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## Introduction

This country of origin information report was drawn up on the basis of the questions asked and points for attention mentioned by the Ministry of Justice and Security in its *Terms of Reference* (ToR). The ToR was adopted on 12 December 2019. An anonymised version of the ToR has been published together with the report on the website of the Dutch government.

This general country of origin information report describes the situation in Venezuela insofar as it is relevant to the assessment of asylum applications from persons originating from that country and to decisions on the repatriation of rejected Venezuelan asylum seekers. It covers the period from March 2013, the month that Nicolás Maduro became president of Venezuela, to May 2020, with particular emphasis on the period from summer 2017 onwards.

The report is based on information from both public and confidential sources that has been carefully selected, analysed and checked.<sup>1</sup> Use has been made of information from non-governmental organisations, specialist literature, media reporting and (where applicable) relevant government agencies. The text of the report is based on multiple sources, except where stated otherwise or in the case of generally undisputed facts. The public sources consulted are included in the list of references. Both public and confidential sources are referred to in the text. The confidential sources are designated as such in the footnotes and dated; their identity is not disclosed.

Most of the confidential information that is used was collected during a fact-finding mission to Venezuela and Colombia from 17 to 29 February 2020. The report uses carefully checked and analysed information from the interviews with relevant expert sources that were conducted during this mission. In addition, use is made of confidential information from the diplomatic representation in Venezuela and confidential discussions and correspondence outside the context of the mission. Where confidential information constitutes the only support for statements made in the report, this is explicitly stated in the text.

This country of origin information report is a factual, neutral and objective representation of the findings during the period under consideration, and does not offer any conclusions or recommendations.

Chapter One deals with the political and security situation in Venezuela. Chapter Two considers documents, identity and nationality. The state of affairs with regard to the protection and violation of human rights is discussed in Chapter Three. Chapter Four is about the flow of refugees or migrants from Venezuela and their reception in the region. The report ends with a chapter on the subject of repatriation.

<sup>1</sup> Regular use has been made of Spanish-language sources for this report, because much information is only found in that language.

# 1 Political and security situation

## 1.1 Political development and society

### 1.1.1 *The Maduro government*

In December 2012, President Chávez gave his blessing to his intended successor Nicolás Maduro in a speech.<sup>2</sup> After a failed coup in 1992, for which Chávez had eventually spent two years in prison, he was elected president of Venezuela in 1998.<sup>3</sup> He remained in office until his death on 5 March 2013. On becoming president, Chávez had promised to restore power to the people, make the country more democratic and eradicate poverty. Venezuela is rich in natural resources and has some of the largest oil reserves in the world, and Chávez was able to finance government projects to combat poverty, malnutrition and illiteracy partly with the revenue from this oil.<sup>4</sup>

After Chávez's death, Vice-President Maduro took over, and was then elected president in April 2013.<sup>5</sup> During his first term in office, Venezuela's economy slumped, partly due to falling oil prices. Many Venezuelans blamed the policies of the president and his socialist party for this. In the 2015 parliamentary elections, the party founded by Chávez, the *Partido Socialista Unido Venezolano* (PSUV: United Socialist Party of Venezuela), failed to gain a majority in the *Asamblea Nacional* (AN: National Parliament) for the first time in seventeen years.<sup>6</sup>

The Venezuelan supreme court, which is pro-government (see also 3.9.2), blocked the swearing-in of three opposition MPs on the grounds of alleged abuses in their election.<sup>7</sup> This meant that the opposition would lack the necessary parliamentary majority to carry out major changes in the country. When parliament decided to swear in the MPs anyway, the court ruled that parliament was in contempt (*en desacato*).<sup>8</sup> From then on, at the Maduro government's instigation, the supreme court rejected almost every law passed in parliament.<sup>9</sup>

In August 2017, President Maduro convened the *Asamblea Nacional Constituyente* (ANC: National Constituent Assembly). This body, on which only government supporters sat, effectively replaced the opposition-led AN as the country's legislature.<sup>10</sup> The establishment of the ANC and the fact that the Venezuelan

<sup>2</sup> De Groene Amsterdammer, *De dode dromen van Chávez*, 30 May 2018: Chávez had been ill for some time by then. He was suffering from cancer, for which he made frequent trips to Cuba to receive treatment.

<sup>3</sup> De Volkskrant, *Chávez enige kansrijke presidentskandidaat Venezuela*, 29 July 2000.

<sup>4</sup> De Groene Amsterdammer, *De dode dromen van Chávez*, 30 May 2018; El Nacional, *Diagnóstico actual y pronóstico para Venezuela*, 7 October 2019.

<sup>5</sup> Global Conflict Tracker, *Instability in Venezuela*, 22 November 2019; BBC News, *Venezuela Crisis: How the political situation escalated*, 13 January 2020.

<sup>6</sup> BBC News, *Venezuela Crisis: How the political situation escalated*, 13 January 2020; El Nacional, *Diagnóstico actual y pronóstico para Venezuela*, 7 October 2019.

<sup>7</sup> El Mundo, *El Supremo suspende la proclamación de tres diputados opositores y uno chavista*, 31 December 2015: The alleged abuses included buying votes and counting the votes of dead people. However, the Venezuelan authorities were unable to prove these alleged abuses.

<sup>8</sup> Even if the opposition were then to have a majority in the AN, the supreme court decision had effectively eliminated the separation of powers (see also 3.9.2): BBC News, *¿Qué implica que el Tribunal Supremo de Venezuela haya declarado en desacato a la Asamblea Nacional?*, 12 January 2016.

<sup>9</sup> BBC News, *Asamblea Nacional incorpora a diputados indígenas suspendidos por el Tribunal Supremo de Justicia*, 28 July 2016; Vox, *How Venezuela's supreme court triggered one of the biggest political crises in the country's history*, 1 May 2017.

<sup>10</sup> Human Rights Watch (HRW), *World Report Events of 2018*, pagina 619, 2019; BBC News, *Venezuela Crisis: How the political situation escalated*, 8 August 2019; De Groene Amsterdammer, *De dode dromen van Chávez*, 30 May 2018.

supreme court holds parliament (AN) to be in contempt means that the latter body has been practically sidelined (on the balance of power in politics, see 1.1.2).

In May 2018, Maduro was re-elected as president of Venezuela for a new six-year term. The opposition, which had called for a boycott of the ballot, declared the re-election fraudulent. The opposition-led AN therefore took the view that the presidency had fallen vacant.<sup>11</sup> During the presidential elections, national and international media reported irregularities such as financial benefits for PSUV voters, a lack of international observers and the refusal to allow opposition observers to enter polling stations.<sup>12</sup> However, according to the *U.S. Department of State* (USDoS) there were no reports of government officials and those receiving state aid being forced to vote, as had happened in previous national elections.<sup>13</sup> The Lima Group, in which fourteen American states have monitored the situation in Venezuela since 2017, called on Maduro not to accept the presidency and to transfer power to parliament until new elections could be held. Maduro ignored this advice.<sup>14</sup>

As the opposition-controlled AN had declared the presidency illegal, the speaker of the parliament (AN), Juan Guaidó, declared himself acting president on 23 January 2019.<sup>15</sup> Maduro responded by declaring that the United States was behind this move and that its aim was to oust him. He stated that he was the constitutional president and had no intention of resigning.<sup>16</sup> On 30 April 2019, Guaidó took to social media to call on the army to take sides and turn against the government. However, this attempt did not produce the effect for which Guaidó was hoping: only a small part of the army sided with him.<sup>17</sup> Maduro remained in power. Attempts by Norway as a negotiator to bring together the main opposition parties and the government had not yet yielded any results at the time of writing this report.<sup>18</sup>

On 5 January 2020, MPs loyal to the government proclaimed Luis Parra, who had been expelled from the opposition party *Primero Justicia* (PJ: Justice First) at the end of 2019, parliamentary speaker of the AN. When the incumbent speaker Guaidó tried to enter parliament, members of various bodies including the *Guardia Nacional Bolivariana* (GNB: Bolivarian National Guard) forcibly denied him access.<sup>19</sup> After Parra had been sworn in as parliamentary speaker, Guaidó held a separate session elsewhere at which a hundred MPs supported him in his claim to be the rightful speaker.<sup>20</sup> Some opposition MPs said that the government had promised them money if they did not vote for Guaidó on 5 January. Amounts of around a million dollars or more were mentioned.<sup>21</sup> Venezuela currently has two presidents, Maduro and Guaidó, and two parliaments, the *Asamblea Nacional Constituyente* (ANC) and

<sup>11</sup> BBC News, *Venezuela Crisis: How the political situation escalated*, 8 August 2019.

<sup>12</sup> The New York Times, *Venezuela Is in Crisis. So How Did Maduro Secure a Second Term?*, 10 January 2019; El País, *Maduro se reelige como presidente con una abstención récord y en medio de denuncias de fraude*, 22 May 2018; The Guardian, *Venezuela elections: Maduro wins second term*, 21 May 2018.

<sup>13</sup> United States Department of State (USDoS), *Venezuela 2018 Human Rights Report*, page 24, 13 March 2019.

<sup>14</sup> El Nacional, *Diagnóstico actual y pronóstico para Venezuela*, 7 October 2019; Global Conflict Tracker, *Instability in Venezuela*, 22 November 2019.

<sup>15</sup> BBC News, *Venezuela Crisis: How the political situation escalated*, 8 August 2019.

<sup>16</sup> BBC News, *Venezuela Crisis: How the political situation escalated*, 8 August 2019; El Nacional, *Diagnóstico actual y pronóstico para Venezuela*, 7 October 2019.

<sup>17</sup> Reuters, *The Maduro mystery: Why the armed forces still stand by Venezuelas beleaguered president*, 28 June 2019.

<sup>18</sup> HRW, *World Report Events of 2019*, page 633, 2020.

<sup>19</sup> La Vanguardia, *La Policía venezolana impide a Guaidó entrar al Parlamento, donde iba a ser reelegido*, 5 January 2020.

<sup>20</sup> Reuters, *Venezuela's Guaidó readies for congress showdown after Socialist takeover*, 7 January 2020.

<sup>21</sup> El Político, *Audio revelador: Oposición mostró pruebas del soborno a diputados en operación que dirigía el propio Maduro*, 17 January 2020; Confidential source (CS), 5 Dec 2019; CS, 8 January 2020; CS, 17 January 2020

the Asamblea Nacional (AN), the latter of which now also has two speakers, Parra and Guaidó, who do not recognise each other.<sup>22</sup>

### 1.1.2 *The current (political) balance of power*

Several sources believe that with the arrival of Chávez an authoritarian system was introduced in Venezuela in which no criticism is possible.<sup>23</sup> For example, the USDoS wrote in its 2018 annual report that despite the democratic principles of the Venezuelan constitution, political power under Chávez fell into the hands of one party: the PSUV. The *International Crisis Group* (ICG) writes that Venezuela can no longer be called a democracy.<sup>24</sup> One source states that the key question in Venezuela is who is closest to the oil revenue. It was the right-wing elite before Chávez's arrival, then Chávez's party and now Maduro's party, the PSUV.<sup>25</sup>

The incumbent government and the opposition are engaged in a violent power struggle, according to the BBC. Since January 2019, Guaidó has been the face of the Venezuelan opposition (see also 3.2). Although he is recognised as the acting president of Venezuela by more than 50 countries, including the US and the Netherlands, according to various sources he has little real power.<sup>26</sup> The Maduro government has taken control of the legislature, the supreme court and the *Consejo Nacional Electoral* (CNE: National Electoral Council) in recent years.<sup>27</sup> Moreover, Maduro can still rely on the support of countries such as China, Russia, Iran, Turkey and Cuba.<sup>28</sup> With its intelligence advisers, Cuba has a great deal of influence on military intelligence and hence on the military; estimates of the number of advisers range from a few thousand to nearly twenty thousand.<sup>29</sup>

The Venezuelan army is seen as the main source of support for the Maduro government.<sup>30</sup> It makes money through its ties to Maduro, for example through illegal practices such as drug trafficking and illegal mining. As long as this is the case, it will continue to support Maduro and there will be no political power shift, according to various public sources.<sup>31</sup> Venezuela has become a patchwork of different power factors, in which irregular armed groups, such as guerrilla movements, *colectivos*,<sup>32</sup> *megabandas*, paramilitary organisations and *pranes*

<sup>22</sup> CNN Español, *Maduro reconoce a legislador opositor como nuevo presidente de la Asamblea Nacional*, 5 January 2020.

<sup>23</sup> De Volkskrant, *De linkse hel in Venezuela: tussen de resten van de revolutie en 'staatsgreep'*, 1 April 2017; USDoS, *Venezuela 2018 Human Rights Report*, page 1, 13 March 2019; International Crisis Group (ICG), *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017, The Economist Intelligence Unit, *Democracy Index 2019*, *A year of democratic setbacks and popular protest*, page 33, 2020.

<sup>24</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 1, 13 March 2019; International Crisis Group, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017, The Economist Intelligence Unit, *Democracy Index 2019*, *A year of democratic setbacks and popular protest*, page 33, 2020.

<sup>25</sup> CS, 8 January 2020.

<sup>26</sup> BBC News, *Venezuela Crisis: How the political situation escalated*, 8 August 2019; El Nacional, *Diagnóstico actual y pronóstico para Venezuela*, 7 October 2019.

<sup>27</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, page 4, 19 June 2017; CS, 1 November 2019, El Nacional, *Diagnóstico actual y pronóstico para Venezuela*, 7 October 2019; USDoS, *Venezuela 2018 Human Rights Report*, pages 20 and 23, 13 March 2019.

<sup>28</sup> The Washington Post, *Here's why Venezuelan President Nicolás Maduro is still in power*, 14 August 2019; Reuters, *Special Report: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.

<sup>29</sup> The Washington Post, *Here's why Venezuelan President Nicolás Maduro is still in power*, 14 August 2019; Reuters, *Special Report: How Cuba taught Venezuela to quash military dissent*, 22 August 2019; CS, 27 February 2020; CS, 26 February 2020.

<sup>30</sup> The New Yorker, *Trump Says that Nicolás Maduro Is No Longer Venezuelas President - Maduro Disagrees*, 25 January 2019.

<sup>31</sup> Insight Crime, *Venezuela: A Mafia State?*, mei 2018; OCCRP, *Revolution to Riches*, 10 April 2020; BBC News, *Venezuela Crisis: How the political situation escalated*, 8 August 2019; CS, 26 September 2019; Infobae, *La ONU presentó el primer informe que analiza la infiltración del narcotráfico y el Cártel de los Soles en la Fuerza Armada de Venezuela*, 27 February 2020; Alnavio, *La crisis de Venezuela se decide en los cuarteles militares*, 11 January 2019.

<sup>32</sup> *Colectivos* are irregular armed groups of government supporters; among other activities, they help the authorities to suppress demonstrations (see 3.12 for further explanation).



(criminal bosses in prison),<sup>33</sup> often operating in collaboration or with the permission of the authorities, control particular regions, places or districts (see 3.12 and 3.13 for a more detailed description of these groups).<sup>34</sup> According to confidential sources, these groups form a society with its own economy based on illegal activities such as drug trafficking and illegal mining and its own security apparatus<sup>35</sup> functioning in parallel to those of the state, or even replacing them in some regions.<sup>36</sup> This picture is confirmed by public sources.<sup>37</sup>

When the government lost control of the prisons in 2015, the Prison Minister Iris Varela decided to make a deal with the main pranes. They were handed control of the prisons and assigned the task of maintaining order there.<sup>38</sup> Through this *Pax Mafiosa* the pranes have also gained political power, according to *Insight Crime* (see also 3.13).<sup>39</sup> Minister Varela has claimed that she has never recognised the existence of the pranes, and says that the current government has brought order to Venezuela's prisons.<sup>40</sup>

## 1.2 The security situation

### 1.2.1 *The security situation, focusing on certain areas in particular*

There have been no official crime figures for Venezuela since 2013, but the *Observatorio Venezolano de Violencia* (OVV: Venezuelan Observatory of Violence) reports that there were 89 murders per 100,000 inhabitants in 2017.<sup>41</sup> The U.S. Department of State's Overseas Security Advisory Council (OSAC) stated in its 2018 annual report that Venezuela was, as in previous years, one of the most violent and deadly countries in the world.<sup>42</sup> According to the OVV, Caracas has an even higher murder rate than the rest of the country: 130 murders per 100,000 inhabitants in 2017. Of the nearly 27,000 murders in 2017, the OVV counted more than 5,500 that were committed by security forces. Many of these murders, often extrajudicial killings, were committed in the context of the *Operaciones de Liberación del Pueblo* (OLP: Operations for the Liberation of the People).<sup>43</sup> This was an anti-crime campaign from 2015 to 2017 which was launched by Maduro to counter the rising crime rates in the country.<sup>44</sup> According to Amnesty International

<sup>33</sup> One source stated that the Lebanese militant movement Hezbollah, which is also considered to be a terrorist organisation by the Netherlands, is present on Isla Margarita, the largest island in the state of Nueva Esparta. Members of the organisation are said mainly to be active in commerce and have their own businesses on the island. The International Crisis Group also refers to this, but states that it has been unable to find any evidence of an organised, armed presence of the group: ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, 20 February 2020; CS, 1 February 2020; CS, 27 February 2020.

<sup>34</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017; The Washington Post, *Here's why Venezuelan President Nicolás Maduro is still in power*, 14 August 2019; Pan Am Post, *Prisoners as Soldiers Minister of Prisons Creates Her Army in Venezuela*, 28 June 2019.

<sup>35</sup> CS, 19 February 2020: According to a confidential source, the local population in some parts of the country embraces the ELN, as this guerrilla group ensures order and security.

<sup>36</sup> CS, 16 December 2019; CS, 17 February 2020.

<sup>37</sup> Infobae, *Cómo los paramilitares se convirtieron en los nuevos héroes de los habitantes de la frontera venezolana*, 12 June 2019.

<sup>38</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 13, 20 February 2020; El Político, *Los escándalos amorosos que esconde Iris Varela tras las rejas*, 26 July 2018.

<sup>39</sup> Insight Crime, *Venezuela: A Mafia State?*, May 2018.

<sup>40</sup> El Universal, *Iris Varela indicó que "jamás" ha "reconocido la existencia" de pranes*, 9 December 2019; El Estímulo, *Iris Varela niega existencia de pranes y cuenta 15 cadáveres en la PGV*, 29 March 2017.

<sup>41</sup> Instituto LACSO/ENCOVI, *Encuesta sobre Condiciones de Vida 2017 Seguridad Ciudadana*, 2017; CS, 21 February 2020: A confidential source indicates that the OVV's figures are likely to be lower than the actual figures.

<sup>42</sup> OSAC, *Venezuela 2019 Crime & Safety Report*, page 1, 18 June 2019.

<sup>43</sup> Transparency International, *Resumen sobre la situación de Seguridad Ciudadana desde la perspectiva de Transparencia Venezuela*, 2017; Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018; Trouw, *Zelfs de criminelen hebben het zwaar in Venezuela: Er valt niets meer te stelen*, 4 June 2019.

<sup>44</sup> Human Rights Watch, *World Report Events of 2019*, page 629, 2020.

(AI), excessive force was used in these operations.<sup>45</sup> In particular the FAES police unit, established in 2017, is also associated with the use of excessive force and extrajudicial killings (see 3.10.3 and 3.14.4). Most of the crime and violence in Caracas and the rest of Venezuela is accounted for by irregular armed groupings and groups that have links with organised crime (see also 3.12 and 3.13).<sup>46</sup>

The OVV writes about 2019 that Venezuela still has one of the highest murder rates in the world. For every 100,000 inhabitants, the organisation counted 60.3 fatalities due to violence. This is significantly less than in previous years. According to the OVV, this decrease is due not so much to an improved security situation as to other factors such as the deteriorating economy, the fact that many criminals have left Venezuela and the fact that there are fewer people in public spaces.<sup>47</sup> However, violence between irregular armed groups has risen, as is clear from the high murder rate in the state of Bolívar (84 per 100,000 inhabitants), where many of these groups are active.<sup>48</sup>

During the period covered by this country of origin report, the Venezuelan security apparatus increasingly lost control, especially in the outlying regions of the country. In many cases it was replaced by irregular armed groups, including Colombian guerrilla movements, former far-right paramilitary groups, pro-Maduro militias and indigenous self-defence groups.<sup>49</sup> An example of this is that travellers were advised at a Venezuelan army checkpoint not to travel any further, as the next checkpoint would be manned by members of the Colombian guerrilla movement *Ejército de Liberación Nacional* (ELN: National Liberation Army) which has a widespread presence in Venezuela (see also 3.13).<sup>50</sup>

A confidential source reports that the authorities are still capable of action in certain parts of the country. When a major road in the state of Miranda was no longer safe due to the presence of criminal gangs, the authorities took action and the Venezuelan army eliminated the criminal elements in late 2019.<sup>51</sup> In early May 2020, hundreds of members of the Venezuelan security apparatus, such as the FAES, the CICPC, CONAS, the GNB and the PNB (see 3.10 for further explanation), descended on a district of the city of Petare (also in the state of Miranda)<sup>52</sup> with the aim of arresting the leader of a gang which had the district under its control.<sup>53</sup>

#### *Greater Caracas*

In Greater Caracas, too, the murder rate has fallen from its 2017 level, with 76 violent deaths per 100,000 residents in 2019.<sup>54</sup> According to the OVV, this is due to the factors mentioned earlier in this section, but also to the fact that criminals from the city centre have moved to the suburbs or to semi-rural regions in the states of

<sup>45</sup> AI, *Amnesty International Report 2017/2018, The State of the World's Human Rights*, pages 393-394, 22 February 2018.

<sup>46</sup> Overseas Security Advisory Council Bureau of Diplomatic Security (OSAC), *Venezuela 2019 Crime and Safety Report*, 18 June 2019.

<sup>47</sup> OVV, *Informe Anual de Violencia 2019*, 27 December 2019.

<sup>48</sup> OVV, *Informe Anual de Violencia 2019*, 27 December 2019; Fundaredes, *Curva de la violencia en seis estados fronterizos de Venezuela*, 22 februari 2020; CS, 21 February 2020.

<sup>49</sup> The New York Times, *Venezuela's countryside is collapsing. The Capital Hums on President's Orders*, 15 January 2020; ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 13, 20 February 2020; Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018.

<sup>50</sup> CS, 19 February 2020.

<sup>51</sup> CS, 17 February 2020.

<sup>52</sup> Petare lies in the state of Miranda, but is part of Greater Caracas.

<sup>53</sup> El Nacional, *12 muertos y Willexis se mantiene a la fuga, lo que se sabe del operativo en Petare*, 9 May 2020.

<sup>54</sup> OVV, *Informe Anual de Violencia 2019*, page 11, 27 December 2019.

Miranda and Aragua<sup>55, 56</sup> However, the OVV reports a high number of extrajudicial executions, in particular by the FAES police unit in Caracas since 2017. Many of the victims of these executions died in their own homes, according to the OVV (see also 3.14.4).<sup>57</sup>

#### *The states of Amazonas and Bolívar*

The *Arco Minero del Orinoco* (Orinoco Mining Arc) to the south of the Orinoco River in the states of Amazonas and Bolívar is an area where several armed groups are trying to exercise control because of the precious minerals in the ground.<sup>58</sup> In November 2016, Maduro announced that the Venezuelan economy would diversify by exploiting the minerals from this area, and no longer rely solely on oil.<sup>59</sup>

The indigenous communities in the region have reported that the government has extended the mining areas without informing them. Many of the mines in the region are run by the Colombian guerrilla movement ELN, dissidents of the demobilised *Fuerzas Armadas Revolucionarias Colombianas* (FARC: Revolutionary Armed Forces of Colombia), henceforth referred to as ex-FARC,<sup>60</sup> and Venezuelan armed gangs, the *sindicatos* (see also 3.13). Often, they act in collaboration with or with the consent of the Venezuelan authorities.<sup>61</sup> An article in De Correspondent describes the ELN, ex-FARC and the *sindicatos* as the de facto authorities in the region.<sup>62</sup> These armed groups have fuelled violence and insecurity in the area, USDoS says in its report on 2019.<sup>63</sup>

The NGO *Provea* believes that the mining concessions and the expansion of the mining area in the Orinoco Mining Arc have had the effect of militarising the area and increased the presence of irregular armed criminal gangs and Colombian guerrilla movements. These groups have seized land from the indigenous people and mined it. Whole communities have been driven from their land and fundamental rights such as freedom of demonstration and personal liberty have been violated, according to the NGO.<sup>64</sup> The ICG also has reports of 'ordinary' Venezuelans who have been driven from their homes by the struggle for control of the mining operations.<sup>65</sup>

A confidential source states that as well as mining, drug cultivation in the state of Amazonas in particular is attracting the ELN and other armed groups, resulting in further criminalisation and growing instability.<sup>66</sup> A confidential source cites the example of the Yapanaca mountain region in Amazonas, where due to the presence of irregular armed groups only 6,000 of the 17,000 original inhabitants remain.<sup>67</sup>

<sup>55</sup> Miranda, Bolívar, Aragua and Greater Caracas rank 1st, 2nd, 3rd and 4th respectively among the most violent regions of Venezuela in 2019, according to the OVV's figures.

