this report, OHCHR had not received a reply to its request for access to the country. It received information from the Permanent Mission of the Bolivarian Republic of Venezuela, a written response from the Ombudsperson's Office and conducted a remote meeting with a senior representative of the Attorney-General's Office.

The present report focuses on human rights violations and abuses in relation to demonstrations in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017. The report is produced further to the High Commissioner's mandate under United Nations General Assembly resolution 48/141.

OHCHR undertook monitoring activities largely through remote contacts with victims, witnesses and other sources in the Bolivarian Republic of Venezuela and, to a lesser extent, in third countries. The team conducted remote interviews using internet-based technologies and face-to-face meetings in Panama and facilitated the travel of some sources from the Bolivarian Republic of Venezuela. The team took all possible measures to protect the confidentiality of sources and to avoid exposing them to the risk of reprisals.

The team held 135 interviews and meetings with a broad range of sources (47 women, 88 men) from different parts of the Bolivarian Republic of Venezuela and from a variety of backgrounds. These included victims and their families, witnesses, civil society organisations, journalists, lawyers, doctors and first responders. The team examined large numbers of documents on the incidents it monitored, including official information, reports, videos, photos, media and social media material. In line with OHCHR methodology on human rights monitoring, the team exercised due diligence to assess the credibility and reliability of sources and cross-checked the information it gathered to confirm its validity. OHCHR used the same methodology to corroborate the patterns of violations and abuses described in this report. Wherever possible, findings are based on the primary accounts of victims and/or witnesses of the incident.

This report quotes figures provided by State authorities, international organisations and civil society organisations. In particular, the report uses figures of incidents documented by NGOs on the ground that OHCHR assessed as reliable. Such data conveys the volume of violations whose nature OHCHR corroborated with first-hand information.



Despite the challenges due to lack of access to the country and authorities, and the protection risks faced by sources, the OHCHR team was able to gather, analyse and verify a substantial body of information allowing OHCHR to conclude it has reasonable grounds to believe the findings in the report occurred as described.

## II. Context

*“Why did he protest? The scarcity of food for one. He and his brother woke up at 3 a.m. to stand in line and buy food. He saw that other people’s situations were even worse.”*

Father of a young man killed in May 2017  
during protests in Caracas<sup>1</sup>

### ***Erosion of economic and social rights and insecurity***

The protests that erupted in the Bolivarian Republic of Venezuela in early April 2017, as an immediate reaction to the Supreme Court of Justice’s rulings of 27 and 29 March, are deeply rooted in the deteriorating socio-economic and political situation in the country.

Starting in 2014, the Bolivarian Republic of Venezuela has experienced an aggravation in the economic crisis derived from the drop in the international price of oil and other factors such as currency and price controls, lack of investment in infrastructure and in the production system, and the heavy dependency on oil revenues to import basic goods. The deteriorating economic situation has caused hyperinflation and severe food, medicine and electricity shortages, which, combined with a drastic reduction of the Government’s budget for social services,<sup>2</sup> has led to a regression in the enjoyment of social and economic rights. The International Monetary Fund calculated a decrease of 18 per cent in real GDP in 2016 and inflation in three digits in 2017.<sup>3</sup> According to an independent survey by Venezuelan universities, poverty increased in the country from 48 per cent in 2014 to 81.8 per cent in 2016<sup>4</sup>. A February 2017 study found that 48 per cent of children experienced some level of malnutrition,<sup>5</sup> while another survey reported that 74 per cent of Venezuelans lost an average of 8.7 kilos in 2016.<sup>6</sup> According to estimates, the price of the basic food basket increased by 296.7 per cent between July 2016 and July 2017. In July 2017, a family of five would have needed to earn 14 minimum salaries to be able to purchase the food basket.<sup>7</sup>

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<sup>1</sup> Interviewed by OHCHR, 4 July 2017.

<sup>2</sup> Transparencia Venezuela, “Análisis del Presupuesto Nacional 2017”, February 2017, available at <https://transparencia.org.ve/project/analisis-del-presupuesto-nacional-2017/>.

<sup>3</sup> International Monetary Fund, *World Economic Outlook*, April 2017, available at <http://www.imf.org/en/Publications/WEO/Issues/2017/04/04/world-economic-outlook-april-2017>.

<sup>4</sup> Fundación Bengoa para la Alimentación y Nutrición, “Encuesta sobre Condiciones de Vida Venezuela 2016 (ENCOVI)”, available at <http://www.fundacionbengoa.org/noticias/2017/encovi-2016.asp>). In 2015, the World Bank estimated at 33 per cent the population living below the national poverty line (<http://data.worldbank.org/indicator/SI.POV.NAHC?end=2015&locations=VE&start=2009>).

<sup>5</sup> Caritas Venezuela, “Línea Basal del Monitoreo Centinela de la Situación Nutricional en Niñas y Niños Menores de 5 años”, January 2017, available at <http://caritasvenezuela.org.ve/wp/wp-content/uploads/L%C3%ADnea-Basal-del-Monitoreo-Centinela-de-la-Situaci%C3%B3n-Nutricional-Caritas-de-Vzla.pdf>.

<sup>6</sup> Fundación Bengoa para la Alimentación y Nutrición, op.cit.

<sup>7</sup> Centro de Documentación y Análisis de la Federación Venezolana de Maestros, available at <http://unionradio.net/canasta-alimentaria-sobrepaso-el-millon-400-mil-bolivares-en-julio/>.

The right to health has also been severely affected. The budget assigned to health for 2016 was reduced by 62 per cent compared to 2015.<sup>8</sup> Maternal mortality increased by 65 per cent between 2015 and 2016 and child mortality by 29.5 per cent.<sup>9</sup> Seventy-eight per cent of public hospitals lack or have insufficient medicines and 75 per cent lack or have insufficient surgical equipment.<sup>10</sup> Doctors reported lack of medicines, for example painkillers and medication for chronic and terminal diseases, such as diabetes, HIV/AIDS, or cancer.<sup>11</sup>

The country also experienced high levels of insecurity. There has been an upsurge in the number of violent crimes during the last decade. The Attorney-General reported 21,752 violent deaths during 2016, a ratio of 70.1 killings per 100,000 inhabitants.<sup>12</sup> In 2016, Caracas ranked as the most violent city in the world, and three other Venezuelan cities were also among the top ten.<sup>13</sup> High rates of impunity contributed to this level of violence.

### ***Political crisis***

During the same period, the country experienced a deepening political crisis. In December 2015, the opposition won two thirds of the seats at the National Assembly. In January 2016, the new Supreme Court of Justice (SCJ),<sup>14</sup> citing irregularities in the election of representatives of the State of Amazonas, declared the National Assembly to be “in contempt” and denied legal validity to any of its decisions. The opposition initiated a recall referendum against President Maduro, which was indefinitely postponed in October 2016 by the National Electoral Council (CNE). From October to December 2016, the Government and the majority of the opposition parties engaged in a dialogue mediated by the Holy See, without reaching clear agreements. The CNE suspended the local and regional elections scheduled for December 2016.

Amidst this political crisis, the independence of key institutions was eroded, particularly the independence of the judiciary. The large majority of judges are not tenured and, as such, can be removed by the Executive on a discretionary basis; and a large number of judges have not been appointed in compliance with legal requirements.<sup>15</sup> The judiciary, and in particular the SCJ, is viewed as supportive of the Executive and appears to allow this branch

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<sup>8</sup> Transparencia Venezuela, “Nuestro presupuesto 2016”, available at <https://transparencia.org.ve/project/nuestro-presupuesto-2016>.

<sup>9</sup> Ministry of Health, “Boletín epidemiológico del año 2015 y 2016”, 9 May 2017, cited in Julio Castro Méndez, “Lo que revelan estas dramáticas cifras oficiales del Ministerio de Salud”, 10 May 2017, available at <http://prodavinci.com/blogs/lo-que-revelan-estas-dramaticas-cifras-oficiales-del-ministerio-de-salud-por-julio-castro-mendez/>.

<sup>10</sup> Médicos por la salud and Subcomisión de salud de la Asamblea Nacional, “Encuesta Nacional de Hospitales 2017”, available at <http://enh2017.blogspot.ch/>. See also Human Rights Watch, “Venezuela’s Humanitarian Crisis – Severe Medical and Food Shortages; Inadequate and Repressive Government Response”, available at <https://www.hrw.org/report/2016/10/24/venezuelas-humanitarian-crisis/severe-medical-and-food-shortages-inadequate-and>.

<sup>11</sup> Sociedad Venezolana de Medicina Paliativa, “Carta Pública”, 11 May 2017, available at <https://svmedicinapaliativa.com.ve/index.php/10-noticias/29-carta-publica-de-la-sociedad>.

<sup>12</sup> [http://www.mp.gob.ve/c/document\\_library/get\\_file?uuid=caa5a53d-7e70-4716-958e-0986b593b266&groupId=10136](http://www.mp.gob.ve/c/document_library/get_file?uuid=caa5a53d-7e70-4716-958e-0986b593b266&groupId=10136). With a ratio of 57.10 of intentional killings per 100,000 inhabitants in 2015, the country had the third highest rate in worldwide statistics gathered by the United Nations Office on Drugs and Crime (see <https://data.unodc.org>).

<sup>13</sup> Consejo Ciudadano para la Seguridad y Justicia Penal, “Metodología del ranking (2016) de las 50 ciudades más violentas del mundo”, available at <http://www.seguridadjusticiaypaz.org.mx/biblioteca/prensa/send/6-prensa/239-las-50-ciudades-mas-violentas-del-mundo-2016-metodologia>.

<sup>14</sup> On 23 December 2015, the outgoing National Assembly nominated 13 chief magistrates and 21 alternate magistrates of the Supreme Court of Justice.

<sup>15</sup> Inter-American Commission on Human Rights, “Democracy and Human Rights in Venezuela”, OEA/SER.L/V/II. Doc. 54 (2009), paras. 190-210; and International Commission of Jurists, “Venezuela: The Sunset of the Rule of Law”, 2015, available at <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2015/10/Venezuela-Sunset-of-Rule-of-Law-Publications-Reports-2015-ENG.pdf>.

to govern without adequate oversight, which undermines the separation of powers necessary for a functioning democracy.<sup>16</sup>

On 27 and 29 March 2017, the SCJ's Constitutional Chamber issued rulings Nos. 155 and 156, which allowed the Court to take over the legislative powers of the National Assembly and limited parliamentary immunity. Although partly reversed a few days later, the decisions sparked demonstrations in the capital, which soon spread to the entire country.

On 31 March, the Attorney General declared that the SCJ's decisions marked a "breakdown of constitutional order."<sup>17</sup> On 28 June, the SCJ started the procedure to remove the Attorney General for purported serious misconduct in performing her duties. On 5 August, the Constituent Assembly removed her from office and temporarily appointed the former Ombudsperson to the position.<sup>18</sup>

On 1 May, President Maduro called for elections to a Constituent Assembly without submitting the decision to a referendum, a procedure that was followed in the last attempt to reform the Constitution. Opposition parties decided not to participate as they considered that the rules were designed to ensure the majority to the government party.<sup>19</sup> On 16 July, a coalition of main opposition parties called the Democratic Unity Roundtable (MUD) organized a "popular consultation" not envisaged in the constitution. According to its organisers, 7.2 million Venezuelans rejected the Constituent Assembly.

On 30 July, elections for the members of the Constituent Assembly took place. Concerns about lack of transparency arose as the Government did not invite international organisations with experience in monitoring elections and did not allow journalists to approach polling stations. The CNE announced that over 8 million people voted for the 545 members of the Constituent Assembly. At the time of writing the report, 44 countries had challenged the legitimacy of the Constituent Assembly and nine had recognized the results of the elections. During that weekend, the Attorney-General's Office registered 10 killings in the context of anti-government demonstrations.

At the regional level, the Secretary General of the Organization of American States (OAS) issued two reports focusing on the Venezuelan human rights and political situation.<sup>20</sup> On 27 April, the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela announced the decision to initiate the process to withdraw from the OAS. In June, a draft resolution promoted by 14 countries calling the Government to reconsider the establishment of the Constituency Assembly did not reach the needed 23 votes to be approved by the OAS General Assembly. On 5 August, the Southern Common Market (MERCOSUR) suspended

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<sup>16</sup> In 2014, the Committee against Torture expressed concerns about the "judiciary's lack of independence from the executive branch" (Concluding Observations on the combined third and fourth periodic report of the Bolivarian Republic of Venezuela, CAT/C/VEN/CO/3-4, para. 16); and in 2015, the Human Rights Committee stated it remained concerned "at the situation of the judiciary in the State party, in particular with regard to its autonomy, independence and impartiality" (Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela, CCPR/C/VEN/CO/4, para. 15).

<sup>17</sup> See <https://www.youtube.com/watch?v=UdaT7odge7w>.

<sup>18</sup> See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21948&LangID=E>.

