

## HUMAN RIGHTS COUNCIL – 57th SESSION

### Interactive dialogue with the Fact-Finding Mission on Venezuela

20 September 2024

Pursuant to Human Rights Council resolution 51/99, **Ms. Marta Valiñas, Chair of the Fact-Finding Mission (FFM) on Venezuela**, presented its fifth report covering events having occurred over the past year, which was marked by a sharp deterioration of the human rights situation since the presidential elections of 28 July 2024. The repressive machinery of the Venezuelan State continued to commit serious human rights violations and crimes. The population was left helpless in the face of the arbitrary exercise of power. In such a context, the slightest semblance of legality in the actions taken by the authorities was fading away, with an ensuing high risk of disintegration of the rule of law.

Since July 28, when the National Electoral Council announced President Maduro's victory without any evidence, **repression and political persecution** have been on the rise. Investigations conducted by the FFM revealed that 25 persons were killed in the post-election protests; a very high number of persons were detained, including children and persons with disabilities; and several persons were victims of short-term enforced disappearances. The FFM received allegations and was able to document cases of torture and cruel, inhuman, or degrading treatment, as well as acts of sexual and gender-based violence. The violations documented and investigated in the latest report released by the FFM represented only a portion of a much larger spectrum and could not be understood solely as the product of the post-election crisis. These violations were the result of a **preconceived plan** - executed through different modalities of repression – to discourage, silence, and nullify the political opposition and voices critical of President Maduro's Government or those demanding transparency in the electoral results. In this context, the FFM concluded that some of the serious human rights violations investigated during the reporting period represented a continuation of the same line of conduct that was qualified by the FFM in previous reports as **crimes against humanity**. The FFM believed that some of the violations documented during the entire timeframe of its mandate, including arbitrary detention, torture, and sexual violence, as well as other violations of fundamental rights, including freedom of association and assembly and freedom of expression, taken together constituted the **crime against humanity of politically motivated persecution**.

During its oral update to the Council in March 2024, the FFM recalled that the **repressive structure** of the State had not been dismantled and it continued to represent a latent threat that could be activated when the Government deemed it necessary. The numerous events recorded during the period leading up to the presidential elections confirmed the reactivation of this repressive machinery. **Targeted political repression of opponents** or of those perceived as such continued throughout the reporting period. Between December 2023 and March 2024, at least 48 people - 39 men and 9 women, including civilians and military personnel - were detained in connection with what the authorities considered to be a conspiracy to destabilize the country, overthrow the Government, or attempt to the life of the President or other high authorities. This amounted to at least three arrests every week for four months.

Furthermore, the FFM investigated emblematic cases of **arbitrary detention of well-known personalities** such as the lawyer and human rights defender **Rocío San Miguel** and her relatives. It also investigated political persecution against the opposition, especially against militants and national and regional leaders of *Vente Venezuela*. Five members of this political party against whom arrest warrants were pending since March 2024 - along with another person close to this opposition group - took refuge in the residence of the Argentinian ambassador in Caracas and were granted asylum. After

the expulsion of the diplomatic representation of Argentina, Brazil took over the custody of the residence with the refugees in it. However, on 7 September, the Venezuelan Government decided to revoke the approval granted to Brazil to guard Argentina's diplomatic facilities. In addition, during the election campaign from 4 to 25 July 2024, the FFM documented up to 121 arrests of persons who were detained simply for having provided services at opposition campaign events. Many of the arrests during the pre-election period were arbitrary and were sometimes followed by acts of torture and short-term enforced disappearances. These violations constituted the most violent expression of the countless obstacles to legitimate political action by the opposition.

This critical human rights situation reached an unprecedented level after the announcement of the election results in the early hours of 29 July 2024. Even before the elections, President Maduro and other high-ranking officials had warned of the possibility of an outbreak of violence if they did not achieve electoral victory. The wave of citizen protests that followed the announcement was repressed with unusual harshness and violence. According to sources from civil society organizations, between 29 and 31 July, 915 protests were registered throughout the country. The FFM's preliminary investigation confirmed the violent death of 25 persons in the context of citizens' rallies or protests. 24 of them were killed by gunfire and most of them were young men from various popular neighbourhoods under 30 years of age. The FFM did not yet have sufficient evidence to attribute responsibility for these deaths, but in several of these cases, the FFM was able to document the presence of detectives from the Bolivarian National Guard or the Bolivarian National Police using their firearms to repress the protests. The security forces were sometimes accompanied by groups of armed civilians who also **opened fire against demonstrators**. Arrests in this period reached figures not recorded since 2019.

