

## Venezuela

### Alternative Report on the Implementation of the Covenant on Civil and Political Rights

(Responses to the List of Issues - CCPR/C/VEN/Q/5)

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## I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

The contributions presented by the Center for Human Rights Defenders and Justice (CDJ) and the Venezuelan Observatory of Social Conflict (OVCS) focus on an analysis of the progressive closure of civic space in Venezuela and its impact on the enjoyment of civil and political rights. It offers a study of the evolution of the violations of the rights recognized in the International Covenant on Civil and Political Rights (ICCPR) since the last evaluation.

The purpose of the report is to show, through an analysis of the Venezuelan situation, the systematic violations of human rights, particularly the rights to life, personal integrity, freedom of assembly and peaceful demonstration, freedom of association, freedom of expression and defense of human rights; and how the recommendations or considerations of international bodies such as the Human Rights Committee have not been complied with. In addition, it will refer to other critical issues and situations that, in the opinion of the organizations, require immediate attention by the Committee. The period of analysis covers the years 2015- 2022 and the first seven months of 2023.

The civic and democratic space in Venezuela has been significantly restricted in recent years, limiting and violating rights contained in the ICCPR. As a consequence, measures detrimental to the enjoyment and guarantee of human rights have been applied, and the institutional, social and political crisis in Venezuela persists. As a result of these facts, systematic human rights violations remain unpunished and civil society, especially organizations or individuals working in the area of human rights and humanitarian, as well as those who demand rights and have a social and trade union leadership, face severe restrictions and obstacles when promoting, defending or demanding rights.

The State has employed various repressive mechanisms of criminalization and social control, including excessive use of force, censorship, harassment of human rights defenders and anyone who demands or promotes rights.

Despite the crisis, repression and social control, people in Venezuela have continued in the streets and public spaces demanding the vindication of their rights. Between the years 2015 and 2022 the Venezuelan Observatory of Social Conflict (OVCS) registered 75,234 peaceful protests, and 4,762 protests are added nationwide, in the first 7 months of 2023. Demands for the respect of civil and political rights (CPR), fundamental freedoms and for the demand of economic, social, cultural and environmental rights (ESCR) have been constant despite the repressive policy against the demand of human rights.

In the period covered by this report, the right to peaceful assembly has been systematically violated with actions related to the excessive and disproportionate use of force by State security agencies, or civilians identified as paramilitary groups, against demonstrators and citizens;

practices of arbitrary detentions, forced disappearances, arbitrary judicial proceedings contrary to due process and executions in the context of social protests, are some of the situations documented in the context of the criminalization of the right.

On the other hand, the Venezuelan State has limited freedom of expression through the imposition of restrictions, which have not only affected independent media or journalists, but harassment, intimidation, harassment and persecution have also affected peaceful demonstrators, human rights defenders, social leaders, among others.

The patterns of repression and social control are also applied against organizations and members of civil society. The use of the logic of the internal enemy is applied against the work of individuals and organizations that defend human rights and humanitarian action, who are in the front line of action, documenting, denouncing and comprehensively accompanying the victims of the State.

The Center for Human Rights Defenders and Justice (CDJ) has documented the deepening criminalization of the defense and demand for rights that has been perfecting since 2002 and has intensified since 2013. Between 2017 and 2022 there were 2,050 attacks and aggressions against people and organizations defending human rights; for the first seven months of 2023, 329 new situations were registered, without the State showing any intention to cease criminalization and on the contrary, the factual and legal measures to criminalize, limit and hinder the defense, demand and promotion of rights are accentuated, increasing the levels of risk for people and organizations that carry out these activities in the country

The organizations are concerned about the actions of the Legislative Branch, and other entities, in the use of their powers to enact laws or regulatory instruments that endorse and facilitate the policy of criminalization of the activities of promotion, defense and demand of rights, mainly the rights to assembly, association and defense of rights. In an attempt to link such activities with acts related to organized crime or terrorism. Different regulations contrary to international standards have been promoted and enacted, affecting the capacity of civil society to exercise its rights. They criminalize legitimate activities in accordance with international law, impose discretionary, arbitrary and difficult to comply with requirements, hindering the possibilities of associations. They also impose conditions such as audits and inspections, among other types of sanctions.

Likewise, as a result of the Complex Humanitarian Emergency and the human rights crisis, civil society, and in particular the organizations that defend human rights, have expanded their documentation and denunciation capacities, as well as have carried out a greater number of international advocacy activities and promoted citizen participation in the exercise of their rights. In the face of this, the State's response has been a criminalization policy based on the logic of the internal enemy, against organizations and defenders.

As a State party to the International Covenant on Civil and Political Rights (ICCPR), Venezuela has repeatedly failed to fulfill its obligations to protect, respect and guarantee the rights contained

therein. These violations not only contravene international human rights standards, but also undermine the principles of democracy and the well-being of Venezuelan citizens.

It is of utmost importance to continue monitoring the situation of human rights violations in Venezuela. It is also important to expose the Venezuelan State to international scrutiny, showing that it has not taken into account most of the recommendations and considerations of the Human Rights Committee and other international organizations, and that the civic space, the rights to association, freedom of expression and peaceful demonstration and the opportunity to make a real impact continue to be limited in an arbitrary and disproportionate manner, with harassment, harassment, repression and criminalization.

## RECOMMENDATIONS

### Article 6, Right to Life

- Investigate, prosecute and punish those responsible for the deaths of demonstrators and make full reparations to the victims and their families.
- Prepare and publish statistics on the number of deaths and injuries in the context of demonstrations and social protests, as well as the amount and type of reparations provided to victims and their families.
- Cease the militarization of citizen security and public order control.
- Cease the use of armed civilians, paramilitary collectives and extermination groups in public order control functions, investigate and sanction their participation in the repression of protests and citizen demonstrations.
- Train members of state security agencies to make a differentiated and proportional use of force during the management of public demonstrations.
- Immediately cease the use of firearms on demonstrators, as well as the disproportionate, systematic and excessive use of force.

### Article 7, Prohibition of Torture

- Immediately cease acts of torture and other cruel treatment to which detainees are subjected, especially those detained in the context of peaceful demonstrations.
- Determine and eliminate the number of security centers or detention centers, official or clandestine, where acts of torture are committed.
- Provide information on the number of complaints of torture and other cruel treatment that the National Commission for Prevention has received since its creation to the detriment of human rights defenders and demonstrators.
- Investigate seriously, impartially and without undue delay acts of torture and other cruel treatment to which demonstrators, human rights defenders and, in general, any person detained in the context of the defense, demand and promotion of rights have been or are being subjected.

- Allow international human rights protection agencies such as the office of the United Nations high commissioner for human rights, among others, permanent access to detention centers.
- Cooperate effectively with the Office of the Prosecutor of the International Criminal Court to ensure that those responsible for crimes against humanity against demonstrators are investigated, tried and punished.