<sup>56</sup> OVV, *Informe Anual de Violencia 2019*, page 12, 27 December 2019.

<sup>57</sup> OVV, *La violencia se domicilió en los hogares de la Gran Caracas*, 13 May 2019.

<sup>58</sup> De Correspondent, *Zo werden Curaçao en Aruba doorvoerhaven voor conflictgoud uit Venezuela*, 22 June 2019.

<sup>59</sup> Alba Ciudad, *Presidente Maduro activó el Arco Minero del Orinoco*, 24 February 2016.

<sup>60</sup> After years of struggle, the FARC guerrilla movement and the Colombian government signed a peace agreement. Many members of FARC laid down their arms, but part of the guerrilla movement disagreed with the deal and continued the struggle. These dissident members are often referred to as ex-FARC.

<sup>61</sup> CS, 26 September 2019; CS, 20 December 2019; El Mundo, *La guerrilla colombiana del ELN ataca por primera vez a las fuerzas militares venezolanas*, 5 November 2019: This article discusses the close links between these groups and the Venezuelan authorities, but also refers to an encounter between the ELN and the military in which several Venezuelan soldiers were killed.

<sup>62</sup> De Correspondent, *Zo werden Curaçao en Aruba doorvoerhaven voor conflictgoud uit Venezuela*, 22 June 2019.

<sup>63</sup> USDoS, *Venezuela 2019 Human Rights Report*, page 31, 11 March 2020.

<sup>64</sup> Provea, *Derechos de los Pueblos Indígenas Informe 2018*, page 1, 2019; Provea, @\_Provea, 10 April 2020, (twitter.com/\_Provea/status/1248722147113086976).

<sup>65</sup> ICG, *Troubled Waters along the Guyana-Venezuela Border*, 28 October 2019.

<sup>66</sup> CS, 20 December 2019.

<sup>67</sup> CS, 26 September 2019.

### *The border area with Colombia: Táchira and Zulia*

The ELN and ex-FARC have a continuous presence in the border area between Venezuela and Colombia, in particular in the states of Táchira and Zulia, where they are engaged in smuggling, kidnapping and other activities.<sup>68</sup> The border area with Colombia is also characterised by the presence of criminal gangs that have their roots in far-right paramilitary factions from Colombia, the best known of which are *Los Rastrajos* and *Los Urabeños*.<sup>69</sup> Like the ELN and the dissident members of FARC, these groups are among other things engaged in criminal activities. The news outlet *Infobae* reports that *Los Rastrajos* is expanding its network and that political instability and the passivity of the Venezuelan military in the states of Delta Amacuro and Monagas have enabled it to establish a branch called *El Evander* (see also 3.13).<sup>70</sup>

For the border state of Zulia, a confidential source distinguishes between the north and the south. In the north, the various armed factions have achieved a certain equilibrium, and each group has its own territory. In the south, on the other hand, at the time of the interview there was still fighting between the different groups which had worsened the security situation. The armed struggle for territory in areas such as south Zulia and the states of Tachira and Merida is forcing people to live elsewhere.<sup>71</sup>

## **1.3 Freedom of movement**

### *1.3.1 Travel restrictions*

The Venezuelan constitution guarantees freedom of internal movement, the possibility of travelling abroad, emigration and repatriation. The Maduro government does not respect these rights, and in some cases seizes the passport or the *Cédula de la Identidad* (national identity card) of opposition members, journalists, MPs, dissident military personnel and others without justifying such confiscations with any official charge (see 3.2.2 for examples).<sup>72</sup> Juan Guaidó, for example, had a travel ban imposed on him by the Maduro government, but was able to circumvent it by illegally crossing the border into Colombia and proceeding from there to the Colombian capital Bogotá.<sup>73</sup> Other opposition members whose passports have been taken away have also been able to travel to and from Colombia via one of the many *trochas* (unofficial border crossings).<sup>74</sup> Unlike in 2018, the Venezuelan authorities did not deny anyone access to Venezuela in 2019, according to USDoS.<sup>75</sup> A confidential source says he does not know if there are lists of people subject to an entry ban in Venezuela, but says he is certain that he will be arrested by the

<sup>68</sup> OSAC, *Venezuela 2019 Crime and Safety Report*, 18 June 2019; Fundaredes, *Curva de la violencia en seis estados fronterizos de Venezuela*, 22 February 2020

<sup>69</sup> Infobae, *Surgió un grupo paramilitar venezolano al servicio de la temida banda Los Rastrajos y gana terreno en la frontera con Colombia*, 17 June 2019; CS, 27 February 2020; These groups arose in response to the formation of the left-wing guerrilla organisations such as the ELN and FARC in Colombia. Today, little remains of their ideology, and the groups are mainly engaged in illegal activities, according to a confidential source.

<sup>70</sup> Infobae, *Surgió un grupo paramilitar venezolano al servicio de la temida banda Los Rastrajos y gana terreno en la frontera con Colombia*, 17 June 2019.

<sup>71</sup> CS, 16 December 2019.

<sup>72</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 22, 13 March 2019; CS 8 January 2020.

<sup>73</sup> Financial Times, *Guaidó leaves Venezuela to meet US secretary of state*, 19 January 2020, CS, 20 February 2020; After his trip, Guaidó simply arrived at Caracas international airport, where his travel documents were briefly confiscated by the authorities.

<sup>74</sup> CS, 20 February 2020.

<sup>75</sup> USDoS, *Venezuela 2019 Human Rights Report*, page 21, 11 March 2020; USDoS, *Venezuela 2018 Human Rights Report*, page 22, 13 March 2019; Crónica Uno, *Vilca Fernández asegura que la orden de su destierro «la dio Delcy Rodríguez»*, 21 June 2018; In 2018 the opposition member Vilca Fernández was required to leave Venezuela as a condition for his release.

Venezuelan authorities if he enters the country, due to his links with the opposition (see also 5.1).<sup>76</sup>

Checkpoints are common on Venezuelan roads. They are usually manned by the local police or the GNB.<sup>77</sup> In outlying areas such as the Arco Minero, armed groups such as the ELN have their own checkpoints. A confidential source reported having travelled through Venezuela without any papers. In order to pass through the checkpoints, this person had to pay bribes at the sentry posts. Two other confidential sources travelled through the country with other people's identity papers, and said they had not experienced any problems while doing so.<sup>78</sup>

It should be noted that due to the current crisis in Venezuela and the lack of materials such as paper, Venezuelan citizens are experiencing difficulties in obtaining a passport or identity document.<sup>79</sup> As a result, many Venezuelans do not have an identity document, or only have one that has expired. This violates the Venezuelan constitution, which states that every Venezuelan has the right to an identification document and may travel freely.<sup>80</sup>

### 1.3.2

#### *Exit checks (special lists and responsible authorities)*

It is not known whether a check is always made to see whether someone leaving the country is wanted by the authorities. However, several confidential sources refer to central lists of wanted persons.<sup>81</sup> People such as opposition members, dissident/deserted military personnel and human rights activists who suspected that they were being followed by the authorities deliberately avoided Caracas international airport for fear of being stopped and possibly arrested at the airport. A confidential source said he was certain that he would have been arrested if he had travelled via the airport because he was on a central list of dissident military personnel. According to him, this list was called the *lista de personas de interés operacional* (list of persons of operational interest).<sup>82</sup> Opposition members or persons who suspect they are being followed by the authorities also avoid the airport because they suspect that they are on a central list of persons who should be searched and arrested.<sup>83</sup> A confidential source who suspected that she was being followed by military intelligence because of her alleged links with a dissident military personnel member and an opposition member says she was shown her name on a list by a friendly government official. He sent her a screenshot of her profile. Next to her name were the words *casos especiales* (special cases) and a note saying she should be arrested if she was stopped.<sup>84</sup>

Various sources state that the lists are managed by the *Servicio Administrativo de Identificación, Migración y Extranjería* (SAIME: Administrative Service for Identification, Migration and Aliens).<sup>85</sup> A confidential source who previously had a senior position in the government has confirmed that such lists exist. According to both sources, the intelligence and security services SEBIN and the DGCIM, the police forces CICPC and FAES, and the GNB (for more information on these services, see 3.10) have access to these lists. As many FAES officers come from the ranks of the

<sup>76</sup> CS, 8 June 2020.

<sup>77</sup> OSAC, *Venezuela 2019 Crime & Safety Report*, 18 June 2019.

<sup>78</sup> CS, 27 February 2020; CS, 1 February 2020; CS, 20 February 2020.

<sup>79</sup> CS, 21 February 2020.

<sup>80</sup> Transparencia Venezuela, *El Saime da un tiro de gracia a derechos a la identidad y al libre tránsito*, 21 November 2019.

<sup>81</sup> CS, 6 May 2020.

<sup>82</sup> CS, 27 February 2020.

<sup>83</sup> CS, 1 February 2020; CS, 20 February 2020.

<sup>84</sup> CS, 1 February 2020.

<sup>85</sup> CS, 6 May 2020.

colectivos (see also 3.12), they suspect that the data on the list may indirectly also reach the colectivos.<sup>86</sup>

At the border with Colombia, according to confidential sources, there are also lists of – at least – military deserters. Two sources say that they have seen their own names on these lists (one on a phone and the other on a paper version). Next to their name were the words '*buscado por traición a la patria*' (wanted for treason to the fatherland). According to a confidential source, even the ELN has access to these lists.<sup>87</sup>

### 1.3.3

#### *Corruption of government officials in the context of departures from the country*

As already stated, people who believe that they are on a list of wanted persons avoid the international airport when leaving Venezuela. No information has been found that suggests government officials engage in corrupt practices in connection with departures via the international airport. It is possible to leave Venezuela by land via the *trochas* (illegal border crossings) run by one of the irregular armed groups. Some groups are thought to have links with the Venezuelan authorities and their activities are tolerated by the GNB, which, according to a source, probably takes a cut of the revenue of the *vacunas*<sup>88</sup> (see 3.13 for more information on links between irregular armed groups and the Venezuelan authorities).<sup>89</sup>

One confidential source said that a person representing the opposition abroad was forced to hand in his passport on arrival at Caracas international airport. The immigration officer who confiscated the passport told the opposition official that he had better leave the country because he was at risk of being arrested. This person then fled to Colombia via one of the *trochas*, according to the source.<sup>90</sup>

## 1.4

### Humanitarian situation

#### *Humanitarian situation in Venezuela: vulnerable groups*

In early November 2019, UN emergency coordinator Mark Lowcock said during a visit to Caracas that ordinary Venezuelans face overwhelming challenges simply to survive.<sup>91</sup> Years of political and economic crises have hit the country hard, and most Venezuelans feel this in their pockets and stomachs. A study by three universities in Venezuela found that 80% of Venezuelan households lacked sufficient food and many Venezuelans had lost a lot of weight<sup>92</sup> in 2017.<sup>93</sup>

At the request of the Venezuelan government, the *World Food Programme* (WFP) conducted research into the food security of Venezuelan households. The WFP states that it was able to conduct its research in complete independence and with access to the entire country. In early 2020, the WFP published the study, covering the period

<sup>86</sup> CS, 26 February 2020; CS, 27 February 2020.

<sup>87</sup> CS, 25 February 2020.

<sup>88</sup> The Spanish word *vacuna* means 'vaccination', but is also used for the money that people have to pay to use an irregular border crossing or *trocha*.

<sup>89</sup> ETV, *Colectivos ganan 4 millones de dólares por cobro de vacunas en trochas*, 26 March 2019: **Error! Hyperlink reference not valid..**

<sup>90</sup> CS, 5 February 2020.

<sup>91</sup> UN News, '*Everyone needs to do more*' to help suffering Venezuelans, says UN Emergency Relief Coordinator, 6 November 2019.

<sup>92</sup> De Groene Amsterdammer writes that in the summer of 2017, three Venezuelan universities calculated that 75 percent of the Venezuelan population had lost an average of eight kilos in a year: De Groene Amsterdammer, *De dode dromen van Chávez*, 30 May 2018.

<sup>93</sup> ENCOVI, *Venezuela entre la inseguridad alimentaria y la malnutrición*, page 68, November 2018; HRW, *World Report Events of 2018*, page 620, 2019; AI, *Amnesty International Report 2017/2018*, pages 396-397, 22 February 2018.

between July and September 2019. One of the conclusions was that 74% of households have adapted their use of food, for example by reducing the amount and quality of their daily intake. Many families indicated during the study that they were still able to meet their daily food needs, but had to use their savings and/or make other sacrifices to do so. About 32% of the Venezuelan population,<sup>94</sup> or some 9.2 million people, were experiencing food shortages: severe shortages in 8% of cases and moderate shortages in 24% of cases. 18% of the surveyed families were relying on government aid and social protection systems.<sup>95</sup>

Hyperinflation has caused prices of goods and services to rise exorbitantly.<sup>96</sup> Inflation was around 56% in 2013; it stood at 2,690,000% in January 2019. In January 2018, a cup of coffee still cost 0.50 *bolívares*. In April 2019, the same cup of coffee cost 1,800 million of the same currency unit according to a calculation by *Bloomberg*.<sup>97</sup> Salary increases have not even come close to keeping pace with this inflation.<sup>98</sup> The *New York Times* reported in May 2019 that gross national product had shrunk by 62% since Maduro took office.<sup>99</sup>

Following the *dollarisation* of the economy<sup>100</sup>, among other things, there appears to have been a limited economic recovery,<sup>101</sup> but this has mainly taken place in the wealthier districts of Caracas, such as Chacao.<sup>102</sup> The *bodegonas* can be found here, for example: shops with luxury items that can be paid for with dollars. The rest of the country and many poorer districts of Caracas have seen little of this recovery and are suffering from the continuing destruction of the economy.<sup>103</sup> The International Monetary Fund (IMF) estimates that Venezuela's gross national product will decrease by 15% in 2020.<sup>104</sup>

Maduro and his supporters believe that the current situation is caused by the economic sanctions imposed by the US and other countries since 2017. They claim that an economic war is being waged against Venezuela.<sup>105</sup> The punitive measures of the US are said to have led to shortages of medicines such as antimalarial drugs and insulin, as a result of which the population has been hit harder.<sup>106</sup> Several sources state that the sanctions have exacerbated the economic situation, but that

<sup>94</sup> According to the CIA, Venezuela has a population of approximately 29 million in 2020: CIA, *The World Factbook South America: Venezuela*. **Error! Hyperlink reference not valid.** (accessed 28 May 2020).

<sup>95</sup> World Food Programme, *Venezuela Food Security Assessment*, January 2020.

<sup>96</sup> Consentido, "De internationale gemeenschap moet Venezuela onder druk blijven zetten" – interview met Leopoldo López Gil, 13 May 2018.

<sup>97</sup> El Nacional, *Diagnóstico actual y pronóstico para Venezuela*, 7 October 2019; Bloomberg, *The Price of a Cup of Coffee in Venezuela Is Up 285,614% in a Year*, 5 December 2018; The New York Times, *Venezuela's Capital is Booming. Is this the End of the Revolution?*, 1 February 2020.

<sup>98</sup> AI, *Amnesty International Report 2017/2018*, 22 February 2018.

<sup>99</sup> The New York Times, *Venezuela's Collapse is the worst outside of War in Decades, Economists say*, 17 May 2019: the article states that the Venezuelan government has not released any official figures on the economy since 2014, forcing economists to use indicators such as import figures for their estimates.

<sup>100</sup> Reuters, *Maduro says 'thank God' for dollarization in Venezuela*, 17 November 2019: The Maduro government banned the use of the dollar as a means of payment in Venezuela until at least 2018. After the use of the dollar took off in 2019, Maduro embraced the US currency as a way of combating the economic crisis.

<sup>101</sup> CS, 5 May 2020. A confidential source points out that the coronavirus crisis has undone this recovery.

<sup>102</sup> Due to the hyperinflation of the Venezuelan bolivar, the dollar is now accepted as a payment unit. Those who have access to US currency or who receive dollars from family living abroad will especially benefit from this: The New York Times, *Venezuela's Capital is Booming. Is this the End of the Revolution?*, 1 February 2020.

<sup>103</sup> The coronavirus crisis appears to have brought this recovery to an end, according to a confidential source: CS, 5 May 2020.

<sup>104</sup> CS, 5 February 2020; IMF, [www.imf.org/external/datamapper/NGDP\\_RPCH@WEO/WFOWORLD/VEN](http://www.imf.org/external/datamapper/NGDP_RPCH@WEO/WFOWORLD/VEN) (accessed 6 May 2020): Venezuela thus has the worst-functioning economy of any non-war-torn country. The impact of the coronavirus crisis has not yet been taken into account.

<sup>105</sup> TeleSurTV, *Los intentos de golpe de Estado contra el presidente Nicolás Maduro*, 11 April 2020; BBC News, *Crisis en Venezuela: qué dice el gobierno de Maduro sobre el éxodo de los venezolanos*, 28 August 2018.

<sup>106</sup> Venezuelanalysis, *The Human Cost of US Sanctions on Venezuela*, 3 October 2019; Venezuelanalysis, *Four Effects of the Blockade Against Venezuela*, 4 December 2017.

the real cause is the economic policies of Chávez and Maduro (and even from before), which have focused too much on oil revenue.<sup>107</sup>

A military doctor told Reuters news agency that the humanitarian crisis had even affected the army. Many recruits were underweight and were mainly living on pasta and lentils.<sup>108</sup> Among the most vulnerable, however, are small children, pregnant women, breastfeeding women and those with chronic illnesses or disabilities, UN representative Lowcock stated in November 2019.<sup>109</sup> Since the Venezuelan health minister published figures in 2017, stating that 65% more mothers had died in childbirth and infant mortality had risen by 35% in 2016, the Venezuelan authorities have not released any further official figures.<sup>110</sup>

One of the main findings of the UN representative was that the health system was on the verge of collapsing.<sup>111</sup> Due to the lack of medicines, diseases that can be controlled by vaccination such as diphtheria and measles have reappeared, and there have been numerous outbreaks of infectious diseases such as malaria and tuberculosis.<sup>112</sup> There is also a great shortage of contraceptives, and the anti-HIV medicine is also scarcely available. Various sources report that they have travelled to Colombia to receive medical treatment there.<sup>113</sup> In addition to the problems of medicine shortages and medical equipment not being maintained, the power supply also regularly fails.<sup>114</sup> According to a confidential source, many hospitals are operating without water and with limited electricity.<sup>115</sup> There are no up-to-date official figures, but several sources have reported an increase in the number of deaths due to the current healthcare conditions.<sup>116</sup> At the end of April 2020, a confidential source said that thanks to international aid, Venezuela was better prepared for the coronavirus crisis than it had been a month earlier, but that it would be completely unable to deal with an outbreak involving large numbers of infected people.<sup>117</sup>

Many children in Venezuela are malnourished.<sup>118</sup> The estimated percentage of children under the age of five suffering from moderate to severe malnutrition rose from 10% in February 2017 to 17% in March 2018, according to *Caritas Venezuela*.<sup>119</sup> Since 2016, when the infant mortality rate rose by 35% according to the Ministry of Health, official figures have not been published, as stated above, and

<sup>107</sup> The Washington Post, *U.S. oil sanctions are hurting Venezuelans*, 4 December 2019; Al Jazeera, *US sanctions on Venezuela could exacerbate crisis, UN warns*, 8 August 2019; The New York Times, *Venezuela's Collapse is the worst outside of War in Decades, Economists say*, 17 May 2019.

<sup>108</sup> Reuters, *Special Report: How Cuba taught Venezuela to quash military dissent*, 22 August 2019; CS, 23 January 2020.

<sup>109</sup> UN News, *'Everyone needs to do more' to help suffering Venezuelans, says UN Emergency Relief Coordinator* 6 November 2019; *Voice of America, Living in Venezuela now is hard. Being LGBT makes it harder*, 4 February 2019.

<sup>110</sup> The minister in question was fired a few days after the publication of the figures: HRW, *World Report Events of 2018*, page 620, 2019; AI, *Amnesty International Report 2017/2018*, pagina 397, 22 February 2018.

<sup>111</sup> UN News, *'Everyone needs to do more' to help suffering Venezuelans, says UN Emergency Relief Coordinator*, 6 November 2019; *Voice of America, Living in Venezuela now is hard. Being LGBT makes it harder*, 4 February 2019.

<sup>112</sup> HRW, *World Report Events of 2019*, page 629, 2020.

<sup>113</sup> CS, 25 February 2020; CS, 26 February 2020.

<sup>114</sup> The Washington Post, *Economic Crisis Plunges Venezuela into mental health nightmare*, 29 November 2019; El Universal, *Falta de insumos médicos afecta atención en hospital Luis Ortega en Nueva Esparta*, 6 December 2019.

<sup>115</sup> CS, 16 December 2019.

<sup>116</sup> De Volkskrant, *Honderden doden per maand in Venezuela door staatsgeweld: 'Exodus vluchtelingen zal voortduren'*, 5 July 2019; The New York Times, *Venezuelans' Struggle to Survive. Told in pictures* 4 December 2019.

<sup>117</sup> CS, 21 April 2020.

<sup>118</sup> AI, *Amnesty International Report 2017/18*, page 396, 22 February 2018; The New York Times, *Venezuelans' Struggle to Survive, Told in Pictures*, 4 December 2019.

<sup>119</sup> HRW, *World Report Events of 2018*, page 649, 2019.



the situation seems to have grown worse rather than better.<sup>120</sup> According to the president of the Venezuelan Childcare and Paediatrics Association, nearly 50% of Venezuelan children were at risk of malnutrition at the end of 2019.<sup>121</sup>

#### 1.4.1 *Government programmes and programmes of national and international aid organisations*

UN agencies such as UNHCR, IOM, OCHA and UNICEF as well as other major international aid agencies, including the International Red Cross, are active in Venezuela. Until the establishment in 2019 of the UN agency OCHA's *Venezuela Humanitarian Response Plan* (HRP), the Maduro government denied that there was a humanitarian crisis in the country, and it is still erratic in its communication, which makes the work of NGOs and the provision of assistance difficult.<sup>122</sup> Due to the economic crisis, Venezuela is short of money and funds. According to a confidential source, the government no longer provides a social safety net.<sup>123</sup>

According to various sources, the humanitarian aid from international organisations is a drop in the ocean. OCHA's HRP for July through December 2019 aimed to reach 2.6 million Venezuelans in the areas of health, water, sanitation and hygiene, food security, nutrition, protection, shelter, non-food supplies and education. OCHA states in its report that the targeted figure is only a small fraction of the actual number of people in need.<sup>124</sup> Other public sources also refer to the fact that the humanitarian organisations in the country reach a limited proportion of the population in need.<sup>125</sup> A confidential source thought that only 15 percent of the Venezuelan population in need was actually receiving humanitarian aid.<sup>126</sup>

In early December 2019, Francesco Rocca, a top International Red Cross official, complained about a lack of international humanitarian aid funds in Venezuela. He argued that humanitarian aid had become a political game and that desperate civilians were paying the price. He said it was easier to obtain money for other crisis-hit countries than for Venezuela.<sup>127</sup> The sanctions of the US and other countries make it harder to obtain international funds, because donors, largely for fear of US repercussions, seek assurances that not a single dollar will go to the government.<sup>128</sup>

The Maduro government has blocked opposition initiatives to bring food and medicine into Venezuela.<sup>129</sup> When opposition leader Guaidó tried to send humanitarian aid to Venezuela via the neighbouring countries Colombia and Brazil on 23 February 2019, the aid convoys were forcibly stopped by Venezuelan security

<sup>120</sup> El Universal, *Ismael Leon: De Lima y El Aissami serían compradores de diputados en la AN*, 12 December 2019.

