

**Addendum number 1 to the urgent request to open a preliminary
examination in Venezuela, for crimes against humanity
committed against the civilian population,
since February 2014**

Group of Families of Venezuelan Victims

May, 2016

About the authors:

The authors are a group of families of Venezuelan victims who have suffered various forms of violence at the hands of the Government of Venezuela (GoV), through various State entities and officers, and, in some instances, along with pro-government armed paramilitaries and organized crime gangs. Their testimonies in this communication, as well as the context in which their experiences occurred, drafted by Juancarlos Vargas¹ and Sabrina Velandia², stem from their first-hand experience and from corroborated and reliable open source information available.

Due to the fear of being targeted for further violence, as so many families of victims have already been, these family members have chosen to remain anonymous at this stage, for security reasons, but remain available to be interviewed by the Office of the Prosecutor, on request.

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- **AD:** *Acción Democrática*- Democratic Action
- **CENAPROMIL:** *Centro Nacional de Procesados Militares*- National Center for Accused Military members (*Ramo Verde* prison)
- **CICPC:** *Cuerpo de Investigaciones Científicas, Penales y Criminalística*- Corps of Scientific, Penal and Criminal Investigations
- **CNE:** *Consejo Nacional Electoral*- National Electoral Council
- **CODHEZ:** *Comisión para los Derechos Humanos del Estado Zulia*- Zulia state Commission on Human Rights
- **COFAVIC:** *Comité de Familiares de las Víctimas*- Committee for Victims' Relatives
- **DGCIM:** *Dirección General de Contra Inteligencia Militar*- Military Counterintelligence Direction
- **FANB:** *Fuerza Armada Nacional Bolivariana*- Bolivarian National Armed Forces
- **FPV:** *Foro Penal Venezolano* -Venezuelan Penal Forum
- **FUNDEPRO:** *Fundación para el Debido Proceso*- Foundation for Due Process
- **FUNPAZ:** *Justicia, Solidaridad y Paz*- Justice, Solidarity and Peace
- **GNB:** *Guardia Nacional Bolivariana*- Bolivarian National Guard
- **GoV:** Government of Venezuela
- **HRW:** Human Rights Watch
- **INTT:** *Instituto Nacional de Tránsito Terrestre*- National Institute of Terrestrial Transportation
- **MUD:** *Mesa de la Unidad Democrática*- Democratic Unity Roundtable
- **OAS:** Organization of American States
- **OGP:** Office of the General Prosecutor
- **OLP:** *Operativo de Liberación del Pueblo*- Operation for the People's Liberation
- **ONA:** *Oficina Nacional Antidrogas*- National Anti-drugs Office
- **OVCS:** *Observatorio Venezolano de Conflictividad Social*- Venezuelan Observatory on Social Conflicts
- **PNB:** *Policía Nacional Bolivariana*- Bolivarian National Police
- **PRAN:** *Preso Rematado, Asesino Nato* - topped off prisoner, born killer (in Venezuelan prison slang, PRAN is used by interns to refer to the prison's leaders).
- **PROVEA:** *Programa Venezolano de Educación-Acción en Derechos Humanos*- Venezuelan Program for Education and Action in Human Rights
- **PSUV:** *Partido Socialista Unido de Venezuela*- United Socialist Party of Venezuela
- **REDI:** *Región Estratégica de Defensa Integral*- Strategic Defense Region
- **SAIME:** *Servicio Administrativo de Identificación, Migración y Extranjería*- Identification and Migration Service
- **SEBIN:** *Servicio Bolivariano de Inteligencia Nacional*- Bolivarian National Intelligence Service
- **TSJ:** *Tribunal Supremo de Justicia*- Supreme Tribunal
- **ZODI:** *Zona Operativa de Defensa Integral*- Strategic Defense Operational Zone

I. Rationale

The purpose of this addendum number 1, dated 15 May, 2016, is to complement the information contained in the urgent request to open a preliminary examination in Venezuela, for crimes against humanity committed against the civilian population since February 2014, submitted on 10 November, 2015 (The Request), provide additional information and, therefore, widen its scope identifying situations that may constitute crimes against humanity, pursuant to the Rome Statute, aiming to determine the relevant individual criminal liability and the alleged victims and perpetrators. Thus, the information provided in this addendum shall develop and update the description of the cases already categorized in The Request, as well as include other prominent cases which constitute alleged crimes against humanity, committed by high-level officials of the Government of Venezuela (GoV), including President Nicolás Maduro himself, along with national and state-level security forces and, in some instances, with pro-government armed paramilitaries and organized crime gangs, under the *de facto* control of the Presidency. Part of these incidents have occurred, as it was described in The Request -in which it is broadly explained and demonstrated how they meet the threshold for constituting alleged crimes against humanity- in the context of a largely peaceful uprising by unarmed civilians, which started in early February 2014, prompted by the deteriorating socio-economic crisis in Venezuela. Likewise, some of the situations described in this addendum -which also meet the threshold for constituting new alleged crimes against humanity- have occurred from the moment when The Request was submitted before the ICC Office of the Prosecutor to the present (i.e. from 10 November, 2015 to 15 May, 2016), supporting the evidence that there is an ongoing state policy intended to perpetrate systematic and widespread attacks against the civilian population perceived as dissident and/or expressing dissent.

The events referred to in The Request and those described herein have occurred in the Metropolitan District of Caracas and the states of Amazonas, Anzoátegui, Apure, Aragua, Barinas, Bolívar, Carabobo, Cojedes, Delta Amacuro, Falcón, Guárico, Lara, Mérida, Miranda, Monagas, Nueva Esparta, Portuguesa, Sucre, Táchira, Trujillo, Vargas, Yaracuy and Zulia. They have as common and primary element -among others- President Maduro's violent speech. His verbal threats have paved the way for physical violence against those who think differently. The attacks targeting persons perceived as dissenting or obstructing the imposition of the GoV's agenda are not properly investigated by neither the Office of the General Prosecutor (OGP) nor the Judiciary, as it was explained in The Request and will be widen below. This situation is particularly concerning considering that the hateful and aggressive speech is promoted by the head of state -the President of a State Party-

and has led to a large number of civilian casualties, political prisoners, and tortured, persecuted and deported individuals, since February 2014.

II. Background and factual allegations

A. The crimes against humanity for political reasons or as a consequence of dissent

1. The victims' numbers and categorization

The GoV, including President Maduro himself and members of his inner circle in high-level government positions, have loosely labeled as “fascists” and criminalized demonstrators and any other individual perceived as dissident, using the Presidency’s control over the OGP and the Judiciary. Along with the “High Political Command of the Bolivarian Revolution”, President Maduro and members of his inner circle have designed a plan to prevent, restrict and punish dissent, and have organized and participated in its implementation allegedly committing crimes against humanity against the civilian population.

As part of this plan, since February 2014, the GoV deployed the national security forces, the national and state-level police and the intelligence services, acting in coordination with the pro-government armed paramilitaries -under the *de facto* control of the President- which responded with brutal, indiscriminate, deliberate and disproportionate violence against the mostly peaceful demonstrators and civilians -including bystanders- through live ammunition, rubber bullets and teargas canisters, at point-blank range, during and in the immediate aftermath of the demonstrations. This has resulted in: (i) the death of at least between 33 to 37 civilians, since February 2014; (ii) the arbitrary arrest of at least 638 individuals who were freed after being detained without even being brought to court, as required by law; and (iii) the imprisonment of between 3,351 and 3,890 people -including 373 minors or teenagers³.

³ Amnesty International (2015): *Venezuela: balance de derechos humanos tras un año de las protestas*. 24 March, 2015 [Online] Available from: <https://www.es.amnesty.org/uploads/media/DatosYCifrasVenezuelaMarzo2015.pdf> [Accessed 19 October, 2015]. Foro Penal Venezolano (2015): *Politically motivated detentions, torture, other cruel, inhuman or degrading treatment, and killings (2014-2015)*. Published by United Nations [Online] Available from: http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VEN/INT_CCPR_CSS_VEN_20238_E.pdf. Please note that while the AI figures relate to the period from February 2014 to March 2015, the Foro Penal figures cover the period from February 2014 to May 2015. Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Crueles, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 22 May, 2016]. The last victim (Luis Manuel Díaz) reported in: BBC Mundo: *Venezuela: denuncian muerte a tiros del político*

As at 15 May, 2016, there were still 85 people imprisoned for political reasons or as a consequence of demonstrating -eight more than the number reported on The Request- of which there were eight students and ten women⁴. These political prisoners have in common having done or said something the GoV considered as an offense or as an impediment to retain power indefinitely. Some have not even been involved in the incidents from which they were charged, thus they have been subjected to prosecution on the basis of false and malicious charges. The GoV has exerted over them an abusive and disproportionate power, violating their rights to freedom and integrity, and applying excessive and unlawful punishments, causing them, as a consequence, serious physical and mental damages.

The specific reasons why they are imprisoned, pursuant to reports published by *Foro Penal Venezolano* (FPV), as at May 2016, are: (i) for participating in public demonstrations (31); (ii) for expressing their opinions in social networks (3)⁵; (iii) for military rebellion (19); (iv) for civilian rebellion (2); and, (v) for other charges -including jeering the Minister of Tourism, Diosdado Cabello's wife (30)⁶. Local NGO *Fundación para el Debido Proceso* (Foundation for Due Process (FUNDEPRO)), though, includes 93 persons on their political prisoners list, considered by them to correspond to three categories: prisoners of conscience; civil or military rebellion prisoners and prisoners who are victim of judicial farce. Both organizations -FPV and FUNDEPRO- consider among their political prisoners list those under house arrest, given that being held at home, based on an illegitimate judicial order, also breaches their right to freedom. Among these prisoners are mayor

opositor Luis Manuel Díaz durante mitin electoral en Altagracia de Orituco. 26 November, 2015. [Online] Available from:

http://www.bbc.com/mundo/noticias/2015/11/151125_venezuela_muerto_campana_electoral_altagracia_de_orituco_aw.shtml [Accessed 22 May, 2016].

⁴ Foro Penal Venezolano (2016): *Political Prisoners* [Online] Available from: <https://foropenal.com/presos-politicos>. [Accessed 27 April, 2016]. Foro Penal Venezolano (2016) [Online] Available from <https://foropenal.com/presos-politicos> [Accessed 15 May, 2016].

⁵ In 2014, eight Twitter users -of which three are women- were arrested for tweeting messages the GoV considered as "offensive", and after accusations made by Diosdado Cabello. Although the OGP has failed to prove their responsibility, as at 30 April, 2016, three of them were still imprisoned. Foro Penal Venezolano (2014): *En Venezuela detienen a seis "tuiteros" por mensajes "ofensivos" contra el Gobierno*. 16 October, 2014 [Online] Available from: <https://foropenal.com/noticias/en-venezuela-detienen-seis-tuiteros-por-mensajes-ofensivos-contra-el-gobierno> [Accessed 13 May, 2015]. Foro Penal Venezolano (2015): *Conatel elaboró informes para el SEBIN_OFICIAL sobre tuiteros detenidos*. 3 July, 2015 [Online] Available from: <https://foropenal.com/noticias/conatel-elabor%C3%B3-informes-para-el-sebinoficial-sobre-tuiteros-detenidos> [Accessed 13 May, 2015].

⁶ Foro Penal Venezolano (2016): *Political Prisoners* [Online] Available from <https://foropenal.com/presos-politicos> [Accessed 15 May, 2016]. El Impulso (2015): *Presos políticos: Las caras de la represión judicial*. 28 September, 2015 [Online] Available from: <http://www.elimpulso.com/noticias/sucesos/presos-politicos-las-caras-de-la-represion-judicial> [Accessed 13 May, 2016].

Antonio Ledezma and former mayor Daniel Ceballos -both of them released for humanitarian reasons, given their health decline⁷.

Likewise, three opposition candidates who were elected as substitute deputies for the National Assembly, on December 2015 -Rosmit Mantilla, Renzo Prieto and Gilberto Sojo- are still imprisoned for political reasons⁸. After their election, the three of them should have been released, by virtue of their parliamentary immunity, enshrined in the Venezuelan Constitution -something has already occurred in the country⁹.

Between 2014 and 2015, international organizations have issued decisions, resolutions and opinions regarding the arbitrary character of the Venezuelan political prisoners' imprisonment. It is the case of the UN Working Group on Arbitrary Detentions, which issued decisions in favor of Leopoldo López, Daniel Ceballos, Gerardo Carrero, Gerardo Resplandor, Nixon Leal, Carlos Pérez, Renzo Prieto, Rosmit Mantilla, Juan Carlos Nieto, Antonio Ledezma, Vincezo Scarano, Maikel Giovanni Rondón Romero and other 316 people; and the Inter-American Commission on Human Rights, which granted precautionary measures in favor of Leopoldo López and his family; Daniel Ceballos and Antonio Ledezma; and Lorent Gómez Saleh and Gerardo Carrero¹⁰.

On Resolution number 27/2015, issued by the UN Working Group on Arbitrary Detentions, dated 3 September, 2015 (in favor of Antonio Ledezma), the Working Group states they had identified a systematic pattern in arbitrary detentions carried out by the GoV, based on the opinions they have issued since 2014 -four in 2015 and four in 2014, in favor of hundreds of arbitrary arrested individuals- along with the Inter-American Commission on Human Rights' decisions about his matter¹¹.

⁷ El Impulso (2015): *Presos políticos: Las caras de la represión judicial*. 28 September, 2015 [Online] Available from: <http://www.elimpulso.com/noticias/sucesos/presos-politicos-las-caras-de-la-represion-judicial> [Accessed 13 May, 2016].

⁸ Foro Penal Venezolano (2016): *Rosmit Mantilla* [Online] Available from: <https://foropenal.com/content/rosmit-mantilla> [Accessed 19 April, 2016]. Foro Penal Venezolano (2016): *Renzo Prieto* [Online] Available from: <https://foropenal.com/content/renzo-david-prieto-ram%C3%ADrez>. [Accessed 19 April, 2016]. Foro Penal Venezolano (2016): *Gilberto Sojo* [Online] Available from: <https://foropenal.com/content/gilberto-sojo-rengifo> [Accessed 19 April, 2016].

⁹ Contrapunto (2015): *Rosmit Mantilla, el candidato gay que está preso*. 12 August, 2015 [Online] Available from: <http://contrapunto.com/noticia/rosmit-mantilla-el-candidato-gay-que-esta-preso/> [Accessed 19 April, 2016].

¹⁰ FUNDEPRO (2015): *Informe Anual Presos Políticos en Venezuela* [Online] Available from: <https://es.scribd.com/doc/296867032/Informe-Presos-Politicos-2015-Fundepro> [Accessed 19 April, 2016]. Foro Penal Venezolano (2015): *Nueva decisión de la ONU califica como arbitrarias detenciones de ciudadanos por manifestaciones* [Online] Available from: <https://foropenal.com/noticias/nueva-decisi%C3%B3n-de-la-onu-califica-como-arbitrarias-detenciones-de-ciudadanos-por> [Accessed 13 May, 2016].

¹¹ United Nations Human Rights Office of the High Commissioner: *Opiniones adoptadas por el Grupo de Trabajo sobre la Detención Arbitraria en su 73.º período de sesiones (31 agosto a 4 de septiembre de 2015)*

As at September 2015, FPV reported that more than 2,031 people had been conditionally released¹²: they have pending judicial processes, most of which have serious judicial delays and due process violations, especially, the right to defense¹³.

According to the UN Committee Against Torture, at least 437 individuals arrested during the protests were victim of torture, while FPV formally documented 138 cases of victims of torture or cruel and inhuman treatment¹⁴, as described in detail in The Request. Due to fear of persecution and the absence of adequate legal recourses to victims, FPV considers that the actual number of victims is significantly higher, as many of the victims have not reported incidents of victimization¹⁵.

On February 2016, a coalition of NGOs -led by COFAVIC, a renown local Human Rights organization- published a report about a study conducted by them, regarding the crimes of torture committed in the country during the past years. According to such report, the OGP informed that after the demonstrations that took place from February to July 2014, 29 people were accused of torture and 513 were accused of cruel treatment. Two years after OGP's investigation started, no sentence convicting crimes of torture is known to have been passed¹⁶.

After a visit carried out on October 2015, the World Organization Against Torture witnessed the difficulties and obstacles suffered by the victims of torture and mistreatment, as well as their attorneys, when trying to access their judicial files, in order to obtain copies of relevant documents -such as medical exams practiced by specialists.

28 September, 2015. [Online] Available from: http://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%202015%2027_Venezuela_D%C3%ADaz_AUV.pdf [Accessed 13 May, 2016].

¹² Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Crueles, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 28 April, 2016].

¹³ Foro Penal Venezolano (2015): *Foro Penal Venezolano presenta su informe sobre violaciones de DDHH ante la ONU* (30 June, 2015) [Online] Available from: <https://foropenal.com/noticias/foro-penal-venezolano-presenta-su-informe-sobre-violaciones-de-ddhh-ante-la-onu#sthash.oA9tz9RM.dpuf> [Accessed 28 April, 2016].

¹⁴ Foro Penal Venezolano (2015): *Politically motivated detentions, torture, other cruel, inhuman or degrading treatment, and killings* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 28 April, 2016]. Also published by the United Nations at: http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VEN/INT_CCPR_CSS_VEN_20238_E.pdf

¹⁵ Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Crueles, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 22 May, 2016].

¹⁶ COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

They could also confirm that the Istanbul Protocol guidelines¹⁷ are disregarded and that judges fail to admit or consider the medical/psychological exams practiced by independent experts. This situation is aggravated by the fact that victims of torture are stigmatized and treated unequally when reporting their cases, promoting impunity of such crimes and victims' neglect¹⁸.

The coalition of organizations concluded that the protection of victims in Venezuela has considerably reduced, especially after criminal adjective laws have been modified in order to limit the Human Rights NGOs support and functions. This group of organizations have found out, based on reliable sources, that OGP authorities have told several victims that their cases would not be resolved if they asked for the NGOs support¹⁹

Furthermore, at least 878 civilians were injured from February 2014 to March 2015, according to official sources²⁰ -138 wounded by gunshot, 330 by pellets, 72 people by being beaten up, 34 people injured by blunt objects and the remaining 280 wounded suffered injuries of various kinds²¹.

In addition, a significant number of civilians, including political leaders, political activists, businessmen, media owners, employees, journalists and media employees, as well as Human Rights and NGO leaders and lawyers, have been victim of persecution by receiving serious and repeated threats and attempts to their lives and liberties, on the basis of their beliefs and their work.

¹⁷ In a meeting between the World Organization Against Torture and the OGP, on October 2015, OGP officers admitted having neither programs nor special training on torture and mistreatment following the Istanbul Protocol standards. However, the World Organization Against Torture was informed about the use of the Protocol in the Caracas Criminalistics' Units against Human Rights Infringements and in Barquisimeto, Lara state (though not in a systematic and thorough manner). COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

¹⁸ COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

¹⁹ COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

²⁰ Amnesty International (2015) *Venezuela: The Faces of Impunity*. 24 March, 2015 [Online]. Available from: <https://www.amnesty.org/en/documents/amr53/1239/2015/en/> [Accessed 19 October, 2015]

²¹ PROVEA (2014): *Venezuela 2014: Protestas y Derechos Humanos* [Online] 6 July, 2014. Available from: <http://www.derechos.org.ve/pw/wpcontent/uploads/Informe-final-protestas2.pdf> [Accessed 19 October, 2015].

As at July 2015, the number of demonstrations decreased, but the repression and the persecution has continued by other means, until the present date. In fact, since 10 November, 2015 -when The Request was submitted- to this date, several situations -described in detail below- which also meet the threshold for constituting new alleged crimes against humanity have occurred, supporting the evidence that there is an ongoing state policy, carried out by the GoV, intended to perpetrate systematic and widespread attacks against the civilian population, and retain power by all means.

After their research, as at February, 2016, COFAVIC and the other organizations were unable to find any investigation for arbitrary detentions, torture and cruel treatment carried out by the competent authorities. On the OGP's 2015 report, no information regarding the total number corresponding to human rights violations was given²². In such report, only the figures related to the officials linked to human rights violations were published: 1,132 cases, of which 959 were charged and only 97 (7,4%) were convicted²³.

Although the exact number of cases are unconfirmed due to the fear of reporting victimization and the absence of adequate judicial remedies, the number of incidents -that continue to occur- of individuals exiled following persecution, and the consistency of the reports illustrate the existing policy of the GoV.

2. Major due process violations and deterioration of prisoners' health

Throughout the 2014 and 2015 protests, many of the demonstrators were detained and arrested by national and local security forces -with or without charges- and released or even abducted, for a few days, by pro-government armed paramilitaries. Moreover, many of them were subjected to prosecution or threats of prosecution, on the basis of false, malicious and abusive charges.

Several and serious violations of due process have been reported by local and international NGOs -as described in detail in The Request- including, but not limited to the following situations: (i) people were massively detained during protests, without attributing specific crimes to individual persons; (ii) most of them were not informed about the reasons of their detention; (iii) judicial files failed to present the reasons why

²² COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

²³ COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

most people were arrested²⁴; (iv) several prisoners of various nature were arrested, detained incommunicado for up to 48 hours, and subsequently imprisoned pursuant to false, abusive and malicious charges; (v) they were not granted access to legal counsel despite their requests and were not allowed to communicate with their families during the first 48 hours of detention; (vi) relatives of detainees were routinely denied access to information regarding whether their family members had been detained and when they knew detentions had taken place, where they were being held²⁵; (vii) in most cases, lawyers and defendants were only informed of the charges at the first appearance before the courts, with no time to review relevant documents; (viii) most of the charges were based almost exclusively on police reports, despite allegations of violations and abuse of process; (ix) several NGOs have systematically denounced that the Bolivarian National Police (PNB) has manipulated evidence²⁶.

As at February 2016, the coalition of local Human Rights NGOs led by COFAVIC reported the lack of progress regarding investigations on arbitrary arrests. For this purpose, they documented cases of alleged illegal detentions committed in three different states, between February and July 2014, along with violations of the rights to freedom of association and freedom of expression, through the disproportionate use of force: (i) in Nueva Esparta state, they documented 62 cases, of which 16 people are waiting for trial, subjected to precautionary measures, 22 were granted dismissal with prejudice and only four have been unconditionally released. The current legal situation of the remaining 20 was unknown. In these cases, detainees were charged with generic charges and levels of responsibility and participation were not individualized; (ii) in Lara state, the case of eight women -including a 17-year-old- who filed a complaint before the OGP, regarding the alleged commission of arbitrary detentions, mistreatment, threats and coercion, was reported. Their cases have been archived after the OGP stated they could not find evidence to consider a crime was committed in their cases; (iii) in Zulia state, judicial

²⁴ Eventually, 80% of the cases were dropped without any serious evidence being shown. Universidad Católica Andrés Bello – Centro de Derechos Humanos (2015): *Hasta que se demuestre lo contrario: violaciones del debido proceso a personas enjuiciadas por manifestar* [Online] Available from: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/Hasta%20que%20se%20demuestre%20lo%20contrario%20FIN.pdf [Accessed 19 October, 2015].

²⁵ Human Rights Watch (2014): *Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System* [Online] Available from: <https://www.hrw.org/report/2014/05/05/punished-protesting-rights-violations-venezuelas-streets-detention-centers-and> [Accessed 19 October, 2015]. Amnesty International (2014): *Venezuela: Human Rights at Risk Amid Protests*. 1 April, 2014 [Online] Available from: <https://www.amnesty.org/en/documents/amr53/009/2014/en/> [Accessed 19 October, 2015].

²⁶ El Universal (2014): *Afirman que policía manipuló pruebas para no ser inculpada*. 15 February, 2014 [Online] Available from: <http://www.eluniversal.com/nacional-y-politica/140215/afirman-que-policia-manipulo-pruebas-para-no-ser-incriminada> [Accessed 19 October, 2015].

processes have been carried out with serious difficulties and obstacles. 42 of them have suffered from judicial delays: preliminary and trial hearings have been postponed in several occasions, under no reasonable justification, for reasons such as the lack of presence of OGP members, or the courts' decision to not work on the days where this type of cases have their hearings. In 10 of these cases, people have waited more than one year for their trial hearing or for the continuation of their process. In at least five cases in which tortures and mistreatment were reported, there have not been a decision on it - neither from the OGP nor from the competent court²⁷.

Over two years after the largely peaceful uprising by unarmed civilians started, most of the judicial processes to which political prisoners have been subjected to, suffer from considerable judicial delay, and guarantees to the right to defense and due process are not respected -in some cases, they are almost inexistent. As enshrined in the Venezuelan Constitution and the criminal legislation, imprisonment is an exception to the general rule according to which the defendant must remain free, while the judicial process is carried out. It has also been reported that the visits of political prisoners' attorneys are limited - they are fixed in an inconvenient manner by the officials of the confinement centers where they are imprisoned, while common prisoners' attorney visits are unlimited. Likewise, the requests submitted before courts, in favor of detainees, are considerably delayed or disregarded and in most cases are unfavorable²⁸.

As it was presented in more detail in The Request, through the *de facto* supremacy of the Presidency over the OGP and the Judiciary, the GoV has been implementing a policy of para-judicial persecution against all those who have expressed dissent or are perceived as such. The Executive's collusion with the Judiciary and the OGP has certainly led to extensive violations of due process, and the absence of impartiality has resulted in biased outcomes in the judicial process. Following the Presidency's agenda to contain any expression of dissent, Judiciary and OGP officials involved in these cases have applied a plan intended to charge and convict political prisoners based on common crimes -such as terrorism and conspiracy- with the purpose of transforming them into common -and not political- prisoners. When it comes to political detainees, the GoV practically fabricates a case leading to a conviction sentence, on the basis of false, malicious and abusive charges, and infringing the applicable legislation. This clearly demonstrates the existence of a

²⁷ COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

²⁸ FUNDEPRO (2015): *Informe Anual Presos Políticos en Venezuela* [Online] Available from: <https://es.scribd.com/doc/296867032/Informe-Presos-Politicos-2015-Fundepro> [Accessed 13 May, 2016].

policy at the highest-level, conceived by the Executive, to detain everyone dissenting or perceived as such, regardless they had, in fact, committed any crime. It also evidences that truth and justice are seriously disregarded by the GoV²⁹.

Such para-judicial policy has become a GoV's practice, and is clearly evidenced in the judicial process and the conviction sentence passed against Leopoldo López, Christian Holdack, Ángel Álvarez and Demian Martínez -as well as other sentences passed against political prisoners. According to the sworn examination of the former National Prosecutor for the case of Leopoldo López -Franklin Nieves³⁰-, taken on 16 December, 2015, before authorities of the State of Florida, United States of America, several and serious irregularities occurred throughout the investigation of such case and the judicial process. Nieves affirmed that General Bernal -Director of SEBIN during February's 2014 uprising- recognized that one of his officers -José Perdomo- killed student Bassil Da Costa -whose murder case is detailed in The Request- during the rally that took place on 12 February, 2014. General Bernal then told Nieves that the charges arising from such crime had to be filed against those that called for the demonstration -led by Leopoldo López. Nieves stressed that he was "told by General Bernal, the instructions by *number one*, Nicolás Maduro, is for those arrest warrants [against Leopoldo López and those who called for the demonstration] to be issued today [13 February, 2014] so that they are granted on the 12th [the day of the demonstration were Da Costa was killed]"³¹. For this purpose, Nieves explained that Bernal ordered a counterintelligence officer -called by the nickname "The Elephant", since as Nieves explained, such officers are not given a name, but a nickname, within SEBIN- to prepare a police report since they did not have anything to support the

²⁹ FUNDEPRO (2015): *Informe Anual Presos Políticos en Venezuela* [Online] Available from: <https://es.scribd.com/doc/296867032/Informe-Presos-Politicos-2015-Fundepro> [Accessed 13 May, 2016].

³⁰ Franklin Nieves decided to flee to the United States and voluntarily offered his testimony on the Leopoldo López case, which evidences how Venezuelan institutions, especially, the Judiciary and the OGP, are under the *de facto* control of the Presidency and commit serious irregularities. He said he had to follow orders, on account of pressures exerted upon him directly, by OGP's Director of Common Crimes and other authorities. He has stated there was vigilance on him -intelligence officers would follow him, his family and daughters- because he handled a lot of information that would link the GoV with the homicides. He admitted fearing for his life if he spoke up. By opposing issued orders, the GoV would first start an investigation and they would then request an arrest warrant and imprison him, based on no grounds. They could create criminal charges against him for that purpose and fabricate an investigation. Nieves said that prosecutors from the OGP have been put in jail for carrying out their investigations. He has explained that his office, his house and his wife's office were searched.

³¹ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (pages 107-108).

accusations³². In fact, such report was the only basis Nieves used to ask the judge for an arrest warrant against Leopoldo López³³

Nieves also said that the OGP's General Director of Procedural Action -Yoel Espinoza- sent him a text message sending him the name of the judge that was going to grant the arrest warrant -judge Ralenys Tovar-, her phone number and the court number³⁴. Everything was prepared by the GoV to charge and convict Leopoldo López and the other people that were accused with him, under no grounds.

Other major irregularities related to the Leopoldo López case, during the investigation and the judicial process, as reported by Franklin Nieves, are: (i) the trial should have been public but it was not -journalists and "international people were not allowed to enter" based on a court order³⁵; (ii) during both the preliminary and the trial hearing, the judge -Susana Barreiro³⁶- prevented Leopoldo López from presenting evidence at trial; he was only allowed to present one witness -a journalist- of more than 100 witnesses Lopez's attorney asked for³⁷. However, the OGP was allowed to present all of their witnesses -approximately 130- some of who were forced to give their testimony³⁸ -they were basically OGP and CICPC employees, who testified in order to keep their jobs³⁹; (iii) during the hearings, security officers gave false statements: they said that there was a fire at the OGP's office library, "but the expertise carried out on the collected evidence on February the 12th gave a result that there was not a fire"⁴⁰. Nieves confirmed that the people that gave their testimony on this lied "because they were forced to declare as such (...) by Nelson Mejía, the Director of Common Crimes [of the OGP] and by the Chief, Ego Berbesi

³² Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 105).

³³ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 112).

³⁴ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 110).

³⁵ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 140).

³⁶ Who was sworn in as the General Public Defender for Venezuela, as a sort of reward for her obedience toward the GoV.

³⁷ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 142).

³⁸ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 143).

³⁹ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 144).

⁴⁰ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 135).

[OGP's Security and Protection Chief]"⁴¹; (iv) the GoV reportedly set up an ambush that day, at the OGP's headquarters entrance, *"knowing that there was going to be a march, they never placed a barricade with officers, neither from the National Guard nor from any other state security organization, which is something they always do. That's a safety measure that is adopted whenever any group will come and demonstrate in front of the prosecutor's office. And that day when there were so many people demonstrating there wasn't even one police officer guarding the headquarters"*⁴²; (v) the GoV, itself, through its security officers, supposedly instigated acts of violence during the march of 12 February, 2016, so they could justify the requesting of the arrest warrant against Leopoldo López⁴³. One of the officers that Nieves claims watched over him -a SEBIN officer- told him he was one of the ones who went to the February the 12th march and started throwing rocks against the OGP office⁴⁴ -which triggered actions against the office's façade, by throwing stones, for which Leopoldo López and other people were also accused; (vi) the OGP's Director of Common Crimes ordered Nieves to present a document before the court, to swear in two experts, in order to evaluate the speeches and tweets by Leopoldo López - whether he had called for violence or not. In their separate analysis, both experts reached "separate conclusions that López, neither in his speeches nor in the tweet messages, had called for violence. And they said, at the time of trial, that they [the authorities] were irresponsible (...) if they said that Leopoldo had called for violence"⁴⁵. Judge Susana Barreiro then "evaluated that testimony, but to the inverse. I mean she said that [the experts] had said that he [Leopoldo López] had called for violence. The expert who provided the expert testimony regarding the Molotov bottle said that there was no fire. And at the time of trial and sentencing it was stated that there was a fire (...) but there is not even one gram of powder found during the inspection"⁴⁶; (vii) Leopoldo López and the

⁴¹ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (pages 135-136). District attorney Narda Sanabria -also involved in Leopoldo López case- was also aware of such false statements, according to Nieves sworn examination. Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 137).

⁴² Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (pages 158-159).

⁴³ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 158).

⁴⁴ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (pages 148-149).

⁴⁵ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 161).

⁴⁶ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (pages 161-162).

other people processed with him were convicted “without having even one element that would show [their] culpability”⁴⁷.

Nieves concluded in his sworn statement that Leopoldo López trial “*was plagued with irregularities, with false evidence. But I state false evidence, because the evidence paper, as such, almost has no value at the time of trial. The words, the testimony are what is valued there (...). Nonetheless, to the experts, the officers who carry out the expertise (...) who reached the conclusion that there no fire, that such a thing did not occur, under oath, they were ratified expertise that there had not been a fire. But then, when they spoke to the judge (...) [they said] yes, there was a fire (...) they were giving false testimony. And once the judge evaluated the testimony, she evaluated that in her own way*”⁴⁸.

During his sworn statement, Nieves also confirmed that the General Prosecutor -Luisa Ortega Díaz- would be aware of the irregular orders given to him by other OGP’s authorities, for the López case. Based on the OGP’s chain of command -its hierarchy pyramid- such authorities report to the General Prosecutor and their decisions are not made without her authorization⁴⁹.

Pursuant to FUNDEPRO’s report, some of the sentences passed in favor of political prisoners have been submitted to the revision and approval of the director of The Bolivarian National Intelligence Service (*Servicio Bolivariano de Inteligencia Nacional* (SEBIN)). When a sentence granting freedom to a political prisoner is passed, they are released in practice only when the aforementioned director discretionally considers such sentence should be enforced. This has happened in the cases of: Víctor Ugas Azócar -still imprisoned in spite of the existence of a release judicial order- Inés González, Ginette Hernández and Lessi Marcano⁵⁰.

Though some of the political prisoners have certainly been released, they have not obtained unconditional freedom sentences, even when the GoV has not been able to prove their responsibility in the crimes they were charged with. Courts have forbidden them to make statements to the press and participate in civilian demonstrations and/or political activities, under arrest threats. Most of them are subjected to precautionary

⁴⁷ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (pages 153-154).

⁴⁸ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 164).

⁴⁹ Notary Public Lois E. Guffey (2015). *Sworn Examination of Franklin Eduardo Nieves Capace*. County of Dade, State of Florida, United States of America. 16 December, 2015 (page 159).

⁵⁰ FUNDEPRO (2015): *Informe Anual Presos Políticos en Venezuela* [Online] Available from: <https://es.scribd.com/doc/296867032/Informe-Presos-Politicos-2015-Fundepro> [Accessed 13 May, 2016].

measures, including house arrest and other humanitarian measures, especially after the serious deterioration of their health. In fact, several of the GoV's political prisoners -those already released and those still imprisoned- have had a disturbing health decline, which is highly worrying.

As at 8 October, 2015, FPV carried out a research on the political prisoners' health and concluded many of them had health issues requiring medical assistance. The People's Defender -Tarek William Saab- and the relevant courts have been informed about this; however, they rarely allow prisoners' transfers for medical reasons and have never allowed members of the International Red Cross to visit them, in order to give them a medical check-up.

According to FPV's research 16 out of 29 individuals, imprisoned from February 2014 to June 2015, had worrying health conditions requiring specialized medical assistance, such as: calcification and coronary artery obstruction, hypertension, herniated disc, degenerative disc disease, retinal macula, skin cancer, scabies, stomach complications, skin abscess, acute testicular pain, hand fracture, thrombophlebitis, hepatitis A and C, renal failure, respiratory issues, and depression and emotional crisis. Some of these health conditions were acquired during their imprisonment and some others worsened during it, due to the subhuman conditions of their confinement and the systematic denial of appropriate medical assistance by the competent courts and the confinement centers' directors⁵¹.

FUNDEPRO has reported that around 25% of the political prisoners has medical issues - either physical or psychological- and that the absence of health and medical assistance policies is more serious in SEBIN confinement centers and in the National Center for Accused Military members (*CENAPROMIL*), known as *Ramo Verde* -where most of the political prisoners have been arrested during the last 16 years. FUNDEPRO has also reported that court orders delaying or denying transfers to health centers, based on political prisoners' medical reasons, have become a bureaucratic practice carried out by the GoV. The courts reportedly wait until the prisoner has an alarming serious health decline in order to authorize the access to medical assistance. As FUNDEPRO has warned, even if a health issue is not serious, if not properly and timely assisted, it will certainly worsen⁵².

⁵¹ Foro Penal Venezolano (2015): *Foro Penal vigila estado de salud de los presos políticos*. 8 October, 2015 [Online] Available from: <https://foropenal.com/noticias/foro-penal-vigila-estado-de-salud-de-los-presos-pol%C3%ACticos> [Accessed 28 April, 2016].

⁵² FUNDEPRO (2015): *Informe Anual Presos Políticos en Venezuela* [Online] Available from: <https://es.scribd.com/doc/296867032/Informe-Presos-Politicos-2015-Fundepro> [Accessed 13 May, 2016].

Moreover, when five political prisoners -Alexander Tirado, Raúl Emilio Baduel, Leopoldo López, Daniel Ceballos and Nixon Leal- carried out a hunger strike, they did not receive medical attention, as it is provided by law. Tirado and Baduel's relatives informed they only had their temperature taken; Leopoldo Lopez's doctor was forbidden to access *Ramo Verde*; Ceballos was only examined when his fasting was terminated and Leal only saw a doctor twice: when he started and finished his hunger strike⁵³.

As at 18 April, 2016, the number of political prisoners with serious health conditions increased: 26 out of 81 political prisoners were suffering from serious health deterioration, as new cases of prisoners' health worsening and developing more health conditions were reported. They also require dental and psychological assistance. It is striking how some of them -nine out of 26 - have developed hypertensive crisis while six of them have relevant psycho-emotional conditions such as depression, anxiety and insomnia, as a consequence of the confinement conditions.

FPV has recommended the GoV to grant humanitarian measures to prisoners with medical conditions such as: hypertension, stomach complications, skin abscess, traumatology issues requiring surgery and major loss weight. They also demanded medical tests be practiced on the prisoners with health conditions; however, most of them have not been carried out at the present date. The political prisoners released under house arrest also suffer from health problems; nevertheless, the competent courts do not allow them to leave their houses in order to have medical assistance⁵⁴. As it has been stated by local NGOs, denying medical assistance for political reasons -considered as another sort of cruel and inhuman treatment and even torture- has been a GoV's systematic practice⁵⁵. Political prisoners are only subjected to humanitarian measures when their physical and mental health has seriously declined, to the point of being almost unable to exercising their political rights.

3. Women victim of torture and/or other cruel, inhuman or degrading treatment

According to COFAVIC, 41 out of 110 cases of human rights violations (37%) documented by their members, from February to May 2014, corresponded to female victims -

⁵³ Foro Penal Venezolano (2015): *15 de los 29 presos políticos de 2014 requieren atención médica*. 26 June, 2015 [Online] Available from: <https://foropenal.com/noticias/15-de-los-29-presos-pol%C3%ADticos-de-2014-requieren-atenci%C3%B3n-m%C3%A9dica> [Accessed 28 April, 2016].

⁵⁴ Foro Penal Venezolano (2015): *15 de los 29 presos políticos de 2014 requieren atención médica*. 26 June, 2015 [Online] Available from: <https://foropenal.com/noticias/15-de-los-29-presos-pol%C3%ADticos-de-2014-requieren-atenci%C3%B3n-m%C3%A9dica> [Accessed 28 April, 2016].

⁵⁵ Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Crueles, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 22 May, 2016].

historically, only 5% of women have been affected in Venezuela by human rights violations. 13 violations occurred during arbitrary detentions, 14 during assault and harassment in residential areas, and 14 were unrelated to detentions. The alleged perpetrators were members of: (i) the Bolivarian National Guard (*Guardia Nacional Bolivariana* (GNB)) (52%); (ii) police corps (29%); (iii) pro-government armed paramilitaries (17%); and (iv) SEBIN (2%)⁵⁶.

While being detained or arrested, assaults affected women under 25 years in 57% of the cases. Regarding the harassment of victims in their residence, 65% of the women were 40 years and older. In cases unrelated to detentions, victims were between 18 and 40 years old. The types of violence documented were: (i) physical violence (assault and injuries), in 56% of the cases; (ii) psychological violence (harassment and general threats⁵⁷ or addressed to relatives), in 37% of the cases; and (iii) sexual violence⁵⁸ (sexual harassment and threats), in 7% of the cases. In 27% of the cases, more than one type of violence was committed. COFAVIC detected as a pattern that the alleged assaults and blows -in the head, by kicking them and/or beating them with helmets and guns- were committed by women officials against women in detention or demonstrating⁵⁹.

Most of the cases of death and/or rape threats against women, committed by alleged members of national security forces, documented by COFAVIC, were not reported to the competent authorities for the following reasons: (i) in order to avoid further humiliations; (ii) given the perception that the perpetrators would be protected by the GoV; (iii) fearing reprisals against them and/or their relatives⁶⁰; and, (iv) avoiding being exposed to public attention⁶¹.

⁵⁶ COFAVIC (2014): *Venezuela: Sentencias de silencio Informe situación de Derechos Humanos en Venezuela en el contexto de protestas estudiantiles de febrero-mayo 2014*. February-May, 2014 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2014/11/COFAVIC-Sentencias-de-Silencio-Final-.pdf> [Accessed 25 April, 2016].

⁵⁷ Some of the officials' threats were addressed specifically against women since they were related to sexual violence or their womanhood and their social origin.

⁵⁸ Recurrently, COFAVIC reported testimonies from women that affirm officials threatened them with raping them or forcing them to practice oral sex to their guards.

⁵⁹ COFAVIC (2014): *Venezuela: Sentencias de silencio Informe situación de Derechos Humanos en Venezuela en el contexto de protestas estudiantiles de febrero-mayo 2014*. February-May, 2014 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2014/11/COFAVIC-Sentencias-de-Silencio-Final-.pdf> [Accessed 25 April, 2016].

⁶⁰ When mentioning their relatives, some of the women were told officials would kill their children so they would grow up alone, adding more psychological violence.

⁶¹ COFAVIC (2014): *Venezuela: Sentencias de silencio Informe situación de Derechos Humanos en Venezuela en el contexto de protestas estudiantiles de febrero-mayo 2014*. February-May, 2014 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2014/11/COFAVIC-Sentencias-de-Silencio-Final-.pdf> [Accessed 25 April, 2016].

Several of the women arrested were placed in prisons with common prisoners -who insulted them and harassed them with sexual insults- in reduced spaces and ignoring their physiological needs, by denying them paper toilet or maxi pads. Another pattern detected by COFAVIC was the one referred to the order given to women to undress, while in detention. Official women would mock them regarding their physique characteristics. Some women also reported being subjected to digital anal and vaginal inspections - considered by both the Inter-American Court and Commission on Human Rights as torture- while using obscene expressions⁶².

Women that were not arrested but were assaulted during demonstrations, or simply as bystanders, also reported being victim of violence due to their gender. Some of them were badly wounded by pellet gunshots, at a close distance, in their faces and legs⁶³.

Regarding the women political prisoners, arbitrarily arrested by the GoV, some have been released and ten remain imprisoned. In many cases, their processes have also suffered from considerable judicial delays and other serious due process violations, and they have reported being victim of physical, mental and moral damage.

4. The Tomb: SEBIN's torture confinement center

Since 2014, some political prisoners have been confined in SEBIN headquarters located in Plaza Venezuela -in the heart of Caracas- which is compounded of seven cells located in the basement, with cement walls painted all in white, thus, prisoners see no other colors - known as the "white light torture". This confinement center has been baptized as *La Tumba* (The Tomb) because it is a remote, cold and isolated place. Prisoners are not allowed to exercise and, as a consequence, their physical condition has changed dramatically⁶⁴.

As reported by detainees who have been confined in The Tomb, as well as their relatives - and confirmed by FPV member and human rights lawyer, Tamara Sujú, and members of

⁶² COFAVIC (2014): *Venezuela: Sentencias de silencio Informe situación de Derechos Humanos en Venezuela en el contexto de protestas estudiantiles de febrero-mayo 2014*. February-May, 2014 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2014/11/COFAVIC-Sentencias-de-Silencio-Final-.pdf> [Accessed 25 April, 2016].

⁶³ COFAVIC (2014): *Venezuela: Sentencias de silencio Informe situación de Derechos Humanos en Venezuela en el contexto de protestas estudiantiles de febrero-mayo 2014*. February-May, 2014 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2014/11/COFAVIC-Sentencias-de-Silencio-Final-.pdf> [Accessed 25 April, 2016].