#### **Art. 9, Liberty and personal safety**

- Dismantle and disarm the armed pro-government civilians and paramilitary collectives that have attacked demonstrators.
- Investigate the armed pro-government civilians and paramilitary collectives responsible for attacking demonstrators, as well as the security officials who act in coordination with these groups.
- Immediately release all protesters and human rights defenders who have been arbitrarily detained.
- Take all necessary measures to prevent, punish and avoid forced disappearances of persons, including those of short duration.
- Guarantee due process and release all persons who have been arbitrarily detained for thinking differently or demanding their rights.

#### **Article 14, Administration of Justice**

- Prevent and investigate arbitrary detentions and violations of due process of law in the case of arbitrarily detained protesters and defenders.
- Guarantee access to justice for defenders and protesters who have been arbitrarily detained and tortured.
- Carry out effective judicial reforms that guarantee access to justice and establish mechanisms to fight judicial corruption.

#### **Article 19, Freedom of Expression**

- Guarantee the free and effective exercise of freedom of expression of human rights defenders, protesters and dissident groups.
- Cease systematic stigmatization and smear campaigns against human rights defenders, non-governmental organizations, peaceful demonstrators and ensure that victims are compensated for the damage caused and perpetrators punished.

#### **Article 21, Peaceful Assembly**

- Refrain from arbitrarily repressing the right to peaceful assembly and demonstration.
- Cease the militarization of public order control.
- Cease the persecution and repression of protesters and people demanding rights.

- Investigate and sanction those at the highest levels of the chain of command who order the repression of demonstrations.
- Refrain from promoting the actions of paramilitary collectives and armed civilians in public order control functions.

### **Article 22, Freedom of Association**

- Repeal regulations contrary to freedom of association and cease the use of institutional measures that violate the right to freedom of association.
- Refrain from enacting laws that affect the operation of nongovernmental organizations and, if enacted, ensure that they conform to international standards, especially the International Covenant on Civil and Political Rights and the Declaration on Human Rights Defenders.
- Guarantee and respect the right to freedom of association of Venezuelan civil society and refrain from arbitrary or discretionary intervention in the exercise of this right.

### **Protection of Human Rights Defenders**

- Investigate attacks against human rights defenders. Prosecute and punish those responsible, provide reparations to the victims and adopt measures of non-repetition.
- Cease the policy of criminalization against human rights defenders.
- Refrain from committing reprisals against those who cooperate with the mechanisms of the United Nations organization.
- Ensure an enabling and safe environment for the defense of human rights.

## II. PRESENTATION AND METHODOLOGY

The Center for Human Rights Defenders and Justice (CDJ) is a non-governmental organization that emerged in 2017 with the aim of promoting and defending human rights, given the existing needs to work for the strengthening of justice and democratic institutions in Venezuela in accordance with international obligations and regulations in this area. As well as to ensure the defense and protection of human rights defenders, by strengthening their capacities and safeguarding their security, with the understanding that their work is essential for the full existence of democracy and the rule of law. As an organization, our objective is to generate policies of change to guarantee the progressiveness of human rights, the strengthening of democratic institutions, the State's compliance with its international obligations, and to provide elements so that human rights defenders can carry out their work in a safe and favorable environment.

The Venezuelan Observatory of Social Conflict (OVCS) is a Venezuelan non-governmental organization (NGO) committed to the promotion and defense of civic space and human rights. Since its founding in 2011, OVCS has been dedicated to monitoring, documenting, disseminating, developing specialized databases, and reporting on the human rights situation in Venezuela, with an emphasis on the right to peaceful assembly and demonstration. Its products are currently a fundamental pillar on the registration and memory of the human rights situation in Venezuela, as well as a fundamental input for international organizations for the protection of human rights, civil society, media and governments concerned about the current situation in the country. Additionally, the OVCS has given numerous courses and workshops related to the area of documentation and the right to peaceful demonstration, its main beneficiaries have been: university students, human rights defenders and activists, journalists and trade unionists. All OVCS activities are aimed at strengthening democracy, guaranteeing freedoms and human dignity.

The purpose of this report is to present information to the Human Rights Committee (hereinafter, the Committee) on matters of particular concern regarding the human rights situation in the framework of the international commitments assumed by the Bolivarian Republic of Venezuela under the International Covenant on Civil and Political Rights (hereinafter, the Covenant or ICCPR). The contributions focus on four fundamental aspects, (i) the List of Issues prepared by the Committee, (ii) the State's responses to the List of Issues, (iii) the follow-up to the concluding observations issued by the Committee in its previous evaluation, and (iv) other aspects of concern to the organizations that subscribe to the report.

The methodology to be used for the preparation of this report is based on documentary and data research supported by the organizations. The collection of information was implemented through the systematic inquiry of data, facts, situations, patterns of behavior, among others, and how these are developed at present, generating the reader's understanding of the reality of the facts exposed.



### III. APPLICATION OF THE ARTICLES OF THE COVENANT

#### Right to life (Art. 6) in the context of the demonstrations

1. In its reports, the State affirms that it has rules regulating the actions of police officers in the control of public meetings and demonstrations, as well as having trained 59,537 officers on the progressive use of force<sup>1</sup>. However, in contrast to what was alleged by the OVCS, within the documented repressive patterns, it records executions and deaths in the context of protests as a result of the excessive and disproportionate use of force implemented by the State security forces<sup>2</sup>. **Only between 2017 and 2021, 251 people were killed in the context of demonstrations in Venezuela<sup>3</sup>**; being 2017 and 2019 the years with the highest number of deaths in the context of protests with, 163 and 67 respectively. In turn, it highlights that these years recorded the highest number of protests in the period covered by the report.

2. Many of these deaths were the result of firearms injuries, resulting from the use of force in the control of demonstrations by security agencies, both police, military and armed civilians. The actors responsible include officers of the Special Actions Forces (FAES by its Spanish acronym) of the Bolivarian National Police (PNB by its Spanish acronym), Paramilitary Collectives, Bolivarian National Guard (GNB by its Spanish acronym) and other intelligence bodies. Most of these protests were aimed at demanding economic, social, cultural (ESCER), civil and political rights (CPR), while some were carried out in rejection of extrajudicial executions at the hands of the FAES. To date, most of these deaths have not been investigated and the events remain unpunished.

