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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 is focused on two areas: (a) the State apparatus, its mechanisms of repression and restrictions on civic and democratic space; and (b) the establishment in July 2022 of the Directorate of Strategic and Tactical Action within the Bolivarian National Police as the continuation, in terms of structure, command and modus operandi, of the Special Action Forces.

* The present report was submitted after the deadline so 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 an independent international fact-finding mission on the Bolivarian Republic of Venezuela. In its first report to the Council, in September 2020, the mission concluded that there were reasonable grounds to believe that State authorities, including individuals at the highest levels of government, had implemented a policy to silence, discourage and quash opposition to the Government of the President, Nicolás Maduro, including through crimes against humanity.¹

2. In its resolution 45/20 of 6 October 2020, the Human Rights Council extended the mission's mandate for two years, until September 2022. Accordingly, the mission presented its second report to the Council in September 2021 and its third report in September 2022.²

3. In its resolution 51/29 of 7 October 2022, the Human Rights Council extended the mission's mandate for two further years, until September 2024. The present report, submitted in accordance with this resolution, is accompanied by two conference room papers, which reflect the mission's lines of investigation and contain the mission's detailed findings.

4. In the first conference room paper,³ the mission addresses the State's use of mechanisms of targeted repression since 1 January 2020 against real or perceived opponents of the Government. The mission first focuses on the violations and crimes explicitly listed in its mandate (extrajudicial executions, enforced disappearances, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, including violations involving sexual and gender-based violence) with a view to providing an update on the findings included in the mission's first report (see sect. III below). The mission then investigates other mechanisms of repression aimed at restricting civic and democratic space, involving attacks, threats, surveillance and harassment, defamatory and discrediting statements, criminalization, political disqualification, censorship and media restrictions, and (see sect. IV below).

5. The mission has reasonable grounds to believe that the mechanisms of repression detailed in the first conference room paper demonstrate the State's continued use of "hard-line" and "softer" tactics (as covered below in sects. III and IV respectively) to target individuals and organizations that investigate, denounce or attempt to address human rights or social and economic problems in the country, and individuals who interfere or who are perceived to interfere with the interests of government actors, whether political, economic or criminal. The forms of violence and coercion deployed by the 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, trade unionists, and the leaders and members of opposition parties.

6. In the second conference room paper,⁴ the mission addresses the structure, command and modus operandi of the Directorate of Strategic and Tactical Action, a new directorate within the Bolivarian National Police that was created in July 2022, and its relationship with the Special Action Forces, and the clear continuity between the two entities (see sect. V below). This line of investigation connects with the mission's previous findings on State structures involved in the perpetration of human rights violations and international crimes.⁵

¹ [A/HRC/45/33](#), paras. 160–166.

² [A/HRC/48/69](#) and [A/HRC/51/43](#).

³ Available at https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/A_HRC_54_CRP8_260923.pdf (in Spanish only).

⁴ Available at https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/A_HRC_54_CRP9_EN_260923.pdf.

⁵ In its first report, the mission found that there were 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. [A/HRC/45/33](#),

The mission has reasonable grounds to believe that the State 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 should in no way be understood as seeking 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 have not occurred. 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. The mission notes that, despite the reported decrease in recent years, the number of alleged killings by security forces in the country remains alarmingly high, continuing to rank among the highest in the world, and reflects similar patterns to those documented in the mission's previous investigations.⁶

B. Methodology and standard of proof

8. The mission conducted its investigations in accordance with established methodologies, best practices and standards recognized by the United Nations,⁷ paying specific attention to gender issues and the gendered impact of violations. The mission conducted its work in accordance with the principles of independence, impartiality, objectivity, transparency and integrity, and with the "do no harm" principle, including in relation to guarantees of confidentiality and the protection of victims and witnesses.

9. The mission used "reasonable grounds to believe" as its standard of proof, consistent with the practice of other investigative bodies established by the Human Rights Council. While this threshold is lower than that required in criminal proceedings for a conviction (beyond reasonable doubt), and even for confirmation of an indictment, 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 (153 men, 142 women and 4 persons with diverse gender identities) during the present cycle, both in person and remotely by means of secure telephone, messaging applications and video calls. The mission ensured that it had the informed consent of all interviewees for the use of their information in the present report. It has appropriately anonymized information that identified or could potentially identify sources, witnesses, victims and, in some cases, potential perpetrators. Specifically, the names of 119 sources and 5 victims were anonymized. Three victims were referred to other organizations on the basis of their protection needs.

11. The Human Rights Council, in its resolutions 42/25, 45/20 and 51/29, urged the Bolivarian Republic of Venezuela 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 Government continues to refuse to engage with the mission.