<sup>19</sup> The framework regulating the elections of the 545 members of the Constituent Assembly established that two thirds of the members would be elected according to territorial representation and one third according to eight chosen sectors of the population (such as workers, farmers or pensioners).

<sup>20</sup> The reports were issued on 14 March and 19 July 2017 (see [http://www.oas.org/es/centro\\_noticias/comunicado\\_prensa.asp?sCodigo=C-014/17](http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-014/17) and [http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-056/17](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-056/17)). They updated the first report issued on 30 May 2016.

the Bolivarian Republic of Venezuela from its membership on the basis of the Protocol of Ushuaia, which allows the suspension of a member when a breakdown of the democratic order is declared by other members.

### ***Increase of asylum-seekers***

The current economic and political crisis forced thousands of Venezuelans out of the country. According to the United Nations High Commissioner for Refugees by mid-July 2017, an estimated 50,000 Venezuelan citizens had requested asylum, nearly doubling the number of asylum-seekers recorded in 2016.<sup>21</sup>

### ***New wave of demonstrations***

According to NGO estimates, 6,729 protests took place from 1 April to 31 July throughout the country, an average of 56 protests per day, an increase of 157 per cent compared to the same period in 2016.<sup>22</sup> Unlike previous periods of unrest, the protests took place in almost all parts of the country, and in urban and rural areas. The protests also involved people from different generations and social backgrounds, with youth assuming a leading role.

Protestors combined political and social demands, and sometimes addressed their claims to specific institutions, such as the SCJ or the CNE. Due to increased repression by security forces, demonstrations in urban areas were combined with other forms of protest, including sits-in (*plantones*), blockades (*trancazos*), night rallies or pot-banging (*cacerolazos*). Protests were typically convened at the national level by the MUD, although many protests also erupted spontaneously in residential compounds or populous neighbourhoods. After mid-June, protests became smaller and more violent incidents around protests were documented.

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<sup>21</sup> See <http://www.acnur.org/noticias/noticia/el-aumento-de-las-solicitudes-de-asilo-de-venezolanos-lleva-a-acnur-a-reforzar-su-respuesta/>.

<sup>22</sup> Observatorio Venezolano de la Conflictividad Social, "6.729 manifestaciones en 4 meses en todo el país", 3 August 2017, available at <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2017/08/Balance-protestas-4-meses-abril-julio-2017-RESUMEN.pdf>.

### **Box 1. Continued state of emergency**

On 13 May 2016, President Maduro issued Decree No. 2323<sup>23</sup> declaring a state of exception and economic emergency across the Bolivarian Republic of Venezuela. The decree allows for restrictions to human rights, with the exception of several rights guaranteed in the Constitution and national law, which generally mirror article 4(2) of the International Covenant on Civil and Political Rights (ICCPR). Decree No. 2323 was renewed three times and in force at the time of writing of this report. The National Assembly did not approve these decrees as required by the Venezuelan Constitution, but the SCJ validated them. National and international organizations have expressed concerns about the wide, vague and discretionary powers that the state of exception grants to the Executive, and its resulting adverse impact on the enjoyment of human rights.<sup>24</sup>

The Bolivarian Republic of Venezuela has not notified the United Nations Secretary-General of the declaration of a state of public emergency in the country, as required by article 4(3) of ICCPR.

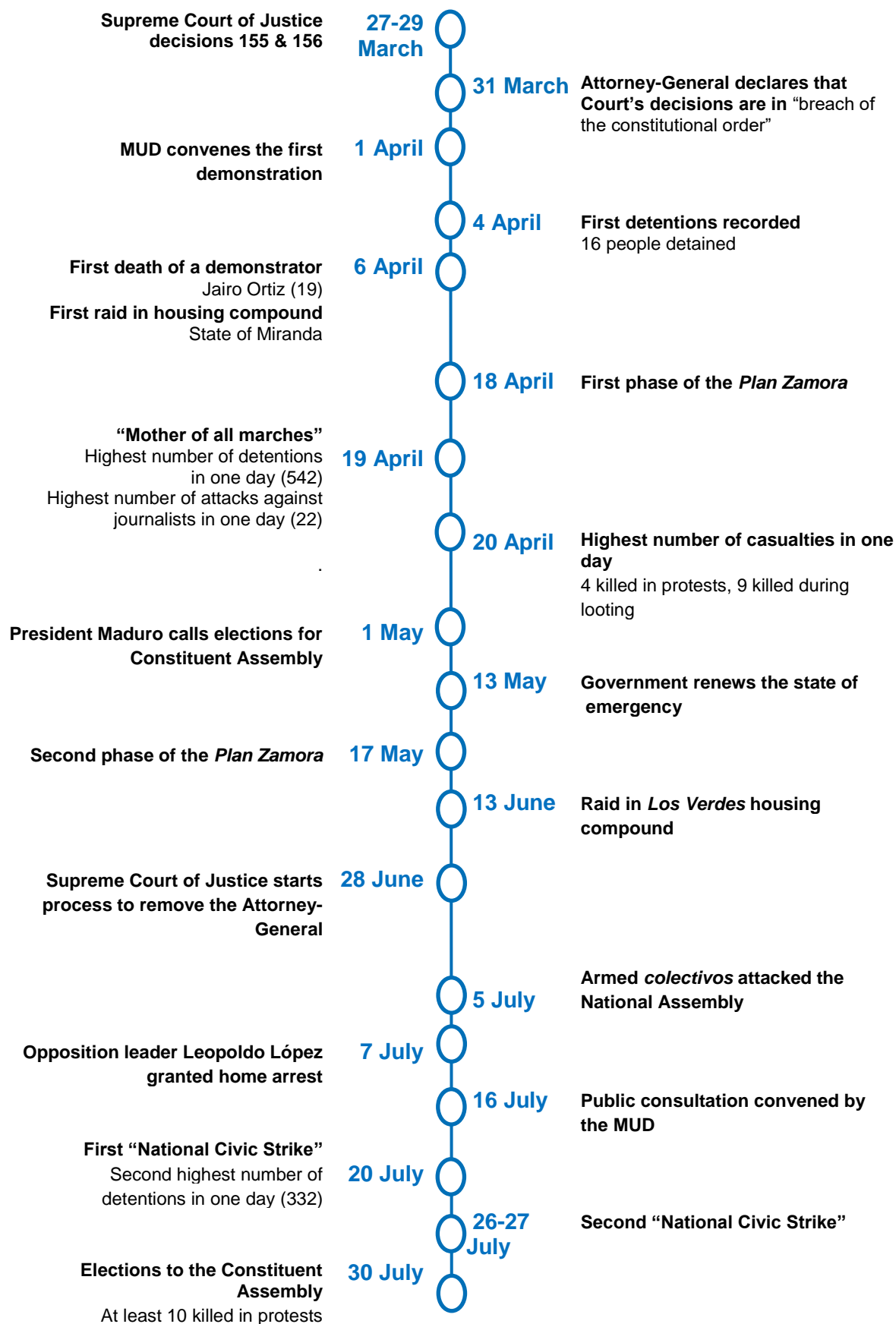
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<sup>23</sup> On 14 January 2016, Decree No. 2184 declaring a state of economic emergency was issued. Nation-wide decrees were preceded by several decrees in 2015 declaring a state of exception in municipalities bordering Colombia.

<sup>24</sup> IACHR, *Annual Report 2016*, Ch. IV.B Venezuela, paras. 54-56; "Pronunciamiento de la Academia de Ciencias Políticas y Sociales acerca del Decreto 2.323 de Estado de Excepción y de Emergencia Económica dictado por el Poder Ejecutivo Nacional el 13 de mayo de 2016", 30 May 2016, available at <http://www.acienpol.org.ve/cmacionpol/Resources/Pronunciamientos/Decreto%202323%20de%20estado%20de%20excepci%C3%B3n%20y%20de%20emergencia%20econ%C3%B3mica.pdf>; Joint public statement of civil society organizations, "En un año, Maduro convirtió la excepción en regla, agudizando la represión", 12 May 2017, available at [http://w2.ucab.edu.ve/tl\\_files/CDH/imagenes/Epu%20Vzla%202016/Comunicado%20Estado%20de%20Excepcion.pdf](http://w2.ucab.edu.ve/tl_files/CDH/imagenes/Epu%20Vzla%202016/Comunicado%20Estado%20de%20Excepcion.pdf); and Foro por la Vida, "Estado de excepción y emergencia económica - Foro por la Vida rechaza ruptura del orden Constitucional", 16 May 2017, available at [http://w2.ucab.edu.ve/tl\\_files/CDH/imagenes/Comunicado%20Estado%20de%20Excepcio%CC%81n%20Fv.pdf](http://w2.ucab.edu.ve/tl_files/CDH/imagenes/Comunicado%20Estado%20de%20Excepcio%CC%81n%20Fv.pdf).

## TIMELINE

### Key events



### III. Main findings

#### A. Human rights violations by State authorities

##### 1. Excessive use of force

*“Police officers told me that they had orders to repress demonstrations without prior negotiation.”*

Journalist on protests in Caracas in July<sup>25</sup>

OHCHR found that security forces<sup>26</sup> systematically used excessive force to disperse demonstrations. Incidents of excessive use of force were widespread and followed a common pattern. The high incidence of excessive force and the level of harm inflicted on demonstrators instilled fear and deterred people from demonstrating.

Accounts gathered by OHCHR revealed that security forces breached domestic and international standards by using force in a non-progressive manner, and in violation of the principles of necessity and proportionality. Since protests began, security forces resorted to disproportionate use of tear gas grenades against demonstrators without previously exhausting other non-violent measures, such as dialogue or the use of barriers to separate crowds. Information gathered by OHCHR and publicly available material showed that anti-riot armoured vehicles used by the Bolivarian National Guard (GNB) regularly discharged dozens of tear gas grenades simultaneously. Water cannons were also used, sometimes knocking demonstrators over and hitting them on the head.

#### **Box 2. Plan Zamora**

On 18 April 2017, President Maduro publicly announced the launch of *Plan Zamora*, a “special civil-military strategic plan to guarantee the functioning of the country, its security, internal order and social integration”, through the joint operation of armed forces, militias and peoples’ forces.<sup>27</sup> A second phase of the *Plan Zamora* was launched on 17 May. While there is no accessible public or official document explaining what *Plan Zamora* entails, military and public officials have referred to it to justify the use of military jurisdiction for civilians and to deploy the GNB to control demonstrations. According to sources interviewed, implementation of *Plan Zamora* resulted in increased violence against demonstrators.

OHCHR’s analysis, based on the types of injuries suffered by demonstrators, reveals how the use of force progressively escalated together with implementation of *Plan Zamora*. Accounts of medical personnel indicated that in the first half of April the majority of injured demonstrators were treated for tear gas intoxication. In the second half of April, many of the injuries resulted from the impact of tear gas canisters on demonstrators’ legs, chests or

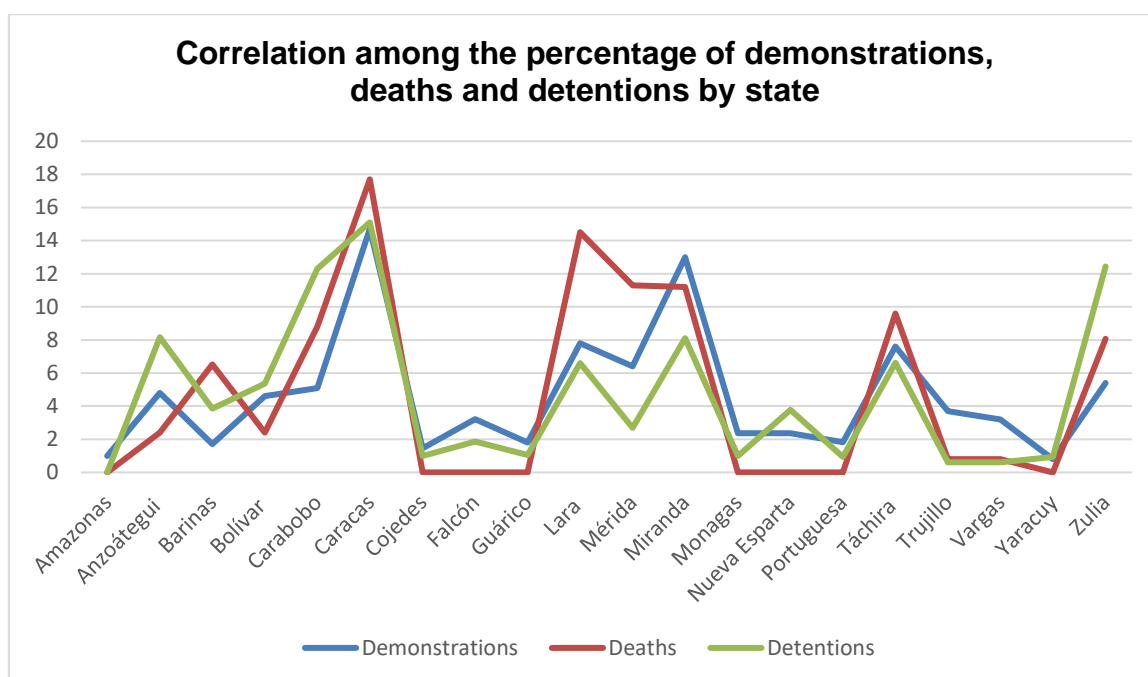
<sup>25</sup> Interviewed by OHCHR, 19 July 2017.

