

Civil Society Report

on the implementation of the International Covenant on Civil
and Political Rights in

Venezuela

139th Session of the Human Rights Committee

From October 9 to November 3, 2023

I. Introduction

1. This report was prepared by FundaRedes, a Non-Governmental Organization that defends human rights in the Venezuelan border axis, with its main address in San Cristóbal, Táchira state.

2. The purpose of this report is to provide information to the Human Rights Committee on the situation of civil and political rights in Venezuela. FundaRedes has four observatories: i) Human Rights Observatory; ii) Environment Observatory; iii) Violence Observatory; and iv) Education Observatory. Through these observatories and making use of field visits, care for victims and collection of information available on the Internet, FundaRedes develops research that, in turn, informs this report.

3. This document addresses the following topics: i) FundaRedes Case; ii) Elimination of slavery, servitude and human trafficking (arts. 2, 7, 8 and 26); iii) Rights of ethnic, religious and linguistic minorities (arts. 1 and 27); iv) Non-State Armed Groups in Venezuela.

II. Contribution from FundaRedes

a) FundaRedes Case

4. José Javier Tarazona Sánchez, a human rights defender and general director of FundaRedes, has been arbitrarily detained since July 2, 2021. That day he was detained along with José Rafael Tarazona Sánchez and Omar de Dios García, who were released on October 26, 2021. Javier Tarazona has been a victim, in addition to forced disappearance, of torture, cruel, inhuman and degrading treatment. Javier Tarazona, Rafael Tarazona and Omar de Dios García are charged with the crimes of promotion and instigation of hatred, treason and terrorism.

5. His preliminary hearing was postponed thirteen (13) times. This was held on December 9, 2021, ordering the trial hearing to be held. The trial hearings began on August 16, 2022, eight (8) months late. Furthermore, his trial has been unjustifiably interrupted - causing it to be restarted - on two occasions: i) on October 18, 2022; and ii) July 18, 2023. The procedural delay of which Javier Tarazona has been a victim represents a violation of his human rights and his re-victimization, since, in addition, in one of the trial hearings held, Javier Tarazona identified that he was present one of his torturers.

6. On repeated occasions, the Ombudsman of the Republic has been asked to come to know the violation of human rights of which Javier Tarazona, Rafael Tarazona and Omar de Dios García have been victims, with the purpose of executing and coordinating actions before the competent authorities to stop the human rights violations of which they have been victims, and, likewise, to be

repaired. However, no response has been obtained from the Ombudsman's Office.

7. It is appropriate to mention that José Javier Tarazona Sánchez is a beneficiary of the precautionary measure granted by the Inter-American Commission on Human Rights, in June 2020, through resolution No. 30/2020.

8. Finally, what Javier Tarazona suffered (forced disappearance, arbitrary detention, torture, cruel, inhuman and degrading treatment, procedural delay, damage to his health and integrity...) is a consequence of the violation of his right to free association. Javier Tarazona was detained by the Venezuelan State in retaliation for his active participation in the defense of human rights through the NGO FundaRedes.

9. In addition to the forced disappearance and arbitrary detention of Javier Tarazona, Rafael Tarazona and Omar de Dios García on July 2, 2021; The FundaRedes team has been criminalized, stigmatized and harassed on various occasions. Such is the case of the forced disappearance and arbitrary detention of activists Diógenes Tirado and Juan Carlos Salazar on March 31, 2021 in La Victoria, Apure state, along with journalists Luis Gonzalo Pérez and Rafael Hernández. Diógenes Tirado and Juan Carlos Salazar were detained by the Bolivarian National Guard (GNB) when they arrived in the town of La Victoria to document the clashes that occurred in the region, they were transferred and held incommunicado.

The State should:

10. Fully and immediately release the director of FundaRedes Javier Tarazona and annul any coercive measure against him.

11. Grant full freedom to the activists Rafael Tarazona and Omar de Dios García and annul the substitute measure of freedom that has been imposed on them.

12. Cease criminalization against civil society organizations, human rights defenders, humanitarian workers and trade unionists.

b) Elimination of slavery, servitude and human trafficking (arts. 2, 7, 8 and 26)

13. In 2016, the national government created the Arco Minero del Orinoco National Strategic Development Zone (AMO), through presidential decree No. 2248, published in Official Gazette No. 40855.

14. With this, the State of Venezuela promotes the sustainability and expansion of modern slavery, servitude and human trafficking.

15. In 2022, FundaRedes documented 644 homicides, as well as 334 disappearances and/or kidnappings, and 167 alleged confrontations in which 209 people lost their lives -mostly at the hands of officials from state security forces- in 6 border entities (Amazonas, Apure, Bolívar, Falcón, Táchira and Zulia states).

16. Of the 334 disappearances and/or kidnappings, 80 of the victims are women, the vast majority of whom moved to the border in search of job opportunities or to emigrate to other countries.