The authorities themselves acknowledged the **detention of more than 2,200 persons** between 29 July and 6 August alone. Although the detention of members of the political opposition and members of civil society - including journalists - continued, most of the victims of post-election detentions came from various popular neighborhoods and were identified by the security forces after obtaining videos or photographs published on social media or by informing persons related to the ruling party in response to calls from the President himself. These **arrests were massive and indiscriminate** and were carried out on the basis of preconceived plans such as the threatening '*Tun Tun Operation*.'

In the last month and a half, the FFM documented **143 arrests** - including 66 militants or leaders of seven different opposition parties - and initiated investigations of 12 of such arrests. State security forces entered private homes without the necessary warrants and detained persons to the desperation of their relatives. In several cases investigated by the FFM, officials did not even know the name of the person to be arrested. The houses of persons who had participated in protests or who were suspected of having done so were marked with an X. President Maduro said that detainees should be sent to labor camps for re-education. In this context, the FFM documented the **detention of at least 158 children** - 130 boys and 28 girls - a phenomenon never before recorded to such an extent. These children were arrested after the protests and charged with serious crimes such as terrorism and incitement to hatred. The FFM had already been able to document serious violations of international standards on child protection.

The FFM further found that the practice of **short-term enforced disappearances** had not ceased. Based on a strict interpretation of international standards, the FFM found reasonable grounds to believe that in 13 cases, State agents carried out deprivations of liberty and refused to disclose the fate or whereabouts of detainees, thus depriving them of the protection of the law. This number rose to more than 20 under a more expansive interpretation of the prohibition of enforced disappearance. In at least 27 post-election cases, the FFM documented situations that could constitute enforced

disappearances. In these cases, detainees could not communicate with their families and lawyers; the authorities did not acknowledge their detention; and such detainees were not brought before a judge within the 48-hour time limit established by law.

**Acts of torture and cruel, inhuman, or degrading treatment** also continued. The FFM identified a range of torture methods used by the security forces or intelligence services, including punching, beatings with wooden planks or foam-wrapped bats and electric shocks, asphyxiation with plastic bags, immersion in cold water, and forced sleep deprivation. The FFM continued to record acts of **sexual and gender-based violence**, usually in detention centers, which increased in the aftermath of the post-election crisis. In this respect, the FFM documented groping of breasts, buttocks, and genitals, forced nudity, invasive searches, sexist threats and insults, and denial of sexual and reproductive rights against some of the more than 200 women and girls detained, as well as against women visiting their loved ones in detention centers.

The FFM recorded numerous allegations of **critical detention conditions** in the main centers where the authorities held detainees in the aftermath of the protests, such as in the *Tocorón* and *Tocullito* prisons for men and in the women's prison *La Crisálida*. Both before and after the elections, the FFM identified serious and systematic violations of the right to due process, such as detention without legal ground or without arrest warrant; unjustified delays in bringing detained persons before a judge beyond the 48-hour time limit; the impossibility of having a defense lawyer of own choice; the holding of hearings at night without publicity and in the same detention centers; or disproportionate charges without factual basis that implied sentences of up to 30 years imprisonment.

The violations described above took place in the context of an **increasingly shrinking civic and democratic space**. On 15 August 2024, the National Assembly unanimously approved the new law on NGOs despite recommendations to the contrary by the FFM, OHCHR, and the Inter-American Commission on Human Rights. The approved text was deemed incompatible with international norms and standards on the right to freedom of association and further restricted the ability of civil society organizations - including human rights organizations - to operate freely. The National Assembly also moved forward with the adoption of the draft law against fascism, neo-fascism, and similar expressions. Under a broad and ambiguous definition of fascism and neo-fascism, the bill criminalized legitimate ideological expressions in a pluralistic society.

The situation in Venezuela, especially since 28 July, has become one of the most acute human rights crises in the country's recent history. Serious human rights violations and crimes were still ongoing. Hundreds of people, including children, continue to be detained in unacceptable conditions, thereby increasing their risk of being subjected to torture and ill-treatment, including sexual and gender-based violence. Politically motivated persecution continued to occur. The international community was facing a great responsibility to put a halt to this persecution and to ensure that crimes that had been and continued to be committed did not go unpunished.