<sup>26</sup> The term security forces as used in this report comprises the GNB, the PNB, local police, the DGCIM, the CONAS and the SEBIN that usually participated in crowd control operations, as well as other operations addressed in the report, such as detentions and house raids.

<sup>27</sup> See <https://www.youtube.com/watch?v=csbe2SIREhM>.

heads. In May, injuries were mostly caused by the impact of buckshot and manipulated ammunition such as marbles and nuts and bolts. In June, medical personnel recorded a combination of injuries by tear gas canisters, buckshot and other ammunition. In July, they started treating gunshot injuries.

OHCHR identified a correlation between the number of demonstrations and the number of deaths and detentions during demonstrations, proving that the states with more protests had a higher number of detentions and deaths of protestors.



OHCHR analysis based on reports of the Attorney-General's Office (deaths), the NGO *Observatorio de la Conflictividad Social* (demonstrations) and the NGO *Foro Penal Venezolano* (detentions) - 1 April to 31 July 2017

Demonstrators told OHCHR that one of the most harmful practices during protests was the use of motorcycles to chase them. Groups of about 20 motorcycles with two security officers, one driving and the other carrying anti-riot weapons, tracked down demonstrators when they started to disperse. Many demonstrators were injured while trying to escape or because of blows by security officers. Others were allegedly robbed by security officers.

Security forces also shot tear gas into shopping centres, universities and hospitals, where demonstrators sought shelter. At the Metropolitan University of Caracas and the Catholic University of Táchira, security officers shot tear gas from the outside to the interior of the universities. On 17 May, members of the GNB allegedly fired weapons and tear gas grenades towards the UPEL University in the State of Aragua injuring five students.

Security forces in charge of controlling the demonstrations were the GNB, Bolivarian National Police (PNB), and the local police. As part of the armed forces and according to domestic regulations, the GNB should coordinate its actions with civilian authorities and should have a supporting role in the context of demonstrations.<sup>28</sup> However, accounts gathered by OHCHR highlighted that in many cases the GNB both led the operations and

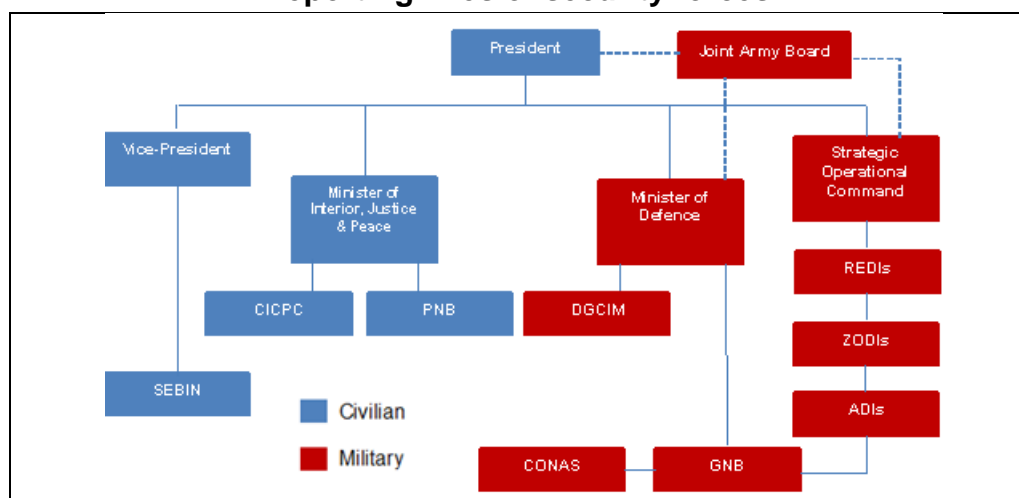
<sup>28</sup> Resolution No. 8610 of 27 January 2015, and interview with sources, 27 June 2017.



used the highest level of violence against demonstrators in such operations.<sup>29</sup> OHCHR also identified the involvement of other security institutions that do not have a mandate to engage in crowd control, such as the National Anti-extortion and Kidnappings Command (CONAS) and the Bolivarian National Intelligence Service (SEBIN).

According to the law of the Bolivarian National Armed Forces, GNB units have dual reporting lines.<sup>30</sup> Administratively, they report directly to the Minister of Defence. Operationally, they report to the Strategic Operational Commander, who is responsible for planning and directing all military operations. The Strategic Operational Commander, in turn, reports directly to the President.<sup>31</sup> The PNB reports to the Minister of the Interior, Peace and Justice, who in turn reports to the President. The SEBIN reports to the Vice-President.

### Reporting lines of security forces



OHCHR diagram prepared on the basis of publicly available information

#### a. Killings and other deaths related to the protests

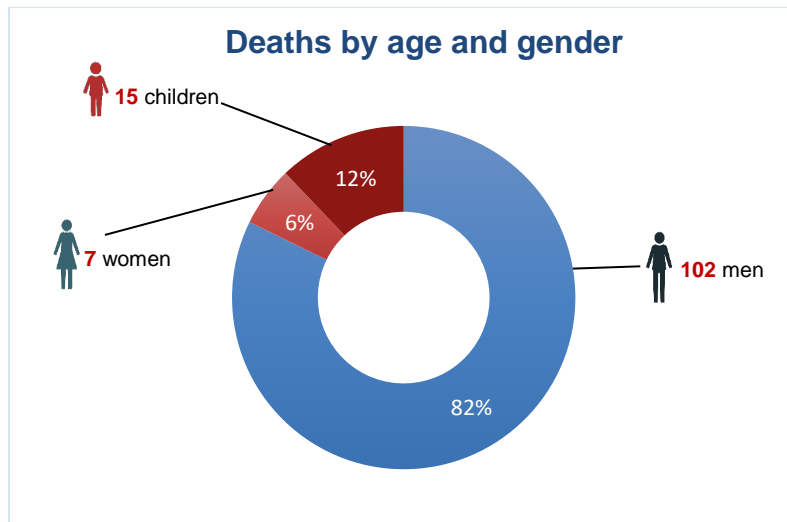
From 1 April to 31 July, the Attorney-General’s Office registered 124 deaths in connection with the demonstrations. Civil society organizations registered 157 deaths in total during the same period.<sup>32</sup> The great majority of the 124 victims were young men, averaging 27 years old. Fifteen were children and seven were women. The majority of victims were students or persons who had just finished their studies.

<sup>29</sup> In 2015, the UN Human Rights Committee expressed concern about reports of the involvement of military personnel in the policing of public gatherings and demonstrations and recommended to ensure that public order is, to the maximum extent possible, upheld by civilians rather than military authorities (CCPR/C/VEN/CO/4, para. 14).

<sup>30</sup> Decree No 1439 of 17 November 2014.

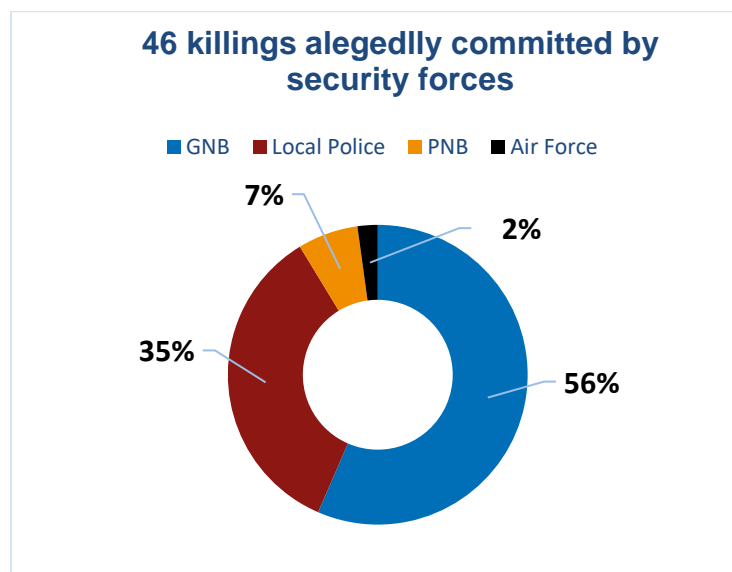
<sup>31</sup> Constitution of the Bolivarian Republic of Venezuela, article 236 (5).

<sup>32</sup> Observatorio de la Conflictividad Social, “Venezuela: 6.729 protestas y 157 fallecidos desde el 1 de abril de 2017”, available at <https://www.observatoriodeconflictos.org.ve/destacado/venezuela-6-729-protestas-y-157-fallecidos-desde-el-1-de-abril-de-2017>.



OHCHR analysis based on Attorney-General's Office report

Of the 124 deaths investigated by the Attorney-General's Office, OHCHR found that 46 victims were demonstrators allegedly killed by members of the security forces and that 27 victims were demonstrators allegedly killed by members of armed *colectivos* (see chapter B.2).<sup>33</sup>

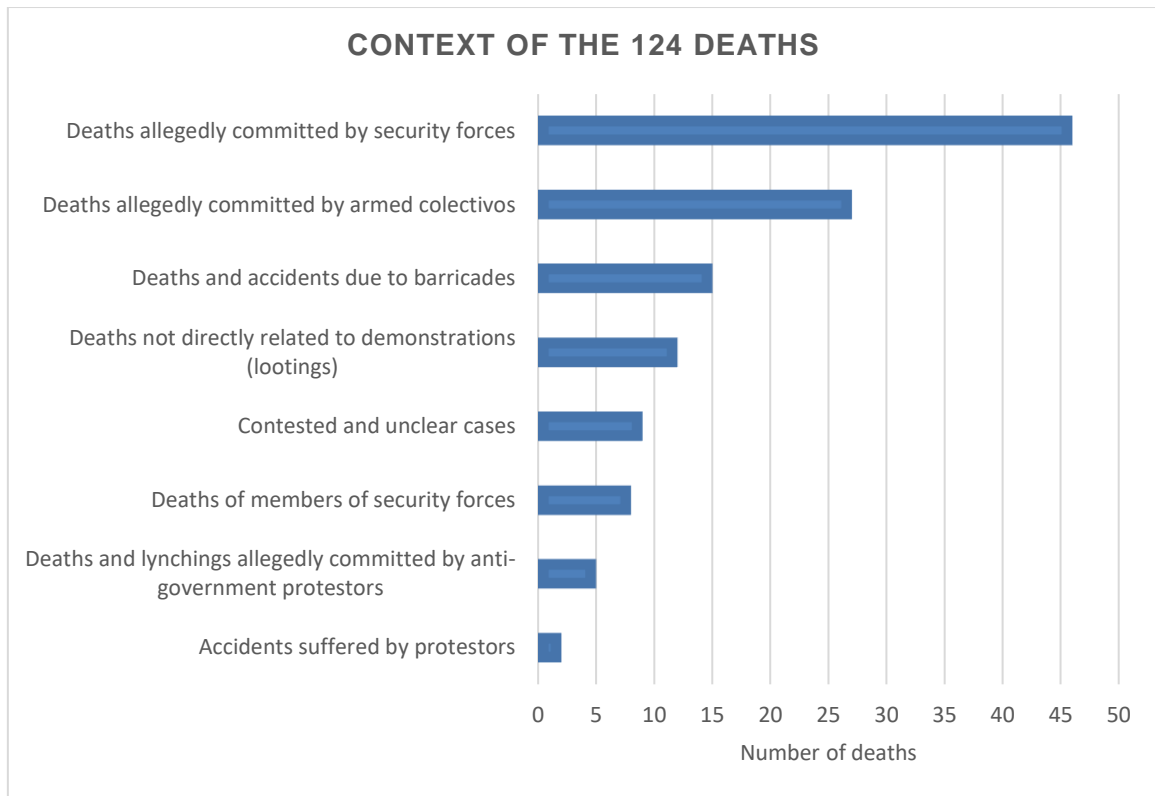


OHCHR analysis based on Attorney-General's Office report

OHCHR identified 51 deaths, out of the 124, for which responsibility cannot be determined. While these deaths occurred in the context of demonstrations, they are related to reasons such as car accidents caused by barricades, deaths that occurred during looting, lynching, and other accidents. OHCHR could not identify the perpetrators in these cases, which require further investigation. According to the Government, nine members of the security forces were killed in the context of the demonstrations (see chapter B.2).<sup>34</sup>

<sup>33</sup> On 31 July, the Attorney General informed that 25 per cent of the deaths registered by her office were allegedly committed by elements of the security forces and 40 per cent by armed civilians (see <https://twitter.com/MPvenezolano/status/892207022418124800>).