<sup>121</sup> CECODAP, *Desnutrición y repunte de enfermedades endémicas: El riesgo de la población infantil en Venezuela*, 10 October 2019.

<sup>122</sup> Algemeen Dagblad, *Parlement Curaçao boos op minister Blok om hulp Venezuela*, 20 February 2019, CS, 5 May 2020; CS, 21 February 2020.

<sup>123</sup> CS, 21 February 2020.

<sup>124</sup> OCHA, *Venezuela Humanitarian Response Plan juli-december 2019*, 2019; OCHA, *Venezuela Situation Report*, 18 February 2020: Ultimately, as part of HRP 2019, more than 2.3 million people were reached with humanitarian aid between July and December 2019. Power cuts, problems with telecommunications, limited access to water, petrol shortages and the presence of irregular armed groups affected operational and security conditions for the provision of humanitarian assistance in remote areas and the border regions.

<sup>125</sup> The New Humanitarian, *Venezuela's growing aid needs and continuing political restrictions*, 4 March 2020.

<sup>126</sup> CS, 18 February 2020.

<sup>127</sup> France24, *Red Cross slams 'unacceptable' politicisation of Venezuela aid*, 2 December 2019; Bloomberg, *Venezuela refugee crisis to become the largest and most underfunded in modern history*, 9 December 2019.

<sup>128</sup> CS, 18 February 2020; Independent, *Venezuela: New US sanctions pressure Maduro but 'risk exacerbating humanitarian crisis and torpedoing negotiations'*, 11 August 2019.

<sup>129</sup> Algemeen Dagblad, *Parlement Curaçao boos op minister Blok om hulp Venezuela*, 20 February 2019.

forces and other Maduro government supporters.<sup>130</sup> In March 2020, according to the NOS, the government of Curaçao had to destroy 250 tonnes of American aid,<sup>131</sup> because the cargo ship carrying the goods to Venezuela was not allowed to enter Venezuelan territorial waters and had to return to Curaçao.<sup>132</sup> In early 2019, the country had closed the maritime border with the Caribbean islands of the Kingdom of the Netherlands to prevent the opposition from sending humanitarian aid, and a ship carrying humanitarian aid was turned back.<sup>133</sup>

In April 2019, the Venezuelan authorities allowed the International Red Cross (ICRC) to send 24 tonnes of medical equipment to Venezuela.<sup>134</sup> The ICRC had signed a contract with the Venezuelan Ministry of Health regarding emergency medical care.<sup>135</sup> In early 2020, Maduro signed an agreement with the ICRC which will allow this international organisation to operate in the country more easily and on a larger scale. In April 2020, Venezuela received 22 tonnes of medical supplies and equipment from the ICRC and another 90 tonnes from the UN to combat the coronavirus crisis.<sup>136</sup> In March 2020, the IMF declined<sup>137</sup> to provide financial assistance to Venezuela on the grounds of lack of clarity regarding the legitimacy of the Maduro government. Venezuela had asked the IMF for a loan to deal with the coronavirus crisis.<sup>138</sup>

#### 1.4.2

##### *Instituto Venezolano de Seguros Sociales (IVSS)*

The *Instituto Venezolano de los Seguros Sociales* (IVSS: Venezuelan Institute of Social Security) is a public institution whose task is to protect the social security of all beneficiaries in areas such as maternity, old age, subsistence income, illness, accidents, incapacity, disability, marriage, death, retirement, dismissal or redundancy, according to its website. Its aim is to ensure that both the working, active population and the weaker elements of society are entitled to social security.<sup>139</sup> Moreover, the Institute strives to ensure that those who are eligible receive shorter or longer-term benefits, the payment of which it also organises, and that the entire Venezuelan population is entitled to and actually receives medical aid.<sup>140</sup>

The IVSS is plagued by alleged corruption<sup>141</sup> and a lack of funds, and does not seem to be equipped for its tasks. The right to a subsistence income is an example of this. Various sources indicate that their income is insufficient to make ends meet; a typical monthly income is not enough to buy food for one week, according to one of

<sup>130</sup> The New York Times, *After Years of Denial, Venezuela's President Allows Aid to Enter*, 16 April 2019; Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019; Reuters, *Venezuela hit with new U.S. sanctions after clashes over food aid on border*, 25 February 2019.

<sup>131</sup> CS, 5 May 2020. The private donors had refused to channel the aid through the UN because they wanted to transfer it directly to the opposition.

<sup>132</sup> NOS, *Curaçao in verlegenheid om vernietiging hulpgoederen voor Venezuela*, 5 March 2020.

<sup>133</sup> Reuters, *Venezuela closes maritime border with Dutch islands to stop aid*, 20 February 2019; France24, *Curacao blocks Venezuela aid ship cargo: captain*, 22 February 2019.

<sup>134</sup> ICRC, *Venezuela: ICRC to expand humanitarian effort*, 11 April 2019; Center for Disaster Philanthropy, *Venezuelan Humanitarian and Refugee Crisis*, 19 March 2020.

<sup>135</sup> ICRC, *Venezuela: ICRC to expand humanitarian effort*, 11 April 2019; The New York Times, *After Years of Denial, Venezuela's President Allows Aid to Enter*, 16 April 2019.

<sup>136</sup> El País, *Venezuela recibe 22 toneladas de ayuda humanitaria de la Cruz Roja por covid-19*, 20 April 2020; France24, *UN delivers 90 tons of COVID-19 aid to Venezuela*, 9 April 2020.

<sup>137</sup> Maduro has often accused the IMF in the past of acting as a vehicle for imperialism.

<sup>138</sup> BBC News, *Coronavirus en Venezuela: El FMI niega a Maduro los US\$5.000 millones que pidió al organismo al que durante años acusó de estar al servicio del "imperialismo"*, 18 March 2020.

<sup>139</sup> [www.ivss.gov.ve](http://www.ivss.gov.ve), accessed 31 December 2019.

<sup>140</sup> [www.ivss.gov.ve](http://www.ivss.gov.ve); accessed 31 December 2019; El Nacional, *IVSS anunció pago de pensiones, pero el monto no incluye el «bono especial de guerra económica»*, 19 May 2020.

<sup>141</sup> Tal Cual, *Winston Flores denuncia desvío de \$100 millones por corrupción en el IVSS*, 3 July 2018: AN member Winston Flores stated in July 2018 that under the leadership of director Carlos Rotondaro, 100 million dollars had disappeared within the IVSS. As far as is known, this allegation has never been proved.

these sources.<sup>142</sup> The *Centro de Documentación y Análisis para los Trabajadores* (CENDA: Workers' Documentation and Analysis Centre) stated in March 2020 that a Venezuelan family had to earn 77 times the minimum wage (250,000 bolívares at the time, which is less than 1.50 dollars) to be able to buy the basic daily food it needed.<sup>143</sup>

The crisis has led to a severe shortage of medicines, especially those for chronic diseases.<sup>144</sup> Many Venezuelans leave for Colombia in hopes of obtaining medicines and medical care there that are not available in Venezuela (see also Chapter 4).<sup>145</sup> Thousands of Venezuelans have returned since the coronavirus outbreak, as quarantine measures have almost completely eliminated their sources of income abroad.<sup>146</sup> According to a confidential source, there is no expectation that they will find more secure conditions in Venezuela, but at least it is home to them.<sup>147</sup>

According to *The Huffington Post*, the slightest criticism of the state of IVSS hospitals can get someone into trouble. It may mean that the person does not receive CLAP food packages from the government (for more information about CLAP, see 1.4.3) or is deprived of other social benefits, the newspaper said.<sup>148</sup> There is a shortage of medicines anyway, but several confidential sources claim to have experienced greater difficulty in obtaining medicines because they did not have a *carnet de la patria* (homeland card) (see also 2.2).<sup>149</sup> This card is required to qualify for housing, pensions, certain medical procedures and CLAP food packages (see below).<sup>150</sup>

#### 1.4.3 *The CLAP programme*

The *Comités Locales de Abastecimiento y Producción* (CLAP: Local Committees for Supply and Production) were created by the Maduro government in 2016 for the purpose of distributing food packages at subsidised prices.<sup>151</sup> Venezuelans pay a token amount to receive the monthly CLAP food package. A Venezuelan on the minimum wage cannot afford to buy the unsubsidised products separately in the supermarket, according to NRC.<sup>152</sup> It is not known whether Venezuelans at or above a certain level of salary are ineligible for a CLAP food package. One person who was responsible for distributing the CLAP packages in a particular district stated that it is impossible to get everyone who is eligible for the programme to come forward, and that Maduro supporters get priority in the distribution.<sup>153</sup>

In its 2017 annual report, *Transparencia Venezuela* noted that the government's food distribution via CLAP violated the principles of food security: there was no certainty that food would actually be available and no universal access to food, and food packages were not distributed in a way that was free from discrimination.<sup>154</sup> Several sources, including Human Rights Watch (HRW), argue that the CLAP programme discriminates against critics of the Maduro government.<sup>155</sup>

<sup>142</sup> CS, 26 February 2020.

<sup>143</sup> CENDA, *Canasta alimentaria de los Trabajadores*, March 2020.

<sup>144</sup> The Huffington Post, *Black Market Medicine And Animal Drugs What Its Like To Be Sick In Venezuela*, 17 February 2016; Caracas Chronicles, *Corruption and Inefficiency by the IVSS Kill Venezuelans*, 30 January 2018.

<sup>145</sup> CS, 25 February 2020; CS, 26 February 2020.

<sup>146</sup> BBC News, *Coronavirus | "Allá el único problema es la comida": por qué miles de migrantes venezolanos deciden volver a pie a su país pese a la crisis*, 9 April 2020.

<sup>147</sup> CS, 21 April 2020.

<sup>148</sup> The Huffington Post, *Black Market Medicine And Animal Drugs What Its Like To Be Sick In Venezuela*, 17 February 2016.

<sup>149</sup> CS, 26 February 2020.

<sup>150</sup> HRW, *World Report Events of 2018*, page 651, 2019.

<sup>151</sup> BBC News, *Venezuela crisis: Vast corruption network in food programme, US says*, 26 July 2019.

<sup>152</sup> NRC, *Met voedselpakket en vaderlandskaat wordt de Venezolaan koest gehouden*, 14 June 2019.

<sup>153</sup> *Transparencia Venezuela, Los CLAP: La dominación se entrega puerta a puerta*, 25 January 2018.

<sup>154</sup> *Transparencia Venezuela, Annual Report of Corruption in Venezuela*, 2017.

<sup>155</sup> HRW, *World Report Events of 2018*, page 651, 2019; CS, 18 February 2020.

In 2018 the Dutch weekly 'de Groene Amsterdammer' claimed that people no longer dared to take to the streets to argue against the government because they were afraid of no longer receiving food packages.<sup>156</sup> Those who took part in anti-government demonstrations or were involved in activities such as collecting signatures for a referendum expressing opposition to the Maduro government suddenly had their food packages cut off for a while.<sup>157</sup> To be eligible for the food packages, the *carnet de la patria* mentioned earlier is required (see also 2.2).<sup>158</sup> Although many Venezuelans see this card as an instrument of government control, they still apply for the card. 'You have to eat,' said a confidential source.<sup>159</sup> In 2018, about 70 to 90% of Venezuelans were said to be receiving CLAP packages from the government.<sup>160</sup>

Various sources report that CLAP food packages arrive irregularly – not every month as intended – and do not contain enough food to feed a family of four for a month as announced by the government at the start of the programme in 2016.<sup>161</sup> Some sources state that the packages sometimes come once every two months or even less often, and only provide food for a few days.<sup>162</sup> According to one source, the packages no longer contain protein foods.<sup>163</sup>

#### *Corruption in the CLAP programme*

Carlos Paparoni, an MP for the opposition party *Primero Justicia* (PJ; Justice First), accused the Maduro government of making money off the backs of 'starving Venezuelans' by buying and selling CLAP food packages.<sup>164</sup> According to the U.S. *Department of the Treasury*, the CLAP programme is subject to corruption. It claims that government officials and senior military personnel have made millions of dollars by agreeing contracts at inflated prices and reselling the packages on the black market.<sup>165</sup>

The people and organisations involved in the management of the CLAP packages and their distribution acquire a position of some power. The *consejos comunales* (neighbourhood committees), *colectivos*, *Madres del Barrio* (district mothers) and even the Colombian guerrillas of the ELN determine who is or is not entitled to the food packages in a particular district or region. In this way they are able to exercise political pressure and social control.<sup>166</sup> People with the right contacts on the neighbourhood committees and the *colectivos*, for example, can obtain extra food, according to NRC.<sup>167</sup> According to a confidential source, it is the authorities in

<sup>156</sup> De Groene Amsterdammer, *De dode dromen van Chávez*, 30 May 2018.

<sup>157</sup> Transparencia Venezuela, *Annual Report of Corruption in Venezuela*, 2017; NRC, *Met voedselpakket en vaderlandskaart wordt de Venezolaan koest gehouden*, 14 June 2019; The Washington Post, *U.S. oil sanctions are hurting Venezuelans*, 4 December 2019.

<sup>158</sup> HRW, *World Report Events of 2018*, page 651, 2019; Reuters, *How ZTE helps Venezuela create China-style social control*, 14 November 2018.

<sup>159</sup> CS February 2020; CS, 20 February 2020.

<sup>160</sup> Transparencia Venezuela, *Annual Report of Corruption in Venezuela*, 2017; NRC, *Met voedselpakket en vaderlandskaart wordt de Venezolaan koest gehouden*, 14 June 2019; Reuters, *How ZTE helps Venezuela create China-style social control*, 14 November 2018.

<sup>161</sup> The New Humanitarian, *Hunger and survival in Venezuela, "Malnutrition is the mother of the whole problem"*, 21 November 2018.

<sup>162</sup> CS, 20 February 2020; CS, 27 February 2020; CS, 18 February 2020; CS, 26 February 2020.

<sup>163</sup> CS, 27 February 2020; Transparencia Venezuela, *Annual Report of Corruption in Venezuela*, 2017.

<sup>164</sup> El Mercurio Web, *Carlos Paparoni desde la clandestinidad: Los que juegan con el hambre de los venezolanos pagarán ante la justicia*, 20 July 2020.

<sup>165</sup> U.S. Department of the Treasury, *Treasury Disrupts Corruption Network Stealing From Venezuela's Food Distribution Program, CLAP*, 25 July 2019.

<sup>166</sup> Transparencia Venezuela, *Annual Report of Corruption in Venezuela*, 2017; El Mundo, *La guerrilla colombiana del ELN ataca por primera vez a las fuerzas militares venezolanas*, 5 November 2018; De Groene Amsterdammer, *De dode dromen van Chávez*, 30 May 2018; CS, 19 February 2020.

<sup>167</sup> NRC, *Met voedselpakket en vaderlandskaart wordt de Venezolaan koest gehouden*, 14 June 2019.

Caracas that determine where the CLAP packages go. This source was involved in the distribution of CLAP packages in a particular region and received instructions from above to send the packages to one village when they were intended for another. The central government had business interests in the village where the packages had to be sent, according to the source.<sup>168</sup>

## 1.5 The Plan Vuelta a la Patria programme

The website of the Venezuelan Ministry of Foreign Affairs describes the *Plan Vuelta a la Patria* (Return to the Homeland Plan) as a programme created by President Maduro in August 2018 with the aim of providing support and encouragement to migrants wishing to return voluntarily to Venezuela.<sup>169</sup> The ministry says that the programme is a response to the situation of thousands of Venezuelans who have not been given opportunities in the country to which they have migrated, but on the contrary have been attacked, exploited and criminalised.<sup>170</sup> According to a confidential source, the plan is intended as a propaganda tool and an attempt to divert attention from domestic problems by focusing on the problems of Venezuelans abroad (see also Chapter 5).<sup>171</sup>

### *Participants and conditions*

According to the Venezuelan Ministry of Foreign Affairs, it is a social programme for those who have voluntarily left Venezuela for various reasons.<sup>172</sup> According to *Radio Mundial* there are no conditions for participation in the programme other than being of Venezuelan nationality. For Venezuelans without papers, the programme offers the possibility of providing identity data that can be verified in Venezuela.<sup>173</sup>

The plan is said to be for everyone, without political preference or bias. Only those with court cases still in progress or who have participated in violent public actions or 'hate' activities against the Venezuelan people, either in Venezuela or abroad, may be excluded from participation under the rules of the plan.<sup>174</sup>

In early 2020, Venezuelan state broadcaster *Telesur* announced that around 17,000 Venezuelans had taken advantage of the programme so far.<sup>175</sup>

This represents little more than 0.3% of the entire Venezuelan diaspora according to the news site *TalCual*, on the assumption that more than four and a half million Venezuelans have left the country.<sup>176</sup> A confidential source claims to have spoken to 14 individuals who participated in the programme. Six of them had confided to him that they wanted to leave Venezuela again. The source did not know whether they had received support or financial means other than just their ticket. He noted that sometimes the tickets are not paid for by Venezuela, but by the country repatriating the Venezuelans.<sup>177</sup>

There are no reports of participants in the programme being arrested on their return or otherwise encountering problems with the government.

<sup>168</sup> CS, 26 February 2020.

<sup>169</sup> **Error! Hyperlink reference not valid.**, accessed 17 December 2019; Radio Mundial, *Conozca los requisitos del Plan Vuelta a la Patria*, 10 September 2018.

<sup>170</sup> <http://mppre.gob.ve/temas/vuelta-a-la-patria/>, accessed 17 December 2019.

<sup>171</sup> CS, 20 February 2020.

<sup>172</sup> <http://mppre.gob.ve/temas/vuelta-a-la-patria/>, accessed 17 December 2019.

<sup>173</sup> Radio Mundial, *Conozca los requisitos del Plan Vuelta a la Patria*, 10 September 2018.

<sup>174</sup> Radio Mundial, *Conozca los requisitos del Plan Vuelta a la Patria*, 10 September 2018.

<sup>175</sup> Telesur, *Chile: 250 venezolanos retornan con Plan Vuelta a la Patria*, 2 February 2020.

<sup>176</sup> TalCual, *Según el Gobierno, 250 venezolanos regresan de Chile en el plan vuelta a la patria*, 2 February 2020.

<sup>177</sup> CS, 20 February 2020.

## 2 Identity, nationality and documents

### 2.1 Compulsory identification and documents

#### 2.1.1 *Compulsory identification*

Article 6 of Chapter 2 of the *Ley Orgánica de Identificación* (Identification Act) of 2014 states that all Venezuelans have the right from birth to have a birth certificate as a means of identification. The article also states that the *Cédula de Identidad* (national identity card) will be issued at the age of nine.<sup>178</sup> Article 13 of Chapter 4 of the Act states that the identity card is the most important identification document for civil, commercial, administrative and legal matters and any other matters for which identification is required (the Act does not specify what these are).<sup>179</sup>

It is compulsory for parents to register their newborn child with the responsible authorities within 90 days of the birth in order to obtain the birth certificate.<sup>180</sup>

No law has been found which states that there is a general identification requirement. One confidential source believes that the general identification requirement is not *de jure* but *de facto*. Due to the numerous checkpoints of the FAES police unit, the GNB army unit and others in the country at which identification papers are requested and in some cases money must be paid if the papers are not in order, there is a form of identification requirement, the source states.<sup>181</sup> Another source states that everyone is required to provide proof of identity if requested to do so by an authorised government official.<sup>182</sup>

#### 2.1.2 *From what age does this identification requirement apply?*

As stated above, from the age of nine every Venezuelan has the right to the national identity card. Parents must report a newborn child to the authorities within 90 days of birth. The passport can be applied for as soon as a person has a birth certificate.<sup>183</sup>

#### 2.1.3 *To what extent is this identification requirement enforced?*

It can be assumed that a large part of the Venezuelan population, despite the right provided for in the legislation, will go through life without official documents, or with documents that have expired (see 2.1.5 and 2.1.6). It is also clear from the many Venezuelans who travel to neighbouring countries such as Colombia or Brazil without documents via one of the illegal trochas that it is not unusual to be without official documents in Venezuela (see Chapter 4).

The checkpoints discussed in 2.1.1 can be circumvented. The stories of several confidential sources point to this: one source travelled with the copy of an acquaintance's identity card, another with the official identity card of someone he did not know, and yet another managed to pass through the checkpoints by bribing the officials. Despite the checkpoints, none of these individuals were correctly identified on their journey to the Colombian border.<sup>184</sup>

<sup>178</sup> Ley Orgánica de Identificación, Capítulo II, Article 6, 19 November 2014.

<sup>179</sup> Ley Orgánica de Identificación, Capítulo IV, Article 13, 19 November 2014.

<sup>180</sup> Ley Orgánica de Registro Civil (Organische Wet op Burgerregistratie), Capítulo III, Article 86, 15 September 2009; CS, 30 January 2020.

<sup>181</sup> CS, 21 February 2020.

<sup>182</sup> CS, 6 May 2020.

<sup>183</sup> <http://www.saime.gob.ve/identificacion> (accessed 20 April 2020)

<sup>184</sup> CS, 1 February 2020; CS, 27 February 2020; CS, 20 February 2020.

#### 2.1.4 *Identity and travel documents*

In Venezuela, a birth certificate, identity card or passport may be used as an identity document. As well as the identity card, a document of indigenous identity may also be applied for on the website of the government agency SAIME (see also 1.3.2.).<sup>185</sup> To travel abroad, a Venezuelan passport is needed.<sup>186</sup> Venezuelans can also travel to countries such as Colombia and Brazil with a valid identity card, but have not been able to travel from these countries to other countries since the summer of 2019 (see also Chapter 4).<sup>187</sup> The national identity card is required for civil matters, business contracts and administrative and legal transactions.<sup>188</sup> For example, the card is needed to vote, to open a bank account, to buy a car, but also to go shopping at the supermarket.<sup>189</sup> The newspaper *El Estímulo* carried a story in 2018 about a woman who had lost her original identity card and lost access to her bank accounts, because the bank asked her for the original identity card.<sup>190</sup> Confidential sources indicate that if you do not have a valid identity card, a copy of the card or an expired card is sometimes sufficient, for example when applying for the *carnet de la patria* (see also 2.2). It is often enough simply to give the number of the card at the supermarket, for example.<sup>191</sup>

The Identity Act (see also 2.1.1) states in Articles 10 and 11 of Chapter 3 that the languages and customs of the indigenous people of Venezuela must be protected. The indigenous population may apply for the *Cédula de Identidad Indígena* (indigenous identity card), which is drawn up in the language of the applicant's community as well as in Spanish. Also, the clothing worn for the passport photo does not have to be modified, and may be in accordance with the customs, practices and traditions of the community.<sup>192</sup>

An identity card is valid for ten years and a passport for five years.<sup>193</sup>

#### 2.1.5 *Procedure for applying for/renewing documents*

The Venezuelan passport may be applied for and renewed in Venezuela through the website of the government agency SAIME. The applicant must create an account for the website, with which an appointment can be made in the system. The applicant can present the necessary documents at one of the SAIME offices in the country. Venezuelans living abroad are directed to a Venezuelan diplomatic mission.<sup>194</sup> However, not all diplomatic missions issue passports. For example, passports cannot be applied for at the Venezuelan embassy in the Netherlands. Venezuelans living in the Netherlands must contact another Venezuelan embassy in Europe that does issue passports.<sup>195</sup>

In order to apply for a passport, a Venezuelan under the age of nine must present a certified copy of his or her birth certificate. After the applicant has turned nine, the identity card must be presented along with a certified copy of the birth certificate.<sup>196</sup> In addition, when a passport is applied for, a colour passport photo and a print of

<sup>185</sup> <http://www.saime.gob.ve/identificacion/cedulacion> (accessed 20 April 2020).

<sup>186</sup> **Error! Hyperlink reference not valid.** (accessed 20 April 2020); CS, 30 January 2020.

