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Human rights situations that require the Council's attention**Report of the independent international fact-finding mission
on the Bolivarian Republic of Venezuela****Summary*

The present report, submitted to the Human Rights Council pursuant to its resolution 51/29 of 7 October 2022, contains the findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. The report focuses on two areas: (i) the State apparatus and its mechanisms of repression and restrictions on civic and democratic space; and (ii) the establishment of the Directorate of Strategic and Tactical Actions (DAET) as part of the Bolivarian National Police (PNB) in July 2022 as the continuation, in terms of structure, command and modus operandi, of the Special Action Forces (FAES).

* The present report was submitted after the deadline as to include the most recent information.

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I. Introduction

A. Background

1. In resolution 42/25 of 27 September 2019, the Human Rights Council established the independent international fact-finding mission on the Bolivarian Republic of Venezuela (hereinafter “the mission”).¹ In its first report to the Council on 25 September 2020, the mission concluded, with reasonable grounds to believe, that State authorities, including individuals at the highest levels of government, had orchestrated and implemented a policy to “silence, discourage and quash opposition to the Government of President Maduro” including through crimes against humanity.²

2. By resolution 45/20 of 6 October 2020, the Council extended the mission’s mandate for an additional two years.³ Accordingly, the mission presented its second report to the Council in September 2021⁴ and its third report in September 2022.⁵

3. By resolution 51/29 of 7 October 2022, the Council extended the mission’s mandate for two more years, until September 2024.⁶ The present report is submitted in accordance with this resolution and is accompanied by two conference room papers reflecting the mission’s lines of investigation and containing the mission’s detailed findings.

4. The first conference room paper addresses the use of mechanisms of targeted repression by the Venezuelan State to repress real or perceived opponents to the Government since 1 January 2020. The mission focused, on the one hand, on the violations and crimes explicitly listed in the mission’s mandate (extrajudicial executions, enforced disappearances, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, including those involving sexual and gender-based violence) with a view to providing an update on the findings included in the mission’s 2020 first report (*infra*, Chapter III). On the other hand, the mission investigated other mechanisms of repression aimed at restricting civic and democratic space, involving attacks, threats, intimidation and harassment, defamatory and discrediting statements, criminalization, political disqualification, censorship, and media restrictions, as well as limitations on the work of NGOs, trade unions and political parties (*infra*, Chapter IV).

5. The mission has reasonable grounds to believe that the mechanisms of repression, detailed in the first conference room paper, demonstrate the Venezuelan State’s continued use of “hardline” and “softer” tactics (reflected, respectively, in Chapter III and Chapter IV) to target individuals and/or organizations that investigate, denounce or attempt to address human rights or social and economic problems in the country, and individuals who interfere or are perceived to interfere with interests of government actors, whether political, economic or criminal. The forms of violence and coercion deployed by the Venezuelan State have varied, at different stages of the ongoing crisis, depending on the perceived nature and intensity of social dissent. The victims comprise civil society actors, including well-known human rights and women’s rights defenders, journalists, and trade unionists, as well as the leaders and members of opposition parties.

6. The mission’s second conference room paper addresses the structure, command, and modus operandi of the Directorate of Strategic and Tactical Actions (DAET) a new directorate of the Bolivarian National Police (PNB), created in July 2022, and its relationship with the Special Action Forces (FAES), showing a clear continuity between the two structures (*infra*, Chapter V). This line of investigation connects with the mission’s previous findings on State structures involved in the perpetration of human rights violations and

¹ A/HRC/RES/42/25, para.24.

² A/HRC/45/33, paras. 160-166.

³ A/HRC/RES/45/20, para.15.

⁴ A/HRC/48/69.

⁵ A/HRC/51/43.

⁶ A/HRC/RES/51/29, para.10.

international crimes.⁷ The mission has reasonable grounds to believe that Venezuelan authorities, far from dismantling the structures involved in previous patterns of violations and crimes through genuine institutional reforms and accountability, have instead retained or even promoted some of the individuals responsible for the violations and crimes.

7. The focus of the present report in no way seeks to minimize or ignore other cases involving gross human rights violations in the Bolivarian Republic of Venezuela and should not be construed as suggesting that other violations and crimes did not occur. In particular, the mission remains concerned about the great number of allegations of extrajudicial executions by security forces in the context of security operations against organized crime. Despite the reported decrease in recent years, the mission notes that the number of alleged killings by security forces in the country is still alarming and continues to rank among the highest in the world, while reflecting similar patterns to those documented in the mission's previous investigations.⁸

B. Methodology and standard of proof

8. The mission conducts its investigations in accordance with established methodologies, best practices, and standards recognised by the United Nations, with specific attention to gender issues and the gendered impact of violations.⁹ The mission works in accordance with the principles of independence, impartiality, objectivity, transparency, integrity, and the principle of "do no harm", including in relation to guarantees of confidentiality and the protection of victims and witnesses.

9. The applicable standard of proof adopted by the mission is one of "reasonable grounds to believe", consistent with the practice of other investigative bodies established by the Human Rights Council. While this threshold is lower than that required for a conviction beyond reasonable doubt, and even for confirmation of an indictment in criminal proceedings, it is sufficient to warrant the initiation of criminal investigations.

10. The mission conducted 256 interviews and focus group discussions with a total of 299 individuals during the present cycle (153 men, 142 women, and four persons with diverse gender identities), both in-person and remotely via secure telephone, messaging applications, or video calls. The mission obtained informed consent from interviewees for the use of their information in this report and has appropriately anonymised information that identifies or could potentially identify sources, witnesses, victims, and in some cases, potential perpetrators. Specifically, the names of 119 sources and of five victims were anonymized. Three victims were referred to other organizations based on their protection needs.

11. Human Rights Council resolutions 42/25, 45/20 and 51/29 urged the Venezuelan authorities to cooperate fully with the mission, to grant it immediate, full and unfettered access to the entire country, and to provide it with all the information necessary to fulfil its mandate. The mission regrets that the Venezuelan Government continues to refuse to engage with the mission.

⁷ In its 2020 report, the mission found reasonable grounds to believe that the Special Action Forces had been involved in the commission of serious human rights violations and international crimes as part of security operations aimed at combatting criminality. See A/HRC/45/33, 102-119; https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP_11.pdf [párrs. 2058-2060]

⁸ A/HRC/45/33, paras. 79 ff.

⁹ See A/HRC/45/33, paras.6-11, 162.

II. Recent developments

A. Political and economic developments in the Bolivarian Republic of Venezuela

12. Developments in the Bolivarian Republic of Venezuela since 1 January 2020 have shaped the focus of the mission's investigations on the progressive closure of democratic and civic space. During the earlier period from 2014 to 2020, the political and institutional crisis in the country was characterized by the violent and unlawful repression of popular demonstrations, as documented in the mission's first report of September 2020. State repression led to dozens of arbitrary deprivations of life by security forces, arbitrary arrests of real or perceived opponents of the Government, some followed by torture and sexual and gender-based violence, and widespread attacks on journalists and media outlets. The years with the highest numbers of recorded protests were 2017 (9,787 protests), 2018 (12,715 protests) and 2019 (16,739 protests).¹⁰

13. After the COVID-19 pandemic and the peak of protests in 2019, there has been no wave of political demonstrations on a similar scale. There has been a corresponding reduction in protest-related State violence, yet the Government's intolerance of dissent and the closure of civic and democratic space has continued relentlessly.