⁶⁴ NTN24 (2015): "The Tomb" white torture center at SEBIN. 27 January, 2015 [Online] Available from: <http://ntn24web.com/noticia/la-tumba-el-centro-de-tortura-blanca-del-sebin-38484> [Accessed 26 October, 2015]. La Nación (2015): *Gerardo Carrero's cell is called The Tomb*. 20 January, 2015. Available from: <http://www.lanacion.com.ve/infogeneral/a-la-celda-de-gerardo-carrero-le-dicen-la-tumba/> [Accessed 26 October, 2015]

local NGO *Justicia y Proceso* (Justice and Process)- in such confinement center prisoners live under subhuman conditions and suffer limitations of all kinds. Cells measure 3x2 meters, the air conditioning is set in a very low temperature and the white lights are never turned off -neither during the day nor at night- thus, they do not know when it is day or night. Some detainees have only received sunlight half an hour per week⁶⁵. There is no natural air, no natural light, no windows and no sounds. Detainees can only hear the subway passing over their heads. They are subjected to cell isolation, which means detainees are unable to see each other. Their cells have white walls and gray bars, with a little hole through which they receive their food. During the first stage of their confinement, they were locked 24 hours a day and were surveilled by cameras and microphones. They could only stretch their legs when they rang an internal bell asking to be taken to the toilets. They were subjected to permanent white light, 24 hours a day. When the custody officers wanted to punish them, they would set the air conditioning in its lowest temperature. During the first month of their confinement, they were not allowed to receive the visit of their attorneys. They suffered from diarrhea, vomits and hallucinations, for which a SEBIN doctor prescribed medicines they took with fear. They were pale and suffered from other lack of Vitamin D consequences, as well as depression. For five months, The Tomb detainees were taken outdoors only three times, during one hour⁶⁶.

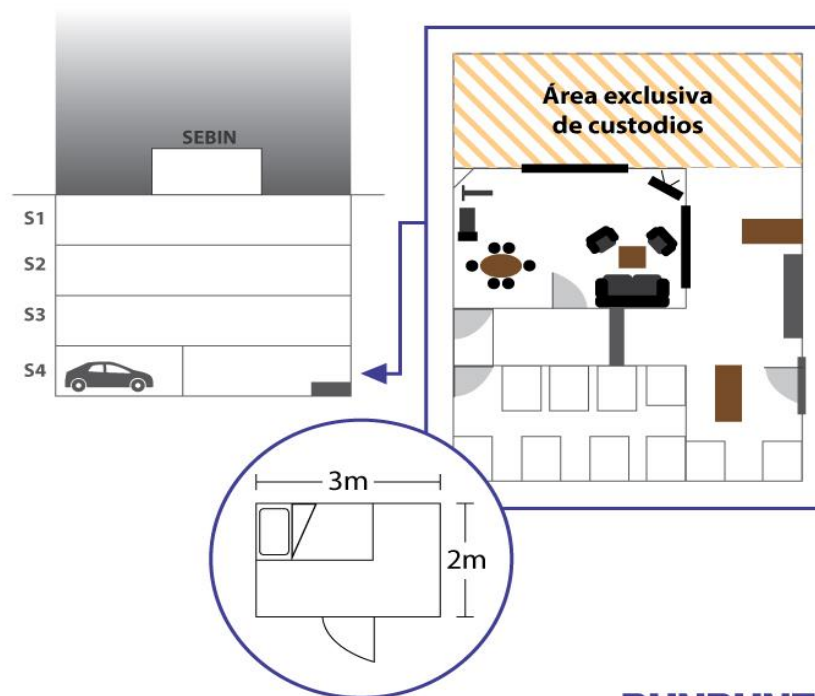
As stated by members of *Justicia y Proceso*, the purpose of inflicting the “white light torture” is to break them and force them to sign documents pleading guilty or incriminating others⁶⁷. They insist that SEBIN officers have inflicted psychological torture on detainees⁶⁸.

⁶⁵ Runrunes: *Así es “La Tumba” del Sebin de Plaza Venezuela*. 11 February, 2015 [Online] Available from: <http://runrun.es/rr-es-plus/investigacion/186905/asi-es-la-tumba-del-sebin-de-plaza-venezuela.html> [Accessed 10 May, 2016].

⁶⁶ ABC: «*La tumba*», siete celdas de tortura en el corazón de Caracas. 10 February, 2015 [Online] Available from: <http://www.abc.es/internacional/20150210/abci-tumba-celdas-tortura-venezuela-201502091144.html> [Accessed 10 May, 2016]. Cool Channel TV (2015): @carrero_C777: *Con dolor de padre confirmo que mi hijo @gerardocarrero7 y sus compañeros isiguen en denigrantes condiciones*. 8 February, 2015. [Online] Available from: <https://www.coolchannel.tv/2015/02/09/carreroc777-con-dolor-de-padre-confirmo-que-mi-hijo-gerardocarrero7-y-sus-compaeros-siguen-en-denigrantes-condiciones> [Accessed 10 May, 2016].

⁶⁷ ABC: «*La tumba*», siete celdas de tortura en el corazón de Caracas. 10 February, 2015 [Online] Available from: <http://www.abc.es/internacional/20150210/abci-tumba-celdas-tortura-venezuela-201502091144.html> [Accessed 10 May, 2016].

⁶⁸ Cool Channel TV (2015): @carrero_C777: *Con dolor de padre confirmo que mi hijo @gerardocarrero7 y sus compañeros isiguen en denigrantes condiciones*. 8 February, 2015 [Online] Available from: <https://www.coolchannel.tv/2015/02/09/carreroc777-con-dolor-de-padre-confirmo-que-mi-hijo-gerardocarrero7-y-sus-compaeros-siguen-en-denigrantes-condiciones> [Accessed 10 May, 2016].



Fuente: descripción aportada por familiares de detenidos en "La Tumba", Sebin de Plaza Venezuela

RUNRUNES

Description of The Tomb cells based on information given by relatives of the detainees.

Source: Runrunes

The People's Defender -Tarek William Saab- has affirmed torture practices are not inflicted in The Tomb⁶⁹; however, he afterwards informed that his Office requested SEBIN to improve the confinement conditions⁷⁰. Relatives of the detainees and Human Rights NGOs in Venezuela have persistently denounced the use of The Tomb for confining students and dissidents, and argue that the conditions of confinement constitute mental or psychological torture⁷¹. They have demanded authorities to close The Tomb instead of

⁶⁹ Runrunes: *Así es "La Tumba" del Sebin de Plaza Venezuela*. 11 February, 2015 [Online] Available from: <http://runrun.es/rr-es-plus/investigacion/186905/asi-es-la-tumba-del-sebin-de-plaza-venezuela.html> [Accessed 10 May, 2016].

⁷⁰ Cool Channel TV (2015): @carrero_C777: *Con dolor de padre confirmo que mi hijo @gerardocarrero7 y sus compañeros siguen en denigrantes condiciones*. 8 February, 2015 [Online] Available from: <https://www.coolchannel.tv/2015/02/09/carreroc777-con-dolor-de-padre-confirmo-que-mi-hijo-gerardocarrero7-y-sus-compaeros-siguen-en-denigrantes-condiciones> [Accessed 10 May, 2016].

⁷¹ NTN24 (2014): *Foro Penal Venezolano denounced torture against Gerardo Carrero*. Youtube. 9 December, 2014 [Online] Video available from: <https://www.youtube.com/watch?v=FsmJ9pdjFs> [Accessed 26 October, 2015]. El Pais (2015): *Venezuela, brujas y demonios*. 30 April, 2015 [Online] Available from: http://internacional.elpais.com/internacional/2015/04/30/actualidad/1430401529_990860.html [Accessed 26 October, 2015]. Runrunes: *Así es "La Tumba" del Sebin de Plaza Venezuela*. 11 February, 2015 [Online]

“improving the confinement conditions”⁷².

As at May 2016, there were still three prisoners confined in The Tomb⁷³: Lorent Saleh, Gabriel Vallés and Juan Miguel de Sousa -whose cases will be developed in detail on Chapter III.

5. Leopoldo López’s solitary confinement

Leopoldo López has been arbitrarily arrested for more than two years at *Ramo Verde*, which is located 28 miles (45 km) from the city of Caracas⁷⁴. The conditions of his imprisonment have worsened as months go by. As of today, he has been in solitary confinement for one year, which constitutes prolonged psychological torture. On a petition filed with UN’s Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on March 2016, López’s isolation is explained: “*he is isolated in a prison building where he is the only detainee. Guards accompany him everywhere while he is out of his cell and prevent him from having any meaningful social contact with other prisoners*”⁷⁵.

Leopoldo López -declared prisoner of conscience by Amnesty International- has been unjustly incarcerated for over 2 years. He has described his solitary confinement situation in his book *Preso pero Libre*, when he points out that solitary confinement is the situation in which he has spent most of his incarceration. In fact, he has been completely isolated

Available from: <http://runrun.es/rr-es-plus/investigacion/186905/asi-es-la-tumba-del-sebin-de-plaza-venezuela.html> [Accessed 10 May, 2016].

⁷² Cool Channel TV (2015): @carrero_C777: *Con dolor de padre confirmo que mi hijo @gerardocarrero7 y sus compañeros siguen en denigrantes condiciones*. 8 February, 2015 [Online] Available from: <https://www.coolchannel.tv/2015/02/09/carreroc777-con-dolor-de-padre-confirmo-que-mi-hijo-gerardocarrero7-y-sus-compaeros-siguen-en-denigrantes-condiciones> [Accessed 10 May, 2016].

⁷³ Gerardo Carrero, whose case is detailed in The Request, stayed months confined in The Tomb, where he was allegedly tortured, as reported by various NGOs and his relatives.

⁷⁴ Going to Ramo Verde by highway -from Caracas- takes an hour and a half. The guiding point is the roundabout called The Indian, located in the heart of the Guaicaipuro municipality. A steep climb of 500 meters leads to the front door, from where one can appreciate part of the infrastructure, a little deteriorated by the years and the cold. There are four oficiales there -the first line of security- who are in charge of requiring the identification card of the visitors. They verify if they are on the list of people with permitted access. Then, the checking process comes: visitors pass to the dressing room where they are asked to open purses, wallets, or briefcase, to take off shoes, and in some occasions even clothing. Panorma (2015): *Así es un día de Leopoldo López en la cárcel de Ramo Verde* 29 May, 2015 [Online] Available from: <http://www.panorama.com.ve/politicaeconomia/Asi-es-un-dia-de-Leopoldo-Lopez-en-carcel-de-Ramo-Verde-20150529> [Accessed 12 May 2016].

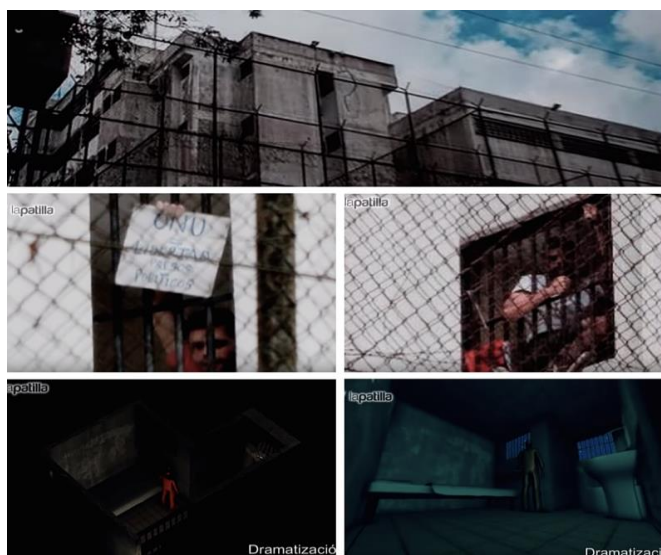
⁷⁵ Genser, Jared (2016) [Online] Available from: <http://perseus-strategies.com/wp-content/uploads/2016/03/Complaint-to-UN-Special-Rapporteur-on-Torture-Leopoldo-Lopez-Lilian-Tintori-and-Antonieta-Mendoza-3.23.16.pdf>

for seven months -half of the time he has been in *Ramo Verde*, he has been in solitary confinement⁷⁶.

President Maduro, Diosdado Cabello -deputy of the National Assembly, former president of this entity and Vice-president of the United Socialist Party of Venezuela (*Partido Socialista Unido de Venezuela* (PSUV)) and Colonel José Salvador Vilorio -current Director of *Ramo Verde*- are responsible for the worsening of Leopoldo López's incarceration conditions and for the psychological torture to which he is subjected.

Likewise, Leopoldo López continues being a victim of violation of the attorney-client privilege, as confirmed by his attorney -Juan Carlos Gutiérrez- and other unlawful conditions, when they meet in *Ramo Verde*. He is the only prisoner confined in a 4-storey tower. His 2x3 meter diameter cell is located in the fourth floor of this tower. In order to access his isolation cell, it is necessary to go through 10 doors and open 12 padlocks.

President Nicolás Maduro, Diosdado Cabello, as well as other GoV's high officers have continued to use pejorative adjectives to refer to López. Among some of these discrediting terms, the following stand out: "the monster of *Ramo Verde*" and "murderer". In statements made at the end of 2015, Diosdado Cabello maintained that the opposition leader Leopoldo López is a "highly dangerous" prisoner and that is why they will continue to add security measures to his confinement location⁷⁷.



The Ramo Verda prison and representation of the cell where Leopoldo López is confined.

Source: La Patilla

⁷⁶ López, L (2016): *Preso pero Libre*. Spain, Península, p. 156 and 159. Available in iBooks: <https://itun.es/us/MCWLab.i>

⁷⁷ El Nacional (2015): *Diosdado Cabello: Leopoldo López es un "preso de alta peligrosidad"*. 15 October, 2015 [Online] Available from: http://www.el-nacional.com/politica/Leopoldo-Lopez-peligrosidad-Diosdado-Cabello_0_720527970.html [Accessed 11 May, 2016].

6. Pro-government paramilitaries: The unlawful armed groups executing the GoV's repression plan against the civilian population

As it was stated in The Request, the GoV has designed and coordinated a repression plan⁷⁸, executed by the national armed forces, the national security forces, the national intelligence services and the different state-level security forces, to repress demonstrations and attack activities carried out by people expressing dissent, since February 2014. These forces have continuously acted jointly with different pro-government armed paramilitaries -commonly known as *colectivos*- who consider themselves as the people's armed wing. They are formed by armed civilians and their main purpose is to defend the so-called Bolivarian Revolution, through para-police functions, with the GoV's permissiveness⁷⁹. They are also involved in illegal activities including drug trafficking, extortion, racketeering, contract killings and car theft⁸⁰, with the tolerance of the GoV.

The Venezuelan Observatory on Social Conflicts (*Observatorio Venezolano de Conflictividad Social* -OVCS)) determined these groups act throughout the Venezuelan territory -the most active being located in Caracas, where there are at least 71 of them- and have violence records against demonstrators and political dissidents⁸¹. Most of these groups' operations are, indeed, conducted in *23 de Enero* -a slum located near the Miraflores Palace, in the heart of the city, close to most of Venezuela's government buildings⁸².

As units owing allegiance to the GoV, they are under the GoV's control and implement the GoV's agenda, enforcing threats and repression -which is not only implemented by legal means but also by criminal organizations under the *de facto* control of the State. In 2014, the OVCS detected a repression pattern -which in many occasions has led to casualties-

⁷⁸ Although it was initially designed to last for six months, the Homeland Security Plan has now been in force across the Venezuelan territory for over 2 years.

⁷⁹ Observatorio Venezolano de Conflictividad Social (2015): *Manifestantes en la mira de Colectivos Paramilitares* [Online] Available from: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/06/Informe-Manifestantes-en-la-mira-de-paramilitares.pdf> [Accessed 4 May, 2016].

⁸⁰ Solís, D (2016): *In Venezuela, Armed Groups Find Opportunity in Calamity*. 1 March, 2016 [Online] Available from: <https://www.stratfor.com/sample/analysis/venezuela-armed-groups-find-opportunity-calamity?amp%3Buuid=b8197835-f1e2-4ca1-9020-b045182a3e1d&id=%2A%7CLIST%3AUID%7C%2A> [Accessed 4 May, 2016].

⁸¹ Observatorio Venezolano de Conflictividad Social (2015): *Manifestantes en la mira de Colectivos Paramilitares* [Online] Available from: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/06/Informe-Manifestantes-en-la-mira-de-paramilitares.pdf> [Accessed 4 May, 2016].

⁸² Solís, D (2016): *In Venezuela, Armed Groups Find Opportunity in Calamity*. 1 March, 2016. [Online] Available from: <https://www.stratfor.com/sample/analysis/venezuela-armed-groups-find-opportunity-calamity?amp%3Buuid=b8197835-f1e2-4ca1-9020-b045182a3e1d&id=%2A%7CLIST%3AUID%7C%2A> [Accessed 4 May, 2016].

carried out by pro-government armed paramilitaries and allowed by national security forces, including: (i) coordinated attacks with GNB and PNB, against civilians; (ii) use of toxic and fire weapons; (iii) practice of torture or other cruel, inhuman or degrading treatment -including sexual assault; (iv) practice of raids without court orders; and (v) persecution against journalists, political opposition activists, social leaders and students⁸³.

As part of the GoV's policy, the OVCS has detected another pattern: the *colectivos*' repressive acts against peaceful demonstrators, as the GoV's first response, when demonstrations expressing political content arise. Taking advantage of impunity and the GoV's permission, *colectivos* intend to terrorize people and prevent them from demanding the GoV to respect their rights. According to the OVCS's monitoring of the situation, during 2014's first trimester, violent actions executed by pro-government armed paramilitaries occurred in at least 437 protests. In most of them, people wounded by gunshots were reported⁸⁴.

President Maduro himself has insisted in denying the "demonization campaign against the Venezuelan *colectivos*" and has affirmed that "(...) *If there is awareness somewhere, it is in these colectivos (...) I can assure you these colectivos are just working, producing (...) culture. They had to arm in the past and are now organized for protecting their community*"⁸⁵. Five days after such statement, Wilmer Juan Carballo was murdered in Aragua state, by a gunshot in his face, during a demonstration⁸⁶. Attacks against civilians - especially during students' protests- were subsequently reported and on 5 March, 2014, President Maduro directly ordered the *colectivos* to stifle demonstrations, by stating, on a mandatory broadcast: "*I call on the UBCh [a group of pro- government armed paramilitaries], on the communal councils, on communities, on colectivos: flame that is lit,*

⁸³ Observatorio Venezolano de Conflictividad Social (2015): *Manifestantes en la mira de Colectivos Paramilitares* [Online] Available from: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/06/Informe-Manifestantes-en-la-mira-de-paramilitares.pdf> [Accessed 4 May, 2016].

⁸⁴ Observatorio Venezolano de Conflictividad Social (2015): *Manifestantes en la mira de Colectivos Paramilitares* [Online] Available from: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/06/Informe-Manifestantes-en-la-mira-de-paramilitares.pdf> [Accessed 4 May, 2016].

⁸⁵ El Universal Maduro (2014): «*No acepto la campaña de demonización de los colectivos*». 19 February, 2014 [Online] Available from: <http://www.eluniversal.com/nacional-y-politica/protestas-en-venezuela/140219/maduro-no-acepto-la-campana-de-demonizacion-de-los-colectivos> [Accessed 5 May, 2016].

⁸⁶ Tic Television (2015): *Lo aniquilaron en Cagua de disparo en la cara* [Online] Available from: <http://www.tictv.com.ve/index.php/noticias/item/18173-lo-aniquilaron-en-caguade-disparo-en-la-cara> [Accessed 22 February, 2016].

flame that is extinguished”⁸⁷. On 12 April, 2014, Jesús Enrique Acosta was murdered when armed groups shot against some houses⁸⁸.

The pro-government armed paramilitary groups are under the *de facto* control of the GoV, which provides them with the resources to operate and allow them to function with immunity from prosecution. Not only is their training similar to that of the police force, they have also been known to use police resources and appear alongside high level police officials in public events⁸⁹.

The communes’ creation⁹⁰ -promoted by former President Hugo Chávez and continued by President Maduro- is directly linked to the *colectivos* running. According to the Ministry of Popular Power for Communes and Social Movements, in 2015, a budget calculated in 41,708,000 bolivars was requested to the Vice-presidency for the Development of Territorial Socialism -under Elías Jaua’s direction⁹¹. 3,252,000 bolivars were expected to strengthen 10,000 social movements in the country and support 41,300 Power Popular organizations. Several *colectivos* promote communes and receive funding through them, which in theory should not be illegal; however, some of these groups have, among its priorities, functions related to “security and defense”. The OVCS documented cases of *colectivos* associated with communes or non-profit organizations -such as *La Piedrita* and *Alexis Vive*- which have among its purposes fighting against drug dealing -a State prerogative- and security and citizen control activities, receiving funding from the GoV⁹².

⁸⁷ Diario de Caracas (2014): *Rechazan decisión de Maduro de mandar a colectivos a la calle* [Online] Available from: <http://diariodecaracas.com/politica/rechazan-decision-maduro-mandar-colectivos-la-calle> [Accessed 22 February, 2016].

⁸⁸ Ultimas Noticias (2014): *Asesinado un universitario durante protesta en La Isabelica* [Online] Available from: <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/asesinado-un-universitario-durante-protesta-en-la-aspix#ixzz3ZQRDW3B7> [Accessed 22 February, 2016].

⁸⁹ Inter-American Commission on Human Rights (2009): *Democracy and Human Rights in Venezuela*. Furthermore, as an example of the relationship between the Government and this paramilitary groups, the Penitentiary Services Minister, Iris Valera, tweeted “we, the colectivos, are the fundamental pillar of the defense of the country.” See: El Universal (2014): *Varela: Colectivos son el pilar para la defensa de la patria*. 15 February, 2014 [Online] Available from: <http://www.eluniversal.com/nacional-ypolitica/140215/varela-colectivos-son-el-pilar-para-la-defensa-de-la-patria> [Accessed 28 August, 2015]. El Nacional (2014): *Varela: Colectivos somos pilar fundamental para la defensa de la patria*. 14 February, 2014 [Online] Available from: http://www.el-nacional.com/politica/Varela-Colectivos-fundamental-defensaPatria_0_355764657.html [Accessed 28 August, 2015].

⁹⁰ There are already 1,000 in the country, according to the Venezuelan Observatory on Social Conflicts

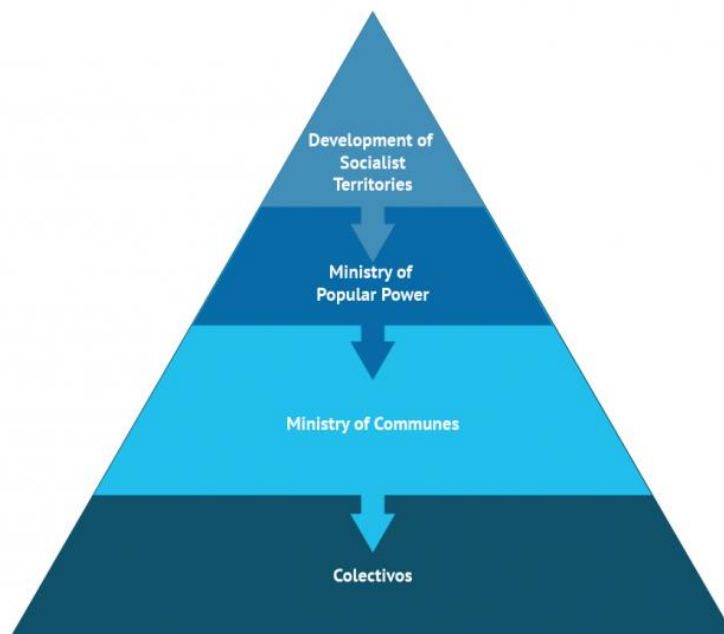
⁹¹ Ministerio de Poder Popular para la Información y Comunicación (Ministry of Information and Communications) (2014): *Creada Vicepresidencia de Desarrollo del Socialismo Territorial*. 2 September, 2014 [Online] Available from: <http://www.minci.gob.ve/2014/09/creada-vicepresidencia-de-desarrollo-del-socialismo-territorial/> [Accessed 5 May, 2016].

⁹² Observatorio Venezolano de Conflictividad Social (2015): *Manifestantes en la mira de Colectivos Paramilitares* [Online] Available from: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/06/Informe-Manifestantes-en-la-mira-de-paramilitares.pdf> [Accessed 4 May, 2016].

According to the Inter-American Commission on Human Rights, some of these “*violent groups (...) have been acting with the encouragement and acquiescence of the Venezuelan State (...) [T]hese groups have (...) been act[ing] with the participation or tolerance of state agents*”⁹³.

COLECTIVO FINANCE STRUCTURE

In 2015, according to Caracas-based researchers, the Ministry of Popular Power had an operating budget of 42 billion bolivares (roughly \$6.6 billion), which was facilitated by the Vice Presidency of the Development of Socialist Territories. Of this budget, 3 billion bolivares were awarded to the Ministry of Communes, which has financed the colectivos.



Source: Venezuelan Observatory on Social Conflict

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Source: OVCS

As reported by OVCS, pro-government armed paramilitaries are constantly in a complicity-tension relationship with the GoV: they are useful to the GoV's interests, especially against Venezuela's political opposition agenda, when people demonstrate massively and during elections. They have become the “executioners” of those Venezuelans taking over the streets, demanding the fulfillment of their rights and expressing their opinions. As such, they are a source of conflict and a risk for democracy⁹⁴. Recently, they have used aggressive tactics against Venezuelan opposition leaders' political rallies, during the parliamentary election campaign -resulting in the murder of an opposition activist, as will

⁹³ Inter-American Commission on Human Rights (2009): *Democracy and Human Rights in Venezuela*.

⁹⁴ Observatorio Venezolano de Conflictividad Social (2015): *Manifestantes en la mira de Colectivos Paramilitares* [Online] Available from: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/06/Informe-Manifestantes-en-la-mira-de-paramilitares.pdf> [Accessed 4 May, 2016].

be explained below. They afterward harassed and threatened opposition deputies during their sworn into the National Assembly, early in January⁹⁵.

These constant violent actions have as common element and cause President Maduro's violent speech, whose verbal threats have paved the way for physical violence against those who think differently, targeting people who dissent or oppose the GoV's interests - or are perceived as such- resulting in their death, their imprisonment, their torture and/or their persecution.

B. The parliamentary election campaign: The GoV's violent speech results in physical violence and persecution

The hateful and aggressive speech pronounced by GoV's officials has indeed led to violent actions, promoted by Maduro himself, and carried out by national security forces along with pro-government armed paramilitaries. Such actions are aggravated during events of national importance -such as elections- major criminal cases and/or especial incidents related to the socio-economic crisis.

On 6 December, 2015, parliamentary elections were held in Venezuela, amid an atmosphere of tension and threats against the political opposition and the civilians perceived as dissidents, for expressing their opinions regarding such elections.

The threats, violence and persecution, recurrent since February 2014, were intensified before, during and after the parliamentary elections. During all this time, President Maduro's violent speech was constant and worsened, as the GoV realized the high probabilities the political opposition had to winning the elections. As it was denounced by the political opposition, and local and international NGOs, the physical violence present in the electoral campaign would have its origin in the GoV's violent speech⁹⁶. President Maduro even stated that *"If the right group [the opposition parties] takes the election many very grave things would happen, including street confrontations (...) I will be the first person to go to the streets to defend with the people our revolution. Our country can only be governed by revolutionaries (...) The opposition should pray and light candles to their saints so that the elections are won by us, otherwise it would be total chaos. (...) I swear that under no circumstances would I surrender the achievements of our revolutions (...)*

⁹⁵ Solís, D (2016): *In Venezuela, Armed Groups Find Opportunity in Calamity*. 1 March, 2016 [Online] Available from: <https://www.stratfor.com/sample/analysis/venezuela-armed-groups-find-opportunity-calamity?amp%3Buuid=b8197835-f1e2-4ca1-9020-b045182a3e1d&id=%2A%7CLIST%3AUID%7C%2A> [Accessed 4 May, 2016].

⁹⁶ La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 4 May, 2016].

Let's be prepared to defend our homeland and to win in any way, at any cost, because our future is in play. Massacre and death will take place if the chavista revolution fails"⁹⁷.

Most of the polls carried out by the main survey companies foresaw that members of a group of political parties called the Democratic Unity Roundtable (*Mesa de la Unidad Democrática* (MUD)) would loosely win the National Assembly's majority of votes through strong turnout. In order to counteract such disadvantage, PSUV leaders -the GoV's political party, whose electoral motto was *Como sea a la Asamblea* (to the Assembly, whatever it takes)- increased their fear strategy through threats and a violent speech.

During the GoV's campaign closing activity, President Maduro affirmed that peace and stability in the country, as well as the funding and continuation of social programs on housing, health, education, etc. depended on the elections triumph⁹⁸, in an evident display of threat and manipulation.

Members of the local NGO *Espacio Público* (Public Space) denounced that the GoV's violent speech would produce more violence and increase the possibility of attacks against opposition members -which took place on a daily basis during the campaign. They also criticized that the OGP failed to investigate these situations properly⁹⁹.

The international community -the Organization of American States (OAS), the European Union, the United States government and Spain's President, Mariano Rajoy- also condemned the attacks against the political opposition during the elections' campaign. OAS' Secretary General -Luis Almagro- considered these attacks were trying to intimidate opposition members and demanded the GoV to act immediately in order to avoid elections turned into an "exercise of strength, violence and fear"¹⁰⁰. Evidencing, once again, his aggressive speech, President Maduro answered: *"Once we have done our investigation, well, I expect a rectification, if that piece of filth of Almagro still has some*

⁹⁷ El Nacional (2015) [Online] 22 June 2015. Available from: http://www.elnacional.com/politica/Maduro-lanzara-calle-oposicion-AN_0_651535042.html [Accessed 4 November, 2015]

⁹⁸ Diario Las Américas (2015): *Maduro advierte que de la victoria del chavismo "depende la paz" de Venezuela*. 3 December, 2015 [Online] Available from: http://www.diariolasamericas.com/5804_elecciones-en-venezuela/3491968_maduro-advierte-victoria-chavismo-depende-venezuela.html [Accessed 12 March, 2016]

⁹⁹ La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 4 May, 2016].

¹⁰⁰ La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 4 May, 2016].

ethics and morals. And I hope filth in general excuses me; poor little filth, I have compared it with Almagro"¹⁰¹.

The GoV's violent messages and threats were broadcast 24 hours a day, on national television, where Maduro's presence is constant. According to a report issued by the local organization *Monitoreo Ciudadano* (Civic Monitoring), Maduro's national mandatory broadcasts (*cadena nacional*, a platform frequently used for making propaganda, which surpassed 500 hours earlier this year, since he took office, 3 years ago) limit Venezuelans option to access free information and entertainment¹⁰². Through these national broadcasts, Maduro recurrently threatened with "radicalizing the revolution"¹⁰³ and affirmed things such as: "*the people must go to the streets. This battle has to be won by the people; the right-wing group cannot win [the parliamentary elections]; it is forbidden to loose (...). Our homeland must win or the imperialism subjects will (...)*"¹⁰⁴. "*Should the*

¹⁰¹ La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 4 May, 2016]. Caracas' Archbishop asked the GoV, as well, to stop the threats and the messages asking not to recognize the results -if contrary to their interests- and take, therefore, the streets. He also called for peace and asked the GoV to respect the Constitution and the law, in order to preserve the country's stability. El Impulso (2015): *Cardenal Jorge Urosa Savino: El Presidente de la República no debería incitar a la violencia*. 26 November, 2015 [Online] Available from: <http://www.elimpulso.com/noticias/nacionales/cardenal-jorge-urosa-savino-el-presidente-de-la-republica-no-deberia-incitar-a-la-violencia> [Accessed 12 March, 2016]

¹⁰² These mandatory broadcasts have been part of the GoV's communicational strategy, since 1999, when late President Chávez started taking advantage of them, in order to increase his popularity and even win elections. Maduro has opted to use the same strategy, arguing that private media would not broadcast his messages; however, various experts and NGOs have denounced what has been called the "communication's hegemony", referred to the control -directly or indirectly- the GoV has over media in Venezuela. In a 2013 report, *Reporters without Borders* affirmed that media in Venezuela was "almost totally under the control of the government, its mandatory advertisements and its *cadenas*". As at 2014, the GoV owned 13 TV stations and 11 radio stations. Such figures did not include the sale of *Globovisión*, a TV station known for its critical news against the GoV and *Cadena Capriles*, which regroups different written press media. Reuters (2016): *Presidente de Venezuela acumula más de 500 horas en transmisiones por televisión: grupo*. 26 January, 2016 [Online] Available from: <http://lta.reuters.com/article/entertainmentNews/idLTAKCN0V42HD> [Accessed 13 March, 2016]. Prodavinci (2014): *Medios de Comunicación Social en Venezuela. Notas sobre el nuevo régimen comunicativo; por Marcelino Bisbal*. 4 June, 2014 [Online] Available from: <http://prodavinci.com/2014/06/04/vivir/medios-de-comunicacion-social-en-venezuela-notas-sobre-el-nuevo-regimen-comunicativo-por-marcelino-bisbal/> [Accessed 13 March, 2016]. Reporters without Borders (2013): *Rapport annuel 2013 sur l'état de la liberté de la presse dans le monde* [Online] Available from: <https://rsf.org/index2014/en-americas.php#>

¹⁰³ Súmate: *Entorno Nacional*. Miércoles, 2 de diciembre de 2015. 2 December, 2015 [Online] Available from: <http://entornos.sumate.org/?p=7797> [Accessed 13 March, 2016].

¹⁰⁴ Government of the Bolivarian Republic of Venezuela (2015): *Presidente Maduro a la militancia bolivariana: ¡Que nadie se confunda, que nadie se duerma en sus laureles!* 24 November, 2015 [Online] Available from: http://www.presidencia.gob.ve/Site/Web/Principal/paginas/classMostrarEvento1.php?id_evento=13616 [Accessed 13 March, 2016].

right-wing group take over the National Assembly (...) I would go to the streets to fight with the people"¹⁰⁵.

During the parliamentary election campaign, opposition candidates at the time denounced that videos were they appeared and were mandatory broadcast on national television, were manipulated in order to affect their image, distort their messages and therefore try to charge them with inexistent crimes¹⁰⁶. Opposition leaders also denounced that the National Electoral Council (*Consejo Nacional Electoral* (CNE)) did not fulfill their obligations in terms of stopping the GoV's media abuse and applying the relevant sanctions against their messages inciting violence¹⁰⁷.

Through this time, the GoV's verbal threats certainly led to physical violence against dissidents -especially those involved in the opposition campaign for the parliament- and resulted in the death of Luis Manuel Díaz, a member of *Acción Democrática* (AD) -an opposition party, member of MUD. Díaz was murdered while he was on a stage with Lilian Tintori -Leopoldo Lopez's wife- during an opposition campaign activity, on 25 November, 2015. AD's Secretary General -Henry Ramos Allup, current National Assembly's President- denounced Díaz had been shot in the head by people involved with PSUV¹⁰⁸, and assured having the relevant evidence that would connect the GoV with this crime¹⁰⁹.

The day before Díaz's murder, in his weekly program, mandatory broadcast on national television, President Maduro threatened the political opposition by stating that: *"You, right-wing oligarchs, start praying, because the Revolution will triumph on December 6. Pray now so there will be peace and tranquility. Otherwise, we will go to the streets, and there, we are 'candanga con burundanga' [a local expression used to define an aggressive*

¹⁰⁵ El Clarín (2015): *La oposición les pide a los militares que controlen las elecciones del domingo*. 1 December, 2015 [Online] Available from:

http://www.clarin.com/mundo/Venezuela-elecciones-golpe_de_Estado-militares-Nicolas_Maduro-Vladimir_Padrino_Lopez-MUD_0_1477652693.html [Accessed 13 March, 2016].

¹⁰⁶ For instance, candidate Tomás Guanipa -who was later elected as deputy- submitted a lawsuit for slanders. La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 4 May, 2016].

¹⁰⁷ La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 4 May, 2016].

¹⁰⁸ El Nacional (2015): *¿Quién era Luis Manuel Díaz?, candidato de AD asesinado*. 26 November, 2015 [Online] Available from: http://www.el-nacional.com/politica/Luis-Manuel-Diaz-AD-asesinado_0_745725605.html [Accessed 4 May, 2016].

¹⁰⁹ La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 4 May, 2016].

or dangerous attitude]. We, the revolutionaries, are better when we are calm, the way we are now (...)"¹¹⁰.

UNASUR's Electoral Mission in Venezuela issued a statement regarding this incident and called upon the national authorities in order for them to carry out an exhaustive investigation¹¹¹.

C. The GoV's obstruction of the new National Assembly

The final results of the parliamentary election were widely favorable for MUD, reaching 112 members out of 167¹¹². Nevertheless, the Supreme Tribunal (*Tribunal Supremo de Justicia* (TSJ)) admitted a challenge request filed by the GoV, against three deputies, in an attempt to block the National Assembly's installation and running -denounced by MUD as a "judicial coup"- evidencing that TSJ is under the *de facto* control of the Presidency and follows its agenda. On late December, TSJ admitted seven appeals filed by the GoV -after suspending their usual judicial holiday for this purpose¹¹³- and issued a precautionary measure in order to suspend the proclamation of the three opposition deputies corresponding to Amazonas state. The alleged purpose, as denounced by MUD members, was breaking the absolute majority the political opposition reached after the parliamentary election¹¹⁴. Additionally, the aforementioned political prisoners who were

¹¹⁰ La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1QaI> [Accessed 4 May, 2016].

¹¹¹ El Nacional (2015): *¿Quién era Luis Manuel Díaz?, candidato de AD asesinado*. 26 November, 2015 [Online] Available from: http://www.el-nacional.com/politica/Luis-Manuel-Diaz-AD-asesinado_0_745725605.html [Accessed 4 May, 2016].

¹¹² Consejo Nacional Electoral (2015): *Elecciones a la Asamblea Nacional 2015*. 6 December, 2015 [Online] Available from: http://www.cne.gob.ve/resultado_asamblea2015/r/0/reg_000000.html [Accessed 4 May, 2016].

¹¹³ La Patilla (2015): *Sala Electoral suspende vacaciones y recibe recursos del Psuv contra resultados del 6D*. 29 December, 2015 [Online] Available from: <http://www.lapatilla.com/site/2015/12/29/sala-electoral-suspende-vacaciones-y-recibe-recursos-del-psuv-contra-resultados-del-6d/> [Accessed 18 April, 2016].

¹¹⁴ El País (2016): *La oposición de Venezuela desafía el intento de golpe encubierto de Maduro*. 1 January, 2016 [Online] Available from: http://internacional.elpais.com/internacional/2016/01/01/actualidad/1451682457_350312.html [Accessed 15 April, 2016]. Should TSJ decide in favor of such appeals, new elections could take place in the relevant circumscription. Since the new National Assembly was installed in January 6, the Amazonas state has not been represented by any congressman due to the suspension ordered by TSJ and, as it has been denounced by some opposition representatives, major issues concerning this state have not been addressed in the Assembly due to the lack of representation. According to deputy Mauligmer Baloa, this is seriously damaging the decision made by the majority of the Venezuelan electors who voted by these congressmen. La Patilla (2016): *Amazonas reclama sus diputados: La entidad no tiene voz en la AN mientras sufre por graves problemas*. 31 March, 2016 [Online] Available from:

elected as substitute deputies -Rosmit Mantilla, Renzo Pietro and Gilberto Sojo- remain imprisoned after their election, in spite of their parliamentary immunity.

The day after the parliamentary election, Maduro affirmed that *“complex situations will come with the counterrevolution triumph in the National Assembly”*¹¹⁵. A few days afterwards, in a display of manipulation and punishment against the people who did not vote for the GoV’s candidates, Maduro stated that he wanted to build 500 thousand houses in 2016, but *“now I am hesitating, not because I cannot build them, but because I asked for your support [to the people, in the parliamentary election] and you did not give it to me”*¹¹⁶. He also asked his followers to act as a “rebel people”, and then warned that *“things will not remain like this; we are going to change this situation and we will not allow the right-wing group to consolidate their ‘electoral coup’”*¹¹⁷. Continuing with his threats policy, Maduro even ordered PSUV’s just elected deputies to look for the almost 2 million “revolutionaries” that did not vote for them¹¹⁸.

A few minutes after Maduro called again for rebellion¹¹⁹ -a month after the parliamentary election was held- members of pro-government armed paramilitaries were reported to regroup in front of the National Assembly headquarters, where the new members of the Assembly were gathering, showing an intimidating and threatening attitude¹²⁰.

<http://www.lapatilla.com/site/2016/03/31/amazonas-reclama-sus-diputados-la-entidad-no-tiene-voz-en-la-an-mientras-sufre-por-graves-problemas/> [Accessed 18 April, 2016].

¹¹⁵ La Nación (2015): *Venezuela: diferencias entre el Consejo Electoral y la MUD por el número de bancas*. 8 December, 2015 [Online] Available from: <http://www.lanacion.com.ar/1852383-el-triunfo-de-la-oposicion-en-venezuela-obtuvo-al-menos-110-escanos-en-la-asamblea-nacional> [Accessed 13 April, 2016].

¹¹⁶ Diario Tal Cual (2015): *Así fue como Maduro amenazó con no construir más viviendas por resultados del 6-D*. 11 December, 2015 [Online] Available from: <http://www.talcualdigital.com/Nota/121319/asi-fue-como-maduro-amenazo-con-no-construir-mas-viviendas-por-resultados-del-6d> [Accessed 15 April, 2016].

¹¹⁷Diario Tal Cual (2015): *Maduro: No crean que esto se va a quedar así*. 15 December, 2015 [Online] Available from: <http://www.talcualdigital.com/Nota/121440/maduro-no-crean-que-esto-se-va-a-quedar-asi?platform=hootsuite> [Accessed 15 April, 2016].

¹¹⁸ Diario Tal Cual (2015): *Maduro ordenó buscar los dos millones de oficialistas que no votaron el 6D*. 22 December, 2015 [Online] Available from: <http://www.talcualdigital.com/Nota/121664/maduro-ordeno-buscar-los-dos-millones-de-oficialistas-que-no-votaron-el-6d> [Accessed 15 April, 2016].

¹¹⁹ BBC Mundo (2016): *La polémica retirada de los retratos de Hugo Chávez de la Asamblea Nacional de Venezuela*. 7 January, 2016 [Online] Available from: http://www.bbc.com/mundo/noticias/2016/01/160106_venezuela_asamblea_retratos_hugo_chavez_polemica [Accessed 15 April, 2016].

¹²⁰ La Patilla (2016): *Reportan tensa situación en alrededores de la AN mientras Maduro nombra a nuevo Gabinete*. 6 January, 2016 [Online] Available from: <http://www.lapatilla.com/site/2016/01/06/reportan-tensa-situacion-en-alrededores-de-la-an-mientras-maduro-nombra-a-nuevo-gabinete-fotos/> [Accessed 15 April, 2016].

During PSUV's third congress, earlier on January, Maduro called again for the "rebellion" against the National Assembly, after a law granting ownership over houses given in social programs was approved¹²¹. Maduro told their followers to go to the streets and take rebellion against the "bourgeoisie"¹²².

Led by President Maduro and National Assembly's former President -Diosdado Cabello- the GoV has then followed the steps to incapacitate and refuse the work of the democratically elected National Assembly, by trying to create a parallel Assembly -Cabello created the National Communal Parliament, not contemplated in the Venezuelan Constitution but in the Commune Act¹²³- and ordering TSJ to examine the laws passed by the new National Assembly.

This situation has been considered by constitutional experts as a sort of *self-coup* -a coup against the Constitution and against the popular will expressed by the majority of the Venezuelan electors¹²⁴- given that the GoV would be aiming to undermine the new National Assembly and block all the ways to allow its running.

Experts also consider this *self-coup* has been continued through the Presidency *de facto* control over the Judiciary. A few days after the parliamentary election took place, the outgoing National Assembly, led by its former President -Diosdado Cabello- convened four extraordinary meetings, in order to appoint the 13 new judges -and 21 acting judges- that would replace the recently retired judges. Former TSJ judges have affirmed this was a new outrage against the Constitution and that the postulation process should be repeated in order to respect democracy and the independence of the Judiciary. Their main concern was regarding the intention of blocking and neutralizing the National Assembly's work

¹²¹ La Patilla (2016):

En más de dos horas de transmisión, Maduro no mencionó medidas contra la crisis. 29 January, 2016 [Online] Available from: <http://www.lapatilla.com/site/2016/01/29/en-mas-de-una-hora-de-transmision-maduro-no-ha-mencionado-medidas-contra-la-crisis/> [Accessed 15 April, 2016].

¹²² La Patilla (2016): *Un Maduro "desesperado" pide "rebelión" contra la AN por Ley de títulos de viviendas.* 29 January, 2016 [Online] Available from: <http://www.lapatilla.com/site/2016/01/29/un-maduro-desesperado-pide-rebelion-contra-la-an-por-ley-de-titulos-de-viviendas/> [Accessed 15 April, 2016].