II. Recent developments

A. Political and economic developments

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

paras. 102–119; see also the conference room paper containing the detailed findings of the mission (available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf), paras. 2058–2060.

⁶ [A/HRC/45/33](#), paras. 79–150.

⁷ The methodology used by the mission is set out in [A/HRC/45/33](#), paras. 6–11.

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. State repression led to dozens of cases of arbitrary deprivation 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).⁸

13. In the wake of the coronavirus disease (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 context surrounding the mechanisms of repression that the mission investigated is one of continuing economic and humanitarian crisis. According to non-governmental sources, by March 2022, 82.8 per cent of hospital care services were inoperative, meaning that some 19.1 million people lost access to these services.⁹ The annual inflation rate in April 2023 stood at 400 per cent,¹⁰ the highest national rate in the world. By August 2023, at least 7.71 million people had left the country.¹¹ 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.¹²

15. Between March 2022 and March 2023, four sessions of the Social Dialogue Forum brought together the Government, employers' organizations and trade unions, convened with the support of the International Labour Organization.¹³ Despite this progress, in July 2022, the wage reform by the National Budget Office sparked widespread protests.¹⁴ 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.¹⁵ Over that year, the United States of America authorized certain transactions to foreign oil and gas companies operating in the Bolivarian Republic of Venezuela, in the context of the international energy crisis exacerbated by the invasion of Ukraine by the Russian Federation. On 26 November 2022, in Mexico City, the Government and the Unitary Platform, a Venezuelan opposition political alliance, resumed dialogue and negotiation. The two parties agreed on the establishment of a \$3-billion social

⁸ Observatorio Venezolano de Conflictividad Social, "Informes anuales", 23 February 2023. Available at <https://www.observatoriodeconflictos.org.ve/informes-anuales/informes-anuales> (in Spanish only).

⁹ HumVenezuela, "Follow-up report on the impacts of the complex humanitarian emergency in Venezuela following the confinement due to the COVID pandemic: updated to March 2022, as compared to March 2020 and June 2021", March 2022, p. 34. Available at <https://humvenezuela.com/en/follow-up-reports>.

¹⁰ International Monetary Fund, "Country data", República Bolivariana de Venezuela. Available at <https://www.imf.org/en/Countries/VEN#countrydata> (accessed on 1 September 2023).

¹¹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, "Refugees and migrants from Venezuela: August 2023", 5 September 2023. Available at <https://www.r4v.info/en/document/r4v-latin-america-and-caribbean-venezuelan-refugees-and-migrants-region-aug-2023>.

¹² See Observatorio Venezolano de Conflictividad Social, "Informes anuales" (in Spanish only).

¹³ See https://www.eeas.europa.eu/delegations/un-geneva/ilo-governing-body-follow-report-further-developments-concerning-social_en?s=62.

¹⁴ Programa Venezolano de Educación Acción en Derechos Humanos, "¿Qué es el Instructivo ONAPRE?, la impopular medida de Maduro que genera el rechazo de los trabajadores venezolanos", 7 August 2022. Available at <https://provea.org/actualidad/que-es-el-instructivo-onapre-la-impopular-medida-de-maduro-que-genera-el-rechazo-de-los-trabajadores-venezolanos> (in Spanish with English translation).

¹⁵ Euronews, "Venezuela y Estados Unidos retoman el diálogo en el marco de la crisis energética mundial", video, 8 March 2022. Available at <https://es.euronews.com/2022/03/08/venezuela-y-estados-unidos-retoman-el-dialogo-en-el-marco-de-la-crisis-energetica-mundial> (in Spanish only).

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 government, headed by the opposition leader, Juan Guaidó, since 2019.¹⁶ Mr. Guaidó subsequently fled the country.

18. The freezing of wages, together with high inflation, continued to decrease purchasing power among the active and retired population.¹⁷ 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 public office for a period of 15 years.¹⁸ On 1 August 2023, six trade union and social leaders, who had taken a leading role in labour protests in 2022, were sentenced to 16 years' imprisonment on charges of conspiracy and membership of an organized crime group.¹⁹ On 10 August 2023, the Supreme Court of Justice suspended the board of directors of the Communist Party of Venezuela.²⁰

20. On 24 August 2023, the National Assembly appointed new members of the National Electoral Council for the period from 2023 to 2030. The appointment of the then Comptroller General, Elvis Amoroso, as head of the Council raised concerns about the body's independence in the context of the forthcoming elections, owing to his links to Government.