3. The lack of justice in cases of people killed in the context of demonstrations goes against the recommendations made by the Committee in its last review of Venezuela, where it was recommended that it should ensure that all violent deaths are investigated promptly and thoroughly, and that those responsible are brought to justice and punished<sup>4</sup>. In addition, it was requested that in the context of demonstrations, the control of such demonstrations should be under the control of civilian and not military authorities<sup>5</sup>. In the same vein, in the second and third cycle of the UPR it was recommended to the state to promptly and impartially investigate

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<sup>1</sup> Bolivarian Republic of Venezuela, "Fifth periodic report of the Bolivarian Republic of Venezuela due in 2018 under article 40 of the Covenant," paras. 56-57, available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhssbM7JCwZtFkfbx2j9CZsrmeNLxJolOG5iOKZQuXE0x%2FX3MNDicQkVpIDGDPFSSaX7h1kfh7hHC0rrod9pQQJM0qkl6avr1HZDITB%2BvNoY3%2B> and "Replies of the Bolivarian Republic of Venezuela to the list of issues relating to its fifth periodic report", paras. 71-72, available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d/PPRICAqhKb7yhssbM7JCwZtFkfbx2j9CZsrkTRnlqfYRqdQR6J5+CJiALpFZ/C7qqtPR5FkVHOoi+0kUaoAvqV2UMMG/RlvQIZcWmXy0cJF/YvFIPiHymMvr>

<sup>2</sup> Venezuelan Observatory of Social Conflict, 'Situation of criminalization and repression in Venezuela' (2018, 2019, 2020, 2021). Available at <https://www.observatoriodeconflictos.org.ve>

<sup>3</sup> Observatorio Venezolano de Conflictividad Social, 'Contribution to the third cycle of the Universal Periodic Review (UPR), January 2022. Available at:

<https://www.observatoriodeconflictos.org.ve/sin-categoria/examen-periodico-universal-epu-venezuela>

<sup>4</sup> Human Rights Committee, "Concluding observations on the fourth periodic report of the Bolivarian Republic of Venezuela," para. 11, available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2FVEN%2FCO%2F4&Lang=es](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2FVEN%2FCO%2F4&Lang=es).

<sup>5</sup> Human Rights Committee, "Concluding observations on the fourth periodic report of the Bolivarian Republic of Venezuela", para. 16 (f), available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2FVEN%2FCO%2F4&Lang=es](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2FVEN%2FCO%2F4&Lang=es).

extrajudicial killings in the context of protests and to make proportionate use of force during the control of demonstrations<sup>6</sup>, but to date these recommendations have not been implemented.

**By virtue of the above, we respectfully request the Committee to recommend to the State:**

- Investigate, prosecute and punish those responsible for the deaths of demonstrators and make full reparations to the victims and their families.
- Prepare and publish statistics on the number of deaths and injuries in the context of demonstrations and social protests, as well as the amount and type of reparations provided to victims and their families.
- Cease the militarization of citizen security and public order control.
- Cease the use of armed civilians, paramilitary collectives and extermination groups in public order control functions and sanction their participation in the repression of citizen protests and demonstrations.
- Train state security agencies to make a differentiated and proportional use of force during the control of demonstrations and, in general, take any measure to avoid the repetition of the events.
- Immediately cease the use of firearms against demonstrators, as well as the disproportionate, systematic and excessive use of force against peaceful demonstrations.

**Prohibition of torture and other cruel, inhumane or degrading treatment or punishment (Art. 7)**

4. Despite the recommendations made to Venezuela regarding torture by the Human Rights Committee, the Committee Against Torture and in cycles two and three of the Universal Periodic Review, urging the state to guarantee access to justice and reparation for victims, immediate cessation of torture and ensure accountability of senior officials responsible for these acts<sup>7</sup>, in documented cases of repression against demonstrators, it is also observed among the patterns, other types of affectations to life and personal integrity such as beatings, electric shocks, asphyxiation, sexual violence, threats, forced nudity, electric shocks, among others, with the aim of punishing them, humiliating them and/or to incriminate themselves or an opposition leader<sup>8</sup>.

5. In this regard, the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM) reported that the General Directorate of Military Counterintelligence (DGCIM by

<sup>6</sup> Human Rights Council, "Report of the Working Group on the Universal Periodic Review", A/HRC/34/6, recommendation: 133.124, 133.125, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/47/PDF/G1644147.pdf?OpenElement> and "Report of the Working Group on the Universal Periodic Review, A/HRC/50/8, recommendation: 31.125 and 31.183, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/306/16/PDF/G2230616.pdf?OpenElement>.

<sup>7</sup> Human Rights Committee, "Concluding observations on the fourth periodic report of the Bolivarian Republic of Venezuela", para. 14 (c) and (e), available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Download.aspx?symbolNo=CCPR%2FC%2FVEN%2FCO%2F4&Lang=es](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolNo=CCPR%2FC%2FVEN%2FCO%2F4&Lang=es), Committee against Torture, "Concluding observations on the combined third and fourth periodic reports of the Bolivarian Republic of Venezuela", CAT/C/VEN/CO/3-4, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/241/75/PDF/G1424175.pdf?OpenElement>; Human Rights Council, "Report of the Working Group on the Universal Periodic Review. Bolivarian Republic of Venezuela", A/HRC/34/6, recommendations: 133.121, 133.123 and 133.138, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/47/PDF/G1644147.pdf?OpenElement> and "Report of the Working Group on the Universal Periodic Review\* Bolivarian Republic of Venezuela", A/HRC/50/8, recommendations: 31.20, 31.21, 31.116, 31.118, 31.123, 31.127, 31.128 and 31.134, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/306/16/PDF/G2230616.pdf?OpenElement>.

<sup>8</sup> UN Human Rights Council, "Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela", A/HRC/51/43, paras. 42-44 and 65-67, available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>.

its Spanish acronym) and the National Intelligence Service (SEBIN by its Spanish acronym) have at least 17 clandestine detention centers, known as "safe houses" where they carry out the acts described above, mainly against real or perceived opponents, student leaders and demonstrators<sup>9</sup>. These actions are part of a deliberate policy of repression to subdue the opposition or persons critical of the government, which is why they constitute crimes against humanity, which to date have not been investigated by the State<sup>10</sup>.

6. The State affirms that the National Commission for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment was created, which has among its various functions to receive complaints of these acts and that 108 officials have been convicted of this crime<sup>11</sup>, but does not report on the number of victims who have received reparations, nor does it indicate how many complaints of torture the National Commission for Prevention has received. The report of the Victims Participation and Reparations Section (VPRS) of the International Criminal Court collected multiple testimonies that reflect that in Venezuela acts of torture continue to be carried out against detainees, in this regard: "*[The victim] was abducted [by] a large number of SEBIN officials who tied him hand and foot, tied him to a SEBIN car and dragged him for more than a kilometer through the streets (...) pulled out his fingernails and toenails with pliers; suffocated him by covering his head with plastic bags containing insecticides, which significantly damaged his lungs; applied electric shocks to his genitals and private parts; beat him all over his body with wet towels; made him bathe at all times in urine and excrement [...]*"<sup>12</sup>.