¹²³ The content of this Act was rejected by Venezuelans in a referendum; however, late President Chávez enacted it later through an enabling law (*ley habilitante*) that had been granted by the former National Assembly. El Nuevo Herald (2015): *Maduro juega al caos inconstitucional tras derrota electoral.* 21 December, 2015 [Online] Available from: <http://www.elnuevoherald.com/noticias/mundo/america-latina/venezuela-es/article50976535.html> [Accessed 15 April, 2016].

¹²⁴ According to Constitutional Lawyer Allan Brewer-Carías "a coup is not necessarily just against a government but also against the Constitution". UN former ambassador Diego Arria considers the GoV "is denying, to almost the 70% of the Venezuelans, their will expressed in the elections". El Nuevo Herald (2015): *Maduro juega al caos inconstitucional tras derrota electoral.* 21 December, 2015 [Online] Available from: <http://www.elnuevoherald.com/noticias/mundo/america-latina/venezuela-es/article50976535.html> [Accessed 15 April, 2016].

through the Judiciary, and the evident partiality of the judges proposed by the outgoing National Assembly, due to their loyalty to the GoV¹²⁵.

D. The Supreme Tribunal as a political instrument of the GoV

During its first 100 days, the National Assembly passed five laws of which three -including the Amnesty and National Reconciliation Bill, which would allow the political prisoners to be released, and the TSJ Reformation Law- were called unconstitutional and two were dismissed by the Presidency. MUD deputies have admitted being victim of harassment by the Executive and the Judiciary, and consider their interference and obstruction has affected their work¹²⁶.

Since the installation of the National Assembly, TSJ has passed five decisions favorable to the GoV, obstructing the Assembly's work, about: (i) the suspension of the three Amazonas deputies, blocking the opposition's absolute majority; (ii) the validity declaration of a decree issued by the GoV about the "economic emergency", previously rejected by the National Assembly, by virtue of their constitutional power; (iii) the limitation of the National Assembly's authority to make political control over the other State branches; (iv) the limitation of the National Assembly's authority to make political control over the appointment of TSJ's judges -which would let the 13 judges irregularly appointed by the outgoing Assembly remain at TSJ- and, (v) the declaration of unconstitutionality of the Amnesty and National Reconciliation Bill¹²⁷. TSJ is currently studying the "level of constitutionality" of the Food Vouchers for Pensioners and Retirees Law¹²⁸. It is evident that through these actions, TSJ is being used by the GoV as a tool for blocking any decision made by the National Assembly complying with their constitutional power, and please the GoV to accomplish its agenda. This blocking from an institution loyal to the Presidency, against a democratically elected and independent branch of the

¹²⁵ El Nuevo Herald (2015): *Maduro juega al caos inconstitucional tras derrota electoral*. 21 December, 2015 [Online] Available from: <http://www.elnuevoherald.com/noticias/mundo/america-latina/venezuela-es/article50976535.html> [Accessed 15 April, 2016].

¹²⁶ Efecto Cocuyo (2016): *En los primeros 100 días la AN aprobó cinco leyes, negadas luego por Maduro y el TSJ*. 14 April, 2016 [Online] Available from: <http://www.efectococuyo.com/efecto-cocuyo/politikom/en-los-primeros-100-dias-la-an-aprobo-cinco-leyes-negadas-por-el-tsj> [Accessed 29 April, 2016].

¹²⁷ El Tiempo (2016): *Cinco fallos del Tribunal Supremo que protegen a Maduro en Venezuela*. 13 April, 2016 [Online] Available from: <http://www.eltiempo.com/mundo/latinoamerica/fallos-del-tribunal-supremo-que-protegen-a-maduro-en-venezuela/16562405> [Accessed 18 April, 2016].

¹²⁸ El Nacional (2016): *TSJ evalúa constitucionalidad de Ley de Cestaticket para Pensionados y Jubilados*. 22 April, 2016 [Online] Available from: http://www.el-nacional.com/politica/TSJ-Ley-Cestaticket-Pensionados-Jubilados_0_834516742.html [Accessed 29 April, 2016].

State will continue in the future, against any single decision made by the National Assembly, as long as they are against the GoV's interest¹²⁹.

Recently, the President of the National Assembly -Henry Ramos Allup- denounced that TSJ is now declaring bills' unconstitutionality without waiting for them to be ready for debate -referring to a bill the Assembly was preparing in order to carry out an eventual amendment of the Constitution, and that was approved during its first debate, but was called unconstitutional by TSJ, without completing its definitive draft¹³⁰.

On April 2016, TSJ's Constitutional Chamber imposed seven new limitations to the National Assembly, in order to continue reducing its power -an evident plan they have been executing since the installation of the Assembly: (i) the Assembly is obliged to consult its projects with the "Popular Power" through "street parliamentarism" -the consultation procedure set forth in the Venezuelan Constitution does not mention neither the popular power nor the street parliamentarism; (ii) the term applied to the public consultation of laws shall be at least 20 days, which could be prorogated at the Popular Power request. This would allow them to control the duration of the public consultation; (iii) the National Assembly will not be able to carry out their sessions without a previous 48-hour call; (iv) each session's agenda shall not be modified. This affects the flexibility of the Assembly's debates, especially, regarding urgent issues arising unexpectedly; (v) the Assembly can no longer postpone the agenda for another session, improperly limiting the parliamentary debate; (vi) the Constitutional Chamber temporarily eliminated the time limit deputies have for their speeches, which will certainly affect the development of debates, should the deputies have unlimited speech time frames; and, (vii) an economic project shall be made for each bill in order for it to be approved by the Executive, should it consider it is "economically viable" -a control which is not contained in the Constitution¹³¹.

According to the opinion of constitutional scholars, these limitations are not established in the Constitution and cannot be considered rational since they have two basic intentions: hinder and delay the debates' normal development and -the most serious- create a sort of veto for the Executive over every bill¹³² -should the Executive consider a bill's economic

¹²⁹ Since 2005, when the GoV took control over TSJ, 45.474 decisions had been passed; however, in any of them has TSJ decided against the GoV.

¹³⁰ El Nacional (2016): *Ramos Allup sobre sentencia del TSJ: Sinvergüenzas ya ni esperan aprobación leyes*. 25 April, 2016 [Online] Available from: http://www.el-nacional.com/politica/Ramos-Allup-TSJ-Sinvergüenzas-aprobacion_0_836316506.html [Accessed 29 April, 2016].

¹³¹ Provadinci (2016): *Éstas son las 7 nuevas limitaciones que impuso el TSJ a la AN; por José Ignacio Hernández*. 23 April, 2016 [Online] Available from: <http://prodavinci.com/blogs/estas-son-las-7-nuevas-limitaciones-que-impuso-el-tsj-a-la-an-por-jose-ignacio-hernandez2/> [Accessed 29 April, 2016].

¹³² Provadinci (2016): *Éstas son las 7 nuevas limitaciones que impuso el TSJ a la AN; por José Ignacio Hernández*. 23 April, 2016 [Online] Available from:

unviability, the National Assembly will not be able to pass it, impeding the fulfillment of the Assembly's main obligation. This is a new evidence of the Executives' violation of the power separation principle, enshrined in the Constitution, and the TSJ's systematic interference over the National Assembly.

Several scholars, NGOs and international organizations have certainly criticized the TSJ's lack of autonomy and independence, and how its behavior is aligned with the Presidency's agenda, acting as its political tool. They have also highlighted and issued reports on its structure and functioning, all of which was described in detail in The Request. Members of *Un Estado de Derecho* (A Rule of Law) -a local NGO that carries out studies on the Venezuelan Judiciary- have warned that in practice, TSJ acts "like a ministry" and its behavior is a "crude genuflection before the Executive branch (...)"¹³³. They have also warned that after a study made over 55 decisions passed by TSJ, a pattern was repeated: the GoV makes an announcement and, after a few weeks, TSJ provides the relevant juridical basis, while declining the rejections based on unconstitutional or illegality grounds. These cases were directly linked to fundamental issues such as democratic principles, independence of the Judiciary, freedom of association and social rights, political participation and suffrage, private property and freedom of expression¹³⁴.

In a research carried out by *Un Estado de Derecho*, while the National Assembly majority belonged to PSUV -until early December 2015-, the NGO could not find any sentence annulling laws passed by it or any kind of blocking against their decisions and agreements -including those used for stigmatizing, persecuting or justifying violations against dissidents' rights. However, in less than four months, TSJ has passed five sentences against the decisions made by the new National Assembly's majority, since they have been contrary to the GoV's interests. This is particularly concerning considering TSJ is the country's conflict arbitrator; therefore, allowing the Presidency intromission in its decisions -a public situation- undermines its credibility and confidence, and affects the country's legal certainty. Several reports issued by the Inter-American Commission on

<http://prodavinci.com/blogs/estas-son-las-7-nuevas-limitaciones-que-impuso-el-tsj-a-la-an-por-jose-ignacio-hernandez2/> [Accessed 29 April, 2016].

¹³³ El Nacional (2016): *El TSJ no se ha opuesto a la voluntad del Ejecutivo*. 18 January, 2016 [Online] Available from: http://www.el-nacional.com/politica/TSJ-opuesto-voluntad-Ejecutivo_0_776922374.html [Accessed 18 April, 2016].

¹³⁴ Other questionable sentences passed by TSJ have been: the one that declared inadmissible the challenge against the presidential elections in 2013 -narrowly won by Nicolás Maduro after serious irregularities were denounced-; the summary political disqualifications; those that took away powers from the country's states; those who have appointed the provisional judges and those passed against the freedom of speech. El Nacional (2016): *El TSJ no se ha opuesto a la voluntad del Ejecutivo*. 18 January, 2016 [Online] Available from: http://www.el-nacional.com/politica/TSJ-opuesto-voluntad-Ejecutivo_0_776922374.html [Accessed 18 April, 2016].

Human Rights have questioned such political intromission and how it affects the democratic system, stating that *“the existence of an independent Judiciary is essential to make possible other State branches’ constitutional oversight and in order to administer justice”*¹³⁵.

E. The Amnesty and National Reconciliation Law

One of the proposals of the candidates to deputies of the National Assembly, prior to the parliamentary elections of December 2015, was to approve the Amnesty Law to free immediately the political prisoners that are arbitrarily arrested. On 6 December, 2015, the Venezuelan opposition obtained 112 of the 167 representatives. This means that by winning two thirds of the seats, the opposition was perfectly empowered, under the Venezuelan Constitution, to approve in the short run and without greater setbacks an Amnesty Law with the purpose of freeing the political prisoners¹³⁶.

In the Venezuelan body of law, the amnesty is a power of the National Assembly that allows it to “vanish” the crime. In other words, by means of a law, legally typified crimes that were committed or could have been committed are “forgotten”¹³⁷.

Nevertheless, immediately after the defeat of the government’s party at the parliamentary elections, a campaign was begun by GoV’s high level officials, in order to block and impede the approval of said law.

In this vein, it is important to mention that after the defeat suffered at December 2015’s parliamentary election, President Maduro reacted aggressively lashing out not only against the elected assembly deputies but also against the very militants of his party (PSUV). In this regard, Maduro visited Chavez’s mausoleum, in the *23 de Enero* hillside slum, where the government suffered a shock loss in the parliamentary election’s vote. Accompanied by members of high members of GoV’s military command, he accused his opponents of sowing discrimination and class hatred, cautioning workers who voted for the opposition that they would regret their decision to abandon support for the

¹³⁵ Comisión Interamericana de Derechos Humanos (2009): *Country Report: Venezuela* [Online] Available from: <https://www.cidh.oas.org/countryrep/Venezuela2009sp/VE09CAPIIISP.htm> [Accessed 19 April, 2016].

¹³⁶ Pursuant to paragraph 5 of Article 186 of the Venezuelan Constitution, the National Assembly may “decree amnesties”. Here, “decree” is used as a synonym for “promulgate”. That is why amnesty is promulgated by the Assembly through a law, as reiterated in Article 74 of the Constitution.

¹³⁷ Prodavinci (2015): *¿Puede el Presidente impedir la aplicación de una Ley de Amnistía?* 9 December, 2015 [Online] Available from: <http://prodavinci.com/blogs/venezuela-puede-el-presidente-impedir-la-aplicacion-de-una-ley-de-amnistia-por-jose-ignacio-hernandez> [Accessed 20 April, 2016].

government. President Maduro said: *“The bad guys won, like the bad guys always do, through lies and fraud (...) Workers of the fatherland, know that you have a president, a son of Chavez, who will protect you”*¹³⁸. Maduro continued with his speech intended to criminalize political prisoners in general, as well as the dissidents arbitrarily arrested or who are in exile, by pointing out that *“I will not accept any Amnesty Law. They can send me a thousand laws, but the murderers of the people must pay”*¹³⁹.

Another important pro-government leader, who has fervently opposed the Amnesty Law, is the former President of the National Assembly, Diosdado Cabello. He is branded for openly using his former position as chairman of the Venezuelan parliament to secure the appointment of TSJ’s judges attached to him, as previously explained -in violation of the Organic Law of the Supreme Court of Justice- with the intention of controlling them and giving them direct instructions.

In this sense, Cabello, who refers openly to the Amnesty Law as the “Law of Criminal Amnesia”, among other aspects, pointed out that the (amnesty) law *“allows the possibility of a coup d’état: it is the continuance of the coup d’état; it protects any deed performed by the Venezuelan opposition to get rid of President Nicolás Maduro and put an end to the Bolivarian Revolution”*¹⁴⁰.

Likewise, Diosdado Cabello stated: *“The Amnesty Law is a bill promoted by the right-wing in Parliament (...); it contemplates freeing from all liability those persons who have transgressed human rights, particularly those who called for and executed the violent actions of the plan ‘La Salida’ [a pacific and legal protest strategy conceived by Voluntad Popular, an opposition political party led by Leopoldo López, which resulted in February 2014’s popular and massive demonstrations throughout the country] which left as a result the murder of 43 Venezuelans and some 878 injured (...). It is a criminal amnesia law because what it proposes is that we should forget everything (...). Also, this legal*

¹³⁸ Daily Mail (2015): *Venezuela opposition wins supermajority in National Assembly*. December 9, 2015. [Online] Available from: <http://www.dailymail.co.uk/wires/ap/article-3351898/Venezuela-opposition-wins-supermajority-National-Assembly.html> [Accessed 20 April, 2016].

¹³⁹ *Maduro: No firmaré ninguna Ley de Amnistía*. Youtube. 8 December, 2015 [Online] Video available from: <https://www.youtube.com/watch?v=oz3tn2byOM0> [Accessed 20 April, 2016].

¹⁴⁰ Venezolana de Televisión (2016): *Diosdado Cabello: La Ley de Amnistía ampara golpe de Estado al gobierno de Nicolás Maduro (+ Video)*. 16 February, 2016 [Online] Available from: <http://www.vtv.gob.ve/articulos/2016/02/16/diosdado-cabello-ley-de-amnistia-ampara-golpe-de-estado-al-gobierno-de-nicolas-maduro-3082.html> [Accessed 20 April, 2016].

instrument legitimizes crimes such as terrorism, corruption and drug trafficking. We know that each article has become a piece of merchandise”¹⁴¹.

On the other hand, Jorge Rodríguez, member of the so-called High Political Command of the Revolution, pointed out that said law does not promote pardon, or reconciliation or consultation. He also indicated that it dodges, in a brutal manner, the opinion of relatives of fatal victims and of more than 800 persons who were left injured by *La Salida*, summoned by one of the most violent politicians ever known in the recent history of Venezuela -referring to Leopoldo López¹⁴².

The Amnesty and National Reconciliation Bill was approved on March 29, 2016 by the votes of MUD’s National Assembly deputies, with the participation of academics, constitutional lawyers and National Assembly deputies. This law was the result of several months of work¹⁴³.

Once the Amnesty and National Reconciliation Law was approved, President Maduro called his sympathizers to march to TSJ with the intention of rejecting the approval of this Law. During an intervention in a mandatory joint radio and TV broadcast, Maduro did not hide the pressure he exercises over TSJ’s magistrates, when he affirmed: *“I have decided to send today, and I ask that you join this march, the legal secretary of the Miraflores Palace with this document requesting the Constitutional Chamber to declare the criminal Amnesty Law unconstitutional, so that the Supreme Court of Justice [TSJ] fully complies with its duties and make the decision (...)”¹⁴⁴.*

Additionally, Maduro -in a clear threat to the opposing majority in the National Assembly- declared that he will evaluate the possibility of shortening the period of the parliament: *“I will evaluate it with absolute seriousness, I promise the country, and if I see that it represents the possibility to clear the coup d’état mentality and the exploitation of the*

¹⁴¹ Venezolana de Televisión (2016): *Diosdado Cabello: La Ley de Amnistía ampara golpe de Estado al gobierno de Nicolás Maduro (+ Video)*. 16 February, 2016 [Online] Available from: <http://www.vtv.gob.ve/articulos/2016/02/16/diosdado-cabello-ley-de-amnistia-ampara-golpe-de-estado-al-gobierno-de-nicolas-maduro-3082.html> [Accessed 20 April, 2016].

¹⁴² Venezolana de Televisión (2016): *Ley de Amnesia traería caos al país*. 8 April, 2016. [Online] Available from: <http://www.vtv.gob.ve/articulos/2016/04/08/jorge-rodriguez-ley-de-amnesia-criminal-traeria-caos-al-pais-video-6759.html> [Accessed 21 April, 2016].

¹⁴³ El Universal (2016): *La Asamblea Nacional aprobó la Ley de Amnistía y Reconciliación* 29 March 2016. [Online] Available from: http://www.eluniversal.com/noticias/politica/asamblea-nacional-aprobo-ley-amnistia-reconciliacion-nacional_247144 [Accessed 21 April, 2016].

¹⁴⁴ El Periódico Venezolano (2016): *Que Terco! Maduro no firmará la Ley de Amnistía y lanza amenaza a la AN*. 6 April, 2016 [Online] Available from: <http://elperiodicovenezolano.com/terco-maduro-no-firma-la-ley-amnistia-lanza-amenaza-la-an/> [Accessed 21 April, 2016].

*National Assembly, I would activate it myself if the people stand by me. I promise you and I commit myself*¹⁴⁵.

On 11 April, 2016, TSJ's Constitutional Chamber issued Decision number 261 declaring unconstitutional the Amnesty and National Reconciliation Bill passed by the National Assembly on 29 March, 2016. The decision of the Constitutional Chamber responds to the written request made by President Maduro in a brief dated 7 April, 2016. To sustain its decision of unconstitutionality of the Amnesty and National Reconciliation Bill, TSJ's Constitutional Chamber argued: (i) the inexistence of the doctrinal requirements and the international order that establish a basis for transitional justice; (ii) the inclusion of common crimes, including organized criminality, which have no relationship with political crimes; (iii) the violation of the constitutional principles of legality, definition of the crime, justice and responsibility in the law-making process; (iv) the inclusion in the amnesty of administrative offenses that hurt the defense of public property and the fight against corruption, object of international treaties subscribed by the Republic; (v) the violation of the constitutional principle of sovereignty; and, (vi) the effects on society and the body of law by ignoring the rights of the victims¹⁴⁶.

Immediately after the decision of TSJ was known, the reaction of the international community occurred. United Nations Human Rights Office of the High Commissioner made a pronouncement on this issue through its spokesperson -Ravina Shamdasani- who said: *"We are very surprised with the ruling yesterday by the Constitutional Chamber of Venezuela's Supreme Court against the Amnesty and National Reconciliation Bill."*¹⁴⁷

OAS' Secretary General -Luis Almagro- also reacted to this decision of the TSJ's Constitutional Chamber declaring the Amnesty and National Reconciliation Bill as unconstitutional, asking President Maduro to "immediately" sign this law approved by the opposing majority of the Venezuelan Parliament. *"It is absolutely necessary, indispensable, unpostponable to liberate the political prisoners in Venezuela. Thus, the request to Maduro is to sign the bill, to make it effective immediately and to liberate the prisoners (...). We*

¹⁴⁵ El Periódico Venezolano (2016): *Que Terco! Maduro no firmará la Ley de Amnistía y lanza amenaza a la AN*. 6 April, 2016 [Online] Available from: <http://elperiodicovenezolano.com/terco-maduro-no-firma-la-ley-amnistia-lanza-amenaza-la-an/> [Accessed 21 April, 2016].

¹⁴⁶ Tribunal Supremo de Justicia, Constitutional Chamber, file 16-0343, 11 April 2016 [Online] Available from: <http://historico.tsj.gob.ve/decisiones/scon/abril/187018-264-11416-2016-16-0343.HTML> [Accessed 21 April, 2016].

¹⁴⁷ United Nations (2016): *UN rights office 'surprised' by Venezuela's ruling against reconciliation bill*. April 12, 2016 [Online] Available from: <http://www.un.org/apps/news/story.asp?NewsID=53666#.VzPvH6MeSkp> [Accessed 11 May, 2016].

consider such law an essential instrument; we wish it would have not been necessary, that there were no political prisoners in Venezuela”¹⁴⁸.

Once the appeal of OAS’ Secretary General to President Maduro to sign the Amnesty Bill was made, the reaction of representatives of the Venezuelan government immediately came. Venezuela’s Permanent Representative to this international organization -Bernardo Álvarez- refuted it stating that *“It is intolerable and hardly understandable for the Secretary General to continue with his interventionist attitude, disrespecting the sovereignty of the States and his capacity as international official”¹⁴⁹*. For her part, the Minister of Foreign Affairs, Delcy Rodríguez, added via Twitter: *“We have decided to request an inquiry for deviation of his functions as Secretary General of the OAS, against Venezuela. There will be consequences”¹⁵⁰*.

By rejecting this law, President Maduro has denied any hope for peace and reconciliation in Venezuela. It is clear he sees no need to respect his country’s democratic institutions. As Venezuela falls deeper into its humanitarian and economic crisis, President Maduro is expected to continue to disregard the autonomy of Venezuela’s political branches, in order to retain power¹⁵¹.

By declaring the unconstitutionality of the Amnesty and National Reconciliation Bill, the possibility of obtaining the freedom of 85 political prisoners moves away. 31 of them are arbitrarily arrested for exercising their right to protest during the demonstrations that have taken place in the country, since February 2014¹⁵². An important number of political prisoners have been arbitrarily arrested for more than two years, in many cases without having been presented before a court. A significant number of them have also been tortured, as it is the case of Leopoldo López, Gerardo Carrero, Raúl Baduel, Alexander

¹⁴⁸ Diario Las Américas (2016): *Almagro pide a Maduro que firme “Inmediatamente” la Ley de Amnistía*. 5 April, 2016 [Online] Available from: http://www.diariolasamericas.com/4848_venezuela/3731295_almagro-pide-maduro-firme-inmediatamente-ley-amnistia.html [Accessed 11 May, 2016].

¹⁴⁹ EFE (2016): *Así respondió Gobierno de Maduro a Almagro por sus declaraciones sobre la Ley de Amnistía*. 5 April, 2016 [Online] Available from: <http://www.miamidiario.com/politica/venezuela/oea/luis-almagro/nicolas-maduro/presos-politicos/leopoldo-lopez/delcy-rodriguez/ley-de-amnistia/asamblea-nacional-de-venezuela/357063> [Accessed 11 May, 2016].

¹⁵⁰ EFE (2016): *Así respondió Gobierno de Maduro a Almagro por sus declaraciones sobre la Ley de Amnistía*. 5 April, 2016 [Online] Available from: <http://www.miamidiario.com/politica/venezuela/oea/luis-almagro/nicolas-maduro/presos-politicos/leopoldo-lopez/delcy-rodriguez/ley-de-amnistia/asamblea-nacional-de-venezuela/357063> [Accessed 11 May, 2016].

¹⁵¹ Huffington Post (2016): *By Blocking the Release of Political Prisoners, Maduro Is Eroding Venezuela’s Democracy*. 13 April, 2016 [Online] Available from: http://www.huffingtonpost.com/jared-genser/venezuela-amnesty-law_b_9679576.html [Accessed 11 May, 2016].

¹⁵² Foro Penal Venezolano (2016) *Political Prisoners* [Online] Available from: <https://foropenal.com/presos-politicos> [Accessed 11 May, 2016].

Tirado, Rosmit Mantilla, Lorent Saleh, Gabriel Vallés and Juan Miguel de Sousa, among others.

It is important to highlight that the decision of the Constitutional Chamber declaring the unconstitutionality of the Amnesty and National Reconciliation Bill was a joint ruling subscribed by: The Chamber's President, Gladys María Gutiérrez Alvarado; the Vice-president, Arcadio Delgado González, and the magistrates Carmen Zuleta de Merchán, Juan José Mendoza Jover, Calixto Ortega Ríos and Luis Fernando Damiani Bustillos.

F. The OLP deployment: coping with crime while violating the human rights of the most vulnerable people

Venezuela is one of the most violent and dangerous countries in the region, with a rate of 58 murders per 100,000 inhabitants in 2015, according to official data. However, local NGOs such as *Observatorio Venezolano de Violencia* (the Venezuelan Observatory on Violence), have calculated a higher rate: 90 murders per 100,000 inhabitants¹⁵³. In order to face this situation, on July 2015, the GoV implemented a new security plan called Operation for the People's Liberation (*Operativo de Liberación del Pueblo* (OLP)) -one of the 24 operations for citizens' security, since the official government took office in 1999.

OLP is a security model plan conceived by Maduro to face criminality; a joint operation ordered by the Vice-Presidency¹⁵⁴ and executed by law enforcement agencies -SEBIN, The Corps of Scientific, Penal and Criminal Investigations (*Cuerpo de Investigaciones Científicas, Penales y Criminalística* (CICPC)), PNB and state-level police officers- along with the Bolivarian National Armed Forces (FANB) -particularly, GNB¹⁵⁵- in breach of the Venezuelan Constitution, where it is established that state agencies for citizens' security must be formed by civilians. Its purpose is "to break up criminal groups dedicated to extortion, kidnapping and disturbing the people's peace"¹⁵⁶. The GoV has also given political reasons, stating that OLP is intended to "free the country" from armed groups

¹⁵³ These numbers include the "unclarified deaths" and "resistance to authority" categories, not considered by official data as part of the violent deaths. PROVEA (2016): *3 preguntas sobre OLP*. 7 April, 2016 [Online] Available from: <http://www.derechos.org/ve/2016/04/07/rafael-uzcategui-3-preguntas-sobre-olp/> [Accessed 22 April, 2016].

¹⁵⁴ Analítica (2016): *El guión oculto de las OLP, por Javier Ignacio Mayorca*. 18 May, 2016 [Online] Available from: <http://www.analitica.com/actualidad/el-guion-oculto-de-las-olp-por-javier-ignacio-mayorca/> [Accessed 21 May, 2016].

¹⁵⁵ According to official data published on the Minister of Interior, Justice and Peace website, from 13 July, 2015 to 11 August, 2015, 5,789 GNB, People's Guard, SEBIN, CICPC, and PNB officers and state-level police corps were deployed for OLP operations in different communities throughout the country.

¹⁵⁶ El Nacional (2015): *OLP se despliega este viernes en Caracas*. 11 December, 2015 [Online] Available from: http://www.el-nacional.com/politica/OLP-Caracas_0_754724625.html [Accessed 21 May, 2016].

linked to “Colombian paramilitaries and right-wing politicians”¹⁵⁷. Since July 2015, more than 135 operations have been carried out¹⁵⁸.

As explained by Zulia’s Security and Public Order Secretary -Biagio Parisi- OLP has three phases: (i) people give security agents information regarding other people “causing problems or committing crimes in the community”; (ii) OLP is deployed, in order to face such issues; and, (iii) authorities “guarantee that after solving the problem, it will never happen again”¹⁵⁹.

OLP’s first phase was carried out simultaneously in Aragua, Miranda and the Capital District. It was afterwards deployed in several other states of the Venezuelan territory¹⁶⁰ and it is currently executed in all the states of the country. According to information released by the Minister of Interior, Justice and Peace -Gustavo González López- during the first 72 hours of OLP, 245 people were arrested and 17 were “taken down” -a term commonly used by the GoV, when releasing official information on OLPs, referring to people that were killed. Around 3,000 agents participated in the first OLP deployments in three states -700 special forces agents in Aragua, 900 GNB agents in Miranda and 1,200 GNB state in *Ciudad Tiuna*, in Caracas¹⁶¹.

The number of agents deployed for these operations, as well as the number of casualties and arrested people have increased as OLP raids continue. Two months after the first OLP, on September 2015, 450 agents were deployed in Vargas, according to a message published in the Minister’s Twitter account¹⁶². Simultaneously, 410 agents were deployed in Santa Rosa de Agua, in Zulia state, where witnesses and victims said house raids and

¹⁵⁷ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

¹⁵⁸ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

¹⁵⁹ Panorama (2016): *Más de 50 hampones han sido abatidos en enero durante OLP en el Zulia*. 29 January, 2016 [Online] Available from: <http://www.panorama.com.ve/sucesos/Mas-de-50-hampones-han-sido-abatidos-en-enero-durante-OLP-en-el-Zulia-20160129-0051.html> [Accessed 12 May, 2016].

¹⁶⁰ Analítica (2015): *La Operación de Liberación del Pueblo*. 16 July, 2015 [Online] Available from: <http://www.analitica.com/opinion/la-operacion-de-liberacion-del-pueblo/> [Accessed 12 May, 2016].

¹⁶¹ Cuerpo de Policía Nacional Bolivariana (2015) *Operación de liberación y protección del pueblo erradica paramilitarismo en cuatro zonas del país* [Online] Available from: <http://cpnb.gob.ve/index.php/noticias/externas/1357-operacion-de-liberacion-y-proteccion-del-pueblo-erradica-paramilitarismo-en-cuatro-zonas-del-pais> [Accessed 14 May, 2016].

¹⁶² Venezolana de Televisión (2015): *Operación para la Liberación y Protección del Pueblo despliega 450 funcionarios en el estado Vargas*. 23 September, 2015 [Online] Available from: <http://www.vtv.gob.ve/articulos/2015/09/23/operacion-para-la-liberacion-y-proteccion-del-pueblo-despliega-450-funcionarios-en-el-estado-vargas-5875.html> [Accessed 14 May, 2016].

abuses were committed. They also said five men were killed, of which three were innocent -whose stories are described below, in Chapter III. Santa Rosa de Agua neighbors also denounced 20 people were arrested and taken in a bus; however, on a press conference, security officers stated that only two individuals had been arrested. According to witnesses, security agents arrived at 1:00 am and blocked the main street and some alleys for about six hours. They allegedly broke into houses, offended its residents, pointed at them with guns and took valuable items, as well as diapers and milk. Witnesses said officers were supposedly after thugs, but what they did during raids was stealing and assaulting them¹⁶³. At 7:00 am that day, Zulia's governor -Francisco Arias Cárdenas- published a Twitter message in which he justified the OLP deployment, since it would bring "peace and tranquility" to the people¹⁶⁴.

A few days after the implementation of this plan, President Maduro blamed videogames and media for promoting violence, and stated OLP would reach "the last corner of the last state of the country", including each school and high school¹⁶⁵.

OLP raids have firmly continued in 2016, throughout the country -as at today, they have been deployed in all the states of the country- evidencing such operations are part of a state policy carried out by the GoV. On 13 April 2016, the Minister of Interior, Justice and Peace -Gustavo González López- confirmed by Twitter that an OLP, in which 350 police officers participated, was deployed in Barlovento, Miranda state, with the purpose of looking for "criminal groups related to paramilitary activities". He also said that OLP deployments would continue along the Venezuelan territory, in order to "consolidate peace"¹⁶⁶. The media reported Barlovento's OLP unofficial figures, according to which 12 people were supposedly killed -all of them after alleged "armed confrontations" with authorities¹⁶⁷- and 50 were arrested¹⁶⁸. Some other military deployments, similar to OLP,

¹⁶³ La Verdad (2105): *La matanza policial se extiende a Santa Rosa*. 20 June, 2016 [Online] Available from: <http://www.laverdad.com/sucesos/82857-la-matanza-policial-se-extiende-a-santa-rosa.html> [Accessed 11 May, 2016].

¹⁶⁴ Runrunes (2015): *Denuncian abusos de OLP en Santa Rosa de Agua, estado Zulia*. 14 September, 2015 [Online] Available from: <http://runrun.es/nacional/224243/denuncian-abusos-de-olp-en-santa-rosa-de-agua-estado-zulia.html> [Accessed 11 May, 2016].

¹⁶⁵ Noticias 24 (2015): *Aseguró que la OLP llegará a todo el país*. 22 July, 2015 [Online] Available from: <http://www.noticias24.com/venezuela/noticia/290097/maduro-olp-llegara-hasta-el-ultimo-rincon-del-pais/> [Accessed 11 May, 2016].

¹⁶⁶ Venezolana de Televisión (2016): *OLP se desplegó en Barlovento con la participación de más de 350 funcionarios policiales*. 13 April, 2016 [Online] Available from: <http://www.vtv.gob.ve/articulos/2016/04/13/olp-se-desplego-en-barlovento-con-la-participacion-de-mas-de-350-funcionarios-policiales-3976.html> [Accessed 12 May, 2016].

¹⁶⁷ Efecto Cocuyo (2016): *OLP en Barlovento dejó 12 fallecidos por presuntamente enfrentar a la policía*. 14 April, 2016 [Online] Available from: <http://www.efectococuyo.com/principales/olp-en-barlovento-dejo-12-fallecidos-por-presuntamente-enfrentar-a-la-policia> [Accessed 12 May, 2016].

have been carried out before in Miranda. On 6 April 2016, during an operation practiced by GNB agents who were looking for the murderers of a retired General, three men died after allegedly confronting them. According to national media, they received photographs showing the body of a man -one of the alleged casualties- inside a house, in underwear, with at least eight gunshots -one of them in the face. There was a gun by his side. Two other men were killed in similar circumstances, as described by photographs described by the media. A similar operation was deployed on January 2016¹⁶⁹, which lasted four days and was denounced by neighbors to start as a curfew and terminate as an OLP, though no official information was released. According to witnesses, who have been threatened by authorities for speaking out about it, around 500 people -including minors- were reportedly arrested¹⁷⁰.

A day after, on 14 April 2016, a contingent of 837 agents -formed by military and police officers, along with civilians- was deployed in an OLP, in Carabobo state, as informed by the Minister of Interior, Justice and Peace -Gustavo González López- by Twitter, aiming at “consolidate peace in every corner of the country”¹⁷¹. Previous OLPs were carried out in Carabobo, according to information given by its Governor -Francisco Ameliach. On March 2016, five men died after confronting some of the 757 officers that were deployed in three municipalities. A similar situation occurred on January 2016, when 566 officers were deployed, resulting in the death of three men -after “armed confrontations with authorities”¹⁷².

In Zulia, as reported by the Chief of the Western’s Strategic Defense Region -Major Franklin García Duque- in January 2016 alone, 57 people were killed by the state’s enforcement agents, in the context of a “frontal war declared against delinquency”. He affirmed, as well, that according to a weekly “scientific study” they carry out on crimes, they have concluded that OLP is “the best way to face criminals and people acting out of

¹⁶⁸ Efecto Cocuyo (2016): *Secuestro de tres militares y una bebé activó una OLP en Barlovento*. 13 April, 2016 [Online] Available from: <http://efectococuyo.com/principales/secuestro-de-tres-militares-y-una-bebe-activo-una-olp-en-barlovento> [Accessed 12 May, 2016].

¹⁶⁹ Efecto Cocuyo (2016): *Muertos tres presuntos implicados en homicidio del exjefe del Core 4*. 5 April, 2016 [Online] Available from: <http://www.efectococuyo.com/efecto-cocuyo/secundarias/muertos-tres-presuntos-implicados-en-homicidio-del-exjefe-del-core-4> [Accessed 12 May, 2016].

¹⁷⁰ Efecto Cocuyo (2016): *“Esto parece una guerra”, dice habitante de Caucagua tras cuatro días de operativo policial*. 15 January, 2016 [Online] Available from: <http://efectococuyo.com/principales/esto-parece-una-guerra-dice-habitante-de-caucagua-tras-cuatro-dias-de-operativo-policial> [Accessed 12 May, 2016].

¹⁷¹ El Universal (2016): *Más de 800 efectivos actúan en OLP en ocho municipios de Carabobo*. 14 April, 2016 [Online] Available from: http://www.eluniversal.com/noticias/sucesos/mas-800-efectivos-actuan-olp-ocho-municipios-carabobo_288221 [Accessed 12 May, 2016].

¹⁷² Gobernación Bolivariana de Carabobo (2016): *OLP Carabobo se desplegó en cinco municipios*. 8 January, 2016 [Online] Available from: <http://www.carabobo.gob.ve/olp-carabobo-se-desplego-en-cinco-municipios/> [Accessed 12 May, 2016].

the law". He affirmed that all the operations carried out in the context of OLPs have been based on the "progressive and proportional use of force", since citizens' human rights is a "fundamental requirement" to them¹⁷³.

On 10 May 2016¹⁷⁴, a new OLP deployment -identified by President Maduro as OLP's "second phase"¹⁷⁵- took place in slums located in Caracas (*Cota 905, El Cementerio, El Valle and Coche*), in Miranda state (*Barolvento and Ocumare del Tuy*) and in Vargas state, as informed by the Minister of Interior, Justice and Peace¹⁷⁶. For this operation, 3,006 agents from CICPC, SEBIN, GNB and PNB were deployed, reinforced by the use of drones, FANB's armored cars, and some other 250 vehicles, 400 motorcycles, 19 ambulances and two helicopters¹⁷⁷.

Initial unofficial information released by the press stated that between eight and nine people were allegedly killed, after confrontations with agents, and more than 80 people were arrested, while the official TV station -*Venezolana de Televisión*- affirmed that four people had been "taken down"¹⁷⁸. Afterwards, the Minister of Interior, Justice and Peace specified 1,131 people were "held", in order to "verify their identity" -of which only 20

¹⁷³ Panorama (2016): *Más de 50 hampones han sido abatidos en enero durante OLP en el Zulia*. 29 January, 2016 [Online] Available from: <http://www.panorama.com.ve/sucesos/Mas-de-50-hampones-han-sido-abatidos-en-enero-durante-OLP-en-el-Zulia-20160129-0051.html> [Accessed 12 May, 2016].

¹⁷⁴ During the same day, a demonstration carried out by opposition activists took place, in order to demand CNE to give a response regarding the recall referendum political opposition is requesting in Venezuela. For some analysts, this was not a coincidence but an opportunity intended to "get advantage" of the agents already deployed for OLP, to block such demonstration. Analítica (2016): *El guión oculto de las OLP, por Javier Ignacio Mayorca*. 18 May, 2016 [Online] Available from: <http://www.analitica.com/actualidad/el-guion-oculto-de-las-olp-por-javier-ignacio-mayorca/> [Accessed 21 May, 2016].

¹⁷⁵ Analítica (2016): *El guión oculto de las OLP, por Javier Ignacio Mayorca*. 18 May, 2016 [Online] Available from: <http://www.analitica.com/actualidad/el-guion-oculto-de-las-olp-por-javier-ignacio-mayorca/> [Accessed 21 May, 2016].

¹⁷⁶ Venezolana de Televisión (2016): *OLP se despliega en la Cota 905, El Cementerio, El Valle y Coche (+Video)* 10 May, 2016 [Online] Available from: <http://www.vtv.gob.ve/articulos/2016/05/10/olp-se-despliega-en-son-la-cota-905-el-cementerio-el-valle-y-coche-4138.html> [Accessed 21 May, 2016].

¹⁷⁷ Venezolana de Televisión (2016): *OLP se despliega en la Cota 905, El Cementerio, El Valle y Coche (+Video)* 10 May, 2016 [Online] Available from: <http://www.vtv.gob.ve/articulos/2016/05/10/olp-se-despliega-en-son-la-cota-905-el-cementerio-el-valle-y-coche-4138.html> [Accessed 21 May, 2016]. El Universal (2016): *Con drones buscan a antisociales en operativos de la OLP*. 11 May, 2016 [Online] Available from: http://www.eluniversal.com/noticias/sucesos/con-drones-buscan-antisociales-operativos-olp_309157 [Accessed 21 May, 2016].

¹⁷⁸ Panorama (2016): *Despliegue de OLP en Caracas dejó nueve abatidos*. 10 May, 2016 [Online] Available from: <http://www.panorama.com.ve/sucesos/Despliegue-de-OLP-en-Caracas-dejo-nueve-abatidos--20160510-0058.html> [Accessed 21 May, 2016]. El Universal (2016): *Con drones buscan a antisociales en operativos de la OLP*. 11 May, 2016 [Online] Available from: http://www.eluniversal.com/noticias/sucesos/con-drones-buscan-antisociales-operativos-olp_309157 [Accessed 21 May, 2016]. Venezolana de Televisión (2016): *Operativo de OLP detuvo 1.131 personas este martes en la Gran Caracas (+Video)* 10 May, 2016 [Online] Available from: <http://www.vtv.gob.ve/articulos/2016/05/10/operativo-de-olp-detuvo-1.131-personas-este-martes-en-la-gran-caracas-5117.html> [Accessed 21 May, 2016].

were arrested for being wanted for the commission of crimes; “nine special situations” occurred with people wanted for crimes related to drugs, and “a number of individuals that used their weapons” against agents were also “taken down”. GNB’s Director of Operations -General Sergio Rivero Marcano- subsequently confirmed nine people were killed and 80 undocumented people were arrested¹⁷⁹.

The day after this raid was executed, neighbors from the communities where such operations were deployed protested in Southwest Caracas, and denounced they had been victim of police and military abuse, after their houses were destroyed and its doors were forced by masked men beating young people, taking valuable items -including food- and accusing them for having certain amount of food in their houses. They also reported that SEBIN agents killed two young men, who were posing no threat, and prevented their relatives to assisting them, arguing they were “kidnappers and criminals”¹⁸⁰.

On April 2016, PROVEA -a renown local Human Rights NGO- and Human Rights Watch (HRW) published a detailed report about OLPs, deemed by both organizations as a military strategy for fighting crime, consisting on the military occupation of a territory where allegedly organized crime groups hide, resulting in the indiscriminate human rights violations of community members -Venezuela’s most vulnerable groups¹⁸¹- on a systematic basis. According to these organizations, OLP officers deal with crimes by non-democratic means, committing abuses and police excess in working-class neighborhoods. It has even been estimated to be a “razzia addressed to criminalize and stigmatize poor people and other sectors of society”¹⁸².

Significant evidences analyzed by PROVEA and HRW indicate that members of security forces have committed several and serious abuses through OLPs. Numerous victims and witnesses¹⁸³ -and other sources- interviewed by both organizations have described serious human rights violations, including extrajudicial executions, arbitrary detentions and

¹⁷⁹ Panorama (2016): *Despliegue de OLP en Caracas dejó nueve abatidos*. 10 May, 2016 [Online] Available from: <http://www.panorama.com.ve/sucesos/Despliegue-de-OLP-en-Caracas-dejo-nueve-abatidos--20160510-0058.html> [Accessed 21 May, 2016].

¹⁸⁰ EL Carabobeño (2016): *Vecinos de El Valle denuncian excesos policiales en OLP*. 16 May, 2016 [Online] Available from: <http://www.el-carabobenio.com/noticias/articulo/127396/vecinos-de-el-valle-denuncian-excesos-policiales-en-olp> [Accessed 21 May, 2016].

¹⁸¹ PROVEA (2016): *3 preguntas sobre OLP*. 7 April, 2016 [Online] Available from: <http://www.derechos.org.ve/2016/04/07/rafael-uzcategui-3-preguntas-sobre-olp/> [Accessed 22 April, 2016].

¹⁸² PROVEA (2016): *Razzia contra los pobres: un mes de OLP*. 13 August, 2015 [Online] Available from: <http://www.derechos.org.ve/2015/08/13/razzia-contra-los-pobres-un-mes-de-olp/> [Accessed 22 April, 2016].

¹⁸³ Some victims and witnesses, however, have been reluctant to talk about the abuses, fearing reprisals.

arrests, unlawful evictions, house destructions and massive arbitrary deportations of Colombian citizens -often accused of being paramilitary members, without evidence¹⁸⁴.

Pursuant to a monitoring study led by experts from *Justicia, Solidaridad y Paz* (FUNPAZ) - an NGO located in Lara state- along with Transparency Venezuela and *Universidad Centroccidental Lisandro Alvarado*, human rights such as freedom of transit -houses and people are searched when entering and leaving the neighborhood- were violated since OLP's first raid. Some other rights were infringed: access to goods and services, freedom of speech and association and, especially, the rights to life, freedom and integrity, all of which are enshrined in the Venezuelan Constitution¹⁸⁵.

Experts consider OLP has been possible given: (i) the presence of structural impunity in the country -92% of impunity for common crimes and 98% for human rights violations¹⁸⁶;- (ii) the lack of independence of the Judiciary -acting according to the GoV's interests and against citizens' interests, producing, therefore, more impunity; (iii) the militarization of security plans; and, (iv) the prisons overcrowding -controlled by groups of violent inmates known as "PRANS", with the GoV's tolerance- among others¹⁸⁷.