B. Progress in accountability and justice for victims

21. Since the mission's first report, some progress has been made in accountability for the violations and crimes that the mission investigated. On 27 June 2023, Pre-Trial Chamber I of the International Criminal Court authorized the Office of the Prosecutor of the Court to continue its investigation in "Situation in the Bolivarian Republic of Venezuela I". In its request for authorization, the Office of the Prosecutor 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 had taken part in protests in 2014 in the Bolivarian Republic of Venezuela. The Argentine courts were requested to open an investigation into crimes against humanity, on the basis on the principle of universal jurisdiction, and the complaint cited the mission's previous reports.²¹

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

¹⁶ National Assembly, "Aprobada 2da discusión Reforma de Ley de Estatuto que rige la Transición propuesta por AD, PJ, UNT y MVP que elimina el Gobierno interino y toda referencia a la usurpación", 31 December 2022 (in Spanish only).

¹⁷ Florantonia Singer and Alonso Moleiro, "Maduro se enfrenta a un nuevo pico de protestas por los bajos sueldos en Venezuela", *El País*, 16 January 2023 (in Spanish only).

¹⁸ National Assembly, "Diputado José Brito confirma inhabilitación política de María Corina Machado", 30 June 2023 (in Spanish only).

¹⁹ See Office of the United Nations High Commissioner for Human Rights (OHCHR), "Venezuela: UN experts condemn use of counter-terrorism laws to convict trade unionists and labour leaders", 11 August 2023.

²⁰ See <http://historico.tsj.gob.ve/decisiones/scon/agosto/328317-1160-11823-2023-23-0708.html> (in Spanish only).

²¹ Nicolás Misculin, "Clooney Foundation denounces Venezuelan security forces for alleged human rights abuses", Reuters, 15 June 2023.

III. Mechanisms of repression: principal violations and crimes

24. The mission investigated the human rights violations and crimes explicitly listed in its mandate (extrajudicial executions, enforced disappearances, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, including violations involving sexual and gender-based violence) perpetrated against real or perceived opponents. In its report, the mission focuses on the period from 1 January 2020 to 31 August 2023, with a view to providing an update on its 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 country's political and human rights crisis, whose maximum periods of intensity had been 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 mass 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.²²

26. In relation to the period after early 2021, the mission received fewer allegations of arbitrary deprivation of life, arbitrary detention, short-term enforced disappearance, torture and other cruel, inhuman or degrading treatment, and sexual and gender-based violence committed against persons opposing or perceived as opposing the Government. With regard to violations, in particular extrajudicial executions, in the context of security operations to combat crime – as previously documented by the mission – the mission is unable to conclude whether there was an increase or decrease in the numbers of such violations as they were beyond the scope of focus of the current investigation.

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 deprivation 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 in July and August 2020. The mission has reasonable grounds to believe that the Bolivarian National Guard and the Directorate General of Military Counter-intelligence were responsible for the killings of two of the persons concerned, 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 body of the latter, Junior Enrique Chaparro, who was a member of the Kariña Indigenous People, was found buried in a forest with seven bullet wounds.

29. The mission investigated four violent deaths of civil society actors: renowned Indigenous Uwottüja leader Virgilio Trujillo Arana, killed in June 2022 in Amazonas State; Communist Party activist and social communicator José Gregorio Urbina, killed in January 2022 in Apure State; and journalists José Carmelo Bislick Acosta and Andrés Eloy Nieves Zacarías, killed in August 2020 in the States of Sucre and Zulia respectively. 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, of the following individuals: General Raúl Isaías Baduel, who died on 12 October 2021 in the custody of the Bolivarian

²² A/HRC/51/43, para. 26.

National Intelligence Service at El Helicoide detention centre;²³ and Salvador Franco, a member of the Pemón Indigenous People who died on 3 January 2021 in El 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 deprivation of life and generate State responsibility.²⁴

B. Short-term enforced disappearance

31. The mission has reasonable grounds to believe that in 14 cases (concerning 10 men and 4 women) since 2020, individuals were subjected to short-term enforced disappearance 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 for information as to whether the victims were being held in specific places of detention, the authorities holding that information provided no response.

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

C. Arbitrary detention

33. The mission has reasonable grounds to believe that individuals were arbitrarily detained in at least 58 cases since 2020. 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 for alleged participation 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 the arbitrary detention 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 whom 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 Gideon (*Gedeón*) and Operation Constitution. As a result, the 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. First, in several cases, the detainees were arrested without 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 through the planting on detainees of fake incriminating evidence, particularly firearms. 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

²³ The mission had previously investigated this case: see OHCHR, "Statement of the independent international fact-finding mission on the Bolivarian Republic of Venezuela on the death in custody of General Baduel", 18 October 2021.