14. The mechanisms of repression investigated by the mission have taken place in the context of a continuing economic and humanitarian crisis. According to non-governmental sources, by March 2022, 82.8% of hospital care services were inoperative, meaning that some 19.1 million people stopped benefiting from these services.¹¹ The annual inflation rate in April 2023 stood at 400%, the highest national rate in the world.¹² By August 2023, at least 7.71 million people had left the country.¹³ This economic and humanitarian crisis is reflected in the evolving nature of protests, which are increasingly linked to economic and social concerns, such as labour conditions, access to health and basic services, and shortages of food and petrol.¹⁴

15. Between March 2022 and March 2023, four sessions of the Social Dialogue Forum brought together the Venezuelan Government, employers' organizations, and trade unions, convened with the support of the International Labour Organization (ILO).¹⁵ Despite this progress, in July 2022, the wage reform by the National Budget Office (ONAPRE) sparked widespread protests.¹⁶ Meanwhile, trade union leaders continued to be persecuted.

16. In contrast to the earlier period of international isolation, 2022 saw the emergence of a phase of reopening and dialogue. In August 2022, the Government moved to normalize diplomatic relations with foreign states.¹⁷ Over that year, the United States authorized certain transactions to foreign oil and gas companies, in the context of the international energy crisis exacerbated by the Federation of Russia's invasion of Ukraine. On 26 November 2022, in Mexico City, the Government and the Unitary Platform of Venezuela, which is comprised of opposition political parties, resumed dialogue and negotiation. The two parties agreed on the establishment of a USD 3,000 million social protection fund drawing on frozen Venezuelan assets, to be administered by the United Nations.

17. On 30 December 2022, opposition political parties, gathered in the continuation of the fourth legislature of the National Assembly (2015-2021), voted to extinguish the interim

¹⁰ <https://www.observatoriodeconflictos.org.ve/informes-anuales/informes-anuales>.

¹¹ <https://humvenezuela.com/wp-content/uploads/2022/09/HumVenezuela-Informe-Marzo-2022.pdf>.

¹² <https://www.imf.org/en/Countries/VEN#countrydata>.

¹³ <https://www.r4v.info/es/refugiadosymigrantes/>.

¹⁴ <https://www.observatoriodeconflictos.org.ve/informes-anuales/informes-anuales>.

¹⁵ https://www.eeas.europa.eu/delegations/un-geneva/ilo-governing-body-follow-report-further-developments-concerning-social_en?s=62.

¹⁶ <https://provea.org/actualidad/que-es-el-instructivo-onapre-la-impopular-medida-de-maduro-que-genera-el-rechazo-de-los-trabajadores-venezolanosa>.

¹⁷ <https://www.youtube.com/watch?v=YIDTa8wFAzs>.

government headed by opposition leader Juan Guaidó since 2019.¹⁸ Guaidó subsequently fled the country.

18. The freezing of wages, together with high inflation, continued to increase the loss of purchasing power among the active and retired population.¹⁹ Early 2023 saw a new phase of discontent and protests linked to economic conditions in the country, involving notably the health and education sectors and the State-owned enterprises.

19. As the country entered a pre-election cycle ahead of the 2024 presidential election, restrictions on the civic and democratic space intensified. In June 2023, the opposition politician and presidential nominee María Corina Machado was disqualified from holding any public office for a period of fifteen years.²⁰ On 1 August 2023, six trade union and social leaders, who took a leading role in the 2022 labour protests, were sentenced to 16 years imprisonment on terrorism charges.²¹ On 11 August 2023, the Supreme Court of Justice suspended the board of directors of the Communist Party of Venezuela.²²

20. On 24 August 2023, the National Assembly appointed new authorities of the National Electoral Council for the period 2023 to 2030. The appointment of the Comptroller General, Elvis Amoroso, as head of the Council raised concerns on the body's independence in the face of the forthcoming elections due to his links to Government.

B. Progress in accountability and justice for victims

21. Since the mission's first report in September 2020, some progress has been made in accountability for the violations and crimes investigated by the mission. On 27 June 2023, Pre-Trial Chamber I of the International Criminal Court authorised the Office of the Prosecutor to continue its investigation in Situation I of the Bolivarian Republic of Venezuela. The Prosecutor's request for authorization cited the mission's findings extensively.

22. On 14 June 2023, the Clooney Foundation for Justice filed a complaint before the federal courts of Argentina related to the deaths of two persons who took part in the protests of 2014 in the Bolivarian Republic of Venezuela. The filing requested, based on the principle of universal jurisdiction, the opening of an investigation of crimes against humanity committed also citing the mission's previous reports.²³

23. The mission's conclusions have been repeatedly cited by reports of the Inter-American Commission on Human Rights and the United Nations Working Group on Arbitrary Detention. The mission's work also contributes to the international protection for asylum seekers and other persons who have been forced to leave the Bolivarian Republic of Venezuela.

III. Mechanisms of repression: principal violations and crimes

24. The mission investigated the human rights violations and crimes explicitly listed in the mission's mandate (extrajudicial executions, enforced disappearances, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, and sexual and gender-based violence) perpetrated against real or perceived opponents. The report focuses on the period from 1 January 2020 to 31 August 2023, with a view to providing an update on the

¹⁸ <https://www.asambleanacionalvenezuela.org/noticias/aprobada-2da-discusion-reforma-de-ley-de-estatuto-que-rige-la-transicion-propuesta-por-ad-pj-unt-y-mvp-que-elimina-el-gobierno-interino-y-toda-referencia-a-la-usurpacion>.

¹⁹ <https://elpais.com/internacional/2023-01-16/maduro-enfrenta-un-nuevo-pico-de-conflictividad-por-el-rezago-salarial-en-venezuela.html/>.

²⁰ <https://www.asambleanacional.gob.ve/noticias/diputado-jose-brito-confirma-inhabilitacion-politica-de-maria-corina-machado>.

²¹ <https://www.ohchr.org/en/press-releases/2023/08/venezuela-un-experts-condemn-use-counter-terrorism-laws-convict-trade/>.

²² <http://historico.tsj.gob.ve/decisiones/scon/agosto/328317-1160-11823-2023-23-0708.HTML/>.

²³ https://twitter.com/ClooneyFDN/status/1695090572057276805?ref_src=twsrc%5Etfw

mission's previous investigations. For the purposes of this update, the mission investigated 43 new cases involving 72 victims (47 men, and 25 women, including a transgender woman).