PROVEA members have denounced OLP has institutionalized the militaries' use of force, who are not prepared -as local and national police corps, in theory, are- to protect citizens' personal security. The violent abuses security forces have allegedly incurred in, during several raids throughout the country -including murder- have been committed against the same people requiring their protection. Such use of force would be linked to 2014's repression, in the context of the uprising situation described in The Request¹⁸⁸.

¹⁸⁴ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

¹⁸⁵ El Impulso (2016): *Familias son desplazadas por acciones de la OLP-Lara*. 20 May, 2016 [Online] Available from: <http://www.elimpulso.com/noticias/regionales/familias-son-desplazadas-por-acciones-de-la-olp-lara>. [Accessed 20 May, 2016].

¹⁸⁶ El Nacional (2016): *Provea: Hechos violentos en El Cementerio demuestran el fracaso de OLP*. 24 March, 2016 [Online] Available from: http://www.el-nacional.com/sucesos/Provea-Hechos-Cementerio-demuestran-OLP_0_817118292.html [Accessed 22 April, 2016].

¹⁸⁷ PROVEA (2016): *3 preguntas sobre OLP*. 7 April, 2016 [Online] Available from: <http://www.derechos.org.ve/2016/04/07/rafael-uzcategui-3-preguntas-sobre-olp/> [Accessed 22 April, 2016].

¹⁸⁸ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016]

As stated by HRW's director for the Americas -José Miguel Vivancos- there are not precedents in Latin America like OLPs, in which civilian and military joint operations arbitrarily broke into houses and "eliminate the existence of a whole community"¹⁸⁹.



Before and after satellite images. Large areas, where residential neighborhoods once stood, have been completely eliminated after OLP raids. Source: HRW

Though the scale of abuses committed by members of security forces are unknown -due to the GoV's lack of appropriate investigation and the few and inaccurate figures and details authorities provide, along with victims and witnesses' fear to report such abuses- NGOs have documented serious human rights violations -including the violation of the right to life, to personal freedom and to housing- committed during OLP raids, based on victims and witnesses' detailed allegations. From such testimonies, gathered by NGOs, the following crimes have been allegedly committed:

¹⁸⁹ PROVEA: Vivanco: "En América Latina no se había visto procedimientos como la OLP". 14 April, 2016 [Online] Available from: <http://www.derechos.org.ve/2016/04/14/vivanco-en-america-latina-no-se-habia-visto-procedimientos-como-la-olp/> [Accessed 12 May, 2016].

1. Murder

From July 2015 to February 2016, according to official sources, 245 people have been murdered during OLP deployments¹⁹⁰, in which “various agents from different security forces” participated, as stated by the OGP¹⁹¹. PROVEA and HRW fear executions have been covered under the “confrontation with authorities” explanation systematically offered by the GoV when justifying such murders, given the high disproportion between the civilian and the military/police casualties. Public officers have repeatedly stated the deaths were produced after confrontations between authorities and armed criminals; nevertheless, the research carried out by PROVEA and HRW evidences that at least in 20 cases, deaths occurred after individuals were already neutralized by authorities, posing no threat and/or putting up no resistance. In several of these cases, officers reportedly murdered people under their custody and in at least one case, the victim was sleeping in his bed. Some of the 245 deaths may have been caused after the legitimate use of force¹⁹²; nevertheless, although official, detailed and accurate figures have not been released, these NGOs estimate that three members of security forces allegedly died and 14 were wounded. The disparity between civilian and officers’ casualties strongly suggests the unlawful and disproportionate use of lethal force against the civilian population and

¹⁹⁰ Until February 2016, the Minister of Interior Justice and Peace informed that 245 people died during OLP raids (of which the states where more casualties were reported were: Carabobo (84), Bolívar (49), the Capital District (27), Miranda (13) and Falcón (12). COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016]. Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016]. Asamblea Nacional (2016): *Informe Anual 2015* [Online] Available from: http://www.mp.gob.ve/c/document_library/get_file?uuid=010ba734-247c-4da1-859f-1ae55772d7b5&groupId=10136 [Accessed 23 April, 2016].

¹⁹¹ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

¹⁹² Carabobo, Bolívar, the Capital District, Miranda and Falcón are the states with more casualties. COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016]. Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016]. Asamblea Nacional (2016): *Informe Anual 2015* [Online] Available from: http://www.mp.gob.ve/c/document_library/get_file?uuid=010ba734-247c-4da1-859f-1ae55772d7b5&groupId=10136 [Accessed 23 April, 2016].

demonstrates how doubtful is the GoV's affirmation about the civilians' deaths resulting from criminals facing police officers violently. This would also suggest that the cases of disproportionate use of lethal force have been considerably superior to those documented by HRW and PROVEA¹⁹³. Official versions insist OLP's purposes were fighting violent crimes and recovering first need products irregularly collected, smuggled or sold in the black market¹⁹⁴.

It is unknown whether authorities are conducting the relevant investigations on these alleged extrajudicial executions or not. During a visit carried out by the World Organization Against Torture, on October 2015, information about the OGP conduct towards this issue, coming from different sources, were received. The OGP has allegedly refused to prepare reports and open investigations for extrajudicial executions committed during OLP raids, arguing that investigating issues related to OLPs was not among its power. In fact, during police investigations, many obstacles have been reported regarding the identification of culprits, the alteration of the places where alleged executions happened, the investigations carried out by the same officers involved in the executions, threats and intimidation acts by enforcement agents against the victims and human rights activists supporting them¹⁹⁵.

2. Imprisonment

According to witnesses, members of security forces have carried out massive and arbitrary detentions during OLPs, without arrest warrants. As reported by official sources, in seven months, 14,000 people were imprisoned -with the alleged purpose of verifying if they were wanted for committing a crime- of which only 100 -one out of 14- were finally charged for having connections with crimes, evidencing detentions were made indiscriminately. Many of them reported they were beaten and were victim of other kinds of physical abuse, while others claimed their houses were looted and some of their goods were stolen while raids and detentions took place -money, laptops, cellphones and first

¹⁹³ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

¹⁹⁴ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

¹⁹⁵ COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

need articles such as food and diapers, currently in short supply in the country- something that has been confirmed by witnesses' testimonies¹⁹⁶. Some have also reported alleged tortures and other cruel, inhumane and degrading acts were inflicted during the aforementioned detentions¹⁹⁷. People arrested during raids were held for up to 14 hours, while security agents verified if they were under criminal investigation. The huge disparity between the imprisoned people and those who were taken to the OGP, in order to be formally accused, suggest such arrests -the majority of them, as affirmed by PROVEA and HRW- were indiscriminate and arbitrary¹⁹⁸.

3. Forcible evictions and dwelling destruction

As reported by PROVEA and HRW, massive evictions have been carried out during OLP raids -regarding both private houses and those owned by the GoV- in breach of the Venezuelan Constitution, which protects people against forcible evictions in a similar way International Law does. 1,490 low income families have been arbitrarily evicted from their houses after President Maduro stated that all those committing crimes would be evicted from the houses given by the GoV. 17,000 houses were object of raids without court orders and some others have been demolished without any type of previous notice, preventing them from opposing to such decision or taking any measure. There have also been complaints of people being beaten while raids are carried out and goods stolen by military and police forces¹⁹⁹. Satellite images obtained by HRW evidence how hundreds of houses were destroyed in states where national security officials have allegedly practiced

¹⁹⁶Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016]. According to UN's Office for the Coordination of Humanitarian Affairs, more than 1,950 Colombians have been deported -many of them had required asylum or had been granted the refugee condition- during OLP in Táchira -border state with Colombia. 24,292 left the country fearing potential abuses or deportation. UN Office for the Coordination of Humanitarian Affairs (OCHA, 2016): *Colombia: Humanitarian Snapshot: Colombian-Venezuelan border*. 15 October 2015 [Online] Available from: <http://www.refworld.org/docid/562616084.html> [Accessed 10 June, 2016].

¹⁹⁷ COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

¹⁹⁸ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

¹⁹⁹ PROVEA (2016): *3 preguntas sobre OLP*. 7 April, 2016 [Online] Available from: <http://www.derechos.org.ve/2016/04/07/rafael-uzcategui-3-preguntas-sobre-olp/> [Accessed 22 April, 2016].

massive evictions²⁰⁰. Pursuant to official data, 1,300 houses were “recovered”²⁰¹ -meaning people were forcibly evicted from them. As at September 2015, according to the Minister of Interior, Justice and Peace, there were 1,421 “recovered” houses. Some other 800 houses have been demolished, according to residents’ testimonies²⁰². Although some of them were certainly occupied by armed groups -including *colectivos*- after they were taken away from their awardees, abuses and assaults were committed against regular landlords and tenants²⁰³. In the course of such unlawful procedures, access to adequate judicial remedies and due process guarantees have not been respected, and the OGP, the Office of the People’s Defender and other competent authorities have reportedly failed to give responses to these situations²⁰⁴.

Regarding this issue, some particular cases have been documented by PROVEA and HRW. On 24 July 2015, in three communities located in *Carretera Panamericana* (in Miranda state), near 300 GNB agents evicted 106 families from their houses. On 17 August, 2015, around 800 GNB and CICPC agents evicted 258 people in *Brisas del Hipódromo* (Carabobo state), according to official information; however, residents said such number is considerably inferior to what they witnessed. Neither court orders nor previous notice were given to the residents. When breaking in the houses, in the early morning, the agents abruptly woke up the residents and announced they had to be evicted, following a “presidential order”, since they had “invaded” the land over their houses were built. However, many of the victims insisted they had the right to live there and showed the relevant documents to PROVEA and HRW. According to witnesses, GNB agents only allowed them to take what they could gather in one hour. They were later forced to leave their houses and while doing so, they were beaten -including women and children. They were forced to stand beside the road and some residents saw how agents took appliances

²⁰⁰ Human Rights Watch (2016): *Venezuela: Redadas policiales afectan a sectores populares*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/news/2016/04/04/venezuela-redadas-policiales-afectan-sectores-populares> [Accessed 21 May, 2016].

²⁰¹ Analítica (2016): *El guión oculto de las OLP, por Javier Ignacio Mayorca*. 18 May, 2016 [Online] Available from: <http://www.analitica.com/actualidad/el-guion-oculto-de-las-olp-por-javier-ignacio-mayorca/> [Accessed 21 May, 2016].

²⁰² Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

²⁰³ Analítica (2016): *El guión oculto de las OLP, por Javier Ignacio Mayorca*. 18 May, 2016 [Online] Available from: <http://www.analitica.com/actualidad/el-guion-oculto-de-las-olp-por-javier-ignacio-mayorca/> [Accessed 21 May, 2016].

²⁰⁴ Human Rights Watch (2016): *Venezuela: Redadas policiales afectan a sectores populares*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/news/2016/04/04/venezuela-redadas-policiales-afectan-sectores-populares> [Accessed 21 May, 2016].

and food and put them in official vehicles, while singing the *Patria Querida* anthem -sang by late Hugo Chávez during his last TV speech²⁰⁵.

Reports about demolition of houses have also been document. In *El Cuji* community, 220 houses were allegedly demolished. On November 2015, PROVEA and HRW observed the debris left by such demolitions in the same place were the houses once stood. In *Brisas del Hipódromo*, residents explained that approximately 400 houses were demolished As reported by PROVEA, as at February 2016, the GoV had not given proper compensation or relocation assistance to most the victims²⁰⁶. In the border with Colombia, houses belonging to Colombian citizens -from which they were forcibly evicted, without court orders- were marked in the front -with an R, for those that were checked and with a D, for those that would be demolished. It was criticized as a “fascist action” by some people and even the Governor of Táchira -José Vielma Mora- admitted it was a mistake²⁰⁷. They were subsequently demolished with all the effects that were inside²⁰⁸.

4. Deportations and forcible transfers

Since August 2015, according to HRW and PROVEA’s report, the GoV has mobilized national security forces to Táchira state -in the border with Colombia- after President Maduro authorized the OLP deployment in such territory. According to the UN’s Office for the Coordination of Humanitarian Affairs, as at October 2015, after the OLP raid in the border, at least 24,292 returnees and deportees have gone to Colombia, of which a total of 1,950 are registered as deported to Colombia at border crossings. In addition, 22,342 Colombian citizens have returned due to fear of deportation, of which more than 2,000

²⁰⁵ Human Rights Watch (2016): *Venezuela: Redadas policiales afectan a sectores populares*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/news/2016/04/04/venezuela-redadas-policiales-afectan-sectores-populares> [Accessed 21 May, 2016].

²⁰⁶ According to the Venezuelan Union for Press Workers, at least four journalists were assaulted while covering the news on the evictions and demolitions. One journalist said a high-level General ordered the cameraman to stop recoding and gave instructions to other officers to take the camera away from them which indeed they forcibly did. Human Rights Watch (2016): *Venezuela: Redadas policiales afectan a sectores populares*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/news/2016/04/04/venezuela-redadas-policiales-afectan-sectores-populares> [Accessed 21 May, 2016]

²⁰⁷ El Espectador (2015): *Gobernador del Táchira admite "gran daño" causado tras marcar casas de colombianos deportados*. 6 September, 2015 [Online] Available from: <http://www.elespectador.com/noticias/elmundo/gobernador-del-tachira-admite-gran-dano-causado-tras-ma-articulo-584273> [Accessed 10 June, 2016]

²⁰⁸ BBC Mundo (2015): *Venezuela: mientras siguen deportaciones hacia Colombia, Maduro dice que no ve "en el corto plazo" apertura de la frontera*. 25 August, 2015 [Online] Available from: http://www.bbc.com/mundo/noticias/2015/08/150825_venezuela_frontera_colombia_maduro_dp [Accessed 10 June, 2016]. El Heraldo (2015): *El drama de los deportados colombianos por crisis en la frontera con Venezuela*. 25 August, 2015 [Online] Available from: <http://www.elheraldo.co/nacional/el-drama-de-los-deportados-colombianos-por-crisis-en-la-frontera-con-venezuela-213349> [Accessed 10 June, 2016].

had been recognized as victims of the Colombian armed conflict by Colombia's Victims Registry, and at least 420 had begun the asylum request or had been recognized as refugees in Venezuela²⁰⁹ -a number confirmed by the Global Protection Cluster based in Colombia²¹⁰. Hundreds have also been forcibly transferred²¹¹.

As reported by PROVEA and HRW, none of the 700 Colombians interviewed by the Colombian People Defender's Office affirmed having had a hearing to defend from their expulsion, after their deportation²¹².

Many Colombian citizens expelled from Venezuela reported abuses committed by members of security forces, similar to those reported by Venezuelan citizens, during OLP raids. The Inter-American Commission on Human Rights has confirmed the excessive and disproportionate use of force, the demolition of several houses, physical abuses and even enforced disappearance of relatives during OLPs²¹³.

As stated by HRW and PROVEA, the GoV's accusations against Colombian citizens for allegedly being involved with paramilitary groups and the crime rates in the country, contributed to the abuses committed by security forces agents. They also made several Colombian citizens flee, fearing they could also become victim of such violence. In fact, President Maduro and other high level officials, in repeated instances, have made discriminatory statements against Colombian citizens and have blamed them, along with paramilitary groups, to commit serious crimes in the country which. This, together with a

²⁰⁹ UN Office for the Coordination of Humanitarian Affairs (OCHA, 2016): *Colombia: Humanitarian Snapshot: Colombian-Venezuelan border*. 15 October 2015 [Online] Available from: <http://www.refworld.org/docid/562616084.html> [Accessed 10 June, 2016]

²¹⁰ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

²¹¹ UN Office for the Coordination of Humanitarian Affairs (OCHA, 2016): *Colombia: Humanitarian Snapshot: Colombian-Venezuelan border*. 15 October 2015 [Online] Available from: <http://www.refworld.org/docid/562616084.html> [Accessed 10 June, 2016]. Human Rights Watch (2016): *Venezuela: Redadas policiales afectan a sectores populares*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/news/2016/04/04/venezuela-redadas-policiales-afectan-sectores-populares> [Accessed 21 May, 2016]

²¹² Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

²¹³ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016]. Organización de Estados Americanos (2015): *CIDH culmina su visita a la frontera de Colombia con Venezuela*. 28 September, 2015 [Online] Available from: <http://www.oas.org/es/cidh/prensa/Comunicados/2015/109.asp> [Accessed 10 June, 2016].

Presidential Decree authorizing the mobilization of security forces to deploy OLPs in Táchira²¹⁴, have without doubt influenced in the commission of abuses against Colombian citizens.

Likewise, as reported by FUNPAZ, several families have been victim of forcible transfer, as a consequence of OLPs. After witnessing an OLP raid carried out in Lara and interviewing some victims, they concluded that the community where they developed their study -*Las Sábilas*- was warned about the deployment of an OLP -even by official communications- two days before such operation was executed. This resulted in two consequences: wanted criminals left the community and whole families had to displace, fearing the consequences lived by other communities during and after OLPs. The study includes the cases of nine families who had to leave the community and demolish their houses after being threatened by local *colectivos* for allegedly giving information to security forces. It also affirms that the agents that stayed in *Las Sábilas* collected forced “rewards” from residents, particularly, money and food²¹⁵.

From OLP’s acts constituting crimes against humanity, a pattern has been detected: (i) mobilizations of large amounts of military and law enforcement agents heavily armed and equipped are deployed; (ii) neither court orders nor warrants and previous notice are given to the residents when agents break into their houses to take some of its residents - to be either executed, tortured, arrested or evicted; (ii) when breaking in the houses, in the early morning, agents abruptly wake up the residents to either hold them inside the house under threats or force them to leave the house (temporarily or definitively); (iii) when residents are forced to leave their houses, some are detained in close areas, for hours, under inhuman conditions, while others are arrested and taken to State facilities; (iv) during house raids, serious acts of threats and violence are committed: some people are beaten and assaulted in various ways -including women, children and people with disabilities; and, (v) valuable items and other belongings are stolen. In some instances, houses would subsequently be demolished.

The OGP has affirmed 1,312 police officers and militaries have been charged for human rights violations -without specifications; still, only 959 will go to trial. Only 132 of them are already imprisoned; nonetheless, most of these convictions will be reduced if the

²¹⁴ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

²¹⁵ El Impulso (2016): *Familias son desplazadas por acciones de la OLP-Lara*. 20 May, 2016 [Online] Available from: <http://www.elimpulso.com/noticias/regionales/familias-son-desplazadas-por-acciones-de-la-olp-lara>. [Accessed 20 May, 2016].

defendant confesses his/her crime²¹⁶. After the pressure of local and international NGOs - especially, following the release of HRW and PROVEA's report- on April 2016, the OGP charged 251 officers for human rights violations. However, given the *de facto* control of the Presidency over the OGP and the Judiciary, and considering the impunity rate -98% for human rights violations²¹⁷- it is reasonably feared these accusations will not have a positive outcome.

A common element between these cases and other abuses committed by the GoV, during the last decade, is how victims and their families are unprotected because they feel there is no institution where they could demand the protection of their rights or obtain a compensation²¹⁸.

According to experts, OLP has been used not only as raids against crime but also as a tool for political and social control, covered under the "fight against paramilitary crime" speech, assigning responsibilities to foreign agents -Colombian paramilitaries. During OLP deployments, crime has considerably increased and *razzias* have affected the social group considered as the GoV's political base of support²¹⁹. In the end, OLP has certainly increased the levels of violence in the country -especially in vulnerable working-class neighborhoods- as well as human rights violations' rates. In fact, personal insecurity still generates hundreds of victims every month throughout the country. In four months, OLP generated more execution victims than those registered by PROVEA in 2014²²⁰.

For over a decade, the GoV has exerted over dissidents and opposition groups an almost limitless power -imprisoning politicians, censoring and closing down media, persecuting human rights activists and repressing peaceful demonstrations. Along this time, the Executive's power concentration and the politicization of justice has considerably weakened the human rights guarantees in the country. OLP raids evidence how any

²¹⁶ Notimérica (2016): *La Fiscalía investiga 245 muertes en el marco de la OLP en Venezuela*. 15 February, 2016 [Online] Available from:

<http://www.notimerica.com/sociedad/noticia-fiscalia-investiga-245-muertes-marco-olp-venezuela-20160215164116.html> [Accessed 20 May, 2016].

²¹⁷ El Nacional (2016): *Provea: Hechos violentos en El Cementerio demuestran el fracaso de OLP*. 24 March, 2016 [Online] Available from: http://www.el-nacional.com/sucesos/Provea-Hechos-Cementerio-demuestran-OLP_0_817118292.html [Accessed 22 April, 2016].

²¹⁸ Runrunes (2016): *Human Rights Watch y Provea denuncian abusos policiales en operativos de la OLP*. 4 April, 2016 [Online] Available from: <http://runrun.es/nacional/venezuela-2/255793/human-rights-watch-y-provea-denuncian-abusos-policiales-en-operativos-de-la-olp.html> [Accessed 22 April, 2016].

²¹⁹ Analítica (2016): *El guión oculto de las OLP, por Javier Ignacio Mayorca*. 18 May, 2016 [Online] Available from: <http://www.analitica.com/actualidad/el-guion-oculto-de-las-olp-por-javier-ignacio-mayorca/> [Accessed 21 May, 2016].

²²⁰ El Estímulo (2015): *Redadas militares llegaron para quedarse en Venezuela*. 3 December, 2015 [Online] Available from: <http://elestimulo.com/blog/olp-llegaron-para-quedarse/> [Accessed 21 May, 2016].

Venezuelan, regardless of their political ideology and socio-economic origin -including those traditionally supported by the GoV- are defenseless before governmental abuses²²¹.

G. The Tumeremo massacre

On March 2016, a group of people were reportedly murdered in Tumeremo -a small town located in Bolívar state, near the border with Brazil, where mining and gold commercialization are the region's main economic activities. It has been claimed this region is controlled by criminal groups in charge of illegal mining, and conflicts over the control of such mines are usual. Although this case has called the country's attention, murders in this area -where indigenous people, miners, military officials and criminal groups interact- occur frequently²²².

While there is not a final number of victims -Américo De Grazia, an opposition deputy, insists a witness, who is under his protection, counted 28 bodies²²³- the OGP initially identified 16 murdered victims.

COFAVIC issued a report in which they state the GoV is responsible for the disappearance of Tumeremo miners, and explain what could have happened that day, according to reliable sources. On 4 March 2016, a group of heavily armed men established a security checkpoint, at about 45 minutes from Tumeremo, where they stopped and regrouped all the persons heading to the *Atenas* mine. According to survivors, this situation lasted from morning to night, and around 600 persons were held against their will, under death threats. Survivors affirmed that among the armed men -approximately 60- some were dressed as civilians and others wore vests allegedly identified as CICPC and SEBIN officials. They were reportedly coordinated by *El Topo* -the leader of a local criminal group- who intended to take control over the mine, for unclear purposes, though some people have denounced they are supposedly government-related. The witnesses also explained the kidnapped people were apparently forced to see extrajudicial executions and tortures -

²²¹ Runrunes (2016): *Human Rights Watch y Provea denuncian abusos policiales en operativos de la OLP*. 4 April, 2016 [Online] Available from: <http://runrun.es/nacional/venezuela-2/255793/human-rights-watch-y-provea-denuncian-abusos-policiales-en-operativos-de-la-olp.html> [Accessed 22 April, 2016].

²²² Local NGOs such as COFAVIC have already reported massacres committed in Bolívar state, which have remained unpunished after a "silence law" imposed by criminals. COFAVIC (2016): *Venezuela: El Estado es responsable por desaparición de los mineros de Tumeremo*. 14 March, 2016 [Online] Available from: <http://www.cofavic.org/venezuela-el-estado-es-responsable-por-desaparicion-de-los-mineros-de-tumeremo/> [Accessed 27 April, 2016].

²²³ Runrunes (2016): *Américo De Grazia: Efectivos del Cicpc "escortaron" camión que trasladó a mineros asesinados*. 15 March, 2016 [Online] Available from: <http://runrun.es/nacional/venezuela-2/253497/americo-de-grazia-efectivos-del-cicpc-escortaron-camion-que-traslado-a-mineros-asesinados.html> [Accessed 22 April, 2016].

some people were called by their names, questions were asked and then they were shot²²⁴. One of the witnesses said he was forced to carry 25 bodies and place them on a truck -he allegedly said this to the People's Defender, who then asked General Jesús Mantilla Oliveros, head of Guayana's Defense Area, to look for more common graves²²⁵. Once the bodies were piled, witnesses affirm having heard the sounds of a chainsaw. At night, some of the kidnapped were told to return to the town; their ID's were held and they were told that if they reported the situation, they would be killed. On the same day, at another area, an undetermined number of persons were allegedly wounded and murdered. Their bodies were told to be moved from the place by the same perpetrators²²⁶.

Following protests by relatives of the victims demanding the GoV to give them explanations about what happened, the General Prosecutor -Luisa Ortega Díaz- announced finding a 30 km common grave with human remains corresponding to 17 people -16 found with gunshot wounds and one with a chest wound²²⁷. However, she denied there would be more than 17 victims²²⁸, contradicting what relatives of the disappeared have claimed about being more alleged victims that did not return to their homes. She then stated there were 21 disappeared -18 identified after families' complaints and three identified by the OGP²²⁹.

Although the GoV has stressed they are working hard in order to resolve this issue, relatives of the victims disbelieve official versions and consider them "distorted for

²²⁴ COFAVIC (2016): *Venezuela: El Estado es responsable por desaparición de los mineros de Tumeremo*. 14 March, 2016 [Online] Available from: <http://www.cofavic.org/venezuela-el-estado-es-responsable-por-desaparicion-de-los-mineros-de-tumeremo/> [Accessed 27 April, 2016].

²²⁵ Runrunes (2016): *Algunos cadáveres hallados en Nuevo Callao no corresponden con los de los mineros desaparecidos*. 15 March, 2016 [Online] Available from: <http://runrun.es/nacional/253504/algunos-cadaveres-hallados-en-nuevo-callao-no-corresponden-con-los-de-los-mineros-desaparecidos.html> [Accessed 27 April, 2016].

²²⁶ COFAVIC (2016): *Venezuela: El Estado es responsable por desaparición de los mineros de Tumeremo*. 14 March, 2016 [Online] Available from: <http://www.cofavic.org/venezuela-el-estado-es-responsable-por-desaparicion-de-los-mineros-de-tumeremo/> [Accessed 27 April, 2016].

²²⁷ Panorama (2016): *Suman seis los imputados por masacre de mineros en Tumeremo*. 21 March, 2016 [Online] Available from: <http://www.panorama.com.ve/sucesos/Suman-seis-los-imputados-por-masacre-de-mineros-en-Tumeremo-20160321-0057.html> [Accessed 28 April, 2016].

²²⁸ TeleSur (2016): *Venezuela: descartan que víctimas en Tumeremo sean más de 17*. 16 March, 2016 [Online] Available from: <http://www.telesurtv.net/news/Venezuela-descartan-que-victimas-en-Tumeremo-sean-mas-de-17-20160316-0046.html> [Accessed 27 April, 2016].

²²⁹ La Nación (2016): *Venezuela: hallan asesinados a los mineros*. 15 March, 2016 [Online] Available from: <http://www.lanacion.com.ar/1879734-venezuela-hallan-asesinados-a-los-mineros> [Accessed 28 April, 2016].

political purposes”²³⁰. A local mayor -Carlos Chancellor- affirmed that local criminal groups control the area -sometimes, not even allowing access to the FANB- and impose their own rules²³¹. PROVEA has informed that several complaints have been filed regarding how gangs and security forces -CICPC, the Army, GNB and SEBIN- are involved in mining control, but nothing has happened, evidencing the State negligence and the validity of the community’s distrust towards institutions and authorities. The initial denial of the massacre, the absence of official and firm answers, and the alleged connection between security forces and violent events in the region make people fear for their integrity and prefer to refrain from giving their testimony. Some of them even fear the GoV’s participation -by complicity or omission- in the massacre and, apparently, they have strong motives to believe so, as explained below.

1. The initial denial and the subsequent late, inaccurate and contradictory response of the GoV

Immediately after relatives started demanding the GoV acted regarding the victims’ disappearance, the Governor of Bolívar state -Francisco Rangel Gómez- denied the facts on the national TV station *Venezolana de Televisión*²³². He also assured he would “take deputy De Grazia and other right-wing politicians who circulated such information to the OGP”²³³. On 5 March, 2016, Rangel Gómez published -and later deleted- on his Twitter account that: “once again irresponsible political intriguers pretend to create anxiety at the south of #Bolívar Information about murdered miners is FALSE”²³⁴. At the same time, relatives of the disappeared were demonstrating in Tumeremo’s main street and deputy

²³⁰ BBC Mundo (2016): *Autoridades en Venezuela anuncian hallazgo de cadáveres de mineros desaparecidos en Tumeremo*. 14 March, 2016 [Online] Available from: http://www.bbc.com/mundo/noticias/2016/03/160314_venezuela_aparecen_cadaveres_mineros_tumere_mo_ab [Accessed 27 April, 2016].

²³¹ Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from: <http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

²³² Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from: <http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

²³³ Efecto Cocuyo (2016): *El miedo silencia a familiares de las víctimas de la presunta masacre de Tumeremo*. 6 March, 2016 [Online] Available from: <http://efectococuyo.com/efecto-cocuyo/miedo-silencia-familiares-de-victimas-de-tumeremo> [Accessed 27 April, 2016].

²³⁴ The original message in Spanish stated: “Una vez más politiqueros irresponsables pretenden generar zozobra en el sur de #Bolívar son FALSAS informaciones sobre mineros asesinados”. Tal Cual (2016): *Rangel Gómez: “Hoy sí digo que hubo una masacre*. 16 March, 2016 [Online] Available from: <http://www.talcualdigital.com/Nota/124190/rangel-gomez-hoy-si-digo-que-hubo-una-masacre?platform=hootsuite> [Accessed 26 April, 2016].

De Grazia was already reporting the massacre through national media²³⁵. Rangel Gómez then recognized the massacre and explained that, as a civil servant, he could not give a hasty opinion²³⁶. Nonetheless, after the Governor's statement denying the facts, many witnesses and victims strongly feared the GoV's complicity²³⁷. Most of the survivors have preferred to hide, fearing the same fate of the murdered victims²³⁸.

The GoV's subsequent responses have been late and contradictory. Almost a week after the massacre, the GoV finally recognized there were 16 victims. The People's Defender Office estimated a total of 27 disappeared persons²³⁹ while the General Prosecutor stated there were 21 massacred people -16 of them had already been identified by the OGP²⁴⁰.

Although the General Prosecutor pointed out investigations were being carried out in order to determine the motives and circumstances of the crime, President Maduro already gave his version and stated -without giving more details or evidences- that deputies and politicians in Bolívar state are linked to gold paramilitary mafias and that, with time, they would prove that "national and international right-wing groups" tried to give this case a "political meaning" in order to "damage the GoV's reputation". He affirmed, as well, that foreign paramilitary groups were also involved²⁴¹. The Ministry of Interior, Justice and Peace -Gustavo González López- also blamed paramilitary groups, but added the deaths would be the result of a confrontation between these groups, for the

²³⁵ Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from:

<http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

²³⁶ Tal Cual (2016): *Rangel Gómez: "Hoy sí digo que hubo una masacre"*. 16 March, 2016 [Online] Available from: <http://www.talcualdigital.com/Nota/124190/rangel-gomez-hoy-si-digo-que-hubo-una-masacre?platform=hootsuite> [Accessed 26 April, 2016].

²³⁷ Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from:

<http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

²³⁸ Efecto Cocuyo (2016): *El miedo silencia a familiares de las víctimas de la presunta masacre de Tumeremo*. 6 March, 2016 [Online] Available from: <http://efectococuyo.com/efecto-cocuyo/miedo-silencia-familiares-de-victimas-de-tumeremo> [Accessed 27 April, 2016].

²³⁹ COFAVIC (2016): *Venezuela: El Estado es responsable por desaparición de los mineros de Tumeremo*. 14 March, 2016 [Online] Available from:

<http://www.cofavic.org/venezuela-el-estado-es-responsable-por-desaparicion-de-los-mineros-de-tumeremo/> [Accessed 27 April, 2016].

²⁴⁰ Runrunes (2016): *Los rostros e historias detrás de la masacre de Tumeremo*. 14 March, 2016 [Online] Available from: <http://runrun.es/rr-es-plus/253250/los-rostros-e-historias-detras-de-la-masacre-de-tumeremo.html> [Accessed 27 April, 2016].

²⁴¹ TeleSur (2016): *Maduro anuncia que caso Tumeremo tiene vinculaciones políticas*. 14 March, 2016 [Online] Available from: <http://www.telesurtv.net/news/Maduro-anuncia-que-caso-Tumeremo-tiene-vinculaciones-politicas-20160314-0076.html> [Accessed 28 April, 2016].

politic and economic control of the mines²⁴². He even suggested this “sordid conducts” come from abroad and are not usual within the Venezuelan territory²⁴³ -though it is one of the countries with the highest murder rates in the world- and blamed it on the “paramilitary phenomenon exported from Colombia”²⁴⁴. Malicious and blaming statements against Colombians had already been done in the context of OLPs deployed near the border between both countries.

Should these official hypotheses be real, several questions arise as to where the Governor and the GoV in general were when all these things were happening; why did these situations occur in this area -a declared military zone; where was the FANB, in charge of protecting the national territory and its inhabitants from foreign threats; and why no institution impeded criminal groups from attempting against the national sovereignty and taking over mining areas, looting the country’s natural wealth and murdering innocent people.

2. The witnesses and relatives’ testimonies on the alleged participation of the GoV

Witnesses have claimed that intelligence and police officers were watching over the mine while the massacre took place, and that *El Topo*’s gang was accompanied by Army and CICPC members²⁴⁵ -the Tumeremo community has reported that the presence of security forces in security checkpoints, established by criminal groups in order to watch over the mines, is frequent²⁴⁶. Some of them affirm that in front of everybody, 28 persons were killed -including a pregnant woman- and were then chopped. Their bodies were apparently placed in a truck that went across the town with official escorts -Army and

²⁴² TeleSur (2016): *En Venezuela capturan 4 implicados en caso de Tumeremo*. 19 March, 2016 [Online] Available from: <http://www.telesurtv.net/news/En-Venezuela-capturan-4-implicados-en-caso-de-Tumeremo-20160319-0016.html> [Accessed 28 April, 2016].

²⁴³ TeleSur (2016): *En Venezuela capturan 4 implicados en caso de Tumeremo*. 19 March, 2016 [Online] Available from: <http://www.telesurtv.net/news/En-Venezuela-capturan-4-implicados-en-caso-de-Tumeremo-20160319-0016.html> [Accessed 28 April, 2016].

²⁴⁴ Diario Las Américas (2016): *La masacre de Tumeremo y la corrupción de la minería en Venezuela*. 23 March, 2016 [Online] Available from: <http://www.diariolasamericas.com/4848-venezuela/3704821-masacre-de-tumeremo-venezuela-pedro-pablo-penaloza.html> [Accessed 28 April, 2016].

²⁴⁵ BBC Mundo (2016): *Lo que se sabe de la supuesta masacre de 28 mineros en Venezuela*. 15 March, 2016 [Online] Available from: http://www.bbc.com/mundo/noticias/2016/03/160307-venezuela-mineros-tumeremo_dp [Accessed 25 April, 2016].

²⁴⁶ PROVEA (2016): *Foro por la Vida exige respuestas ante la desaparición de mineros en Tumeremo*. 14 March, 2016 [Online] Available from: <http://www.derechos.org.ve/2016/03/14/foro-por-la-vida-exige-respuestas-ante-la-desaparicion-de-mineros-en-tumeremo/> [Accessed 24 April, 2016].

CICPC agents- and were then taken to an area called *Pozo 51*²⁴⁷. A source that participated in the bodies' search, highlighted the victims were found at *Nuevo Callao*, which means the truck with the bodies crossed Tumeremo with them on it²⁴⁸. According to deputy De Grazia, this truck must have passed through three security checkpoints; therefore, it would not be possible that authorities were not aware of what happened that day²⁴⁹; even more, none of this could happen without the authorities' complicity²⁵⁰.

Another source -who did not identify fearing to be killed- said "here everybody knows the Governor is involved in those mines and that is why he wants to disappear them [the miners]". This was reinforced by deputy De Grazia, who has also denounced the Governor's and military members' involvement in the illegal mining²⁵¹ -for which he has received death threats.

As stated in COFAVIC's report, from the testimonies of witnesses and relatives of the disappeared, some of the armed men that were present when the victims were murdered, wore vests allegedly identified as CICPC and SEBIN officials, who were reportedly coordinated by *El Topo*²⁵². This would evidence the State agents' multiple omissions, their acquiescence behavior and even cooperation with crime groups. It shows, as well, how the existence of impunity allows these groups to perpetrate their cruel crimes²⁵³.

²⁴⁷ Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from: <http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

²⁴⁸ Runrunes (2016): *Yo pasé cerquita de los cadáveres de los mineros de Tumeremo*. 15 March, 2016 [Online] Available from: <http://runrun.es/rr-es-plus/253363/asi-es-nuevo-callao-el-lugar-donde-sepultaron-a-los-mineros-de-tumeremo.html> [Accessed 27 April, 2016].

²⁴⁹ Runrunes (2016): *Américo De Grazia: Lo más trágico es que Rangel Gómez no haya puesto un pie Tumeremo*. 14 March, 2016 [Online] Available from: <http://runrun.es/nacional/253391/americo-de-grazia-28-seria-el-total-de-desaparecidos-en-tumeremo.html> [Accessed 27 April, 2016].

²⁵⁰ Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from: <http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

²⁵¹ Diario Las Américas (2016): *La masacre de Tumeremo y la corrupción de la minería en Venezuela*. 23 March, 2016 [Online] Available from: <http://www.diariolasamericas.com/4848-venezuela/3704821-masacre-de-tumeremo-venezuela-pedro-pablo-penaloza.html> [Accessed 28 April, 2016].

²⁵² Runrunes (2016): *Investigarán a funcionarios del Cicpc por el caso de los mineros de Tumeremo*. 16 March, 2016 [Online] Available from: <http://runrun.es/nacional/253684/investigaran-a-funcionarios-del-cicpc-por-el-caso-de-los-mineros-de-tumeremo.html> [Accessed 26 April, 2016].

²⁵³ Runrunes (2016): *Cofavic: El Estado es responsable de la desaparición de los mineros de Tumeremo*. 16 March, 2016 [Online] Available from:

Another important testimony comes from the doctor on duty at the hospital where many of the victims were treated -who did not identify himself fearing reprisals. He said many miners -who managed to escape- arrived with gunshot wounds, stabbed and beaten up. He also insisted the bodies were not taken to the morgue, since they were apparently placed in common graves. Witnesses told him they were attacked by people who are related to a local union. His version is coincident with the version of the victims' relatives²⁵⁴.

3. The GoV's disdain attitude on the case and its unconditional defense of the security forces' reputation

Official versions and opinions expressed in the media controlled by the GoV -such as TeleSur- referred to the Tumeremo massacre as a "rumor" and connected it to illegal mining, in an attempt to minimize the gravity of the crime, given its potential link to such issue. They also refer to its massive appearance on local and international media as a "national and international media projection intending to create smear opinions against the GoV's human rights vulnerability" and accuse two "right-wing politicians" -Américo de Grazia and Andrés Velásquez- to spread the "rumor", thanks to their -unverified- "links with illegal mining"²⁵⁵.

Governor Rangel Gómez -one of the closest militaries to former President Hugo Chávez- has rejected witnesses' and relatives' testimonies and claimed they only wanted to discredit the security forces, as part of a "media war against the Bolivarian revolution"²⁵⁶. Deputy De Grazia questioned that 11 days after the massacre allegedly occurred, Governor Rangel Gómez had not contacted neither the victims' relatives nor the Sifontes municipality major -Carlos Chancellor- to listen to their version on the facts²⁵⁷.

<http://runrun.es/nacional/253679/cofavic-el-estado-es-responsable-de-la-desaparicion-de-los-mineros-de-tumeremo.html> [Accessed 26 April, 2016].

²⁵⁴ BBC Mundo (2016): *Lo que se sabe de la supuesta masacre de 28 mineros en Venezuela*. 15 March, 2016 [Online] Available from:

http://www.bbc.com/mundo/noticias/2016/03/160307_venezuela_mineros_tumeremo_dp [Accessed 26 April, 2016].

²⁵⁵ TeleSur (2016): *Maduro anuncia que caso Tumeremo tiene vinculaciones políticas*. 14 March, 2016 [Online] Available from: <http://www.telesurtv.net/news/Maduro-anuncia-que-caso-Tumeremo-tiene-vinculaciones-politicas-20160314-0076.html> [Accessed 28 April, 2016].

²⁵⁶ BBC Mundo (2016): *Lo que se sabe de la supuesta masacre de 28 mineros en Venezuela*. 15 March, 2016 [Online] Available from:

http://www.bbc.com/mundo/noticias/2016/03/160307_venezuela_mineros_tumeremo_dp [Accessed 26 April, 2016].

²⁵⁷ Runrunes (2016): *Américo De Grazia: Efectivos del Cicpc "escoltaron" camión que trasladó a mineros asesinados*. 15 March, 2016 [Online] Available from: <http://runrun.es/nacional/venezuela-2/253497/americo-de-grazia-efectivos-del-cicpc-escoltaron-camion-que-traslado-a-mineros-asesinados.html> [Accessed 26 April, 2016].

As soon as investigations began, the Minister of Defense -Vladimir Padrino López- rushed to defend FANB and stated how sorry he was due to the “absurd accusations against the leaders of the FANB, systematically discrediting our institution”. Nonetheless, deputy De Grazia has warned military forces are involved in the illegal mining trade, as well as in cases of people’s disappearance and murder in this area. In the wake of such declarations, deputy De Grazia has received several death threats²⁵⁸.

While the Ministry of Interior, Justice and Peace stated six people had been detained and/or charged²⁵⁹, and the General Prosecutor did not dismiss the possible participation of SEBIN -as reported by relatives of the victims-²⁶⁰ Tumeremo’s inhabitants are in a defenseless and vulnerable position. Their distrust toward institutions, the dismissal of previous complaints, the evident presence of national security forces in checkpoints established by criminal groups, the inexistence of law enforcement agencies actually protecting them and their alleged complicity in criminal situations show the State weakness and its inability for protecting people’s rights²⁶¹. Though the facts related to this case were reported in Bolivar state Prosecution Office, relatives of the victims strongly fear reprisals. Mayor Carlos Chancellor confirmed the people distrust the institutions carrying out such investigations, and they are falling in despair, fearing never knowing what really happened to their relatives²⁶².

The Tumeremo massacre occurred in a highly militarized area, with a strong police control -officially declared as a Strategic Defense Operational Zone- however, armed groups have committed their crimes freely, evidencing the GoV has failed to adopt reasonable measures to protect the area and its inhabitants, and to avoid this tragedy to happen. As deputy De Grazia complained, none of this could have happened without the authorities’

²⁵⁸ Diario Las Américas (2016): *La masacre de Tumeremo y la corrupción de la minería en Venezuela*. 23 March, 2016 [Online] Available from: http://www.diariolasamericas.com/4848_venezuela/3704821_masacre-de-tumeremo-venezuela-pedro-pablo-penalzoa.html [Accessed 28 April, 2016].

²⁵⁹ Panorama (2016): *Suman seis los imputados por masacre de mineros en Tumeremo*. 21 March, 2016 [Online] Available from: <http://www.panorama.com.ve/sucesos/Suman-seis-los-imputados-por-masacre-de-mineros-en-Tumeremo-20160321-0057.html> [Accessed 28 April, 2016].

²⁶⁰ La Nación (2016): *Venezuela: hallan asesinados a los mineros*. 15 March, 2016 [Online] Available from: <http://www.lanacion.com.ar/1879734-venezuela-hallan-asesinados-a-los-mineros> [Accessed 28 April, 2016].

²⁶¹ PROVEA (2016): *Foro por la Vida exige respuestas ante la desaparición de mineros en Tumeremo*. 14 March, 2016 [Online] Available from: <http://www.derechos.org.ve/2016/03/14/foro-por-la-vida-exige-respuestas-ante-la-desaparicion-de-mineros-en-tumeremo/> [Accessed 24 April, 2016].

²⁶² Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from: <http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

complicity²⁶³. For this reason, COFAVIC considers the State is responsible for the alleged victims' physical, mental and moral suffering, as well as for the lack of an effective and conclusive investigation and the eventual harm deriving from this event -based on the International Law principle according to which the State must answer for the actions and omissions of its agents, committed under the protection of their official character, even if they act beyond the limits of their competencies²⁶⁴.

Meanwhile, Amnesty International advised to take an urgent action, in order to pressure the GoV to protect and respect the survivors' human rights as well as their relatives', and to guarantee the access to information and protect the journalists covering the massacre events²⁶⁵. A few days later, on 18 March, 2016, a journalist with Asperger syndrome working for *Fe y Alegría*, in Lara state, was detained by SEBIN officers for some hours after he gave information about the Tumeremo massacre in his personal blog, stating SEBIN officers were allegedly linked to case²⁶⁶.

