

OHCHR | Venezuela: UN report urges accountability for crimes against humanity

GENEVA (16 September 2020) – The Venezuelan State must hold to account those responsible for extrajudicial executions, enforced disappearances, arbitrary detentions and torture, and prevent further acts of this nature from taking place, the UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela said in its first report, published today.

The Mission investigated 223 cases, of which 48 are included as in-depth case studies in the 411-page report. It reviewed an additional 2,891 cases to corroborate patterns of violations and crimes.

While recognising the nature of the crisis and tensions in the country, and the responsibilities of the State to maintain public order, the Mission found the Government, State agents, and groups working with them had committed egregious violations. It identified patterns of violations and crimes that were highly coordinated pursuant to State policies, and part of a widespread and systematic course of conduct, thus amounting to crimes against humanity.

The Mission found that high-level State authorities held and exercised power and oversight over the security forces and intelligence agencies identified in the report as responsible for these violations. President Maduro and the Ministers of the Interior and of Defence were aware of the crimes. They gave orders, coordinated activities and supplied resources in furtherance of the plans and policies under which the crimes were committed.

“The Mission found reasonable grounds to believe that Venezuelan authorities and security forces have since 2014 planned and executed serious human rights violations, some of which – including arbitrary killings and the systematic use of torture – amount to crimes against humanity,” said Marta Valiñas, chairperson of the Mission.

“Far from being isolated acts, these crimes were coordinated and committed pursuant to State policies, with the knowledge or direct support of commanding officers and senior government officials.”

Extrajudicial executions

Even conservative estimates suggest that Venezuela has one of Latin America’s highest rates of killings by State agents.

The Mission investigated 16 cases of police, military or joint operations resulting in 53 extrajudicial executions. It also reviewed 2,552 additional incidents involving 5,094 killings by security forces, although not all were necessarily arbitrary.

From 2015 to 2017, Operations for People's Liberation (OLP), purportedly established to fight crime, resulted in arbitrary detentions and extrajudicial executions. The Mission investigated or reviewed 140 operations, resulting in 413 people being killed, sometimes shot at point blank range.

Senior Government officials repeatedly praised the operations, which typically involved hundreds of armed officers storming an area, sometimes using armoured vehicles and helicopters. One OLP in the Santa Rosa de Agua area of Maracaibo, Zulia State, in September 2015 left five men dead and more than 60 detained, most of them fishermen returning from work; women were mistreated and household items looted.

Eight of the operations reviewed resulted in 10 or more deaths. Following criticism of their heavy-handed tactics, the Government relaunched the OLPs as Operations for People's Humane Liberation (OLHP) before phasing them out by mid-2017.

However, extrajudicial executions continued. Two security

forces – the CICPC and the Special Action Forces (FAES) of the National Bolivarian Police (PNB) – were responsible for 59% of all killings by security forces in the period under review and were the perpetrators of the extrajudicial executions documented in the report.

PNB/FAES officials told the Mission that it was common practice to cover up killings by planting weapons to simulate “confrontations” – a process officers referred to as planting “seeds”. A source with inside knowledge confirmed that superiors could grant officers a “green light to kill”. A FAES training video authenticated by the Mission shows officers being encouraged to “kill criminals without compassion”.

Civilians were also killed following the implementation of a military plan. An operation in the Barlovento sub-region in Miranda state in mid-October 2016 ended in a massacre after soldiers arbitrarily detained 35 men, some of whom they disappeared and tortured. Twelve victims, all aged 30 or younger, were extrajudicially executed and buried in mass graves – two had bullets piercing their skulls and 10 had likely machete wounds to the chest, neck and head. Five others remain disappeared.

The vast majority of unlawful killings by security forces have not resulted in prosecutions, and at no stage have officials with command responsibility been brought to justice.

“These extrajudicial executions cannot be attributed to a lack of discipline among the security forces. High-ranking officials had effective command and control over the perpetrators and knowledge of their actions but failed to prevent or repress the violations. The killings appear part of a policy to eliminate unwanted members of society under the cover of combating crime,” said Marta Valiñas.

The FAES should be dismantled and those responsible across all security forces and their chains of command held accountable.