<sup>187</sup> CS, 25 February 2020; CS, 26 February 2020; CS, 24 February 2020.

<sup>188</sup> CS, 6 May 2020.

<sup>189</sup> CS, 21 April 2020; CS, February 2020: At a shop it may not be necessary to show the physical card, and the customer may only have to provide the number of the card.

<sup>190</sup> *El Estímulo*, *Cédulas, la identidad como misión imposible*, 3 December 2018.

<sup>191</sup> CS, February 2020; CS, 1 February 2020; CS, 27 May 2020.

<sup>192</sup> Ley Orgánica de Identificación, Capítulo III, Article 10/11, 19 November 2014.

<sup>193</sup> Ley Orgánica de Identificación, Capítulo IV, Article 18, 19 November 2014; **Error! Hyperlink reference not valid.** (accessed 31 May 2020).

<sup>194</sup> This could be an embassy or a consulate.

<sup>195</sup> <http://www.saime.gob.ve/identificacion/cedulacion> (accessed 20 April 2020; CS, 30 January 2020; CS, 21 April 2020).

<sup>196</sup> <http://www.saime.gob.ve/identificacion/cedulacion> (accessed 20 April 2020); CS, 30 January 2020.

the right thumb (or the left thumb if the right thumb is missing) must be provided.<sup>197</sup>

The national identity card (*Cédula de Identidad*) is free and can be applied for at the local SAIME offices.<sup>198</sup> The original birth certificate must be presented when this card is first applied for.<sup>199</sup> A person who has acquired Venezuelan nationality through naturalisation must provide proof of naturalisation.<sup>200</sup> A fingerprint and colour photo are also required when applying for this card.<sup>201</sup> The new identity cards no longer meet the security requirements to which the card used to be subject, according to a confidential source. The physical cards no longer have an authentication mark and digital fingerprint. The source believes that anyone could make an identity card with a photocopier and a plasticising machine.<sup>202</sup>

The national identity card may not be renewed, but must be re-applied for from SAIME if it expires or is lost or damaged. A copy of the old card may be used for this.<sup>203</sup> If the card has been lost, according to a confidential source, it is not necessary to report the loss to the police in order to apply for a new one.<sup>204</sup>

A confidential source states that the passport photos and fingerprints are stored in a central system, probably of the government agency SAIME.<sup>205</sup> According to public sources, the SAIME system has not worked properly in recent years and the digital fingerprints are not processed effectively, as a result of which applicants are not recognised later on. This causes problems with passport applications and renewals and identity card applications (see also 2.1.6).<sup>206</sup>

#### *Do identity or travel documents have to be applied for in person?*

An application for an identity or travel document must always be made in person by an adult because a fingerprint is taken during the application. Both parents must accompany a minor when an application is made for a document for the child. If one of the parents cannot be present, he or she must authorise the other parent. The parents must also be present at the time of collection.<sup>207</sup>

A person other than the applicant may be authorised to collect the passport of an adult. The Venezuelan embassy in Brussels offers this option, for example.<sup>208</sup> By contrast, the website of the Venezuelan Consulate General on the Spanish island of Tenerife states that authorisations of third parties are not allowed.<sup>209</sup> A confidential

<sup>197</sup> Ley Orgánica de Identificación, Capítulo IV, Article 16, 19 November 2014.

<sup>198</sup> CS, 6 May 2020; CS, 27 May 2020.

<sup>199</sup> **Error! Hyperlink reference not valid.** (accessed 20 April 2020; Ley Orgánica de Identificación, Capítulo IV, Article 17, 19 November 2014: The law only mentions the original birth certificate, whereas the SAIME website also states that a copy of the certificate bearing an authentication stamp must also be submitted.

<sup>200</sup> Ley Orgánica de Identificación, Capítulo IV, Article 17, 19 November 2014.

<sup>201</sup> Facebook van *Embajada de la República Bolivariana de Venezuela en Panamá*, 23 August 2018 (<https://www.facebook.com/326170954385951/posts/709831849353191/>)

<sup>202</sup> CS, 8 June 2020.

<sup>203</sup> CS, 6 May 2020.

<sup>204</sup> CS, 27 February 2020.

<sup>205</sup> CS, 30 January 2020.

<sup>206</sup> El Pitazo, *Falta de aprobación de huella dactilar deja a venezolanos sin pasaporte*, 15 March 2020; Arnaldo, @arnaldocarvall1, 17 April 2019 (twitter.com/ejrl/status/1118529467587223552).

<sup>207</sup> CS, 30 January 2020; CS, 25 February 2020; Website of the Consulate General of Venezuela on Tenerife: **Error! Hyperlink reference not valid.** (accessed 9 June 2020).

<sup>208</sup> Website of Venezuelan embassy in Brussels: **Error! Hyperlink reference not valid.** (accessed 9 June 2020); CS, 30 January 2020; CS, 25 February 2020.

<sup>209</sup> Website of the Consulate General of Venezuela on Tenerife: <http://consuladodevenezuela.es/contenido.php?idNot=201> (accessed 9 June 2020).



source also states that passports in Venezuela cannot be collected by a person other than the applicant by means of a power of attorney.<sup>210</sup>

#### 2.1.6 *Current problems with obtaining a new passport*

Two confidential sources independently stated that the problem starts with the birth certificate, a certified copy of which must be presented in order to obtain a passport. The issuing of birth certificates is problematic due to the lack of the proper paper.<sup>211</sup> The necessary materials are not available for issuing passports either. As well as the lack of material, a poorly automated system and inefficient, lengthy procedures have turned obtaining a passport into a 'nightmare' according to Transparencia Venezuela.<sup>212</sup> As a first step, an online account with SAIME must be created and an application must be made via this account. Two confidential sources state that poor-quality Internet in Venezuela and the fact that many Venezuelans lack direct access to the Internet create the first obstacles in the procedure. It often takes many months before a first physical appointment takes place at a SAIME office, according to the sources.<sup>213</sup>

Moreover, the relevant government agency, SAIME, has raised the prices in recent years, so that a new passport cost around 200 dollars and a passport renewal around 100 dollars at the end of 2019.<sup>214</sup> A new fingerprint does not have to be provided for a renewal.<sup>215</sup> It can take months or even years before the applicant actually gets the passport, according to various sources.<sup>216</sup>

In some cases, thousands of dollars have been paid in bribes to obtain a new passport.<sup>217</sup> According to the newspaper *El Nacional*, the US imposed sanctions on the current and previous director of SAIME in December 2019 because of the thousands of dollars that had to be paid to corrupt SAIME officials to obtain a passport.<sup>218</sup> In response to the sanctions, Diosdado Cabello, vice-president of the PSUV, announced on his weekly TV show *Con el mazo dando* (Hitting with the Club) that the sanctions would mean that no further passports could be issued.<sup>219</sup>

#### 2.1.7 *The current method of extending a passport's period of validity*

Due to the lack of the necessary materials for the production of new passports, it is now possible to have a *calcomanía* (sticker) pasted into an expired passport to extend its validity for two years.<sup>220</sup> However, a confidential source adds that a sticker in your passport is of little use if all your pages are already full of entry and exit stamps. In that case you need a new passport, he says.<sup>221</sup> In the summer of 2019, a confidential source in Venezuela paid 30 dollars for the sticker, whereas his mother had to pay 100 dollars for the same sticker a few months later. He claimed

<sup>210</sup> CS, 8 June 2020

<sup>211</sup> CS, 18 February 2020; CS, 21 February 2020.

<sup>212</sup> Transparencia Venezuela, *El Saime da un tiro de gracia a derechos a la identidad y al libre tránsito*, 21 November 2019.

<sup>213</sup> CS, 30 January 2020; CS, 6 May 2020.

<sup>214</sup> Transparencia Venezuela, *El Saime da un tiro de gracia a derechos a la identidad y al libre tránsito*, 21 November 2019; CS, 25 February 2020; CS, 6 May 2020.

<sup>215</sup> CS, 21 April 2020.

<sup>216</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 22, 13 March 2019; Transparencia Venezuela, *El Saime da un tiro de gracia a derechos a la identidad y al libre tránsito*, 21 November 2019; CS, 13 April 2020; CS, 30 January 2020; CS, 6 May 2020.

<sup>217</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 22, 13 March 2019; Transparencia Venezuela, *El Saime da un tiro de gracia a derechos a la identidad y al libre tránsito*, 21 November 2019; CS, 25 February 2020.

<sup>218</sup> *El Nacional*, *Cabello afirmó que sanciones al director del Saime impedirán impresión de pasaportes*, 11 December 2019; US Department of the Treasury, *Treasury Sanctions Corruption and Material Support Networks*, 9 December 2019.

<sup>219</sup> *Con el Mazo Dando*, *Sepa por qué el Saime no podrá imprimir más pasaportes*, 11 December 2019: In his show, Cabello often wields a knobly mazo (club).

<sup>220</sup> CS, 2 February 2020; CS, 21 April 2020.

<sup>221</sup> CS, 21 February 2020.

that the procedure for extending both his passport and his mother's was carried out and completed within a few weeks.<sup>222</sup>

#### 2.1.8 *Applications for documents abroad*

Theoretically, it should be possible to apply for and renew documents abroad, but in practice it is virtually impossible, confidential sources state.<sup>223</sup> All the problems experienced in Venezuela with regard to applying for documents are also experienced abroad, and there is the further problem that not all Venezuelan diplomatic missions abroad offer consular services. The confidential sources indicate that although they have already paid for the document application and the SAIME website indicates that all conditions have already been satisfied, the process gets no further.<sup>224</sup> Venezuelan consulates refer the enquirer to the SAIME website if they are contacted with questions about the status of an application.<sup>225</sup> A confidential source has heard that Venezuelans in the state of Florida have paid hundreds of dollars in bribes to obtain the extension sticker in their passports.<sup>226</sup>

#### 2.1.9 *Applications for a passport without a cédula de identidad abroad*

The *cédula de identidad* (identity card), which can only be obtained in Venezuela, is required in order to apply for a passport. It is therefore not possible for a Venezuelan living abroad who does not have such a card to apply for a passport at a Venezuelan diplomatic mission.<sup>227</sup> A confidential source notes that children born abroad to Venezuelan parents living abroad can apply for a passport at a Venezuelan diplomatic mission with consular powers.<sup>228</sup> This is only true in theory, because in practice the problems described in 2.1.3 will apply.<sup>229</sup>

#### 2.1.10 *Other indispensable and/or mandatory documents*

When asked, a confidential source stated that there are several documents that are indispensable and/or mandatory – depending on the context – in Venezuela. Documents are required to be able to submit a tax return, to apply for visas for other countries, to apply for scholarships, to rent a house, to enrol at a university, etc. Documents such as a criminal record declaration, a medical certificate, an extract from the tax register, a driving licence or a PSUV membership card are mentioned in connection with such transactions. All these documents have different application procedures and validity periods.<sup>230</sup>

The document that is often cited in addition to those referred to in 2.1.4. as essential in Venezuelan society today is the *carnet de la patria*. This will be discussed in detail in 2.2.

#### 2.1.11 *The issuing of passports to wanted persons*

Two confidential sources believe that a check is run when a passport is issued to see if the person is wanted. The government agency SAIME is the body responsible for the processing and management of all data relating to civil administration, and can check in the system whether an arrest warrant has been issued for someone.<sup>231</sup> The

<sup>222</sup> CS, 2 February 2020.

<sup>223</sup> CS, 13 April 2020; CS, 30 January 2020; CS, 6 May 2020: A confidential source reports rumours that for several years there has been an unofficial decree banning the issuing of new passports or the renewal of passports abroad.

<sup>224</sup> All three of these cases concerned passport renewals.

<sup>225</sup> CS, 13 April 2020; CS, 30 January 2020; CS, 21 April 2020.

<sup>226</sup> CS, 8 May 2020.

<sup>227</sup> <http://www.saime.gob.ve/identificacion/cedulacion> (accessed 20 April 2020); CS, 30 January 2020; CS, 8 June 2020.

<sup>228</sup> CS, 6 May 2020.

<sup>229</sup> CS, 30 January 2020

<sup>230</sup> CS, 30 January 2020; CS, 26 February 2020.

<sup>231</sup> CS, 30 January 2020; CS, 6 May 2020.

question of whether central lists of wanted persons exist and which bodies are responsible for managing and accessing such lists is discussed in 1.3.2.

It is not known to what extent such lists are used to check whether passport applicants are wanted. According to a confidential source, in principle every Venezuelan is entitled to a passport, including wanted persons. Someone who is wanted is unlikely to be willing to take the risk of being arrested by applying for a passport, the source adds.<sup>232</sup>

The government has reportedly taken away the passports of journalists, opposition members, MPs and others in recent years, without explanation, when they have tried to leave the country.<sup>233</sup> For examples of people whose passports have been confiscated by the Venezuelan authorities, see 1.3.1, 1.3.3, 3.2.2 and 3.74.

#### 2.1.12 *Corruption and forgeries*

In addition to the fact that the current director of SAIME is suspected of having solicited bribes from Venezuelans to obtain passports, the previous director is suspected of having sold passports to non-Venezuelans.<sup>234</sup> *The Washington Post* quotes the United States Department of the Treasury as saying that thousands of passports were sold to non-Venezuelans under the leadership of Gustavo Adolfo Vizcaino Gil, who served as general director of SAIME from April 2016 to June 2018.<sup>235</sup> A confidential source indicates that SAIME itself has acknowledged that there are corrupt officials in its ranks.<sup>236</sup>

A leader of the Colombian guerrilla movement ELN, the Colombian Luis Felipe Ortega, had a Venezuelan identity card and even his own  *carnet de la patria*  under the false name Gabriel Alfonso Ariza Suarez when he was arrested by the Venezuelan army in November 2018.<sup>237</sup> It is not known how Ortega obtained these documents.

In a speech in 2009, a New York prosecutor accused the then Minister of the Interior, Justice and Peace, Tareck el Aissami, of issuing Venezuelan passports to the Palestinian group Hamas and the Lebanese group Hezbollah.<sup>238</sup> According to a 2013 intelligence report by a group of Latin American countries that was obtained by CNN, 172 individuals, including members of the Lebanese group Hezbollah, were able to obtain Venezuelan passports from 2008 to 2012. The report stated that Tareck El Aissami, who was responsible for immigration as Minister of the Interior, Justice and Peace, had made it possible for the passports to be issued.<sup>239</sup> A Venezuelan diplomat who worked at the Venezuelan embassy in Baghdad from April 2013 to the end of 2015 said in an interview with CNN that passports were sold to non-Venezuelans from the embassy.<sup>240</sup>

#### *Forging of documents*

<sup>232</sup> CS, 6 May 2020.

<sup>233</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 22, 13 March 2019.

<sup>234</sup> US Department of the Treasury, *Treasury Sanctions Corruption and Material Support Networks*, 9 December 2019.

<sup>235</sup> *The Washington Post*, *The U.S. Treasury Department's Office of Foreign Assets Control made the designations on both Gustavo Adolfo Vizcaino Gil and his predecessor, Juan Carlos Dugarte Padron, on International Anti-Corruption Day*, 9 December 2019.

<sup>236</sup> CS, 6 May 2020.

<sup>237</sup> *El Mundo*, *La guerrilla colombiana del ELN ataca por primera vez a las fuerzas militares venezolanas*, 5 November 2018; *Steemit*, *Because the ELN attack occurred in Amazonas*, 1 November 2018; *Steemit*, *Because the ELN attack occurred in Amazonas*, 1 November 2018; *Insight Crime*, *ELN Now Present in Half of Venezuela*, 13 November 2018.

<sup>238</sup> *Global Financial Integrity*, *The Link between Iran and Venezuela: A Crisis in the Making?*, 8 September 2009.

<sup>239</sup> CNN, *Venezuela may have given passports to people with ties to terrorism*, 14 February 2017.

<sup>240</sup> CNN, *Venezuela may have given passports to people with ties to terrorism*, 14 February 2017: Fearing reprisals from the Venezuelan authorities, the whistle-blower fled the country and now lives abroad.

In February 2018, the newspaper *El Nacional* reported the arrest of a gang that was involved in forging Venezuelan passports among other activities.<sup>241</sup> The Venezuelan Ministry of Foreign Affairs states on its website that Venezuelan documents have a good reputation internationally and that it is everyone's responsibility to keep it that way. The Ministry also states that the diplomatic missions of acting President Guaidó may not issue official documents; only the missions of the Maduro government may do so.<sup>242</sup>

As stated in 2.1.5, the current national identity card is easy to copy; however, this information cannot be verified.

#### *Corruption in connection with the issuing of passports*

Mention was made earlier of the bribes which are currently paid to speed up the procedure for obtaining a passport and of the sale of passports to non-Venezuelans. The US has imposed sanctions on the previous and current directors of SAIME because of this corruption.<sup>243</sup>

## 2.2 Carnet de la Patria

#### *Function of the Carnet de la Patria*

The *Carnet de la Patria* (Homeland Card), which was introduced in February 2017, is an identity card that can be applied for through the website [www.patria.org.ve](http://www.patria.org.ve).<sup>244</sup> In order to create an account on this website, the national identity card is required and, according to a confidential source, about thirty questions must be answered.<sup>245</sup> According to two confidential sources, an original national identity card is not required to obtain the *carnet de la patria*. One source reports that only the card number needs to be provided, which is then verified in SAIME's systems.<sup>246</sup>

The applicant does not have to be a member of the PSUV.<sup>247</sup> A confidential source reports that the card is automatically issued to PSUV members.<sup>248</sup> From conversations with card system personnel and screenshots of user data viewed by Reuters, the news agency concludes that through the card, the Venezuelan authorities have access to details such as date of birth, family data, work and income, property, medical history, state benefits received, political party membership and voting behaviour of the cardholder.<sup>249</sup> The national card is required, for example, to gain access to food packages from the CLAP food programme, bonuses, pensions, medicines and subsidised petrol.<sup>250</sup> For example, a confidential source states that you are only entitled to a pension if you have the card.<sup>251</sup>

<sup>241</sup> El Nacional, *Desmantelan banda dedicada a la falsificación de documentos fiscales*, 9 February 2018.

<sup>242</sup> [mppre.gob.ve](http://mppre.gob.ve), *Government of Venezuela warns consequences of alteration of documents in unauthorized agencies*, 3 June 2019.

<sup>243</sup> US Department of the Treasury, *Treasury Sanctions Corruption and Material Support Networks*, 9 December 2019.

<sup>244</sup> Transparencia Venezuela, *Annual Report of Corruption in Venezuela, 2017*; **Error! Hyperlink reference not valid.** (accessed 21 April 2020).

<sup>245</sup> CS, 19 February 2020.

<sup>246</sup> CS 27 February 2020; CS, February 2020.

<sup>247</sup> CS 26 February 2020; CS, February 2020.

<sup>248</sup> CS, 6 May 2020.

<sup>249</sup> Reuters, *How ZTE helps Venezuela create China-style social control*, 14 November 2018; El País, *Maduro se reelige como presidente con una abstención récord y en medio de denuncias de fraude*, 22 May 2018.

<sup>250</sup> Transparencia Venezuela, *Annual Report of Corruption in Venezuela, 2017*; Reuters, *How ZTE helps Venezuela create China-style social control*, 14 November 2018; NRC, *Met voedselpakket en vaderlandskaart wordt de Venezolaan koest gehouden*, 14 June 2019.

<sup>251</sup> CS, 8 June 2020.

During the celebration of the third anniversary of the Homeland Card, Maduro extolled the card as a means of serving and protecting the Venezuelan people during the current 'economic war'<sup>252</sup>; however, opponents see the card as a means of controlling the Venezuelan people and as a blackmail tool.<sup>253</sup> A confidential source states that if someone moves house, the government is able to trace him or her partly by means of the card, for example if the CLAP system is used.<sup>254</sup> During the celebration in early February 2020, Maduro reported that more than 18 million Venezuelans had one.<sup>255</sup>

#### *Disadvantages for citizens who do not have a Carnet de la Patria*

Several confidential sources said that they see the Homeland Card as a means of exerting pressure, but that they had finally come round and applied for the card. A source who said he sympathised with the opposition had obtained a card because without it he could not do business with pro-government partners.<sup>256</sup> Venezuelans without the card do not have access to the facilities and government programmes listed above.<sup>257</sup> One Venezuelan woman had left for Colombia because she had no access to medical help. She claimed that this was especially because she did not have a Homeland Card. She wondered if it would have made much difference if she had had the card, as there is a dire lack of medicines in Venezuela anyway.<sup>258</sup> Reuters carried a story about a doctor who refused to prescribe insulin to a diabetic because the person did not have a Homeland Card.<sup>259</sup>

As well as welfare, Venezuelans without a card are also denied the bonuses that cardholders receive. For example, the website of the Venezuelan vice-president mentions a bonus for mothers who are also cardholders on Mother's Day.<sup>260</sup> This bonus was more than the minimum wage, according to NRC.<sup>261</sup> During the presidential elections in May 2018, voters could have their card scanned at a so-called 'red kiosk' or 'red point' and receive a bonus. They had to answer a number of personal questions, including one about their voting behaviour.<sup>262</sup> According to confidential sources, the authorities can verify whether the declared voting behaviour is consistent with the actual vote cast. Before voting, a fingerprint must first be given. The confidential sources believe that this system is in direct contact with the machine used for voting.<sup>263</sup>

#### *Hostile interest in citizens without a Carnet de la Patria*

As well as not receiving bonuses and being deprived of certain forms of state support (see also 1.4.2 and 1.4.3), it is not known whether citizens without a Homeland Card incur the hostile interest of the Venezuelan authorities.

<sup>252</sup> Nicolás Maduro, *Presidente Maduro en el 3er Aniversario del Carnet De la Patria*, 6 February 2020, accessed at [youtube.com/watch?v=Mt3FvSW8iYc&feature=emb\\_title](https://youtube.com/watch?v=Mt3FvSW8iYc&feature=emb_title) (from 05:30).

<sup>253</sup> Transparencia Venezuela, *Annual Report of Corruption in Venezuela, 2017*; NRC, *Met voedselpakket en vaderlandskaat wordt de Venezolaan koest gehouden*, 14 June 2019; CS, 26 February 2020; USDoS, *Venezuela 2018 Human Rights Report*, page 25, 13 March 2019; CS, 6 May 2020.

<sup>254</sup> CS, 8 June 2020.

<sup>255</sup> Nicolás Maduro, *Presidente Maduro en el 3er Aniversario del Carnet De la Patria*, 6 February 2020, accessed at [youtube.com/watch?v=Mt3FvSW8iYc&feature=emb\\_title](https://youtube.com/watch?v=Mt3FvSW8iYc&feature=emb_title) (from 06:20).

<sup>256</sup> CS 26 February 2020; CS Feb 2020.

<sup>257</sup> Reuters, *How ZTE helps Venezuela create China-style social control*, 14 November 2018.

<sup>258</sup> CS, 26 February 2020.

<sup>259</sup> Reuters, *How ZTE helps Venezuela create China-style social control*, 14 November 2018.

<sup>260</sup> **Error! Hyperlink reference not valid.** (accessed 21 April 2020).

<sup>261</sup> NRC, *Met voedselpakket en vaderlandskaat wordt de Venezolaan koest gehouden*, 14 June 2019.

<sup>262</sup> NRC, *Met voedselpakket en vaderlandskaat wordt de Venezolaan koest gehouden*, 14 June 2019; Freedom House, *Freedom on the Net 2018 Venezuela*, 2018; Reuters, *How ZTE helps Venezuela create China-style social control*, 14 November 2018; Human Rights Watch, *World Report Events of 2018*, 2019.

<sup>263</sup> CS, 26 February 2020.

## 2.3 Nationality

### *Nationality by operation of law*

Article 32 of the *Constitución* of Venezuela states that people in the following categories are Venezuelan by birth:

- Anyone born on Venezuelan territory (the principle of *jus soli*);
- Anyone born abroad to at least one Venezuelan parent.