On May 2016, Deputy De Grazia -who leads a Special Commission in the National Assembly, in order to investigate the Tumeremo massacre- denounced that Governor of Bolívar -Francisco Rangel Gómez- and Army General (retired) Julio César Fuentes Manzulli -former director of the Bolívar Police and Secretary for Citizens' Security, and current

²⁶³ Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from: <http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

²⁶⁴ Runrunes (2016): *Cofavic: El Estado es responsable de la desaparición de los mineros de Tumeremo*. 16 March, 2016 [Online] Available from: <http://runrun.es/nacional/253679/cofavic-el-estado-es-responsable-de-la-desaparicion-de-los-mineros-de-tumeremo.html> [Accessed 26 April, 2016]. COFAVIC's report also indicates how International Law recognizes the State international responsibility for actions violating Human Rights committed by third parties or individuals, based on the State's responsibility of preserving the respect of those rights between individuals - supported by the Inter-American Court on Human Rights jurisprudence. It also points out that States have a positive obligation regarding the adoption of protection measures, not only by restraining from attacking people's lives, but also by taking the appropriate steps to protect the people under their jurisdiction -as it has also been interpreted by the European Court on Human Rights. COFAVIC (2016): *Venezuela: El Estado es responsable por desaparición de los mineros de Tumeremo*. 14 March, 2016 [Online] Available from: <http://www.cofavic.org/venezuela-el-estado-es-responsable-por-desaparicion-de-los-mineros-de-tumeremo/> [Accessed 27 April, 2016].

²⁶⁵ Runrunes (2016): *Amnistía Internacional pide una acción urgente por los desaparecidos en Tumeremo*. 16 March, 2016 [Online] Available from: <http://runrun.es/nacional/venezuela-2/253612/amnistia-internacional-pide-una-accion-urgente-por-los-desaparecidos-en-tumeremo.html> [Accessed 29 April, 2016].

²⁶⁶ Espacio Público (2016): *Sebin detiene a periodista por informar sobre caso Tumeremo*. 18 March, 2016 [Online] Available from: <http://espaciopublico.org/sebin-detiene-periodista-informar-caso-tumeremo/> [Accessed 29 April, 2016]. A civilian with Asperger syndrome had already been arrested and beaten by the GoV - Xavier Beckles- on 30 April, 2014, in the context of demonstrations. Globovisión (2014): *Liberan a estudiante Xavier Beckles detenido en Puerto Ordaz*. 6 May, 2014 [Online] Available from: <http://archivo.globovision.com/liberan-a-estudiante-xavier-beckles-detenido-en-puerto-ordaz/> [Accessed 14 June, 2016].

president of HidroBolívar, the Bolívar state water company- are linked to the organized crime present in the mines located in the south of the country -in the area called *Arco Minero del Orinoco* (Orinoco's Mining Arch)²⁶⁷. De Grazia affirmed that Rangel Gómez and Fuentes Manzulli grant police credentials to criminal leaders and allow the trafficking of gold, diamonds and arms in the area. He even stated they provided weapons to the *El Topo* band, as well as to other criminal groups present in the area²⁶⁸.

De Grazia concluded the Tumeremo massacre occurred due to a State criminal action, since the GoV is reportedly interested in "cleaning" the mines corresponding to the *Arco Minero*, aiming at giving them free from miners to the transnational companies to which the GoV granted concessions -including the Gold Reserve company. These accusations would be based on the investigation carried out by commissioner José Gregorio Lezama - arrested in SEBIN headquarters in Bolívar state, as reported by De Grazia- who has identified the criminal bands and the illegal acts committed in the *Arco Minero* and whose report has been given to the OGP²⁶⁹.

H. Persecution of human rights and political activists

Human rights defenders and political activists have been subjected to persecution and harassment by the GoV's high-level officers -even President Maduro himself has publicly lashed out against Human Rights NGOs and opposition political parties, particularly, against its members. This persecution has become a state policy that seeks to block and impede the work they carry out by criminalizing it. Marino Alvarado, member of PROVEA, said that: "criminalizing the activists' work has become a state policy based on a hate speech that tries to make the population go against defenders and NGOs"²⁷⁰.

²⁶⁷ Orinoco's Mining Arch was created by a Presidential Decree. It will allow mining activities in a vast area located at the north of Bolívar state, and a small part in Amazonas and Delta Amacuro states, totalizing 111,843.70 square kilometers (approximately 12% of the national territory). For this project, concessions have been granted to 150 foreign companies. It has been strongly criticized by environmentalists who consider this Project an "ecologic crime" that will affect present and future generations, only compared to what the URSS did to the Aral Sea. El Universal (2016): *Arco Minero y ambiente*. 3 April, 2016 [Online] Available from: http://www.eluniversal.com/noticias/economia/arco-minero-ambiente_247568 [Accessed 14 June, 2016].

²⁶⁸ Efecto Cocuyo (2016): *Américo de Grazia vincula al gobernador de Bolívar con "pranato" en el Arco Minero*. 10 May, 2016 [Online] Available from <http://efectococuyo.com/efecto-cocuyo/politikom/americo-de-grazia-vincula-al-gobernador-de-bolivar-con-pranato-en-el-arco-minero> [Accessed 17 May, 2016].

²⁶⁹ Efecto Cocuyo (2016): *Américo de Grazia vincula al gobernador de Bolívar con "pranato" en el Arco Minero*. 10 May, 2016 [Online] Available from <http://efectococuyo.com/efecto-cocuyo/politikom/americo-de-grazia-vincula-al-gobernador-de-bolivar-con-pranato-en-el-arco-minero> [Accessed 17 May, 2016].

²⁷⁰ El Carabobeño (2016): *Cuando defender los derechos humanos es de alto riesgo*. 17 January, 2016. [Online] Available from: <http://www.el-carabobeno.com/actualidad/articulo/118381/Cuando-defender-los-derechos-humanos-es-de-alto-riesgo> [Accessed 15 May, 2016].

In recent statements, the Governor of Aragua state -Tareck El Aissami- uttered verbal aggressions against Humberto Prado, Director of the *Observatorio Venezolano de Prisiones* (Venezuelan Observatory on Prisons)²⁷¹, resulting in the issuance of an Amnesty International Urgent Action in favor of Prado²⁷². Likewise, Diosdado Cabello, in his weekly TV show *Con el Mazo Dando*²⁷³ frequently attacks human rights defenders. Among the attacks proffered by the deputy and PSUV Vice-president, the following stand out: “On Friday, April 1st, Marco Antonio Ponce of the OVCS, Marino Alvarado of PROVEA, Carlos Nieto of *Una Ventana por la Libertad* (A Window for Freedom), Mercedes De Freitas of *Transparencia Venezuela* (Transparency Venezuela) and Humberto Prado of *Observatorio Venezolano de Prisiones* will be travelling to the ‘empire [to] the period of ordinary sessions of the Inter-American Commission on Human Rights, at its Washington, D.C. headquarters, where they will denounce supposed human rights violation in the OLPs, the situation of the alleged political prisoners, and food and medicines scarcity. Marcos Ponce is the person in charge of distributing the dollars and the tickets are paid for by Luis Almagro, OAS’ Secretary General”²⁷⁴.

Cabello also stated that “Ultra-right voices and NGOs, supposedly human rights defenders, are already planning to make denunciations and public condemnations, as well as trips to international organisms that finance them, to make the government look as violator of human rights and disrespectful of human life. The persons behind this plan are Marino Alvarado of PROVEA, Humberto Prado of *Observatorio Venezolano de Prisiones*, who is looking for more money, and Rocío San Miguel of the (“briefcase”) NGO *Control Ciudadano* (Citizen Control)”²⁷⁵.

In the Annual 2015-2016 Report presented by Amnesty International, it is denounced that both President Maduro and the former President of the National Assembly, Diosdado Cabello, on several occasions have accused human rights defenders and political activists of attacking the country’s reputation and the GoV. They have also accused renown

²⁷¹ Aporrea (2011): *¿Quién las pasa? Las granadas, ametralladoras, revólveres, pistolas, mujeres, droga*. 19 June, 2011 [Online] Available from: <http://www.aporrea.org/contraloria/a125348.html> [Accessed 15 May, 2016].

²⁷² Amnesty International: *Urgent Action*. May 6, 2016. [Online] Available from: <https://www.amnesty.org/download/Documents/AMR5339522016ENGLISH.pdf> [Accessed 15 May, 2016].

²⁷³ Spanish saying “A Dios rogando y con el mazo dando” is literally translated: Praying to God and hitting with the hammer, equivalent to “God helps those who help themselves”

²⁷⁴ Con el Mazo Dando (2016): *Almagro financia viajes de las ONG de maletín venezolanas*. 30 March, 2016. [Online] Available from: <http://www.conelmazodando.com.ve/almagro-financia-viajes-de-las-ong-de-maletin-venezolanas/> [Accessed 15 May, 2016].

²⁷⁵ Con el Mazo Dando (2016): *ONG y voceros de la ultraderecha saldrán en defensa de paramilitares y contrabandistas*. May 4, 2016. [Online] Available from: <http://www.conelmazodando.com.ve/ong-y-voceros-de-la-ultraderecha-saldran-en-defensa-de-paramilitares-y-contrabandistas/> [Accessed 15 May, 2016].

defenders, on national television, of damaging the country's reputation and undermining the government. Several human rights defenders were subsequently harassed²⁷⁶.

The Inter-American Commission on Human Rights has also warned about the governmental persecution to which human rights defenders in Venezuela are subjected by pointing out that: *"The Commission has learned that in Venezuela, human rights defenders and non-governmental organizations have been accused of "treason" and "conspiracy" for receiving international funding, particularly from the United States"*²⁷⁷.

The Department of State made a similar pronouncement in the annual report on Human Rights (2015) that it presented to the U.S. Congress, indicating: *"Some domestic NGOs reported government threats and harassment against their leaders, staff, and organizations, in addition to government raids and detentions"*²⁷⁸.

Likewise, HRW, in its report on the situation of human rights in the world, stated that: *"Venezuela's government has sought to marginalize the country's human rights defenders through repeated unsubstantiated allegations that they are seeking to undermine Venezuelan democracy. During his weekly show on state-run television in 2015, Cabello repeatedly characterized human rights groups' participation in hearings before the Inter-American Commission on Human Rights or United Nations Human Rights monitoring bodies as attempts 'to destabilize the government'"*.²⁷⁹

As it can be seen from the reports presented by international NGOs and the U.S. Department of State, President Maduro, deputy Diosdado Cabello and other GoV's high-level officials -such as Tareck El Aissami, Governor of Aragua State- frequently attack human rights defenders in Venezuela. Therefore, making frequent attacks and disqualifying the work carried out by human rights defenders in Venezuela, accusing them of receiving funds from the U.S. government, of participating in destabilization plans, as well as to damage the image of the GoV, has become a state policy. These attacks seek to discredit and even criminalize the work they perform in addition to trying to sow hate

²⁷⁶ Amnesty International (2015): *Annual Report 2015/2016*. [Online] Available from: <https://www.amnesty.org/download/Documents/POL1025522016ENGLISH.PDF> [Accessed 16 May, 2016].

²⁷⁷ Inter-American Commission on Human Rights (2015): *Criminalization of Human Rights Defenders Report*. OEA/Ser.L/V/II. Doc. 49/15. 31 December 2015 Original: Spanish, p 69. [Online] Available from: <http://www.oas.org/en/iachr/reports/pdfs/Criminalization2016.pdf> [Accessed 16 May, 2016].

²⁷⁸ US State Department (2015): *Venezuela 2015. Human Rights Report* [Online] Available from: <http://www.state.gov/documents/organization/253261.pdf> [Accessed 16 May, 2016].

²⁷⁹ Human Rights Watch (2016): *World Report 2016* [Online] Available from: <https://www.hrw.org/world-report/2016/country-chapters/venezuela#3159b0> [Accessed 16 May, 2016].

against human rights defenders, through false accusations and remarks, which jeopardizes the life and physical integrity of these defenders.

Persecution has also been committed against political parties, with *Voluntad Popular* being the most affected. Such persecution has been centered on its National Coordinator, Leopoldo López, but it has also been extended to an important number of leaders and militants, regardless of the hierarchy they might occupy within the political organization.

The common element of persecution against these political leaders is the hatred contained in the language, symbols and videos used by President Maduro and other GoV's high level officials. Recently, PSUV -specifically, the members of *Juventud del PSUV* (PSUV youth activists)²⁸⁰- has been pushing a hatred campaign against Leopoldo López using manufactured videos with images of the recognizable American cartoon "the Simpsons," using specifically the Sideshow Bob character -the famous villain of the comic- to represent López, who is called *Leopoldo Patiño* in these videos and is linked to plans for coups and assassinations. In various scenes, *Leopoldo Patiño* appears with a tattoo of the Nazi swastika; in other scenes he is presented reading the book *Mein Kampf* by Adolf Hitler, in a prison cell named *Ramo Verde*, in reference to the prison where Leopoldo López is currently arbitrarily arrested²⁸¹. This comic is an audiovisual resource mainly directed to Venezuelan youth. Its purpose is no other than to indoctrinate and plant hatred against Leopoldo López and his political party *Voluntad Popular*.

III. Underling acts constituting crimes against humanity. Additions to The Request

In order to complement The Request, relevant information will be developed and updated, and additional information will be provided in this Chapter. Therefore, situations that may constitute crimes against humanity, pursuant to the Rome Statute, shall be identified, aiming to determine the relevant individual criminal liability and the alleged victims and perpetrators.

²⁸⁰ PSUV website: [Online] Available from: <http://juventud.psuv.org.ve> [Accessed 28 June 2016]

²⁸¹ To the present date, four videos have been released: Chapter 1: *Próxima salida Ramo Verde*. Youtube. 13 April 2016 [Online] Available from: <https://www.youtube.com/watch?v=XgH0vsAfw0E> [Accessed 21 June, 2016]; Chapter 2: *Desde Ramo Verde con un show*. Youtube. 20 April 2016 [Online] Available from: <https://www.youtube.com/watch?v=zo-opSrpCFY> [Accessed 21 June 2016]; Chapter 3: *Gracias Medios de Comunicación*. Youtube. 27 April 2016 [Online] Available from: <https://www.youtube.com/watch?v=MjHFsQ3ElCo> [Accessed 21 June 2016]; Chapter 4: *Sin Salida en Ramo Verde*. Youtube. 11 May 2016 [Online] Available from: <https://www.youtube.com/watch?v=FzHlzb50Lk> [Accessed 21 June, 2016]

Part of the crimes described hereinafter were committed, as it was described in The Request, in the context of a largely peaceful uprising by unarmed civilians, which started in early February 2014. Likewise, some of the crimes described in this Chapter have been committed from the moment when The Request was submitted before the ICC Office of the Prosecutor to the present (i.e. from 10 November, 2015 to 15 May, 2016), supporting the evidence that there is an ongoing state policy intended to perpetrate systematic and widespread attacks against the civilian population perceived as dissidents or as blocking the GoV's intention to retain power indefinitely.

The significant amount of corroborated open source information available confirms that the incidents already presented in The Request, and those that shall be presented hereinafter, meet the threshold for constituting at least the crimes against humanity of:

- a) Murder, pursuant to Article 7(a);
- b) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, pursuant to Article 7(e);
- c) Torture, pursuant to Article 7(f);
- d) Persecution against any identifiable group on political grounds, pursuant to Article 7 (h);
- e) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, pursuant to Article 7 (k); and,
- f) Deportation or forcible transfer of population, pursuant to Article 7 (d) of the Rome Statute.

A. Murder as a crime against humanity

1. Murder of a bystander during attacks against unarmed civilians' demonstrations

The GoV's security forces, acting together with pro-government armed paramilitaries, were reported to have triggered the violence that arose during the protests that started on February 2014, by indiscriminately attacking entire demonstrations, and in some cases bystanders²⁸². The attacks against demonstrators did not stop until all the civilians cleared the areas. The national security forces and the pro-government armed paramilitaries

²⁸² Human Rights Watch (2014): *Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System*. 22 March, 2014 [Online] Available from: <https://www.hrw.org/report/2014/05/05/punished-protesting/rights-violations-venezuelas-streets-detention-centers-and> [Accessed 5 May, 2016]. Observatorio Venezolano de Conflictividad Social (2014): *Conflictividad social en Venezuela en 2014* [Online] Available from: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/01/Conflictividad-en-Venezuela-2014.pdf> [Accessed 5 May, 2016].

systematically chased demonstrators into residential areas, attacking civilians on the streets and inside homes, in their own neighborhoods or in those where demonstrators were trying to escape to. In order to protect their integrity and to prevent members of security forces and pro-government armed paramilitaries from entering their neighborhoods and their homes, some communities set barricades. However, such barricades were sometimes forcefully cleared by means of disproportionate use of force.

On 23 March 2014, **Adriana Urquiola** -a sign language interpreter that worked at a national TV station- was murdered after receiving two gunshots. She was 28 years old and had seven months of pregnancy. While a protest was taking place in a barricade located in an area in Miranda state, she got off a bus, along with another woman -who was injured by a gunshot in the arm- when she was shot²⁸³. Both women were reportedly shot by a man inside a moving vehicle, who intended to “scatter a protest”²⁸⁴, and who fired at least eight times against the demonstrators²⁸⁵. It was subsequently determined that the murderer of Urquiola was Jhonny Bolívar Jiménez. After remaining fugitive for 448 days²⁸⁶, on June 2014, INTERPOL arrested Bolívar in Colombia -to where he had run away, after escaping from detention in CICPC’s headquarters, in Caracas²⁸⁷. He admitted the crime after his detention²⁸⁸ and was convicted to 17 years for homicide, and misuse and illegal possession of a firearm²⁸⁹.

²⁸³ Noticiero Venevisión (2014): *Asesinada en Los Teques nuestra compañera de Noticiero Venevisión Adriana Urquiola*. 24 March, 2014 [Online] Available from: <http://noticierovenevision.net/nacionales/2014/marzo/24/93072=asesinada-en-los-teques-nuestra-companera-de-noticiero-venevision-adriana-urquiola> [Accessed 12 May, 2016]. El Universal (2014): *Asesinan de dos disparos a Adriana Urquiola, del Noticiero Venevisión*. 24 March, 2014 [Online] Available from: <http://www.eluniversal.com/sucesos/140324/asesinan-de-dos-disparos-a-adriana-urquiola-del-noticiero-venevision> [Accessed 12 May, 2016].

²⁸⁴ El Pitazo (2016): *Yonny Bolívar trabajó para Iris Varela en el Ministerio de Servicio Penitenciario*. 8 April, 2016 [Online] Available from: <http://www.elpitazo.com/ultimas-noticias/yonny-bolivar-trabajo-para-iris-varela-en-el-ministerio-de-servicio-penitenciario/> [Accessed 12 May, 2016].

²⁸⁵ Noticiero Venevisión (2014): *Asesinada en Los Teques nuestra compañera de Noticiero Venevisión Adriana Urquiola*. 24 March, 2014 [Online] Available from: <http://noticierovenevision.net/nacionales/2014/marzo/24/93072=asesinada-en-los-teques-nuestra-companera-de-noticiero-venevision-adriana-urquiola> [Accessed 12 May, 2016].

²⁸⁶ El Pitazo (2016): *Yonny Bolívar trabajó para Iris Varela en el Ministerio de Servicio Penitenciario*. 8 April, 2016 [Online] Available from: <http://www.elpitazo.com/ultimas-noticias/yonny-bolivar-trabajo-para-iris-varela-en-el-ministerio-de-servicio-penitenciario/> [Accessed 12 May, 2016].

²⁸⁷ El Nacional (2014): *“Mi intención no fue matar a nadie”*. 30 March, 2014 [Online] Available from: http://www.el-nacional.com/sucesos/ADRIANA_urquiola-NUEVOS-TEQUES-YONNY_0_381561907.html [Accessed 14 May, 2016].

²⁸⁸ El Nacional (2014): *“Mi intención no fue matar a nadie”*. 30 March, 2014 [Online] Available from: http://www.el-nacional.com/sucesos/ADRIANA_urquiola-NUEVOS-TEQUES-YONNY_0_381561907.html [Accessed 14 May, 2016].

²⁸⁹ El Universal (2016): *Condenan a 17 años de prisión al asesino de Adriana Urquiola*. 16 January, 2016 [Online] Available from: http://www.eluniversal.com/noticias/sucesos/condenan-anos-prision-asesino-adriana-urquiola_5419 [Accessed 12 May, 2016].

Bolívar has been accused of having ties with the GoV²⁹⁰ which would have allowed him to dodge the Venezuelan justice, being repeatedly released -in spite of being charged, convicted and imprisoned for the serious crimes he has committed- and to remain out of INTERPOL's red list for over a year, when he left the country as a fugitive²⁹¹. He has large criminal records and also has favorable judicial decisions that have allowed him to be freed. It has been reported he had PNB credentials and identified himself as part of the Minister of Penitentiary Affairs -Iris Valera- trusted staff, which she later denied²⁹². A source from this Ministry affirmed he has worked as intelligence director in such office²⁹³. He usurped an Air Force pilot title and has been convicted for kidnapping. He was also accused of being one of the leaders of a prison massacre -Uribana- on September 2014²⁹⁴. Nevertheless, he was released after an alleged reprieve was issued by the Ministry of Penitentiary Affairs, in his favor²⁹⁵. He has also been linked to General Hugo Carvajal -a retired General allegedly linked to drug trafficking and currently a PSUV National Assembly deputy.

2. Violence during the parliamentary campaign: Murder of a political activist

During the parliamentary campaign, the GoV's threats, violence and persecution, recurrent since February 2014, were intensified before, during and after the election. Several campaign activities carried out by the political opposition terminated when hooded groups of people, dressed in red, fired gunshots against them²⁹⁶. During all this time, President Maduro's violent speech was constant and worsened while the election date approached.

²⁹⁰ Reportero 24 (2014): *Asesino de Adriana Urquiola esta vinculado a Hugo Carvajal*. 25 July, 2014 [Online] Available from: <http://www.reportero24.com/2014/07/asesino-de-adriana-urquiola-esta-vinculado-a-hugo-carvajal/> [Accessed 12 May, 2016].

²⁹¹ El Pitazo (2016): *Yonny Bolívar trabajó para Iris Varela en el Ministerio de Servicio Penitenciario*. 8 April, 2016 [Online] Available from: <http://www.elpitazo.com/ultimas-noticias/yonny-bolivar-trabajo-para-iris-varela-en-el-ministerio-de-servicio-penitenciario/> [Accessed 12 May, 2016].

²⁹² El Nacional (2014): *La vida pública del asesino de Adriana Urquiola*. 6 April, 2014 [Online] Available from: http://www.el-nacional.com/sucesos/vida-publica-asesino-Adriana-Urquiola_0_385761460.html [Accessed 12 May, 2016].

²⁹³ El Universal (2014): *Homicida de Urquiola reparó ascensores de Minprisiones*. 28 March, 2014 [Online] Available from: <http://www.eluniversal.com/sucesos/140328/homicida-de-urquiola-reparo-ascensores-de-minprisiones> [Accessed 14 May, 2016].

²⁹⁴ Ultimas Noticias (2014): *Claves del caso Adriana Urquiola*. March, 2014 [Online] Available from: <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/claves-del-caso-adriana-urquiola.aspx#ixzz48gHd77Qx> [Accessed 14 May, 2016].

²⁹⁵ 2001 (2014): *Claves sobre el Capitán Bolívar, presunto asesino de Adriana Urquiola*. 28 March, 2014 [Online] Available from: <http://www.2001.com.ve/con-la-gente/claves-sobre-el-capitan-bolivar--presunto-asesino-de-adriana-urquiola.html> [Accessed 14 May, 2016].

²⁹⁶ BBC Mundo: *Venezuela: denuncian muerte a tiros del político opositor Luis Manuel Díaz durante mitin electoral en Altagracia de Orituco*. 26 November, 2015 [Online] Available from: http://www.bbc.com/mundo/noticias/2015/11/151125_venezuela_muerto_campana_electoral_altagracia_de_orituco_aw.shtml [Accessed 22 May, 2016].

While the parliamentary campaign was in process, several violent incidents were carried out against the political opposition. Some of the most prominent attacks were carried out against the political leader Henrique Capriles -in which gunshots were involved- and the threats, harassment and shoot-outs against Lilian Tintori -Leopoldo Lopez's wife- and MUD's candidates -currently National Assembly deputies- Miguel Pizarro and Richard Blanco²⁹⁷.

Verbal threats certainly lead to physical violence against dissidents, especially those involved in the opposition campaign for the parliament, and resulted in the death of **Luis Manuel Díaz**, a member of AD -an opposition party, member of MUD. Díaz was murdered while he was in a stage with Lilian Tintori, during a campaign activity in favor of opposition parties, on 25 November, 2015, in Guárico state. Earlier that day, Tintori reported violent actions against them took place. In the middle of the activity, unknown people threw stones against Tintori and other participants. At the end of it, when the activists were leaving the stage, at least 10 gunshots were heard. People started to run and witnesses saw Díaz, gunshot wounded, being carried in arms and taken to the hospital, where he died due to the seriousness of his injuries²⁹⁸.

Díaz had been appointed by the CNE as a member of a table where ballots would be received during parliamentary election. AD's Secretary General, Henry Ramos Allup -the current President of the National Assembly- denounced Díaz had been shot in the head by people involved with PSUV, who fired their guns from a car during the aforementioned activity²⁹⁹. He has assured having the evidence that would prove the nexus between Díaz's murderer and "people involved with the Government"³⁰⁰.

The day before Díaz's murder, in his weekly program, mandatory broadcast on national television, President Maduro threatened the political opposition suggesting they should pray to have peace and tranquility, otherwise, they would go to the streets, where they

²⁹⁷ El Mundo (2015): *Asesinan al opositor Luis Manuel Díaz tras un acto electoral de Tintori*. 26 November, 2015 [Online] Available from: <http://www.elmundo.es/internacional/2015/11/26/56566bdd46163f8d448b45ac.html> [Accessed 11 May, 2016].

²⁹⁸ La Nación (2015): *Así fue el asesinato del opositor venezolano Luis Manuel Díaz*. 26 November, 2015 [Online] Available from: <http://www.lanacion.com.ar/1849021-venezuela-luis-manuel-diaz-oposicion-maduro> [Accessed 11 May, 2016].

²⁹⁹ El Nacional (2015): *¿Quién era Luis Manuel Díaz?, candidato de AD asesinado*. 26 November, 2015 [Online] Available from: http://www.el-nacional.com/politica/Luis-Manuel-Diaz-AD-asesinado_0_745725605.html [Accessed 11 May, 2016].

³⁰⁰ La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 11 May, 2016].

are “*candanga con burundanga*” -a local expression used to define an aggressive or dangerous attitude³⁰¹.

The GoV’s strategy was discrediting the victim and blaming third parties for his murder -an official reaction that has become usual, a detected pattern, after incidents like this occur. It is also usual that high-level officials, most of them the heads of different political branches -which should be independent- communicate the same version of the facts, after an incident like this occur. The People’s Defender -Tarek William Saab- stated authorities considered the crime motive was a “settling of scores”, due to union conflicts, a statement backed by Maduro. Former National Assembly’s President and PSUV Vice-President -Diosdado Cabello- said the attacks reported by oppositions activists were staged and performed by the government’s “enemies” ³⁰². Other official versions tried to implicate Díaz as a gang member, explaining his murder as the product of a revenge and motivated by other gang’s intention to “control the area”³⁰³. According to a statement issued by the OGP, after Díaz’s murder, three men were arrested³⁰⁴ and charged with contract killing, crime conspiracy and life threatening injury³⁰⁵; however, more details have not been released. The General Prosecutor has repeated the official version about the crime motive, emphasizing it was not political but union conflicts-related ³⁰⁶.

UNASUR’s Electoral Mission in Venezuela issued a statement regarding this incident and called upon the national authorities in order for them to carry out an exhaustive investigation³⁰⁷ and so did the OAS and Amnesty International. OAS’ Secretary General

³⁰¹La Razón (2015): *Maduro radicaliza su discurso y agita la violencia en campaña*. 28 November, 2015 [Online] Available from: <http://www.larazon.es/internacional/maduro-radicaliza-su-discurso-y-agita-la-violencia-en-campana-MD11308949#.Ttt1mxmKOoq1Qal> [Accessed 11 May, 2016].

³⁰²BBC Mundo: *Venezuela: denuncian muerte a tiros del político opositor Luis Manuel Díaz durante mitin electoral en Altagracia de Orituco*. 26 November, 2015 [Online] Available from: http://www.bbc.com/mundo/noticias/2015/11/151125_venezuela_muerto_campana_electoral_altagracia_de_orituco_aw.shtml [Accessed 22 May, 2016].

³⁰³ TeleSur (2015): *¿Qué hay detrás de la muerte de Luis Manuel Díaz?* 28 November, 2015 [Online] Available from: <http://www.telesurtv.net/news/Que-hay-detras-de-la-muerte-de-Luis-Manuel-Diaz-20151128-0038.html> [Accessed 11 May, 2016].

³⁰⁴ BBC Mundo (2015): *Venezuela: arrestan a tres hombres por asesinato de Luis Manuel Díaz, el activista opositor que murió durante la campaña electoral*. 1 December, 2015 [Online] Available from: http://www.bbc.com/mundo/noticias/2015/12/151130_venezuela_elecciones_muerte_luis_manuel_diaz_a_rresto_dp [Accessed 10 May, 2016].

³⁰⁵ Ministerio Público (2016): *Ministerio Público pidió pase a juicio para tres hombres por muerte de Luis Manuel Díaz*. 21 June, 2016 [Online] Available from: http://www.mp.gob.ve/web/guest/buscador/-/journal_content/56/10136/10915067 [Accessed 11 May, 2016].

³⁰⁶ Ministerio Público (2016): *Fiscal General informó que fueron privados de libertad tres hombres por muerte Luis Manuel Díaz en Guárico*. 21 June, 2016 [Online] Available from: http://www.mp.gob.ve/web/guest/buscador/-/journal_content/56/10136/10525216 [Accessed 9 May, 2016].

³⁰⁷ El Nacional (2015): *¿Quién era Luis Manuel Díaz?, candidato de AD asesinado*. 26 November, 2015 [Online] Available from: http://www.el-nacional.com/politica/Luis-Manuel-Diaz-AD-asesinado_0_745725605.html [Accessed 11 May, 2016].

stressed that this event was not an “isolated episode, since it is part of other attacks carried out against opposition activists, as part of a strategy intending to intimidate them” and that “the murder of a political activist is a mortal wound against democracy”. Amnesty International stated Díaz murder offers a “terrifying vision about the human rights situation in Venezuela” and urged the GoV to carry out an investigation, otherwise, more violence would arise³⁰⁸.

3. Extrajudicial executions during OLP deployments

PROVEA and HRW reported 20 alleged extrajudicial executions occurred during OLP massive raids in Caracas and three other states -Nueva Esparta, Zulia and Mérida- in 2015³⁰⁹. From July 2015 to February 2016, 245 people were murdered during OLP deployments executed by SEBIN, CICPC, PNB and state-level police officers, along with GNB’s agents³¹⁰. OLPs have continued during 2016, and though no accurate figures have been released -sometimes, no figures at all- at least 50 people were allegedly killed in Zulia alone³¹¹.

PROVEA and HRW conducted an investigation based on accusations indicating that the death by gunshots of 20 persons, during OLP raids, were allegedly caused by extrajudicial executions. Most of them occurred during small hours of the morning, after national security forces supposedly took several persons from their houses and looted them. The last time the victims were seen, they were under officers’ custody; afterwards they appeared dead. Witnesses affirmed some of the victims were shot at a point-blank range. Victims and relatives have also stressed judicial remedies have been denied to them³¹².

The following are some of the extrajudicial execution cases documented by PROVEA and HRW:

³⁰⁸ BBC Mundo: *Venezuela: denuncian muerte a tiros del político opositor Luis Manuel Díaz durante mitin electoral en Altagracia de Orituco*. 26 November, 2015. [Online] Available from: http://www.bbc.com/mundo/noticias/2015/11/151125_venezuela_muerto_campana_electoral_altagracia_de_orituco_aw.shtml [Accessed 22 May, 2016].

³⁰⁹ 11 out of 20 of these cases were documented in PROVEA and HRW’s report, while 9 of them were widely spread by national media. None of the organizations is able to determine whether the victims had committed crimes, but rather intends to determine whether their Human Rights were violated and authorities acted in compliance with the law.

³¹⁰ Asamblea Nacional (2016): *Informe Anual 2015* [Online] Available from: http://www.mp.gob.ve/c/document_library/get_file?uuid=010ba734-247c-4da1-859f-1ae55772d7b5&groupId=10136 [Accessed 11 May, 2016].

³¹¹ Panorama (2016): *Más de 50 hampones han sido abatidos en enero durante OLP en el Zulia*. 29 January, 2016 [Online] Available from: <http://www.panorama.com.ve/sucesos/Mas-de-50-hampones-han-sido-abatidos-en-enero-durante-OLP-en-el-Zulia-20160129-0051.html> [Accessed 12 May, 2016].

³¹² Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

(i) Ángel Torrealba

As reported by PROVEA and HRW, on 17 August, 2015, 456 members of security forces - commanded by Admiral Víctor Ortiz³¹³- carried out an OLP raid in Villa Zoita -a neighborhood located in Margarita, Nueva Esparta state- aiming at “freeing the people”, according to the Ministry of Interior, Justice and Peace -Gustavo González López- although he failed to explain what they were being freed from³¹⁴.

Authorities later indicated that first need products, on short supply in the country, were “recovered”³¹⁵. However, witnesses accused security agents of committing one extrajudicial execution, beating people temporarily detained and looting more than 170 houses -stealing food, televisions, air conditioning and fans- while the raid took place. In spite of this, Nueva Esparta governor -Carlos Mata Figueroa- stated the operation was executed with severity but absolutely respecting human rights, recognizing, though, that a person was “taken down when confronting security agents”³¹⁶.

Olga Meza, a Villa Zoita resident, described to HRW the terrifying experience she and her family lived that night. At around 2:30 am, approximately five agents dressed in black and face-covered, showing CICPC batches, broke into her house, while she, her husband and two of her sons -aged 16 and six- were sleeping, and her 19-year-old daughter was breastfeeding her six-month-old baby. The agents forced the couple out of their bed; her husband was forced to remain against the floor, where he was beaten and death-threatened, while Olga was forced to stand in the hall, against the wall, while an agent put pressure against her stomach, with his knee, and placed a gun in her mouth. While on this position, Olga witnessed how another agent violently broke into her daughter’s room, beating and kicking her, and taking the baby with them. The agent holding Olga then forced her to look while a CICPC officer walked inside her sons’ room and fired four gunshots, murdering her 16-year-old son, Ángel Joel Torrealba. Olga explained HRW how she saw the agent looking at her dead son’s face, and then turning his face at the agent holding Olga, with a sort of disappointed expression, like indicating Ángel was not the

³¹³ El Sol de Margarita (2015): *Familiares de joven muerto en Villa Zoita denuncian hostigamiento*. 23 September, 2015 [Online] Available from: <http://www.elsoldemargarita.com.ve/posts/post/id:156981/Familiares-de-joven-muerto-en-Villa-Zo%C3%ADta-denuncian-hostigamiento> [Accessed 11 May, 2016].

³¹⁴ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

³¹⁵ Correo del Orinoco (2015): *Finaliza OLP en Nueva Esparta con la recuperación 23 viviendas*. 17 August, 2015 [Online] Available from: <http://www.correodelorinoco.gob.ve/regiones/finaliza-olp-nueva-esparta-recuperacion-23-viviendas/> [Accessed 11 May, 2016].

³¹⁶ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

person agents were looking for. Later on, neighbors said that while the raid was being practiced, agents asked if they knew a 22-year-old man named Ángel Rodríguez -i.e. a person with Olga's son same first name, but with a different family name and age³¹⁷.

After killing Ángel, agents forced Olga and the rest of the family to leave the house. She heard more gunshots and an officer shouting: "a confrontation! He had a gun!", which matches the official version according to which the person killed during this OLP raid died after an armed "confrontation with authorities". However, Olga explained HRW that she believes agents did that in order to cover their crime, staging his son attacked them. About one hour later, Olga witnessed two GNB officials taking her son's body out of the house. At around 3:30 am, Olga, her six-year-old son, her daughter and her baby were forced to get into a vehicle, where three GNB officials took them, with another neighbor, to a forest where they were forced to stay against the ground. For approximately two hours, they were insulted, beaten and threatened with a gun. At around 5:00 am, the custody agents moved away for eating, and the three women decided to run away; Olga took her son, her daughter took the baby and they ran for about one kilometer. Olga said she heard gunshots, but she was not able to affirm whether they were against them or in the air³¹⁸.

When Olga went to the morgue, she was told the only body they had corresponded to a 22-year-old man. She insisted and an official showed her a picture in which Olga recognized her son. HRW had access to a Death Certificate which confirms Ángel's death by gunshots. Olga filed a complaint before the Nueva Esparta Prosecution Office; however, COFAVIC's attorney -who is assisting Olga- informed no relevant steps have been taken regarding Ángel's murder investigation. Olga revealed that after filing the complaint, she and some neighbors -who have openly spoken about the crime- have been harassed by security agents: vehicles with agents have passed in front of Olga's house; she and other relatives have been intercepted and frisked in operations where no one else, but them, were searched; she has been followed and has been threatened with eviction -the neighborhood where they live was built by the GoV. Ángel's relatives said there were other victims that night, but neighbors are scared to tell their stories after what happened to Olga and her family³¹⁹. They also affirmed they decided to tell their story, after Ángel's

³¹⁷ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

³¹⁸ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

³¹⁹ Noticiero Venevisión (2015): *Parientes de adolescente asesinado durante acción de la OLP en Nueva Esparta exigen justicia*. 17 September, 2015 [Online] Available from: <http://www.noticierovenevision.net/nacionales/2015/septiembre/17/136293=parientes-de-adolescente-asesinado-durante-accion-de-la-olp-en-nueva-esparta-exigen-justicia> [Accessed 11 May, 2016].

image has been stained by Admiral Ortiz and Governor Mata Figueroa, who -according to relatives- have implied Ángel was a thug³²⁰. Once again, the GoV's strategy before an incident where an innocent person is killed, is discrediting the victim and relating him to criminal activities, as if such fact -even when real, though it does not seem to be the case- justified the commission of an extrajudicial execution.

(ii) Jonathan Luis Olivares Calixto and Jorge Luis Olivares Calixto

On 14 September, 2015 more than 400 security forces' agents -commanded by Zulia's Bolivarian Police director, General Carlos Luis Sánchez Vargas- carried out an OLP raid in Santa Rosa de Agua, a neighborhood located in Maracaibo, in Zulia state³²¹. As early as 5:19 a.m, Zulia's Governor -Francisco Arias Cárdenas- tweeted that the purpose of the operation was giving the people back "peace and tranquility". Later that day, during a press conference, he stated OLP had achieved the disarmament of criminal groups³²². Likewise, General Sánchez Vargas, along with Zulia's CICPC director -inspector Daniel Landaeta- briefed about this operation, confirming that 410 officials participated -of which 250 were from GNB, 80 from CICPC and 80 from Zulia's Bolivarian Police³²³.

According to the official report, five men were killed after confronting authorities - Eduardo Luis Molero Ortega, Héctor José García Ortega³²⁴, Néstor Luis García Guerra, Jonathan Luis Olivares Calixto and his brother, Jorge Luis Olivares Calixto. Although four of them did not have criminal and/or judicial records, General Sánchez Vargas stated they

³²⁰ El Sol de Margarita (2015): *Familiares de joven muerto en Villa Zoíta denuncian hostigamiento*. 23 September, 2015 [Online] Available from:

<http://www.elsoldemargarita.com.ve/posts/post/id:156981/Familiares-de-joven-muerto-en-Villa-Zo%C3%ADta-denuncian-hostigamiento> [Accessed 11 May, 2016].

³²¹ Radio Fe y Alegría (2015): *OLP dejó 5 personas muertas en Maracaibo*. 14 September, 2015 [Online] Available from: <http://www.radiofeyalegrianoticias.net/sitio/2015/09/olp-dejo-5-personas-muertas-en-maracaibo/> [Accessed 11 May, 2016].

³²² Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 23 April, 2016].

³²³ Radio Fe y Alegría (2015): *OLP dejó 5 personas muertas en Maracaibo*. 14 September, 2015 [Online] Available from: <http://www.radiofeyalegrianoticias.net/sitio/2015/09/olp-dejo-5-personas-muertas-en-maracaibo/> [Accessed 11 May, 2016].

³²⁴ His relatives said he worked at a regional newspaper, and that he was arrested but was then found dead. Radio Fe y Alegría (2015): *OLP dejó 5 personas muertas en Maracaibo*. 14 September, 2015 [Online] Available from: <http://www.radiofeyalegrianoticias.net/sitio/2015/09/olp-dejo-5-personas-muertas-en-maracaibo/> [Accessed 11 May, 2016].

were all allegedly part of a gang dedicated to car theft and extortion³²⁵, a version strongly denied by relatives³²⁶.

PROVEA and HRW, however, gathered testimonies according to which law enforcement agents allegedly committed abuses during raids, such as theft, violent and unauthorized forced entries in houses, and extrajudicial executions. Zulia State Commission on Human Rights (CODHEZ) -a local Human Rights NGO- reported five deaths during this operation³²⁷, as well as violent actions against civilians, carried out by GNB, CICPC and state-level police officers³²⁸.

Yamileth Karina Núñez Morillo presented her written testimony before Zulia's Prosecution Office, about how his husband was victim of an extrajudicial execution. Around 4:00 am, she and her husband -Jonathan Luis Olivares- heard noises and gunshots from people trying to break into their house. Since they thought those people were criminals, they rushed to the bathroom, taking their four-year-old daughter with them. Then, they heard a voice in the hall, ordering them to get out of the bathroom, and they found about 25 officers pointing guns at them. They ordered Jonathan to crawl to the living-room, where they tried to confirm his identity. Yamileth approached to ask what was happening and was pulled by the hair and pushed out, along with her daughter. Later, she heard gunshots but was not allowed to get in the house. A CICPC white van parked in front of her house and left. Hours later, when agents left, Yamileth got in her house; she could not find his husband and there were blood trails on the living-room. Many of their belongings were no longer there, either. Relatives found Jonathan's body in the morgue. Yamileth believes his husband was executed in the living-room and his body was taken in the white van³²⁹.

Elizabeth Coromoto Nava García also gave her written testimony before Zulia's Prosecution Office, regarding his husband's death -Jorge Olivares Calixto, Jonathan's

³²⁵ La Verdad (2105): *La matanza policial se extiende a Santa Rosa*. 20 June, 2016 [Online] Available from: <http://www.laverdad.com/sucesos/82857-la-matanza-policial-se-extiende-a-santa-rosa.html> [Accessed 11 May, 2016].

³²⁶ La Verdad (2105): *La matanza policial se extiende a Santa Rosa*. 20 June, 2016 [Online] Available from: <http://www.laverdad.com/sucesos/82857-la-matanza-policial-se-extiende-a-santa-rosa.html> [Accessed 11 May, 2016].

³²⁷ According to Nelia Ortega's testimony, his son Héctor was killed in his room, after officials ordered him to run. She also said officials removed one of the mattresses, while the other was full of blood. She reported officers stole them money, accessories, uniforms, milk and other valuable objects that could serve as evidence. Radio Fe y Alegría (2015): *OLP dejó 5 personas muertas en Maracaibo*. 14 September, 2015 [Online] Available from: <http://www.radiofeylegrianoticias.net/sitio/2015/09/olp-dejo-5-personas-muertas-en-maracaibo/> [Accessed 11 May, 2016].

³²⁸ CODHEZ (2015): *Informe sobre despliegue de la Operación Liberación y Protección del Pueblo (OLP) en el Estado Zulia*. This report was given to HRW in Caracas, on 5 November, 2015. A copy of it is kept with HRW records.

³²⁹ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

brother. After receiving Yamileth's call, Jorge told her wife to lock inside their house with their two-year-old and nine-year-old daughters. Elizabeth hid inside the bathroom and heard gunshots and people breaking in. She and her daughters were then forced to go to the living-room. She heard one gunshot again and the voice of his husband, groaning. Agents left after she was held for about four hours in the living-room. She also witnessed how officers destroyed some of their belongings and drank their beverages. Her wallet was open and some money was missing³³⁰.

Jorge and Jonathan's sister -Elvimar Olivares- heard a neighbor saying agents were carrying Jorge, still alive. She later found her brothers' bodies in the morgue, where officers told her "the CICPC family is large" and they do not betray each other. HRW and CODHEZ found out the OGP had started two investigations, but none of them had given effective responses to the victims' relatives³³¹.