<sup>34</sup> Ministerio del poder popular para la comunicación e información, "Víctimas fatales de la violencia política en Venezuela (Abril-Agosto 2017)", available at <http://minci.gob.ve/wp-content/uploads/2017/08/Investigación-Periodística-Víctimas-Fatales->



OHCHR analysis based on the Attorney-General's report

### ***Use of less-lethal weapons***

Security forces systematically used less lethal weapons in an inappropriate manner, for example by shooting tear gas grenades or other type of canisters horizontally, directly at demonstrators and at short range. For example, on 26 April, Juan Pablo Pernalette (20 years old) was demonstrating in Caracas. Fifteen minutes into the demonstration, the GNB, the only security force present, started using tear gas against demonstrators. According to a relative who had access to the criminal file, the GNB was at a distance of about 25 meters when he was hit. The Attorney-General established that Juan Pablo Pernalette was hit in the chest with a tear gas canister, at short range (25-30 meters). The death certificate stated his cause of death was “cardiogenic shock, cardiac concussion, chest trauma (precordial area).” The GNB did not cooperate with the investigation started by the Attorney-General.

Security forces also used firearms with less lethal ammunition, such as plastic pellets, shooting at crowds at a close range and aiming at vulnerable parts of the body. On 11 April, in the State of Lara, a member of the GNB shot twice at Antonio Canelón (32 years old). According to the doctor that operated on him, a plastic bullet cartridge was found inside his abdomen and several plastic pellets inside his thorax. The doctor considered that he was shot at point blank, probably at less than two meters, and that the second shot was fired when he was already on the ground. National guards detained Antonio after he had been shot and he was taken to the hospital two hours later. According to the Attorney-General, on

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de-la-Violencia-Política-ABRIL-AGOSTO-2017-Actualizado-04-08-17.pdf. The Attorney General's report includes eight killings of members of security forces matching those provided in the report of the Ministry of Communications with the exception of the death of Yey Johan Amaro Rivero that occurred on 21 April.

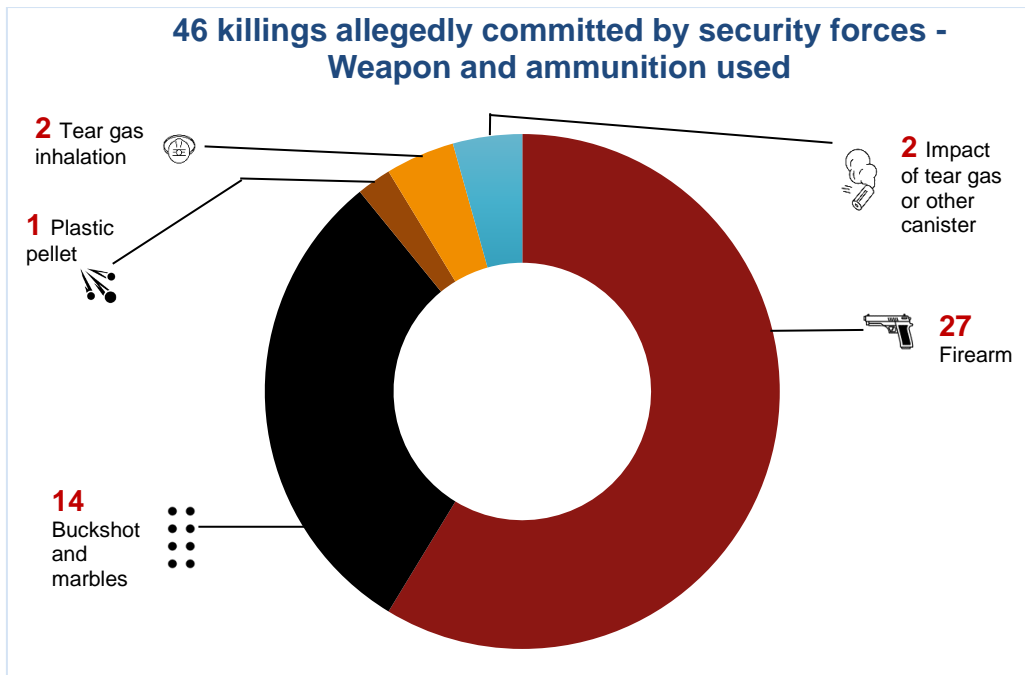
20 April, 14 GNB members were arrested for Antonio Canelon's killing and are currently under trial.

### ***Use of deadly force***

Security forces also used firearms with more harmful ammunition, such as buckshot, marbles and metal rod pieces. OHCHR documented the killings of at least 14 demonstrators with these types of ammunition. OHCHR documented the case of Armando Cañizales (18 years old), who was killed on 3 May when he was demonstrating in Las Mercedes, Caracas. Witnesses stated that the GNB was the only security force present, standing at about 100 meters from the demonstrators. Armando Cañizales was hit in the neck by a 7mm metallic sphere and died. Sources interviewed by OHCHR stated that evidence proved the projectile could have only been shot from the GNB position.

On 22 June, David Vallenilla (22 years old) was protesting outside the Air Force base *La Carlota* in Caracas. Video footage showed him approaching the perimeter fence to throw an object (probably a rock) while military officers approached from the other side of the fence and shot him. The Attorney-General's Office reported that he was hit by buckshot in the thorax and ordered the detention of a Sargent of the Bolivarian Air Force. A criminal court in Caracas issued an arrest warrant against the Sargent, which had not been complied with at the time of writing of the report.

OHCHR found that security forces used their service weapons during demonstrations, causing the death of 27 protesters. OHCHR documented the case of Fabián Urbina (17 years old) who was killed on 19 June when he was protesting against the Constituent Assembly in Caracas. Video footage shows a group of demonstrators on a bridge running towards members of the GNB, when one national guard started shooting his service gun at the crowd. Fabián Urbina was hit in the chest and five others were injured. He was taken to the hospital, where he was pronounced dead. The Ombudsperson condemned this death, indicated that three members of the GNB had been detained and made a public call reiterating the prohibition of firearms during demonstrations.



OHCHR analysis based on Attorney-General's Office report

Based on international standards regulating the use of force,<sup>35</sup> intentional use of lethal force is only lawful where it is strictly unavoidable to protect another life from an imminent threat. Firearms should never be used to disperse an assembly and indiscriminate firing into a crowd is always unlawful.<sup>36</sup>

Intentional killing committed with firearms or other less lethal weapons, unless strictly unavoidable to protect life, contravenes international standards, and amounts to excessive use of force, and possibly to an extrajudicial execution.<sup>37</sup>

**b. Violations of the right to physical integrity during protests**

The Attorney-General's Office opened investigations into at least 1,958 reported injuries in the context of demonstrations. According to the Attorney-General's Office, in approximately 60 per cent of those cases the alleged perpetrators were security forces, while the rest were attributed to armed civilians. In 53 cases, the victims were children.

The number of injured individuals may be considerably higher as not everyone reports injuries due to lack of confidence in the justice system and fear of reprisals. According to estimates made by physicians, 10,000 to 12,000 people might have been injured across the country in the first 100 days of demonstrations alone.

The type of injuries observed in demonstrators ranged from marbles and pellets embedded in the body or face of demonstrators, to broken limbs, ribs and face disfiguration caused by tear gas canisters, to injuries caused by the use of water cannons at close range. Other

<sup>35</sup> United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and Code of Conduct for Law Enforcement Officials.

<sup>36</sup> A/HRC/31/66, para. 60.

<sup>37</sup> UNODC-OHCHR, Resource book on the Use of Force and Firearms in Law Enforcement, 2017, p. 24.

accounts also referred to body bruises as result of blows by security forces with butt of their weapons. In the State of Lara, where the repression was particularly high, a medical volunteer told OHCHR that he treated a male demonstrator who lost his eye because of buckshot, and another male demonstrator who suffered the permanent reduction of his motor skills due to a tear gas canister that hit him in the head. *“The only reason why the canister did not kill him was that he had a helmet on,”* said the medical volunteer.<sup>38</sup>

OHCHR received information that injured people were afraid to seek treatment at public hospitals for fear of being detained by security forces, which reportedly searched hospitals for demonstrators. Medical students and doctors organized networks to provide first aid to injured demonstrators in 12 states. They also became the target of security forces. *“We have been threatened and attacked by members of security forces with tear gas grenades when assisting demonstrators. When we know they are coming (security forces), we raise our hands and stop working. Still, they shoot at us,”* a volunteer from Caracas told OHCHR.<sup>39</sup>

### **c. Response of the authorities**

The Attorney-General’s Office initiated investigations into 124 deaths that occurred in the context of the demonstrations. It identified 41 security officers as the alleged perpetrators in 14 of the deaths and ordered the officers’ detention. As of 31 July, 33 security officers had been detained. The Attorney-General’s Office reported to OHCHR that security forces, particularly the GNB, did not always cooperate with its investigations for example by not responding to requests to identify individual officers involved in specific operations.<sup>40</sup>

Government authorities have rarely condemned incidents of excessive force. On 6 June, the Ministry of Defence acknowledged the existence of “isolated incidents of excessive use of force by some members of the GNB” and instructed them to respect human rights.<sup>41</sup> After the killing of Fabián Urbina on 19 June, the Minister of Interior, Justice and Peace acknowledged that two members of the GNB might have used force disproportionately.<sup>42</sup> In nine<sup>43</sup> of the 14 deaths in which security officers have been ordered detained, State authorities have denied responsibility, including for the deaths of Juan Pablo Pernaleté,<sup>44</sup> and Armando Cañizales.<sup>45</sup>

OHCHR observed that the political discourse from high level authorities during this period was characterised by demeaning language and violent threats against opposition leaders. High level authorities portrayed the leaders of the opposition and protesters as terrorists,

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<sup>38</sup> Interview with witness, 27 July 2017.

<sup>39</sup> Interview with victim, 12 July 2017.

<sup>40</sup> Interview with a representative of the Attorney’s General Office, 11 July 2017.

<sup>41</sup> See <https://twitter.com/search?q=6%20junio%20vladimir%20padrino%20lopez&src=typd>.

<sup>42</sup> See [https://twitter.com/NestorReverol/status/876939875030888449?ref\\_src=twsrc%5Etfw&ref\\_url=http%3A%2F%2Frunrun.es%2Fnacional%2F314295%2Fministro-reverol-admite-que-la-gnb-mato-a-fabian-urbina.html](https://twitter.com/NestorReverol/status/876939875030888449?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Frunrun.es%2Fnacional%2F314295%2Fministro-reverol-admite-que-la-gnb-mato-a-fabian-urbina.html).

<sup>43</sup> Ministerio del poder popular para la comunicación e información, op.cit.

<sup>44</sup> The Minister of Communication stated that Pernaleté was killed by a captive bolt pistol shot by another demonstrator (see <https://www.youtube.com/watch?v=04yQLW5P-1U>).

<sup>45</sup> The Minister of Interior stated that Cañizales was hit by a metal sphere shot by another demonstrator who was shooting at the security forces (see <https://www.youtube.com/watch?v=uPZojB-tio0>).

violent and manipulated by foreign powers to destabilise the government.<sup>46</sup> They also threatened to detain them.<sup>47</sup>

## 2. Violent house raids and destruction of property

*"I never imagined that my home would no longer be safe for me and my children."*

Resident of a housing compound in the State of Miranda raided  
by security forces on 22 May 2017<sup>48</sup>

The demonstrations were accompanied by violent raids in housing compounds by security forces with the alleged objective of detaining protesters. Security operations in residential areas were characterised by excessive use of force and the intentional destruction of property, severely affecting the right to housing and to privacy.

The raids were typically joint operations involving the Special Actions Brigade, the Bureau for Scientific, Criminal and Forensic Investigations (CICPC), the Directorate General of Military Counterintelligence (DGCIM), the GNB, the PNB, the SEBIN, local police, and, at least within the Caracas metropolitan area, the CONAS. Members of security forces were normally unidentified, covered with balaclavas and helmets, and carried heavy weapons. Members of armed *colectivos* reportedly participated in some of the raids.

The raids shared a number of common features. They were performed in areas close to blockades or barricades, or where spontaneous neighbours' protests had taken place. Armoured vehicles were used to forcefully break into the residential areas, destroying the external gates. Tear-gas grenades and pellets were fired, sometimes directed against housing blocks, with tear-gas penetrating into the interior of individual apartments. On occasion, tear-gas grenades started fires in homes or vehicles.