Someone who was born abroad to at least one parent who gained Venezuelan nationality by operation of law must settle in Venezuela or express his or her wish to acquire Venezuelan nationality. Someone who was born abroad to at least one parent who gained Venezuelan nationality by naturalisation must settle in Venezuelan territory before reaching the age of eighteen and express his or her wish to acquire Venezuelan nationality by the age of twenty-five.<sup>264</sup>

### *Nationality by naturalisation*

Article 33 of the constitution states that people in the following categories are Venezuelan by naturalisation:

- Foreigners who have obtained the naturalisation card. In order to obtain this, they must have lived in Venezuela continuously for at least ten years before applying for Venezuelan nationality. The ten-year period is reduced to five years in the case of persons who originally had the nationality of Spain, Portugal, Italy, or Latin American or Caribbean countries;
- Foreigners who have been married to a Venezuelan for at least five years;
- Foreigners who are minors and whose parent who acquired Venezuelan nationality by naturalisation had parental authority over the minor on the day of naturalisation. The minor must declare the desire to accept Venezuelan nationality before his or her twentieth birthday and have lived in Venezuela continuously for at least five years before this declaration.<sup>265</sup>

### *Losing (and regaining) Venezuelan nationality*

Article 35 of the Venezuelan constitution states that Venezuelans who have acquired Venezuelan nationality by operation of law may not be deprived of their nationality. Venezuelan nationality acquired through naturalisation may be withdrawn by court order, in accordance with the law.<sup>266</sup>

Article 36 states that it is possible to voluntarily renounce Venezuelan nationality. The same article states that any Venezuelan who acquired nationality by operation of law may regain Venezuelan nationality, having voluntarily renounced it, by living in Venezuela for at least two years and declaring his or her wish to accept Venezuelan nationality again. A Venezuelan who has acquired Venezuelan nationality by naturalisation and then voluntarily renounced it must meet the conditions set out in Article 33 in order to regain Venezuelan nationality.<sup>267</sup>

### *Dual nationality*

Article 34 of the constitution states that Venezuelan nationality is not lost when another nationality is acquired, which implies that dual nationality is permitted by law.<sup>268</sup>

<sup>264</sup> Constitución de la República Bolivariana de Venezuela, Article 32, 1999.

<sup>265</sup> Constitución de la República Bolivariana de Venezuela, Article 33, 1999.

<sup>266</sup> Constitución de la República Bolivariana de Venezuela, Article 35, 1999.

<sup>267</sup> Constitución de la República Bolivariana de Venezuela, Article 36, 1999.

<sup>268</sup> Constitución de la República Bolivariana de Venezuela, Article 34, 1999.

### 3 Human rights

#### 3.1 Monitoring citizens

##### *Monitoring of citizens by Venezuelan authorities*

A look was taken in 2.2. at the carnet de la patria and the extent to which this card is used to monitor Venezuelan citizens. According to various sources, the Venezuelan authorities also use other methods to monitor Venezuelan citizens. In an interview with 'de Groene Amsterdammer', a former general stated that the government has spies everywhere.<sup>269</sup> The spying is done by the so-called *patriotas cooperantes* (cooperating patriots), among others. These are informers who tell the Venezuelan authorities about alleged 'enemies of the state'.<sup>270</sup> The *patriotas cooperantes* are individuals who provide information from their own position or circle of acquaintances.<sup>271</sup> There are also the *infiltrantes* (infiltrators). These are individuals who are deliberately placed by one of the intelligence services in a certain group or organisation in order to gather information. Confidential sources speak of infiltrators within the universities and the military, for example. The Venezuelan authorities also allegedly send infiltrators to join the Venezuelan migration flow in order to build up sources of information within the Venezuelan diaspora.<sup>272</sup>

The civilian intelligence agency SEBIN and its military counterpart the DGCIM are also cited by various open and confidential sources as organisations that follow and monitor individuals who have somehow attracted the interest of the Venezuelan authorities. According to The Washington Post, a 150-strong SEBIN team has the task of following government opponents.<sup>273</sup> A confidential source says that he is followed by SEBIN every day and that members of this service have actually told him that they monitor all his movements. SEBIN personnel regularly follow him very closely in their characteristic white vans, according to the source.<sup>274</sup> Another source believes he/she has been followed by the DGCIM, although this person cannot be sure about this.<sup>275</sup>

##### *Use of software for monitoring*

*CitizenLab* reported in 2015 that Venezuela might have purchased German-made espionage software.<sup>276</sup> China is also named as a supplier of technology and software for controlling and monitoring the Venezuelan people. Most of this technology is linked to the carnet de la patria, mentioned earlier.<sup>277</sup> Information that could not be verified points to technology that links the identification process during voting to ultimate voting behaviour.<sup>278</sup>

<sup>269</sup> De Groene Amsterdammer, *De dode dromen van Chávez*, 30 May 2018.

<sup>270</sup> In his weekly TV programme, PSUV leader Diosdado Cabello regularly mentions people by name who have been reported to him by the *patriotas cooperantes*. Cabello often accuses these people of engaging in activities to undermine the state.

<sup>271</sup> The Economist, *The Americas: A Bolivarian English Dictionary*, 19 November 2015; El Nuevo Herald, *Gobierno de Maduro persigue a abogados y activistas de DDHH en Venezuela*, 26 March 2015; Venezuela Awareness, *Maduro oficializa sistema de "patriotas cooperantes" en labores de inteligencia por parroquia*, 18 January 2017.

<sup>272</sup> CS, 27 February 2020; CS, 12 February 2020.

<sup>273</sup> The Washington Post, *Troops that defied Maduro have fled Venezuela*, 9 December 2019.

<sup>274</sup> CS, 19 February 2020.

<sup>275</sup> CS, 1 February 2020.

<sup>276</sup> CitizenLab, *Pay No Attention to the Server Behind the Proxy*, 15 October 2015.

<sup>277</sup> Newsweek, U.S., *Military Plans to Battle Russia, China and Iran's 'Most Disturbing' Influence in Venezuela*, 10 October 2019; Reuters, *How ZTE helps Venezuela create China-style social control*, 14 November 2018.

<sup>278</sup> CS, 26 February 2020.

A confidential source indicates that despite all its informants, Chinese technology and training from Cuban intelligence advisers, the Venezuelan security apparatus lacks the manpower and resources to follow and monitor whoever it wants. Choices therefore have to be made, according to this well-connected source.<sup>279</sup> According to the *Espacio Público*, a warning was received in late 2017 about malware that was intended to monitor movements and communication on Android devices. Devices of several human rights activists have been infected with this malware, the NGO says.<sup>280</sup> However, it is not known on what scale the Venezuelan authorities are capable of monitoring Venezuelan citizens with software and technology.

#### *Monitoring of Venezuelans abroad*

The military intelligence agency DGCIM is said to provide special training for intelligence officers who are posted abroad to Venezuelan embassies. The officers are placed with a cover story as a diplomat in *países de special interés* (countries of special interest), according to a confidential source. This source states that these officers also have the task of monitoring Venezuelans abroad.<sup>281</sup> A source that represents the interests of Venezuelans abroad reports being a person of interest to the Venezuelan embassy in the country where the source resides. This interest is not regarded as threatening, but the embassy makes it clear in this way that it is monitoring the source's organisation, according to the source.<sup>282</sup>

As already described above, some sources report that infiltrators working for the authorities leave the country together with other Venezuelans. This is said to happen especially in Colombia, where most Venezuelan migrants currently reside. In March 2020, the newspaper *El Nacional* reported that the Colombian authorities had arrested three members of the FAES police unit for alleged espionage activities against the Venezuelan opposition in the country.<sup>283</sup>

## **3.2 Opposition/dissidents**

### *3.2.1 Main opposition parties*

In December 2015, the *Mesa Unida Democrática* (MUD: United Democratic Table), an alliance of nearly all opposition parties, won two thirds of all AN seats.<sup>284</sup> When it was thwarted by the ruling party after this victory (see 1.1.1), the MUD ran a campaign between April and July 2017 calling on the Venezuelan people to take to the streets with the aim of forcing the Maduro government to carry out democratic reforms.<sup>285</sup> However, the demonstrations met with a violent response from the authorities and ultimately failed to achieve their intended purpose; according to the ICG, this marked the beginning of the MUD's disintegration.<sup>286</sup>

The G4 is an alliance of the four opposition parties within the MUD that received the most votes in the parliamentary elections in 2015. These four parties are *Acción Democrática* (AD: Democratic Action), *Primero Justicia* (PJ: Justice First), *Voluntad*

<sup>279</sup> CS, 27 February 2020.

<sup>280</sup> Espacio Público, *Situación general del derecho a la libertad de expresión en Venezuela Enero-Septiembre de 2017*, 24 October 2017.

<sup>281</sup> CS, 27 February 2020.

<sup>282</sup> CS, 30 January 2020.

<sup>283</sup> *El Nacional*, *Detuvieron en Colombia a 3 funcionarios de la FAES dedicados a espiar a políticos de la oposición venezolana*, 12 March 2020.

<sup>284</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, page 3, 19 June 2017.

<sup>285</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, page 3, 19 June 2017.

<sup>286</sup> ICG, *Friendly Fire: Venezuela's Opposition Turmoil*, 23 November 2018.



*Popular* (VP: The Will of the People) and *Un Nuevo Tiempo* (UNT: A New Era).<sup>287</sup> AD is a political party with a social-democratic agenda.<sup>288</sup> The party's secretary general is Henry Ramos Allup. The vice-president of the AN, Edgar Zambrano, is also a member of AD. PJ describes itself as a progressive party founded on humanist grounds.<sup>289</sup> PJ's politics are based on human dignity, according to the party's website. The party's national coordinator is Julio Borges.<sup>290</sup> PJ member Henrique Capriles faced Hugo Chávez and Nicolás Maduro in the 2012 and 2013 presidential elections and lost on both occasions.<sup>291</sup> UNT is a centre-left party with a social-democratic ideology founded by former members of AD. It was founded by Manuel Rosales, who has been the state governor of Zulia and mayor of Maracaibo.<sup>292</sup> The party started as a regional party in the state of Zulia, but since 2006 has also been active nationally.<sup>293</sup> VP, founded in 2009 by Leopoldo López, also has centre-left politics.<sup>294</sup>

In late May 2020, the opposition-led AN condemned the Venezuelan prosecutor general's decision to ask the Venezuelan supreme court to declare VP a 'criminal organisation with terrorist aims'. Prosecutor General Tarek William Saab came to this decision following the party's alleged involvement in a failed armed invasion from Colombia called Operation Gedeon earlier that month.<sup>295</sup> The party rejected Saab's allegations and tweeted that the charge came from a government suspected of having ties with FARC, the ELN, Hezbollah and drug cartels.<sup>296</sup>

The G4 is led by Juan Guaidó, referred to earlier, who terminated his membership of the *Voluntad Popular* party in early January 2020 in order to stand apart from all parties.<sup>297</sup> Other parties opposing the Maduro government at the time of writing of this report include *Encuentro Ciudadano* (Civic Encounter), which was founded by former UNT member Delsa Solórzano, *Bandera Roja* (BR: Red Flag), *Causa R*, *Vente Venezuela* (Come On, Venezuela) and *Alianza Bravo Pueblo* (ABP: Fearless People's Alliance).<sup>298</sup>

The current opposition with Guaidó as its figurehead is not a homogeneous entity. The opposition parties, which represent a spectrum of different ideologies and backgrounds, often disagree and the individual parties also have internal struggles. For example, Guaidó's *Voluntad Popular* party is said to be divided into two factions.<sup>299</sup> Due to the differences between the parties and internal party issues, the composition of alliances and the existence of schisms within the opposition parties

<sup>287</sup> The four main opposition parties were excluded from the 2018 presidential election by the Venezuelan authorities; of the parties that were members of the MUD in 2015 the authorities only recognised the party Avanzada Progresista: El País, *El opositor Henri Falcón rompe filas con la MUD y decide presentarse a las elecciones de Maduro*, 28 February 2018.

<sup>288</sup> PanAm Post, *Las nefastas políticas económicas de AD y COPEI que propiciaron la llegada del chavismo a Venezuela*, 22 April 2020.

<sup>289</sup> Contrapunto.com, *Ramos Allup se reúne con Edgar Zambrano y recuerda que el diputado está "excarcelado, no libre"*, 18 September 2019.

<sup>290</sup> Website Primero Justicia: **Error! Hyperlink reference not valid.** (accessed 3 June 2020).

<sup>291</sup> BBC News, *Venezuela top court rejects Capriles' election appeal*, 8 August 2013.

<sup>292</sup> BBC News, *Venezuela releases opposition figure Manuel Rosales*, 31 December 2016.

<sup>293</sup> Globovision, *Segun asesor de Rosales, Nuevo Tiempo retiró candidatos a elecciones parlamentarias*, 2 December 2005.

<sup>294</sup> Trouw, *Juan Guaidó geeft de Venezolaanse oppositie een smoel en een doel*, 24 January 2019.

<sup>295</sup> Anadolu Agency, *Asamblea de Venezuela rechaza decisión de declarar a Voluntad Popular como organización terrorista*, 27 May 2020.

<sup>296</sup> Contrapunto.com, *Voluntad Popular rechaza acusaciones de Saab y asegura que le atribuyen "características que describen a la dictadura"*, 25 May 2020; Voluntad Popular, @VoluntadPopular, 25 May 2020 (twitter.com/VoluntadPopular/status/1264985183217844224)

<sup>297</sup> TalCual, *El G4 se debate entre ir a parlamentarias o dejar que Nicolás Maduro se consolide*, 4 February 2020; Infobae, *Juan Guaidó renunció a su partido Voluntad Popular para dedicarse a la presidencia interina de Venezuela*, 6 January 2020.

<sup>298</sup> Efecto Cocuyo, *¿Cuáles son los partidos políticos vigentes en Venezuela?*, 1 February 2020.

<sup>299</sup> Argus Media, *Split assembly tightens Maduro's grip on Venezuela*, 6 January 2020

are fluid.<sup>300</sup> Some confidential sources who say they are sympathetic to the opposition believe that the current opposition is incapable of changing politics in Venezuela.<sup>301</sup>

### 3.2.2 *Risk for opposition members*

In its annual report for 2019, HRW states that the Venezuelan government detains political opponents and bans them from standing for election.<sup>302</sup> Opposition leader and Voluntad Popular member Leopoldo López was placed under house arrest and barred from political office because of his non-violent opposition to the government, his father said in an interview.<sup>303</sup> In April 2019 he was released by his guards so that he could support Guaidó in his attempt to overthrow the government. When the 'coup' failed, he eventually took refuge in the Spanish ambassador's residence in Caracas. HRW reports that thirteen MPs have fled abroad.<sup>304</sup> *El Nacional* reported that there were 900 political prisoners in October 2019, whereas the NGO *Foro Penal* stated in April 2020 that there were about 350 political prisoners in Venezuela at that time.<sup>305</sup> According to the news agency Reuters, more than 30 MPs who have sided with Guaidó are in prison, in exile, or in hiding from the authorities.<sup>306</sup> It is not uncommon for the Venezuelan authorities to strip opposition MPs of their parliamentary immunity.<sup>307</sup>

On 8 October 2018, the Caracas city councillor Fernando Albán of the opposition party Primero Justicia jumped to his death from the tenth floor of the headquarters of the SEBIN security service, according to the Venezuelan authorities. He had been arrested together with his party leader Julio Borges the day before. The Venezuelan authorities accused him of involvement in an alleged assassination attempt on Maduro and tortured him to death, the opposition claimed. SEBIN personnel are said to have thrown him from the tenth floor.<sup>308</sup> MP Juan Requesens, who was still in detention for the same offence at the time of writing of this report, has reportedly been tortured by SEBIN. After his arrest, a video of Requesens appeared that had been filmed in El Helicoide, the headquarters of the security service. It shows Requesens dressed only in what appear to be underpants smeared with faeces. He also appears to be confused in the video.<sup>309</sup>

Although an arrest warrant has been issued against opposition leader Juan Guaidó and he is not allowed to leave the country, he went on an international tour in early 2020 and was not arrested on arrival at Caracas international airport. However, he often faces threats and violence in public from pro-government individuals and organisations such as the colectivos.<sup>310</sup> In early March 2020, shots were fired at a

<sup>300</sup> TalCual, *Preguntas que molestan al chavismo y a la falsa oposición MUD-G4, por Ángel Monagas*, 13 March 2020.

<sup>301</sup> CS, 27 May 2020; CS, 26 May 2020; CS, February 2020.

<sup>302</sup> HRW, *World Report Events of 2019*, page 647, 2020; Consentido, "De internationale gemeenschap moet Venezuela onder druk blijven zetten", interview met Leopoldo López Gil, 13 May 2018.

<sup>303</sup> Consentido, "De internationale gemeenschap moet Venezuela onder druk blijven zetten", interview met Leopoldo López Gil, 13 May 2018.

<sup>304</sup> HRW, *World Report Events of 2019*, page 626, 2020; Consentido, "De internationale gemeenschap moet Venezuela onder druk blijven zetten", interview met Leopoldo López Gil, 13 May 2018.

<sup>305</sup> Foro Penal, *Reporte Sobre la Represión en Venezuela*, page 10, March 2020: In the period from 1 January 2020 to 7 April 2020 (the last day of the period covered by the report), 72 people were arrested on political grounds, according to the report.

<sup>306</sup> Reuters, *Venezuela's Guaido readies for congress showdown after Socialist takeover*, 7 January 2020; The Washington Post, *Venezuela charges 4 anti-Maduro lawmakers with rebellion*, 16 December 2019.

<sup>307</sup> Deutsche Welle, *Venezuela: chavismo prevé retirar inmunidad a más diputados*, 23 May 2019.

<sup>308</sup> ICG, *Friendly Fire: Venezuela's Opposition Turmoil*, 23 November 2018.

<sup>309</sup> HLN, *Protest in onderbroek tegen arrestatie van parlamentslid in Venezuela*, 16 August 2018; *El Nacional*, *Juicio de Juan Requesens por supuesto magnicidio a Maduro comienza este lunes*, 25 November 2018.

<sup>310</sup> CS, 12 January 2020.

delegation which included Guaidó.<sup>311</sup> At least five people were injured, according to various sources.<sup>312</sup> In an interview with CNN, Guaidó says that the Venezuelan authorities dare not arrest him because they fear international repercussions.<sup>313</sup>

In early January 2020, a video went viral showing at least five cars in which MPs were sitting being severely damaged by members of colectivos. Shots were fired at one of the cars, containing MP Delsa Solórzano. According to reliable sources, the shooting was deliberately targeted. The members of the GNB who were present looked on without intervening. Colectivos armed with rocks, guns and molotov cocktails who attacked journalists and opposition MPs were given free rein, according to a confidential source.<sup>314</sup>

In addition to intimidation, mistreatment, detention and torture, there have also been reports of expropriation of opposition members' property by the authorities. In early 2020, the farm of MP Julio César Reyes was reportedly seized by the authorities after Reyes expressed support for the re-election of Guaidó as parliamentary speaker.<sup>315</sup> Confidential sources also report that in areas where it holds sway, the ELN has forced opposition members, journalists and NGO personnel from their homes or daubed their homes with red paint to intimidate them.<sup>316</sup>

#### *Risk to low-level protesters and opposition activists*

'Sometimes you're just in the wrong place at the wrong time,' says a confidential source. When questioned, the source states that the Venezuelan authorities use force against demonstrations on an arbitrary basis, and that they arrest and assault demonstrators and/or bystanders in order to send a message.<sup>317</sup> Two military sources say they have been ordered to use violence against protesters. The order was also given to shoot at the demonstrators, according to one of the sources.<sup>318</sup> Reports of arbitrary arrests and the use of force during demonstrations are supported by public sources.<sup>319</sup>

HRW states in its report on 2019 that more than 15,000 people have been arrested during demonstrations since 2014. According to HRW, those arrested are not just demonstrators, but also spectators and passers-by. At the end of 2019, around 8,900 of these individuals had been released, but remained subject to prosecution.<sup>320</sup> Human rights organisations criticise Venezuelan law for enabling the government to charge protesters who have participated in non-violent protests with serious crimes (see also 3.7.5).<sup>321</sup> The NGO *Foro Penal* reported that 85% of the arbitrary arrests in January 2019 did not take place during demonstrations, but after the demonstrations when people were going home or when security forces raided the homes of alleged demonstrators without a warrant. This was in contrast to

<sup>311</sup> The authorities claim that Guaidó staged the shooting himself in order to portray the government in a bad light: El Nuevo Herald, *Diosdado Cabello: Hombre dijo haber sido contratado para simular ataque a Guaidó*, 5 March 2020.

<sup>312</sup> El Español, *Disparan contra una manifestación liderada por Guaidó en Venezuela*, 1 March 2020; CS 2 March 2020.

<sup>313</sup> CNN, *Guaido says Maduro government is too afraid to arrest him*, 9 May 2019.

<sup>314</sup> CS, 17 January 2020.

<sup>315</sup> El Universal, *Finca de diputado Reyes fue tomada por funcionarios del INTI*, 11 January 2020.

<sup>316</sup> CS 27 February 2020; CS, 5 May 2020

<sup>317</sup> CS, 20 February 2020; CS, 8 January 2020.

<sup>318</sup> CS, 25 February 2020.

<sup>319</sup> The Washington Post, *In Venezuela, prisoners say abuse is so bad they are forced to eat pasta with excrement*, 14 June 2017; The Washington Post, *Venezuelan opposition struggling for momentum against Maduro*, 18 November 2019. El Universal, *Almagro insta a CPI a investigar "de inmediato" tortura en Venezuela con apoyo de Cuba*, 12 December 2019.

<sup>320</sup> HRW, *World Report Events of 2019*, page 627, 2020; HRW, *World Report Events of 2018*, page 647, 2020.

<sup>321</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 20, 13 March 2019: The 2017 protests in particular were violently suppressed by the government, with more than 100 fatalities.

previous years, when the security services made most of their arbitrary arrests during the demonstrations.<sup>322</sup>

As already mentioned in Chapters 1 and 2, there are reports that citizens who sympathise with the opposition are denied social services. In this context, the Homeland Card is regarded by many as a means of government control. A confidential source says that he/she does not know to what extent the Homeland Card can be used to work out voting behaviour, but that people who have voted for the opposition have been threatened and have experienced difficulties in obtaining social services.<sup>323</sup>

There are also reports of individuals who supported referendums on the Chávez and Maduro presidencies and lost their government jobs as a result.<sup>324</sup> The *Lista Tascón* (Tascón List) is an example of this. The individuals on the list had signed a petition calling for a referendum against then President Chávez in late 2003. On Chávez's orders and with the support of the CNE (National Electoral Council), former MP Tascón got hold of this list.<sup>325</sup> For years, the Venezuelan authorities kept people on the list out of government jobs and withheld career opportunities from them. In addition, the government has gained increasing control over local universities. Supporters of the ruling party are favoured over other candidates in admissions processes, and more and more government sympathisers have seats on university administrative bodies.<sup>326</sup>

#### *Monitoring of opposition members/political activists/dissidents abroad*

For the answer to this question, see 3.1.

#### *Risk of criticising Maduro's government abroad*

Sources state that there is no difference between criticism expressed abroad and that expressed within Venezuela (see also 3.7.4), although one source indicated that criticisms expressed abroad are more likely to escape the Venezuelan authorities' notice.<sup>327</sup> In addition, the Venezuelan authorities have far more opportunity to take action in Venezuela than outside the country.<sup>328</sup>

#### *Interest taken by the authorities in family members*

According to a confidential source, the authorities monitor family members of opposition party members, dissidents and political activists.<sup>329</sup> Juan Guaidó's uncle was arrested by the authorities when he returned from his international tour to Venezuela. The uncle was suspected of having planned to smuggle weapons into Venezuela and charged with terrorism. The Venezuelan authorities did not announce where the uncle was being held until several days after his arrest.<sup>330</sup> Family members of opposition MPs are said to have been intimidated and threatened with death, according to a report received from a confidential source.<sup>331</sup> In July 2019, the son of Winston Cabas, the president of the *Asociación Venezolana de Ingenieros Electricistas, Mecánicos y Profesiones Afines* (Aviem: Venezuelan Society of

<sup>322</sup> Foro Penal, *Reporte sobre la Represión en Venezuela*, page 3, January 2019.

<sup>323</sup> CS, 8 February 2020.

<sup>324</sup> HRW, *World Report Events of 2018*, page 651, 2019.