25. The period between the end of 2020 and early 2021 marked a change in the political and human rights crisis in the country that had reached its maximum intensity periods in 2014 and between 2017 and 2019. The year 2020, with the onset of the COVID-19 pandemic, marked the end of massive protests called for by opposition parties, a reduction in the practice of massive arrests of demonstrators followed by torture in detention, and the end of large-scale counter-insurgency operations in response to initiatives to overthrow or destabilize the Government.²⁴

26. In relation to the period after early 2021, the mission received fewer allegations of arbitrary deprivations of life committed against persons opposing the Government, or perceived as such, as well as of arbitrary detentions, short-term enforced disappearances, torture and other cruel, inhuman or degrading treatment, and sexual and gender-based violence also committed against individuals with that profile. With regard to violations in the context of security operations to combat crime, particularly extrajudicial executions – as previously documented by the mission – the mission cannot conclude if there was an increase or decrease in numbers as they were beyond the scope of the current investigation focus.

A. Arbitrary deprivation of life

27. The mission investigated nine cases of deaths since 2020 that could potentially fall within the patterns of repression against real or perceived opponents. The cases investigated include three protest-related deaths, four deaths of civil society actors, and two deaths in detention. The mission has reasonable grounds to believe that, in at least five of these cases, the deaths amounted to arbitrary deprivations of life attributable to State authorities.

28. The three protest-related deaths occurred in the context of the security forces' response to fuel protests that spread across the country between July and August of 2020. The mission has reasonable grounds to believe that the Bolivarian National Guard (GNB) and the Directorate General of Military Counter-intelligence (DGCIM) were responsible for the killings of two of these persons, Carlos Ernesto Chaparro and Junior Enrique Chaparro, in the States of Aragua and Anzoátegui, respectively. International protocols on the use of force and firearms were not followed. The corpse of Junior Enrique Chaparro, a member of the Kariña indigenous people was found buried in the forest with seven bullet impacts.

29. The mission investigated four violent deaths of civil society actors: the journalists José Carmelo Bislick Acosta and Andrés Eloy Nieves Zacarías killed in August 2022 in the States of Sucre and Zulia; the renowned indigenous Uwottüja leader, Virgilio Trujillo, killed in June 2022 in Amazonas State; and Communist Party activist and social communicator José Gregorio Urbina killed in January 2022 in the State of Apure. The mission was unable to conclude that these cases fell within the scope of targeted repression of real or perceived opponents. Further investigations, which must include that hypothesis – among others-, are needed.

30. The mission investigated two deaths in custody: General Raúl Isaías Baduel who died on 12 October 2021 in the custody of the Bolivarian National Intelligence Service (SEBIN) at El Helicoide (his case was previously investigated by the mission²⁵); and Salvador Franco, a member of the Pemón indigenous people who died on 3 January 2021 in the Rodeo II prison. The mission has reasonable grounds to believe that both deaths were a direct result of the denial of adequate medical attention. According to international standards, unless proven otherwise, deaths in custody are considered arbitrary deprivations of life and generate State responsibility.²⁶

²⁴ A/HRC/51/43, para.26.

²⁵ <https://www.ohchr.org/es/statements/2021/10/statement-independent-international-fact-finding-mission-bolivarian-republic>.

²⁶ See, for example Human Rights Committee, *Zhumbaeva v Kyrgyzstan*, CCPR/C/102/D/1756/2008.

B. Short-term enforced disappearance

31. The mission has reasonable grounds to believe that in 14 cases (10 men, four women) since 2020, individuals were subjected to short-term enforced disappearances attributable to State authorities. The victims remained missing for at least several hours, and in some cases up to 10 days, until their whereabouts were known. Despite demands by their relatives and/or lawyers about whether the victims were held in specific places of detention, authorities, who knew, provided no response.

32. The mission has reasonable grounds to believe that the Public Prosecutor's Office knowingly delayed the official date of detention in some cases, and in others, family members were denied information about individuals being transferred between detention centres. The mission also documented the illegal practice of taking detainees to clandestine houses before they are placed in an official detention centre as in the case of John Jairo Gasparini Ferbans, who was detained in connection to the Operation *Constitución*.

C. Arbitrary detentions

33. The mission has reasonable grounds to believe that in at least 58 cases since 2020, individuals were arbitrarily detained. Of these cases, 53 occurred in the context of selective repression of real or perceived opponents of the Government, and five in the context of protests. The majority of arrests were attributable to the Directorate General of Military Counter-intelligence or the Bolivarian National Intelligence Service.

34. The 53 cases investigated in the context of selective repression involved the arbitrary detention of trade union leaders, human rights defenders, NGO members, journalists, members of opposition parties, teachers, and others who expressed criticism or complaints against the Government, including labour demands. In two cases, involving 11 people, arrests were made on the alleged participation of detainees in military acts of rebellion, officially portrayed as intending to destabilize the Government. These include three cases against military personnel.

35. The mission also identified arbitrary detentions of relatives of the main suspects in these cases, despite the absence of sufficient evidence to justify their detention. This practice has disproportionately affected women, as authorities detain female relatives and partners of the persons they are pursuing in order to pressure and intimidate the main suspects. These women end up entangled in legal proceedings for serious charges like treason and terrorism, such as in the cases of Operation *Gedeón* and Operation *Constitución*. As a result, women suffer serious human rights violations, sometimes even more severe than those faced by the alleged perpetrators.

36. The mission identified three common patterns of arbitrary detention. Firstly, several detentions were carried out without prior arrest warrants. According to the mission's investigations, authorities often failed to produce warrants or inform detainees of the reasons for their arrest. Arrests in *flagrante delicto* often lacked a valid cause or were justified by planting fake incriminating evidence, particularly firearms, on detainees. Security forces breaking into detainees' homes failed to produce search warrants, used excessive force, and threatened relatives of those apprehended. Detainees were rarely brought before a judge within the legally required 48 hours, with some waiting up to 10 days after their arrest, which the Public Prosecutor concealed by reporting false arrest dates.

37. Secondly, arbitrary detentions derived from imprisonment for longer periods than permitted by law. The mission found that, in several cases at the headquarters of the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence, and other places of detention around the country, preventive pre-trial detention exceeded the maximum permissible.

38. Thirdly, the mission identified a pattern in which individuals remain in prison even after a judge ordered their immediate release. Prison Directors refuse to release individuals on the grounds that authorizations from the Ministry of People's Power for the Penitentiary

Service are pending.²⁷ This pattern disproportionately affects persons deprived of their liberty for having opposed the Government, as illustrated in at least 15 individual cases documented by the mission.

D. Torture and other cruel, inhuman or degrading treatment

39. In relation to the period from 2020 to early 2021, in some of the investigated cases of torture and other cruel, inhuman or degrading treatment, the mission was able to establish, with reasonable grounds to believe, that these cases reflect a State policy to silence, discourage and quash opposition to the Government documented in previous reports. The mission investigated 28 cases in official and clandestine places of detention (22 men, and six women, including a transgender woman). The mission received information that victims of torture or ill-treatment frequently choose not to report violations for fear of reprisals or negative consequences for their ongoing detention.

40. The acts documented by the mission included beatings (especially to the head, ribs, buttocks, genitals, legs, and fingers and toes); suspension by the wrists or ankles; suffocation with bags on the head, sometimes sprayed with insecticide; exposure to low temperatures and cold baths; cigarette burns; tear gas; sleep deprivation including constant light 24 hours a day and loud music, punishment cells with reduced space only to stand and prolonged solitary confinement. The mission received information about the use of psychological torture, including threats to harm detainees' partners and children, to impose worse conditions of detention or longer periods of detention, or to torture or rape them.

