**FFM VENEZUELA
FACTS AND FIGURES

Second report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela**

The following highlights data and analysis from the Mission’s investigation. For additional information and context, please refer to the press release and the paragraph numbers cited in the Conference Room Paper A/HRC/48/CRP.5.

***The Mission’s investigation***

* For the present report, **the Mission conducted a detailed analysis of 183 detentions of perceived or real government opponents that took place between 2014 and August 2021**, in order to evaluate the time, manner and circumstances in which arrests, detentions and judicial proceedings occurred. These include several cases that were reviewed and analysed for [the Mission’s 2020 report](https://undocs.org/en/A/HRC/45/33). In relation to those, the Mission obtained information about procedural developments, whenever they occurred, and carried out further analysis. In addition, for the present report, the Mission investigated and analysed 73 additional detentions, including 19 that took place since September 2020. The detentions analysed involved 153 men and 30 women, 92 of whom are civilians and 91 members of the military. As part of these investigations, the Mission conducted an extensive document review of thousands of pages of legal case files, including arrest warrant requests by the prosecution, arrest and search warrant orders by courts, and records of initial appearances, preliminary hearings, oral and public trials, and appeals (A/HRC/48/CRP.5, para. 11).
* **The Mission held 177 interviews (99 men, 76 women and 2 group interviews involving women and men), including 60 interviews with legal representatives of victims. The interviews also included 36 “judicial insiders”, or former or current members of judicial institutions, including judges and prosecutors, who were able to reveal information from within these structures during the Mission’s reporting mandate.** In addition, the Mission posted a questionnaire on its website, which was open to any verifiable current or former judge, prosecutor and/or lawyer admitted to practice in Venezuela. It received 86 responses, which are reflected in the relevant substantive sections below (42 men, 36 women and eight not identified). Of these, 12 were former judges, 15 former prosecutors, four former public defenders and 55 former or current defence lawyers. The Mission held in-depth interviews with 14 individuals that responded to the questionnaire and accepted to be contacted by the Mission (A/HRC/48/CRP.5, para. 13).
* **Two years into the Mission’s mandate, the Venezuelan government still has not permitted its members to visit Venezuela in order to undertake in-country fact-finding**. The government has also not responded to any of the 17 letters sent by the Mission between September 2020 and September 2021. In the letters, the Mission reaffirmed its willingness to cooperate with the authorities of the government of Venezuela and to initiate a dialogue on the issues related to the Mission’s mandate (A/HRC/48/CRP.5, paras. 16-17).
* **The liquidity crisis affecting the Office of the High Commissioner for Human Rights significantly delayed the hiring of the Mission’s support team**, which has not been fully operational since September 2020 and had to operate on less than a third of its capacity for most of the period since then. As such, the Mission chose to concentrate its efforts on the judicial system, as a central component and contributor to the human rights crisis in Venezuela. Although these resource constraints meant it was not able to conduct wider investigations into other violations at this stage, this does not mean they have ceased. The Mission will report upon extrajudicial executions, arbitrary arrests and detentions, enforced disappearances, and torture and other cruel, inhuman or degrading treatment, including sexual and gender based violence, at future HRC sessions (A/HRC/48/CRP.5, para. 21).

***Accountability/impunity***

* Of the 86 judges, prosecutors and defence lawyers who responded to the Mission’s questionnaire, **98.2 per cent said that in their experience, political cases were not investigated and/or prosecuted in accordance with the law** (A/HRC/48/CRP.5, footnote 891).
* Since Tarek William Saab’s appointment as Chief Prosecutor in 2017, **the Public Prosecutor’s Office has failed to issue any written annual public reports or present them to the National Constituent Assembly or National Assembly**, favouring instead the sporadic delivery of information via press conferences and on social media (A/HRC/48/CRP.5, paras. 384-385).
* The [2020 report of the High Commissioner for Human Rights](https://www.ohchr.org/Documents/Countries/VE/A_HRC_44_20_AdvanceUneditedVersion.pdf) cited information from the Government of Venezuela that by May 2020, the Public Prosecutor’s Office had carried out 361 investigations into cases of torture and 9,951 investigations into cases of ill-treatment. According to the information provided in the report, this resulted in 517 State agents charged, 401 indicted, 167 deprived of their liberty and 26 convicted for torture and ill-treatment. According to this set of numbers, **the conviction rate of public officials investigated for allegation of torture and ill-treatment was 0.2 per cent** (A/HRC/48/CRP.5, para. 456).