²⁴ See, for example, Human Rights Committee, *Zhumabaeva v. Kyrgyzstan* (CCPR/C/102/D/1756/2008 and CCPR/C/102/D/1756/2008/Corr.1).

within the legally required period of 48 hours, with some waiting up to 10 days after their arrest, which the Public Prosecutor's Office concealed by reporting false arrest dates.

37. Second, the mission identified a pattern of arbitrary detention deriving 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 in other places of detention around the country, preventive pretrial detention exceeded the maximum permissible period.

38. Third, the mission identified a pattern of individuals remaining in prison even after a judge has ordered their immediate release, with prison directors refusing to release individuals on the grounds that authorization is pending from the Ministry of People's Power for Prison Administration.²⁵ 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. The mission has been able to establish reasonable grounds to believe that some of the cases of torture and other cruel, inhuman or degrading treatment that it investigated, dating to the period from 2020 to early 2021, reflect a State policy to silence, discourage and quash opposition to the Government, as documented in previous reports. The mission investigated 28 cases in official and clandestine places of detention (concerning 22 men, and 6 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 the following: beatings, especially to the head, ribs, buttocks, genitals, legs, 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 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 engaging in activities related to trade unions or human rights, for denouncing acts of corruption, for engaging in 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, the State 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 among Venezuelan civil society and to 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 in the "House of Dreams" sector of the Boleíta facility.

44. The mission has continued to receive reports of poor detention conditions for opponents of the Government, or those perceived as such, in detention centres of the

²⁵ Observatorio Venezolano de Prisiones, "En Venezuela le niegan la libertad a reclusos con boleta de excarcelación", 27 June 2022 (in Spanish only).

Directorate General of Military Counter-intelligence, including Boleíta; in El Helicoide, of the Bolivarian National Intelligence Service; and in the National Women's Correctional Institute. Such detention conditions include inadequate sanitary conditions and lack of hygiene products; lack of fresh air and lack of access to sunlight; overcrowded cells; denial of medication and lack of access to medical treatment, including sexual and reproductive health services; and insufficient food and water, which in some cases could amount to torture and other ill-treatment. In addition, the mission received information about the arbitrary restriction of family and legal visits, and violations of the rights of breastfeeding mothers and detained women with young children outside of prison.

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 real or perceived opponents of the Government, perpetuating a cycle of abuse and oppression, through rape, the threat of rape, invasive searches and forced nudity.

46. The mission investigated cases that had occurred since 2020 involving 19 victims of sexual or gender-based violence in places of detention, including real or perceived opponents, their relatives and their lawyers (4 men and 15 women, including a transgender woman). The cases included threats of rape against two women and the rape of three men. The victims had all been arrested in the final year of large-scale counter-insurgency operations in 2020.

47. The mission documented cases in which sexual violence had been used as torture or cruel, inhuman or degrading treatment soon after individuals' arrest. 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 their relatives.

49. The mission documented the use of gender-based insults or threats as a form of humiliating and degrading treatment against real or perceived opponents of the Government 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 failed to cooperate.

IV. Other mechanisms of repression

50. In its first report, in 2020, the mission concluded that the Venezuelan State's policy of targeting real or perceived opponents of the Government included targeted repression of civil society actors and political leaders. This repression comprised physical attacks, threats, defamation and stigmatization campaigns, administrative reprisals (notably the removal of politicians, judges or public officials from their posts), arbitrary criminal prosecution, and harassment of and threats to relatives 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, focusing on individuals that serve as examples to dissuade others from expressing dissenting views. That policy has involved both the main human rights violations mentioned in the previous chapter and other mechanisms of repression documented by the mission, namely: attacks, threats, surveillance and harassment; defamation and discrediting statements;

criminalization; political disqualification; censorship and media restrictions; and restrictions on the creation and functioning of NGOs, trade unions and political parties.