(iii) Other alleged extrajudicial executions

HRW and PROVEA's report documents 11 cases of extrajudicial executions, after examining written witnesses' declarations, interviewing witnesses directly, and consulting multiple sources related to the facts. Nine other cases were widely spread by national media.

- On 13 July, 2015, the Minister of Interior, Justice and Peace -Gustavo González López- stated that 14 "criminals" had died after confronting authorities, while an OLP took place in Cota 905, in Caracas. Relatives of at least four of the victims told the media that the victims were taken alive and were later found dead in the morgue³³².
- On 29 August, 2015, during an OLP raid carried out in Naguanagua, Carabobo state, 21-year-old Yoel Eduardo Páez and 19-year-old Jonathan Ronaldo Páez where shot by security agents, while they were running away from them, according to relatives' testimonies. They were not allowed to see their bodies³³³

³³⁰ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³³¹ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³³² It is the case of Edison Alcalá. Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³³³ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

- On 31 August, 2015, during an OLP deployment carried out in Bolívar state, GNB officials supposedly broke into a house and arrested 14-year-old Luis José Márquez Cedeño. According to his mother, this was the last time he was seen alive. A witness saw he was taken alive, but his body was later found³³⁴.
- On 3 September, 2015, during an OLP raid carried out in Puerto La Cruz, Anzoátegui state, 23-year-old Héctor Luis Díaz Zerpa was allegedly killed when, intimidated by the operation, he ran seeking a place to protect himself, according to her sister's testimony, which was ratified by neighbors. The official version states he opened fire against officials³³⁵.
- On 11 September, 2015, five people died in Mérida state, according to its Governor - Alexis Ramírez- during an OLP raid carried out by 117 law enforcement agents. Along with Mérida's CICPC director at that time -Jorge Zambrano- Governor Ramírez informed the victims were "criminals"; part of a criminal group. In an interview with HRW, a human rights activist -who did not identify out of fear- said two of the victims were allegedly killed after agents violently broke in their houses at 4:00 am. The victims were taken by the agents, while the victims' relatives were held apart, in a different room, from which they heard gunshots. Firefighters tried to save one of the wounded victims, but CICPC officers reportedly pointed guns at them, preventing them from assisting the victim, who later died in the hospital. After the other victim was killed, CICPC agents told the relatives he was part of a gang and had died after an "armed confrontation"³³⁶.
- On 8 October, 2015, during an OLP deployment carried out in Barquisimeto, Lara state, 27-year-old Kellber Giovanni Mogollón and 21-year-old Wilmer Alexander Suárez were allegedly killed by enforcement agents, inside their houses, putting up

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³³⁴ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³³⁵ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³³⁶ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

no resistance, according to relatives' testimonies. However, the official version, again, was they died during "two different armed confrontations"³³⁷.

- On 14 October, 2015, during an OLP raid carried out in Anzoátegui and Sucre states, 25-year-old Luis Maita Ramos and 23-year-old Diómedes Morales Maita were allegedly killed by enforcement agents inside the house the brothers shared, putting up no resistance, according to relatives' testimonies. Once again, the official version was they died as a result of an "armed confrontation"³³⁸.
- On 28 October, 2015, SEBIN, CICPC and PNB agents took part in an OLP in *El Cementerio*, in Caracas. A witness told HRW how agents violently broke into a victim's house, making him kneel and shooting him. They also stole personal objects from the houses where they violently entered³³⁹.
- On 11 December, 2015, during an OLP raid carried out in Caracas, 17-year-old Gustavo Mariozzi Simanca was allegedly killed by enforcement agents who accused them of killing a PNB officer³⁴⁰.

On 10 May, 2016, a new OLP raid was carried out in Caracas city, and in Miranda and Vargas states. The day after such operation took place, neighbors from the affected communities in Caracas denounced they had been victim of police abuse. They also reported that SEBIN agents killed two young men posing no threat, called Eider Yonari Gavidia Martínez and Winderson Johan Rivas Solórzano. As reported by neighbors, they were walking to the bakery store when agents told them to stop and then shot them. According to Eider's cousin, law enforcement agents prevented their relatives from assisting them, when they tried to approach, arguing they were "kidnappers and criminals"³⁴¹.

³³⁷ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³³⁸ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³³⁹ <https://www.hrw.org/es/node/288209/>. Revisión 11 de mayo

³⁴⁰ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

³⁴¹ EL Carabobeño (2016): *Vecinos de El Valle denuncian excesos policiales en OLP*. 16 May, 2016 [Online] Available from: <http://www.el-carabobeno.com/noticias/articulo/127396/vecinos-de-el-valle-denuncian-excesos-policiales-en-olp> [Accessed 21 May, 2016].

As stated before, OLPs have firmly continued in 2016 throughout the country, evidencing such operations are part of a state policy intended to carry out systematic and widespread attacks against the civilian population.

4. The Tumeremo massacred

Although there is not a final number of victims -Américo De Grazia, an opposition deputy, insists a witness counted 28 bodies³⁴²- COFAVIC identified, preliminarily, 17 victims³⁴³, while the OGP initially identified 16 murdered victims and then stated there were 21 disappeared³⁴⁴.

10 days after the massacre, relatives and neighbors spread the names of the victims through their testimonies and wrote them in a placard hanging by their side, during their six-day demonstration, where 17 pictures were displayed, although some insist 28 people did not return to their homes. Most of the victims -aged from 19 to 36- were miners from Tumeremo -a small town located in Bolívar state- but in the list there are also one cook, a pregnant woman, and one gold buyer. Some of them were siblings³⁴⁵.

These are the stories of some of the massacred victims, as reported by the national press:

- **Mary Dalia Ruiz:** She was 19 years old and had been a cook for five years -she used to go to the mines located at the south of Bolívar state for working as a cook. She used to go every day to the area close to the *Atenas* mine -where the massacre occurred. The day she was murdered, she went with her sister -Marielys Ruiz. When they did not return home that day, her mother, alarmed, feared something happened to them.

³⁴² Runrunes (2016): *Américo De Grazia: Efectivos del Cicpc "escortaron" camión que trasladó a mineros asesinados*. 15 March, 2016 [Online] Available from:

<http://runrun.es/nacional/venezuela-2/253497/americo-de-grazia-efectivos-del-cicpc-escortaron-camion-que-traslado-a-mineros-asesinados.html> [Accessed 22 April, 2016]

³⁴³ Ángel Ignacio Trejo Sosa, José Ángel Ruiz, Néstor de Jesús Ruiz, José Armando Ruiz, Roger Ángel Romero, José Gregorio Nieves, Jesús Alfredo Aguinalalde, Keiner Zambrano Caña, Gustavo Guevara, Junior José Romero, José Gregorio Romero, Cristóbal José Heredia Caña, Marydali -also identified as Mary Dalia- Ruiz Muñoz, Luis Díaz Guzmán, Armando/no family name, Jairo Rodríguez and Maenely -also identified as Marielys- Alejandra Ruiz. COFAVIC (2016): *Venezuela: El Estado es responsable por desaparición de los mineros de Tumeremo*. 14 March, 2016 [Online] Available from:

<http://www.cofavic.org/venezuela-el-estado-es-responsable-por-desaparicion-de-los-mineros-de-tumeremo/> [Accessed 27 April, 2016]. Runrunes also reported, as victims: Javier Cáceres Muñoz, Carlos José Carvajal Custodio, Roger Romero, José Carrasco. Runrunes (2016): *Los rostros e historias detrás de la masacre de Tumeremo*. 14 March, 2016 [Online] Available from: <http://runrun.es/rr-es-plus/253250/los-rostros-e-historias-detras-de-la-masacre-de-tumeremo.html> [Accessed 27 April, 2016].

³⁴⁴ La Nación (2016): *Venezuela: hallan asesinados a los mineros*. 15 March, 2016 [Online] Available from: <http://www.lanacion.com.ar/1879734-venezuela-hallan-asesinados-a-los-mineros> [Accessed 28 April, 2016].

³⁴⁵ Runrunes (2016): *Los rostros e historias detrás de la masacre de Tumeremo*. 14 March, 2016 [Online] Available from: <http://runrun.es/rr-es-plus/253250/los-rostros-e-historias-detras-de-la-masacre-de-tumeremo.html> [Accessed 27 April, 2016].

- **Marielys Ruiz:** She was a 22-year-old housewife, mother of a six-year-old child. For a week, she went to the mine with her sister, in order to cook with her. They both went in a motorcycle-taxi, whose driver also disappeared.
- **José Ángel Montilla:** The younger of Montilla brothers, he was 25 years old when he disappeared. After graduating from high school, he started working in the mine, where he used to go since he was a child. The day he was murdered, he went to work with his two brothers.
- **Néstor de Jesús Ruiz Montilla:** He was working in the mines since he was 18 years old -he was 31 when murdered. He had a partner and a 4-year-old son.
- **José Armando Ruiz Montilla:** He was a 27-year-old miner and had 10 children: the youngest aged three months and the oldest aged nine.
- **José Greorio Nieves:** He was a motorcycle-taxi driver and worked occasionally as a miner. The day he was murdered, he went to the mine to try to get some gold and sell it to pay outstanding debts. He had three children aged six, eight and 11.
- **Ángel Ignacio Trejo Sosa:** He was studying Laws and had worked at a layers' firm in Puerto Ordaz city. He was currently working in the gold business.
- **Jesús Alfredo Aguinalde:** He was a miner since he was 15 years old. When he was murdered, he was 25 years old and had two children aged four and six.
- **Javier Cáceres Muñoz:** He had been working as a miner for four years and was 29 years old when he was murdered.
- **Carlos José Carvajal Custodio:** He had been working as a miner for eight months and was 27 years old when he was murdered. He had five children aged between one and eight.
- **Roger Romero:** He was a miner since he was 13 years old and had been working in *Atenas* mine since December 2015. He had four children -the youngest aged two months and the oldest aged four years.
- **Junior Romero Ara:** The youngest of seven brothers, he had a five-month-old baby. He used to go twice a week to the mine and the day he was murdered he went with his brother.
- **José Greorio Romero Ara:** He had been working as a miner for a year. He was 20 years old and had a six-month-old baby.
- **José Carrasco:** He had been working as a miner for two years but it was his first time in *Atenas* mine. He had six children -aged from seven to 19.
- **Gustavo Guevara Aguinalde:** He had been working in *Atenas* mine since December 2015. He was 22 years old and had a seven-year-old child. A witness said he was killed in the mine's proximity, when he approached the *El Topo's* caravan, thinking those were the cars that would take the food to the miners.
- **Luis Díaz Guzmán:** He had stayed in the mine since March and was supposed to return the day he was murdered. He was 24 years old.

- **Cristóbal José Heredia Caña:** He was 24 years old and had been a miner for several years. He was Jesús Alfredo Aguinagalde's cousin³⁴⁶.

B. Imprisonment as a crime against humanity

1. Persons imprisoned for political reasons or as a consequence of dissent

A few of the most notable cases of imprisonment arising from violations of due process, in the course of the GoV's policy to prevent, restrict, monitor and punish political dissent, include the following:

(i) Women Imprisoned

According to COFAVIC, the documented cases of human rights violations against women evidence a dramatic increase in the country (37%) where, historically, only 5% of them had been affected by human rights violations -some of these have occurred, since February 2014, during arbitrary detentions and arrests³⁴⁷.

As it has been previously stated, among the women prisoners, arbitrarily arrested by the GoV, some have been released while ten remain imprisoned as at 15 May, 2016. In many cases, their processes have suffered from considerable judicial delays and other serious due process violations, and they have reported being victim of physical, mental and moral damage, as follows:

³⁴⁶Runrunes (2016): *Los rostros e historias detrás de la masacre de Tumeremo*. 14 March, 2016 [Online] Available from: <http://runrun.es/rr-es-plus/253250/los-rostros-e-historias-detras-de-la-masacre-de-tumeremo.html> [Accessed 24 April, 2016]. Some relatives of the victims and survivors have decided not to speak out due to fear. The father of one of the victims said his son -who has 30 years old- was stopped in a checkpoint with the presence of *El Topo*, and CICPC and SEBIN officers. He got shot after he got nervous and ran away. His son's friend escaped and told the victim's father what happened, who also told how the bodies of the victims passed through the town, escorted by CICPC officers. He decided to file a complaint but he was told to bring a witness. His son's friend -the survivor- told him he feared for his life. Efecto Cocuyo (2016): *El miedo silencia a familiares de las víctimas de la presunta masacre de Tumeremo* 6 March, 2016 [Online] Available from: <http://efectococuyo.com/efecto-cocuyo/miedo-silencia-familiares-de-victimas-de-tumeremo> [Accessed 12 May, 2016]. Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from: <http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 24 April, 2016].

³⁴⁷ COFAVIC (2014): *Venezuela: Sentencias de silencio Informe situación de Derechos Humanos en Venezuela en el contexto de protestas estudiantiles de febrero-mayo 2014*. February-May, 2014 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2014/11/COFAVIC-Sentencias-de-Silencio-Final-.pdf> [Accessed 25 April, 2016].

- **Laided Salazar:** After more than 20 hearings, she was convicted to more than eight years in prison, although 86 persons witnessed in her favor³⁴⁸. She was granted a humanitarian measure and is currently under house arrest. During her confinement, she developed stomach and skin issues and heavy weight loss, considered as undernourishment³⁴⁹.
- **Carmen Alicia Gutiérrez:** Her process has already been in three different courts and her hearing has been postponed more than nine times³⁵⁰.
- **Andrea Susana González:** Her hearing was postponed three times. On January 2016, her process was ordered to go to trial, but an effective date has not been set yet³⁵¹.
- **Skarlyn Duarte:** Arrested for allegedly sending Twitter messages against GoV's officials, her hearing has been postponed 22 times, according to unofficial information published in the national press³⁵².
- **Araminta González:** A raid was practiced in her house, without her presence, and according to her sister's testimony, she was tortured -her hair was pulled out; her head, hands and feet were covered in newspaper and she was beaten up with pipes. She was also victim of psychological tortures and has now depression and blackouts³⁵³. She is still waiting for her trial³⁵⁴.
- **Betty Grossi:** Her hearing has been postponed three times and though she was arrested in August 2015, there is not yet a trial date³⁵⁵.
- **María Elena Uzcátegui:** Arrested in 2014 for helping students demonstrating on September 2014, she was sent to a jail with common criminals, where her health deteriorated -she got undernourished, and developed amebiasis and heart

³⁴⁸ El Mundo (2016): *Presas de Maduro*. 12 March, 2016 [Online] Available from: <http://www.elmundo.es/cronica/2016/03/12/56daa35822601d09408b4628.html> [Accessed 28 April, 2016].

³⁴⁹ Foro Penal Venezolano: *Laided Salazar* [Online] Available from: <https://foropenal.com/content/laided-salazar-de-zerpa> [Accessed 28 April, 2016].

³⁵⁰ Foro Penal Venezolano: *Carmen Alicia Gutiérrez* [Online] Available from: <https://foropenal.com/content/carmen-alicia-guti%C3%A9rrez-acevedo> [Accessed 28 April, 2016].

³⁵¹ Foro Penal Venezolano: *Andrea González* [Online] Available from: <https://foropenal.com/node/2415> [Accessed 28 April, 2016].

³⁵² Foro Penal Venezolano: *Skarlyn Duarte* [Online] Available from: <https://foropenal.com/content/skarlyn-duarte> [Accessed 28 April, 2016].

³⁵³ Foro Penal Venezolano: *Araminta González* [Online] Available from: <https://foropenal.com/content/araminta-gonzalez> [Accessed 28 April, 2016].

³⁵⁴ El Mundo (2016): *Presas de Maduro*. 12 March, 2016 [Online] Available from: <http://www.elmundo.es/cronica/2016/03/12/56daa35822601d09408b4628.html> [Accessed 28 April, 2016].

³⁵⁵ Foro Penal Venezolano: *Betty Grossi* [Online] Available from: <https://foropenal.com/node/2413> [Accessed 28 April, 2016].

disease³⁵⁶. She was then granted a humanitarian measure and is currently under house arrest³⁵⁷.

- **Inés Margarita González:** She was arbitrarily arrested on 8 October, 2014, for tweeting against the GoV -she was charged with outrage of a public officer, violent outrage and public instigate to commit a crime, because of her tweets about Robert Serra, a PSUV deputy stabbed to death before she was arrested³⁵⁸. Inés was then taken to SEBIN headquarters, where she remained incommunicado, without receiving natural light, confined in a cell with other five inmates. When she was detained, she was on treatment for an acute endometriosis. She was not allowed to continue with it, thus, her health condition worsened and was later diagnosed with a uterine tumor for which she underwent total hysterectomy.
- **Joselyn Prato:** When she was arbitrarily arrested for allegedly jeering the Ministry of Tourism -Marlene Contreras, who is the wife of deputy and PSUV's Vice-president, Diosdado Cabello- though she was not present when it happened, she was heavily assaulted by PNB. She was transferred to a hospital, where she was diagnosed with a broken arm and several bruises. The next day, she was transferred for having internal bleeding. Her family later informed she suffered from anal hemorrhage³⁵⁹. She also had asthma and one kidney was swollen from the blows. She was fed with the soldiers' leftovers and sometimes with food with worms. Her weight dropped to 35 kg³⁶⁰.

(ii) The three elected deputies imprisoned

Three opposition candidates who were elected as substitute deputies for the National Assembly, on December 2015, are still imprisoned for political reasons, in a clear infringement of the Venezuelan Constitution, regarding their right to parliamentary

³⁵⁶ El Impulso (2014): *Concedieron casa por cárcel a María Elena Uzcátegui*. 20 December, 2014 [Online] Available from: <http://www.elimpulso.com/noticias/sucesos/concedieron-casa-por-carcel-a-maria-elena-uzcategui> [Accessed 28 April, 2016].

³⁵⁷ Foro Penal Venezolano: *María Elena Uzcátegui* [Online] Available from: <https://foropenal.com/content/maria-elena-uzc%C3%A1tegui> [Accessed 28 April, 2016].

³⁵⁸ Globalvoices (2014): *Venezuela: Usuarios de Twitter detenidos tras asesinato de diputado socialista* [Online] Available from: <https://es.globalvoices.org/2014/10/23/venezuela-usuarios-de-twitter-detenidos-tras-asesinato-de-diputado-socialista/> [Accessed 28 April, 2016]. El Nuevo Herald (2014): *Serra era el hombre fuerte de los colectivos chavistas*. 2 October, 2014 [Online] Available from: <http://www.elnuevoherald.com/noticias/mundo/americ-latina/venezuela-es/article2488378.html> [Accessed 28 April, 2016].

³⁵⁹ Foro Penal Venezolano (2015): *Foro Penal vigila estado de salud de los presos políticos*. 8 October, 2015 [Online] Available from: <https://foropenal.com/noticias/foro-penal-vigila-estado-de-salud-de-los-presos-pol%C3%ACticos> [Accessed 28 April, 2016].

³⁶⁰ El Nacional (2016): *Un problema tonto*. 14 February, 2016 [Online] Available from: http://www.el-nacional.com/siete_dias/problema-tonto_0_793120737.html [Accessed 28 April, 2016].

immunity, according to which the three of them should have been released after the election. Their cases have developed as follows:

- **Rosmit Mantilla:** A 34-year-old LGBT and human rights activist, and member of the opposition party *Voluntad Popular*, Mantilla was declared prisoner of conscience by Amnesty International³⁶¹, after examining the charges presented against him by the OGP and concluding that credible evidence linking him with the crimes of which he is accused has not been presented³⁶². He was arrested in his home, in Caracas, on 2 May, 2014, by SEBIN officers, under an arrest warrant based on “*a statement by an unidentified individual alleging that Rosmit Mantilla had received funds from a group of businessmen in order to finance the anti-government protests taking place in Caracas at the time*”³⁶³. SEBIN officials claim that during the search of Mantilla’s home that day, they found leaflets urging people to join the anti-government protests and envelopes containing money. Mantilla and his family claim that SEBIN officials planted this evidence³⁶⁴. Mantilla has remained arrested in the SEBIN headquarters ever since, and his trial is pending. He was charged with public incitement and intimidation, obstructing a public highway, arson involving public and private buildings, violent damage and conspiracy to commit a crime -offences carrying a penalty of at least 18 years of incarceration. He has been imprisoned for two years and his hearing has been postponed 15 times³⁶⁵. While he has been arrested, he has lost more than 25 kg. He was assisted by a psychologist, who diagnosed him with anxiety, for which he has to take anxiolytics. He is suffering from vision loss and his gastritis is worsening due to prison’s bad nourishing³⁶⁶. On April 2015, the UN Working Group on Arbitrary

³⁶¹ Amnesty International (2015): *Venezuela: Prisoner of conscience Rosmit Mantilla must be released*. 11 December, 2015 [Online] Available from: <https://www.amnesty.org/en/documents/amr53/3060/2015/en/> [Accessed 29 April, 2016].

³⁶² Amnesty International (2015): *Venezuela: The Faces of Impunity*. 24 March, 2015 [Online] Available from: <https://www.amnesty.org/en/documents/amr53/1239/2015/en/> [Accessed 29 April, 2016].

³⁶³ Amnesty International (2015): *Venezuela: The Faces of Impunity*. 24 March, 2015 [Online] Available from: <https://www.amnesty.org/en/documents/amr53/1239/2015/en/> [Accessed 29 April, 2016]. Venezuelan NGO *Acción por la Libertad* claims that this unidentified individual is a supporter of the GoV. *Acción por la Libertad* (2015): *Derechos Humanos-Venezuela: Efectos de la criminalización de la protesta y la disidencia*. 8 March, 2015 [Online] Available from: <http://accionlibertad.org/informes-sobre-ddhh/derechos-humanos-%C2%AD%E2%80%90venezuela-efectos-de-la-criminalizacion-de-la-protesta-y-la-disidencia/> [Accessed 29 April, 2016].

³⁶⁴ Amnesty International (2015): *Venezuela: The Faces of Impunity*. 24 March, 2015 [Online] Available from: <https://www.amnesty.org/en/documents/amr53/1239/2015/en/> [Accessed 29 April, 2016]. *Ultimas Noticias* (2014): *Detuvieron al dirigente juvenil de VP Rosmit Mantilla*. May, 2014 [Online] Available from: <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/detuvieron-al-dirigente-juvenil-de-vp-rosmi-manti.aspx> [Accessed 10 October, 2015].

³⁶⁵ Foro Penal Venezolano: *Rosmit Mantilla* [Online] Available from: <https://foropenal.com/content/rosmit-mantilla> [Accessed 19 April, 2016].

³⁶⁶ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

Detentions stated that Mantilla's detention was arbitrary and urged the GoV to immediately release him, repeal the order that placed him under arrest and give him the relevant compensation³⁶⁷.

- **Renzo Prieto:** A 28-year-old student, Prieto was arrested in Caracas, on 10 May, 2014, after a demonstration, by officials from the Military Counterintelligence Direction (*Dirección General de Contra Inteligencia Militar* (DGCIM)), PNB, SEBIN and Baruta Police. On 12 May, 2015, he was presented before a court, which issued an unlawful arrest warrant against him. He was irregularly and simultaneously required by another court. He was later charged with conspiracy to commit a crime, obstructing a public highway and explosives fabrication³⁶⁸. During his confinement, it has been reported he has been beaten and has been victim of psychological mistreatment and inhuman treatment -an alleged common situation with all the prisoners confined in SEBIN headquarters³⁶⁹. Prieto has been imprisoned for more than two years and his hearing has been postponed six times³⁷⁰. He has recently developed health issues, particularly, acute testicular pain. His attorneys have requested the competent court to authorize his transfer to a health center, but no response has been given³⁷¹. On October, 2015, the UN Working Group on Arbitrary Detentions stated that Prieto's detention -along with other political prisoners confined in *El Helicoide* SEBIN's headquarters: Gerardo Ernesto Carrero, Nixon Alfonso Leal Toro and Carlos Pérez- was arbitrary, based on a previous resolution, issued on 3 September, 2015³⁷².
- **Gilberto Sojo:** A 49-year-old *Voluntad Popular* activist, he was arrested on 26 November 2014, when he received a deceitful call telling him he would receive a cellphone, for having participated in a contest. When he arrived where he would supposedly receive the phone, he was arrested along with his wife, who was

³⁶⁷ Foro Penal Venezolano (2015): *Resolución No. 7/2015 Grupo de Trabajo sobre la detención arbitraria ONU Sesión No. 72 Caso Rosmit Mantill*. 22 April, 2015 [Online] Available from: <https://foropenal.com/content/resoluci%C3%B3n-no-72015-grupo-de-trabajo-sobre-la-detenci%C3%B3n-arbitraria-onu-sesi%C3%B3n-no-72-caso> [Accessed 13 May, 2016].

³⁶⁸ Foro Penal Venezolano: *Renzo Prieto* [Online] Available from: <https://foropenal.com/content/renzo-david-prieto-ram%C3%ADrez> [Accessed 19 April, 2016]. El Nacional (2016): *Diputado Gilberto Sojo está recluido en el Hospital Militar por presuntas agresiones físicas y psicológicas*. 29 April, 2016 [Online] Available from: http://www.el-nacional.com/politica/Diputado-Gilberto-Sojo-Hospital-Militar_0_838716349.html [Accessed 3 May, 2016].

³⁶⁹ El Nacional (2015): *Se filtraron fotos del diputado Renzo Prieto dentro del Sebin Helicoide*. 10 December, 2015 [Online] Available from: http://www.el-nacional.com/presos_politicos/filtraron-Renzo-Prieto-Sebin-Helicoide_0_754124806.html. [Accessed 13 May, 2016].

³⁷⁰ Foro Penal Venezolano: *Renzo Prieto* [Online] Available from: <https://foropenal.com/content/renzo-david-prieto-ram%C3%ADrez> [Accessed 19 April, 2016].

³⁷¹ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

³⁷² Foro Penal Venezolano (2015): *Resolución No. 26/2015 Grupo de Trabajo ONU Sesión No. 73*. 3 September, 2015 [Online] Available from: <https://foropenal.com/content/resoluci%C3%B3n-no-262015-grupo-de-trabajo-onu-sesi%C3%B3n-no-73> [Accessed 13 May, 2016].

forced to pick up her three-year-old daughter at daycare. Both mom and daughter were held for more than 30 hours³⁷³. It has been reported that Sojo has been beaten while in confinement, and has also been pressed to incriminate opposition leaders like Leopoldo López, for which the national TV station *Venezolana de Televisión* once went to the SEBIN headquarters, where he is imprisoned, in order to make such incrimination public, but he refused³⁷⁴. His process has also been delayed and he has been imprisoned during a year and a half. He was recently transferred to the hospital after alleged physical and psychological mistreatment received from prison officials, and suffers from cardiology issues, cervical pain and lumbago -caused from being reportedly beaten in this body area³⁷⁵

(iii) People arrested for expressing dissent on social networks

Between September and October 2014, eight Twitter users -including three women- were arrested for tweeting messages the GoV considered as “offensive” -some of them related to Robert Serra’s death-³⁷⁶ and after accusations made by Diosdado Cabello -PSUV’s Vice-President and deputy³⁷⁷. Although the OGP has failed to prove their responsibility, as at 15 May, 2016, three of them -Skarlyn Duarte, Víctor Ugas and Leonel Sánchez- were still imprisoned. The rest of them were released subjected to precautionary measures -some, overwhelmed by irregularities in their arrests, the alleged disproportional use of force against them, their confinement conditions and the constant judicial delays in their processes, duly denounced by their attorneys, chose to plead guilty³⁷⁸. The most prominent cases are:

³⁷³ Foro Penal Venezolano: *Gilberto Sojo* [Online] Available from: <https://foropenal.com/content/gilberto-sojo-rengifo> [Accessed 19 April, 2016].

³⁷⁴ El Nacional (2016): *Diputado Gilberto Sojo está recluso en el Hospital Militar por presuntas agresiones físicas y psicológicas*. 29 April, 2016 [Online] Available from: http://www.el-nacional.com/politica/Diputado-Gilberto-Sojo-Hospital-Militar_0_838716349.html [Accessed 3 May, 2016].

³⁷⁵ El Nacional (2016): *Diputado Gilberto Sojo está recluso en el Hospital Militar por presuntas agresiones físicas y psicológicas*. 29 April, 2016 [Online] Available from: http://www.el-nacional.com/politica/Diputado-Gilberto-Sojo-Hospital-Militar_0_838716349.html [Accessed 3 May, 2016].

³⁷⁶ Foro Penal Venezolano (2014): *En Venezuela detienen a seis "tuiteros" por mensajes "ofensivos" contra el Gobierno*. 16 October, 2014 [Online] Available from: <https://foropenal.com/noticias/en-venezuela-detienen-seis-tuiteros-por-mensajes-ofensivos-contra-el-gobierno> [Accessed 13 May, 2015].

³⁷⁷ Foro Penal Venezolano (2015): *Conatel elaboró informes para el SEBIN_OFICIAL sobre tuiteros detenidos*. 3 July, 2015 [Online] Available from: <https://foropenal.com/noticias/conatel-elabor%C3%B3-informes-para-el-sebinoficial-sobre-tuiteros-detenido> [Accessed 13 May, 2015].

³⁷⁸ Foro Penal Venezolano (2015): *Conatel elaboró informes para el SEBIN_OFICIAL sobre tuiteros detenidos*. 3 July, 2015 [Online] Available from: <https://foropenal.com/noticias/conatel-elabor%C3%B3-informes-para-el-sebinoficial-sobre-tuiteros-detenido> [Accessed 13 May, 2015]. Instituto Prensa y Sociedad (2014): *Venezuela: 7 twittos fueron detenidos por agentes de seguridad del Estado*. 28 October, 2014 [Online] Available from: <http://ipys.org.ve/alerta/venezuela-7-twittos-fueron-detenido-por-agentes-de-seguridad-del-estado/> [Accessed 23 October, 2015]. Diario Las Americas (2014): *Maduro encarcela a tuiteros por mensajes políticos*. 25 November, 2014 [Online] Available from:

- **Inés Margarita González**³⁷⁹ and **Skarlyn Duarte**, whose cases have already been described in item III.B.1(i).
- **Ginette Hernández and Lessi Marcano**³⁸⁰ had a Twitter account used for communicating alleged predictions, of which Ginette was the community manager. She was arrested after it was published a tweet “predicting” the National Assembly would soon mourn, and was charged with computer fraud and spreading public panic and fear³⁸¹. A few days later, PSUV deputy Robert Sierra was stabbed to death. Ginette was released on November 2015, one year after she was arbitrarily arrested³⁸². His uncle Lessi -who was the alleged psychic behind the predictions, and used to ask his niece to tweet the messages of things he could foresee- was subsequently arrested³⁸³. He was released 16 months after his arrest, on February 2016, when the court subjected him to a precautionary measure for admitting the charges for which he was arbitrarily imprisoned³⁸⁴. During his confinement, he suffered from constant and severe emotional and depressive crisis, for which he was transferred to the hospital³⁸⁵.
- **Víctor Andrés Ugas**³⁸⁶ is a 26-year-old journalist who was arrested on 13 October, 2015, after allegedly spreading photographs of Robert Serra’s body at the morgue. Diosdado Cabello celebrated his detention on his TV show³⁸⁷. After his arrest, he

<http://www.diariolasamericas.com/4848-venezuela/2811334-maduro-encarcela-a-tuiteros-por-mensajes-politicos.html> [Accessed 23 October, 2015].

³⁷⁹ Known as @Inesitaterrible

³⁸⁰ Known as @Hiipolita

³⁸¹ El Propio (2014): *Liberaron a Daniely Benítez al descubrir que no era @Hiipolita*. 19 October, 2014 [Online] Available from: http://www.elpropio.com/actualidad/Liberaron-Daniely-Benitez-descubrir-Hiipolita_0_611938849.html [Accessed 26 October, 2015]. La Radio del Sur (2014): *Ellos son los jóvenes detenidos por la cuenta en Twitter de @Hiipolita*. 19 October, 2014 [Online] Available from: <https://laradiodelsur.com.ve/2014/10/19/ellos-son-los-jovenes-detenido-por-la-cuenta-en-twitter-de-hiipolita/> [Accessed 26 October, 2015]

³⁸² El Nacional (2015): *Liberaron a Ginette Hernández, tuitera retenida hace un año por el Sebin*. 20 November, 2015 [Online] Available from: http://www.el-nacional.com/presos-politicos/Liberaron-Ginette-Hernandez-retenida-Sebin_0_742125974.html [Accessed 13 May, 2015].

³⁸³ Foro Penal Venezolano (2014): *En Venezuela detienen a seis "tuiteros" por mensajes "ofensivos" contra el Gobierno*. 16 October, 2014 [Online] Available from: <https://foropenal.com/noticias/en-venezuela-detienen-seis-tuiteros-por-mensajes-ofensivos-contra-el-gobierno> [Accessed 13 May, 2015].

³⁸⁴ Tal Cual (2015): *Liberaron al tuitero y vidente Lessi Marcano*. 27 November, 2015 [Online] Available from: <http://www.talcualdigital.com/Nota/120821/liberaron-al-tuitero-y-vidente-lessi-marcano> [Accessed 13 May, 2015]. El Venezolano (2016): *Fue liberado el tuitero Lessi Marcano, alias “Negra Hipólita”*. 27 February, 2016 [Online] Available from: <http://www.elvenezolano.com/2016/02/27/59473/> [Accessed 13 May, 2015].

³⁸⁵ Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Crueles, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 22 May, 2016].

³⁸⁶ Known as @victorugas

³⁸⁷ Ultimas Noticias (2014): *Video | Cabello confirmó las detenciones de Víctor Ugas y la “negra Hipólita”*. 17 October, 2014 [Online] Available from: <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/video---cabello-confirmando-las-detenciones-de-victor.aspx> [Accessed 27 October, 2015]

was transferred to Caracas and charged with inappropriately revealing personal information and computer espionage³⁸⁸. On 18 March 2015, his audience took place and his arrest warrant was confirmed. He has been arbitrarily arrested for over a year and a half³⁸⁹. On 9 July, 2015, a release order was issued; however, SEBIN failed to comply with it and was subsequently repealed, after its non-enforcement³⁹⁰.

- **Leonel Sánchez**³⁹¹ was imprisoned on 21 August, 2014, after a raid practiced in his residence, for reportedly spreading messages calling for civil rebellion and threatening GoV's officials, during the students' demonstrations carried out in 2014. He was charged with incitement to hatred and conspiracy, although FPV points out such charges are not related to the messages published in his social network accounts. His judicial process has been delayed several times and, though his process is being carried out before a court in Barinas state, he is confined in Caracas³⁹². His health has declined during arrest: as at 15 April 2016, he had been diagnosed with a crack in a vertebra and was waiting for the court to authorize his transfer to the hospital³⁹³.

(iv) Serious deterioration of political prisoners' health: a cruel and inhuman treatment causing great suffering

As explained above, FUNDEPRO has reported that around 25% of the political prisoners has medical issues -whether physical or psychological. The absence of health and medical assistance policies is more serious in SEBIN and *Ramo Verde's* confinement centers. The absence, delay or refusal of court orders requested for transferring political prisoners with medical issues to health centers has become a bureaucratic common practice carried out by the GoV. Since their health conditions are not properly and timely assisted, they evidently worsen with time³⁹⁴. This deliberate GoV's systematic practice of denying medical assistance, based on political reasons, and considering it was caused by the

³⁸⁸ Info Vzla (2015): *Enjuiciarán a Víctor Ugas por los cargos de revelación indebida de data y espionaje informático*. 19 March, 2015 [Online] Available from: <http://infovzla.net/nacionales/enjuiciaran-a-victor-ugas-por-los-cargos-de-revelacion-indebida-de-data-y-espionaje-informatico/> [Accessed 27 October, 2015]. Contrapunto (2015): *Liberan a Víctor Ugas, tuitero que publicó fotos del cadáver de Robert Serra*. 9 July, 2015 [Online] Available from: <http://contrapunto.com/noticia/liberan-a-victor-ugas-tuitero-que-publico-fotos-del-cuerpo-de-robert-serra/> [Accessed 27 October, 2015].

³⁸⁹ Foro Penal Venezolano: *Víctor Ugas* [Online] Available from: <https://foropenal.com/content/victor-andr%C3%A9s-ugas> [Accessed 13 May, 2015].

³⁹⁰ Foro Penal Venezolano: *Víctor Ugas* [Online] Available from: <https://foropenal.com/content/victor-andr%C3%A9s-ugas> [Accessed 13 May, 2015].

³⁹¹ Alleged user of the Twitter account @AnonymusWar

³⁹² Foro Penal Venezolano: *Leonel Sánchez* [Online] Available from: <https://foropenal.com/content/leonel-s%C3%A1nchez-camero> [Accessed 13 May, 2015].

³⁹³ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

³⁹⁴ FUNDEPRO (2015): *Informe Anual Presos Políticos en Venezuela*. [Online] Available from: <https://es.scribd.com/doc/296867032/Informe-Presos-Politicos-2015-Fundepro> [Accessed 19 April, 2016].

intentional subhuman confinement conditions they are subjected to, has been considered by Human Rights' NGOs as a sort of cruel and inhuman treatment causing great suffering, or serious injury to body or to mental or physical health -as provided in Article 7 (h) of the Rome Statute- and even torture³⁹⁵.

In its 2015 report, FUNDEPRO documented how the following political prisoners -some of which have already been released subjected to house arrest, which also limits access to health- requested medical assistance but were not assisted: Vasco Da Costa, Gerardo Carrero, Ronny Navarro, Laided Salazar, Araminta González, Marcelo Crovato, Ángel Contreras, Jhosman Paredes, José Gámez, Efraín Ortega, José Luis Santamaría, Ignacio Porras, Juan Miguel de Sousa, Lorent Gómez Saleh and Yeimi Varela³⁹⁶.

As reported by FPV, as at 18 April, 2016, 26 political prisoners had important medical conditions; however, in most cases, the courts do not authorize opportunely their transfer to hospitals, in order to receive medical assistance and have their tests practiced³⁹⁷.

The most serious cases of political prisoners' health deterioration -both confined and under house arrest- are:

- **Efraín Ortega:** His health is in critical condition after being diagnosed with at least eight pathologies, including thrombophlebitis -after being forced by common prisoners to sleep standing or crouching in the prison. As a consequence of taking the medicines for his circulatory condition, he developed renal failure. He also has been diagnosed with: hepatitis B and A, a simple cyst in his right kidney, lithiasis in his left kidney, systemic hypertension, BHR syndrome and saphenous insufficiency. He has also had hepatitis C, as a consequence of an epidemic of this illness in the prison. His diagnosis is based on medical and forensic reports, in which tests are urged to be practiced as soon as possible; however, the court has not given a response and he has not had access to medical assistance. A humanitarian

³⁹⁵ Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Crueles, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 22 May, 2016].

³⁹⁶ The cases of Arube Pérez, Erasmo Bolívar and Víctor García Hidalgo have also been reported, though they were arrested before 2014, before the temporal scope of this addendum. However, it illustrates how political prisoners' health declines considerably in confinement. FUNDEPRO (2015): *Informe Anual Presos Políticos en Venezuela 2015*. [Online] Available from: <https://cifrasonlinecomve.files.wordpress.com/2016/01/informe-presos-politicos-2015-fundepro-2.pdf> [Accessed 28 April, 2016]. Foro Penal Venezolano (2015): *15 de los 29 presos políticos de 2014 requieren atención médica*. 26 June, 2015 [Online] Available from: <https://foropenal.com/noticias/15-de-los-29-presos-pol%C3%ADticos-de-2014-requieren-atenci%C3%B3n-m%C3%A9dica> [Accessed 28 April, 2016].

³⁹⁷ <https://foropenal.com/noticias/15-de-los-29-presos-pol%C3%ADticos-de-2014-requieren-atenci%C3%B3n-m%C3%A9dica> [Accessed 28 April, 2016].

measure has been requested to the People's Defender, but he has not given a response, either³⁹⁸.

- **Ignacio Porras:** He has lost 65 kg while in prison and developed a lifetime cardiology condition along with renal, stomach and vesicle issues. After being diagnosed with a lump blocking his veins, he will have to make a lifetime cardiology treatment. He also suffers from a strong depression³⁹⁹.
- **Vladimir Araque:** He was diagnosed with: two tumors in the head and the right side, weight loss, heavy cephalgia, numbness of the right arm, ague, recurrent diarrhea, insomnia, major depression and osteopenia. He was also diagnosed with acute depression and posttraumatic stress disorder. Given the economic situation of his family and the long time it takes to be authorized to go to the hospital, the neurologic appointment had to be prioritized over the other conditions⁴⁰⁰.
- **Gerardo Carrero**⁴⁰¹: He was diagnosed with at least nine gastrointestinal conditions, as well as feverishness, dental issues and more than 32 skin abscesses. The access to medical assistance has been delayed. Since July, 2015, he has not received an appropriate treatment for his health conditions⁴⁰².
- **Gilberto Sojo**⁴⁰³: He was recently transferred to the hospital after alleged physical and psychological mistreatment received from prison officials, and suffers from cardiology issues, cervical pain and lumbago -caused from being reportedly beaten in this body area⁴⁰⁴.
- **José Luis Santamaría:** He was diagnosed with hepatitis A -as a consequence of an epidemic caused by the insalubrity condition of the confinement center where he is- osteoarthritis in the right knee, meniscopathy, constant skin rash, recurrent diarrhea and gastric issues due to the lack of clean water -inmates must take any water they find, regardless of its source- hypercholesterolemia -due to poor nourishing and lack of physical activity- dental issues and major anxiety, since it

³⁹⁸ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

³⁹⁹ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴⁰⁰ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴⁰¹ He has also reportedly been victim of torture for which he filed a complaint of torture, cruel, inhuman and degrading treatment before the OGP, on January 2015, as detailed in The Request.

⁴⁰² Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴⁰³ He is one of the three elected substitute deputies of the National Assembly.

⁴⁰⁴ El Nacional (2016): *Diputado Gilberto Sojo está recluido en el Hospital Militar por presuntas agresiones físicas y psicológicas*. 29 April, 2016 [Online] Available from: http://www.el-nacional.com/politica/Diputado-Gilberto-Sojo-Hospital-Militar_0_838716349.html [Accessed 3 May, 2016].

has been more than 20 months that he has not seen his son, his brother⁴⁰⁵ and his 86-year-old mother. He has not received medical assistance yet⁴⁰⁶.

- **Rosmit Mantilla**⁴⁰⁷: As previously explained, he has lost more than 25 kg and has been assisted by a psychologist, who diagnosed him with anxiety, for which he has to take anxiolytics. He is suffering from vision loss and his gastritis is worsening due to prison's poor nourishing⁴⁰⁸.
- **Carlos Pérez**: He has a serious hypertension and although he has been transferred to a hospital, he has never been checked by a cardiologist -only by general practitioners- thus, his pressure issues persist. He recently had a hypertensive crisis and is waiting to be transferred to the hospital⁴⁰⁹.
- **Ronny Navarro**: He has traumatology issues requiring surgery. After almost one month waiting to be transferred to a hospital, he was diagnosed with a broken hand. He is still waiting for the court order authorizing his surgery -a request submitted multiple times⁴¹⁰.
- **Vasco Da Costa**⁴¹¹: He has lost more than 35 kg since his detention. The insalubrity conditions of his confinement center are extreme; there is never water. He was wounded with rubber bullets in his right arm and glute, on December 2015, after a riot in the prison, and has not received medical assistance yet⁴¹².
- **Pedro Rafael Maury Bolívar**: He had been diagnosed, before his arrest, with osteoarthritis and prostatic hyperplasia; however, he developed lumbar pain, thus, three hernias were found in the lumbosacral area of his spine. This condition has been worsened given that months have passed since he was diagnosed. He has also suffered from hypotension for which a special test should be practiced, but he is still waiting. His attorney requested a precautionary measure based on his age - he is 62 years old- and his health; however, it was denied by the court. He has been recommended to have physiotherapy but, in confinement, it has not been possible⁴¹³.

⁴⁰⁵ In Rodeo II prison, male visits are not allowed.

⁴⁰⁶ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴⁰⁷ He is one of the three elected substitute deputies of the National Assembly.

⁴⁰⁸ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴⁰⁹ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴¹⁰ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴¹¹ He has been confined in a prison for common prisoners as a "dangerous inmate".

⁴¹² Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴¹³ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

- **Marcelo Crovato:** He suffered from major spine damage. After a long wait, he finally underwent surgery on September 2015, but after some complications, he had another surgery two days later. While recovering at home -he is under house arrest- he developed a bacterial infection that impedes his surgery wounds from cicatrizing. He is on strong antibiotics which led to an intestinal complication that resulted in amebiasis. His health conditions are related to his arrest. He has physiotherapies, but only three times a week, although his doctor recommended they should be daily. He now has to undergo surgery again, after two hernias were recently discovered⁴¹⁴. On December 2014, FPV reported Crovato had a delicate mental and physical condition, and even attempted suicide, due to his arbitrary arrest. His relatives only found out through third persons, since the prison's director did not notify them⁴¹⁵.