<sup>325</sup> Prodavinci, *La Lista Tascón y la persecución política: a propósito de la sentencia de la Corte Interamericana*, 4 June 2018.

<sup>326</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 20, 13 March 2019; CS 12 February 2020.

<sup>327</sup> CS, 18 February 2020.

<sup>328</sup> CS, 5 May 2020.

<sup>329</sup> CS, 20 February 2020.

<sup>330</sup> BBC News, *Venezuela holds uncle of opposition leader Juan Guaidó*, 13 February 2020; El Tiempo, *Denuncian desaparición de tío de Juan Guaidó tras aterrizar en Caracas*, 12 February 2020.

<sup>331</sup> CS, 20 February 2020.

Engineers, Electricians, Technicians and Associated Professions), was arrested by members of SEBIN and the DGCIM and held for several hours. Winston Cabas had expressed criticism of the state of the electricity grid after a major power cut that same month.<sup>332</sup>

Passports of prominent opposition members' relatives have also been confiscated by the authorities.<sup>333</sup> Family members who live and work abroad and are closely related to individuals working for the opposition often do not dare to return to Venezuela for fear of reprisals by the authorities.<sup>334</sup>

One confidential source said that after holding a senior government office for years, he had distanced himself from the Maduro government. Because of this he had to flee, and once he was abroad, his family followed him. Before they followed him, his family received visits from the police, who treated them and his children roughly.<sup>335</sup> However, his wife had returned to Venezuela because she was homesick and had not been bothered by the authorities, the source said. In response to questioning, the source stated that he thought this was because the authorities now know where he is. He believed that the purpose of the raid after his flight was to discover his whereabouts. He said he did not dare return to Venezuela because of possible reprisals from the authorities.<sup>336</sup>

### 3.3 Position of people of Arabic background in Venezuela

The Arab community mainly consists of people from Syria and Lebanon of various religions including Islam and Christianity. The first Lebanese came to Venezuela in the second half of the nineteenth century.<sup>337</sup> Various sources state that Venezuelans from an Arabic background are not treated differently in any way in Venezuelan society today and can be found at all levels. Some of them have become public figures, such as Tareck El Aissami, who is of Druze descent and has held several PSUV ministerial posts.<sup>338</sup> The current prosecutor general, Tarek William Saab, also has his roots in the Druze community.<sup>339</sup>

No information has been found pointing to members of the Syrian community who have the Venezuelan or dual nationality occupying some special position.

#### *Situation of Syrian refugees*

It is not known how large the community of Syrian refugees is in Venezuela, but a confidential source confirms that there are Syrian refugees in the country.<sup>340</sup> Syrians wishing to apply for asylum may do so at one of the branches of the *Comisión*

<sup>332</sup> TalCual, *Aviem exige el cese inmediato de la persecución contra Winston Cabas y su familia*, 24 July 2019; Romero, A., @alfredoromero, 23 July 2019. (twitter.com/alfredoromero/status/1153866251980169219).

<sup>333</sup> Consentido, "De internationale gemeenschap moet Venezuela onder druk blijven zetten", *interview met Leopoldo López Gil*, 13 May 2020; CS 20 February 2020.

<sup>334</sup> Tal Cual, *Detienen a jóvenes venezolanos en España por portar supuestos documentos falsificados*, 29 December 2019; CS 5 March 2020.

<sup>335</sup> A gun had been shoved into the mouth of one of his children so hard that several front teeth had been broken, the confidential source said. He added that the person who took over his position within the Venezuelan government had been murdered by the authorities shortly after taking office. 'Purely because of his ties with me,' said the source.

<sup>336</sup> CS, 26 February 2020.

<sup>337</sup> Caraquistán, *Miss Venezuela es árabe*, 9 October 2015.

<sup>338</sup> Infobae, *EEUU criticó el nombramiento de Tareck El Aissami como ministro de Petróleo venezolano y recordó que está acusado de narcoterrorismo*, 28 April 2020: El Aissami was appointed Oil Minister at the end of April 2020.

<sup>339</sup> The Druze in particular have large communities in Syria and Lebanon, and smaller populations in Jordan and Israel. The Druze faith has its origins in the Shia Islam of the Fatimid caliphate in medieval Egypt. Although most Druze speak Arabic, they do not all regard themselves as Arabic.

<sup>340</sup> CS, 19 February 2020.

*Nacional para los Refugiados* (CONARA: National Refugee Commission).<sup>341</sup> The asylum applicant receives a decision from the Venezuelan authorities after three months as to whether he or she will be granted asylum. Almost everyone is given asylum, and you are entitled to housing, education, health care and work as soon as you have applied, according to a confidential source.<sup>342</sup> Whether these things are received in reality cannot be confirmed.

The Syrian refugee first receives a temporary residence permit *Cédula de Transeúnte* (literally: Person in Transit Card, but in effect a Temporary Residence Card). This used to be a paper form, but since the end of 2019 it has resembled a bank card with a QR code. After five years the refugee is entitled to a residence permit, *Cédula de Residencia*, and after another five years Venezuelan nationality can be applied for.<sup>343</sup>

The Venezuelan constitution enshrines the principle of *jus soli*, meaning that anyone born in Venezuelan territory is entitled to Venezuelan nationality. Children born in Venezuelan territory, but whose parents are Syrian, have Venezuelan nationality by operation of law. In addition, anyone who has one or two Venezuelan parents, regardless of where he or she was born, is entitled to Venezuelan nationality.<sup>344</sup>

### 3.4 Conscription objectors and deserters

#### *Military service/professional army*

Article 134 of the Venezuelan Constitution states that everyone has a duty to perform the civil or military service necessary for the defence, preservation and development of the country, or to respond to disasters affecting public order. However, the constitution says that no one can be forcibly recruited.<sup>345</sup> In Article 6 of the *Ley de Conscripción y Alistamiento Militar*<sup>346</sup> (translation: Military Service and Recruitment Act) of 2009 states that military service is mandatory for both men and women. Article 7 of this law, like the constitution, states that no one can be compelled to enter military service.<sup>347</sup> It is not clear how these two different articles can be reconciled, but several sources report that there have been no known cases of forced recruitment in recent years.<sup>348</sup>

Any Venezuelan may enter military service from the age of eighteen, or with parental consent from the age of seventeen. The maximum age for military conscription is sixty.<sup>349</sup> Those who perform this service are called the *tropas*

<sup>341</sup> Website of the Venezuelan Ministry of Foreign Affairs: **Error! Hyperlink reference not valid.** checked 17 March 2020.

<sup>342</sup> CS, 19 February 2020: The question is how this works in reality, because several sources report that Venezuela's social safety net is no longer functional (see also 1.4).

<sup>343</sup> <http://mppre.gob.ve/conare/> checked on 17 March 2020; CS, 19 February 2020.

<sup>344</sup> Constitución de la República Bolivariana de Venezuela, Capítulo II, Artículo 32, 1999 (Constitution of the Bolivarian Republic of Venezuela, Chapter II, Article 32, 1999).

<sup>345</sup> Constitución de la República Bolivariana de Venezuela, Artículo 134, 1999

<sup>346</sup> Ley de Conscripción y Alistamiento Militar de 2009, Article 6.

<sup>347</sup> Ley de Conscripción y Alistamiento Militar de 2009, Article 7.

<sup>348</sup> Internacional de Resistentes a la Guerra, *Venezuela: la nueva ley del servicio militar establece obligaciones militares para las mujeres*, 17 December 2009; CS, 27 February 2020; CS, 25 February 2020. The confidential oral sources are also unsure of the situation and provide conflicting information about conscription. They agree that there is no forced recruitment, but there is no consensus on whether military service is compulsory. No information could be found on the existence of any alternative to military service.

<sup>349</sup> Ley de Conscripción y Alistamiento Militar de 2009, Article 4; CS, 25 February 2020: A confidential source said that women are allowed to serve in any army unit except for the *Guardia Nacional Bolivariana* (GNB). At the GNB, women are not allowed to perform operational roles, but work in administration, according to the source.

*alistados* (translation: recruits). It normally lasts two years. According to a confidential source, it does not cause any problems if you leave after two years.<sup>350</sup>

There is a professional army consisting of different ranks of sergeants (*tropas profesionales*) and officers.<sup>351</sup> A confidential source said that unlike many other countries, Venezuela has a disproportionately large number of officers. Many of these officers have had little or no military training, but have been made officers because of their ties to the ruling party, according to the source.<sup>352</sup> A confidential source indicates that it is possible to resign as a professional soldier. It naturally depends on the circumstances under which you resign, according to the source. It is almost always possible to do so on medical grounds, but if you have a disagreement with the government, you may get in trouble, the source adds.<sup>353</sup>

In an article, Reuters cites the example of a lieutenant who at one time had been a supporter of Chávez but fell out of sympathy with the government under Maduro's rule. In addition to his work in the military, he had started studying and also attended opposition meetings. After telling his superiors that he wanted to leave the army, in 2017 he was summoned by the DGCIM agents to attend DGCIM headquarters. He claimed that he was charged with treason, rebellion and other crimes there. He ended up in prison for six months, during which time he was physically abused. After confessing his guilt, he was released and expelled from the army.<sup>354</sup>

#### *Penalties for evasion of military service and/or desertion*

Under the *Código Orgánico de Justicia Militar* (Organic Code of Military Justice), a soldier deserts when he unlawfully and knowingly withdraws from active duty. This refers to a soldier on active service who belongs to one of the three categories mentioned above (officers, professional army or recruits). Penalties of six months to eight years can be imposed for desertion. The sentence depends on several factors. In peacetime, punishments are lower than in times of war. The reason for deserting may also lead to a higher sentence, for example involvement in a conspiracy or deserting while out of the country. The soldier's rank is a further factor in the sentence. Desertion always means discharge from the military.<sup>355</sup>

A soldier who leaves his assigned unit or fails to carry out the duties assigned to him will also be punished. An officer may be sentenced to two to four years in prison for this and a soldier/recruit to one to two years. If a soldier leaves his post when the army is on campaign, or in a way that is damaging to the armed forces, the sentence can be three times more severe under Venezuelan law.<sup>356</sup>

#### *De facto penalties for desertion or conscientious objection*

The ICG reports that many officers of the various branches of the Venezuelan armed forces are in detention. Some of these are probably officers of the GNB who refused to suppress demonstrations by force, according to the ICG.<sup>357</sup> Confidential sources confirm this and say that they have deserted because they were ordered to fire live

<sup>350</sup> CS, 27 February 2020; CS, 25 February 2020.

<sup>351</sup> Officers are in fact also professional soldiers, but in the Venezuelan army the term *tropas profesionales* (translation: professional troops) is used for sergeants.

<sup>352</sup> CS, 27 February 2020; CS, 25 February 2020.

<sup>353</sup> CS, 27 February 2020.

<sup>354</sup> Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.

<sup>355</sup> Código Orgánico de Justicia Militar van 1998, Articles 523-533.

<sup>356</sup> Código Orgánico de Justicia Militar van 1998, Articles 534-537.

<sup>357</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017.

rounds of ammunition at demonstrators. They had fled abroad after deserting because the Venezuelan authorities were looking for them, they claim.<sup>358</sup>

The Venezuelan army has to deal with large numbers of deserting soldiers and officers. There are various reasons for this.<sup>359</sup> Some soldiers disagree with the current government or the orders they have to carry out, but the fact that the food shortage has also affected the army's ranks, in particular the non-commissioned officers and soldiers, has led to many military personnel deciding to desert. At the end of 2019, around 6,000 sergeants (tropas profesionales) of the GNB are thought to have deserted – one third of the total number of sergeants in this army unit.<sup>360</sup> According to confidential sources, the Venezuelan authorities do not have the resources or even the desire to track down and punish all these deserters. A source said he knew soldiers who had fled to Colombia, but who regularly returned to Venezuela to visit family.<sup>361</sup>

#### *Treatment of deserters suspected of conspiracy against Maduro*

As mentioned above, involvement in a conspiracy can mean more severe punishment for deserters. Several sources refer to searches, detention, and psychological and physical torture of military personnel suspected of plotting against Maduro.<sup>362</sup> In its report on events in 2019, HRW writes that soldiers have been tortured by the Venezuelan authorities in order to gain information about alleged plots against the Maduro government.<sup>363</sup>

Soldiers who responded to Guaidó's call on 30 April 2019 to join him and turn against the Maduro government have fled abroad en masse.<sup>364</sup> In December 2019, nearly twenty soldiers who had sought refuge in the Panamanian embassy in Caracas after the failed action were smuggled out of Venezuela with the help of sympathising soldiers. After the embassy had taken in the soldiers, President Juan Carlos Varela of Panama stated that his country could not abandon the men because their lives were in danger.<sup>365</sup>

A week after the Venezuelan military intelligence service, the DGCIM, arrested the retired captain Rafael Acosta for alleged involvement in a plot to assassinate President Maduro, he appeared in a wheelchair with apparent signs of torture. He died the same day; according to his lawyer this was the result of the torture.<sup>366</sup>

In early 2018, former CICPC police officer Oscar Pérez and six others were killed when members of various security services stormed the house where Pérez and the others were hiding. The authorities claimed that Pérez had thrown hand grenades at a government building from a stolen helicopter. According to autopsy reports, Pérez

<sup>358</sup> CS, 25 February 2020.

<sup>359</sup> Infobae, *La alarmante cantidad de deserciones en la Fuerza Armada de Venezuela*, 17 September 2019.

<sup>360</sup> Clarín, *Venezuela: masiva deserción de militares por falta de comida en los cuarteles*, 13 December 2019; CS, 23 January 2020.

<sup>361</sup> CS 27 February 2020; CS, 25 February 2020.

<sup>362</sup> Infobae, *La alarmante cantidad de deserciones en la Fuerza Armada de Venezuela*, 17 September 2019; De Groene Amsterdammer, *De dode dromen van Chávez*, 30 May 2018; ABC News, *Military officers, relatives tortured in Venezuela*, 9 January 2019.

<sup>363</sup> HRW, *World Report Events of 2019*, page 626, 2020.

<sup>364</sup> CS, 5 May 2020. One confidential source puts the number at about a hundred, but the exact figures are not known.

<sup>365</sup> The Washington Post, *Troops that defied Maduro have fled Venezuela*, 9 December 2019: Family members of the soldiers managed to flee the country when it became apparent that the coup had no chance of success.

<sup>366</sup> The Washington Post, *Troops that defied Maduro have fled Venezuela*, 9 December 2019; The New York Times, *Venezuela's Maduro Cracks Down on His Own Military in Bid to Retain Power*, 13 August 2019; Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.



and his companions were summarily executed after the house had been taken by storm.<sup>367</sup>

A confidential source believes that military personnel have also been arrested and charged with conspiracy against the Maduro administration when, the source claims, all they have done is criticise the current government.<sup>368</sup> In early 2017, four civilians and four military personnel were sentenced to up to four years in prison for planning a coup, the so-called *Golpe Azul* (Blue Coup),<sup>369</sup> in 2015. According to the NGO *Foro Penal*, the conviction was arbitrary and not based on evidence.<sup>370</sup> In June 2015, the Panamanian authorities extradited Venezuelan air force lieutenant Eduardo Figueroa to Venezuela after Interpol had circulated a description of him at Venezuela's request. According to the Venezuelan authorities, Figueroa was involved in the *Golpe Azul*.<sup>371</sup> Figueroa ended up in prison for nearly four years. According to the confidential source quoted earlier in this section, the DGCIM had fabricated the evidence on which the conviction was based.<sup>372</sup>

According to former head of intelligence General Manuel Cristopher Figuera, who deserted in April 2019, the Maduro government has started to crack down on dissident military personnel because they represent a real threat.<sup>373</sup>

#### *Interest in family members*

According to a joint report by HRW and the NGO *Foro Penal* from early 2019, family members of dissident military personnel and of military personnel suspected of conspiracy have also been arrested and tortured, in particular by the military and civilian intelligence services DGCIM and SEBIN. José Miguel Vivanco, the director of HRW Americas, said that in some cases the authorities went after family members or other civilians to find out where military personnel who had come under suspicion were staying.<sup>374</sup>

Two confidential sources indicate that their wives, and in one case the source's children, had been mistreated in order to find out the whereabouts of the husbands and father respectively. According to both sources, the authorities stopped harassing and mistreating their family members once they knew that the men were out of the country.<sup>375</sup>

According to Infobae, the daughter of Colonel Ramón Alí Peñalver Vásquez, who had been arrested by the authorities in connection with the events of 30 April (Guidó's appeal to turn against the Maduro government), was stopped and arrested when she tried to get her passport stamped in order to leave Venezuela. Reportedly, the sole reason for her arrest was that she is the colonel's daughter.<sup>376</sup>

<sup>367</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 2, 13 March 2019; The Washington Post, *Troops that defied Maduro have fled Venezuela* 9 December 2019.

<sup>368</sup> CS, 27 February 2020;

<sup>369</sup> The coup was given this name because of the blue uniforms of the air force, to which most of the arrested military personnel belonged.

<sup>370</sup> El Nacional, *Condenaron a militares y civiles involucrados en el "Golpe Azul"*, 12 January 2017; Infobae, *El régimen de Nicolás Maduro secuestró a una estudiante, hija de un juez militar detenido por "traidor"*, 16 September 2019; According to Foro Penal, in September 2019, 107 out of about 500 political prisoners were military personnel.

<sup>371</sup> El Estímulo, *Panamá entregó al teniente Eduardo Figueroa vinculado con el "Golpe Azul"*, 26 June 2015.

<sup>372</sup> CS, 27 February 2020; La Estrella de Panamá, *La Operación Jericó y el calvario de un exmilitar venezolano*, 5 August 2017; El Estímulo, *Panamá entregó al teniente Eduardo Figueroa vinculado con el "Golpe Azul"*, 26 June 2015.

<sup>373</sup> The New York Times, *Venezuela's Maduro Cracks Down on His Own Military in Bid to Retain Power*, 13 August 2019.

<sup>374</sup> ABC News, *Report: Military officers, relatives tortured in Venezuela*, 9 January 2019.

<sup>375</sup> CS, 27 February 2020; CS, 25 February 2020;

<sup>376</sup> Infobae, *El régimen de Nicolás Maduro secuestró a una estudiante*, 16 September 2019.

One source reports that his mother was harassed by the authorities after he had deserted, but that his sister experienced no problems whatsoever. 'She is a *chavista* and a member of the Bolivarian militia,' he said.<sup>377</sup>

#### *Investigation and prosecution policy*

The military intelligence service DGCIM is responsible for detecting dissident elements within the armed forces. It has received training in these activities from Cuban instructors, among others. The DGCIM uses informants, but also has access to technical resources such as phone tapping.<sup>378</sup>

According to several confidential sources, the authorities have an active policy of investigating conscientious objectors and deserters. One of the sources who claims to have inspected the list of traitors of the fatherland saw 1,200 names of military personnel on it. This is only a fraction of the total number of deserters. The sources believe that the active investigation policy is primarily directed at prominent military personnel or those who could cause damage to the authorities. Lower-ranking military personnel who do not constitute a threat have less to fear, according to two confidential sources.<sup>379</sup>

#### *Special registration system for conscientious objectors and deserters*

The information in 1.3.2 and above (under the heading *Investigation and prosecution policy*) also provides an insight into this subject.

#### *Treatment of conscientious objectors and deserters after they return to Venezuela*

As far as is known, military personnel who suspect that they are being actively sought by the authorities do not return to Venezuela. As mentioned under the heading *De facto penalties for desertion or conscientious objection*, there are reports of 'lower-profile' military personnel venturing back to Venezuela to visit family after leaving for Colombia.

#### *Discriminatory administration of justice or sentencing on the grounds of race, religion, nationality, etc in cases of conscientious objection or desertion*

It is not known whether discriminatory administration of justice or sentencing has been practised by the Venezuelan authorities on the grounds of race, religion, nationality, etc in cases of conscientious objection or desertion. Research has not yielded any information on this subject.

### **3.5 LGBTI**

#### *Status of homosexuality under criminal law in Venezuela*

There is no legal prohibition on same-sex relationships or the organisation of LGBTI events in Venezuela.<sup>380</sup>

Article 21 of the Venezuelan constitution states that all persons are equal before the law, and therefore discrimination on grounds such as race, sex, religion or social background is not allowed. The article does not explicitly mention discrimination on

<sup>377</sup> CS, 25 February 2020.

<sup>378</sup> Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019; CS, 27 February 2020.

<sup>379</sup> CS, 25 February 2020; CS, 27 February 2020.

<sup>380</sup> OSAC, Venezuela 2019 Crime & Safety Report, 18 June 2019.

grounds of sexual orientation or gender identity.<sup>381</sup> The *Ley Constitucional Contra el Odio por la Convivencia Pacífica y la Tolerancia* (Constitutional Act Against Hatred for Peaceful Coexistence and Tolerance), much criticised by human rights organisations, of November 2017 (see also 3.7.2) states that anyone who preaches hatred, discrimination or violence against a person or group of persons on the ground of their sexual orientation risks a sentence of up to twenty years in prison.<sup>382</sup>

Although the Venezuelan supreme court found in a 2008 ruling that Article 21 of the constitution does mean that discrimination on the grounds of sexual orientation is prohibited, the court forbade same-sex marriage in Venezuela in the same ruling. It said that such a marriage would be unconstitutional.<sup>383</sup>

Article 565 of the Code of Military Justice states that any soldier who engages in 'unnatural' sexual acts can be sentenced to one to three years' imprisonment and ejection from the military.<sup>384</sup>

#### *Active prosecution policy targeting LGBTI community*

There is no legislation in Venezuela that makes an active prosecution policy against members of the LGBTI community possible *de jure*, but *de facto* there are reports especially of police officers who take advantage of gaps in the law to harass or physically threaten people of different orientation and gender-diverse people.<sup>385</sup>

No indications have been found in Venezuela of disproportionate or discriminatory sentencing or penalisation of members of the LGBTI community in a criminal or civil prosecution for a civil offence.

As mentioned earlier, a military personnel member who performs what are described as 'unnatural sexual acts' in the military code may receive a prison sentence. However, convictions are rare. This article is mainly used to demote or simply remove gay personnel or personnel with HIV from the military, and often this occurs purely on the basis of a suspicion, according to confidential sources.<sup>386</sup>

#### *Discrimination against members of the LGBTI community by the authorities and/or fellow citizens*

Sources report violent incidents against members of the LGBTI community in Venezuela due to the victim's sexual orientation. Transgender people are especially targets of such violence.<sup>387</sup> With 109 murders committed between January 2009 and May 2017, Venezuela was the country with the fourth-highest number of murders of members of the LGBTI community in North, Central and South America after Brazil, Mexico and the US, according to the website of *Red LHBTI Venezuela* (the LGBTI network in Venezuela). Alberto Nieves of the NGO *Acción Ciudadana contra el Sida* (Civic Action Against AIDS) said that the use of derogatory remarks about sexual orientation with which senior government officials attempt to discredit political opponents has helped create the climate in which this happens.<sup>388</sup>

<sup>381</sup> Constitución de la República Bolivariana de Venezuela, Article 21, 1999; USDoS, *Venezuela 2018 Human Rights Report*, page 32, 13 March 2019.

<sup>382</sup> Ley Constitucional Contra el Odio por la Convivencia Pacífica y la Tolerancia, Chapter 5, Article 20, November 2017.

<sup>383</sup> Sentencia 190 del TSJ (vertaling: Uitspraak 190 van het Hooggerechtshof), 2008; CS, 17 February 2020.

<sup>384</sup> Código Orgánico de Justicia Militar van 1998, Article 565.

<sup>385</sup> CS, 27 February 2020.

<sup>386</sup> CS, 27 February 2020; CS, 17 February 2020.

<sup>387</sup> USDoS, *Venezuela 2019 Human Rights Report*, page 32, 11 March 2020; Voice of America, *Living in Venezuela Now Is Hard, Being LGBT Makes It Harder*, 4 February 2019; CS, 27 February 2020; CS, 17 February 2020.

<sup>388</sup> Red LHBTI Venezuela, *Venezuela es el cuarto país con más asesinatos de personas LGBTI en América*, 5 December 2017.