41. The mission has reasonable grounds to believe that certain acts of torture and ill-treatment were intended to punish detainees for trade union or human rights activities, for denouncing acts of corruption, for political activism, or for otherwise acting against or speaking out against the Government. In some cases, the acts of torture or ill-treatment were intended to extract fabricated confessions or false statements.

42. According to the mission's investigations, Venezuelan authorities failed to act in response to allegations of torture and ill-treatment. Neither the judiciary, nor the Public Prosecutor's Office, nor the Ombudsman's Office have acted diligently to respond to allegations. Accordingly, impunity for these acts in cases involving real or perceived opponents of the Government remains the norm.

43. The facts reported by the mission are consistent with the use of torture and ill-treatment by State authorities to generate and perpetuate a climate of fear in Venezuelan civil society and demonstrate the consequences of dissent. Some individuals interviewed by the mission stated that the symbolic impact of cases of torture and ill-treatment served to terrorize civil society and inhibit dissent, notably the continued existence of torture rooms in El Helicoide and the *Casa de los Sueños* ("House of Dreams"), in Boleíta.

44. The mission has continued to receive reports of poor detention conditions for Government opponents, or those perceived as such, in the Directorate General of Military Counter-intelligence detention centres, including in Boleíta, in the Bolivarian National Intelligence Service's El Helicoide, and the National Institute for Feminine Orientation (INOF). Such detention conditions include inadequate sanitary conditions and lack of hygiene products; lack of fresh air and lack of access to sunlight; overcrowded cells; lack of access to medical treatment or denial of medication including sexual and reproductive health services, and insufficient food or water, which in some cases could amount to torture and other ill-treatment. In addition, the mission received information about arbitrary restrictions of family and legal visits, and violations of the rights of breastfeeding mothers and detained women with young children outside of prison.

²⁷ <https://oveprisiones.com/en-venezuela-le-niegan-la-libertad-a-reclusos-con-boleta-de-excarcelacion/>.

E. Sexual and gender-based violence

45. The mission has reasonable grounds to believe that sexual and gender-based violence continued to be used as a form of torture and humiliation against persons who are real or perceived opponents to the Government, perpetuating a cycle of abuse and oppression, through rape, the threat of rape and invasive searches and forced nudity.

46. For the period since 2020, the mission investigated cases involving 19 victims of sexual or gender-based violence in places of detention, including real or perceived opponents, their family members, and their lawyers (4 men and 15 women, including a transgender woman). The cases involved threats of rape against two women, and the rape of three men. These individuals were all arrested in the final year of large-scale counter-insurgency operations in 2020.

47. The mission documented cases where sexual violence was used as acts of torture or cruel, inhuman or degrading treatment soon after individuals were arrested. In at least five cases, officials of the Special Action Forces and the Directorate General of Military Counter-intelligence perpetrated acts of sexual violence or threatened detainees with rape (including female detainees being told they would be sent naked to a room with male officials). Two female detained military officers were raped with blunt objects.

48. Forced nudity as part of invasive physical searches is widespread in the Venezuelan prison system, disproportionately affecting women. The mission received information from six victims and four direct witnesses, all women, of the systematic use of forced nudity during invasive physical searches. The mission received information that these acts were carried out with particular viciousness against real or perceived political opponents in detention, their legal representatives and relatives.

49. The mission has documented the use of gender-based insults or threats as a form of humiliating and degrading treatment against real or perceived Government opponents in detention. For instance, incarcerated women were insulted and labelled as “bad mothers,” “bitches,” or “prostitutes.” In a disproportionate number of cases compared to men, threats against women often revolved around their children and what might happen to them if they did not cooperate.

IV. Other mechanisms of repression

50. In its 2020 report, the mission concluded that the Venezuelan State’s policy of targeting real or perceived opponents to the Government included targeted repression of civil society actors and political leaders. This was carried out through physical attacks, threats, defamation and stigmatization campaigns, administrative reprisals (notably the removal of politicians, judges or public officials from their posts), arbitrary criminal prosecutions, harassment and threats to family members of real or perceived opponents of the Government.

51. The mission has reasonable grounds to believe that, since 2020, the policy of targeting real or perceived opponents of the Government has continued in a more selective manner by focusing on individuals that serve as examples to dissuade others from expressing dissenting views. This has been done both through the main human rights violations mentioned in the previous chapter, as well as through other mechanisms of repression documented by the mission, namely: attacks, threats, surveillance and harassment; defamation and discrediting statements; criminalization; political disqualification; censorship and arbitrary restrictions on the media; and restrictions on the creation and functioning of civil society and political parties.

52. The mission investigated 62 cases involving these mechanisms of repression, which were used against 51 direct victims (30 men, 19 women and 2 persons of diverse gender identities). It has also investigated 42 cases of attacks on and restrictions to the functioning of political parties and civil society organizations (including human rights NGOs, trade unions and the media).

53. These mechanisms of repression entail serious violations to freedoms of expression, association, peaceful assembly, and the right to participate in public affairs, and a consequent

shrinking of civic and democratic space. These violations do not only affect the direct victims, but they also carry significant impacts on society in general, particularly in terms of access to information, the protection of human rights and pluralism, leading to shrinking civic and democratic space.

A. Attacks, threats, surveillance and harassment

54. The mission has reasonable grounds to believe that the regular activities of human rights defenders, union members, journalists and politicians have been systematically repressed, either through direct intervention or through intimidation and surveillance. The mission documented various cases where these actors have been subjected to surveillance and intimidation while they participate in legitimate activities, such as public activities or internal meetings, or while they travel to different parts of the country to participate in these activities. Security forces in uniform and individuals in civilian clothes, both in State vehicles and unmarked cars, followed, photographed, and sometimes threatened and harassed these individuals in the street and in their own homes.

55. The mission also documented cases of threats and physical attacks by *colectivos*²⁸ and civilians supportive of the Government, against members of opposition parties and journalists, taking place in front of security forces who failed to intervene to stop the attack or protect the victims. Journalists are also prevented from covering issues of public interest through threats and harassment by State officials when the coverage is not convenient to the Government.

56. The work of NGOs, human rights defenders and other individuals who denounce human rights violations is impeded by threats and intimidations from State security forces and public officials. The mission has documented numerous cases from 2020 until the present of threats and harassment against members of diverse organizations such as health rights NGO *Prepara Familia* and women's rights NGO *100% Estrógeno*. Nancy Herrera, an indigenous leader from Amazonas State, was forced in July 2023 to apologize publicly to a military General for having denounced his alleged involvement in illegal mining operations.

B. Defamation and discrediting statements

57. The mission has reasonable grounds to believe that there is a concerted Government campaign to undermine the reputation of real or perceived opponents to the Government through defamatory and stigmatizing messages issued by high level State officials, which are taken up and widely diffused by pro-government websites and social media.