17. Border crossings pose risks for migrants, but especially for women who become easy prey for criminal organizations dedicated to human trafficking, as well as irregular armed groups and criminal gangs that recruit them and subject them to

deceptive offers, forced labor and prostitution and, in other cases, remain deprived of their liberty.¹

18. Especially affected are women, girls and adolescents who have been trapped in the serious and growing crisis. Everything happens with the consent of the Venezuelan State, a state apparatus used by officials at various levels to satisfy particular interests to the detriment of the most vulnerable. Violence against women for reasons associated with mining activity focuses on the construction of towns where bars and food sales are installed, controlled and managed by the mining workers themselves, sexual exploitation that in turn leads to high rates of femicides, human trafficking, modern slavery and territorial violence.²

19. Testimonies collected by Fundaredes allow us to assure that Irregular Armed Groups kidnap inhabitants in the border axis with the purpose of transferring them to camps where they are forced to work, serving as informants, guards and/or smugglers.³

20. Venezuela, in addition to its limits with Colombia and Brazil, has a wide border that borders more than a dozen countries through the Caribbean Sea, hence groups dedicated to human trafficking have seen an opportunity to operate in the east of the country, specifically in the waters that link Venezuela with Trinidad and

¹ FundaRedes. *Curva de la Violencia, Informe Anual, 2022*. Available on: <https://www.fundaredes.org/curva/2022-curva-de-la-violencia-anual-larga.pdf>

² Fundaredes. *Informe de Ambiente #4, Afectación de la comunidad indígena por la explotación del Arco Minero del Orinoco*. Available on: <https://fundaredes.org/informes/2022-EPA-Afectacion-en-la-comunidad-indigena-por-la-explotacion-del-Arco-Minero-del-Orinoco.pdf>

³ FundaRedes. *Boletín #30, Mafias de esclavitud moderna se de la migración venezolana*. Available on: <https://www.fundaredes.org/2021/03/31/boletin30-mafias-de-esclavitud-moderna-se-de-la-migracion-venezolana/>

Tobago. River routes have become escape routes for illegal migrants seeking better living conditions in the Caribbean islands, the United States and Europe.⁴

21. According to testimonies collected by Fundaredes, Delta Amacuro is the highway par excellence to facilitate all these illicit activities of organized gangs that act in broad daylight under the tutelage of State officials who are the best facilitators of this activity. In Delta Amacuro, officials of the Venezuelan State would be involved to promote the trafficking of minors, after abusing them they send them to work in Trinidad where they are stripped of their documentation and exploited by criminal groups. There are complacent attitudes of officials who charge 20 dollars for each one of them, they transport them in boats with outboard motors that do not guarantee a minimum of safety on the high seas.⁵

22. In addition to organized crime gangs dedicated to human trafficking, Fundaredes has identified that irregular armed groups also dabbled in this crime. "El Sindicato de Barrancas", "Fuerzas Armadas Revolucionarias de Colombia (FARC)", and Los Pata de Gomas are three of the main organizations operating in Delta Amacuro.

23. Since 2019, Fundaredes has registered a total of 14 missing vessels that have set sail from the Venezuelan coast, equivalent to: 278 victims, of which 78 deceased have been identified and 200 still missing.

The State should:

⁴ FundaRedes. *Boletín #43, Estado venezolano incumple su deber de impedir operatividad de redes de trata de personas en la frontera.* Available on: <https://www.fundaredes.org/2023/04/17/boletin43-estado-venezolano-incumple-su-deber-de-impedir-operatividad-de-redes-de-trata-de-personas-en-la-frontera/>

⁵ *Ídem.*

24. Develop public policies with a special focus for border states.
25. Investigate and pay attention to the increase in women, girls and adolescents affected by trafficking, particularly in the border and mining areas of the country, as well as reports of sexual exploitation and the causes of trafficking in women and girls and their forced prostitution .
26. Investigate and pay attention to reports of missing persons in a timely and adequate manner, both in the border area and in the Orinoco Mining Arc and coastal areas.

c) Rights of ethnic, religious and linguistic minorities (arts. 1 and 27)

27. In the extension of the Orinoco Mining Arc (Viloria, 2016), various indigenous peoples live, among which the Warao stand out, who live on the banks of the pipes or arms that form the Orinoco Delta, of the Delta Amacuro state, the Akawayo, Akawai or Akawaio, are located in the Bolívar State, specifically in the Sifontes municipality, in the sectors of San Flaviano, San Martín de Turumbán and Araymatepuy, border with Guyana, the E'ñepás or Panares, live in the Cedeño municipality, located in the extreme west of the Bolívar state; In the north of the state of Amazonas, the Yaruro or Pumé live near the Orinoco River in 42 communities on the banks and interfluvial areas of the Arauca, Cunaviche, Capanaparo, Riecito and Meta rivers and, in smaller numbers, in some nearby urban centers. The Mapoyo are an indigenous group originally of Caribbean linguistic affiliation that lives in the Middle Orinoco region. The Kariña are settled mainly in the states of Anzoátegui, Bolívar, Monagas and Sucre.⁶