Confidential sources say that the Venezuelan authorities in particular are responsible for the discrimination against the LGBTI community.<sup>389</sup> AI writes that in Venezuela, human rights defenders, especially those belonging to the LGBTI community, have experienced attacks and mistreatment by government officials.<sup>390</sup> In February 2017, transgender person Sam Seijas, together with his daughter, was physically and verbally assaulted by police officers when he had just arrived at the police station to file a report about an incident near their home. The assault reportedly took place because Seijas is transgender.<sup>391</sup>

Several sources report cases where local police or private security personnel have refused LGBTI persons access to shopping centres, public parks, bars and recreational areas.<sup>392</sup> Same-sex couples are not entitled to family food packages under the CLAP programme because they are not regarded as families, said Quiteria Franco of LGBTI rights NGO *Unión Afirmativa* in an interview with Reuters.<sup>393</sup>

Cases of discrimination and abuse of power by the Venezuelan authorities have been reported in particular in connection with migration to Colombia or Brazil by members of the LGBTI community, especially transgender women. Because their appearance does not match their identity card, they are subjected to extortion, sexual harassment and rape by the authorities, a confidential source said.<sup>394</sup> Several sources talk about sexual violence against members of the LGBTI community, as well as against women and children, during the illegal crossing from Venezuela to Colombia and Brazil. The perpetrators are government officials and members of irregular groups, but also fellow travellers.<sup>395</sup> A gay couple state that they did not experience any problems during their flight via a trocha to Colombia, but that they took the precaution of not telling anyone that they were gay.<sup>396</sup>

#### *Protection of the LGBTI community by the authorities*

It is not uncommon for Maduro and other senior members of the Maduro government to refer to political opponents, regardless of their sexual orientation, with homophobic terms.<sup>397</sup> Confidential sources say that this limits the opportunities for individuals and organisations working for the rights of the LGBTI community.<sup>398</sup> USDoS reported in early 2019 that prominent lawyers believed that law enforcement officers often failed to conduct a thorough investigation to find out whether a crime had been committed on the grounds of prejudice against the LGBTI community.<sup>399</sup> There is no legislation criminalising homosexuality, but there is also no explicit legislation protecting the LGBTI community, confidential sources said.<sup>400</sup>

Members of the LGBTI community can file a complaint in the event of discrimination or other abuses against them, but there is no system within the legal profession or the public prosecution service for taking up and handling such complaints properly,

<sup>389</sup> CS, 27 February 2020; CS, 17 February 2020.

<sup>390</sup> AI, *Amnesty International Report 2017*, page 395, 22 February 2018.

<sup>391</sup> SDGLN, *Venezuelan professor allegedly beaten by police for being trans*, 8 February 2017.

<sup>392</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 32, 13 March 2019; CS, 17 February 2020; CS, 27 February 2020.

<sup>393</sup> Voice of America, *Living in Venezuela Now Is Hard, Being LGBT Makes It Harder*, 4 February 2019; CS 18 February 2020.

<sup>394</sup> CS, 27 February 2020; CS, 18 February 2020; CS, 25 February 2020.

<sup>395</sup> CS, 27 February 2020; CS, 18 February 2020; CS, 25 February 2020; One confidential source said that three hundred women had been murdered in recent years while trying to leave Venezuela by an irregular route.

<sup>396</sup> CS, 25 February 2020.

<sup>397</sup> n24fuente0, *Maduro llama "sifrinito Maricon" a Capriles*, 13 April 2012, accessed at [youtube.com/watch?v=PNonamU5j5U](https://www.youtube.com/watch?v=PNonamU5j5U).

<sup>398</sup> CS, 27 February 2020; CS, 17 February 2020.

<sup>399</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 32, 13 March 2019.

<sup>400</sup> CS, 27 February 2020; CS, 17 February 2020.

according to a confidential source. It depends on the case. If you know the right people or have enough money to pay a good lawyer, it is more likely that your complaint will be taken seriously, according to the confidential source.<sup>401</sup> Several sources believe that general confidence in the rule of law in Venezuela has disappeared and that the government's attitude and the lack of confidence in the rule of law mean that the LGBTI community usually does not report discrimination or aggression against it.<sup>402</sup>

A confidential source reports a case in which security guards employed by a shopping centre harassed and abused gay couples, and charges were filed against the shopping centre. The case did not go to trial in the end, because the boss of the shopping centre hired another security company whose security guards left gay couples alone. The source states that thanks to the intervention of the NGO *Unión Afirmativa*, a capable lawyer was found for the boy who wanted to file the complaint. However, the case never went to trial, as the mall eventually decided to settle out of court.<sup>403</sup>

#### *Problems obtaining identity cards for transsexuals and transgender people*

Article 146 of the *Ley Orgánica de Registro Civil* (Organic Act on Civil Administration) gives transgender people or transsexuals the opportunity to change their name. Despite the existence of this law, the authorities have so far never cooperated with a transsexual or transgender person's desire to change his or her name legally.<sup>404</sup> An example of this is the case of MP Tamara Adrián, who has been waiting to officially change her name since 2004, but has still not received an answer from the Venezuelan supreme court. Confidential sources note that Adrián went into transition when she was already a renowned lawyer.<sup>405</sup>

The consequences of this are that transgender people and transsexuals can be deprived of health care, government subsidies or the ability to purchase food. For example, supermarkets often ask for the customer's identity card. If the supermarket employee does not think that the customer is the same as the person on the card, he or she may refuse to serve the customer.<sup>406</sup> Because they have an identity card that does not represent them, transsexuals and transgender people have difficulty finding work. Many of them are forced to work as prostitutes, according to a number of trans women on YouTube, a claim that is echoed by several other sources.<sup>407</sup>

#### *Civil-society organisations that defend the rights of the LGBTI community*

Sources have reported on the impact of the current situation on the position of the LGBTI community in Venezuela. In an interview with Reuters, MP Tamara Adrián says that the 'crisis' is hitting an already vulnerable community hard. The LGBTI community's rights and interests are also affected by the economic and political situation and are not given any priority, according to Adrián. Funding for many NGOs that defend LGBTI rights has been reduced or completely stopped.<sup>408</sup>

<sup>401</sup> CS, 17 February 2020.

<sup>402</sup> CS, 27 February 2020; CS 17 February 2020; CS,, 18 February 2020; CS, 19 February 2020.

<sup>403</sup> CS, 17 February 2020.

<sup>404</sup> Alba TV, *Personas trans exigen al estado el reconocimiento legal de su identidad*, 7 April 2017; France 24 Español, *¿Cómo es ser trans en Venezuela?* 29 September 2019.

<sup>405</sup> CS, 27 February 2020; CS, 17 February 2020.

<sup>406</sup> Voice of America, *Living in Venezuela Now Is Hard, Being LGBT Makes It Harder*, 4 February 2019; CS, 27 February 2020; CS, 18 February 2020.

<sup>407</sup> Tulio morillo123456789, *Mi Derecho a Existir, la lucha de las personas trans por el acceso a una identidad*, 10 July 2017, accessed at [youtube.com/watch?v=Pwm7h\\_AXA84](https://www.youtube.com/watch?v=Pwm7h_AXA84); USDoS, *Venezuela 2018 Human Rights Report*, page 32, 13 March 2019; CS, 17 February 2020.

<sup>408</sup> Voice of America, *Living in Venezuela Now Is Hard, Being LGBT Makes It Harder*, 4 February 2019: Since 2010, Venezuelan law has made it practically impossible for NGOs in Venezuela to receive international funds.

According to a confidential source, there were about forty organisations working on behalf of the LGBTI community in 2014. By early 2020, that number had been reduced to six, the source said.<sup>409</sup>

In the education sector, student associations that stand up for the rights of the LGBTI community are reportedly not recognised by the authorities, as a result of which many of them have ceased to exist.<sup>410</sup>

The NGOs that do still exist today, such as *Acción Ciudadana Contra el Sida* (ACCSI), *Divas de Venezuela*, *Diversidad e igualdad a través de las leyes* (Diverlex), *Fundación Reflejos de Venezuela* and *Unión Afirmativa*, mainly aim to monitor the situation of the LGBTI community and condemn reported abuses. Some NGOs are also active in areas such as education to prevent sexually transmitted diseases.<sup>411</sup>

### 3.6 (Unaccompanied) minors

#### *Care for unaccompanied minors*

There are no official figures on the number of children who have been abandoned or sent to orphanages or shelters by parents for economic reasons. After interviewing those involved, *The Washington Post* estimated in early 2018 that the number is in the hundreds.<sup>412</sup> The figures for 2019 mention around a million children who have lost one or both parents, 10% more than in 2018.<sup>413</sup> Most children who can no longer be looked after by their parents (due to migration, death or other reasons) are looked after in Venezuela by grandparents, older siblings, other family members or neighbours, or in some cases are even left at home on their own.<sup>414</sup> The economic situation has raised the question of who takes care of whom, according to a confidential source. Many family members, especially older family members such as grandparents, are having a hard time making ends meet and often cannot feed extra mouths.<sup>415</sup> A confidential source gives two examples of underage children who were left in charge of their younger siblings because their parents had gone abroad.<sup>416</sup> In early 2019, USDoS wrote that compared to 2017, 40% more children lived on the street in 2018 – a total of about 10,000.<sup>417</sup> With the scrapping of the food programme within Venezuelan education, schools no longer offer meals.<sup>418</sup>

Children sometimes leave the home where they have been left by their parents and do the journey abroad, usually to Colombia, on their own. The number of unaccompanied minors trying to cross the border into Colombia has recently grown alarmingly, according to some sources.<sup>419</sup> These children are vulnerable to recruitment by the irregular armed groups that are present in this border region.

<sup>409</sup> CS, 17 February 2020.

<sup>410</sup> CS, 27 February 2020.

<sup>411</sup> CS, 27 February 2020; CS, 17 February 2020.

<sup>412</sup> *The Washington Post*, *Venezuela's economy is so bad parents are leaving their children at orphanages*, 12 February 2018. Recent figures are lacking, but given economic developments, the current situation is likely to have grown worse.

<sup>413</sup> CECODAP, *Presentación: Niñez dejada atrás y en conflicto armado*, November 2019.

<sup>414</sup> CS, 17 February 2020; PanAm Post, *Estampida migratoria venezolana deja un millón de niños abandonados*, 20 November 2019; The Guardian, *A million children left behind as Venezuela crisis tears families apart*, 20 February 2020.

<sup>415</sup> CS, 27 February 2020; CS, 21 February 2020.

<sup>416</sup> CS, 18 February 2020.

<sup>417</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 29, 13 March 2019.

<sup>418</sup> The New York Times, *Students Fainting From Hunger in Venezuela's Falling School System*, 30 November 2019.

<sup>419</sup> CS, 27 February 2020; CS, 28 February 2020; None of the sources could provide precise figures.

Other children become victims of human trafficking and end up in prostitution (see also 3.13).<sup>420</sup>

#### *Shelters for minors*

For years, Venezuela had a network of public institutions for vulnerable children who needed state protection for a short or longer period. However, this social safety net is crumbling away, and according to some sources has disappeared completely, and it can no longer meet the current demand for care for unaccompanied minors.<sup>421</sup> With a dysfunctional public system, increasing demands are being placed on private institutions and NGOs financed by non-profit and charitable organisations.<sup>422</sup> A confidential source states that despite the efforts of these institutions, care provision for minors is far from adequate.<sup>423</sup>

#### *Education, medical care, quality of food, availability of overnight accommodation, clothing, availability of sanitary facilities and other characteristics of children's shelters*

According to various sources, Venezuela does not meet the conditions of the *Ley Orgánica para la Protección Integral de Niños, Niñas y Adolescentes* (Organic Act on the Comprehensive Protection of Boys, Girls and Adolescents). For example, there is no adequate system to check that policies, programmes and actual activities at national, state and municipal levels that aim to protect and look after the interests of children and adolescents are functional and effective.<sup>424</sup> Venezuela has a system of *Consejos de Protección del Niño, Niña y Adolescente* (Child and Adolescent Protection Councils), which are in charge of overseeing compliance with the law. Among other things, they are supposed to ensure that children have access to education, report on child labour, and intervene in the event of irresponsible or inappropriate behaviour by parents.<sup>425</sup> A confidential source indicates that these councils do not have any childcare facilities themselves.<sup>426</sup> Sources also state that there are abuses in the areas that are supposed to be overseen by the protection councils. For example, the Venezuelan school system is failing and child labour in Venezuela is on the increase.<sup>427</sup>

As stated earlier in this section, due to lack of resources state organisations cannot cope with the increase in the number of children in need. The existing organisations receive insufficient support from the government, according to USDoS, so that at least four centres had to close in the first quarter of 2018. According to private institutions, the government has refused to provide them with subsidised food packages to feed the children staying in these institutions.<sup>428</sup> In a YouTube video, a girl who lives on the street says that she prefers the street to living in a home. Firstly, there are hardly any places in the homes and secondly, you can always sort

<sup>420</sup> CS, 16 December 2019.

<sup>421</sup> The Washington Post, *Venezuela's economy is so bad parents are leaving their children at orphanages*, 12 February 2018; CS, 17 February 2020; CS, 18 February 2020.

<sup>422</sup> The Washington Post, *Venezuela's economy is so bad parents are leaving their children at orphanages*, 12 February 2018; CS, 18 February 2020: The Washington Post mentions foster parents, but no further information has been found about the foster parent system in Venezuela. Most sources report that children are initially taken in by close relatives.

<sup>423</sup> CS, 18 February 2020.

<sup>424</sup> Dolar Today, *En el corazón de Venezuela! Los niños con hambre: una promesa sin cumplir*, 11 August 2017. (**Error! Hyperlink reference not valid.**); CS, 17 February 2020; CS, 21 February 2020.

<sup>425</sup> Alcaldía de Caracas (Caracas City Hall): **Error! Hyperlink reference not valid.** (accessed 7 June 2020).

<sup>426</sup> CS, 18 February 2020.

<sup>427</sup> The Guardian, *'All we have are walls': crisis leaves Venezuela's schools crumbling*, 15 February 2020; CS, 18 February 2020; CS, 18 February 2020; The New York Times, *Students Fainting From Hunger in Venezuela's Failing School System*, 30 November 2019.

<sup>428</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 29, 13 March 2019.

something out on the street if there is no food, whereas you cannot in a home, she says.<sup>429</sup>

### 3.7 Human rights compliance and violations

#### 3.7.1 *Specific targets concerning human rights violations*

In July 2019, the *Office of the High Commissioner for Human Rights* (OHCHR) published a report in which one of the findings was that Venezuela has adopted a series of laws, policies and practices over the past decade that have limited democratic space, weakened public institutions and affected the independence of the legal system. According to the UN High Commissioner, state institutions have been militarised by these measures and the population has been deployed in intelligence-gathering and military tasks.<sup>430</sup>

In this context, according to the UN High Commissioner, the government has violated human rights, with the authorities' main focus being on individuals and groups perceived as a threat to the government because of their capacity to air critical views and mobilise people.<sup>431</sup> At the end of 2019, Secretary General Luis Almagro of the *Organization of American States* (OAS) asked the International Criminal Court to immediately investigate the torture of government opponents. Almagro stated that 'the legal system in Venezuela only represents the interests of the regime, and the security services systematically persecute any individual who disobeys the dictatorial system'.<sup>432</sup>

Confidential sources confirm the systematic monitoring and persecution of opponents and critics of the Maduro government. Some of them add that it is especially people and groups that pose a threat to the current government that face repercussions from the authorities. Dissident senior military personnel, military personnel with incriminating information and opposition members, especially those who might mobilise the population, are of particular interest. In response to a question, a source indicated that MPs such as Juan Requesens and Gilber Caro appear to be treated more harshly by the government than other opposition members because of their ability to mobilise the population and the support they have within the different layers of the population.<sup>433</sup> One member of the military who has fled believes that he is at greater risk than an 'ordinary' soldier, as despite his relatively low rank as an officer he has a lot of information about the workings of the Venezuelan armed forces.<sup>434</sup>

However, it is not clear how far the interest of the Venezuelan authorities extends. Within every group, such as military personnel, opposition members, human rights activists and journalists, there have been cases of human rights violations to a varying extent, but no clear principles for this can be defined. A confidential source says that he is still able to carry out his activities as a human rights activist despite the authorities' monitoring and intimidation. 'I don't directly attack the government,

<sup>429</sup> Dolar Today, *En el corazón de Venezuela! Los niños con hambre: una promesa sin cumplir*, 11 August 2017 (<https://www.youtube.com/watch?v=xzNNyiPEz1c>).

<sup>430</sup> Office of the High Commissioner for Human Rights (OHCHR), *Human rights in the Bolivarian Republic of Venezuela*, 5 July 2019.

<sup>431</sup> OHCHR, *Human rights in the Bolivarian Republic of Venezuela*, 5 July 2019.

<sup>432</sup> El Universal, *Almagro insta a CPI a investigar "de inmediato" tortura en Venezuela con apoyo de Cuba*, 12 December 2019.

<sup>433</sup> CS, 20 February 2020; El Nacional, *Juicio de Juan Requesens por supuesto magnicidio a Maduro comienza este lunes*, 25 November 2019; CS, 8 January 2020.

<sup>434</sup> CS, 27 February 2020.



nor do I threaten the survival of the current government,' he says, continuing: 'If I were to threaten the government for any reason, I would certainly be arrested.'<sup>435</sup>

Other sources also report that there is some arbitrariness about the individuals in whom the authorities do and do not take an interest. Sometimes demonstrators are randomly arrested and taken away to set an example during a demonstration.<sup>436</sup> Some prominent opposition members, such as Juan Guaidó, have not yet been arrested despite an arrest warrant having been issued against them. International exposure and possible responses from the international community also affect the way the authorities treat certain individuals, some sources state.<sup>437</sup>

### 3.7.2 *Violations by target group and role of the so-called Act Against Hatred*

For the most serious violations per target group, reference is made to the separate sections where target groups such as deserters/conscientious objectors, opposition members, human rights activists etc are discussed.

In November 2017, the ANC issued the *Ley Constitucional contra el Odio, por la Convivencia Pacífica y la Tolerancia* (Constitutional Act Against Hatred for Peaceful Coexistence and Tolerance). This law allows the state to impose sentences of up to 20 years' imprisonment on those who incite hatred and violence by electronic means, including social media. Among other measures, the law allows the authorities to block websites that they believe promote hatred and intolerance.<sup>438</sup>

Although the government stated that it was intended to promote 'peace and tolerance', NGOs believed that the law – which they regarded as open to a wide range of interpretations – could be used to silence political parties, activists, journalists and others.<sup>439</sup> According to a reliable source, the law is designed to exercise control over social media, for example, through a policy of criminalisation and sanctioning. For example, the penalty for spreading hatred is more severe than that for murder. This gives the government the opportunity to deal with opponents, the source said. Because of the law, many journalists subject themselves to self-censorship.<sup>440</sup>

According to HRW, prosecutors in Venezuela have charged several individuals with 'inciting hatred and intolerance'. In 2018, the authorities arrested three young people for expressing criticism of the government on social media.<sup>441</sup> Among those charged with inciting hatred and intolerance is the journalist Jesús Medina (see 3.7.4 and 3.8.2 for more information).<sup>442</sup> The *Committee to Protect Journalists* (CPJ) warned about the use of the law by the Venezuelan authorities in August 2019 following the arrest of the journalist Wilmer Quintana García, who had spoken out about corruption in Venezuela on Facebook.<sup>443</sup> After being imprisoned for a month and a half, including 20 days under house arrest, Quintana was conditionally released in September 2019.<sup>444</sup> In May 2019, the NGO Espacio Público reported that 2018 was the year with the most recorded arrests in Venezuela for the use of social media or digital platforms to spread information and opinions. Four of these arrests

<sup>435</sup> CS, 27 February 2020.

<sup>436</sup> CS, 30 January 2020; CS, 1 February 2020.

<sup>437</sup> CS, 20 February 2020.

<sup>438</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018.

<sup>439</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 14, 13 March 2019.

<sup>440</sup> CS, 18 February 2020.

<sup>441</sup> HRW, *World Report Events of 2018*, page 650, 2019.

<sup>442</sup> HRW, *World Report Events of 2019*, page 630, 2020.

<sup>443</sup> CPJ, *Las autoridades venezolanas aplican ley contra el odio al periodista Wilmer Quintana por publicar mensajes en Facebook y lo detienen*, 13 August 2019.

<sup>444</sup> El Pitazo, *Periodista Wilmer Quintana recibe medida de libertad condicional*, 12 September 2019.

related to the 'anti-hatred law', and judicial proceedings had been initiated in connection with at least two of these. Speaking out about corruption, satire as social criticism and the dissemination of public information were all leading the authorities to make arbitrary arrests, the NGO said.<sup>445</sup>

### 3.7.3 *Human rights activists*

According to various sources, civil-society organisations working for human rights have had little room to operate in Venezuela in recent years (see also 3.5). Government officials sometimes use radio, television or other channels to make accusations and even threats against human rights organisations and/or those who work for them. PSUV leader Diosdado Cabello on his weekly TV programme *Con el mazo dando* regularly expresses suspicions that human rights organisations and activists are working to undermine the state and engaging in terrorist activities. He refers to these persons and organisations by name.<sup>446</sup>

In 2010 the Venezuelan supreme court ruled that individuals and organisations receiving foreign funding can be convicted of treason. That same year, the national parliament, where the PSUV still had a majority at the time, drafted legislation banning international support for organisations that advocated 'political rights' or scrutinised the functioning of public institutions.<sup>447</sup> The USDoS writes in its human rights report for 2019 that the government has not yet formally applied the law. However, the report further states that the law has created a climate of fear among NGOs that champion human rights, and that these NGOs are wary of seeking international support.<sup>448</sup> Diosdado Cabello announced in February 2020 that he wants to revise the law and tighten up the rules.<sup>449</sup> 'We're going to impose maximum sanctions on those who receive money from the US to conspire against our country. Enough is enough,' said Cabello.<sup>450</sup>

#### *The risk to human rights activists in Venezuela and abroad*

Several sources report that Venezuelan human rights organisations face threats, intimidation and the prospect of their leaders and employees being arrested by the authorities. The authorities also reportedly conduct raids on the offices and homes of these NGO leaders and employees. Some human rights activists say that they had travel restrictions imposed on them by the authorities or were afraid that they would be unable to return if they travelled abroad.<sup>451</sup>

However, human rights activists are known to be able to travel abroad even when they are on a government alert list. Despite the law and the government's policies and activities, Venezuelan human rights NGOs still play a major role in informing the foreign community about human rights abuses in Venezuela and continue to publish their annual reports.<sup>452</sup>

<sup>445</sup> Espacio Público, *Detenciones en línea. Presos por usar las redes sociales*, 2 May 2019.

<sup>446</sup> NTN24, *Diosdado Cabello amenaza a la ONG Provea*, 20 February 2020: [youtube.com/watch?v=bQMFo6pu-YQ](https://www.youtube.com/watch?v=bQMFo6pu-YQ); AI, *Amnesty International Report 2017/18*, page 395, 22 February 2018; USDoS, *Venezuela 2018 Human Rights Report*, page 15, 13 March 2019.

<sup>447</sup> HRW, *World Report Events of 2018*, page 621, 2019.

<sup>448</sup> USDoS, *Venezuela 2019 Human Rights Report*, page 26, 11 March 2019.

<sup>449</sup> NTN24, *Diosdado Cabello amenaza a la ONG Provea*, 20 February 2020: [youtube.com/watch?v=bQMFo6pu-YQ](https://www.youtube.com/watch?v=bQMFo6pu-YQ); CS, 19 February 2020.

<sup>450</sup> La Gran Época, *Diosdado Cabello anuncia acciones legales contra ONG venezolanas que reciben fondos de EE.UU.*, 20 February 2020.

<sup>451</sup> HRW, *World Report Events of 2018*, page 621, 2019; AI, *Amnesty International Report 2017/18*, page 395, 22 February 2018; USDoS, *Venezuela 2018 Human Rights Report*, 13 March 2019; CS, 12 February 2020.

<sup>452</sup> CS, 12 February 2020; CS, 19 February 2020; USDoS, *Venezuela 2018 Human Rights Report*, page 26, 13 March 2019.