Witnesses reported to OHCHR that security forces entered private homes without search warrants, in the absence of any indication of wrongdoing, and without the presence of lawyers and witnesses, as required by national legislation.<sup>49</sup> In some instances, security forces broke into homes by force, destroyed personal belongings and seized money or valuables. According to one victim: *"Ten officials broke into the apartment, they destroyed the closet, my child's toys, took out all drawers. They stole PCs, monitors, an iPad, and a laptop. They took all my savings, my family patrimony."*<sup>50</sup> House raids may have particularly

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<sup>46</sup> See, e.g., President Maduro accusing the President of the National Assembly, Julio Borges, of ordering the burning of government vehicles, 21 June, at <https://www.youtube.com/watch?v=70xDmHUwjoE> (at 0:30); *ibid*, affirming that, "soon, with the new methods of combat I have ordered [the Zamora Plan], we will neutralize, capture and defeat all the violent spots of the Fascist right-wing", 24 June, at <https://www.youtube.com/watch?v=k5gDK-ESiql> (at 00:02:02); and Vice President Tarek El Aissami affirming that "certain sectors of [...] the MUD are the direct responsible for the various acts of terrorist violence that have taken place in the last weeks", 22 May, at <https://www.youtube.com/watch?v=hO51KOMhmCk&t=206s> (at 0:01:20).

<sup>47</sup> See, e.g., President Maduro accusing the opposition of plotting a "coup d'état to impose a government [...] an oligarchic dictatorship" and asking the President of the Supreme Court of Justice to take measures, and warning "what would happen if I order all forces of the Motherland to go after the oligarchs and detain them?", 24 June, at <https://www.youtube.com/watch?v=k5gDK-ESiql> (at 02:07:00 and 2:02:00), and <https://www.youtube.com/watch?v=k5gDK-ESiql> (at 02:04); *ibid*, referring to the new Supreme Court of Justice magistrates appointed by the National Assembly as "usurpers" and affirming that "they are all going to go to prison, one by one [...] and nobody is going to defend them", 24 July, at [https://www.youtube.com/watch?v=1U7Z\\_RugIk0](https://www.youtube.com/watch?v=1U7Z_RugIk0) (at 1:40:19).

<sup>48</sup> Interviewed by OHCHR, 6 July 2017.

<sup>49</sup> Organic Criminal Procedure Code, articles 196-198.

<sup>50</sup> Interview with victim, 6 July 2017.

affected women, as many were at home during these search operations. A victim reported to OHCHR that she was subjected to sexual assault in front of her two children, when a national guard touched her breasts and said “*she looked hot.*”<sup>51</sup>

House searches were usually accompanied by the deliberate and unnecessary destruction or damaging of common property of residential compounds. One interviewee relayed to OHCHR how security forces “*went on a rampage*” and “*broke the access doors, broke all windows, cut off the lights.*”<sup>52</sup> Other sources reported elevators, security cameras or washing-machines being damaged or destroyed. Vehicles were damaged or robbed. These operations typically took place over several hours.

OHCHR documented a particularly violent raid against the El Paraíso residential compound, commonly known as *Los Verdes*, a group of apartment buildings sheltering some 1,200 people in the west of Caracas. On 13 June 2017, from approximately 6 to 9 p.m., an estimated 30 or 40 apartments were searched without a warrant. The operation included widespread destruction of property and a total of 23 detentions.<sup>53</sup> OHCHR documented several other violent house raids, including in the States of Bolívar, Lara, Mérida, Miranda, Trujillo, and Zulia.

Security forces justified raids in housing compounds as a means of conducting arrests of alleged criminals.<sup>54</sup> However, the circumstances of these operations suggest the intention was to intimidate the residents and to deter future protests. Such searches and seizures have generated a state of permanent uncertainty in the residents of these compounds. A witness indicated that there was “*a lot of fear*” in the community, and that, as a result, demonstrations had ceased in the area.<sup>55</sup> One of her neighbours said to OHCHR that he feared “*they can come back anytime.*”<sup>56</sup> Children were particularly traumatised.

### **3. Torture and ill-treatment of persons detained in the context of the protests**

*“The first time I saw my family they did not recognize me because my face was so swollen and burnt by all the chemicals.”*

Young man detained in Caracas in April 2017<sup>57</sup>

In almost all cases of detention recorded by OHCHR, security forces subjected detainees, including children, to one or more forms of cruel, inhuman or degrading treatment or punishment, amounting in several cases to torture. Treatment included severe beatings, electric shocks, stress positions, suffocation and threats of sexual violence and death, and was meant to punish, humiliate and terrorize the detainees, as well as to extract confessions and information about alleged anti-government activities. OHCHR interviewed lawyers and doctors and had access to medical records confirming reports of torture and ill-treatment.

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<sup>51</sup> Ibid.

<sup>52</sup> Interview with victim, 29 June 2017.

<sup>53</sup> Information provided by the Attorney-General's Office, 11 July 2017.

<sup>54</sup> See <https://twitter.com/NestorReverol/status/874816126018093060>.

<sup>55</sup> Interview with witness, 29 June 2017.

<sup>56</sup> Interview with victim, 29 June 2017.

<sup>57</sup> Interviewed by OHCHR, 6 July 2017.



First-hand accounts also indicated conditions of detention which often did not meet basic international standards and constituted in and of themselves cruel, inhuman or degrading treatment.

### ***Ill-treatment during arrest***

Security forces frequently used excessive and unnecessary force at the moment of arrest, beating, kicking and pepper-spraying individuals, sometimes seriously injuring them. A 16-year-old boy explained to OHCHR how the local police had shot at him with buckshot when he was caught up in unrest on his way home from school. Police officers took him to the police station where they severely beat him. Once the police officers realized he was severely wounded, he heard them say: *“Bring him back to the street, he is going to die.”*<sup>58</sup> The boy survived his injuries thanks to the help of passers-by who found him and took him to the hospital. Other victims also reported to OHCHR that they had been beaten, insulted and threatened during their arrest and transport to the place of detention; women had also been inappropriately touched.

### ***Torture and ill-treatment in detention***

OHCHR documented the use of different forms of torture and ill-treatment. Victims' accounts were consistent and corroborated by medical records and NGO reports that documented the same patterns. Some of the most serious cases identified by OHCHR took place on the premises of the SEBIN and DGCIM in Caracas, and garrisons and other facilities of the GNB in Caracas and around the country, which also suggests a pattern.

Many detainees interviewed were severely beaten, including with sticks, metal bars, pliers, helmets, baseball bats and weapons, all over their bodies, including their genitals. Some detainees were wrapped in mats to prevent the beating from leaving marks. National guards handcuffed and suspended one man from a water tank pipe for nine hours; only the tip of his toes touched the floor. During this time, he was continuously beaten and was not given water or food. The guards then handcuffed him to a window and beat him throughout the night. A lawyer told OHCHR how his client was burnt with a cigarette and the burning cannon of a gun. Other detainees were forced to kneel for long periods of time and some were forced to listen to pro-Government songs and slogans for hours.

One of the most egregious cases involved the use of electric shocks. A former detainee interviewed by OHCHR said that military officers tied his hands and feet and suspended him from the ceiling. *“I was completely naked. They drenched me in water. One guard kept saying ‘Wet him well otherwise you are going to fry him.’”* They gave him electric shocks while they interrogated him. *“I could not stand the pain.”*<sup>59</sup>

OHCHR also documented cases where security forces used tear gas grenades and other chemicals in confined spaces or directly applied them to the person's airways, to stimulate suffocation of the detainees. *“They threw chlorine and salt in my mouth, they beat me with*

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<sup>58</sup> Interview with victim, 11 July 2017.

<sup>59</sup> Interview with victim, 9 July 2017.

*sticks and they fired tear gas grenades close to my face. I lost consciousness.*<sup>60</sup> A young man explained to OHCHR *“The guards would regularly throw tear gas grenades inside the cell and blocked the doors’ bars with a mattress to prevent the gas from dispersing.”*<sup>61</sup> He also reported that guards would throw *cebollitas* in the cell – papers containing the chemical powder used to make tear gas grenades to which they set fire. *“You feel like you are burning alive,”* he said. Two young women recounted how guards put a hood on their head with tear gas powder for two hours.<sup>62</sup>

According to former detainees interviewed by OHCHR, security forces also verbally abused them, including with insults of a sexual nature, and humiliated them. Some detainees were forced to strip naked, two women reported they had to clean the toilet, and several women were forced to sit with their legs wide open. Guards regularly threatened both men and women with sexual violence, including rape, and with death; they also threatened to harm their relatives. Several detainees were unnecessarily handcuffed for days at a time, including for sleeping.

### ***Conditions of detention***

In most detention cases documented by OHCHR, detainees were kept in conditions that did not meet basic international human rights standards and that often constituted cruel, inhuman and degrading treatment. Former detainees reported overcrowding, sometimes so severe they could not sleep lying down. Cells often lacked access to toilet facilities, forcing detainees to use plastic bags.

In addition, detainees were not given drinking water or food, which had to be provided by family members or other detainees. Some cells were flooded when it rained, and were infested with rats and insects. Many detainees suffered from scabies and developed diseases, but usually did not have access to medication or doctors. If their families brought them medication, they rarely received it. Three former detainees told OHCHR that they did not see sunlight for weeks.

According to Venezuelan law, a forensic doctor is required to examine detainees within 48 hours of arrest, but this was not routinely done in practice. Moreover, forensic doctors did not always record the ill-treatment they witnessed. OHCHR was told that when doctors examined detainees, they often did so only superficially.

From 1 April to 10 July 2017, the Ombudsperson’s Office received two complaints of torture, and 122 complaints of cruel, inhuman or degrading treatment.<sup>63</sup> The Attorney-General’s Office confirmed to OHCHR that they had launched several investigations into allegations of torture and ill-treatment, though they could not provide details or the number of complaints filed.<sup>64</sup> They said that in a few cases, perpetrators had been identified and were being

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<sup>60</sup> Interview with victim, 6 July 2017.

<sup>61</sup> Ibid.

<sup>62</sup> Interview with victims, 4 and 5 July 2017.

<sup>63</sup> Information provided by the Ombudsperson’s Office, 2 August 2017. It is unclear whether these complaints were connected to the protests.

<sup>64</sup> Information provided by the Attorney-General’s Office, 11 July 2017.

processed. Lawyers reported to OHCHR that many victims of torture and ill-treatment in detention refused to file complaints for fear of reprisals.

#### 4. Arbitrary detention and violations of due process

*“We have never seen this rate of detentions before.”*

Lawyer from Caracas<sup>65</sup>

The Venezuelan security forces, including intelligence services, have detained protestors and people identified as political opponents in great numbers. OHCHR considers these detentions arbitrary because of repeated serious due process violations and because they occurred in response to the exercise of human rights, in particular freedom of opinion and expression and freedom of peaceful assembly.<sup>66</sup> The violations of due process documented by OHCHR included the lack of arrest warrants, *incommunicado* detention, lack of access to legal counsel, and breaches of the principle of presumption of innocence. The patterns documented by OHCHR were verified by numerous lawyers and civil society organizations. OHCHR also recorded several enforced disappearances.

Despite requests, OHCHR did not receive information from the Venezuelan authorities on the number of detentions recorded since 1 April 2017. No official data is available publicly. According to information provided by the NGO *Foro Penal Venezolano*, 5,051 individuals, including 410 children, were detained in connection with anti-government demonstrations between 1 April and 31 July 2017. As at 31 July, 1,383 of these individuals were still in detention. This unprecedented number of protest-related detentions has had a strong intimidating effect on the population.<sup>67</sup>

*Foro Penal Venezolano* recorded detentions in all states of the country and the capital, Caracas, with the exception of the States of Amazonas and Delta Amacuro. The states which saw the highest number of detentions during the reporting period were Caracas<sup>68</sup> (766), Zulia (630), Carabobo (608), Anzoátegui (413), Miranda<sup>69</sup> (405), Lara (337), Táchira (334), Bolívar (271) and Aragua (269). About 10 per cent of the detainees were women.

OHCHR documented that security forces often arrested people without a court order and would later claim they had been caught *in flagrante delicto*. OHCHR interviewed people who had been arrested on their way to demonstrations, others that were detained while they were peacefully demonstrating and others that were apprehended hours after they had taken part in a demonstration. A medical doctor witnessed national guards entering hospitals to arrest injured protestors. Further, OHCHR documented cases of people who had been arrested even though they were not demonstrating, just because they were perceived to support the opposition.

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<sup>65</sup> Interviewed by OHCHR, 2 July 2017.

<sup>66</sup> Human Rights Committee, General Comment No. 35 on Article 9 (Liberty and security of person), CCPR/C/CG/35.

<sup>67</sup> In 2014, the Attorney-General's Office reported 3,306 detentions related to the protests from February to June 2014 (Concluding observations on the combined third and fourth periodic reports of the Bolivarian Republic of Venezuela, CAT/C/VEN/CO/3-4, para. 9).

<sup>68</sup> Here Caracas is understood as composed of the Libertador district, as well as the districts of Baruta, Chacao, El Hatillo and Sucre, which formally belong to the State of Miranda.

<sup>69</sup> Except the districts of Baruta, Chacao, El Hatillo and Sucre counted as part of Caracas.