**By virtue of the above, we respectfully request the Committee to recommend to the State:**

- Immediately cease acts of torture and other cruel treatment to which detainees are subjected, especially those detained in the context of peaceful demonstrations.
- Determine and eliminate the number of security centers or detention centers, official or clandestine, where acts of torture are committed.
- Provide information on the number of complaints of torture and other cruel treatment that the National Commission for Prevention has received since its creation to the detriment of human rights defenders and demonstrators.
- Investigate seriously, impartially and without undue delay acts of torture and other cruel treatment of which demonstrators, human rights defenders and, in general, any person detained in the context of the defense, demand and promotion of rights, have been victims or are being subjected to.

<sup>9</sup> Ibid., paras. 41, 42, 57, 58 and 61.

<sup>10</sup> Ibid., para. 72.

<sup>11</sup> Bolivarian Republic of Venezuela, "Fifth periodic report of the Bolivarian Republic of Venezuela due in 2018 under article 40 of the Covenant," paras. 66-67, available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRICAqhKb7yhssbM7JCwZtFkfb2j9CZsrmeNLxJolOG5iOKZQuXE0x%2FX3MNDIdQkVpIDGDPFsaX7h1kfh7hHC0rod9pQ0JM0gkl6avr1HZDITB%2BvNoY3%2B> and "Replies of the Bolivarian Republic of Venezuela to the list of issues relating to its fifth periodic report", para. 75, available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d/PPRICAqhKb7yhssbM7JCwZtFkfb2j9CZsrkTRnlqfYRqdQR6J5+CJiALpFZ/C7qtpR5FkVHOoi+0kUaoAvgV2UMMG/RlvQIZcWmXy0cJF/YyFiPiHymMvr>.

<sup>12</sup> Victims' Participation and Reparations Section, "Annex I. Public Redacted", p. 50. Public Redacted", p. 50, available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180441579.pdf>

- Allow international human rights protection agencies such as the office of the United Nations high commissioner for human rights, among others, permanent access to detention centers.
- Cooperate effectively with the Office of the Prosecutor of the International Criminal Court to ensure that those responsible for crimes against humanity against demonstrators are investigated, tried and punished.

### **Liberty and personal security (Art. 9)**

7. In its reports, the Venezuelan State affirms that the right to personal liberty is constitutionally protected by Article 44. It also refers to the fact that, according to the provisions of the aforementioned article, there can be no detention without a prior judicial order issued by the judge of the case, unless the person is found in flagrante delicto committing the crime. It further clarifies that, notwithstanding this, all persons have the right to communicate with a lawyer, trusted persons or their relatives. It assures that the detained person must be presented within 48 hours to the court of the case so that it may decide on the process to be followed. Finally, it establishes that the right to personal liberty is protected by the prohibition of all officials to carry out forced disappearances, nor to be accomplices and to denounce this situation before the respective authority.

8. In this regard, we highlight before this Committee the practice of arbitrary detentions against peaceful demonstrators and human rights defenders. Contrary to the State's assertion, arbitrary detentions are a recurrent and systematic practice used by the State against voices critical of the government's administration. They also occur within a framework of political persecution and social control.

9. The OVCS has documented the use of arbitrary detentions as part of the patterns of the Policy of Repression and Criminalization of peaceful demonstrations. In the period covered by this assessment, hundreds of arbitrary detentions of demonstrators in the context of peaceful protests have been recorded, only between 2020 and 2021 there were 522<sup>13</sup>. Protesters, due to their demand for rights, are placed under the logic of the internal enemy, alleging that their activities are linked to terrorism, criminal practices and hatred; therefore, it has been a frequent practice of the State to charge peaceful protesters for crimes under the Criminal Code and the Law against Organized Crime and Financing of Terrorism<sup>14</sup>.

10. In this regard, the CDJ has documented since 2019 at least 19 arrests against defenders, including union leaders<sup>15</sup>, all of which are presumed arbitrary, including those that had a court

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<sup>13</sup> Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2020. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/informe-anual-situacion-de-la-conflictividad-en-venezuela-en-2020>; Social Conflict in Venezuela in the first quarter of 2021. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/3752>

<sup>14</sup> Venezuelan Observatory of Social Conflict. Situation of criminalization and repression in Venezuela - 2018. Available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2019/06/INFORMEcriminalizaci%C3%B3nyrepresi%C3%B3n-FINAL-digital-1.pdf>

<sup>15</sup> Center for Defenders and Justice. Situation of human rights defenders in Venezuela - Year 2021. Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/01/CDJInformeAnual2021.pdf>

Center for Defenders and Justice. Situation of human rights defenders in Venezuela - Year 2020. Available at: <https://centrodefensores.org.ve/?s=08>

order, insofar as they were not based on impartial investigations, but on politicized accusations used to justify the deprivation of liberty, and in some cases, the subsequent opening of prosecution proceedings.

11. Some emblematic cases are that of the 5 defenders of the organization *Azul Positivo* (2020), who, after the improper use of the figure of flagrancy, were arbitrarily detained and prosecuted before a court with jurisdiction over terrorism for the crimes of money laundering, provided for in Article 35 of the Law Against Organized Crime and Financing of Terrorism; Association to commit crimes, provided for in Article 35 of the aforementioned law and Fraudulent handling of smart cards or similar instruments, provided for in the Special Law Against Computer Crimes. They were subjected to criminal proceedings for more than one year until the dismissal of the case<sup>16</sup>. And that of Rafael Tarazona, Omar de Dios García and Javier Tarazona members of the organization *FundaRedes* (2021), who after their arrest are being subjected to an arbitrary process against them charged with the crimes of promotion of hatred, treason and terrorism, at the date of submission of this report Javier is still detained<sup>17</sup>. Another example is the case of workers and union leaders, six union leaders were arbitrarily detained in 2022, and after a judicial process full of irregularities, they were sentenced to 16 years in prison for the crimes of "conspiracy and association to commit a crime"; other union leaders have been arbitrarily detained during 2023 after participating, leading or organizing protests. These facts demonstrate that there is an increase in persecution and repression in retaliation for activities demanding social rights.

12. Police agencies, military forces, paramilitary collectives, armed civilian members of the structures of the Popular System of Protection for Peace (Sp3 by its Spanish acronym), and intelligence agencies, have been responsible for arbitrary detentions, disappearances, and other aggressions against protesters and human rights defenders<sup>18</sup>. In this regard, in 2014, the Committee Against Torture recommended the state to investigate and sanction pro-government armed civilian groups that act in cooperation with security agencies to repress protests and impose the corresponding sanctions, and requested the state to disarm and dismantle these groups<sup>19</sup>.