In reply to questions raised by delegations, **Mr. Francisco Cox Vial**, a **member of the FFM**, stated that according to the interpretation of the members of the FFM, the newly adopted law on NGOs was yet another mechanism to repress and impede the work of human rights defenders which also deprived the Council of crucial information. For victims on the ground, the international community should demand access to prisons by independent bodies to verify their conditions of detention. In case of renewal of its mandate, the FFM would continue investigating the chain of command as it was crucial for responsibility and accountability purposes.

In her concluding remarks, **Ms. Patricia Tappatá Valdez**, a **member of the FFM**, recalled that a robust democracy at the service of the most vulnerable - as it had been pointed out during the interactive dialogue - did not put children and adolescents in prison and keep them detained for 50 days without any legal assistance and any family support. A robust democracy did not close radio stations, did not prosecute journalists, did not suspend political parties, and did not prosecute their members. A robust democracy punished those who violate human rights. A robust democracy did not carry out hearings in secret places in the middle of the night without any prior information. A robust democracy did not prosecute citizens because of their political identity.

**Venezuela (country concerned)** described the FFM's report as a ridiculous pamphlet drafted by an illegitimate body created by the Lima Group, following orders from Washington to bring about regime change of the legitimate government of Venezuela. The successive reports by an illegally imposed FFM were a sign of the erratic drift of this UN institution. Western countries insisted on turning the Human Rights Council into an instrument of coercion and blackmail against the sovereign peoples and governments of the South. The wording of the report was not only vulgar, but it also sought to impose on the United Nations the narrative of the Venezuelan fascist right wing, from which the FFM shamelessly drew its inspiration. From the semantic expression 'reasonable grounds to believe' the FFM developed a fable invented by non-existent, nameless, faceless, and unidentifiable people. The report was an absurdity, an ill-intentioned piracy, which should draw the immediate attention of this Council to reject it. If not, the international community would be surrendering the true mandate of the Council whose credibility was being questioned worldwide for its inaction in the face of the Palestinian genocide committed by Israel with the blessing of the United States and the European Union.

The Bolivarian revolution in Venezuela had been systematically attacked. Venezuela had denounced time and again before the Human Rights Council and before UN red tape with sufficient evidence of the assassination attempts against its President and other Venezuelan high-level officials. Venezuela had collected rigorous evidence of attempted invasions of its territory promoted or permitted by the United States and confessed by captured mercenaries. All these denunciations were ignored or made invisible by the hypocrisy of this system, as the officials who received them seemed to be more concerned about those who appointed them to their posts than about fulfilling the mandate given by the States. In this way, victims were treated as perpetrators and perpetrators as victims. The new pandemic threatening humanity was called fascism and nazism which were flourishing again under the aegis of the United States, the European Union, and senior officials of the international system to clamp down on the emerging multipolar reality, impose models of domination and take over natural resources. Venezuela demanded an urgent rectification to put the Human Rights Council back on track towards upholding the principles behind the creation of the Council.

After the successful re-election of President Nicolás Maduro with 52% of the votes, the fascist right in Venezuela sparked a wave of violence to implode the institutionality based on the disregard of electoral results. They used criminal gangs to attack people and burn and destroy public health, security, and education institutions. These were not peaceful protests, and the evidence was amply demonstrated to diplomats, NGOs, countries, and the High Commissioner for Human Rights himself who flagrantly ignored them. In 48 hours, 27 Venezuelans were murdered by armed commandos paid by the extreme right who committed atrocious hate crimes characteristic of fascism. Venezuela had created by constitutional mandate the most robust social protection apparatus on the continent. However, this protection system was being destroyed by the sanctions imposed by the United States and the European Union which violated the human rights of all Venezuelans and constituted a crime

against humanity. The re-election of President Maduro on 28 July guaranteed, as Commander Chávez taught, the path to truth, justice, and above all the path to victory.

### Interactive dialogue

During the interactive dialogue, **51 country delegations** took the floor, including the Inter-American Human Rights Commission. The vast majority of the delegations voiced profound concern over the increasing restrictions on freedom of association and expression and the resort to arbitrary detention, torture, and ill-treatment which particularly affected the political opposition and those expressing dissenting voices such as journalists, human rights defenders, civil society and the population more broadly. Particularly worrying were arrests of minors and their detention not in compliance with international standards. Numerous delegations pointed to the need to carry out impartial and thorough investigations into human rights violations in order to deliver justice and accountability. While calling for the unconditional release of those arbitrarily detained, several delegations emphasized the need for constructive dialogue to put the country back on the track of democracy and the rule of law. Many delegations further urged Venezuela to allow an impartial verification of electoral results; to reinstate OHCHR's country office; and to cooperate with and grant access to the country to international human rights mechanisms, including the FFM.