OHCHR was told that security forces often stole all or part of the personal belongings of the individuals they were arresting. A young man told OHCHR that police officers offered to release him if he gave them 300,000 Bolivars, which he did not have since national guards, who had participated in his arrest, had taken all his belongings. In a few cases documented by OHCHR, the arresting forces were not wearing uniforms and did not identify themselves.

Generally, detainees were not informed of the reasons for their arrest and were only informed of the charges against them at the time of their presentation before the judge. They were charged with common crimes, such as disturbance of public order and assault against security officers, but also terrorism-related crimes and military offences (see chapter A.5). OHCHR found a pattern where security forces planted evidence against detainees, such as gas masks, helmets, Molotov cocktails, and falsified reports.

Detainees were typically not allowed to see their families or a lawyer until their initial hearing a few days after their arrest. Some detainees were kept *incommunicado* during that period. “*You are kidnapped by the Government of Venezuela and no one will know anything about you,*” a SEBIN agent said to a man interviewed by OHCHR.<sup>70</sup>

In a few cases documented by OHCHR, detainees were kept *incommunicado* for several weeks. Ángel Zerpa, who was arrested by the SEBIN on 22 July, was only allowed to have contact with his family on 19 August. *Incommunicado* detention often gives rise to serious human rights violations, and if prolonged is in and of itself a form of cruel, inhuman or degrading treatment.<sup>71</sup>

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<sup>70</sup> Interview with victim, 3 July 2017.

<sup>71</sup> CCPR/C/GC/35, para. 35.

### Box 3. Enforced disappearances

OHCHR recorded several cases of enforced disappearances, a particularly aggravated form of arbitrary detention, which violates substantive and procedural human rights standards.<sup>72</sup> A mother whose son was arrested told OHCHR: *“When I heard what had happened, I went to look for him everywhere. This is where my odyssey started.”*<sup>73</sup> All places of detention she visited seeking information denied they had her son. The authorities confirmed her son’s place of detention more than two weeks after his arrest and only allowed her to see him after 40 days in detention. In another case documented by OHCHR, a relative of a lawyer arrested by the SEBIN said they looked for him at the SEBIN headquarters, the DGCIM headquarters, and the military tribunal. *“Everywhere we asked for him, they answered that they did not have him.”*<sup>74</sup>

The Working Group on Enforced or Involuntary Disappearances has underlined “there is no time limit, no matter how short, for an enforced disappearance to occur” and that “accurate information on the detention of any person deprived of liberty and their place of detention shall be made promptly available to their family members.”<sup>75</sup> The whereabouts of the persons whose cases had been documented by OHCHR have been established.

OHCHR found that the State regularly failed to present detainees to the judge within the 48-hour limitation period established in domestic law. In all the cases documented by OHCHR, the detainees did not have access to a counsel from the outset of their detention<sup>76</sup> and could only communicate with a lawyer a few minutes before they were first presented to a judge. Some detainees were pressured to accept a public defender instead of the lawyer of their choice. Lawyers also had difficulties obtaining case files. *“When you go to the hearing, you do not know what you are going to defend,”* said a lawyer interviewed by OHCHR.<sup>77</sup> After the initial hearings, lawyers could not, or not regularly, visit their clients in detention. When these visits took place, the authorities did not respect lawyer-client confidentiality.

In several instances, high-level authorities made public statements where they identified detainees as “terrorists” or “criminals” soon after their arrest, prejudging the outcome of a trial, in breach of the principle of presumption of innocence.<sup>78</sup>

OHCHR found that judges often imposed stricter conditions for the detainee’s release pending trial than those requested by the prosecutor. The stricter conditions imposed by judges usually took the form of bail that had to be guaranteed by one or more persons called *fiadores* (guarantors). Several lawyers interviewed by OHCHR not only identified this practice as illegal under domestic law, but also said it had developed into a new way to unnecessarily prolong the detention of people arrested in the context of demonstrations.

<sup>72</sup> Ibid, para. 17.

<sup>73</sup> Interview with witness, 14 July 2017.

<sup>74</sup> Interview with witness, 27 July 2017.

<sup>75</sup> A/HRC/30/38, para. 102, and A/HRC/33/51, para. 113.

<sup>76</sup> CCPR/C/GC/35, para. 35.

<sup>77</sup> Interview, 27 June 2017.

<sup>78</sup> See <https://www.youtube.com/watch?v=8qSsHX5dzX0>, and <https://www.youtube.com/watch?v=TDJVBL2IPLQ>.

The Ombudsperson's Office indicated that between 1 April and 10 July they had received six complaints related to violations of the "right to personal liberty", one concerning a child, and 11 complaints alleging violations of "due process".<sup>79</sup>

## 5. Use of military justice for civilians

*"Military justice is not justice."*

Venezuelan law professor<sup>80</sup>

OHCHR documented several cases of civilians presented to military courts. In all these cases, OHCHR identified violations of fair trial guarantees, including lack of or restricted access to lawyers, who were in some cases prevented from attending court hearings. The use of military justice to try civilians results in serious violations of the defendant's right to a fair trial, including the right to be tried by a competent, independent and impartial tribunal established by law.<sup>81</sup>

The number of civilians tried before the military courts has dramatically increased since the beginning of the protests, in what sources regard as an effort to bypass the Attorney-General's constitutional role in criminal proceedings. OHCHR sought but did not receive any official figures on military trials. The NGO *Foro Penal Venezolano* identified 609 civilians, including seven children, arrested between 1 April and 31 July 2017 in the context of the protests who had been presented before military tribunals. The Attorney-General's Office filed several appeals against the trial of civilians before military courts, which the SCJ dismissed.<sup>82</sup>

According to *Foro Penal Venezolano*, the states where the highest numbers of civilians had been presented before military tribunals were Carabobo (144), Zulia (134), Anzoátegui (85), Caracas<sup>83</sup> (82), Aragua (28), Táchira (28) and Nueva Esparta (21). Eight per cent of civilians brought before the military jurisdiction were women.

Military courts should, in principle, have no jurisdiction to try civilians.<sup>84</sup> The UN Human Rights Committee has stated that the provisions of article 14 of the ICCPR, including those regarding the competence, independence and impartiality of tribunals and the fair trial guarantees due to defendants, apply to all types of courts.<sup>85</sup>

Legal experts interviewed by OHCHR affirmed that Venezuelan military judges and prosecutors could not be considered independent as they were active members of the armed forces, subjected to military hierarchy, as well as the authority of the Minister of Defence and the President. Moreover, according to national law, not all military judges and

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<sup>79</sup> Information provided by the Ombudsperson's Office, 2 August 2017.

<sup>80</sup> Interviewed by OHCHR, 10 July 2017.

<sup>81</sup> International Covenant on Civil and Political Rights (ICCPR), article 14, and United Nations Basic Principles on the Independence of the Judiciary, principle 5.

<sup>82</sup> Information provided by the Attorney-General's Office, 11 July 2017.

<sup>83</sup> Here Caracas is understood as composed of the Libertador district, as well as the districts of Baruta, Chacao, El Hatillo and Sucre, which formally belong to the State of Miranda..

<sup>84</sup> Report of the Special Rapporteur on the independence of judges and lawyers, A/68/285, para. 49.

<sup>85</sup> CCPR/C/GC/32, para. 22.

prosecutors need to be lawyers. Military judges apply the Code of Military Justice, which pre-dates the current Constitution, and have charged civilians with military offences, such as treason, military rebellion, theft of military goods, and outrage to the sentinel. These offences carry very high penalties, in some cases up to 30 years in prison. In 2015, the Human Rights Committee requested that the Venezuelan authorities adopt legislative and other necessary measures to prohibit military courts from trying civilians.<sup>86</sup>

Interviewees told OHCHR that military commanders made arbitrary decisions to place persons before military courts and not ordinary courts. In the cases recorded by OHCHR, commanders typically sent to military courts those detainees they identified as government opponents, such as student leaders or political activists. For instance, Lisbeth Añez, a woman who had been supporting detainees perceived as anti-government since 2014, in particular students, by bringing them food and books, was arrested, presented before a military judge and charged with treason and military rebellion.<sup>87</sup>

## 6. Violations of the right of peaceful assembly

*“Give me an iron knife, so I can kill a guarimbero.”*

Song sung by members of the GNB  
as recounted by a witness<sup>88</sup>

Since April 2017, Venezuelan authorities have systematically violated the right of peaceful assembly, mainly by repressing protests through criminalizing individuals who exercised this right, and by imposing undue restrictions on the right.

Sources interviewed by OHCHR indicated that the large majority of demonstrations during the reporting period were peaceful, and that when some demonstrators turned violent, it was usually in response to the repression by the security forces. Despite demonstrations being generally peaceful, the authorities regularly characterized them as violent and called protesters and organizers “terrorists.”<sup>89</sup> The authorities normally referred to demonstrators as *guarimberos*, a derogatory expression to refer to anti-Government protesters.

Witnesses told OHCHR that demonstrations were systematically dispersed by the security forces. Witnesses also said that, during demonstrations in early April, there had been some level of dialogue between the security forces and the demonstrators before the former started using force. Since mid-April, that was no longer the situation, and security forces had started using excessive force to disperse protests usually shortly after protests had started, and in several cases before they started. The regular deployment of the GNB to control the demonstrations may have indicated that the Government presumed opposition demonstrations would be violent. The Ombudsperson stated in his submission to OHCHR

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<sup>86</sup> CCPR/C/VEN/CO/4, para. 16. See also Inter-American Court of Human Rights, *Case of Usón Ramírez v. Venezuela*, Judgment of 20 November 2009.

<sup>87</sup> Interviews with witnesses, 28 and 29 June 2017.

<sup>88</sup> Interviewed by OHCHR, 6 July 2017.

<sup>89</sup> See <http://vtv.gob.ve/presidente-maduro-sobre-agenda-terrorista-de-la-derecha-hemos-vencido-sobre-los-violentos-y-la-paz-triunfo-en-esta-semana-santa/>; and <http://vtv.gob.ve/ministro-nessor-reverol-capturados-dos-provocadores-de-desordenes-publicos-financiados-por-derecha-venezolana/>.

that participation of the GNB in demonstrations had been justified by the fact that these were “multitudinous events” that exceeded the capacity of the police.<sup>90</sup>

Anti-Government protests were rarely permitted to reach their intended destination, usually governmental office buildings, where protestors sought to deliver petitions or to express their demands. In Caracas, opposition demonstrations were not allowed to enter the Libertador district, where the Ombudsperson’s offices and other government buildings are located. One source stated that this was because the opposition had not obtained the required authorizations.<sup>91</sup> Other sources stated it was due to a combination of existing regulations<sup>92</sup> and other measures, such as the setting up of barriers with water cannons at the Libertador district limits. OHCHR received accounts that the services of the Caracas metro and bus were suspended on at least 35 occasions to coincide with the days when large opposition demonstrations were called, allegedly in order to discourage people from reaching the rallying points. For example, on 8 May the opposition parties convened a march to the Ministry of Education announcing 12 rallying points. Security forces deterred people from advancing from nine of the rallying points. Pro-Government demonstrations, on the other hand, were able to move freely in the city. On the same day, a pro-government rally marched without any obstacles through the Libertador district.

Despite the constitutional protection of the right of peaceful assembly,<sup>93</sup> laws and regulations in the country criminalized protests and imposed undue restrictions that negated the essence of this right. For example, demonstrations were subject to prior authorization;<sup>94</sup> 103 different areas,<sup>95</sup> which sources estimate as large as 30 per cent of the country, were considered “security zones” where demonstrations were prohibited;<sup>96</sup> and the obstruction of streets was considered a crime.<sup>97</sup>

On 27 July, the Minister of the Interior, Justice and Peace, Major General Néstor Reverol, announced the prohibition by decree from 28 July to 1 August throughout the country of public demonstrations and meetings, concentrations of persons or any similar act that may disturb the normal development of the electoral process.<sup>98</sup> While the maintenance of peace during a voting process is necessary for the electorate to turn out and be able to vote, blanket bans, such as the one imposed by Decree No. 2992 of 27 July, are intrinsically disproportionate and discriminatory and violate international human rights standards.<sup>99</sup>

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<sup>90</sup> Information provided to OHCHR by the Ombudsperson’s Office, 2 August 2017.

<sup>91</sup> Ibid.

<sup>92</sup> Decree No. 281 of 17 February 2014, issued by the Mayor of the Libertador District.

<sup>93</sup> Constitution of the Bolivarian Republic of Venezuela, article 68.

<sup>94</sup> Law on Political Parties, Public Meetings and Demonstrations (1964), article 38, and decision No. 276 of the SCJ’s Constitutional Chamber of 24 April 2014.

<sup>95</sup> Information provided to OHCHR by the Ombudsperson’s Office, 2 August 2017.

<sup>96</sup> Organic Law on National Security of 2002 and several presidential decrees.