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<sup>16</sup> Urgent appeal by the International Federation for Human Rights. 19.01.21. Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/venezuela-detencion-arbitraria-de-integrantes-de-azul-positivo>

OHCHR Communiqué. 14.01.21. Available at: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26660&LangID=S>

Communiqué of the Observatory of the World Organization Against Torture. 18.01.21. Available at: <https://www.omct.org/es/human-rights-defenders/urgent-interventions/venezuela/2021/01/d26282/>

<sup>17</sup> *Chronology of the FundaRedes Access to Justice case*: <https://accesoaljusticia.org/cronologia-del-caso-de-la-onq-fundaredes/>

<sup>18</sup> See: OVCS, "Situación de la criminalización y represión en Venezuela- 2018", p. 22, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2023/08/Situacion-de-la-criminalizacion-y-represion-en-venezuela-2018.pdf>; "Represión y criminalización de la protesta en Venezuela 2019", p. 6,7 and 8, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2023/08/Situacion-de-la-criminalizacion-y-represion-en-venezuela-2019.pdf>; "Situación de la criminalización y Política de Represión en Venezuela 2020", p. 8, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2023/08/Situacion-de-la-criminalizacion-y-represion-en-venezuela-2020.pdf>; "Situación de la criminalización y represión en Venezuela- 2021", p. 12, available at: <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2023/08/Situacion-de-la-criminalizacion-y-represion-en-Venezuela-2021-FINAL.pdf>; "Situación de la criminalización

<sup>19</sup> Committee against Torture, "Concluding observations on the combined third and fourth periodic reports of the Bolivarian Republic of Venezuela," CAT/C/VEN/CO/3-4, para. 13, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/241/75/PDF/G1424175.pdf?OpenElement>.

13. In many cases, the practice of arbitrary detentions is accompanied by other violations of the rights of the victims, including short-term disappearances, violations of personal integrity, torture and violations of due legal process.

**By virtue of the above, we respectfully request the Committee to recommend to the State :**

- Dismantle and disarm the armed pro-government civilians and paramilitary collectives that have attacked demonstrators.
- Investigate the armed pro-government civilians and paramilitary collectives responsible for attacking demonstrators, as well as the security officials who act in coordination with these groups.
- Immediately release all protesters and human rights defenders who have been arbitrarily detained.
- Take all necessary measures to prevent, punish and avoid forced disappearances of persons, including those of short duration.
- Guarantee due process and release all persons who have been arbitrarily detained for thinking differently or demanding their rights.

**Access to justice, independence of the judiciary and administration of justice (Arts. 2 and 14 of the ICCPR)**

14. The Venezuelan State has established in its reports that significant progress has been made with respect to effective judicial protection, the administration of justice and the right to defense. It mentions that in the period 2014-2018 there was an annual average of 638.766 cases entered and 1.302.425 sentences issued by the courts of the State. Likewise, it expresses that the attention to the public in the courts and the effectiveness with which the cases are attended has been notoriously positive.

15. In this regard, the CDJ and the OVCS express their concern about this, due to the lack of independence of powers and the lack of institutionality is a structural problem on which the State does not pronounce itself in its report. In the framework of the Policy of Criminalization, Repression and Social Control against the defense and demand for human rights, instances such as the Judicial Power and the Attorney General's Office have played an essential role, both by action and omission, in the lack of guarantee of civil and political rights. Both instances have issued stigmatizing speeches by their representatives, have initiated arbitrary judicial processes, have criminalized defenders and peaceful demonstrators, and have perpetuated impunity for human rights violations.

16. The State continues to fail to comply with its due process obligations. In the context of repressive and criminalization patterns, violations of due process and subjection to prosecution without the necessary guarantees in a criminal process have been documented. The CDJ and the

OVCS draw the Committee's attention to the use of practices such as the imposition of public defense, isolation from lawyers, judicial harassment, unjustified procedural delays and the use of pretrial detention as a form of punishment.

17. Our organizations are concerned about the use of special jurisdictions to prosecute human rights defenders, a situation that has already been examined by the Independent International Fact-Finding Mission<sup>20</sup>. In this sense, the jurisdiction with competence in terrorism matters or the military jurisdiction have been used repeatedly as the executing arm of judicialization processes and raids against defenders and peaceful demonstrators.

18. Among the main patterns of the repressive system the OVCS has identified in recent years the increased use of criminal justice and due process violations against peaceful protesters, following demonstrations in 2014 and 2017<sup>21</sup>.

19. In cases of detained demonstrators, defenders and social leaders, procedural delays and lack of judicial guarantees have been documented as a form of harassment. On the other hand, in the period covered by the report, the OVCS documented among the repressive patterns the use of military jurisdiction for the prosecution of civilians. The CDJ, for its part, has recorded the use of the special jurisdiction against terrorism to prosecute social leaders and defenders detained for exercising their rights. These facts are part of the judicial harassment employed by the State as a repressive pattern.

20. The lack of legal certainty and the failure to comply with due process guarantees are only aspects that demonstrate and verify that in Venezuela the right of access to justice is not guaranteed, nor is there an independent Judiciary that can administer justice without impunity for human rights violations.

**By virtue of the above, we respectfully request the Committee to recommend to the State:**

- Prevent and investigate arbitrary detentions and violations of due process of law in the case of arbitrarily detained protesters and defenders.
- Guarantee access to justice for defenders and protesters who have been arbitrarily detained and tortured.
- Carry out effective judicial reforms that guarantee access to justice and establish mechanisms to fight judicial corruption.

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<sup>20</sup> Independent International Fact-Finding Mission. 16.09.21. A/HRC/48.CRP5. Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP5\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP5_SP.pdf)

<sup>21</sup> Office of the High Commissioner for Human Rights. Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from April 1 to July 31, 2017. 2017. Available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/violaciones-y-abusos-de-los-derechos-humanos-en-el-contexto-de>

## Freedom of expression (Art. 19)

21. In its report, the State states that Venezuela respects, protects and guarantees the right to freedom of expression of all Venezuelan citizens. It mentions that the State has sought to guarantee that all Venezuelans may have access to information without any problem, may share and express their opinions without any kind of limitations, wherever the information may come from.

22. In this regard, the undersigned organizations draw the Committee's attention to the persecution of those who defend and demand human rights. Peaceful demonstrators, social leaders, workers and trade unionists are persecuted and criminalized for expressing their discontent through protest and demanding rights. In the case of organizations and defenders, their criminalization is motivated by their advocacy activities, international cooperation, denunciations of the human rights situation in the country and their demand for accountability. Protesters and human rights defenders are constantly subjected to intimidation, harassment and threats for making demands and public denunciations in favor of the respect for human rights and for making visible the crisis in the country.