58. Individuals, media outlets, and organizations who publish information that either criticizes the Government or its policies are the most common targets of defamatory and discrediting statements by State officials. This also includes individuals who have not directly criticized the Government, but who publish information perceived to contribute to a negative image of the country, such as reporting on social protests or deaths of Venezuelan migrants. Organizations who receive funds from certain foreign donors are also often targeted and labelled as "traitors", such as the case of the digital media outlet *Efecto Cocuyo* and other groups, who in 2021 were publicly accused by State officials and the armed forces of plotting to overthrow the Government for allegedly having received donations from a foreign government fund supporting independent media.

59. Defamatory and discrediting statements against real or perceived Government opponents are promulgated during public Government events and televised sessions of the General Assembly. Diosdado Cabello, member of the National Assembly and vice-president of the ruling party, the Unified Socialist Party of Venezuela (PSUV), regularly uses his program *Con El Mazo Dando*, produced by and aired on the State television channel, to discredit real or perceived opponents, including accusing them of serious crimes. These statements threaten the safety of those targeted as they have sometimes triggered arbitrary

²⁸ As documented in the mission's previous reports, "colectivos" are armed citizen security groups, mostly aligned with the Government. See A/HRC/45/33, para. 128.

criminal charges and mobilize public disdain against independent media, human rights defenders and NGOs, among others.

60. The mission has observed a prevalent gendered dimension in the attacks and harassment within the political domain. Prominent Venezuelan women in politics, including a transgender woman, echoed a prevailing culture of political violence against women who venture into the public sphere. Gender-based assaults often manifest as derogatory remarks about their appearance, intelligence, and capabilities. Such sexist harassment hampers women's participation in politics, fostering a hostile environment that deters many of them from seeking public office.

61. According to individuals interviewed by the mission, social media platforms associated to the Government or the ruling party are a predominant space for the dissemination of gender-motivated hate speech and narratives against women and individuals with diverse sexual orientations and gender identities. The mission received testimonies from several women human rights defenders, especially those advocating for sexual and reproductive rights, who fear that such harassment could escalate to physical attacks or arbitrary criminal charges. These have resulted in either unwanted self-censorship, limiting their work, or even having to leave the country.

C. Criminalization

62. The mission has reasonable grounds to believe that the Venezuelan criminal justice system has been used to criminalize real or perceived critics of, or opponents to, the Government, particularly journalists, trade unionists, human rights defenders, and political activists. By charging these individuals with arbitrary, and often serious, criminal accusations, and often subjecting them to prolonged trials marred with violations of due process, the State uses the criminal justice system to silence and punish criticism or opposition to the Government.

63. The mission has identified specific patterns in which individuals are indicted on arbitrary charges for undertaking lawful activities. For example, terrorism-related charges have frequently been used to punish individuals for exercising their right to freedom of association and assembly, such as the case of union leader Eudis Girot. Girot was initially charged with the crimes of "terrorism", "conspiracy" and "criminal association" for having issued several tweets in which he allegedly made a call to the workers of the oil industry to mobilize against the fuel shortage.

64. Venezuelan legislation prohibiting defamation and slander, including the ambiguously worded Law Against Hate, has been used to criminalize the work of human rights defenders and journalists. This is the case, for example, of Javier Tarazona, director of the NGO Fundaredes, who was indicted for "inciting hatred" in July 2021 for having denounced alleged links between armed groups and the Government. The mission also documented several cases of human rights defenders and public officials who denounced corruption involving State authorities and were often criminalized with spurious charges such as "criminal association" and "disclosure of confidential information".

65. In several cases of criminalization investigated by the mission, victims also faced serious violations of due process, notably undue delays in court proceedings resulting in the accused waiting for months or even years in between hearings, being denied access to a lawyer of their choice, and being refused a copy of their case file by the Public Prosecutor's Office, or cases being "archived"²⁹ instead of being dismissed when the prosecution is not able to present the conclusion of the investigation within the time allowed for by the law. Similarly, the mission documented cases of "informal negotiations" over charges, in which judges threatened accused persons with unjustified serious terrorism charges in order to pressure them into pleading guilty to lesser charges.

²⁹ Criminal Procedure Organic Code, arts. 297, 364. This allows for the case to be reopened at the judge's discretion.

66. One illustrative case is that of journalist and opposition party member Víctor Ugas, prosecuted for “resisting authority” in December 2019. During the first 32 months, Ugas was denied the right to private counsel and he has never been granted access to his case file. At the time of writing, the trial was still ongoing.

67. Another illustrative case is that of the six trade union members - Néstor Astudillo, Gabriel Blanco, Alcides Bracho, Reynaldo Cortés, Alonso Meléndez y Emilio Negrín - detained in July 2022 after taking a leading role in labour protests. They were originally charged with the crimes of “terrorism”, “criminal association”, “sabotage” and “conspiracy” after their detention in July 2022. They were eventually convicted in August 2023, for the crimes of conspiracy and criminal association, based on counterintelligence reports, supported by the testimony of a “cooperating” witness who never appeared to testify before the court. According to sources interviewed by the mission, a judge on terrorism-related cases offered them a lesser sentence, if they pled guilty to the most serious charges.

68. The lack of due process has led to a phenomenon commonly referred to in the country as “indictment as conviction” (*proceso como condena*), whereby simply being charged with a crime results in punishment, de facto erasing the presumption of innocence as well as imposing restrictive precautionary measures for prolonged periods with little to no legal recourse.

69. By criminalizing participation in legitimate civic activities, not only does the Government silence those who are directly accused. The perceived risk of being criminalized also creates a chilling effect among anyone considering participating in any activity that can be perceived as critical of the Government.

D. Political disqualification

70. The mission has reasonable grounds to believe that the authorities have used political disqualification to prevent members of the opposition from running for public office. Article 105 of the Organic Law of the Comptroller General and the National System of Fiscal Control, reformed in 2010³⁰, grants the Comptroller General the exclusive power to prevent individuals from running for public office for up to fifteen years.

71. Such political disqualifications are not made public by the Comptroller General, even though the above-mentioned law states that they must be published in an Official Gazette and communicated to the interested parties. In several cases investigated by the mission, those subjected to these disqualifications only learned of the prohibition years after it was imposed.

72. The mission identified that the practice of banning public officials from running for public office has been used more frequently in the months leading up to electoral processes, including well-known opposition leaders. At the time of writing, three of the individuals running in the primary elections for the opposition’s Unitary Platform, Henrique Capriles, María Corina Machado and Freddy Superlano, have been banned from participating in the presidential elections scheduled for 2024.

E. Censorship and arbitrary restrictions on the media

73. The mission has reasonable grounds to believe that the Government has repeatedly censored and restricted legitimate media activities. Between 2012 and 2013, the Government established a legal framework to control access to essential resources for print media, and restricted access to these resources to any outlets it deemed as critical, resulting in the progressive disappearance of independent print media. By 2021, most newspapers in the country had abandoned their print editions and had closed or converted to digital platforms.

³⁰ Organic Law of the Comptroller General of the Republic and of the National Fiscal Control System, published in the *Official Gazette* of the Bolivarian Republic of Venezuela No. 6.013 Extraordinary, 23 December 2010.