52. The mission investigated 62 cases in which these mechanisms of repression were used against 51 direct victims (30 men, 19 women and 2 persons with diverse gender identities). It has also investigated 42 cases of attacks against and restrictions on 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 of the rights to freedom of expression, association and peaceful assembly and of the right to participate in public affairs, and a consequent shrinking of civic and democratic space. Such violations not only affect the direct victims, but also have a significant impact on society in general, particularly in terms of access to information, the protection of human rights and pluralism, leading to a shrinking of 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, trade 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 such activities. Security forces in uniform and individuals in civilian clothes, in both 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 documented cases of threats and physical attacks by *colectivos* (armed citizen security groups)²⁶ and other civilians supportive of the Government against members of opposition parties and journalists, taking place in front of security forces which failed to intervene to stop the attack or protect the victims. Journalists are 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 intimidation by State security forces and public officials. The mission documented numerous cases since 2020 of threats and harassment against members of diverse organizations such as health rights NGO Prepara Familia and women's rights NGO 100% Estrógeno. In July 2023, Nancy Herrera, an Indigenous leader from Amazonas State, was forced 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 campaign by the Government to undermine the reputation of real or perceived opponents 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 that publish information that criticizes either the Government or its policies are the most common targets of defamatory and discrediting statements by State officials. Also included are 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 that receive funds from certain foreign donors are also often targeted and labelled as "traitors", such as in the case of the digital media outlet Efecto Cocuyo and other

²⁶ As documented in the mission's previous reports, *colectivos* are armed citizen security groups, mostly aligned with the Government (A/HRC/45/33, para. 128).

groups, which 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 opponents of the Government are promulgated during public government events and televised sessions of the National Assembly. Diosdado Cabello, member of the National Assembly and vice-president of the ruling political party, the United Socialist Party of Venezuela, regularly uses his programme, *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. Such statements threaten the safety of those targeted as they have triggered arbitrary 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 to the attacks and harassment within the political domain. Prominent Venezuelan women in politics that the mission interviewed, including a transgender woman, spoke of 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, and fosters a hostile environment that deters many of them from seeking public office.

61. According to individuals interviewed by the mission, social media platforms associated with 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 sexual and reproductive rights, who fear that such harassment could escalate to physical attacks or arbitrary criminal charges. Such fears have either resulted in unwanted self-censorship, limiting their work, or even led to their 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 or opponents of 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 whereby individuals are indicted on arbitrary charges for undertaking lawful activities. Terrorism-related charges have frequently been used to punish individuals for exercising their right to freedom of association and assembly. Trade union leader Eudis Girot, for example, was initially charged, in November 2020, with the crimes of "terrorism", "conspiracy" and "criminal association" for having posted several messages on Twitter in which he allegedly called on workers in the oil industry to mobilize against the fuel shortage.

64. Venezuelan legislation prohibiting defamation and slander, including the ambiguously worded Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance, has been used to criminalize the work of human rights defenders and journalists. For example, Javier Tarazona, director of NGO FundaREDES, was indicted in July 2021 for "inciting hatred" for having denounced alleged links between armed groups and the Government. The mission also documented several cases in which human rights defenders and public officials who had denounced corruption involving State authorities were criminalized with spurious charges such as "criminal association" and "disclosure of confidential information".

65. In several cases of criminalization that the mission investigated, victims faced serious violations of due process, notably undue delays in court proceedings resulting in the accused waiting for months or even years between hearings, denial of access to a lawyer of their

choice, refusal by the Public Prosecutor's Office to provide a copy of their case file, or the "archiving"²⁷ of cases, instead of dismissal, when the prosecution is unable 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.

66. One illustrative case is that of journalist and opposition party member Víctor Ugas, prosecuted in December 2019 for "resisting authority". Mr. Ugas was denied the right to private counsel for the first 32 months of his trial, 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 six trade union members – Néstor Astudillo, Gabriel Blanco, Alcides Bracho, Reynaldo Cortés, Alonso Meléndez and Emilio Negrín – who were 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". They were eventually convicted in August 2023 for the crimes of conspiracy and criminal association, on the basis of counter-intelligence reports, supported by the testimony of a "cooperating" witness who never appeared in person to testify before the court. According to sources interviewed by the mission, the judge of the special court on terrorism offered them a lesser sentence if they pleaded 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 and imposing restrictive precautionary measures for prolonged periods with little or no legal recourse.

69. By criminalizing participation in legitimate civic activities, not only does the Government silence those who are directly accused. The consequent 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. Under article 105 of the Act establishing the Office of the Comptroller General and the National Fiscal Control System, as amended in 2010,²⁸ the Comptroller General has the exclusive power to prevent individuals from running for public office for up to 15 years.

71. Such decisions on political disqualification are not made public by the Comptroller General, even though under the above-mentioned act they must be published in the *Official Gazette* and communicated to the interested parties. In several cases that the mission investigated, those subjected to such disqualification learned of it only years afterwards.

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

E. Censorship and media restrictions

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

²⁷ Archived cases may be reopened at the judge's discretion. See Code of Criminal Procedure, arts. 297 and 364.

²⁸ *Official Gazette*, No. 6,013 Extraordinary, 23 December 2010.

restricted access to these resources for any outlets that 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.