23. In the context of the exercise of peaceful demonstrations, repression occurs against those people who demand and demand from the State the vindication of their rights, under a critical stance that is uncomfortable to government interests. In this regard, it highlights that in the years 2017 and 2019, characterized by massive protests against government management, the highest number of deaths in the context of peaceful demonstrations were documented. In 2017 approximately 160<sup>22</sup> and in 2019 67 people were documented killed, respectively<sup>23</sup>. This occurs in the context of the closure of civic and democratic space that has resulted in lethal repression against people who express their disagreement with the government administration and carry out activities that the State considers a threat and therefore justifies and endorses the use of measures to neutralize and limit the rights of these people, including silencing through the use of force.

24. Human rights defenders are victims of stigmatization campaigns and hate speech for denouncing human rights violations, demanding justice and promoting accountability. They are also targeted for participating in international forums and advocacy activities before international protection mechanisms.

25. Within the framework of violations of the right to freedom of expression is also the enactment of the Law Against Hate, Intolerance and for Peaceful Coexistence 2017<sup>24</sup>, which is

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<sup>22</sup> Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2017. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2017>

<sup>23</sup> Venezuelan Observatory of Social Conflict. Social Conflict in Venezuela in 2019. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2019>

<sup>24</sup> Official Gazette No41.274, dated November 8, 2017. At: <http://espaciopublico.org/wp-content/uploads/2017/10/Borrador-Ley-contra-el-el-odio-la-intolerancia-y-por-la-convivencia-pac%C3%ADfica.pdf>.



issued contrary to constitutional processes, has served to persecute, intimidate and prosecute social leaders, journalists and dissidents who demand the Venezuelan State to comply with its obligations and respect their rights. The instrument facilitates the criminalization and prosecution of any person who expresses critical opinions or dissents from government policies. The law has been applied against demonstrators, human rights defenders, or citizens critical of government policies.

**By virtue of the above, we respectfully request the Committee to recommend to the State :**

- Guarantee the free and effective exercise of freedom of expression of human rights defenders, protesters and dissident groups.
- Cease systematic stigmatization and smear campaigns against human rights defenders, non-governmental organizations, peaceful demonstrators and ensure that victims are compensated for the damage caused and perpetrators punished.

**Right to peaceful assembly (Art. 21)**

26. In the report, the State affirms that between the period of 2013 and 2019, the full exercise of the right to peaceful demonstration was evidenced in Venezuela. It alleges that in that period there were more than 38 thousand demonstrations, for different objects. He stresses that most of those that started and have turned violent have been due to political and social opposition sectors that have carried out vandalism acts such as setting fire to schools, buildings, squares, among others. In addition, it points out that at all times the State has guaranteed the exercise of the right to peaceful demonstration.

27. In the Concluding Observations of the State's fourth report, the Committee expressed its concern about the violation of human rights in the context of peaceful demonstrations<sup>25</sup> . In response, in its fifth report, the State attempted to justify the use of force by affirming that the demonstrations were not peaceful, but rather that they resulted in violence that required the use of State security forces, in accordance with a sustained discourse that those who carry out peaceful protests for political reasons or for social demands are the ones who carry out violent actions. Contrary to what the State affirms, the OVCS documented between 2011 and 2022 **99.751 peaceful protests<sup>26</sup>, and in the first seven months of 2023 another 4.762**, which include murders and deaths in the context of demonstrations, hundreds of arbitrary detentions and injuries resulting from the excessive and disproportionate use of force.

28. The submitting organizations draw the Committee's attention to the fact that the State's argument that "opposition" protests turn violent in no way represents the reality of the

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<sup>25</sup> Ibidem

<sup>26</sup> Venezuelan Observatory of Social Conflict. Report: Social Conflict in Venezuela 2020. Available at: <https://www.observatoriodedeconflictos.org.ve/oc/wp-content/uploads/2021/01/INFORMEOVCS-ANUAL2020.pdf>

development of peaceful demonstrations in Venezuela, but rather seeks to justify the excessive and disproportionate use of force in the face of the exercise of the right to peaceful demonstration. Likewise, the allegations made by the state to point out those who protest or organize demonstrations as destabilizing agents of peace, terrorists, among others, are also worrying.

29. The OVCS has identified the repression and criminalization of the right to demonstrate as a State Policy. Among the patterns that characterize this Policy are: 1) a discourse that points to those who demonstrate against the government administration as enemies, terrorists and destabilizing agents that must be neutralized; 2) joint attacks exercised mainly by officials of the Bolivarian National Guard (GNB), Paramilitary Collectives, National, State and Municipal Police, Special Action Forces of the PNB (FAES), Military Counter Intelligence Directorate (DGCIM), Bolivarian National Intelligence Service (SEBIN) and other civilians that are part of the Popular Protection System for Peace (SP3). 3) Excessive, systematic and disproportionate use of force through the use of toxic substances and firearms. 4) Practice of cruel, inhuman or degrading treatment of demonstrators. 5) Practice of torture and sexual abuse of demonstrators. 6) Arbitrary detentions. 7) Searches without warrants. 8) Assault on journalists during the coverage of demonstrations. 9) Persecution of demonstrators, social leaders, union leaders, student leaders and leaders of opposition parties. 10) Arrests and aggressions in residential areas at night. 11) Prosecution of civilians in military courts. 12) Selective extrajudicial executions of demonstrators. 13) Use of the structures of the Popular System of Protection for Peace (SP3) to exercise social control functions in vulnerable communities. 14) Action of the National Anti-Terrorism Corps, as a new mechanism of social control and intelligence. 15) Increased use of criminal law, under the logic of the enemy to persecute and criminalize.

30. The OVCS reiterates that most of the documented demonstrations have a focus on social demands to the extent that the Complex Humanitarian Emergency has advanced in the country, and the process of hyperinflation. However, it should be recalled that the official position of the State is to deny the existence of a humanitarian emergency and a human rights crisis. Therefore, instead of enforcing social demands, the State has given them a political tinge, and has directed efforts to repress them. In this sense, the Policy of Repression and Criminalization also serves as an exemplary message to the entire population considered dissident and qualified as "enemy", as part of the closing of civic space.

31. The militarization of public order control, a function that corresponds to the civilian sphere, continues to be a matter of concern. This should be seen as a sign of the institutionalization of the discourse that criminalizes the exercise of peaceful demonstration, inasmuch as by stating that those who exercise this right against the administration are enemies, it is intended to justify the use of military force to control demonstrations, since it is the military bodies that are trained to deal with situations of threat and neutralization of enemies. In the same sense, it is also necessary

to refer again to the use Popular Protection System for Peace (SP3), explained above, since the armed collectives are also repressive agents of demonstrations. Between the years 2017 and June 2021, the responsibility of these actors for the repression of 714 protests was documented.