74. The creation of the National Telecommunications Commission (CONATEL) in 2000³¹ and the adoption of the Social Responsibility in Radio and Television law (known as the RESORTE law) in 2004 and its reform in 2010³² enshrined State control over telecommunications media. The Commission issues orders, predominantly through phone calls to radio and television stations, prohibiting certain topics or words from being used on air, or banning interviews with certain individuals. The Commission has prohibited public discussions on alleged corruption or violations attributed to State officials or their family members; references to international courts and human rights mechanisms, such as the International Criminal Court or the mission itself (unless it is to discredit these institutions); and coverage of social protests or demonstrations against the Government.

75. The National Telecommunications Commission has censored words including “dictatorship”, “regime”, “interim government”, and “political prisoners”. The Commission has banned interviews with candidates from opposition political parties, but also with some activists, human rights defenders, and journalists. Not only does the Commission limit the content of transmissions, but has also denied permits, confiscated equipment, and shut down radio and television broadcasters that do not conform to its directives. This is the case, for example, of VPItv, a digital television news platform which has been prevented from operating in the country since 8 January 2021 for having published information on social protests and having referred to Juan Guaidó as “interim President” in one publication. The platform was sanctioned under the RESORTE law for issuing messages that could incite hatred and intolerance for political reasons and alter the public order.

76. Even though journalists and broadcasters have increasingly self-censored to avoid reprisals, between 2003 and 2022 almost 300 radio stations in the country were closed by the National Commission on Telecommunications, with 2022 marking the highest number of closures in the previous two decades. In many cases, the closures took place via an informal telephone call or without presenting the required documentation, leaving broadcasters with no legal recourse to appeal these decisions.

77. In most of the closures of radio stations, the authorities claimed that the broadcasters did not have the required permits to operate. It should be noted that procedures to apply for radio permits have been repeatedly criticized for being onerous, prohibitively expensive, and unclear, and many of these stations operated for several years without permits and were only sanctioned after they broadcast information perceived as critical of the Government.

78. With the disappearance of print media and the censorship and closure of traditional radio and television broadcasters, internet is one of the few spaces in the country where uncensored information from independent sources can be shared. However, only a small portion of the population has access to internet and the CONATEL has demanded internet service providers to block access to web pages that publish information perceived as critical of the Government.

F. Restrictions on the creation and functioning of civil society and political parties

79. The mission has reasonable grounds to believe that the Government is using the existing regulatory framework to limit the operations of NGOs, labour unions and political parties. Recently adopted regulations, often associated to legitimate objectives such as combatting terrorism or money-laundering, are used to limit the operations of civil society organizations. If adopted, the draft laws on NGOs and international cooperations, currently before the legislature, would impose new legal and operational hurdles, including in the key area of access to funding.³³

³¹ Organic Law on Telecommunications, published in the *Official Gazette* No. 36970, 12 June 2000.

³² The Law on Social Responsibility in Radio and Television, 7 December 2004, published in the *Official Gazette* 383.264, 12 December 2005. The Law reform was published in the *Official Gazette* No. 39579, 22 December 2010.

³³ <https://www.ohchr.org/en/press-releases/2023/01/venezuela-draft-ngo-law-reaching-point-no-return-closure-civic-space>.

80. Human rights groups and other civil society organizations face delays and even refusal when attempting to register before the corresponding authorities, in accordance with the requirements established by law. These barriers restrict their ability to operate normally or to even be legally constituted as organizations.

81. The Venezuelan courts have established ad hoc boards of directors in unions, federations, professional associations and even political parties. The judicial interventions of political parties, which include major ones, such as Acción Democrática, Voluntad Popular, Primero Justicia or the Communist Party of Venezuela, have been taking place gradually since 2020 and are especially relevant in view of the upcoming presidential elections planned for 2024.

82. The mechanisms of political repression analysed above connect to the harsher forms of repression documented in the previous chapter, including the arbitrary detentions of prominent civil society leaders. Taken together, the “harsh” and the “soft” mechanisms contribute to a State policy to silence, discourage and quash opposition to the Government documented in previous reports. As a whole, these human rights violations create a state of permanent control, vigilance and fear, and they inhibit the development of a robust civic and democratic space where social society and political actors can act free from government oversight or coercion.

V. The Directorate of Strategic and Tactical Actions (DAET)

83. In addition to investigating the mechanisms of repression used to limit civic and democratic space, the mission has continued to investigate the structures involved in gross human rights violations and crimes against humanity. In its 2020 report, the mission identified the Special Action Forces (FAES) of the Bolivarian National Police as one of these structures, particularly in the context of security operations to fight crime.

84. The mission has reasonable grounds to believe that despite the apparent dissolution of the Special Actions Forces in 2022, there is continuity between it and the Directorate of Strategic and Tactical Actions (DAET) created in July 2022. Both institutions have similar functions and use the same modus operandi. Moreover, many Special Action Forces officials, some of whom were identified as having been involved in gross human rights violations and even crimes against humanity, now hold key roles within the chain of command of the new Directorate.

A. The Special Action Forces (FAES) as a predecessor of the Directorate of Strategic and Tactical Actions (DAET)

85. In its 2020 report, the mission identified the Special Action Forces as one of the law enforcement agencies most involved in the commission of serious human rights violations, and even crimes against humanity as part of a wider State policy to combat crime, including by eliminating individuals perceived as “criminals” through extrajudicial executions.³⁴ The mission had reasonable grounds to believe that the Special Action Forces was responsible for 64.5% of the deaths documented in 2019.³⁵ The mission also documented their involvement in arbitrary detentions of real or perceived opponents of the Government who were subsequently handed over to, and tortured by, the State intelligence services. The mission recommended to “dismantle the Special Action Forces given the high number of extrajudicial executions carried out by this police force since its creation.”³⁶

86. Starting in December 2020, the Special Action Forces were progressively restructured. Nonetheless, in April and May 2022, the Special Action Forces participated in the new *Trueno* (“Thunder”) security operations aimed at dismantling criminal organizations.

³⁴ A/HRC/45/33, paras. 102 ff.

³⁵ A/HRC/45/33, para. 105.

³⁶ See Conference Room Paper No. 11 (2020), Recommendation No. 48

87. Two months later, in July 2022, the Special Action Forces were apparently dissolved. The mission reported in March 2023 that while “[t]he Special Action Forces were formally dissolved”, the mission had “received information that its main functions, as well as its commanders and members, have been absorbed by the new [police] Directorate of Strategic and Tactical Actions”.³⁷

B. Structure and command of the Directorate of Strategic and Tactical Actions

88. On 13 April 2021, through Decree number 4582, President Maduro ordered the restructuring of the Bolivarian National Police.³⁸ After the one-year deadline for restructuring concluded, there was no official information published on its results or on the creation of new structures within the Police. Only on 27 July 2022, on the occasion of the inauguration of the new Directorate of Strategic and Tactical Actions (DAET), the General Commander of the Bolivarian National Police announced that the new Directorate would be composed of the 10 existing special “immediate action” divisions in order to centralize all special operations.³⁹

89. The mission had access to an internal Bolivarian National Police organigram detailing its structure as of February 2023. The Directorate of Strategic and Tactical Actions appears as one of nine “tactical” Directorates which report directly to the Sub-Directorate. The mission’s investigations confirmed that the new Directorate took over the command of the 10 special immediate action Divisions, formerly supervised by the Bolivarian National Police Commander, each with diverse functions, including intelligence, investigations, counterterrorism, and the fight against organised crime, indicating that the Directorate is responsible for more than just tactical actions. A source with access to internal information regarding the Bolivarian National Police informed the mission that the Commander of the Directorate enjoys more decision-making power than the Commander of the Bolivarian National Police himself.