74. State control over telecommunications media was enshrined in law through the creation in 2000 of the National Telecommunications Commission,²⁹ and the adoption in 2004 and reform in 2010 of the Social Responsibility in Radio and Television Act.³⁰ The Commission issues orders, predominantly through telephone calls to radio stations and television channels, 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 relatives; 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. The Commission not only limits 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. For example, online television news channel VPItv had its Caracas office shut down on 8 January 2021, and has been prevented from operating in the country since that date, for having published information on social protests and having referred to Juan Guaidó as “interim President” in one publication. The channel was sanctioned under the Social Responsibility in Radio and Television Act for having issued messages that could incite hatred and intolerance for political reasons and disturb 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 Telecommunications Commission, with 2022 marking the highest number of closures. In many cases, the closures took place during informal telephone calls or without presentation of the required documentation, leaving broadcasters with no legal recourse to appeal the 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 that many of these stations operated for several years without permits and were sanctioned only 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, the 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 the Internet, and the National Telecommunications Commission has demanded that Internet service providers block access to web pages that publish information perceived as critical of the Government.

F. Restrictions on the creation and functioning of non-governmental organizations, trade unions 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, trade unions and political parties. Recently adopted regulations, often associated with legitimate objectives such as combating terrorism or money-laundering, are used to limit the operations of civil society organizations. The draft laws on NGOs and international cooperations that are currently

²⁹ Telecommunications Act, *Official Gazette*, No. 36,970, 12 June 2000.

³⁰ *Official Gazette*, No. 38,081, 7 December 2004; *Official Gazette*, No. 38,333, 12 December 2005; and *Official Gazette*, No. 39,579, 22 December 2010.

before the legislature would, if adopted, impose new legal and operational hurdles, including in the key area of access to funding.³¹

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

81. The Venezuelan courts have established ad hoc boards of directors in trade unions, federations, professional associations and even political parties. Interventions by the judiciary in the affairs of political parties –including major parties such as Acción Democrática, Voluntad Popular, Primero Justicia and the Communist Party – have been increasing gradually since 2020 and are especially relevant in view of the upcoming presidential elections planned for 2024.

82. The mechanisms of political repression analysed in the present section connect to the harsher forms of repression documented in the previous section, including the arbitrary detention of prominent civil society leaders. Taken together, the “hard-line” and the “softer” mechanisms contribute to a State policy to silence, discourage and quash opposition to the Government, as 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 civil society and political actors can act free from oversight or coercion by the Government.

V. Directorate of Strategic and Tactical Action

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 first report, the mission identified the Special Action Forces 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 in 2022 of the Special Action Forces, there is continuity between it and the Directorate of Strategic and Tactical Action, 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 Directorate.

A. Special Action Forces as a predecessor

85. In its first report, in 2020, the mission identified the Special Action Forces as one of the law enforcement agencies most commonly 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.³² The mission had reasonable grounds to believe that Bolivarian National Police and the Special Action Forces had been responsible for 64.5 per cent of the killings documented in 2019.³³ The mission also documented their involvement in the arbitrary detention of real or perceived opponents of the Government who had subsequently been handed over to, and tortured by, the State intelligence services. The mission recommended that the State dismantle the Special Action Forces given the high number of extrajudicial executions that it had carried out since its creation.³⁴

³¹ See OHCHR, “Venezuela: draft NGO law, reaching a point of no return in the closure of the civic space”, 30 January 2023.

³² [A/HRC/45/33](#), paras. 102–119.

³³ *Ibid.*, para. 105.

³⁴ Conference room paper containing the detailed findings of the mission (first report), recommendations, para. 48.

86. Starting in December 2020, the Special Action Forces was progressively restructured. Nonetheless, in April and May 2022, it participated in Operation Thunder (*Trueno*), a new series of security operations aimed at dismantling criminal organizations.

87. Two months later, in July 2022, the Special Action Forces was apparently dissolved. The mission reported in March 2023 that according to information in its possession, although the Special Action Forces had been formally dissolved, its main functions, commanders and members had been taken over by the Directorate of Strategic and Tactical Action, as part of the Bolivarian National Police.³⁵

B. Structure and command

88. On 13 April 2021, through Decree No. 4582, the President ordered the restructuring of the Bolivarian National Police.³⁶ After the one-year deadline for the restructuring had elapsed, no official information was 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 Directorate of Strategic and Tactical Action, did the General Commander of the Bolivarian National Police announce that the Directorate would comprise the 10 existing special “immediate action” divisions in order to centralize all special operations.³⁷