32. In this regard, we remind the Committee of the work of the International Independent Fact-Finding Mission on Venezuela<sup>27</sup>, which since 2020 has been investigating the possible commission of crimes against humanity<sup>28</sup>. The Mission has determined the possible commission of crimes against humanity in the country, based, among other contexts, on the repression of peaceful demonstrations<sup>29</sup>. In the same sense, the Office of the High Commissioner for Human Rights has also accredited the validity of a pattern of repression of peaceful demonstrations, and specifically, for the year 2017 gave an account of the correlation between the number of demonstrations and detention and death of demonstrators<sup>30</sup>. Finally, it should be recalled that the investigation phase of the International Criminal Court on Venezuela regarding the possible commission of possible crimes against humanity in the country, covers the events that occurred in peaceful demonstrations since 2017<sup>31</sup>.

33. The criminalization of protest occurs within a regulatory framework that permits and endorses its repression, and, in addition, is framed in a generalized context of social control under which, with the transfer of public order and intelligence functions to armed civilians belonging to the para-state system SP3, intimidation and repression persist. In this sense, the violation of the right to peaceful demonstration should not be seen as isolated events, but as a systematic practice carried out within the framework of a chain of command<sup>32</sup> aimed at criminalizing this right.

34. In 2016, the collectives and armed pro-government civilians were formally incorporated to the repressive apparatus of the State through Plan Zamora 200, which allows them to act in conjunction with security agencies to carry out public order and repression of protests<sup>33</sup>. As a complement to Plan Zamora 200 and within the framework of National Security, the *Red de Articulación y Acción Socio Política* (RAAS by its Spanish name) was created, which is a group of community organizations that are present throughout the national territory and one of their functions is to identify within their communities the historical and internal enemies of the "nation"

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<sup>27</sup> United Nations, Human Rights Council. Resolution 42/25. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/264/26/PDF/G2026426.pdf?OpenElement>

<sup>28</sup> International Independent Fact-Finding Mission to the Bolivarian Republic of Venezuela. A/HRC/45/CRP.1. Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP11\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP11_SP.pdf).

<sup>29</sup> Office of the High Commissioner for Human Rights. Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from April 1 to July 31, 2017. 2017. Available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/violaciones-y-abusos-de-los-derechos-humanos-en-el-contexto-de>

<sup>30</sup> International Criminal Court. Mr. Karim A.A. Khan QC, ICC Prosecutor, opens an investigation into the situation in Venezuela and concludes a Memorandum of Understanding with the Government. 05 November 2021. Available at: <https://www.icc-cpi.int/news/icc-prosecutor-mr-karim-aa-khan-qc-opens-investigation-situation-venezuela-and-concludes>

<sup>31</sup> International Independent Fact-Finding Mission for the Bolivarian Republic of Venezuela. A/HRC/45/CRP.1. Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP11\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP11_SP.pdf).

<sup>32</sup> CDH-UCAB, "10 pistas para entender el Plan Zamora 200", pp. 1-2, available at: <https://elucabista.com/wp-content/uploads/2017/05/Para-entender-el-Plan-Zamora-CDH-UCAB-1.pdf>.

and fight against them<sup>34</sup>. This has served as a social control mechanism to denounce before intelligence agencies and other State entities, people who oppose the national government, criticize the public administration of Nicolás Maduro, demand and defend human rights<sup>35</sup>.

35. Regulations contrary to the exercise of freedom of assembly continue to be approved. In May 2023, the Municipal Ordinance for Citizen Coexistence and Communal Peace Justice, 2023<sup>36</sup> was approved; which, among other things, contemplates within its articles restrictions to the right to peaceful demonstration, including the request for a permit to protest, under penalty of sanctions if not complied with, being provisions that are not in accordance with international human rights standards and the Constitution itself, being a new element added to the existing policy of criminalization, repression and social control in the country. The sanctions that may be imposed through this regulation are of concern, as well as the intention to condition citizen action on public roads to permits to demonstrate, the use of SP3 structures to exercise public order control functions to enforce the provisions of the ordinance and the endorsement of denunciation as a mechanism of social control.

**By virtue of the above, we respectfully request the Committee to recommend to the State :**

- Refrain from arbitrarily repressing the right to peaceful assembly and demonstration.
- Cease the militarization of public order control.
- Cease the persecution and repression of protesters and people demanding rights.
- Investigate and sanction those at the highest levels of the chain of command who order the repression of demonstrations.
- Refrain from promoting the actions of paramilitary collectives and armed civilians in public order control functions.

### **Freedom of association (Art. 22)**

36. The Venezuelan State states that between the years 2012 and 2019, 849 trade union organizations were registered. However, it does not mention the difficulties and barriers imposed on civil society in associative matters and in relation to the possibility of registration. There is also no mention of the progress made by the Legislative Branch in the creation of laws aimed at the control of civil society organizations and international cooperation.

37. The submitting organizations highlight the lack of adoption of measures to guarantee the protection and security of defenders and organizations, and express their concern about the increase in the persecution and criminalization of actions for the defense, promotion and demand

<sup>34</sup> PSUV, "RAAS: Modelo de unidad superior para la defensa de la nación", available at: <http://www.psu.org.ve/portada/psuvred-articulacion-y-accionmodelounidaddefensa-nacion/>.

<sup>35</sup> OVCS, "Aumenta el control social, discriminación y represión en Venezuela: Red de Articulación y Acción Socio Política (Raas)", p. <https://www.observatoriodeconflictos.org.ve/sin-categoria/aumenta-el-control-social-discriminacion-y-represion-en-venezuela-red-de-articulacion-y-asociacion-politica-raas>.

<sup>36</sup> Official Gazette of May 25, 2023 No. 4940-23. Available at: [https://mega.nz/file/E5cqhaBJ#vq3pkjP29CHsJis\\_qT3Uhx-d2ztj3BbgGkkn06PsVZc](https://mega.nz/file/E5cqhaBJ#vq3pkjP29CHsJis_qT3Uhx-d2ztj3BbgGkkn06PsVZc)

of rights through the creation of new legal and factual mechanisms that restrict their work within the framework of freedom of association. The accusations persist, particularly from those media belonging to the National System of Public Media, highlighting those made in the program *Con el Mazo Dando*, where threats, calls for violence and acts of stigmatization are constantly made against those who defend and demand human rights in the country<sup>37</sup>.

38. The Venezuelan State has attempted to restrict the work of human rights organizations and the trade union movement through the imposition of regulatory measures that limit the right to freedom of association, based on the logic of the internal enemy, particularly under the argument that the organizations use international cooperation to promote and execute allegedly interfering activities in the country. Under the justification of preserving the security of the nation, efforts have been made to impede the work of the organizations, including the prohibition of registration of new organizations, and the control of their activities and monitoring of their funds under Administrative Ruling 002-2021, which, in addition, prequalifies the organizations as terrorists in accordance with the repeated unfounded accusations coming from State officials.