<sup>97</sup> Criminal Code, article 35.

<sup>98</sup> Presidential Decree No. 2992 of 27 July 2017.

<sup>99</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/68/299, paras. 8 and 25.



## 7. Violations of the right to freedom of expression

*“I did not run as a journalist but as someone who is trying to save his life.  
I ran and ran until the mask was covered in blood.”*

Journalist hit by tear gas canister during a protest  
in Caracas in April 2017<sup>100</sup>

OHCHR observed that attacks against media outlets, journalists and other media workers escalated with the protests that started in April. Between 1 April and 15 July, the NGO *Espacio Público* documented 554 violations of freedom of expression affecting over 400 journalists and other media workers. Thirty-one per cent of the victims of these attacks were women. Most violations occurred in Caracas (45 per cent). Violations affected predominantly reporters and photo-journalists, who are more identifiable because of their equipment.

### ***Violations and abuses of rights of journalists and other media workers during demonstrations***

Attacks against journalists and other media workers during demonstrations included physical attacks, such as beatings and injuries caused by tear gas canisters and plastic pellets, arbitrary detention, and confiscation or destruction of equipment.

Like demonstrators, journalists and other media workers were victims of excessive use of force by the security forces. However, the circumstances of many incidents indicated that these attacks appeared to be intended to prevent them from covering protests. Journalists were shot at with plastic pellets or tear-gas grenades even when they were identifiable by their media vests and helmets, and standing on the side-lines. They heard orders of the GNB to target journalists with water cannons or tear-gas grenades. In one case documented by OHCHR, the GNB pointed at a group of journalists and one of them heard “*shoot the one in white, shoot him in the knee*”. The journalist interviewed recounted how they could see how a national guard got closer, at some 10-15 metres, aimed and shot a tear-gas grenade that broke his tibia.<sup>101</sup>

Security forces repeatedly confiscated, broke, or stole media equipment, according to accounts received by OHCHR. The recording of acts of repression during demonstrations, in particular the detention of demonstrators, triggered such behaviour. “*In some circumstances, even getting your smart phone out puts you in danger,*” said an interviewee.<sup>102</sup>

OHCHR received information that 60 journalists or other media workers, 54 men and 6 women, were detained between 1 April and 31 July 2017. Most of them were released several hours after being detained, often after having their footage deleted. One journalist was detained for 16 days.<sup>103</sup>

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<sup>100</sup> Interviewed by OHCHR, 30 June 2017.

<sup>101</sup> Interview with victim, 3 July 2017.

<sup>102</sup> Interview with witness, 30 June 2017.

<sup>103</sup> Data of the National Press Workers Union (SNTP).

While the information gathered indicates that security forces perpetrated most violations against journalists, journalists were also targeted by demonstrators and supporters of both the opposition and the government.

### ***Smear campaigns against journalists***

OHCHR observed that Venezuelan authorities routinely stigmatized and discredited several journalists. High ranking officials often labelled journalists as “enemies” or “terrorists,” which is likely to have condoned or contributed to a climate conducive to violence against them.<sup>104</sup> On 16 May, President Maduro stated that two journalists should be detained for views they had tweeted.<sup>105</sup>

OHCHR found that some journalists were threatened, including with death, when covering demonstrations. Some threats were serious enough that the person moved to another part of the country or overseas. Threats spread via social media, for instance through Twitter accounts that provided names and addresses of journalists and labelled them “terrorists”, “infiltrated” or otherwise “enemies.”<sup>106</sup>

#### **Box 4. “No news is worth your life” – Self-protection and resilience**

*“The idea that as a journalist you are protected does not work in Venezuela anymore [...] The fear of being robbed or detained has affected me.”<sup>107</sup>*

Journalists told OHCHR that they protected themselves by using bulletproof vests, helmets and gas masks. They stated that they covered demonstrations in groups to be less exposed. *“I tell my journalists that no news is worth their lives. I tell them to use their memory when taking images puts them in danger,”* stated the head of a media outlet. *“In some cases, we needed to remove journalists from the street or move them to another part of the country in the case of death threats.”<sup>108</sup>*

Journalists also protected themselves through reduced exposure, by being visible, and by denouncing violations and abuses against them. Most journalists confirmed to OHCHR that they reported the attacks experienced to their professional networks, which relayed them in media and social media. For instance, the National Press Workers Union (SNTP) has been consistently tweeting about incidents against media workers, providing some protection, particularly in cases of detention.

### ***Closing of media outlets***

OHCHR documented that the Government increased the use of administrative measures that resulted in closing down or otherwise sanctioning media outlets. In addition to silencing

<sup>104</sup> See IACHR, “Report on the Situation of Human Rights in Venezuela”, para. 392, 29 December 2003. See also “Venezuela protests: UN and IACHR Rapporteurs condemn censorship, arrests and attacks on journalists”, 26 April 2017.

<sup>105</sup> See <https://www.youtube.com/watch?v=AZzmOm8VxW0&feature=youtu.be>.

<sup>106</sup> Espacio Público, Hearing of the Inter-American Human Rights Commission on freedom of expression, 7 July 2017.

<sup>107</sup> Interview with witness, 10 July 2017.

<sup>108</sup> Interview with witness, 30 June 2017.

media, this has limited access to information for high numbers of Venezuelans, affecting in particular those without internet access.

Over the period of this report, OHCHR observed that the National Telecommunication Commission (CONATEL) closed down 24 radio stations.<sup>109</sup> This took place in a climate of uncertainty affecting about 80 per cent of radio stations where CONATEL renews or denies concessions or inflicts administrative sanctions allegedly without transparency and due process. On 7 April, CONATEL ordered Internet service providers to block digital channels VPI TV, Vivo Play and Capitolio TV that broadcasted protests live. On 15 June, CONATEL closed down the university channel ULA TV in the State of Mérida, active in reporting on demonstrations and social problems. The closure, purportedly motivated for noncompliance with administrative requirements, happened a couple of weeks after the Governor of Mérida referred to ULA TV as promoting terrorism.<sup>110</sup>

## **8. Attacks against and restrictions on members of opposition parties**

OHCHR observed a rise in attacks against and harassment of leaders and other members of opposition parties from 1 April to 31 July, including through the imposition of arbitrary restrictions or sanctions, violating their human rights. As part of this pattern, members of the opposition, including elected political representatives, were subjected to physical aggression, arbitrary detentions, threats and intimidations.

According to an NGO, members of the National Assembly experienced a total of 90 physical attacks and 44 acts of intimidation between January and June 2017.<sup>111</sup> Dozens of parliamentarians and political leaders were injured by security forces during demonstrations, sometimes intentionally. This includes a woman parliamentarian who required hospitalization after being hit in the chest by a tear-gas canister.

The National Assembly was the scene of some of the attacks. On 27 June, three parliamentarians were assaulted by members of the GNB inside the assembly's premises. On 5 July, 12 persons were injured as a result of the violent attack of armed *colectivos* against the National Assembly (see Box 5).

The SCJ issued decisions ordering fourteen local authorities from the opposition to prevent “meeting in public areas that may restrict freedom of movement” and to remove barricades.<sup>112</sup> Following these decisions the mayor of Iribarren (Lara) was removed from office and arrested by the SEBIN for allegedly not complying with the decision. On 7 April and 8 May, respectively, the Governor of Miranda and former presidential candidate, Henrique Capriles, and the Governor of Amazonas, Liborio Guarulla, were disqualified from holding public office for a period of 15 years, after the CGR found them allegedly responsible for mismanagement of public funds.

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<sup>109</sup> Instituto Prensa y Sociedad, “Noticias en cautiverio – IPYS Venezuela presentó informe ante la CIDH”, 6 July 2017, available at <http://ipysvenezuela.org/2017/07/06/noticias-en-cautiverio/>, and SNTP tweets.

<sup>110</sup> Ibid.

<sup>111</sup> Transparencia Venezuela, “La Asamblea Nacional ha enfrentado 174 agresiones en 2017”, June 2017, available at <https://transparencia.org.ve/la-asamblea-nacional-ha-enfrentado-174-agresiones-2017/?platform=hootsuite>.

<sup>112</sup> Constitutional Chamber of the SCJ, Decisions No. 377 of 31 May 2017, No. 369 of 24 May 2017, No. 400 of 1 June 2017, and No. 401 of 1 June 2017.

The authorities have also limited the freedom of movement and activities of opposition leaders by withholding their passports. On 18 May, Henrique Capriles, had his passport taken away by the authorities at the airport when he was on his way to meet with the High Commissioner for Human Rights in New York. An opposition parliamentarian told OHCHR: “They told me that my passport appeared as “stolen” in the immigration system, and that if I had any complaint I should get a new passport.”<sup>113</sup> Other members of Parliament also had their passports seized by the authorities.

## **B. Human rights abuses and violence by non-State elements**

### **1. Pro-Government armed elements (armed *colectivos*)**

*“The armed colectivos are the Government’s secret weapon to control demonstrations.”*

A journalist describing the conduct of  
armed *colectivos* during protests<sup>114</sup>

*Colectivos* are organizations which formed to support their communities and implement governmental programs. Many *colectivos* still perform these functions. OHCHR received allegations that *colectivos* controlled activities in low-income areas in cities. For instance, they decide who receives government assistance and perform surveillance and intelligence activities for the authorities. While not all *colectivos* are armed, in the context of this report, “armed *colectivos*” refer to pro-Government armed groups that intimidated, threatened and attacked people perceived as opposed to the Government. An interviewee told OHCHR: “They came to my home at night, they were four, wearing black balaclavas. They told me to stop protesting, they said: ‘we are asking you nicely this time.’”<sup>115</sup>

These groups routinely broke into protests riding motorcycles and carrying firearms. According to OHCHR estimates, armed *colectivos* were responsible for at least 27 killings during the demonstrations. The Attorney-General’s Office ordered the detention of nine members of armed *colectivos* in relation to four cases. All of them were detained.

On 10 April 2017, Yoinier Peña, a 28-year old male with a disability, was in a demonstration in Barquisimeto. Sources interviewed by OHCHR reported that at around 7.30 p.m., armed *colectivos* arrived and started shooting their guns. Yoinier was shot in the back; the wound compromised his spine and colon. He died on 3 June, after 54 days in hospital, following an infection that could not be treated due to lack of antibiotics.

On 16 July, Xiomara Scott (61 years old) was participating in a consultation organized by the opposition. Witnesses reported to OHCHR that at around 1 p.m., a group of armed *colectivos* on motorcycles started shooting first in the air and then against those present. She was hurt by a bullet, and taken to hospital where she died. The Attorney-General

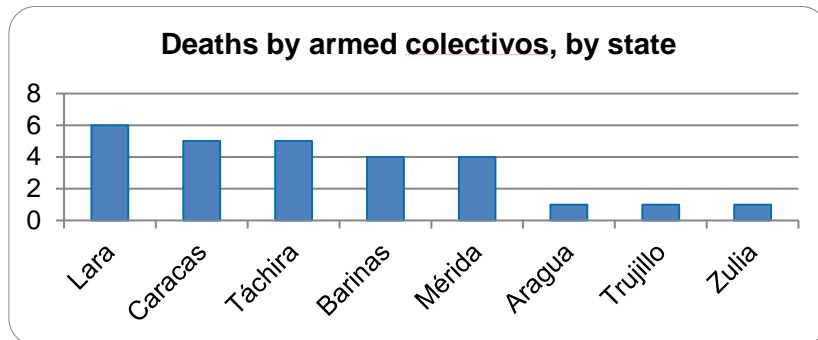
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<sup>113</sup> Interview with victim, 9 July 2017.

<sup>114</sup> Interviewed by OHCHR, 10 July 2017.

<sup>115</sup> Interview with victim, 10 July 2017.

identified three individuals as the perpetrators. At the time of writing of the report they were detained and on trial.



OHCHR graph based on Attorney-General's report, 1 April-31 July 2017

In addition to scaring, injuring and sometimes killing demonstrators, armed *colectivos* were allegedly involved in lootings and in the detention of demonstrators. An eyewitness interviewed by OHCHR said: *"We ran away from the security forces that were chasing us. When we reached a public square, the security forces started to withdraw from the streets and then came the colectivos with their motorcycles. They were about 20 people, armed, with their heads covered, and no license plates on the motorcycles."*<sup>116</sup>

OHCHR received numerous and consistent accounts that indicated armed *colectivos* operated with the acquiescence of, and sometimes in coordination with, security forces and local authorities. Security forces did not protect people from armed *colectivos* and either left the scene when armed *colectivos* arrived or they did nothing to stop them. In one case, while armed *colectivos* were attacking a group of demonstrators, a person later interviewed by OHCHR asked the police to stop them. She was told: *"We have orders not to intervene."*<sup>117</sup>

<sup>116</sup> Interview with witness, 28 June 2017.

<sup>117</sup> Interview with witness, 15 July 2017.