Between late April and early May 2016, eleven more individuals⁴¹⁶ -of which two are women and, along with two other young men, they are members of the opposition party *Primero Justicia*- were arbitrarily arrested by GoV's law enforcement agents. On 4 May, 2016, a commission of around 60 SEBIN agents and local police officers from Mara Municipality -*Polimara*- arrested four *Primero Justicia* members, after they participated in an Open Town Council, along with an opposition deputy, in Maracaibo, in Zulia state. The aforementioned agents broke in their houses, without court orders, and aggressively arrested them, as reported by *Primero Justicia* leaders. One of them -Cristhopfer González- was reported to be beaten in the head, during his detention, "ordered by local Mayor, Luis Caldera"⁴¹⁷. Some of his belongings -including his cellphone- were stolen⁴¹⁸.

⁴¹⁴ Foro Penal Venezolano (2016): *FPV: Aumenta a 26 el número de presos políticos con problemas de salud*. 18 April, 2016 [Online] Available from: <https://foropenal.com/node/2417> [Accessed 28 April, 2016].

⁴¹⁵ El Universal (2014): *Abogado Crovato presenta un delicado estado de salud física y psicológica*. 20 December, 2014 [Online] Available from: <http://www.eluniversal.com/nacional-y-politica/141220/abogado-crovato-presenta-un-delicado-estado-de-salud-fisica-y-psicolog> [Accessed 28 April, 2016].

⁴¹⁶ Jimmy Helou Chebib, Arvin Gabriel Sandoval Prado, Juan José Díaz Arévalo, Enyerbert Enrique Soto Arraga, Ángel Rafael Gonzalez Viloria and Norvis de Jesús Urdaneta Fernández. *Voluntad Popular* members: Joaquín Salas, Cristhopfer González, Belén Carolina Salas González and Kristy Valentina Mavarez Paredes. GNB officer: Jesús David Chirinos Rodríguez. Panorama (2016): *Ministro González López mostró fotos y video de causantes de protestas en Zulia*. 12 May, 2016 [Online] Available from: <http://www.panorama.com.ve/politicaeconomia/Ministro-Gonzalez-Lopez-mostro-fotos-y-video-de-causantes-de-protestas-en-Zulia-20160512-0061.html> [Accessed 15 May, 2016]. Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz (2016): *Plenamente identificados responsables de acciones desestabilizadores con fines políticos en Zulia*. 14 May, 2016 [Online] Available from: <http://www.mppriip.gob.ve/index.php/2016/05/14/plenamente-identificados-responsables-de-acciones-desestabilizadores-con-fines-politicos-en-zulia/> [Accessed 15 May, 2016].

⁴¹⁷ Versión Final (2016): *SEBIN detuvo a cuatro dirigentes de Primero Justicia en Maracaibo*. 6 May, 2016 [Online] Available from: <http://versionfinal.com.ve/politica-dinero/sebin-detuvo-a-cuatro-dirigentes-de-primero-justicia-en-maracaibo/> [Accessed 22 May, 2016]. La Verdad (2016): *"Exigimos que de inmediato liberen a nuestras dirigentes"*. 22 June, 2016 [Online] Available from:

The two women -Kristy Valentina Mavárez Paredes and Belén Carolina Salas González, aged 18 and 22- and a GNB officer, friend of them -Jesús David Chirinos Rodríguez- remain imprisoned, charged with “disturbing public order”⁴¹⁹, while the other two activists were released hours after their detention⁴²⁰. As reported by deputy Tomás Guanipa, SEBIN agents planted evidence -a bag pack with the *Primero Justicia* initials, with homemade explosive devices- with the purpose of arresting the two women, covering the real reason of their detention: their opposition political activism⁴²¹.

The Minister of Interior, Justice and Peace -Gustavo González López- confirmed the detention of Kristy, Belén and Jesús, on 12 May 2016, for “having incendiary objects”⁴²². He also affirmed that other six people⁴²³ had been arrested and charged for allegedly interfering with public roads, property damage, qualified theft, arm trafficking, incitement to commit crimes and association to commit crimes, among others. According to the Minister statement, these people were part of a “subversive plan” carried out by “right-wingers”, in order to repeat *la Salida* plan⁴²⁴. He also argued that several people incite

<http://www.laverdad.com/politica/96884-exigimos-la-inmediata-liberacion-de-nuestras-dirigente-juveniles.html> [Accessed 15 May, 2016].

⁴¹⁸ Noticia Al Día (2016): *PJ denuncia que dirigentes Joaquín Salas y Cristhopfer González fueron detenidos por el SEBIN en Zulia*. 4 May, 2016 [Online] Available from: <http://noticiaaldia.com/2016/05/pj-denuncia-detencion-de-sus-dirigentes-joaquin-salas-y-cristhopfer-gonzalez-en-zulia/> [Accessed 15 May, 2016]. Versión Final (2016): *SEBIN detuvo a cuatro dirigentes de Primero Justicia en Maracaibo*. 6 May, 2016 [Online] Available from: <http://versionfinal.com.ve/politica-dinero/sebin-detuvo-a-cuatro-dirigentes-de-primero-justicia-en-maracaibo/> [Accessed 22 May, 2016].

⁴¹⁹ Pan Caliente (2016): *Primero Justicia exige al gobierno la liberación de sus dirigentes femeninas detenidas en el Zulia*. 8 May, 2016 [Online] Available from: <http://pancaliente.info/primero-justicia-exige-al-gobierno-la-liberacion-de-sus-dirigentes-femeninas-detenido-en-el-zulia/> [Accessed 15 May, 2016].

⁴²⁰ Versión Final (2016): *SEBIN detuvo a cuatro dirigentes de Primero Justicia en Maracaibo*. 6 May, 2016 [Online] Available from: <http://versionfinal.com.ve/politica-dinero/sebin-detuvo-a-cuatro-dirigentes-de-primero-justicia-en-maracaibo/> [Accessed 22 May, 2016].

⁴²¹ La Verdad (2016): *“Exigimos que de inmediato liberen a nuestras dirigentes”*. 22 June, 2016 [Online] Available from: <http://www.laverdad.com/politica/96884-exigimos-la-inmediata-liberacion-de-nuestras-dirigente-juveniles.html> <http://www.elcorreodelorinoco.com/dos-militantes-primero-justicia-fueron-secuestradas-sebin/> [Accessed 15 May, 2016].

⁴²² Panorama (2016): *Ministro González López mostró fotos y video de causantes de protestas en Zulia*. 12 May, 2016 [Online] Available from: <http://www.panorama.com.ve/politicaeconomia/Ministro-Gonzalez-Lopez-mostro-fotos-y-video-de-causantes-de-protestas-en-Zulia-20160512-0061.html> [Accessed 15 May, 2016].

⁴²³ Jimmy Helou Chebib, Arvin Gabriel Sandoval Prado, Juan José Díaz Arévalo, Enyerbert Enrique Soto Arraga, Ángel Rafael Gonzalez Viloria and Norvis de Jesús Urdaneta Fernández. Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz (2016): *Plenamente identificados responsables de acciones desestabilizadores con fines políticos en Zulia*. 14 May, 2016 [Online] Available from: <http://www.mppriip.gob.ve/index.php/2016/05/14/plenamente-identificados-responsables-de-acciones-desestabilizadores-con-fines-politicos-en-zulia/> [Accessed 15 May, 2016].

⁴²⁴ Panorama (2016): *Ministro González López mostró fotos y video de causantes de protestas en Zulia*. 12 May, 2016 [Online] Available from: <http://www.panorama.com.ve/politicaeconomia/Ministro-Gonzalez-Lopez-mostro-fotos-y-video-de-causantes-de-protestas-en-Zulia-20160512-0061.html>

others to demonstrate and commit crimes against the GoV, through social networks, and that 11 individuals⁴²⁵ were wanted for the alleged commission of crimes related to protests⁴²⁶.

The Minister's statements evidence the political purpose behind the arbitrary arrests carried out by the GoV, intended to quash any expression of dissent. Moreover, the recurrent detentions and arrests committed since February 2014 demonstrate, once again, a state policy intended to carry out systematic and widespread attacks against the civilian population, and retain power by all means.

2. Imprisonment or other severe deprivation of physical liberty during OLP deployments

Considering that official and accurate figures, as well as investigations and studies on OLPs are scarce, and due to the victims and witnesses' fear, and the censorship imposed to the media, there are few sources containing information about OLP deployments. However, based on the report issued by PROEVA and HRW, and the few news published by the media, the following cases of people imprisoned after OLPs have been documented:

(i) Residents of *La Ensenada* (Miranda state)

On 27 July 2015, the Minister of Interior, Justice and Peace confirmed 1,447 security agents were deployed in *Carretara Panamericana*, in Miranda state⁴²⁷. He also explained that during this OLP, 299 houses were demolished and 18 people were arrested -including 15 foreign. President Maduro afterwards stated that a "paramilitary cell" operated in such area. Though members of the OGP and the People's Defender Office were present, as residents reported, they only acted as "passive observers"⁴²⁸.

[Lopez-mostro-fotos-y-video-de-causantes-de-protestas-en--Zulia-20160512-0061.html](http://www.mppriip.gob.ve/index.php/2016/05/14/plenamente-identificados-responsables-de-acciones-desestabilizadores-con-fines-politicos-en-zulia/) [Accessed 15 May, 2016].

⁴²⁵ Erick Gerardo Trejo Álvarez, Antonio José Trejo Navas, Douglas Enrique Bracho Rincón, Manuel Gregorio Escola Pacheco, José Miguel Estrada González, Jairo Elías Chacón Méndez, Xavier Rafael Serrano García, José Luis Díaz Antúnez, Steven Troconis, Daniel aka "El Hueso" and Gerardo Rafael Salomón Fuenmayor. Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz (2016): *Plenamente identificados responsables de acciones desestabilizadores con fines políticos en Zulia*. 14 May, 2016 [Online] Available from: <http://www.mppriip.gob.ve/index.php/2016/05/14/plenamente-identificados-responsables-de-acciones-desestabilizadores-con-fines-politicos-en-zulia/> [Accessed 15 May, 2016].

⁴²⁶ Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz (2016): *Plenamente identificados responsables de acciones desestabilizadores con fines políticos en Zulia*. 14 May, 2016 [Online] Available from: <http://www.mppriip.gob.ve/index.php/2016/05/14/plenamente-identificados-responsables-de-acciones-desestabilizadores-con-fines-politicos-en-zulia/> [Accessed 15 May, 2016].

⁴²⁷ Particularly in *La Ensenada*, *Divino Niño* and *Bosque Verde* communities.

⁴²⁸ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

According to residents' testimonies, several people were detained, while another group of people were taken to a warehouse, where they were allowed to leave few of their belongings; however, when they returned, they were not found⁴²⁹.

On 25 February, 2016, the National Assembly's Commission on Interior Policy received a group of victims whose rights were infringed while OLP was deployed in *La Ensenada*, in the fourth kilometer of *Carretera Panamericana*, on July, 2015. According to deputy Delsa Solórzano and victims' testimonies, a group of people -including Emily León- were arbitrarily arrested and were then released, since no crime was proved⁴³⁰. Although they were released, their rights were seriously violated⁴³¹.

Emily León was arbitrarily arrested and remained imprisoned for 45 days, away from her two young children. On a press conference made along with members of the Commission on Interior Policy, she insisted she had no participation in any kind of crime, as many of the other victims, and she explained what happened to her that day. On 26 July, 2015, people from the community were called to a meeting in *Poliedro de Caracas*, in order to discuss about housing issues. While such meeting was taking place, agents participating in OLP were searching and demolishing houses, and detaining people. Emily had to return home to look for her children's documents and when she arrived, an official ordered her to get in the convoy. She asked why and the official ordered other agents to take her against her will. Afterwards, she was taken back to *Poliedro de Caracas*, where some other operations were displayed, in order to identify detained people, and determine their nationality and their possible participation in criminal investigations. She was then presented before military agents, who told her she was "the owner of the marihuana" they reportedly found in her house and was taken to a command headquarter, where she rested incommunicado until the next day, when members of her community demanded to see her. She was visited by a district attorney, who informed her that she would be taken to a court after finding marihuana plants in her house, of which no evidence was

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴²⁹ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴³⁰ Contrapunto (2016): *Comisión de Política Interior hará informe sobre presuntos abusos de las OLP*. 1 April, 2016 [Online] Available from: <http://contrapunto.com/noticia/comision-de-politica-interior-hara-informe-sobre-arbitrariedades-cometidas-durante-las-olp-69162/> [Accessed 11 May, 2016].

⁴³¹ NTN24 (2016): *Víctimas de la OLP exigen justicia: "Yo tenía mi casa, mis hijos tenían su cuarto, ahora no tienen nada"*. 2 April, 2016 [Online] Available from: <http://www.webntn24tv.us/video/victimas-de-la-olp-exigen-justicia-yo-tenia-mi-casa-mis-hijos-tenian-su-cuarto-ahora-no-tienen-nada-95550> [Accessed 11 May, 2016]. Contrapunto (2016): *Comisión de Política Interior hará informe sobre presuntos abusos de las OLP*. 1 April, 2016 [Online] Available from: <http://contrapunto.com/noticia/comision-de-politica-interior-hara-informe-sobre-arbitrariedades-cometidas-durante-las-olp-69162/> [Accessed 11 May, 2016].

presented. Emily insisted it did not belong to her and asked how they knew it was in her house, since the houses had already been demolished. She was later presented before a court, where a 45-days arrest warrant issued under no grounds ordered her transfer to a common prison, in Guárico state. Her attorney insisted she could not be transferred to such a far state, considering all her family was in Caracas. As a result, she was ordered to be confined in INOF -a women's prison located in Miranda⁴³². She was released after no evidence supporting the accusation of drug trafficking against her was presented -she was initially subjected to a precautionary measure and then unconditionally released⁴³³.

During her confinement in the command headquarter, she had to stay on a mat, by the wall, and she was forbidden to stand up. The day she was transferred to INOF, she fainted, since she had been poorly nourished. She was confined with other seven inmates⁴³⁴. Her house was destroyed and her belongings disappeared; therefore, she and her children had to move with an acquaintance, where 20 other people live.

The Coordinator of *La Ensenada* Victims Committee, regrouping 60 affected families, informed that around 400 persons were evicted from the area and that although they have turned to the competent State authorities -including the Vice-Presidency and the People's Defender Office- they have not obtained a concrete response⁴³⁵. Victims want justice to be served and compensations to be granted, after the infringement of their rights and the loss of their belongings.

(ii) Residents of Cota 905 (Caracas)

On 13 July, 2015, officials of GNB, SEBIN, CICPC and PNB were deployed in Cota 905, a slum located in Caracas. The Minister of Interior, Justice and Peace -Gustavo González López- informed that 13 people -including 32 foreign "linked to paramilitary groups"- had been arrested⁴³⁶. President Maduro later affirmed that 40 "foreign paramilitaries" had

⁴³² NTN24 (2016): *Víctimas de la OLP exigen justicia: "Yo tenía mi casa, mis hijos tenían su cuarto, ahora no tienen nada"*. 2 April, 2016 [Online] Available from: <http://www.webntn24tv.us/video/victimas-de-la-olp-exigen-justicia-yo-tenia-mi-casa-mis-hijos-tenian-su-cuarto-ahora-no-tienen-nada-95550> [Accessed 11 May, 2016].

⁴³³ Contrapunto (2016): *Comisión de Política Interior hará informe sobre presuntos abusos de las OLP*. 1 April, 2016 [Online] Available from: <http://contrapunto.com/noticia/comision-de-politica-interior-hara-informe-sobre-arbitrariedades-cometidas-durante-las-olp-69162/> [Accessed 11 May, 2016].

⁴³⁴ NTN24 (2016): *Víctimas de la OLP exigen justicia: "Yo tenía mi casa, mis hijos tenían su cuarto, ahora no tienen nada"*. 2 April, 2016 [Online] Available from: <http://www.webntn24tv.us/video/victimas-de-la-olp-exigen-justicia-yo-tenia-mi-casa-mis-hijos-tenian-su-cuarto-ahora-no-tienen-nada-95550> [Accessed 11 May, 2016].

⁴³⁵ Contrapunto (2016): *Comisión de Política Interior hará informe sobre presuntos abusos de las OLP*. 1 April, 2016 [Online] Available from: <http://contrapunto.com/noticia/comision-de-politica-interior-hara-informe-sobre-arbitrariedades-cometidas-durante-las-olp-69162/> [Accessed 11 May, 2016].

⁴³⁶ In the same operation, 14 people (identified by the GoV as "criminals") were killed.

been detained⁴³⁷, while the General Prosecutor -Luisa Ortega Díaz- stated such detentions were made “strictly respecting their human rights”⁴³⁸.

However, as reported by PROVEA and HRW, more than 20 *Cota 905* residents provided their testimony, which suggests that members of security forces committed abuses during the raid: they broke into the houses without court orders, in the wee hours, while people were sleeping, and affirmed they were following “orders from the President”. Residents reported that agents stole their cellphones, money, food and other goods while raids were being executed. Several residents questioned the alleged 134 individuals arrested, according to official information, and told PROVEA there were more than 200 -including some that were held for one day and were beaten up. Several detainees were taken to an area called *La Cancha*, where they were forced to lay on their knees, under the sun, for hours. Some other witnesses told PROVEA how a group of CICPC agents started a fire that affected 15 houses, of which 10 were completely destroyed⁴³⁹.

As informed by *Cota 905* residents to PROVEA, after the first OLP, two other operations have been deployed in this community⁴⁴⁰. Some of the residents’ testimonies given to PROVEA regarding the abuses committed during the three OLPs executed so far in *Cota 905*, are as follows:

- Pedro Beltrán told PROVEA how he and his son were forced to leave their house in the early morning and were obliged to lie on the floor for four hours. Their heads were beaten every time they looked up. Afterwards, they were taken to *La Cancha* and waited under the sun until 4:00 pm, while officers allegedly stepped their boots over their heads and accused them of being paramilitaries.
- José Vega was preparing to go to work when he was beaten and threatened by agents, who placed a gun’s barrel in his forehead and forced him to take another gun with his hand, while they told him they could kill him and say it happened during a confrontation with them, unless he provided them information about “the criminals”. He was finally released.

⁴³⁷ *En Contacto con Nicolás Maduro* 34. Youtube. 15 July, 2015 [Online] Video available from: <https://www.youtube.com/watch?v=6kG9-T9tPUg> [Accessed 11 May, 2016].

⁴³⁸ Ministerio Público (2016): *Fiscal General: serán presentadas 19 personas detenidas en el operativo de seguridad en la Cota 905*. 22 June, 2016 [Online] Available from: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/8964196 [Accessed 11 May, 2016].

⁴³⁹ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁴⁰ On 20 July, 2015 and on 25 September, 2015.

- Ana Correa was heading to her job, at around 7:00 am, when she saw approximately 30 agents wearing CICPC uniforms, with their heads covered, asking for people by their names. She insisted seeing those agents breaking into houses, where they beat up and detained any person they stumbled across.
- Juan Pérez was sleeping at 5:30 am, when officers forced him to leave his house. He could see how such officers stole food and other items. Some other men -including teenagers of around 14 years old- were forced to leave their houses. They were told to seat on the street, with their hands on their backs. They were later told to get in buses, but they were not informed where they were heading. They were finally taken to GNB headquarters, where there were around 200 men arrested. As Pérez reported, they were not allowed to communicate with their relatives. He witnessed how men were beaten and forced to stay on their knees for long hours; they were also denied to drink water and use the toilets. Agents allowed him to leave at 3:00 am the next morning, but they warned him he could be arrested again⁴⁴¹.

As PROVEA and HRW were able to verify, most of the 134 people the GoV recognized having arrested during this OLP were never charged. Two days after such operation, the General Prosecutor pointed out only 19 of the detainees were presented before a judge. The People's Defender -Tareck William Saab- stated his office would work together with the OGP, in order to investigate alleged abuses committed by security agents; however, he also said such agents had been "confronted" by residents, as soon as they arrived in Cota 905⁴⁴².

(iii) Residents of *Brisas del Hipódromo* (Carabobo state)

Based on residents' testimonies gathered by PROVEA, GNB officers arrested approximately 200 people -most of them men and teenagers aged 15 and older- though, according to official statements, only six people were arrested during this OLP. Witnesses insisted such number is considerably inferior to the real amount of people arrested, based on what they saw. It is William Alexander's case, who reported that the detainees were taken to GNB headquarters until 4:00 pm, and were then transferred to a bus station, where they were released without further explanations. While these men were in

⁴⁴¹ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁴² Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

detention, agents forced women and children to leave their houses so they could demolish them, along with all their belongings⁴⁴³.

(iv) Colombian citizens in Táchira state (the border between Venezuela and Colombia)

As reported by the Inter-American Commission on Human Rights, during an OLP deployed in Táchira, in August 2015, Venezuelan authorities detained Colombian citizens, including children and people with disabilities, for up to 14 hours. They were held without warrants, in places without clean water or food, and were granted no opportunity to defend. The detainees were subsequently deported, massively and in groups. The Colombian victims also informed the Inter-American Commission on Human Rights that in the course of this operation, the Venezuelan agents consistently stole their money and other belongings, beat them, mistreated children and insulted men -calling them “paramilitaries”- and women -calling them “whores”.

Deputy Delsa Solorzano -member of the National Assembly’s Commission on Interior Policy- as well as experts and NGOs have insisted on the inefficiency of OLP -given that the worst criminals are still on the streets- while innocent people are victims of abuses and human rights violations, committed by security forces’ agents⁴⁴⁴.

3. Journalist imprisoned after reporting the Tumeremo massacre

Luis Montilla, a journalist with Asperger working for *Fe y Alegría* in Lara state, was detained on 18 March, 2016, for some hours, after giving information about the Tumeremo massacre in his personal blog. His house was raid and his computer was confiscated by SEBIN officers, who told him he published information in which he stated SEBIN was linked to the Tumeremo miners’ case -implying that was the reason of his detention. Due to his Asperger syndrome, he had a nerve crisis that temporarily prevented him from communicating to explain what happened to him⁴⁴⁵.

⁴⁴³ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁴⁴ La Patilla (2016): *Víctimas de la OLP presentaron denuncias ante la Comisión de Política Interior*. 1 April, 2016 [Online] Available from: <http://www.lapatilla.com/site/2016/04/01/victimas-de-la-olp-presentaron-denuncias-ante-la-comision-de-politica-interior/> [Accessed 11 May, 2016].

⁴⁴⁵ Espacio Público (2016): *Sebin detiene a periodista por informar sobre caso Tumeremo*. 18 March, 2016 [Online] Available from: <http://espaciopublico.org/sebin-detiene-periodista-informar-caso-tumeremo/> [Accessed 29 April, 2016].

C. Torture as a crime against humanity

As at 15 May 2016, political prisoners are still subjected to torture or other cruel, inhuman or degrading treatment, at their confinement centers. There are still three prisoners confined in The Tomb⁴⁴⁶: Lorent Saleh, Gabriel Vallés and Juan Miguel de Sousa. Likewise, prominent political prisoners, such as Leopoldo López, have been victim of prolonged psychological torture, particularly, due to his solitary confinement -which according to the UN, constitutes a cruel, inhuman and degrading treatment, or even torture. Their confinement conditions have worsened as time goes by.

1. Lorent Saleh and Gabriel Vallés

Lorent is the president of the NGO *Operación Libertad* (Freedom Operation) and Gabriel is its Global Executive Director. Both of them are 27 years old. They were arrested by the Colombian government and later deported to Venezuela, on 9 September 2014, infringing the due process guaranties. They have been confined in The Tomb for over a year and a half⁴⁴⁷. On August 2014, the OGP charged them for allegedly committing the crime of conspiracy for rebellion. They both carried out a hunger strike for 18 days, making authorities improve their confinement conditions -four hours receiving sun outdoors and the use of a watch⁴⁴⁸.

Serious human rights violations, including psychological tortures, have been repeatedly reported by their relatives and human rights activists -they have been subjected to the “white torture or white death” and have been under solitary confinement⁴⁴⁹. Violations to due process have also been reported by their attorneys, who at certain point were not

⁴⁴⁶ Gerardo Carrero, whose case is detailed in The Request, stayed months confined in The Tomb, where he was allegedly tortured, as reported by various NGOs and his relatives.

⁴⁴⁷ Foro Penal Venezolano: *Lorent Saleh* [Online] Available from: <https://foropenal.com/content/lorent-enrique-g%C3%B3mez-saleh> [Accessed 29 April, 2016]. Foro Penal Venezolano: *Gabriel Vallés* [Online] Available from: <https://foropenal.com/content/gabriel-valles-sguerzi> [Accessed 29 April, 2016].

⁴⁴⁸ La Noticia (2016): *Así es 'La tumba', las celdas de tortura venezolanas que denuncia Lilian Tintori*. 15 March, 2016 [Online] Available from: http://noticias.lainformacion.com/mundo/tortura-venezolanas-denuncia-Lilian-Tintori_0_898710364.html [Accessed 10 May, 2016]. Foro Penal Venezolano: *Lorent Saleh* [Online] Available from: <https://foropenal.com/content/lorent-enrique-g%C3%B3mez-saleh> [Accessed 29 April, 2016]. Foro Penal Venezolano: *Gabriel Vallés* [Online] Available from: <https://foropenal.com/content/gabriel-valles-sguerzi> [Accessed 29 April, 2016].

⁴⁴⁹ Runrunes: *Así es “La Tumba” del Sebin de Plaza Venezuela*. 11 February, 2015 [Online] Available from: <http://runrun.es/rr-es-plus/investigacion/186905/asi-es-la-tumba-del-sebin-de-plaza-venezuela.html> [Accessed 10 May, 2016]. ABC: *«La tumba», siete celdas de tortura en el corazón de Caracas*. 10 February, 2015 [Online] Available from: <http://www.abc.es/internacional/20150210/abci-tumba-celdas-tortura-venezuela-201502091144.html> [Accessed 10 May, 2016].

allowed to talk to them -not even through bars⁴⁵⁰. The preliminary hearing of their judicial process has been postponed 17 times⁴⁵¹.

2. Juan Miguel De Sousa

He is a 51-year old engineer, married and with three children -of which two are under age. He was detained by SEBIN officers after a raid practiced in his house on 21 January, 2015. He was accused of using a Twitter account (@enyukote) in which he supposedly published messages calling for rebellion. He has ever since confined in The Tomb and has been inflicted the “white torture”⁴⁵²

His health condition is worrying. Due to low temperatures in The Tomb, he has developed lung infection. He also has hypertension requiring cardiologic assistance, and has a dentist infection that is affecting his ear. He was once found unconscious in his cell and had to be transferred to the hospital⁴⁵³.

Serious human rights violations -including violations to due process- have been reported by his attorneys. His judicial file has been in three different courts and his process has been postponed more than nine times⁴⁵⁴.

FPV has argued that, after almost two years of the arrest of the three detainees confined in The Tomb, without being sentenced, the judicial process has become a punishment itself, and they must remain free while their processes take place, as stated in the Venezuelan Constitution. They must also receive medical assistance, since their health has considerably declined during confinement⁴⁵⁵.

3. Leopoldo López

As previously stated, Leopoldo López has been arbitrarily arrested for more than two years at *Ramo Verde*. The conditions of his imprisonment have worsened with time. He has been in solitary confinement for one year, which constitutes prolonged psychological torture.

⁴⁵⁰ Notitarde (2014): *Denuncian tortura psicológica contra Lorent Saleh en el Sebin*. 27 November, 2014 [Online] Available from: <http://www.notitarde.com/Valencia/Denuncian-tortura-psicologica-contra-Lorent-Saleh-en-el-Sebin-2293073/2014/11/27/410484/> [Accessed 29 April, 2016].

⁴⁵¹ Foro Penal Venezolano: *Lorent Saleh* [Online] Available from: <https://foropenal.com/content/lorent-enrique-g%C3%B3mez-saleh> [Accessed 29 April, 2016].

⁴⁵² Foro Penal Venezolano: *Juan Miguel De Sousa* [Online] Available from: <https://foropenal.com/content/juan-miguel-de-sousa> [Accessed 29 April, 2016].

⁴⁵³ Foro Penal Venezolano: *Juan Miguel De Sousa* [Online] Available from: <https://foropenal.com/content/juan-miguel-de-sousa> [Accessed 29 April, 2016].

⁴⁵⁴ Foro Penal Venezolano: *Juan Miguel De Sousa* [Online] Available from: <https://foropenal.com/content/juan-miguel-de-sousa> [Accessed 29 April, 2016].

⁴⁵⁵ Foro Penal Venezolano (2016): *Jóvenes presos por protestar en el PNUD cumplieron 2 años detenidos y deben ser liberados según la ley*. 10 May, 2016 [Online] Available from: <https://foropenal.com/node/2427> [Accessed 19 May, 2016].

Out of the 2 years and 3 months that López has been arbitrarily arrested, he has been in solitary confinement for 12 months. During the week, Leopoldo López only has 16 hours of visits, and during those hours only his direct family members and defense attorneys⁴⁵⁶ are authorized to visit him. Thus, out of the 168 hours in a week, Leopoldo López spends a total of 152 hours in isolation or solitary confinement, which due to the imprisonment conditions constitute an act of psychological torture.

Likewise, Leopoldo López continues being a victim of violation of the attorney-client privilege. On this matter, the attorney Juan Carlos Gutiérrez has indicated that: *"I see him [Leopoldo López] twice a week. I always have two work sessions with him. They allow a maximum of one hour per interview. Not only is the place enclosed, but it has microphones and cameras. There is no respect for the attorney-client privilege. Additionally, the notes of my defense are reviewed by military officers, although they are confidential documents. They are examined when I enter and when I leave. That is illegal. I always criticize and denounce this. I have even denounced it to the Inter-American Commission on Human Rights and the United Nations (...). This only happens in Leopoldo López' case. With other prisoners that I have defended, I have not felt the same pressure or the same aggression by the State"*⁴⁵⁷.

It must be emphasized that Leopoldo López is the only person confined in a 4-storey tower. His 2x3 meter diameter cell is located in the fourth floor of this tower. In order to access his isolation cell, it is necessary to go through 10 doors and open 12 padlocks. This is shown in a video published by one of the most read news portal in Venezuela, whose text is transcribed below: *"Leopoldo López, declared prisoner of conscience by Amnesty International, has been unjustly incarcerated for 2 years. Of these 2 years he has been in solitary confinement, for 12 months. Solitary confinement, according to the UN, constitutes a cruel, inhuman or degrading, or even torture (...). The only people authorized to visit [Leopoldo López] are his direct family members and his attorneys (...). Out of the 168 hours in a week, Leopoldo López spends 152 hours in complete solitary confinement. Leopoldo is the single prisoner in a 4-storey tower (...). To reach his cell, it is necessary to go through 10 doors, 12 padlocks and climb 33 steps. His days pass by in a 2-3 [mt] cell, where he is only allowed to have a bible and 10 books"*⁴⁵⁸.

Leopoldo López's incarceration conditions have worsened in the past months. At the end of March 2016, Jared Genser, Leopoldo López's international attorney, filed before the

⁴⁵⁷ El Español (2015): *"Nuestro deseo de justicia va por encima de nuestra vida"*. 16 November, 2015 [Online] Available from: http://www.elespanol.com/mundo/20151113/78992162_0.html [Accessed 9 May, 2016].

⁴⁵⁸ La Patilla (2016): *El inhumano aislamiento en solitario al que está sometido Leopoldo López*. Youtube. 4 de mayo de 2016 [Online] Video available from: <https://www.youtube.com/watch?v=k-vnmgQhZE8> [Accessed 9 May, 2016].

Special Rapporteur on Torture and other cruel, inhuman or degrading treatment -Mr. Juan Mendez- a petition to update Leopoldo López' current situation in prison, and a follow-up on the appeal asking for urgent assistance, dated 29 July, 2014.

In his complaint, Mr. Genser described the arrest situation of Leopoldo López and added: *"López currently spends most of his day in an isolated prison building where he is the only detainee. He is occasionally allowed to attend mass at the prison, but guards accompany him and prevent him from having any meaningful social contact with the priest or other prisoners, such that he has no real respite from years of enforced solitary confinement, which amounts to psychological torture. Colonel Vilorio, the director of Ramo Verde, told Mr. López at that time, 'Anyone can come, they can ask whatever they want –they are buffoons that make no difference, all that matters, is what I say'"*⁴⁵⁹.

Leopoldo López himself has described his solitary confinement situation in his book *Preso pero Libre*, when he points out that: *"I write these lines when I am about to complete a new period of solitary confinement, in fact that has been the situation in which I have spent most of my incarceration (...). Today, is my eighth day in solitary confinement and with this new punishment, I have been completely isolated for seven months. Half the time I have been in Ramo Verde, I have been in solitary confinement"*⁴⁶⁰.

President Nicolás Maduro, the deputy of the National Assembly, Diosdado Cabello, and Colonel José Salvador Vilorio are responsible for the worsening of Leopoldo López's incarceration conditions and for the psychological torture to which he is subjected.

D. Persecution against any identifiable group on political grounds

A significant number of civilians, coming from a variety of origins, professions and ideologies -particularly, Human Rights and NGO leaders, political activists and lawyers- have been victim of persecution by receiving serious and repeated threats and attempts to their lives and liberties, on the basis of their political beliefs or for expressing dissent.

Some of the most prominent cases are:

1. Humberto Prado

The Governor of Aragua State -Tareck El Aissami- in recent statements uttered verbal aggressions against Humberto Prado, Director of the *Observatorio Venezolano de Prisiones*

⁴⁵⁹ Genser, Jared (2016): *Torture and Cruel, Inhuman, and Degrading Treatment of Leopoldo López Mendoza, Lilian Tintori, and Antonieta Mendoza de López*. 23 March, 2016 [Online] Available from: <http://perseus-strategies.com/wp-content/uploads/2016/03/Complaint-to-UN-Special-Rapporteur-on-Torture-Leopoldo-Lopez-Lilian-Tintori-and-Antonieta-Mendoza-3.23.16.pdf> [Accessed 9 May, 2016].

⁴⁶⁰ López, L (2016): *Preso pero Libre*. Spain, Peninsula, p. 156 and 159. Available in iBooks. <https://itun.es/us/MCWLab.i>

(Venezuelan Observatory on Prisons), as follows: "I was not even born when you were already a PRAN at the Venezuelan General Penitentiary."⁴⁶¹ It must be remarked that the acronym PRAN, in Venezuelan prison slang, is used by interns to refer to the prison's leaders and means *Preso Rematado, Asesino Nato* (topped off prisoner, born killer).⁴⁶²

As a consequence of these declarations made by Governor El Aissami, Amnesty International issued an Urgent Action in favor of Prado: "*Venezuelan human rights defender Humberto Prado Sifontes has been threatened for his work scrutinizing prisons. Humberto, his family and his colleagues from the NGO Observatorio Venezolano de Prisiones are at risk.*"⁴⁶³

2. Jesus "Chúo" Torrealba

Militants from the political parties *Acción Democrática*, *Un Nuevo Tiempo* and *Primero Justicia* -all members of MUD- have also been subjected to persecution. Such is the case of opposition leader Jesús "Chúo" Torrealba -MUD's Executive Secretary- who was assaulted on 6 May, 2016 by several members of violent pro-government paramilitary groups (*colectivos*). After throwing rocks and beating up Torrealba, they tried to surround him by hitting him in the face, while they repeatedly yelled in a threatening tone: "Fill him with slug!" (an expression meaning "shoot him")⁴⁶⁴.

The aggression against Torrealba -who was able to defend himself from the many attackers- occurred in front of PNB officials, who did not intervene. Some journalists affirmed that the *colectivo* members that attacked him are the same that use to stay around the National Assembly office, with the purpose of threatening people. This incident was recorded by amateur videos -even the host of a program broadcast by the official TV channel *Venezolana de Televisión* recorded it-, and was widespread by both the

⁴⁶¹ El Nacional (2016): *El Aissami a Humberto Prado: "Yo no había nacido y tú ya eras un pran de la PGV"*. April 30, 2016 [Online] Available from: http://www.el-nacional.com/politica/Aissami-Humberto-Prado-nacido-PGV_0_839316140.html [Accessed 9 May, 2016].

⁴⁶² Aporrea (2011): *¿Quién las pasa? Las granadas, ametralladoras, revólveres, pistolas, mujeres, droga*. 19 June, 2011 [Online] Available from: <http://www.aporrea.org/contraloria/a125348.html> [Accessed 15 May, 2016].

⁴⁶³ Amnesty International: *Urgent Action*. 6 May, 2016 [Online] Available from: <https://www.amnesty.org/download/Documents/AMR5339522016ENGLISH.pdf> [Accessed 15 May, 2016].

⁴⁶⁴ Sumarium (2016): *Chavistas agredieron a "Chúo" Torrealba en La Candelaria*. 29 April, 2016 [Online] Available from: <http://sumarium.com/agredieron-a-chuo-torrealba-en-la-sede-de-corpoelec-en-caracas/> [Accessed 6 May 2016]. El País Internacional (2016): *¡Metele Plomo!, la Agresión a Chuo Torrealba, líder opositor de Venezuela*. 29 April 2016 [Online] Available from: http://internacional.elpais.com/internacional/2016/04/29/america/1461955047_588807.html [Accessed 6 May 2016]

national and the international media, and has been harshly condemned by national and international political sectors and civil society members⁴⁶⁵.

E. Deportations and forcible transfers of population

As stated before, since August 2015, the GoV has mobilized national security forces to Táchira state -in the border with Colombia- after President Maduro authorized an OLP deployment in such territory, resulting in thousands of returnees and deportees -some of them had been recognized as victims of the Colombian armed conflict by Colombia's Victims Registry, had begun the asylum request or had been recognized as refugees.

After an incident in which paramilitaries allegedly attacked three GNB members, President Maduro decided to close the border with Colombia, and made a hostile statement against Colombia and some of its citizens. At the same time, President Maduro declared a state of emergency in Táchira state, which entailed the suspension of rights, including the right to be presented a court order before executing house raids. After this, national security forces were mobilized in order to deploy an OLP⁴⁶⁶.

Victims and witnesses informed that the only criteria used by Venezuelan agents was their nationality. They would ask people: "are you Venezuelan or Colombian?". If they answered the latter, they were deported regardless of their legal status in the country or the existence of minor children. Some of the deportees were only allowed to put shoes on the children. Some of the xenophobic reasons given by security agents to deportees as to why they were forced to leave the country were that "Colombians are paramilitaries, drug dealers and criminals"⁴⁶⁷.

As reported by victims to the Inter-American Commission on Human Rights and Colombia's People Defender's Office, in the course of such deportations, hundreds of them were forcible evicted and their houses were subsequently demolished. Many of the Colombian citizens reported suffering physical abuse, being stolen and separated from their families by Venezuelan security agents -some children born in Venezuela were

⁴⁶⁵ *Oficialistas agreden a Chuo Torrealba y manifestantes durante protesta Ccs.* Youtube. 29 April 2016 [Online] Video available from: <https://www.youtube.com/watch?v=wnWdlRoTydU> Accessed [12 May 2016].

⁴⁶⁶ El Heraldo (2015): *El drama de los deportados colombianos por crisis en la frontera con Venezuela*. 25 August, 2015 [Online] Available from: <http://www.elheraldo.co/nacional/el-drama-de-los-deportados-colombianos-por-crisis-en-la-frontera-con-venezuela-213349> [Accessed 10 June, 2016]. Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁶⁷ El Heraldo (2015): *El drama de los deportados colombianos por crisis en la frontera con Venezuela*. 25 August, 2015 [Online] Available from: <http://www.elheraldo.co/nacional/el-drama-de-los-deportados-colombianos-por-crisis-en-la-frontera-con-venezuela-213349> [Accessed 10 June, 2016].

temporarily separated from their parents and other relatives with Colombian nationality. They were allegedly taken to an area where they were forced to remain standing under the sun, without water, food or hygienic services for up to 12 hours⁴⁶⁸.

After being arbitrarily detained for up to 14 hours by Venezuelan authorities, without warrants, some Colombian citizens -including children and people with disabilities- were massively deported in groups. During this process, Venezuelan agents consistently stole their money and other belongings, beat them, mistreated children and insulted men and women -calling them “paramilitaries” and “whores”⁴⁶⁹.

The thousands of Colombian citizens that decided to flee the country fearing being victim of the abuses committed against their fellow citizens, had to cross the border through the Táchira river, by feet, carrying beds, chairs, closets, mattresses, animals and all the objects they could save from their houses⁴⁷⁰, an action cruelly described by the Governor of Táchira as “paramilitary style”⁴⁷¹. A humanitarian corridor had to be established by the Red Cross in order to move the patients requiring medical assistance⁴⁷².

From testimonies gathered by the media and NGOs assisting refugees in Colombia -some of them included in PROVEA and HRW’s report- it has been documented that the following stories occurred in the context of deportations:

- On August 2015, two GNB members broke into a salon, where Marta López (pseudonym) was working and obliged her to give them 50,000 bolivars (approximately 7,000 US\$ as at that date). Later that night, they broke into the

⁴⁶⁸ BBC Mundo (2015): *Venezuela: mientras siguen deportaciones hacia Colombia, Maduro dice que no ve "en el corto plazo" apertura de la frontera*. 25 August, 2015 [Online] Available from:

http://www.bbc.com/mundo/noticias/2015/08/150825_venezuela_frontera_colombia_maduro_dp

[Accessed 10 June, 2016]. Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁶⁹ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁷⁰ BBC Mundo (2015): *El dramático éxodo de los colombianos que abandonan Venezuela con todas sus pertenencias a cuestas*. 26 August, 2015 [Online] Available from:

http://www.bbc.com/mundo/noticias/2015/08/150826_colombia_venezuela_frontera_exodo_colombianos_rio_vj_nc [Accessed 11 May, 2016].

⁴⁷¹ El Espectador (2015): *Gobernador del Táchira admite "gran daño" causado tras marcar casas de colombianos deportados*. 6 September, 2015 [Online] Available from:

<http://www.elespectador.com/noticias/elmundo/gobernador-del-tachira-admite-gran-dano-causado-tras-ma-articulo-584273> [Accessed 10 June, 2016].

⁴⁷² El Heraldo (2015): *El drama de los deportados colombianos por crisis en la frontera con Venezuela*. 25 August, 2015 [Online] Available from: <http://www.elheraldo.co/nacional/el-drama-de-los-deportados-colombianos-por-crisis-en-la-frontera-con-venezuela-213349> [Accessed 10 June, 2016].

apartment where she was staying, pointed her with a gun, beat her and forced them to practice oral sex in one of them. She was also stolen 27,000 bolivars (approximately 3,800 US\$ as at that date). After this incident, Marta fled to Colombia⁴⁷³.

- On 20 October, 2015, GNB members broke in the house of María Gómez (pseudonym) while she was discussing with his husband. When they realized María was Colombian, they told her she would be deported without her children, since they were born in Venezuela and, for that reason, they were “homeland children”. María started to cry and yell she would not leave her children. Other GNB agents got in the house and beat her in the face, the legs and the belly. She was later told to leave and not return. María was one of the deportees recognized by Colombia’s Victims Registry as a victim of the Colombian armed conflict, for having been threatened by armed groups in her country⁴⁷⁴. Something similar happened to Gustavo Sanjuan (real name), who has eight children, including two girls born in Venezuela. When he claimed that situation, security agents tried to take them away from their parents⁴⁷⁵.
- Ana Silvia Leal (real name), aged 80, was deported and separated from his husband, who had a terminal disease and was about to die, but stayed in Venezuela⁴⁷⁶.
- Roger Nadin Cardona (real name), aged 60, arrived in Colombia with seven members of his family, including children and grandchildren. He affirmed that GNB members forced them to leave the neighborhood. Since he does not family in Colombia, he had to spend the night with his family out in the open⁴⁷⁷.
- Abel Antonio Pacheco (real name) explained his house was marked with a “D” -to be demolished. Venezuelan security agents did not allow them to take anything, not

⁴⁷³ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁷⁴ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁷⁵ El Heraldo (2015): *El drama de los deportados colombianos por crisis en la frontera con Venezuela*. 25 August, 2015 [Online] Available from: <http://www.elheraldo.co/nacional/el-drama-de-los-deportados-colombianos-por-crisis-en-la-frontera-con-venezuela-213349> [Accessed 10 June, 2016].

⁴⁷⁶ BBC Mundo (2015): *Venezuela: mientras siguen deportaciones hacia Colombia, Maduro dice que no ve "en el corto plazo" apertura de la frontera*. 25 August, 2015 [Online] Available from: http://www.bbc.com/mundo/noticias/2015/08/150825_venezuela_frontera_colombia_maduro_dp [Accessed 10 June, 2016].