39. Additionally, the set of restrictive norms existing in Venezuela has been applied to individuals and organizations with the purpose of accusing them for the activities they carry out within the organizations, and which are proper to freedom of association and the defense of human rights. In this regard, it highlights the application of the Law against the Financing of Terrorism, which has been used repeatedly against organizations and defenders because of their activities as an association and framed within international cooperation and the use of criminal law under the logic of the enemy against union leaders. In this regard, the case of the 5 members of *Azul Positivo*, who were charged with the crime of money laundering imposed by this law, and recently the case of the workers and social leaders who were sentenced to 16 years in prison on charges of conspiracy and association to commit a crime, stand out.

40. Measures aimed at limiting and hindering the work of human rights organizations and civil society in general are advancing, through the creation and possible imposition of new requirements for the full operation within the framework of new discretionary controls contrary to international law that are intended to be imposed through the *Bill for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations*<sup>38</sup>, and the draft *Law on International Cooperation*<sup>39</sup>, which has tried to be approved on several occasions<sup>40</sup>.

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<sup>37</sup> Center for Defenders and Justice. Situation of human rights defenders in Venezuela - Year 2021. Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/01/CDJInformeAnual2021.pdf>

Center for Defenders and Justice. Situation of human rights defenders in Venezuela - Year 2020. Available at: <https://centrodefensores.org.ve/?s=08>  
<sup>38</sup> See draft project at: <https://centrodefensores.org.ve/wp-content/uploads/2023/02/LEY-DE-FISCALIZACION-REGULARIZACION-ACTUACION-Y-FINANCIAMIENTO-DE-LAS-ORGANIZACIONES-NO-GUBERNAMENTALES-Y-AFINES-v24.01h2.00-2.pdf>

<sup>39</sup> Twitter. Tweet by Victoria Mata. 08.02.23. Available at: <https://twitter.com/MataVictoria/status/1623335236124790788?t=oH69IXJs1MB6nCieOnFcMw&s=19>

<sup>40</sup> See: Center for Defenders and Justice (CDJ). SITUATION OF HUMAN RIGHTS DEFENDERS IN VENEZUELA - May 2022. At: <https://centrodefensores.org.ve/?p=423>

41. The CDJ has denounced that the normative proposals show the State's intention to control the operation of organizations in their entirety, criminalizing their activities, mainly those related to international cooperation, both financially and technically. Considering that the aforementioned projects are composed of provisions that restrict, limit and criminalize the defense of human rights and humanitarian assistance in an independent manner. Laws of this nature, arbitrary and discretionary, put at greater risk individuals and human rights organizations and civil society in general in Venezuela<sup>41</sup>. If approved, the proposals would add to a series of restrictive norms on the rights to association, expression and peaceful assembly, representing a serious threat to the free and full operation of organizations.

42. Finally, the Committee is requested to examine the actions of the State against freedom of association in a comprehensive manner, and understanding this as part of a systematic policy, which is not only composed of restrictive measures, but a policy of criminalization that seeks to punish the exercise of this right, limit the work of organizations and serve as an exemplary punishment. It is under this premise of attack that the persecution of associations working for the defense and demand of human rights occurs, with the main patterns identified being stigmatization, intimidation, harassment, threats, digital attacks, arbitrary detentions and prosecutions, as well as violations of personal integrity.

**By virtue of the above, we respectfully request the Committee to recommend to the State:**

- Repeal regulations contrary to freedom of association and cease the use of institutional measures that violate the right to freedom of association.
- Refrain from enacting laws that affect the operation of nongovernmental organizations and, if enacted, ensure that they conform to international standards, especially the International Covenant on Civil and Political Rights and the Declaration on Human Rights Defenders.
- Guarantee and respect the right to freedom of association of Venezuelan civil society and refrain from arbitrary or discretionary intervention in the exercise of this right.

**Attacks against Human Rights Defenders**

43. The Center for Human Rights Defenders has documented the deepening criminalization of the defense and demand for rights that has been perfecting since 2002 and has intensified since 2013. **Between 2017 and 2022 there were 2.050<sup>42</sup> attacks and aggressions against people and organizations defending human rights; for the first seven months of 2023 they registered 329 new situations<sup>43</sup>**, without the State showing any intention to cease criminalization and on the contrary the factual and legal measures to criminalize, limit and hinder the defense, demand and

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<sup>41</sup> See: SITUATION OF HUMAN RIGHTS DEFENDERS IN VENEZUELA - First Quarter 2023. Center for Defenders and Justice (CDJ). At: <https://centrodefensores.org.ve/?p=526>

<sup>42</sup> Special Report Center for Defenders and Justice (CDJ): [www.centrodefensores.org.ve/?p=476](http://www.centrodefensores.org.ve/?p=476); Monthly Reports Center for Defenders and Justice (CDJ) at: <https://centrodefensores.org.ve>

<sup>43</sup> First Semester 2023 Reports, Center for Defenders and Justice (CDJ) at: <https://centrodefensores.org.ve/?p=543>

promotion of rights are accentuated, increasing the levels of risk for people and organizations that carry out these activities in the country.

44. The Venezuelan State continues to criminalize the defense, demand and promotion of human rights, in a context in which the closure of civic and democratic space and the curtailment of fundamental freedoms continues to deepen. Among the main patterns of attack and intimidation are: stigmatization, intimidation and harassment, threats, arbitrary detentions, prosecutions, raids, digital attacks, and other aggressions that could compromise the personal safety and life of the victims.

45. The actions of individuals and human rights organizations continue to be limited and controlled, as a consequence of the repression and social control of the State, affecting not only their operations but also the accompaniment of victims. The context for the defense, demand and promotion of human rights continues to be adverse and restrictive, increasing the risks for those who are in the front line of response to the social, political and human rights crisis in the country, without the existence of effective mechanisms for their protection.

46. We note with concern that the patterns of aggression are increasingly applied with greater force against those who carry out activities related to the vindication and protection of rights. We see more acts of violence, repression and intimidation, without the existence of effective mechanisms to guarantee the exercise of their work. The State, by action and omission, is responsible for these acts by not guaranteeing an enabling and safe environment.

#### Reprisals for cooperating with United Nations Mechanisms

47. The CDJ has documented attacks against individuals and organizations that defend human rights as a form of reprisals for cooperating with United Nations mechanisms. The attacks are framed in a context of criminalization of international cooperation and that the actions of denunciation and demand for accountability are aimed at destabilizing the country, disturbing national peace and are activities related to international interference. Reprisals are manifested in stigmatization; threats; acts of intimidation and harassment.

#### **By virtue of the above, we respectfully request the Committee to recommend to the State:**

- Investigate attacks against human rights defenders. Prosecute and punish those responsible, provide reparations to the victims and adopt measures of non-repetition.
- Cease the policy of criminalization against human rights defenders.
- Refrain from committing reprisals against those who cooperate with the mechanisms of the United Nations organization.
- Ensure an enabling and safe environment for the defense of human rights.