89. The mission had access to an internal organigram of the Bolivarian National Police, which detailed its structure as of February 2023. The Directorate of Strategic and Tactical Action appeared as one of nine “tactical” directorates that report directly to the Subdirectorato of the Bolivarian National Police. The mission’s investigations confirmed that the new directorate had taken over the command of the 10 special immediate action divisions, formerly supervised by the General Commander of the Bolivarian National Police, which had diverse functions, including intelligence, investigations, counter-terrorism and the fight against organized crime, indicating that the Directorate was responsible for more than just tactical actions. A source with access to internal information regarding the Bolivarian National Police informed the mission that the Director of the Directorate enjoyed more decision-making power than the General 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 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 the mission has previously documented, 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”), Director from 27 July 2022 to 18 July 2023; Carlos Alberto Calderón Chirinos, current Director and former Deputy Director; and Ronny González Montesinos, Chief of the Criminal Investigation Division of the 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 Mr. Domínguez Ramírez, according to the latest information available to the mission, after serving as Director of the Directorate, in July 2023 he was appointed as Deputy Director of the Bolivarian National Police.

C. Modus operandi

92. The mission has reasonable grounds to believe that the modus operandi of units and officials of the Directorate of Strategic and Tactical Action coincides with those of previous

³⁵ Oral update presented by the mission to the Human Rights Council at its fifty-second session, 22 March 2023. See <https://www.ohchr.org/en/hr-bodies/hrc/ffmv/index>.

³⁶ *Official Gazette*, No. 42,105, 13 April 2021.

³⁷ Venezolana de Televisión, “Inauguran Dirección de Acciones Estratégicas y Tácticas de la Policía Nacional Bolivariana”, 27 July 2022 (in Spanish only).

security operations involving the Special Action Forces. This continuity can be traced through the actions of the police components that later become part of the Directorate during the transitional period from late 2020 to July 2022.

93. The mission received information about the involvement of the Directorate in Operation Thunder 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 that Operation Thunder comprised 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 Operation Thunder was to dismantle criminal groups, in most cases the relatives of those killed or arrested insisted that their loved ones were not associated with such groups.³⁸ None of the operations resulted in the detention or death of any of the leaders of the gangs that they were supposedly targeting. Relatives of those killed and detained during Operation Thunder VII, on 28 September 2022 in Miranda State, reported that the authorities had 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.³⁹

95. The methods of intervention of the Directorate, and the overall characteristics of Operation Thunder, do not differ fundamentally from those involving the Special Action Forces, or the Operations for People’s Liberation and Operations for People’s Humane Liberation.⁴⁰ In its first report, the mission concluded that these actions were part of a State policy to combat crime, including by eliminating individuals perceived as “criminals” through extrajudicial execution.⁴¹

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 of the Government, including arbitrary detention 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 Action, officials of the divisions that are now hierarchically under the Directorate – such as the Criminal Investigation Division and the Strategic Intelligence Division – continued arbitrarily detaining real or perceived opponents and handing them over to the intelligence services. The mission also has reasonable grounds to believe that the Directorate of Strategic and Tactical Action was involved in the arbitrary detention on 21 August 2023 of trade union leader José Antonio Cádiz Morales, who was tortured as a form of punishment for his involvement in worker protests and in order to extract information about other trade union and political leaders.

VI. Institutions involved in violations and crimes

97. The mission’s investigations 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, including the Ombudsman’s Office and the National Electoral Council, are key to preserving the civic and democratic space of the Bolivarian Republic of Venezuela, but they have failed to fulfil these mandates. The State is internationally responsible for the human rights violations resulting from the actions and omissions of these institutions as State agents.

98. The mission investigated in detail the role of the Ombudsman’s Office. In 2016, the Ombudsman’s Office was downgraded from A status to B status by the Global Alliance of National Human Rights Institutions, which cited concerns over lack of independence and

³⁸ Runrun.es, “Operaciones Trueno: las OLP de 2022”, 31 December 2022 (in Spanish only).

³⁹ Lupa por la Vida, “Operaciones Trueno letales”, 23 November 2022 (in Spanish only).

⁴⁰ A/HRC/45/33, paras. 83–101.

⁴¹ Ibid., para. 160.

lack of response to government abuses. The mission's investigations confirmed that these concerns remain valid. The current Ombudsman, Alfredo Ruiz Angulo, has openly aligned himself 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 Ombudsman's Office 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 with a mandate 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 members, lacks the necessary independence to perform its constitutional duties, and has been subject to undue influence from other branches of the State. On the basis of the cases documented for the present 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 and curtailing the activities of trade unions.

