



HUMAN RIGHTS COUNCIL - 48th SESSION

Interactive dialogue with the independent international fact-finding mission on the Bolivarian Republic of Venezuela

[Ms Marta Valinas - Chair of the Fact-Finding Mission on the Bolivarian Republic of Venezuela:](#)

- *Report of the Fact-Finding Mission on Venezuela: [A/HRC/48/69](#)*

During the past year, the Mission has investigated and analysed the **role of the Venezuelan justice system in the investigation and persecution of opponents of the government**. Based on the investigations conducted, the Mission has reasonable grounds to believe that the **justice system in Venezuela has played a significant role in the State repression of opponents** to the government rather than providing them with protection when they were victims of human rights violations.

The Mission has reasonable grounds to believe that, in the cases under review, **judges and prosecutors have failed in their obligation to protect opponents from arbitrary arrests and detentions and have sometimes contributed to such arbitrary detentions**, for example, by providing legal support for arbitrary arrests and detentions carried out without a warrant. In the cases under review, the Mission has reasonable grounds to believe **that pre-trial detention orders were issued routinely and not as an exceptional measure**, without providing sufficient or adequate justification.

In 113 of the 183 cases of detention examined by the Mission, detainees or their representatives reported **torture, sexual violence and other degrading treatment**. In 67 of these cases, detainees appeared in court with marks of ill-treatment or raised complaints of such treatment during hearings.

In some of the cases analysed, the Mission has reasonable grounds to believe that the prosecution **used information obtained under torture or coercion** and that **judicial authorities used such information as evidence**. Frequent procedural delays beyond the deadlines established by law, documented by the Mission, have led to the **prolongation of pre-trial detention** with devastating effects on the lives of the suspects, including their physical and mental health and that of their families.

The Mission also has reasonable grounds to believe that, in certain cases, actors in the justice system have **deprived detainees of their right to legal representation**, refusing to authorize the appointment of a private defence and insisting that they be represented by a public defence. It has also **denied access to crucial court documents** to those who exercised legal representation.

The Mission has documented how the **independence of the Venezuelan justice system has been weakened, compromising the ability of judges and prosecutors to perform their functions** without interference. Former judges and prosecutors have reported **receiving instructions** – both from political actors and from hierarchies – on how to act or decide in cases, outside the facts of the case.

The Fact-Finding Mission recommends that the Venezuelan authorities implement the necessary measures, as formulated in its report's conclusions, to ensure **that all actors in the justice system act independently** and in strict compliance with the law, in order to **put an end to documented human rights violations**, ensure **accountability** and guarantee justice for victims.

The Mission recalls the duty of the Venezuelan authorities to **guarantee the safety and security of any person who may have collaborated with the Mission**, and for its part, will continue to monitor any type of retaliation against them. The Mission will continue to investigate cases of **extrajudicial executions, enforced disappearances, arbitrary detentions and torture** and other cruel, inhuman and degrading treatment, including **sexual and gender-based violence** in Venezuela with a view to presenting its analysis and conclusions to the Council next year.



State of Venezuela – speaking as country concerned:

The State of Venezuela **rejects this new report** and **rejects the legitimacy of the Fact-Finding Mission**. The report contains **false information** and allegations and there is no methodological or scientific method. The Mission is well funded by external States with millions injected in the mechanism. Why not use these resources to buy COVID-19 vaccines against the pandemic? Again, this is another proof **of using human rights to target specific States**. This lamentable practice aimed at Venezuela jeopardizes the credibility of this Council. Instead, this body should congratulate the **cooperation between Venezuela and the OHCHR**.

The world is aware of the **criminal imposition by the United States and Europe of unilateral coercive measures**. The Mission did not take any note of these sanctions, which **undermine human rights** and are a **crime against humanity**. They constitute a systematic attack against Venezuela.

Delegations that took the floor during the Interactive Dialogue (39 statements)

European Union, Germany, Liechtenstein, Sovereign Order of Malta, France, Switzerland, Spain, Ecuador, Luxembourg, Cuba, Democratic People's Republic of Korea, Uruguay, Paraguay, United States, Russian Federation, Brazil, China, Czech Republic, Portugal, Syria, Georgia, Chile United Kingdom, Nicaragua, Colombia, Belarus, Sweden, Iran, Sri Lanka, Yemen, Zimbabwe, Organization of American States, Ethiopia, Cambodia, Lao People's Democratic Republic, South Sudan, Bolivia, Canada, Eritrea.

The majority of States taking the floor thanked the Mission for its report and expressed their **support for its mandate**. States agreed with the Mission's conclusion that the **judicial system in Venezuela was not independent**. They were concerned over the **interference of authorities** in the judicial system and its role in the **perpetuation of impunity for human rights violations** committed in Venezuela. States urged Venezuela to **restore the independence of its judiciary system** and to **cooperate with the Mission** and other international human rights monitoring mechanisms.

Several States taking the floor were concerned over the **human rights violations taking place in Venezuela**, including **extrajudicial killings, arbitrary arrests, enforced disappearances, torture, ill-treatment, harassment of political opponent, human rights defenders, journalists** and members of **civil society**.

Some States **opposed the debate** and **denied the legitimacy of the Mission**. They deplored the **non-credibility and non-objectivity of the facts**, saying this debate was part of a **political agenda aimed at destabilizing Venezuela**. They expressed they **support for the sovereignty** and integrity of Venezuela. Most of these States denounced the **unilateral coercive measures imposed on Venezuela** and the **detrimental effect** they have on human rights. (Cuba, Democratic People's Republic of Korea, Russian Federation, China, Syria, Nicaragua, Belarus, Iran, Sri Lanka, Lao People's Democratic Republic, South Sudan Eritrea)

8 NGOs took the floor during the Interactive Dialogue:

Freedom House, Latin American Foundation, United Nations Watch, Amnesty international, International Commission of Jurists, FIDH, Advocates for Human Rights, World Organization Against Torture, International Human Rights Association of American minorities, HazteOir.org.

Freedom House and the World Organization Against Torture denounced the impunity for human rights violations in Venezuela. The *Latin American Foundation* stated this the Fact-Finding Mission was a clear example of **politicization of human rights** against Venezuela. *United Nations Watch* said there was **no justice in Venezuela** and that the report of the Mission showed the horrors committed against civilians. *Amnesty International* said that the systematic crimes committed by the Venezuelan security forces could amount to **crimes against humanity**. *International Commission of Jurists* was concerned by the **lack of cooperation between Venezuela and the Mission**. *FIDH* urged the Council to follow-up on **acts of reprisal** against human rights defenders in Venezuela. *Advocates for Human Rights* denounced the **arbitrary arrests of civilians** and the **torture** and ill-treatment they suffer in prison. *International Human Rights Association of American Minorities* said that **unilateral coercive measures** were having a big impact on Venezuela and should be lifted. *HazteOir.org* denounced the numerous **human rights violations** occurring in Venezuela.

Watch the full ID with Fact-Finding Mission on Venezuela on UN WebTV: [PART1](#); [PART2](#)