90. The mission was able to identify 14 individuals, all men, who occupied leadership positions within the Directorate of Strategic and Tactical Actions up until at least 5 June 2023. At least nine of these individuals were formerly members of the Special Action Forces and other State security forces, including the Bolivarian National Intelligence Service, which were involved in gross human rights violations and crimes documented by the mission in its previous reports.

91. As documented in the mission’s previous reports, the mission has reasonable grounds to believe that the following individuals were involved in gross human rights violations and crimes against humanity: José Miguel Domínguez Ramírez (alias “Miguelito”), the Director between 27 July 2022 and 18 July 2023, Carlos Alberto Calderón Chirinos, current Director and former Deputy Director, and Ronny González Montesinos, Chief of the Criminal Investigations Division of the new Directorate. Instead of being investigated for their alleged responsibility in these crimes and violations, these individuals were decorated and even promoted by the Government. In the case of José Miguel Domínguez Ramírez, according to the latest information available to the mission, after serving as Director of the new Directorate, in July 2023 he was appointed Deputy Director of the Bolivarian National Police.

C. Modus operandi of the Directorate of Strategic and Tactical Actions

92. The mission has reasonable grounds to believe that the modus operandi of units and officials of the Directorate of Strategic and Tactical Actions coincides with those of previous security operations involving the Special Action Forces. This continuity can be traced through the actions of the police components that later become a part of the new Directorate during the transitional period from late 2020 to July 2022.

³⁷ https://www.youtube.com/watch?v=83St00ng_18/.

³⁸ Presidential Decree No. 4.582 published in the Official Gazette No. 42.105, 13 April 2021.

³⁹ <https://www.vtv.gob.ve/direccionacciones-estrategicas-tacticas-policia-nacional-bolivariana/>.

93. The mission received information about the involvement of the Directorate of Strategic and Tactical Actions in the *Trueno* security operations between May and September 2022 in five States across the country – Aragua, Yaracuy, Guárico, Miranda and Anzoátegui – in which 72 people were killed and at least 345 were arrested. Sources consulted by the mission indicate these were joint or mixed operations, with hybrid civilian-military command, on a large scale involving the participation of different security forces. The Directorate was involved in the last five operations after its establishment in July 2022.

94. Although the official objective of the *Trueno* security operations was to dismantle criminal groups, in most cases the relatives of those killed or arrested insisted that their loved ones were not associated with these criminal groups.⁴⁰ None of the operations resulted in the detention or death of any of the leaders of the gangs they were supposedly targeting. Relatives of those killed and detained in Operation *Trueno* VII on 28 September 2022 in Miranda State denounced that the authorities carried out searches without warrants arbitrary detentions, and extrajudicial executions, pointing out that those killed had not “confronted” the security forces but were summarily executed.⁴¹

95. The methods of intervention of the Directorate of Strategic and Tactical Actions, as well as the overall characteristics of the *Trueno* operations, do not differ fundamentally from those involving the Special Action Forces, as well as the so-called Operations for the Liberation of the People (OLP) and the Operations for the Humanistic Liberation of the People (OHLP).⁴² The mission’s first report concluded that these actions were part of a State policy to “combat crime, including by eliminating individuals perceived as ‘criminals’ through extrajudicial execution.”⁴³

96. The mission previously investigated the cooperation of the Special Action Forces with the Directorate General of Military Counter-intelligence and the Bolivarian National Intelligence Service in the targeted repression of real or perceived opponents to the Government, including arbitrary detentions, and the handing over of detainees to the intelligence services, whose officials interrogated and tortured them. The mission gathered evidence that, in transitioning from the Special Action Forces to the Directorate of Strategic and Tactical Actions, officials of the divisions that are now hierarchically under the Directorate – such as the Division of Criminal Investigations (DIP) or the Division of Strategic Intelligence (DIE) – continued carrying out arbitrary detentions of real or perceived opponents and handing them over to the intelligence services. The mission has also reasonable grounds to believe that the Directorate of Strategic and Tactical Actions was involved in the arbitrary detention of union leader José Antonio Cádiz Morales on 21 August 2023, who was tortured as a form of punishment for his involvement in worker protests and in order to subtract information about other union and political leaders.

VI. Institutions involved in violations and crimes

97. The investigations conducted by the mission show the ways in which State institutions have contributed, either by action or omission, to the repression of real or perceived opponents of the Government. The mandates of some of these institutions are key to preserving the civic and democratic space of the Bolivarian Republic of Venezuela, including the Ombudsman’s Office and the National Electoral Council, but they have failed to fulfil these mandates. The State is internationally responsible for the human rights violations derived from the actions and omissions of these institutions as State agents.

98. The mission investigated in detail the role of the Ombudsman’s Office (*Defensoría del Pueblo*). In 2016, the *Defensoría* was downgraded from “A” to “B” status by the Global Alliance of Human Rights Institutions (GANHRI), citing concerns over a lack of independence and lack of response to government abuses. The mission’s investigations

⁴⁰ <https://runrun.es/monitor-de-victimas/491695/monitoredevictimas-operaciones-trueno-las-olp-de-2022/>.

⁴¹ <https://lupaporlavida.org/operaciones-trueno-letales/>.

⁴² A/HRC/45/33, paras. 83 ff.

⁴³ *Ibid.*, para. 160.

confirmed that these concerns remain valid. The current Ombudsman, Alfredo Ruiz Angulo, has openly aligned with the Government and, in violation of his constitutional mandate, has failed to speak up when confronted with major episodes in the country's human rights crisis. The mission has reasonable grounds to believe that the *Defensoría* routinely and deliberately failed to respond effectively to allegations of serious human rights violations, either ex officio or in response to complaints from victims and their families

99. The mission also investigated the role of the National Electoral Council, the constitutional body designed to oversee the conduct of elections to public office, and the internal elections of trade unions and other public-interest organizations. The mission has reasonable grounds to believe that the National Electoral Council, with its majority of pro-Government counsellors, lacks the necessary independence to perform its constitutional duties, and has been subject to undue influence from other branches of the State. Based on the cases documented for this report, the mission has reasonable grounds to believe that the National Electoral Council has implemented norms and practices that have arbitrarily limited the establishment and autonomous functioning of opposition parties, weakening public trust in the electoral system, while curtailing the activities of trade unions.