### Box 5. Attack against the National Assembly on 5 July

The morning of 5 July, the National Assembly held a solemn session on the occasion of Venezuela's Independence Day. At around noon, a group of over 100 persons, including alleged members of armed *colectivos*, burst into the assembly's premises, and started throwing rockets and attacking parliamentarians, journalists, and staffers with metal rods and sticks. Some of them reportedly carried guns. One of the injured recalled to OHCHR how he lost consciousness after being hit but afterwards saw in the security footage how the individuals "*were kicking and hitting me while I lay on the floor.*"<sup>118</sup> A journalist interviewed by OHCHR said "*I took refuge in the main chamber, I saw several parliamentarians covered in blood.*"<sup>119</sup> The attack lasted more than six hours. During that time, parliamentarians were prevented from leaving the premises. The incident left 12 persons injured, including five parliamentarians from the opposition.

The GNB, responsible for securing the National Assembly's premises, reportedly opened the gates to the armed *colectivos* and witnessed the assault, failing to protect the victims. "*The GNB was absolutely indifferent,*" reported a witness interviewed by OHCHR. "*The evidence is that there is not a single detainee [...] I believe everything was planned and orchestrated with the GNB.*"<sup>120</sup>

## 2. Violent anti-Government protestors

As a reaction to the disproportionate use of force by security forces, groups of anti-Government protestors started to use violent means. The level of violence by these groups increased as the use of force by security forces rose.

Members of these groups, sometimes referred to as "La Resistencia", normally covered their faces with rags; wore helmets, gas masks and gloves; and carried shields made of cardboard, plastic, or oil drums. They typically positioned themselves at the frontline of demonstrations, where they confronted security forces. They used various rudimentary weapons ranging from rocks, sticks, slingshots, and caltrops, to firework rockets, Molotov cocktails, or home-made mortars. In some instances, they targeted vehicles, government offices,<sup>121</sup> police stations and a military airbase. Some members of these groups also demanded money from drivers at blockades.

Violent clashes between protestors and security forces in the context of protests also injured security forces. According to the Ombudsperson's Office, 507 members of security forces were injured during the protests, including 297 members of the GNB and 210 police officers.<sup>122</sup> According to the Government, nine members of the security forces (three

<sup>118</sup> Interview with victim, 9 July 2017.

<sup>119</sup> Interview with witness, 9 July 2017.

<sup>120</sup> Interview with witness, 9 July 2017.

<sup>121</sup> Several attacks were reported against local offices of the Ombudsperson's Office in various states. Some of these took place in the context of demonstrations (see Defensoría del Pueblo, "En defensa de la paz y por la verdad - Informe sobre sucesos Abril-Julio 2017", 27 July 2017, pp. 97-111, available at [http://190.9.128.123/images/pdfs/Informe\\_Protestas\\_Abril-Julio\\_2017\\_170707\\_DEF.pdf](http://190.9.128.123/images/pdfs/Informe_Protestas_Abril-Julio_2017_170707_DEF.pdf)).

<sup>122</sup> Ibid, pp. 91-92.

members of the GNB and six members of local police forces from Lara, Mérida and Carabobo) were killed by firearms in the context of protests.<sup>123</sup>

According to OHCHR estimates, at least four people were allegedly killed by anti-government groups or individuals. On 19 April, Amelina Carrillo died after being hit in the head with a frozen water bottle thrown from a building. On 20 May, Orlando Figuera was beaten, stabbed and set on fire during a protest in Caracas. He died on the same day in the hospital. On 26 May, Danny Subero, an off-duty national guard, was lynched in Lara, while attending the funeral of a student killed during a protest. On 18 July, Héctor Anuel Blanco was hit by an explosive device in Anzoátegui while riding his motorcycle; his dead body was then burnt by demonstrators. The Ombudsperson's Office reported that 23 people were injured as a result of violent attacks by alleged anti-government groups.<sup>124</sup>

Acts of vandalism have been reported by the Government.<sup>125</sup> These acts included the burning of food storehouses, ambulances and buses, and looting. These incidents were not directly related to the protests, but are indicative of the situation of social unrest and the high level of violence in the country.

#### **IV. Applicable legal framework**

In assessing the situation of human rights in relation to the demonstrations in the Bolivarian Republic of Venezuela, OHCHR relied mainly on the binding legal obligations that the country voluntarily assumed as a State party to international human rights treaties.<sup>126</sup>

These international norms are complemented by a number of standard-setting instruments, which provided detailed guidance about more general rules. In the preparation of the report, OHCHR relied on the following instruments: The Code of Conduct of Law Enforcement Officials; the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the Standard Minimum Rules for the Treatment of Prisoners; the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the Basic Principles on the Independence of the Judiciary; the Basic Principles on the Role of Lawyers; and the Guidelines on the Role of Prosecutors.

In line with the international human rights law framework, the Venezuelan authorities are responsible for guaranteeing the protection and respect of the human rights and fundamental freedoms enshrined in binding treaties, and to take all necessary measures to prevent and remedy the violation of these rights.

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<sup>123</sup> See footnote 34.

<sup>124</sup> Defensoría del Pueblo, *op.cit.*, pp. 80-83.

<sup>125</sup> See <https://www.youtube.com/watch?v=-ZSDep-jmQ0&t=13s>, [https://www.youtube.com/watch?v=Ue\\_fsvR5nsU](https://www.youtube.com/watch?v=Ue_fsvR5nsU), and <https://www.youtube.com/watch?v=XHIZ7qP837Y>.

<sup>126</sup> For a list of international human rights treaties ratified by the country, see <http://www.ohchr.org/EN/Countries/LACRegion/Pages/VEIndex.aspx>.

## V. Conclusions and recommendations

OHCHR findings point to extensive human rights violations and abuses in the context of the country-wide anti-Government demonstrations. Demonstrations are a means to express dissent, which should be met with meaningful and participatory dialogue to find solutions to Venezuela's social, economic, and political crisis.

Authorities responded to these violations with few condemnations of the violence and human rights violations committed by security forces; a stigmatizing discourse against the opposition and demonstrators; a denial of security forces' involvement in advance of the conclusion of investigations into killings; and lack of cooperation with open investigations. This points to the existence of a policy to repress political dissent and instil fear in the population to curb demonstrations at the cost of Venezuelans' rights and freedoms. The generalized and systematic use of excessive force during demonstrations and arbitrary detention of protestors and perceived political opponents indicate these were not illegal or rogue acts of isolated officials.

The risk of further deterioration of the human rights situation remains high, as the economic and social crisis remains dire and polarizing political tensions continue to escalate, especially after the highly contested elections of 30 July. OHCHR offers the following recommendations to the Government of the Bolivarian Republic of Venezuela aimed at preventing further violence and human rights violations, and in support of political dialogue:

- End violent repression of peaceful demonstrations, cease the use of excessive and disproportionate force, in particular by restricting the deployment of the GNB during demonstrations and preventing the involvement of security forces that do not have the mandate to exercise crowd control, namely SEBIN and CONAS;
- Order police forces to implement de-escalation tactics in the policing of assemblies, based on communication, negotiation and engagement;
- Halt all arbitrary detentions, and release all persons who have been arbitrarily detained;
- Publicly condemn all cases of torture and ill-treatment, put an end to this practice and initiate prompt, effective and independent investigations into these cases to identify perpetrators and bring them to justice;
- Ensure that accurate information on the detention of any person deprived of liberty and their place of detention is promptly made available to their family members, and that detainees have access to a lawyer from the moment of their detention;
- End the use of the military jurisdiction for civilians and ensure that military courts only try active military personnel accused of military offences or breaches of military discipline;
- End illegal house raids, respect the right to adequate housing and prevent arbitrary or unlawful interference with privacy, family or home;
- Ensure prompt, independent and effective investigations of human rights violations involving security forces and abuses involving armed *colectivos* or violent protestors, including by taking forward investigations initiated by the Attorney-General during the period of this report;



- Implement an effective and measurable plan to disarm armed *colectivos*, protect the population from their attacks, and prohibit, prevent and punish the criminal activities of armed *colectivos*;
- Take the necessary measures to ensure that all individuals under its jurisdiction are able to fully enjoy their rights to freedom of peaceful assembly and freedom of opinion and expression;
- Ensure the safety of journalists and other media workers, including during demonstrations, by providing specific orders to security forces to allow them to carry out their journalistic work unhindered;
- Refrain from taking measures that harass or unduly interfere with legitimate activities of the political opposition;
- Strengthen the independence of the judiciary, refraining from taking any action that undermines it. Ensure the selection of individuals of integrity and ability with appropriate qualifications in law for judicial office and guarantee tenure to judges until retirement or expiry of their terms of office;
- Ensure that no reprisals will be taken against those persons who provided information for this report;
- Allow access to the country to the Special Procedures of the Human Rights Council and to regional human rights mechanisms;
- Grant OHCHR direct and unfettered access to the country to carry out an assessment of the human rights situation in the country, and explore the possibilities of technical cooperation.

Given the responsibilities of the Bolivarian Republic of Venezuela as a member of the Human Rights Council, OHCHR expects that these recommendations be promptly implemented.

**OHCHR calls on to opposition parties to:**

- Condemn all acts of violence, in particular when they originate from groups of violent protestors;
- Make full use of international and regional human rights mechanisms.

**OHCHR calls on the Human Rights Council to:**

- Monitor the developments in the country and consider taking measures to prevent further deterioration of the human rights situation, and consider encouraging the General Assembly to do the same;
- Invite the Venezuelan authorities to consider initiating discussions with OHCHR with a view to increasing OHCHR's access to the country and engagement and technical cooperation with authorities and civil society.

OHCHR stands ready to provide additional information in a regular manner to the Human Rights Council in the format it considers appropriate.

# ANNEX I

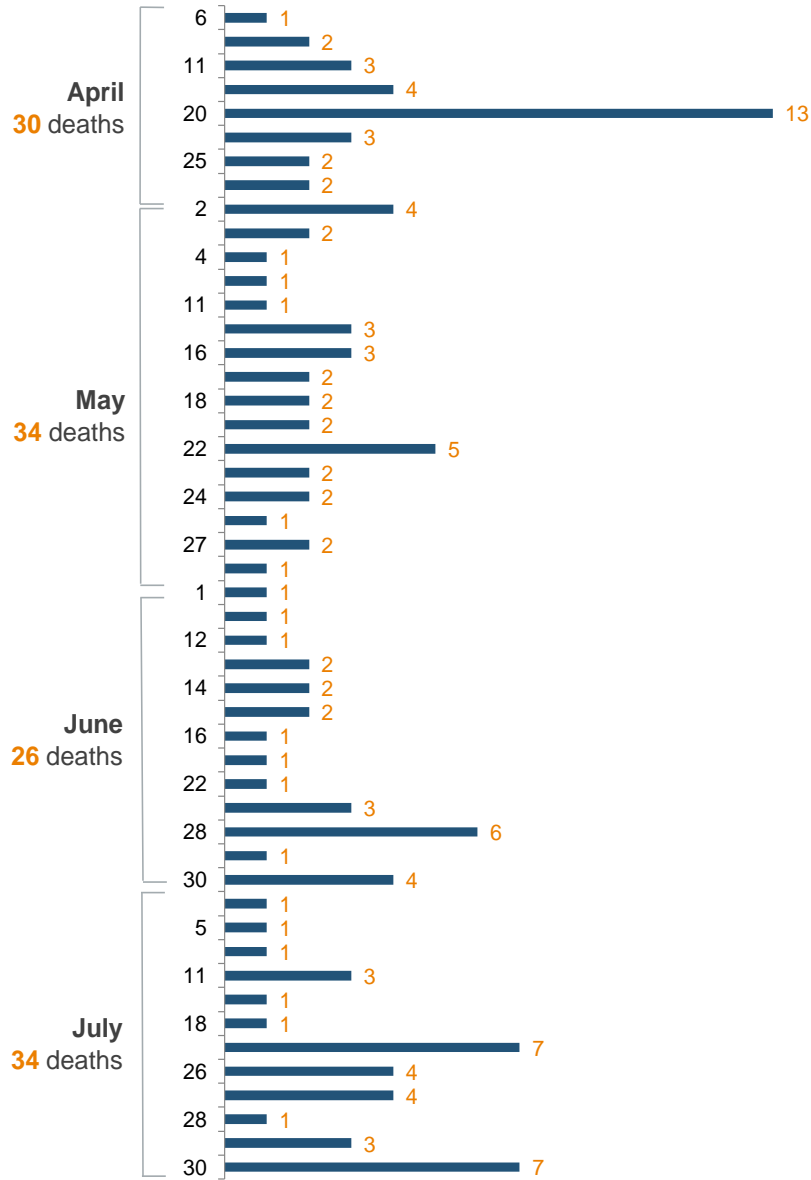
## Locations of the deaths



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

## ANNEX II

### Deaths in the context of protests (by day)



Source: Attorney General's Office