⁶ FundaRedes. *Informe de Ambiente #4, Afectación de la comunidad indígena por la explotación del Arco Minero del Orinoco.* Available on:

28. Under constant monitoring, strong complaints have been made regarding slavery, child labor and prostitution by illegal miners, as well as the presence of irregular armed groups. The military plays a large role in overseeing many mines, and also performs almost all of the work involved in smuggling gold from Venezuela to other countries.⁷

29. The use of natural resources in indigenous habitats must be done without harming their cultural, social and economic integrity, being subject to prior information and consultation with the respective indigenous communities. However, for the establishment of the “National Strategic Development Zone of the Orinoco Mining Arc” the indigenous communities that would be affected were not consulted. Mining exploitation in the AMO has affected the cultural, social and economic integrity of indigenous peoples.⁸

The State Should

30. Develop a coordinated plan with the governments of border countries such as Colombia and Brazil to prevent non-state armed groups from carrying out illegal mining and smuggling activities and invading indigenous territories in Bolívar, Amazonas, Delta Amacuro and Zulia, which affect the plans of life of the native peoples.

31. Immediate stoppage of the Orinoco Mining Arc National Strategic Development Zone project and artisanal and illegal extractive activities in

<https://fundaredes.org/informes/2022-EPA-Afectacion-en-la-comunidad-indigena-por-la-explotacion-del-Arc-o-Minero-del-Orinoco.pdf>

⁷ *Idem.*

⁸ *Idem.*

indigenous areas, until the process of prior, free and informed consultation and socio-environmental impact studies are carried out.

d) Non-State Armed Groups in Venezuela⁹

32. In Venezuela, violence has evolved in parallel to the crisis that has become a Complex Humanitarian Emergency, which affects the entire society. In the border states, both criminal gangs and guerrillas of Colombian origin, paramilitary groups and hybrid organizations that advance from Colombia even towards states far from the border zone have participated in this process. The coexistence of these actors has led to confrontations and disputes over territories and spaces of power, as well as alliances, in other cases.

33. This interaction has created paradigms of mutation of crime and its agents in Venezuela; In recent years, gangs with an increasing number of members and weapons have adopted organizational structures, logistical systems and even corporate image strategies of the guerrilla. At the same time, the evolution of violence forces the gangs to establish new organizational charts of operation, assignment of specific tasks and new hierarchies within the criminal structure that find a model to follow in armed organizations with a long history and international visibility. In short, the guerrilla of Colombian origin has become a "school" for some Venezuelan gangs.

34. The monitoring tasks carried out by FundaRedes with special emphasis on the border territories of Zulia, Táchira, Apure, Bolívar, Amazonas and Falcón, as well as

⁹ FundaRedes. *Boletín #41, Bandas criminales adoptan estructuras de la guerrilla y exhiben identidad corporativa.* Available on: <https://www.fundaredes.org/2022/07/05/boletin41-bandas-criminales-adoptan-estructuras-de-la-guerrilla-y-exhiben-identidad-corporativa/>

in other states that register an increase in criminal activity, have made it possible to identify that at least 22,500 people form part of armed organizations, among which at least 18 megagangs of some 40 criminal organizations with high firepower stand out, which under organizational schemes impose terror and violence on the Venezuelan border and its areas of influence.

35. In addition, 28 irregular armed groups that include the various fronts of the FARC dissidents and the ELN guerrilla, Fuerzas Bolivarianas de Liberación (FBL), Ejército Popular de Liberación (EPL), Fuerzas Patrióticas de Liberación Nacional (FPLN), Urabeños, Rastrojos; as well as international drug trafficking organizations such as the Sinaloa Cartel and isolated groups of garimpeiros who break in from Brazil to seize the gold in the Orinoco Arc.

36. The presence of these irregular armed groups, criminal gangs and 'unions' on the southwestern border of Venezuela implies a permanent violation of the human rights of those who inhabit these areas, as well as those who transit through those territories to emigrate from the country. These people see their rights violated or are constantly threatened with losing their lives, property, being victims of forced disappearances, kidnapping, modern slavery, sexual and labor exploitation, forced recruitment, restriction of freedom of movement, among others.

The State should

37. Recognize the full presence and actions of non-state armed groups in Venezuela.

38. Undertake actions to reformulate its role as mediator between Colombia and the ELN taking into account the precedents of the peace process between Colombia and FARC, which resulted in the latter taking refuge in Venezuela.

39. Do not criminalize civil society actors who denounce the presence of non-state armed groups in Venezuelan territory.

This report may be published on the Committee's website.