100. Two other bodies played a major role in restricting Venezuelan civic and democratic space. First, the mission has reasonable grounds to believe that the National Telecommunications Commission used administrative procedures in an arbitrary manner in order to restrict media platforms that took a critical stance on the Government. Second, the mission has reasonable grounds to believe that the Comptroller General selectively imposed political disqualification on 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 Directorate General of Military Counter-intelligence was involved in 40 per cent of the 124 cases of arbitrary deprivation of life, arbitrary detention, short-term enforced disappearance, torture and ill-treatment, and sexual and gender violence documented by the mission for the present reporting period, followed by Bolivarian National Police (35 per cent) and the Bolivarian National Intelligence Service (15 per cent). These three institutions were responsible for 81 per cent of the cases of arbitrary detention and 93 per cent of the cases of torture documented by the mission. Other security forces involved in the principal human rights violations that the mission investigated include the Bolivarian National Guard and the Scientific, Criminal and Forensic Investigation Unit.

VII. Conclusions and recommendations

A. Conclusions

102. **For the present 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 a State policy to silence, discourage and quash opposition to the Government of the President, Nicolás Maduro, as identified in the mission's first report.**⁴²

103. **The mission has reasonable grounds to believe that some of the serious human rights violations documented by the mission in section III of the present report, in particular some of those committed in the period 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**

⁴² Ibid.

conduct qualified previously by the mission as crimes against humanity.⁴³ These violations include arbitrary detention, torture and sexual violence, including in the context of the response to purported insurgencies (such as Operation Gideon and Operation Constitution).

104. In relation to the period after early 2021, the mission received fewer allegations of arbitrary deprivation of life, short-term enforced disappearance, arbitrary detention, torture and other cruel, inhuman or degrading treatment, and sexual and gender-based violence committed against real or perceived opponents of the Government. The mission has reasonable grounds to believe that, nonetheless, some of the gross human rights violations committed after early 2021 have involved some of the same elements as acts previously identified by the mission as crimes against humanity, including the *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 of the International Criminal Court. The key features included the way in which 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 whether the acts concerned constituted part of a widespread or systematic attack within the meaning of article 7 of the Rome Statute.

106. The mission has reasonable grounds to believe that other mechanisms of repression, documented in section IV of the present report, contribute to the State policy to silence, discourage and quash real or perceived opposition to the Government. 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 and the National Telecommunications Commission – have contributed to the serious restriction of civic and democratic space in the country.

107. Through its investigations, the mission has built up a picture of the “hard-line” and “softer” tactics of repression deployed in the Bolivarian Republic of Venezuela against real or perceived opponents of the Government, constituting two components of an oppressive State apparatus that has been used to varying degrees, depending on the nature and perceived influence of social dissent. During the earlier period of massive popular protests on the Venezuelan streets, between 2014 and 2019, the more violent “hard-line” tactics were actively used to silence opposition voices at any cost, including through the commission of crimes. 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, owing in part to the chilling effect of its previous efforts to quash dissent, international scrutiny of past violations, and 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 hard-line tactics as a means of stifling dissent, if situations arise in which the authorities consider it necessary to do so, and that the authorities are able to activate or deactivate such tactics at will. For that reason, it is imperative that real and effective justice and accountability continue to be the yardstick by which the

⁴³ In its first report, the mission documented cases that it had reasonable grounds to believe constituted crimes against humanity, including in the period up to August 2020 (A/HRC/45/33, para. 161). Other cases of crimes against humanity committed in 2020 and early 2021 were also the subject of the mission’s second and third reports (A/HRC/48/69, para. 69, and A/HRC/51/43, paras. 9 and 45–50).

Venezuelan human rights situation is measured, and that the international community continue to oversee this situation.

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 that accompany the present report:

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

(b) Take the measures necessary to ensure that the special courts on terrorism are 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 the present 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 of the entire population to freedom of expression, opinion, association and peaceful assembly and to participate in public affairs are respected and protected; and that human rights defenders (including Indigenous leaders and environmental activists), humanitarian workers, journalists, political opponents and trade unionists are able to conduct their activities in conditions of safety, free from harassment, threats, intimidation, surveillance and reprisals;

(e) Repeal laws, or suspend the legislative process for draft laws, that repress the legitimate activities of civil society and that are used to criminalize real or perceived opponents of the Government, including the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance and the draft law on the control, regularization, functioning and financing of non-governmental and related organizations;

(f) Refrain from using other legislation to criminalize human rights defenders, journalists and political opponents, such as the Act on Organized Crime and the Financing of Terrorism and provisions of the Criminal 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 Action in human rights violations and crimes, as documented by the mission in previous reports;

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