**Ecuador (on behalf of Argentina, Canada, Chile, Guatemala, Paraguay, and Uruguay)** agreed with the FFM on the urgency of an immediate halt to the repression and prompt investigations into serious human rights violations, some of which could constitute crimes against humanity falling under the remit of the International Criminal Court. The group deplored the lack of independence of the National Electoral Council and the Supreme Court of Justice, whose pronouncements on the last electoral process were inconsistent with the rule of law and deepened the deterioration of the human rights situation in the country. The group urged the Venezuelan State to respect the right to life, liberty, and security; the right to peaceful assembly and association; and the right not to be subjected to arbitrary detention, enforced disappearance, torture, or other degrading treatment or punishment. Children and adolescents in detention had to be treated strictly in line with international standards. In conclusion, the group called for an impartial verification of the election results; respect for human rights defenders; the immediate release of all those arbitrarily detained; and cooperation with human rights mechanisms.

The **European Union** remained deeply concerned about the situation of human rights in the country and reiterated its call on the Venezuelan authorities to put an end to repression, excessive use of force, and harassment against members of the opposition and civil society, including human rights defenders and journalists. It further expressed alarm over the staggering number of arbitrary arrests and short-term enforced disappearances, thereby calling for their immediate and unconditional release. Human rights violations and abuses must be investigated and those responsible brought to justice.

**Cuba (on behalf of the group of friends in defense of the UN Charter)** reiterated the categorical rejection of double standards in the field of human rights and expressed serious concern at the continuing and increasing proliferation of mechanisms and reports on Venezuela without the consent of the State concerned. The group reaffirmed its strong condemnation of the sustained and increasing application of unilateral coercive measures for political purposes which had a dramatic impact on the full enjoyment of human rights in Venezuela. At the same time, the group acknowledged the victory

of President Maduro in the elections and called for respect for Venezuelan institutions such as the National Electoral Council and the Supreme Court of Justice.

**Luxembourg (on behalf of the Benelux countries)** voiced deep concern over a state-led wave of repression marked by the arbitrary detention and arrest of at least 2,000 protesters, including minors and citizen electoral observers. The Benelux countries called for the immediate and unconditional release of all political prisoners and reiterated its call for transparency in the electoral process and its outcomes, thus respecting the will of the Venezuelan citizens and upholding their fundamental rights. While voicing deep concern over the cases of **María Andréa Oropesa, Perkins Rocha, Freddy Superlano, Dignora Hernández, Henry Alvarez**, and many other cases, the Benelux countries strongly call on the authorities to guarantee prompt access to private, legal and medical assistance to those detained.

**Chile** expressed dismay at the death of 35 persons, including two children, at the hands of the Venezuelan security forces; the detention of 2,200 persons for mere political reasons; and the complaint regarding the abduction of former lieutenant **Ronald Ojeda** from his house in Santiago de Chile, whose corpse was found with signs of torture a few hours afterward - a crime that was being investigated by the Prosecution's Office in Chile.

By reaffirming its defense to upholding popular sovereignty, **Brazil** noted that the respect of this principle could only be guaranteed through an impartial verification of electoral results. While recognizing the negative impact of sanctions on the rights of the Venezuelan people, Brazil emphasized that respect for human rights must prevail under any circumstance. Brazil was working jointly with OHCHR and human rights bodies to further dialogue within the country as the only means to overcome the ongoing crisis.

After expressing serious concern about over-generalized and systematic attacks against civilians, **Japan** urged Venezuela to cooperate with and provide adequate support to the FFM in order to hold those responsible to account. Worried about restrictions on civic and democratic space, Japan also urged Venezuela to ensure transparency in the election process; to abstain from violence; and to uphold human rights and the rule of law.

**Switzerland** deplored the targeting of human rights defenders, and the arrest warrants issued against the candidates of the opposition to the Presidency. By reaffirming its firm stance against any clampdown, it called for the immediate release of those arbitrarily detained; the upholding of human rights; the rapid return of OHCHR's office to Venezuela, and its cooperation with human rights mechanisms. Switzerland was ready to offer its **good offices** for a constructive dialogue.