***Procedural irregularities***

* **In 113 of the 183 cases of detentions analysed by the Mission, detainees or their representatives have made allegations of torture, sexual violence and/or other cruel, inhuman or degrading treatment**. In 67 of these, the detainees appeared in court with clear marks of mistreatment or raised allegations of torture, sexual violence and/or other cruel, inhuman or degrading treatment during court proceedings (A/HRC/48/CRP.5, para. 257). In all, 82 detainees who were allegedly subjected to torture continued to be charged with crimes (A/HRC/48/CRP.5, para. 279).
* Several cases investigated indicated a **deliberate backdating of arrest warrants or falsification of the dates of arrest**, appearing to place retroactively the date of detention within 48 hours of the initial appearance, as required by law. These actions would seemingly require both prosecutorial and judicial actors to work together to ensure that dates of the arrest requests and the dates of the arrest warrant orders coincide (A/HRC/48/CRP.5, para. 240).
* **In some cases, the official dates of arrest appear to cover up periods during which victims claim to have suffered short-term enforced disappearances**, during which they were held incommunicado and either tortured or subjected to cruel, inhuman and degrading treatment, including sexual violence. The Mission documented **19 arbitrary arrests and short-term enforced disappearances of members of the military**, which prosecutors and judges sustained via the issuance of *ex post facto* arrest warrants (A/HRC/48/CRP.5, paras. 242-243).
* The Mission investigated cases demonstrating a failure to comply with legal requirements for searches, documenting **73 cases in which officers searched detainees’ homes or offices and seized items without presenting search warrants at the time**. In a number of cases, evidence was seized, during a search without a warrant, from computers or telephones, sometimes after the passwords had been obtained from the owner under duress or torture (A/HRC/48/CRP.5, para. 289).
* The Mission has identified and documented **24 detentions that involved falsified, manipulated or planted evidence**. In addition, 78.82 per cent of the respondents to the Mission’s questionnaire, who were all defence lawyers, prosecutors or judges, indicated that they had observed such evidence tampering in cases to support charges (A/HRC/48/CRP.5, para. 290).
* Under Venezuela’s Criminal Procedure Code, pre-trial detention may be ordered only exceptionally. However, **of the 170 cases involving initial appearances documented by the Mission, 146 resulted in pre-trial detention for the accused** (A/HRC/48/CRP.5, para. 226).

**Eighty of the cases (47 per cent) resulted in pre-trial detention for more than the two years permitted under law** (A/HRC/48/CRP.5, para. 231).

* Of 170 cases examined in which the defendant was charged, **the right to counsel of choice was denied in 54 cases (32 per cent)** (A/HRC/48/CRP.5, para. 296).
* In 92 of the 170 detentions examined by the Mission that resulted in judicial proceedings, **the prosecutor or judge failed to provide defence lawyers with important case file information**, including police records, indictments or records of hearings (A/HRC/48/CRP.5, para. 306).
* **Seventy-seven per cent of the initial appearances examined occurred outside the 48-hour period permitted by law**, with 18 per cent of detainees held for more than a week before their initial appearances (A/HRC/48/CRP.5, para. 317).
* **In 102 detentions documented, the preliminary hearings were deferred numerous times The Mission documented 16 detention cases in which the preliminary hearing was deferred for more than two years**, during which time some of the detainees remained either in pre-trial detention or with substitute precautionary measures (A/HRC/48/CRP.5, para. 318).
* The Mission reviewed 55 detentions in which the proceedings had advanced to trial, noting an average of 523 days (over 17 months) between the date of the preliminary hearing and the start of the trial. **Only 19 of these proceedings had reached a verdict at time of writing, with an average time lapse of 759 days (more than two years) after the arrest** (A/HRC/48/CRP.5, para. 319).
* **Of the 56 defence lawyers who responded to the Mission’s questionnaire, 57 per cent said they had received some form of threats or harassment against themselves or their families**, including from military, police or intelligence officials. Such harassment included surveillance, aggressive pursuit in vehicles, receiving intimidating phone calls or being blocked from entering tribunals (A/HRC/48/CRP.5, para. 313).

***Interference with the judiciary***

* Since Venezuela’s 1999 Constitution, **at least a dozen new laws and resolutions have impacted the justice system** (A/HRC/48/CRP.5, Table 1, pp. 13-21).
* Following the change of Chief Prosecutor in August 2017**, 196 public prosecutors throughout the country were summarily dismissed,** many of whom had publicly demonstrated criticism over the actions of the government in the lead up to this dismissal (A/HRC/48/CRP.5, para. 127).
* Out of 183 detentions analysed, **the Mission documented 102 instances in which, prior to or within hours or days of a detention carried out by security or intelligence forces, high-level public officials made public statements about the case** (A/HRC/48/CRP.5, para. 173).
* Insider sources reported that **Supreme Tribunal justices routinely receive orders on how to decide judgements, at times directly from senior government figures** (A/HRC/48/CRP.5, para. 132).
* **One hundred per cent of respondents to the Mission’s questionnaire said that the process of appointment of judges in Venezuela has not been in accordance with the law** (A/HRC/48/CRP.5, para. 100).
* **Nearly half of the 86 former judges and prosecutors surveyed by the Mission, along with many of their family members, have had to leave Venezuela fearing for their safety** (A/HRC/48/CRP.5, para. 161); many others declined to speak to the Mission out of fear of reprisals (A/HRC/48/CRP.5, para. 161).

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