100. Two other bodies played a major role in restricting Venezuelan civic and democratic space. The mission has reasonable grounds to believe, firstly, that the National Commission of Telecommunications used administrative procedures in an arbitrary manner in order to restrict media platforms that took a critical stance on the Government. Secondly, the Comptroller General of the Republic applied political disqualifications, selectively, to opposition leaders, in violation of international standards and applicable domestic procedures.

101. The mission's investigations continue to show the involvement of State security forces and intelligence services in the commission of serious human rights violations and crimes in the context of targeted repression. The General Directorate of Military Counter-intelligence was involved in 40% of the 124 instances of arbitrary deprivations of life, arbitrary detention, short-term enforced disappearance, torture and ill treatment, and sexual and gender violence documented by the mission for this reporting period. This was followed by National Bolivarian Police (35%) and the Bolivarian National Intelligence Service (15% of the cases). These three institutions were responsible for 81% of the cases of arbitrary detention documented by the mission and of 93% of the cases of torture. Other security forces involved in the principal human rights violations investigated by the mission included the National Bolivarian Guard, and the Scientific, Criminal and Criminological Investigator Corps, among others.

VII. Conclusions and recommendations

A. Conclusions

102. For this report, the mission focused its investigations and analysis on gross human rights violations and crimes committed in the Bolivarian Republic of Venezuela since 1 January 2020. The focus of the mission was limited to violations committed pursuant to the State policy to "silence, discourage and quash opposition to the Government of President Maduro" identified in the mission's first report.⁴⁴

103. The mission has reasonable grounds to believe that some of the serious human rights violations documented by the mission in Chapter III of this report, which took place between 2020 and early 2021, were part of the continuation of the same attack against the civilian population that was previously identified by the mission, and in this respect, are part of the same course of conduct qualified previously by the mission as crimes against humanity.⁴⁵ These violations include arbitrary detention, torture and

⁴⁴ A/HRC/45/33, para. 160.

⁴⁵ The mission's first report documented cases that, according to the Mission, qualified as crimes against humanity, including in the period up to August 2020. See A/HRC/45/33, para. 161. Other cases of

sexual violence, including in the context of the response to purported insurgencies (such as Operation *Gedeón* and Operation *Constitución*).

104. In relation to the period after early 2021, the mission received fewer allegations of arbitrary deprivations of life committed against real or perceived opponents of the Government, as well as of arbitrary detentions, short-term enforced disappearances, torture and other cruel, inhuman or degrading treatment, and sexual and gender-based violence committed against individuals with that profile. The mission has reasonable grounds to believe that, nonetheless, some of the gross human rights violations committed after early 2021 involve some of the same elements as acts previously identified by the mission as crimes against humanity – these include their *modus operandi*, the State security forces allegedly involved in their commission, and, to a large extent, the profiles of victims, although the targeting of victims has been more selective in the more recent period.

105. The mission was unable to reach conclusions on key features of these acts that would link them to a “State policy” within the meaning of article 7 of the Rome Statute. These features include: how State institutions were operating during this period; their decision-making processes; the giving and receiving of orders, and other communication and reporting lines. Additional time and investigations would be needed to reach a conclusion about the impact of the lower number of allegations of certain crimes received by the mission on the “widespread or systematic” nature of the attack under article 7 of the Rome Statute.

106. The mission has reasonable grounds to believe that the other mechanisms of repression, documented in Chapter IV of this report contribute to the State policy to silence, discourage and quash real or perceived opposition to the Government of President Maduro. The actions and omissions of State authorities since 1 January 2020, including both security forces and other public entities, such as the Ombudsman’s Office, the National Electoral Council, the Office of the Comptroller General of the Republic, and the National Commission of Telecommunications contributed to the serious restriction of civic and democratic space in the country.

107. The mission’s investigations have built-up a picture of the “hardline” and “softer” tactics of repression deployed in the Bolivarian Republic of Venezuela against real or perceived opponents of the Government. These are two components of an oppressive State apparatus that has been used at varying degrees, depending on the nature and perceived influence of social dissent. On the one hand, during the earlier period of massive popular protests on the Venezuelan streets between 2014 and 2019, the more violent “hardline” tactics were actively used to silence opposition voices at any cost, including through the commission of crimes. On the other hand, the State’s use of “softer” coercive tactics, although present previously, has become more salient in recent years.

108. The State’s use of its oppressive apparatus has become more selective, due in part to the “chilling effect” of its previous efforts to quash dissent, the international scrutiny of past violations, as well as the fact that many people fled the country out of well-founded fears of persecution on political grounds. Moreover, once the State was widely known to have a track record of violent repression, the use of “softer” coercive tactics carried a latent threat. Yet, the mission’s investigations show that the State continues to have the capacity to resort to the “hardline” as a means to stifle dissent, if situations arise in which authorities consider it necessary to do so, and that they can active or deactivate it at will. For that reason, it is imperative that real and effective justice and accountability continue to be the yardstick by which the Venezuelan human rights situation is measured, and that the international community continues to oversee this situation.

crimes against humanity committed in 2020 and early 2021 period were also the subject of the mission’s 2021 and 2022 reports. See A/HRC/48/69, para. 69; A/HRC/51/44, paras. 9, 45-50.

B. Recommendations

109. The mission reiterates its previous recommendations to the Bolivarian Republic of Venezuela and highlights the following from the longer list of recommendations included in the two conference room papers:

(a) Conduct prompt, effective, thorough, independent, impartial and transparent investigations with respect to all violations and crimes documented in the mission's reports, including this report and its accompanying conference room papers.

(b) Take the necessary measures so that the Specialized Jurisdiction on Terrorism is compliant with international human rights standards.

(c) Act immediately on allegations of torture and sexual and gender-based violence brought before the courts and conduct a review of all cases documented in this and previous reports of the Mission in order to investigate those allegations appropriately and ensure that survivors have access to comprehensive assistance and reparations.

(d) Ensure that the rights to freedom of expression and opinion, association, peaceful assembly, as well as the right to participate in public affairs of the entire population are respected and protected; and that human rights defenders (including indigenous leaders and environmental activists), humanitarian workers, journalists, political opponents, as well as trade unionists, can carry out their activities in conditions of safety and freedom, without suffering harassment, threats, intimidation, surveillance, or reprisals.

(e) Repeal, or suspend the legislative process for laws that repress the legitimate activities of civil society, as well as those that are used to criminalize real or perceived opponents to the Government, including the Law against Hatred for Peaceful Coexistence and Tolerance and the draft bill on Control, Regularization, Action and Financing of Non-Governmental and Related Organizations.

(f) Ensure the cessation of the use of other norms to criminalize human rights defenders, journalists, and political opponents, including the Organic Law against Organized Crime and the Financing of Terrorism and provisions of the Penal Code relating to terrorism, defamation and insult.

(g) Ensure that investigations are conducted into the role of officials of the Directorate of Strategic and Tactical Actions in human rights violations and crimes, as documented by the mission in previous reports.

(h) Reform the Directorate of Strategic and Tactical Actions and attached divisions, including its senior and middle management, and establish an independent oversight mechanism to ensure real, effective and lasting change in the practices of its divisions.