As the very first body to flag the deterioration of the human rights situation in Venezuela, the **Inter-American Human Rights Commission (IAHRC)** stressed the lack of transparency in the presidential elections, whose records had not yet been rendered public by the authorities. In the post-election phase, the IAHRC documented serious human rights violations, particularly arbitrary use of force, extrajudicial executions, arbitrary detention, short-term disappearances, judicial persecution, and censorship, especially against political opponents, electoral observers, human rights defenders, and protesters. The clampdown included practices of state terrorism aimed at generating a climate of fear among the population and discouraging dissenting voices, in a context of impunity and absolute lack of protection against abuses of power for which no remedy was available due to the fact such State organs responded to the regime and were part and parcel of the State's repressive machine.

**NGOs** expressed gratitude for the report presented by FFM and voiced utmost concern over the severe deterioration of the human rights crisis in Venezuela. Seriously dismayed at the crackdown on

protesters and human rights defenders, NGOs called upon national authorities to uphold freedom of association and expression. They further urged the Council to renew the mandate of the FFM as essential to monitor the situation, establish the truth and facts, and achieve justice.

**Ingenieurs du Monde** urged the international community to stand with Venezuelans to ensure the truth in the elections; to provide support to those who required asylum; and to renew the FFM's mandate. **Amnesty International** called for the immediate and unconditional release of Kennedy Tejada, Henry Gómez, Edward Ocariz, and others arbitrarily detained. **AVSI** called upon the Government to immediately cease any form of repression and violence against citizens, thereby upholding the right to freedom of assembly. AVSI further recommended the International Criminal Court move forward with investigations into human rights violations and hold those responsible to account. **Lawyers for Lawyers** expressed alarm at the numerous reports of widespread and systematic denial of the rights to a fair trial and an effective defense during criminal proceedings. Detainees were being denied access to a lawyer of their own choice as the State arbitrarily assigned lawyers who failed to provide effective and independent legal representation. It was also alarmed by the alleged arbitrary detention and criminal prosecution of lawyers following their attempts to provide legal assistance as well as the annulment of their passports to prevent them from leaving the country. **International Rehabilitation Council for Torture Victims** and **Human Rights Watch** strongly condemned the use of repressive measures to prevent human rights defenders from Venezuela from attending the Council's session. The **International Commission of Jurists** underlined the crucial importance of the FFM to preserve evidence of the truth and memory, as domestic institutions were unable or unwilling to deliver justice for victims of human rights atrocities. OHCHR should endeavor to optimize effective protection for human rights defenders in the country. In addition to acts of intimidation, threat, and torture against human rights defenders, the **World Organization against Torture** documented the arbitrary, selective, and discretionary annulment of passports which had prevented human rights defenders from attending this Council's session for fear of retaliation. The recently approved law on NGOs symbolized the civil death of human rights organizations and violated their rights to associate freely and to defend human rights. While strongly condemning the use of torture and sexual violence as a method of repression, **Humanists International** urged Venezuela to recommit to the democratic will of its people and to cease repression and violence against peaceful protesters.

Delegations that took the floor during the Interactive dialogue (51 country delegations):

*Venezuela, Ecuador (on behalf of a group of countries), the European Union, Cuba (on behalf of a group of countries), Luxembourg (on behalf of the Benelux countries), Liechtenstein, Italy, Ireland, Portugal, Chile, Sri Lanka, Brazil, Peru, United States, Japan, Austria, Poland, Australia, DPRK, Canada, Honduras, Iran, Eritrea, Spain, United Kingdom, Romania, Paraguay, Uruguay, Albania, Saudi Arabia, Russian Federation, Belarus, Georgia, Zimbabwe, Israel, Switzerland, China, Türkiye, Burundi, South Sudan, Nicaragua, Inter-American Human Rights Commission, Syria, Egypt, Sudan, Ukraine, Cuba, Lao PDR, Germany, Bolivia, Argentina.*

NHRIs and NGOs that took the floor during the Interactive dialogue (10):

Aula Abierta, Ingenieurs du Monde, Amnesty International, AVSI, Lawyers for Lawyers (joint statement), International Rehabilitation Council for Torture Victims, International Commission of Jurists, Human Rights Watch, World Organization against Torture, Humanists International.

To watch the full meeting refer to [UN WEB TV](#).