⁴⁷⁷ BBC Mundo (2015): *El dramático éxodo de los colombianos que abandonan Venezuela con todas sus pertenencias a cuestas*. 26 August, 2015 [Online] Available from: http://www.bbc.com/mundo/noticias/2015/08/150826_colombia_venezuela_frontera_exodo_colombianos_rio_vj_nc [Accessed 11 May, 2016].

even their baby's bottle, thus she could not be fed until they arrived in the Colombian side of the border⁴⁷⁸

In spite of the serious stories told by victims and witnesses to the media and to NGOs, the Governor of Táchira -José Viela Mora- stressed that during deportations there were no human rights violations and that no one was "wounded, dead, beaten, tortured or humiliated". He rather blamed the Colombian media for "taking profit deceiving people and distorting international news" and accused them for violating the Venezuelan territory and "the possibility of defending our nation", since they approached the border and crossed the Táchira river for taking pictures⁴⁷⁹.

IV. Jurisdiction

A. Territorial and temporal jurisdiction

Since Venezuela ratified the Rome Statute on 7 June 2000⁴⁸⁰, as stated in The Request, the Court has jurisdiction over crimes perpetrated in the territory and/or by nationals of Venezuela since 1 July, 2002. As such, the alleged crimes which form the focus of this addendum, committed since on or about February 2014 until 15 May, 2016 are under the temporal jurisdiction of the Court.

B. Material jurisdiction of the Court

As stated in Chapter III, upon conducting research of corroborated open source material available on the crimes committed in the territory of Venezuela, since February 2014, the authors have concluded that:

a) The violence on the territory of Venezuela during the relevant period has reached unprecedented levels, and that during and in the context of this attack, the following crimes against humanity have been committed: (i) murder, pursuant to Article 7(a); (ii) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, pursuant to Article 7(e); (iii) torture, pursuant to Article 7(f); (iv) persecution against any identifiable group on political grounds, pursuant to Article 7 (h);

⁴⁷⁸ El Heraldo (2015): *El drama de los deportados colombianos por crisis en la frontera con Venezuela*. 25 August, 2015 [Online] Available from: <http://www.elheraldo.co/nacional/el-drama-de-los-deportados-colombianos-por-crisis-en-la-frontera-con-venezuela-213349> [Accessed 10 June, 2016].

⁴⁷⁹ Miami Diario (2015): *Gobernador de Táchira: Deportaciones de colombianos concluyeron sin violar derechos*. 27 August, 2015 [Online] Available from: <http://www.miamidiario.com/politica/venezuela/colombia/derechos-humanos/deportaciones/colombianos/tachira/jose-vielma-mora/343628> [Accessed 10 June, 2016].

⁴⁸⁰ Venezuela signed on 14 October 1998 and deposited its instrument of ratification of the Rome Statute on 7 June 2000. ICC (2003): *Venezuela. International Criminal Courts*. 11 March, 2003 [Online] Available from: http://www.icc-cpi.int/en_menus/asp/states%20parties/latin%20american%20and%20caribbean%20states/Pages/venezuela.aspx [Accessed 19 October, 2015].

(v) other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, pursuant to Article 7 (k); and, deportation or forcible transfer of population, pursuant to Article 7 (d) of the Rome Statute.

b) There is a wealth of reliable and corroborated open source information which demonstrates that the GoV, under the leadership of President Maduro, has adopted a state policy to attack part of the civilian population, in order to prevent, restrict, monitor, and punish dissent, exert an almost limitless social and political control over people, and cover up crimes, with the final purpose of retaining power by all means, including the commission of crimes against humanity.

C. Groups and individuals involved in the commission of the crimes

All of the crimes allegedly committed since early February 2014, appear to fall within the jurisdiction of the ICC. In both The Request and this addendum, the authors have provided summarized information on the places and the time-period of the alleged commission of the crimes, as well as the territorial, temporal and material jurisdiction of the Court. The elements of the crimes will be provided hereinafter.

It is to be noted that while general allegations have been made in relation to each crime, relying on open source corroborated by civil society organizations, selected specific incidents that are particularly illustrative of the allegations were also presented to illustrate the serious nature of the allegations and to demonstrate that there is at least substantial grounds to suspect that crimes within the jurisdiction of the Court are being committed, requiring further analysis and consideration by the Office of the Prosecutor, through the preliminary examination process, based on Articles 15 and 53 1. (a) and (c) of the Rome Statute.

In this item, a profile regarding the persons or groups involved in the commission of the crimes is presented.

1. The crimes against humanity for political reasons or as a consequence of dissent

As reported in The Request, the information available demonstrates that the murders, arbitrary arrests, persecutions, tortures and other inhumane acts, committed against people expressing dissent or perceived as such, and/or during and in the context of the demonstrations that started in February 2014 and have continued to the present date, were perpetrated [REDACTED]

The information available suggests that this course of conduct was designed, organized and formalized at the highest level of the state apparatus, and was executed by at least the following individuals:

[REDACTED]

2. OLP deployments

The information available demonstrates that the murders, arbitrary arrests, tortures or other inhumane acts, and deportations and forcible transfers of population, allegedly committed during and in the context of the OLP deployments, were perpetrated by:

[REDACTED]

3. The Tumeremo massacre

Finally, the information available demonstrates that the murders and the arbitrary arrest of one journalist committed during and in the context of the Tumeremo massacre were perpetrated by:

[REDACTED]

D. Contextual elements of the crime

In Articles 7(1) and 7(2)(a) of the Rome Statute, five contextual elements for crimes against humanity are encompassed: (i) an attack directed against any civilian population, (ii) a state or organizational policy, (iii) the widespread or systematic nature of the attack, (iv) a nexus between the individual act and the attack, and (v) knowledge of the attack. As specified in The Request, in light of the nature of its current stage, the mental element under article 30(3) of the Statute has been addressed by outlining the role of the individuals who are clearly implicated at the highest level of the GoV.

1. Civilians as the primary target of the attack

Pursuant to article 7(2)(a) of the Rome Statute, "*Attack directed against any civilian population* means a course of conduct involving the multiple commission of acts referred

to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack”.

Given the absence of a militarized opposition to the GoV, all those targeted by the GoV are civilians protected under common Article 3 of the Geneva Convention⁴⁸¹, most of them being particularly vulnerable due to the fact that they are unarmed.

For over the past years, the GoV has launched violent attacks against civilians targeted as criminals or State enemies. The GoV’s response to the demonstrations and other expressions of dissent, since February 2014, clearly amounts to a course of conduct involving the commission of multiple acts directed solely against the civilian population, especially, against those identified as being political dissenters. Such acts have also been committed against civilians perceived as obstacles to the imposition of both the GoV’s agenda and its almost limitless control over the population, pursuant to a pre-established policy, in order to retain power by all means. For achieving this purpose -and as it appears from the available information, detailed in The Request and this addendum- the GoV has deployed military, national and local security forces -in some cases, along with pro-government armed paramilitaries or organized crime gangs.

The widespread and systematic attacks against civilians, committed by the GoV, under the leadership of President Maduro, have been carried out: (i) in response to expressions of dissent, especially during, in the context and after a largely peaceful uprising by unarmed civilians, which started in early February 2014, prompted by the deteriorating socio-economic crisis in Venezuela, and which have continued, in various ways and several states, to the present date; (ii) in the context of OLP deployments, executed by military and law enforcement agencies throughout the country, to allegedly control criminality, through the disproportionate use of force, since July 2015; and (iii) in order to take control over territories in the south of the country, where mines compromised to transnational companies are located, some of which are under the control of armed groups linked to organized crime, resulting in the massacre of at least 21 people, in March 2016⁴⁸².

Since May 2013, President Maduro himself and high level public officials have openly

⁴⁸¹ ICC. *Prosecutor v Tadic*. Judgment Trial Chamber. 7 May 1997. paras. 637-638; ICC. *Prosecutor v Akayesu*. Judgment Trial Chamber. 2 September. 1998 para. 582; ICC. *Prosecutor v Brima et al.* Decision on Defence motions for Judgment of Acquittal Pursuant to Rule 98. 31 March, 2006. para. 42; ICC. *Prosecutor v Brima et al.* Trial Judgment. 20 June, 2007. para. 216

⁴⁸² The purpose would be to “clean” the mines located in Tumeremo, from local miners, through national security forces and organized crime gangs, aiming at giving them to the transnational companies -free of miners- to which the GoV granted concessions.

denounced civilians perceived as dissidents and accused them of conspiracy and other related charges, promising to use an iron fist against them and to put them all in jail. They have also criminalized and targeted them for persecution. Since President Maduro took office, he and his high-level officials have loosely brand as “fascist”⁴⁸³ anyone who disagrees with the regime -this is how dissenters have been labeled since *Chavismo* came to power- and have targeted as criminals all those perceived as obstructing the imposition of the GoV’s excessive control and agenda, being subsequently attacked for this reason.

Since February 2014, there have been several attacks ordered by the GoV and executed by the FANB, the national security forces, the national intelligence services and the different state-level security forces, sometimes, along with pro-government paramilitaries or organized crime gangs, against unarmed civilians. Like they were following a script, after attacking civilians, on a regular basis, the GoV discredits the victims of such abuses criminalizing and blaming them for the crimes they are victim of. In some instances, the GoV disregards, minimizes and/or tries to hide the commission of the crimes against humanity they are responsible for. Should victims or survivors dare to denounce such crimes, they are threatened, imprisoned or tortured; investigations are not appropriately carried out; they are not granted proper compensations and justice is not done. Whether they are students protesting against crime rates, citizens pacifically demanding changes to GoV policies, journalists and human rights activists reporting about incidents implicating the regime, opposition members exercising their civil rights, individuals living in dangerous communities where the GoV wants to impose their “peace” rules and their excessive social and political control, or workers who happen to develop their activities in areas controlled by criminal groups that allegedly act coordinately with national security forces and which are compromised to foreign companies, they are all identified as enemies of the State and hurdles for the GoV’s objectives.

As reported in The Request, since February 2014, civilians have taken part in several demonstrations, as a consequence of the deteriorating socio-economic crisis in Venezuela and the weakening of democracy. Spontaneous and initially peaceful protests have been quelled with disproportionate violence by military, law enforcement and intelligence agencies, leading to several civilian casualties -for reasons as futile as taking pictures and filming the attacks with their mobile phones. The attacks designed, organized and executed by the GoV against civilians perceived as dissidents and enemies of the State, branded as criminals, by virtue of their political opposition to the GoV, have resulted in

⁴⁸³ More than a term used for categorization in the political discourse, “fascist” has been used by Maduro as a political weapon of condemnation intended to brand perceived dissidents and label them as enemies of the State, making them criminals. BBC (2009): *What is a fascist?* 20 October, 2009 [Online] Available from: <http://news.bbc.co.uk/1/hi/magazine/8316271.stm> [Accessed 24 October, 2015].

the death, the arbitrary arrest, the imprisonment and the torture of thousands of people in the country. They have also involved civilians who have been injured, persecuted and threatened, from a variety of origins, professions and ideologies.

With time, events have further escalated and have led to demonstrations throughout the country, calling for the release of political prisoners and for the respect of people's rights, in the context of protests and other political activities or social expressions. Many acts of disproportionate repression are constantly reported, including the indiscriminate use of live ammunition by law enforcement agents and pro-government armed paramilitaries.

Women have been particularly affected by these attacks -either by being assaulted during demonstrations, or simply as bystanders, due to their gender. The percentage of women affected by human rights violations in the country has increased since February 2014. Members of GNB, SEBIN, police corps and pro-government armed paramilitaries have attacked women through physical violence (assault and injuries), psychological violence (harassment and general threats) and sexual violence (sexual harassment and threats).

Likewise, underage people have been victim of serious assaults by the GoV, through its military and law enforcement agencies. As at May 2015, 373 minors or teenagers had been detained, in many cases, without properly respecting due process and other guarantees enshrined in the Venezuelan Constitution⁴⁸⁴.

Since February 2014, thousands of demonstrations have taken place in the country, as informed by the media and local NGOs. Only in 2014, a total of 9,286 demonstrations were reported by the OVCS, while 5,851 protests were documented in 2015⁴⁸⁵. Likewise, attacks against civilians participating in these demonstrations have been reported on a systematic basis, resulting in deaths, arbitrary arrests and injured people during and after most of them. Tortures and other cruel and inhuman treatments inflicted during detention and arrest, and against political prisoners -some of them ongoing- have been constantly reported, as well, since two years ago. None of these reports have stopped in

⁴⁸⁴ Amnesty International (2015): *Venezuela: Balance de derechos humanos tras un año de las protestas*. 24 March, 2015 [Online] Available from: <https://www.es.amnesty.org/uploads/media/DatosYCifrasVenezuelaMarzo2015.pdf> [Accessed 19 October, 2015]. Foro Penal Venezolano (2015): *Politically motivated detentions, torture, other cruel, inhuman or degrading treatment, and killings (2014-2015)*. Published by United Nations [Online] Available from: http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VEN/INT_CCPR_CSS_VEN_20238_E.pdf. Please note that while the AI figures relate to the period from February 2014 to March 2015, the Foro Penal figures cover the period from February 2014 to May 2015. Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Crueles, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 22 May, 2016].

⁴⁸⁵ EL Universal (2016): *ONG contabilizó 16 protestas diarias en Venezuela en 2015*. 27 January, 2016 [Online] Available from: http://www.eluniversal.com/noticias/politica/ong-contabilizo-protestas-diarias-venezuela-2015_4091 [Accessed 12 June, 2016].

the last years, in spite of all the documents, opinions and recommendations issued by international and regional organizations.

It is also worth noting that the population did not necessarily lose its civilian status merely by the fact that some individuals within the population did not fall within the definition of civilians according to Additional Protocol I, Article 50⁴⁸⁶. The *modus operandi* of the national security forces and of the pro-government armed paramilitaries in targeting civilians and using excessive force while indiscriminately attacking the crowds, including through the use of live ammunition, illustrates that the primary aim of the operations against the demonstrators was to attack the collective of mostly unarmed civilians and not “only a limited and randomly selected number of individuals (...).”⁴⁸⁷ The same applies to the individual acts of violence perpetrated against civilians after the demonstrations.

Since July 2015, OLP, a security model plan conceived by Maduro to face criminality, ordered by the Vice-Presidency and executed by military and law enforcement agencies, has been deployed throughout the Venezuelan territory. While the purpose of this operation is reportedly for “breaking up criminal groups”⁴⁸⁸ dedicated to the most serious crimes, in a country with one of the highest criminal rates in the world, its execution, in fact, breaches the Venezuelan Constitution, where it is established that State agencies and operations carried out for preserving citizens’ security must be formed and performed by civilians⁴⁸⁹.

After OLP’s first phase, as informed by the Minister of Interior, Justice and Peace, more than 200 people were arrested and 17 were “taken down” -a term commonly used by the GoV, when releasing official information on OLPs, referring to people that were killed. The number of agents deployed for these operations, as well as the number of casualties and arrested people continue to increase as OLPs are carried out. Two months after the first OLP, roughly 900 agents were deployed in Vargas and Zulia states, resulting in the death and detention of members of the communities where these operations were executed, according to official information. A new OLP -identified by President Maduro as OLP’s “second phase”- was executed on May 2016, in slums located in Caracas and in Vargas state, as informed by the Minister of Interior, Justice and Peace. More than 3,000 agents from CICPC, SEBIN, GNB and PNB were deployed, reinforced by the use of drones,

⁴⁸⁶ ICC. *Prosecutor v Tadic*. Trial Judgment. 7 May, 1997. para 638; ICC. *Prosecutor v Akayesu*. Judgment Trial Chamber. 2 September. 1998. para 582

⁴⁸⁷ ICC. *Prosecutor v Brima et al*. Trial Judgement. 20 June, 2007. para 217

⁴⁸⁸ El Nacional (2015): *OLP se despliega este viernes en Caracas*. 11 December, 2015 [Online] Available from: http://www.el-nacional.com/politica/OLP-Caracas_0_754724625.html [Accessed 21 May, 2016].

⁴⁸⁹ Articles 55 y 332 of the Venezuelan Constitution.

armored cars from the FANB, and some other 650 vehicles⁴⁹⁰. New civilian casualties were reported -its exact number remains conveniently undisclosed by GoV authorities- for allegedly “confronting agents”, and dozens of people remained arrested, after the detention of more than one thousand people, according to official information⁴⁹¹.

Significant evidences analyzed by human rights NGOs indicate that members of security forces have committed several and serious attacks against civilians, through OLPs, including extrajudicial executions, arbitrary detentions and arrests, torture, unlawful evictions, house destructions, massive arbitrary deportations of Colombian citizens and forcible transfers of population. OLP’s officers deal with crimes by non-democratic means, committing abuses and police excess in working-class neighborhoods, in what has been considered a *razzia* against poor people and other society groups⁴⁹².

Moreover, until February 2016, at least 245 people were murdered during OLP deployments, based on official information⁴⁹³. This number does not include the results of the last OLP, deployed in May 2016; therefore, the current number of dead people is higher. It is feared civilians’ executions have been covered under the “confrontation with authorities” description provided by the GoV when explaining such deaths, given the high disproportion between the civilian and the military/police casualties. Several testimonies about individuals who were reportedly murdered after being already neutralized by authorities, posing no threat and/or putting up no resistance, have been gathered by

⁴⁹⁰ Analítica (2016): *El guión oculto de las OLP*, por Javier Ignacio Mayorca. 18 May, 2016 [Online] Available from: <http://www.analitica.com/actualidad/el-guion-oculto-de-las-olp-por-javier-ignacio-mayorca/> [Accessed 21 May, 2016].

⁴⁹¹ Panorama (2016): *Despliegue de OLP en Caracas dejó nueve abatidos*. 10 May, 2016 [Online] Available from: <http://www.panorama.com.ve/sucesos/Despliegue-de-OLP-en-Caracas-dejo-nueve-abatidos--20160510-0058.html> [Accessed 21 May, 2016].

⁴⁹² Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁹³ Until February 2016, the Minister of Interior Justice and Peace informed that 245 people died during OLP raids (of which the states where more casualties were reported were: Carabobo (84), Bolívar (49), the Capital District (27), Miranda (13) and Falcón (12)). COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016]. Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016]. Asamblea Nacional (2016): *Informe Anual 2015* [Online] Available from: http://www.mp.gob.ve/c/document_library/get_file?uuid=010ba734-247c-4da1-859f-1ae55772d7b5&groupId=10136 [Accessed 23 April, 2016].

renown NGOs. This situation -along with the few security forces casualties- would evidence how doubtful the GoV's explanations are. This would also suggest the disproportionate use of lethal force against civilians⁴⁹⁴.

Likewise, according to witnesses and NGOs, members of security forces have carried out massive and arbitrary detentions, without arrest warrants. As reported by official sources, in seven months, 14,000 people were imprisoned, of which only 100 were finally charged for having connections with crimes, evidencing detentions were made indiscriminately. Many of them reported they were beaten and victim of other kinds of physical abuse, while others claimed their houses were looted and some of their goods were stolen as raids and detentions took place. Some have also reported alleged tortures and other inhumane acts were inflicted during the aforementioned detentions⁴⁹⁵.

Other abuses against civilians, in the context of OLPs, have been committed through arbitrary evictions and destruction -without any previous notice- of the homes of at least 1,490 low income families. Thousands of houses were also object of raids, without court orders. There have also been complaints that while raids were carried out, people were beaten and first need goods were stolen by military and police forces. Several families have been victims of forcible transfers, as a consequence of OLPs⁴⁹⁶.

OLPs have institutionalized the military use of force in actions tending to preserve people's security, which should be carried out by police corps. The alleged crimes committed during these operations have affected the same people requiring their protection -most of them, members of the social group considered as the GoV's political base of support. Moreover, OLPs have been used not only as raids against crime but also

⁴⁹⁴ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁹⁵ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016]. COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

⁴⁹⁶ PROVEA (2016): *3 preguntas sobre OLP*. 7 April, 2016 [Online] Available from: <http://www.derechos.org.ve/2016/04/07/rafael-uzcategui-3-preguntas-sobre-olp/> [Accessed 22 April, 2016]. Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

as a tool for political and social control of civilians, covered under the “fight against paramilitary crime” speech. It evidences how any Venezuelan, regardless of their political, ideological and socio-economic origin -including those traditionally supported by the GoV- are defenseless before governmental abuses⁴⁹⁷. With the execution of OLP raids, the GoV’s ultimate purpose is to impose its agenda and retain power indefinitely, by any mean, including imposing an almost limitless power over the population, through the excessive use of force.

On March 2016, the information about the group of people reportedly massacred in Tumeremo, in Bolívar state, leaked the censorship imposed by the GoV, after relatives of the victims demonstrated demanding responses about the disappeared. It has been claimed that his area of the country is controlled by criminal groups in charge of illegal mining, and that murders occur frequently⁴⁹⁸.

As reported by witnesses, the day of the massacre a group of heavily armed men -some dressed as civilians and others wearing vests allegedly identified as CICPC and SEBIN officials- established a security checkpoint near Tumeremo, where they stopped and regrouped some 600 persons, who were held against their will, under death threats⁴⁹⁹. At least 21 of them, as informed by the OGP, were executed⁵⁰⁰. The plan was reportedly coordinated by *El Topo* -the leader of a local criminal group- who intended to take control over the mine, along with GoV’s security agents⁵⁰¹. Politicians from opposition groups have insisted that casualties are more than those recognized by the GoV, and that local criminal groups control the area, not even allowing the FANB to access them, imposing their own rules⁵⁰². The leader of the National Assembly’s Special Commission investigating

⁴⁹⁷ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁴⁹⁸ Local NGOs such as COFAVIC have already reported massacres committed in Bolívar state, which have remained unpunished after a “silence law” imposed by criminals. COFAVIC (2016): *Venezuela: El Estado es responsable por desaparición de los mineros de Tumeremo*. 14 March, 2016 [Online] Available from: <http://www.cofavic.org/venezuela-el-estado-es-responsable-por-desaparicion-de-los-mineros-de-tumeremo/> [Accessed 27 April, 2016].

⁴⁹⁹ COFAVIC (2016): *Informe Final sobre caso de los Mineros asesinados en Tumeremo estado Bolívar*. 13, May, 2016 [Online] Available from: <http://www.cofavic.org/informe-final-sobre-caso-de-los-mineros-asesinados-en-tumeremo-estado-bolivar/> [Accessed 27 April, 2016].

⁵⁰⁰ Runrunes (2016): *Los rostros e historias detrás de la masacre de Tumeremo*. 14 March, 2016 [Online] Available from: <http://runrun.es/rr-es-plus/253250/los-rostros-e-historias-detras-de-la-masacre-de-tumeremo.html> [Accessed 27 April, 2016].

⁵⁰¹ COFAVIC (2016): *Informe Final sobre caso de los Mineros asesinados en Tumeremo estado Bolívar*. 13, May, 2016 [Online] Available from: <http://www.cofavic.org/informe-final-sobre-caso-de-los-mineros-asesinados-en-tumeremo-estado-bolivar/> [Accessed 27 April, 2016].

⁵⁰² Runrunes (2016): *Américo De Grazia: Efectivos del Cicpc “escortaron” camión que trasladó a mineros asesinados*. 15 March, 2016 [Online] Available from:

the Tumeremo massacre denounced that people associated to the GoV -the Governor of Bolívar and the former Secretary for Citizens' Security and director of the Bolívar Police- are linked to the organized crime present in the mines located in an area of the state over which the GoV granted concessions to transnational companies. Particularly, the Special Commission has concluded that the Tumeremo massacre occurred due to a State criminal action, since GoV authorities are reportedly interested in "cleaning" such area, currently occupied by mine workers, aiming at giving them to the transnational companies free of miners, for which coordinated operations between national forces and gangs were executed. The Commission has also reported that criminal leaders are provided with police credentials and weapons that are used to commit their crimes against civilians⁵⁰³.

The Tumeremo massacre occurred in a highly militarized area and with a strong police control; however, armed groups have committed their crimes freely, evidencing the GoV has failed to adopt reasonable measures to protect civilians from attacks like this, which in fact could not be possible without the complicity and participation of GoV's officials and the acquiescence of President Maduro himself and other GoV's high-level officers.

In light of the above, there is clear information that the GoV has designed and consistently implemented a complex course of conduct targeted at the civilian population, since February 2014, and throughout 2015 and 2016, using various State entities, in order to prevent, restrict, monitor and punish dissent, as well as get rid of the people hindering its political and social control objectives, covering up crimes in many instances, with the final purpose to impose its agenda and retain power by all means⁵⁰⁴.

2. State Policy

Article 7(2)(a) of the Rome Statute imposes the requirement that the attack against any civilian population be committed "pursuant to or in furtherance of a State or organizational policy to commit such attack".

<http://runrun.es/nacional/venezuela-2/253497/americo-de-grazia-efectivos-del-cicpc-escoltaron-camion-que-traslado-a-mineros-asesinados.html> [Accessed 22 April, 2016]. Correo del Caroní (2016): *Protestantes en Tumeremo denuncian que mineros desaparecidos fueron masacrados*. 5 March, 2016 [Online] Available from:

<http://www.correodelcaroni.com/index.php/cdad/item/42900-protestantes-en-tumeremo-mineros-fueron-masacrados-y-desaparecidos> [Accessed 27 April, 2016].

⁵⁰³ Efecto Cocuyo (2016): *Américo de Grazia vincula al gobernador de Bolívar con "pranato" en el Arco Minero*. 10 May, 2016 [Online] Available from <http://efectococuyo.com/efecto-cocuyo/politikom/americo-de-grazia-vincula-al-gobernador-de-bolivar-con-pranato-en-el-arco-minero> [Accessed 17 May, 2016].

⁵⁰⁴ In The Request, the elements of the crimes are explained in detail regarding the crimes against humanity for political reasons or as a consequence of dissent, reported therein.

As stated in The Request, the introduction to elements of Article 7, when explaining the meaning of policy, states that “policy to commit such attack” requires that the State or organization actively promotes or encourages such attack against a civilian population. The footnote to the paragraph states “a policy, which has a civilian population as the object of the attack would be implemented by State or organizational action. Such a policy may, in exceptional circumstances, be implemented by a deliberate failure to take action, which is consciously aimed at encouraging such attack. The existence of such a policy cannot be inferred solely from the absence of governmental or organizational action”.

The GoV’s response to the demonstrations and other expressions of dissent, since February 2014, is clearly part of a course of conduct involving the commission of multiple acts directed against civilians, especially, against those identified as blocking the GoV’s intention to retain power indefinitely and by all means, pursuant to a pre-established policy. The available information indicates that such policy has been designed at the highest echelons of the State apparatus, led by President Maduro -including the national security forces, which in some instances were colluding with pro-government armed paramilitaries and organized crime gangs, whose members are reported to receive resources and other conveniences from the GoV.

The actions aiming to attack civilians have been temporally and geographically repeated. They have involved the coordinated mobilization and deployment of the national and local security forces -both military and police, and in some instances, along with pro-government armed paramilitaries and organized criminal gangs- throughout the Venezuelan territory, on a regular basis, since February 2014 to the present date. They are the result of the Homeland Security Plan, the OLP and the *Arco Minero* project, designed, organized and directed by President himself and other high level officials, most of who are active members of the military (e.g. the Minister of Defense; the Minister of Interior, Justice and Peace; the directors of SEBIN and PNB, and several governors). The plans to silence demonstrations and other dissent expressions, every time they arise, have involved military and police offensives in at least eight states⁵⁰⁵, since February 2014, while OLP officials have been regularly deployed in all the states of the country, since July 2015 -its first phase was carried out simultaneously in Aragua, Miranda and the Capital District; it was afterwards deployed in several other states of the Venezuelan territory and to the present date it has been executed in all the states of the country.

The incidents demonstrate an organized effort, to identify, target and punish particular individuals complying with certain profiles, branded as criminals and State obstacles, who

⁵⁰⁵ They are currently executed in any city where expressions of dissent arise.

would be likely to report about irregular incidents and crimes committed by the GoV, to voice their disagreement, or to prevent the GoV from exerting its control over the population, in order to impose, against people's will, its intentions and plans to retain power. Given the unequivocal *de jure* authority of the President over the military hierarchy -which thanks to its *de facto* control over the State's political branches is immune from accountability- along with the temporally and geographically coordinated offensives in several locations, it is demonstrated the state policy in the implementation of the attack against civilians. Both the military and police forces -along with *colectivos* and gangs- have responded to the President's call to deploy and attack dissenters and defenseless civilians. It is also a *prima facie* indication that the GoV colluded with such actors, in order to execute the crimes in a methodical manner.

Many incidents of a similar nature and following the same pattern of execution by various units of the national security forces -and, sometimes, pro-government armed paramilitaries and organized crime gangs- were carried out after threats and policies announced by the President himself and other GoV's high level officials. The general historical circumstances and the overall political background in which the criminal acts occurred, the general content of PSUV's political program and the inflammatory speeches inciting violence of its high level members -especially made by the President, as illustrated in this addendum- through the intensive media propaganda campaign of the State-owned media -also detailed in this addendum- have fueled conflict and illustrate the objective of the GoV to identify, threaten, persecute, imprison, torture and even kill civilians that somehow affect its intention to retain power indefinitely. Its execution has also been possible after the cooperation of other State entities such as the OGP, the Judiciary and the prison services' officials, as well as other individuals who govern and have control over specific territories and organizations -such as local police corps- which are capable to commit attacks against civilians.

Given the complex, organized, concerted and synchronized nature of the attacks against civilians, it is evident they could have not been possible without a coordinated plan between the GoV's high level officials and the military and law enforcement agencies. Indeed, its execution could have not been possible sans the existence of an organized plan designed by authorities whose orders are necessary for the executor agents to perform them. Only high level officials, with power of command over their subordinates, could order the execution of such coordinated, widespread and repeated attacks. At the same time, only armed groups such as military and police enforcement agents, who have the monopoly of the use of legal violence and the power to use some type of weaponry and make large-scale mobilizations, could make possible the execution of systematic and

indiscriminate attacks against unarmed civilians, leaving them no chance of defense. These attacks have comprised serious acts such as murder, violent threats, physical abuse, rape, excessive use of force, arbitrary arrests, illegal detentions, violations of due process, destruction of houses, deportations, forcible transfers of people, torture and other degrading and inhuman treatment imposed on civilians. Through this conduct, the GoV intends to control such people and even break them, which illustrates the clear policy of the GoV to use physical repression and control against civilians.

The nature of the attacks against civilians; the large scale of the attacks -across various locations in Venezuela, during an extended time frame-; the intention to cover up the crimes, as well as the high number of agents involved and the casualties produced, also indicate the use of significant public resources -including financial resources, specific weaponry and other military and police equipment.

The GoV has also committed discriminatory acts against its perceived enemies. Such discriminatory measures include to violation of the right to due process -including but not limited to the right to defense, the access to legal advice, the right to inform the families upon arrest, to being notified of the charges against them, etc.- the inexistence of proper investigations, and the impediment to access to justice and relevant compensations. President Maduro, together with members of his inner circle and high level officials, have designed a plan to identify those perceived as State enemies or obstacles, and in some instances they have publicly labeled them as criminals, in order to isolate, marginalize and target them, through the use of various State entities, under their *de facto* control.

The GoV's discrimination policy against civilians also comprises incidents like the existence of the *Tascón* list -initially created under Chávez and widely used during Maduro's administration, as detailed in The Request- created to identify citizens who voted against the GoV, or are not actively supporting the GoV, by voting for it, using official electoral records provided by the CNE. Its purpose was to create a list of "enemies of the State". Several people included in this list have lost their jobs and have been refused access to certain government services. As stated in The Request, after Maduro's election and rise to power, *Venezolana de Televisión* (the official TV station) published a list of 25,000 people who have participated in activities relating to the mobilization of the political opposition, following elections, which included their phone numbers and names -pictures of people who voted for opposition candidates or participated in demonstrations were also posted on Facebook. The identification of these people, through the existence of the aforementioned lists, have facilitated the commission of crimes against them, including murder, imprisonment, torture, persecution and other inhumane acts.

3. Widespread and systematic nature of the attack

Only the attack, and not the alleged individual acts are required to be “widespread” or “systematic”. In this regard, the adjective “widespread” refers to “the large-scale nature of the attack and the number of targeted persons”, while the adjective “systematic” refers to the “organized nature of the acts of violence and the improbability of their random occurrence”. The existence of a State or organizational policy is an element from which the systematic nature of an attack may be inferred. The consequences of the attack upon the targeted population, the number of victims, the nature of the acts, the possible participation of officials or authorities or any identifiable patterns of crimes, could be taken into account to determine whether the attack satisfies either or both requirements of a 'widespread' or 'systematic' attack. Based on the available information, there is a reasonable basis to believe that the attacks directed against the civilian population in Venezuela have been both widespread and systematic.

As noted in the previous section, the available information indicates that a policy was designed at the highest echelons of the State to launch violent attacks against the civilian population, on the basis of perceived dissent or obstruction of the GoV’s plans, in order to subject the population to a powerful control and retain the rule of the country by all means. Since 2014, this policy has been implemented across the Venezuelan territory, through the use of various State entities, resulting in the following alarming number of civilians’ victim of crimes against humanity, since February 2014:

- (i) At least 303 civilians have been killed (of which at least 36 for political reasons or as a consequence of dissent⁵⁰⁶; 245 during OLP raids, only in 2015⁵⁰⁷; and 21, in the Tumeremo massacre, on March 2016⁵⁰⁸);

⁵⁰⁶ Amnesty International (2015) Venezuela: *Balance de derechos humanos tras un año de las protestas*. 24 March, 2015 [Online] Available from: <https://www.es.amnesty.org/uploads/media/DatosYCifrasVenezuelaMarzo2015.pdf> [Accessed 19 October, 2015]. Foro Penal Venezolano (2015): *Politically motivated detentions, torture, other cruel, inhuman or degrading treatment, and killings (2014-2015)*. Published by United Nations [Online] Available from: http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VEN/INT_CCPR_CSS_VEN_20238_E.pdf. Please note that while the AI figures relate to the period from February 2014 to March 2015, the Foro Penal figures cover the period from February 2014 to May 2015. Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Crueles, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online] Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 22 May, 2016]. The last victim (Luis Manuel Díaz), reported in: BBC Mundo: *Venezuela: denuncian muerte a tiros del político opositor Luis Manuel Díaz durante mitin electoral en Altigracia de Orituco*. 26 November, 2015 [Online] Available from:

- (ii) At least 20,568 people have been imprisoned (of which 638 were arbitrary arrested and then freed, after being detained without being brought to court, and around 3,620 -including 373 minors or teenagers- were imprisoned for political reasons or as a consequence of dissent -85 of which are still arbitrary imprisoned- until March/May 2015⁵⁰⁹; 14,000 were arrested between July 2015 and January 2016, and 2,310 on February 2016, during OLP raids⁵¹⁰;
- (iii) At least 437 individuals have been tortured during and in the context of protests, as at May 2015⁵¹¹ (which is considered to be significantly higher since many people have not reported their cases due to fear);

http://www.bbc.com/mundo/noticias/2015/11/151125_venezuela_muerto_campana_electoral_altagracia_de_orituco_aw.shtml [Accessed 22 May, 2016].

⁵⁰⁷ Asamblea Nacional (2016): *Informe Anual 2015* [Online] Available from:

http://www.mp.gob.ve/c/document_library/get_file?uuid=010ba734-247c-4da1-859f-1ae55772d7b5&groupId=10136 [Accessed 23 April, 2016].

COFAVIC (2016): *Informe de seguimiento ante el Comité contra la Tortura con motivos de las observaciones finales al tercer y cuarto informe periódicos de fecha 19 de noviembre del 2014 sobre la República Bolivariana de Venezuela*. February 2016 [Online]

Available from: <http://www.cofavic.org/wp-content/uploads/2016/04/Informe-de-seguimiento-al-CAT-2016.pdf> [Accessed 10 May, 2016].

Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁵⁰⁸ Runrunes (2016): *Los rostros e historias detrás de la masacre de Tumeremo*. 14 March, 2016 [Online]

Available from: <http://runrun.es/rr-es-plus/253250/los-rostros-e-historias-detras-de-la-masacre-de-tumeremo.html> [Accessed 27 April, 2016].

⁵⁰⁹ Between 3,351 and 3,890 people have been imprisoned, since February 2014, for political reasons or as a consequence of dissent. The numbers come from Amnesty International and Foro Penal Venezolano researches. While the Amnesty International figures relate to the period from February 2014 to March 2015, the FPV figures cover the period from February 2014 to May 2015. The number of 3,620 is the average between the 3,351 and 3,890 numbers given by both organizations about imprisoned people. Amnesty International (2015) *Venezuela: Balance de derechos humanos tras un año de las protestas*. 24 March, 2015 [Online] Available from: <https://www.es.amnesty.org/uploads/media/DatosYCifrasVenezuelaMarzo2015.pdf> [Accessed 19 October, 2015]. Foro Penal Venezolano (2015): *Politically motivated detentions, torture, other cruel, inhuman or degrading treatment, and killings (2014-2015)*. Published by United Nations [Online] Available from:

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VEN/INT_CCPR_CSS_VEN_20238_E.pdf. Foro Penal Venezolano (2015): *Resumen (Informe Completo Anexo) Detenciones por Motivos Políticos, Torturas y Otros Tratos Cruels, Inhumanos y Degradantes. Asesinatos (2014-2015)* [Online]

Available from: <https://foropenal.com/content/informe-foro-penal-venezolano-septiembre-2015> [Accessed 22 May, 2016].

⁵¹⁰ Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from:

<https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁵¹¹ Foro Penal Venezolano (2015): *Foro Penal Venezolano presenta su informe sobre violaciones de DDHH ante la ONU*. 30 June, 2015 [Online] Available from: <https://foropenal.com/noticias/foro-penal-venezolano-presenta-su-informe-sobre-violaciones-de-ddhh-ante-la-onu#sthash.oA9tz9RM.dpuf> [Accessed 28 April, 2016].

- (iv) A yet undetermined number of people have been victim of forcible evictions and houses' demolitions (at least 12,000 houses were object of raids and 1,421 were "recovered" -meaning people were forcibly evicted from them- as at September 2015. Thousands of raids have been practiced afterwards -there are not exact figures yet, since investigations are currently carried out and official information is not usually released regarding these situations)⁵¹²;
- (v) At least 1,950 Colombian citizens have been deported (of which 420 had requested asylum or had been granted refugee condition). 24,292 left the country -due to fear of experiencing the same situations deported Colombians suffered- of which more than 2,000 had been recognized as victims of the Colombian armed conflict by Colombia's Victims Registry, and hundreds have been forcibly transferred⁵¹³; and,
- (vi) At least 878 civilians were injured according to official sources (of which at least 138 were wounded by gunshot, 330 by pellets, 72 people by being beaten up, 34 people were injured by blunt objects and the remaining 280 wounded suffered injuries of various kinds, as at 2014)⁵¹⁴.

As a consequence, the approximate total victims of the four acts constituting crimes against humanity -murder, imprisonment, torture and other inhumane acts, and deportation or forcible transfer of population- described above, amount to at least 49,849 people⁵¹⁵. This total number is considered to be substantially higher, given the reasons explained throughout this addendum: several victims and their relatives have not reported crimes due to threats and the fear of reporting victimization, as well as the absence of adequate judicial remedies; there are not still enough investigations and studies regarding some of the attacks, particularly, the most recent; OGP's 2015 report

⁵¹² Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁵¹³ UN Office for the Coordination of Humanitarian Affairs (OCHA, 2016): *Colombia: Humanitarian Snapshot: Colombian-Venezuelan border*. 15 October 2015 [Online] Available from: <http://www.refworld.org/docid/562616084.html> [Accessed 10 June, 2016]. Human Rights Watch (2016): *Poder sin límites: Redadas policiales y militares en comunidades populares y de inmigrantes en Venezuela*. 4 April, 2016 [Online] Available from: <https://www.hrw.org/es/report/2016/04/04/poder-sin-limites/redadas-policiales-y-militares-en-comunidades-populares-y-de> [Accessed 11 May, 2016].

⁵¹⁴ Amnesty International (2015) *Venezuela: The Faces of Impunity*. 24 March, 2015 [Online] Available from: <https://www.amnesty.org/en/documents/amr53/1239/2015/en/> [Accessed 19 October, 2015]. PROVEA (2014): *Venezuela 2014: Protestas y Derechos Humanos*. 6 July, 2014 [Online] Available from: <http://www.derechos.org.ve/pw/wpcontent/uploads/Informe-final-protestas2.pdf> [Accessed 19 October, 2015].

⁵¹⁵ This total comes from adding the following numbers: 303 murders, 20,568 imprisoned, 437 tortured, 1,421 forcibly transferred people/families (1,421 houses from which people were forcibly evicted and then became forcibly transferred people/families), 1,950 Colombians deported, 24,292 forcibly transferred Colombians and 878 victims of other inhumane acts (injured people).

does not include information regarding the total number corresponding to specific human rights violations; and, in some instances, the GoV conveniently fails to release precise information and figures regarding some incidents, especially, those that could affect their image or compromise their responsibility.

Moreover, from the attacks carried out by the GoV against civilians, the following pattern has been detected: (i) mobilization and coordinated attacks against civilians carried out by heavily armed military and law enforcement agents from GNB, PNB, SEBIN and/or CICPC, sometimes, along with pro-government armed paramilitary groups or organized crimes gangs; (ii) use of toxic and fire weapons against unarmed civilians; (iii) practice of arbitrary arrests⁵¹⁶ and/or infliction of torture or other cruel, inhuman or degrading treatment - including sexual assault; (iv) practice of house raids without court orders, during which threats and violent acts are committed against residents; (v) damage of property -in some cases, demolition of houses- and theft of belongings and other items; and, (v) persecution against journalists, political opposition activists, social leaders, human rights activists, students and victims or their relatives, who decide to speak out or report about the irregular incidents and crimes committed by the GoV, or voice their disagreement.

In addition, the information available demonstrates that the responses of the members of the Office of the People's Defender, the OGP and the Judiciary, as part of the implementation of the GoV's policy, have also followed a pattern, in order to: (i) prevent, restrict, monitor and punish victims and/or their relatives; (ii) cover up crimes committed by other officials; (iii) allow illegal detentions and arrests to continue -including, in some cases, by putting forward false and malicious charges against detainees; (iv) fail to prevent and punish the attacks against civilians resulting in their death or the infliction of tortures and other inhumane acts during offensives, detentions and confinement; and/or (v) allow trials to proceed despite gross violations of the rights of detainees, especially, the right to defense and due process.

The existence of the political objective to subdue people perceived as State enemies and obstacles, as well as to cover up crimes; the large scale of the attack across various

⁵¹⁶ During detention of women, COFAVIC detected as a pattern that the alleged assaults and blows against them -in the head, by kicking them and/or beating them with helmets and guns- were committed by women officials against women in detention or demonstrating. Another pattern detected by COFAVIC was the one referred to the order given to women to undress, while in detention (some women reported being subjected to digital anal and vaginal inspections -considered by both the Inter-American Court and Commission on Human Rights as torture- while using obscene expressions). COFAVIC (2014): *Venezuela: Sentencias de silencio Informe situación de Derechos Humanos en Venezuela en el contexto de protestas estudiantiles de febrero-mayo 2014*. February-May, 2014 [Online] Available from: <http://www.cofavic.org/wp-content/uploads/2014/11/COFAVIC-Sentencias-de-Silencio-Final-.pdf> [Accessed 25 April, 2016].

locations in the country, during an extended time frame, using significant public resources, executing acts of a similar nature and following the same pattern, as well as the high number of victims indicates that the attacks have been both widespread and systematic.

Significant evidences analyzed throughout The Request and this addendum indicate that the GoV, from its high level officials -most of who are active members of the military- to security forces agents -all of them led by President Maduro- have committed several and serious attacks against civilians, constituting crimes against humanity. They have dealt with legitimate expressions of dissent, with social processes and other relevant incidents, and even with crimes by non-democratic means, committing abuses and police excess against unarmed civilians and, in many instances, against working-class neighborhoods, criminalizing and stigmatizing poor people and other sectors of society.

4. Nexus between the individual criminal acts and the attacks

In light of the above, a nexus between individual criminal acts and the attack can be inferred from (a) the geographic and temporal overlap between the attacks and the crimes; (b) the fact that the attackers are also the perpetrators of the crimes; (c) the fact that the targeted civilians are perceived as dissidents or obstacles; (d) the use of excessive and indiscriminate force against unarmed demonstrators, residents and workers, showing a blatant disregard for the lives of civilians and the relentless use of live ammunition against peaceful demonstrators, community residents and miners; and (e) the fact that the attacks have been happening during a protracted period of time, showing a pattern of conduct largely attributable to the official apparatus of the State, including GNB, PNB, SEBIN, CICPC and the local police, combined with the unofficial forces of the pro-government armed paramilitaries and organized crime gangs.

As it was detailed in The Request, in light of the information submitted therein and throughout this addendum, the situation is not manifestly outside the jurisdiction of the Court and, therefore, the Office of the Prosecutor should formally commence a preliminary examination in the situation involving crimes committed in Venezuela, since February 2014.

The purpose of this addendum number 1, dated 15 May, 2016, is to complement the information contained in The Request, provide additional information and, therefore, widen its scope identifying situations that may constitute crimes against humanity, pursuant to the Rome Statute. All other information contained in The Request remains as originally stated.