Politically motivated detention and torture

The Mission also investigated targeted repression by State intelligence agencies.

The Bolivarian National Intelligence Service (SEBIN) targeted political dissidents and human rights activists, and others perceived to be against the Government, while the General Directorate of Military Counter-Intelligence (DGCIM) targeted military personnel and associated civilians allegedly involved in rebellions or coup attempts.

Detainees were typically held in poor conditions outside the official prison system, at the agencies' Caracas headquarters

or in unofficial "safe houses". Victims were in some cases charged with spurious crimes, evidence was planted and due process was flouted.

The detentions in some cases amounted to short term enforced disappearances and included torture and cruel, inhuman and degrading treatment, either to extract confessions or as punishment. A former SEBIN director told the Mission that the institution had a "cultural behaviour" of torture.

Torture techniques included: stress positions; asphyxiation; beatings; electric shocks; cuts and mutilations; death threats; and psychological torture.

"Intelligence agencies also subjected dissidents – both men and women – to sexual violence, including rape with body parts or objects and threats to rape either the detainee or the detainee's loved ones, forced nudity, as well as beatings and electric shocks to the genitals. These acts of sexual violence also constitute torture or cruel, inhuman or degrading treatment," said Francisco Cox.

Former Navy Captain Rafael Acosta Arévalo died after being tortured in DGCIM custody and at least two people died in SEBIN custody.

“These arbitrary detentions, short term disappearances and torture were directed against the civilian population as part of a policy to silence opposition to the Maduro Government,” said Francisco Cox.

“Commanding officers, including high-level authorities within SEBIN and DGCIM, had full knowledge of this pattern of crimes, which often occurred in the very buildings where they worked. The Mission has recorded the names of more than 45 SEBIN and DGCIM officials directly responsible, who should be investigated and prosecuted.”

Protest-related violations

The Mission also documented violations amid the State’s increasingly violent response to mass opposition protests, especially in 2014, 2017 and 2019. These include the killings of 36 protesters, who were shot with firearms and less-lethal munitions, as well as torture and other ill-treatment in detention, including beatings and humiliation, sexual and gender-based violence and mock execution.

State authorities also failed to intervene in at least seven cases where protesters were killed by armed civilian groups known as colectivos. This came amid the Government’s increased reliance on military-civilian coordination to maintain public order in recent years.

“The policing of protests and the system to authorise them are deeply concerning. The system is designed to prevent and discourage peaceful assembly, often violently,” said Paul Seils.

“Of particular concern is the systematic practice of torture and cruel treatment of people detained in protests carried out, not by rogue elements, but as part of a clear policy.”

A compromised judiciary

The violations the Mission investigated took place amid a gradual breakdown of democratic institutions and the rule of law, including an erosion of judicial independence, in Venezuela.

Venezuela’s judiciary failed to serve as a check on other State actors. Further investigation is needed into the extent to which undue political influence has hampered judicial independence.

“The violations must stop. And impunity must end. Venezuelan authorities must immediately carry out prompt, effective, thorough, independent, impartial and transparent investigations into the violations and crimes, bringing perpetrators to account and providing justice for victims. Victims must have full redress for the harm they suffered,”

said Marta Valiñas.

“Other jurisdictions in accordance to their national laws, as well as the International Criminal Court, should also consider legal actions against individuals responsible for violations and crimes the Mission identified.”

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Notes to Editors:

After the embargo, the full report will be published on the Mission’s resolution [42/25](#) on 27 September 2019. The United Nations Human Rights Council mandated it for a year to investigate extrajudicial executions, enforced disappearances, arbitrary detentions and torture and other cruel, inhuman or degrading treatment committed in Venezuela since 2014.

The Mission was unable to visit Venezuela due to the Government’s failure to respond to repeated requests. In addition, the Mission faced other travel restrictions due to the COVID-19 pandemic. However, it carried out 274 remote interviews with victims, witnesses, family members, former State officials, lawyers, representatives of non-governmental organizations and international personnel. It also analysed a raft of confidential documents, including legal case files and

submissions, and open source information.

The Mission will present the report in an interactive dialogue at the Human Rights Council on 23 September.

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