Various sources report that the activities of human rights activists in Venezuela are monitored. Often, the authorities actually make it clear that they are following and monitoring the activists, for example by conspicuous observation activities or by talking to the individuals in question.<sup>453</sup> As already mentioned in 3.1, there is information pointing to monitoring activities by the Venezuelan authorities abroad. It is not clear to what extent human rights activists are the subject of such monitoring. A confidential source believes that human rights activists abroad may be under the radar of the Venezuelan authorities.<sup>454</sup>

It is not known to what extent human rights activists' family members are at risk in Venezuela, as no relevant information has been found on this point.

#### 3.7.4 *Journalism/freedom of the press*

Article 57 of the Venezuelan constitution states that everyone has the right to express their thoughts, ideas or opinions freely. This may be done orally, in writing or by any other means of communication or dissemination, without the use of censorship. The constitution also states that anyone who exercises this right assumes responsibility for the views expressed. The making of anonymous statements is not allowed. War propaganda, discriminatory reporting and reporting that advocates religious intolerance are also prohibited by the constitution.<sup>455</sup>

Despite the framework set out by the constitution, freedom of the press has been curbed, according to various sources, by a combination of legislation, rules and activities such as verbal and physical harassment on the part of the government (see 3.7.2 for further explanation). National and international organisations have condemned the Venezuelan government's efforts to curb freedom of the press and create an environment in which fear and self-censorship are the norm.<sup>456</sup> A reliable source says that in contradiction to the constitution, the Venezuelan authorities in particular use anonymous statements via Twitter to berate those who are critical of the government and brand them as traitors; photos and addresses of the people concerned are often shared.<sup>457</sup>

#### *Position of journalists*

According to both public and confidential sources, press freedom is in a dire state across the country.<sup>458</sup> At the end of 2019, a confidential source stated that in both the state of Zulia and the state of Falcón a climate no longer existed in which information could be shared in a free and open manner. Media outlets have been taken over or shut down by the state. Civil society censors itself in public for fear of reprisals, according to the source.<sup>459</sup> Two other confidential sources say that this is also true of Sucre.<sup>460</sup> Compared to the traditional media, the digital world has become more of a platform in recent years for expressing social and political views. Many newspapers have gone online, not only in order to circumvent control by the authorities, but also because of the lack of printing paper.<sup>461</sup> TV and radio channels that have been banned by the government, or whose licence has not been renewed,

<sup>453</sup> CS, 19 February 2020; CS, 19 February 2020; CS, 12 February 2020.

<sup>454</sup> CS, 19 February 2020.

<sup>455</sup> Constitución de la República Bolivariana de Venezuela, Artículo 57, 1999

<sup>456</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 14, 13 March 2019; CS 18 February 2020.

<sup>457</sup> CS, 19 February 2020; CS, 18 February 2020; CS, 18 November 19; CS, 5 May 2020.

<sup>458</sup> CS, 18 February 2020; CS, 21 February 2020; CS, 19 February 2020; *APEVEX denuncia nueva ofensiva del régimen de Nicolás Maduro contra periodistas y medios Venezolanos*, 20 August 2014; *Journalism in the Americas, Venezuelan reporters reinvent themselves abroad with print and online journalistic ventures*, 12 February 2020.

<sup>459</sup> CS, 16 December 2019.

<sup>460</sup> CS, 21 February 2020; CS, 19 February 2020.

<sup>461</sup> In 2016, the newspaper *El Carabobeño* stopped producing its print version after 82 years due to the shortage of paper: IPYS, *Condena contra el periodismo*, 3 May 2016.

are now broadcasting online, mostly from abroad.<sup>462</sup> Several sources add in this connection, however, that because of poor Internet connections and the limited range of Internet in the country, it is difficult for many people to go online.<sup>463</sup>

Due to the lack of financial stability and jobs, and in some cases due to government censorship and intimidation, journalists, like many other Venezuelans, have left the country in the hope of a better future elsewhere.<sup>464</sup> There are still journalists in Venezuela who criticise the regime or report on opposition activities. These individuals have faced censorship (whether self-imposed or from their employer or the state), accusations, intimidation and physical violence.<sup>465</sup> In some cases, visual and other material belonging to journalists has been seized by government personnel or irregular armed groups such as the *colectivos*. Examples include footage of political or social gatherings, as well as images of everyday life, such as the long queues to buy food, according to Freedom House.<sup>466</sup>

According to HRW and other sources, Venezuelan NGOs working for press freedom have spoken of death threats and targeted physical attacks on journalists reporting on demonstrations.<sup>467</sup> In early 2020, members of pro-government *colectivos* attacked a group of journalists who were reporting on a demonstration by university lecturers in Bolívar Square in Caracas. Among other things, the journalists were said to have been pelted with excrement.<sup>468</sup> Journalists waiting for acting President Guaidó at the airport after his international tour in early 2020 were assaulted so violently by government sympathisers that seven of them were seriously injured.<sup>469</sup>

It is not only Venezuelan journalists who are reportedly subject to intimidation and violence from government officials or supporters. According to USDoS, HRW and other sources, government officials have also harassed foreign journalists.<sup>470</sup> For example, in March 2017, members of the GNB attacked Colombian journalist Elyangélica González. She said that she was beaten and dragged away by more than ten guards when she was trying to record a demonstration.<sup>471</sup> In March 2019, the mistreatment by FAES police officers of Polish journalist Tomasz Surdel was reported in the news.<sup>472</sup> According to a confidential source, he was simply doing his work and had the misfortune to be in the wrong place at the wrong time.<sup>473</sup> In the same month, German freelancer Billy Six was released after four months in detention. Six had been arrested by DGCIM agents in the northwestern state of Falcón in November 2018. The CPJ reported that he had been charged with rebellion, security zone violations and espionage by a military court.<sup>474</sup>

<sup>462</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018; CS, 18 February 2020; [apevex.wordpress.com](http://apevex.wordpress.com), *APEVEX denuncia nueva ofensiva del régimen de Nicolás Maduro contra periodistas y medios Venezolanos*, 20 August 2014.

<sup>463</sup> Journalism in the Americas, *Venezuelan reporters reinvent themselves abroad with print and online journalistic ventures*, 12 February 2020.

<sup>464</sup> Journalism in the Americas, *Venezuelan reporters reinvent themselves abroad with print and online journalistic ventures*, 12 February 2020.

<sup>465</sup> CS, 18 November 2019; USDoS, *Venezuela 2018 Human Rights Report*, page 14, 13 March 2019; HRW, *World Report Events of 2018*, page 621, 2019.

<sup>466</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018;

<sup>467</sup> HRW, *World Report Events of 2019*, 2020; CS, 17 January 2020.

<sup>468</sup> El Nacional, *Colectivos lanzaron orina y heces fecales a periodistas que cubrían protesta de maestros en la plaza Bolívar de Caracas*, 15 January 2020.

<sup>469</sup> CS, 18 February 2020; CS, 12 February 2020.

<sup>470</sup> USDoS, *Venezuela 2017 Human Rights Report*, page 19, 13 March 2018; HRW, *World Report Events of 2017*, page 621, 2018.

<sup>471</sup> HRW, *Crackdown on Dissent Brutality, Torture, and Political Persecution in Venezuela*, page 75, 2017; Univision Noticias, "Sentí que en la agresión se quería evitar que hubiese registro de lo que estaba pasando", 31 March 2017 (**Error! Hyperlink reference not valid.**; accessed 30 April 2020).

<sup>472</sup> Reuters, *Polish journalist beaten by Venezuelan police: press union*, 15 March 2019.

<sup>473</sup> CS, 8 January 2020.

<sup>474</sup> CPJ, *German freelancer Billy Six freed, leaves Venezuela after 4 months in prison*, 18 March 2018.

Two confidential sources independently state that, despite their limited room for manoeuvre, foreign journalists can still travel in and out of the country and can still practise journalism. The sources say that foreign journalists are careful about what they write and take appropriate security measures.<sup>475</sup>

*Treatment of journalists who are critical of the regime*

Venezuelan law provides a framework for the authorities to charge critical journalists with offences such as defamation, misinformation, incitement to hatred and scaremongering (see also 3.7.2 and 3.8).<sup>476</sup> The *Instituto de Prensa y Sociedad* (IPYS: Institute for Press and Society) believes that in addition to harassment, physical and other threats and disinformation, the Maduro government also uses legal measures, financial sanctions and administrative rules to impose censorship on or shut down critical media channels.<sup>477</sup> In June 2018, PSUV leader Diosdado Cabello won a legal case against the newspaper *El Nacional*, which had been regularly reporting on abuses in Venezuela, after the newspaper linked Cabello to drug trafficking in 2015.<sup>478</sup> A Venezuelan court ordered the newspaper to pay a fine by way of 'moral damages'.<sup>479</sup>

A confidential source states that no journalists have died so far as a result of the violence they face, but gives some examples of journalists against whom the Maduro government has taken action.<sup>480</sup> In 2017, the authorities confiscated the passport of journalist César Miguel Rondón and his wife, because he was critical of the regime. The passport of journalist Nelsón Bocaranda was also taken away. In 2019, Bocaranda was accused of spying for the United States on the Venezuelan TV channel Telesur. The source also spoke of intimidation of journalists and their family members by SEBIN and DGCIM personnel and others. The source said that in one case the threats were so serious that the journalist concerned had to go into hiding and planned to flee Venezuela.<sup>481</sup>

AI cites the example of the four journalists from the news website *Armando.info* who fled to Colombia in early 2018. They had published a report on their website criticising a case of corruption in connection with the CLAP food programme. The report evidently incurred the government's displeasure, as the journalists say that they were subject to threats and accusations from the authorities afterwards.<sup>482</sup> In March 2019, SEBIN arrested journalist and human rights activist Luis Carlos Díaz, who had written that the power cuts that are a frequent problem in Venezuela were the result of poor maintenance, not an American plot.<sup>483</sup> Díaz was released 24 hours later, but had to hand in his passport and was told that he would only be able to leave the country with the permission of the Venezuelan supreme court. This permission had not yet been granted in early May 2020.<sup>484</sup>

<sup>475</sup> CS, 21 February 2020; CS, 8 February 2020.

<sup>476</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018.

<sup>477</sup> IPYS, *Medios de comunicación tradicionales enfrentan cierres forzosos*, 3 September 2018; IPYS, *Periodismo en estado de excepción*, 18 May 2017; USDoS, *Venezuela 2018 Human Rights Report*, page 17, 2019; CS, 18 February 2020.

<sup>478</sup> *El Nacional* had reprinted an article from the Spanish newspaper ABC describing the US investigation into Cabello's alleged drug ties.

<sup>479</sup> The Christian Science Monitor, *Venezuela's last independent newspaper struggles to continue publishing*, 26 June 2018; *El Tiempo*, *Cabello gana demanda contra El Nacional y podría ser su nuevo dueño*, 5 June 2018.

<sup>480</sup> CS, 18 February 2020: These examples can all be found in public sources.

<sup>481</sup> CS, 18 February 2020.

<sup>482</sup> *El Mundo*, *Cuatro periodistas huyen de Caracas y se unen al exilio venezolano*, 7 February 2018; AI, *Amnesty International Report 2017/18*, 22 February 2018.

<sup>483</sup> Global Voices, *Journalist en mensenrechtenactivist Luis Carlos Díaz gedetineerd door de veiligheidsdienst van Venezuela*.

<sup>484</sup> CPJ, *Journalist Luis Carlos Díaz released from detention, banned from leaving Venezuela*, 5 April 2019; CS 5 May 2020.

Of all the arrests and detentions of journalists, described by various sources as often taking place arbitrarily and without evidence, various NGOs such as *Freedom House*, HRW and CJG single out the case of journalist Jesús Medina in particular. Medina was arrested in October 2017, according to public sources, while making a report on a prison in northern Venezuela with two foreign journalists. A month after his arrest, he was found by the side of a road. In interviews, Medina stated that he had been tortured and threatened.<sup>485</sup> In August 2018, Medina was arrested for a second time by the Venezuelan authorities, while he was investigating the country's healthcare crisis.<sup>486</sup> He was held in the high-security *Ramo Verde* prison until his release in early 2020. According to Medina's lawyer, a thorough investigation was not conducted before charges were filed. Medina's health reportedly deteriorated due to the conditions in prison.<sup>487</sup>

At the end of March 2020, the journalist Javier Vivas Santana, who is critical of Maduro and his government, was arrested by the DGCIM. Vivas Santana was able to send out one last Tweet, saying 'I am being taken away by the DGCIM'.<sup>488</sup> At the end of April 2020, nothing had been heard from him and his relatives and friends had no news about the condition of Vivas Santana, who suffers from epilepsy and is almost blind.<sup>489</sup>

In response to a question, a confidential source stated that journalists are just as much at risk as human rights activists. They, too, are of interest to SEBIN and the DGCIM (see examples above).<sup>490</sup> It is not known to what extent the authorities monitor the activities of Venezuelan journalists abroad.

### 3.7.5

#### *Demonstrations: risk of arrest, imprisonment and/or persecution*

Since 2014, the Maduro government has faced widespread protests about the country's economic, political, social and security situation. The protests in the periods from May to July 2017 and the first half of 2019 were the most intense, with tens of thousands of people taking to the streets to demonstrate against the Maduro government. According to HRW, Venezuelan security forces and pro-government armed groups violently suppressed these demonstrations, even though they were largely peaceful.<sup>491</sup>

The UN Commissioner for Human Rights writes in her July 2019 report that security forces did not always use excessive force to crush demonstrations during that year. However, members of the GNB, PNB, FAES and other police forces, sometimes in collaboration with colectivos, were said to have deliberately used excessive force to frighten people, with the goal of discouraging them from continuing to take to the streets, according to the UN report.<sup>492</sup> At the time of writing this report, the

<sup>485</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018; CPJ, *Human Rights Watch call on Venezuela to release Jesús Medina*, 21 May 2019; Human Rights Watch, *World Report Events of 2019*, 2020.

<sup>486</sup> Caracas Chronicles, *This is in Caracas; how many cases are we talking about when we look at the rest of the country?*, 30 January 2018: This article in the Caracas Chronicles contends that healthcare (and the state into which it has fallen) has become a military zone, to which journalists and NGOs have no access and on which they are not allowed to report. A confidential source endorses this claim about healthcare: CS, 18 February 2020.

<sup>487</sup> BBC News, *Venezuela crisis: Photographer Jesús Medina freed from jail after 16 months*, 7 January 2020.

<sup>488</sup> Reportero24, *MORDAZA: Dgcim secuestro a Javier Vivas Santana*, 29 March 2020; TalCual, *Dgcim detiene al comunicador tachirense Javier Vivas Santana*, 26 March 2020; El Carabobeño, *La Dgcim detuvo anoche al analista político Javier Vivas Santana*, 26 March 2020; Aporrea, *En defensa de Javier Vivas Santana*, 15 April 2020.

<sup>489</sup> Aporrea, *¡Javier Vivas Santana es un preso político...!*, 24 April 2020.

<sup>490</sup> CS, 18 February 2020.

<sup>491</sup> HRW, *World Report Events of 2019*, page 627, 2020.

<sup>492</sup> Office of the High Commissioner for Human Rights (OHCHR), *Human rights in the Bolivarian Republic of Venezuela*, 5 July 2019.

authorities are still faced with demonstrations, but no longer on such a large scale as in 2017 and 2019, for example.<sup>493</sup> One commonly heard theory is that people who previously took to the streets to protest are no longer willing to risk their lives, because the demonstrations have not yet brought about any changes.<sup>494</sup>

In response to the demonstrations, security forces fired rubber bullets, as well as live rounds of ammunition, according to some sources; protesters who, the sources claim, often offered no resistance, were beaten up; and security forces raided homes and apartments where they believed protesters were hiding.<sup>495</sup> Two confidential sources stated that members of the GNB in plain clothes had been ordered to fire at protesters with AK-47 machine guns, which are not standard equipment for the military.<sup>496</sup>

Those arrested during demonstrations, some of whom claimed to have merely been there as bystanders (see also 3.2.3), reported cases of abuse and in some instances torture, such as electric shock, choking and rape, in detention centres.<sup>497</sup> When people took to the streets in large numbers in support of Guaidó in 2019, thousands were arrested and several dozen people died in confrontations with security forces and colectivos.<sup>498</sup>

On 22 and 23 February 2019, when protesters demonstrated at the Brazilian border, among other places, in support of attempts to bring international humanitarian aid into Venezuela, according to Foro Penal's figures, there were 107 arbitrary arrests and seven confirmed fatalities among the protesters.<sup>499</sup>

Several sources report that Venezuelan security forces plant false evidence on people who are arrested during demonstrations. In a video posted to the Foro Penal website, a woman who sheltered protesters reported that security forces claimed to have found explosives and tear gas grenades when they raided her home; she said that they had put them there themselves.<sup>500</sup>

#### *Hostile interest in protesters' family members*

No specific information is available about the potential risks to family members of protesters. Previous sections have examined the risks to family members of, among others, journalists and opposition members, many of whom also participate in demonstrations.

### **3.8 Social media and telephony**

#### *Internet service providers and state control*

<sup>493</sup> The New York Times, *Venezuelan Opposition, Trying to Rekindle Protests, Is Pushed Back by Tear Gas*, 10 March 2020; CS, 21 February 2020; AI, *Amnesty International Report 2017/18*, pages 393-394, 22 February 2018; HRW, *World Report Events of 2019*, page 627, 2020

<sup>494</sup> CS, February 2020, CS, 19 February 2020.

<sup>495</sup> Reuters, *Venezuelan teen blinded by police rubber bullets at protest*, 2 July 2019; HRW, *World Report Events of 2019*, page 627, 2020; CS, 25 February 2020.

<sup>496</sup> CS, 25 February 2020.

<sup>497</sup> The Washington Post, *In Venezuela, prisoners say abuse is so bad they are forced to eat pasta with excrement*, 24 June 2017; Casla Institute, *Informe 2018 sobre tortura sistemática en Venezuela*, 27 November 2018; USDoS, *Venezuela 2018 Human Rights Report*, page 4, 13 March 2019.

<sup>498</sup> OHCHR, *Human rights in the Bolivarian Republic of Venezuela*, 5 July 2019; HRW, *World Report Events of 2019*, page 627, 2020; AI, *Amnesty International Report 2017/18*, page 393, 22 February 2018: sources' estimates of the number of fatalities during the 2017 and 2019 demonstrations vary, but range from several dozen to more than a hundred.

<sup>499</sup> Foro Penal, *Report on Repression in Venezuela February 2019*, 13 March 2019.

<sup>500</sup> Foro Penal, *MARIA ELENA UZCATEGUI #MeCuadroConEllas*, 17 August 2017: <https://foropenal.com/en/maria-elena-uzcategui-mecuadroconellas/>

The state-owned company *Compañía Anónima Nacional Teléfonos de Venezuela* (CANTV: Venezuelan National Telephony Company) dominates Internet provision in Venezuela, and according to Freedom House controlled nearly 70% of the market in 2018. The other 30% was accounted for in 2018 by private telecom companies, the largest of which was *Inter* with 9% of the market. However, *Inter* has a limited reach in Venezuela and only provides services in the large cities. The Spanish company *Movistar* is the largest operator in the mobile Internet market. The state-owned *Movilnet* and the private Venezuelan company *Digitel* both have a smaller share.<sup>501</sup> Various sources report that due to the deteriorating economic situation and numerous power cuts, the Internet often goes down or does not work at all.<sup>502</sup>

The sources say that the private companies are not directly under state control, but the state is able to exercise control through legislation and the state-owned *Comisión Nacional de Telecomunicaciones* (CONATEL: National Telecommunications Commission).<sup>503</sup> The law against hatred and intolerance mentioned earlier states that providers must remove 'hate preaching' from their website within six hours of posting or otherwise face fines. By law, the authorities are able to block websites if they consider that they are promoting hatred and intolerance.<sup>504</sup> The *Ley de Responsabilidad Social en Radio, Televisión y Medios Eléctricos* (translation: Act on Social Responsibility on Radio, Television and Electronic Media) enables providers and websites to be held responsible for content posted by third parties and gives CONATEL the discretionary power to impose fines for violations.<sup>505</sup> The *Asociación de Periodistas Venezolanos en el Extranjero* (APEVEX: Association of Venezuelan Journalists Abroad) says on its website that CONATEL has apparently become the Venezuelan state's censorship body.<sup>506</sup>

#### *Obligation to supply data of customers of private providers*

In 2017, CONATEL issued a decision stating that although individuals who use mobile and landline telephony have the right to the protection and confidentiality of the data they give to providers, such data must be given to security services if they request it in connection with a criminal investigation. The data that providers must hand over if requested include personal data, bank details, IP addresses, historical call data and data about text messages that have been sent and received. The decision means that not only must individuals wishing to take out a mobile subscription provide personal data, but a fingerprint and a digital photo of their face must also be included in the purchase record.<sup>507</sup>

The information that CONATEL collects, such as IP addresses, is then shared with Venezuela's intelligence and security services such as SEBIN, according to USDoS. The data can be used to locate users.<sup>508</sup>

#### *Is it mandatory to register all mobile phones by name?*

It is mandatory in Venezuela to register all mobile phones by name (see above).

#### *Monitoring of content on social media and Internet discussion groups*

<sup>501</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018; CS, 9 January 2020.

<sup>502</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018.

<sup>503</sup> CS, 9 January 2020.

<sup>504</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018; CS, 9 January 2020; CS 18 February 2020.

<sup>505</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018; CS, 18 February 2020.

<sup>506</sup> APEVEX, *APEVEX denuncia nueva ofensiva del régimen de Nicolás Maduro contra periodistas y medios venezolanos*, 20 August 2014 (apevex.wordpress.com)

<sup>507</sup> CONATEL, *Providencia Administrativa N° 171*, October 2017; Freedom House, *Freedom on the Net 2018 Venezuela*, 2018: However, this decision only refers to individuals who use mobile or landline phone services. It is not clear to what extent it applies to individuals who only purchase Internet from providers.

<sup>508</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 18, 13 March 2019.



In October 2013, the *Centro Estratégico de Seguridad y Protección de la Patria* (CESPPA: Strategic Centre for Homeland Security and Protection) was established by presidential decree. One of the tasks of this organisation is to gather and analyse all information relating to the protection of Venezuela's national security (see also 3.10.1 for a more detailed description of CESPPA).<sup>509</sup> According to the NGO IPYS, this organisation is also tasked with monitoring and tracking social media and online information.<sup>510</sup>

The same NGO stated in 2015 that GNB agents have been trained by the Ministry of Information and Communication in enforcement on social media. The agents have been trained so that they can raise alerts promptly and thus continue to inform the Venezuelan people truthfully and identify any threat to the country's interests, IPYS writes.<sup>511</sup>

The most commonly used social media providers in Venezuela are Twitter, Instagram and Facebook. These social media applications or the websites of human rights organisations, for example, are often inaccessible in Venezuela. According to sources, this sometimes happens because of the poor Internet infrastructure, but also because the authorities block these sites or applications.<sup>512</sup> According to a confidential source, the authorities mainly block certain sites or applications during demonstrations.<sup>513</sup> For example, according to the Internet survey *NetBlocks*, the state-owned company CANTV restricted access to Twitter, Instagram, YouTube and Facebook during the election of the new parliamentary speaker on 5 January 2020. The filtering began when security forces denied opposition MPs access to parliament, according to *NetBlocks*.<sup>514</sup>

The news websites of *TalCual*, *El Pitazo*, *El Nacional* and others are regularly blocked, but get round the blocks by using a different IP address, according to a confidential source.<sup>515</sup> The newspaper *El Tiempo* reports that as well as the state-owned companies CANTV and Movilnet blocking websites, private companies such as Movistar and Digitel are also instructed by the government to do so.<sup>516</sup>

The NGO websites that promote human rights are normally easily accessible, but are also blocked at times.<sup>517</sup> A confidential source noted that it is not always possible to work out who is behind the block, but it was imposed on their website when a critical report on the situation in Venezuela was published.<sup>518</sup> Another confidential source indicates that the government sometimes also tries to remove content from a website by legal means.<sup>519</sup>

<sup>509</sup> *Transparencia Venezuela, Creación del CESPPA refuerza la opacidad. Intereses de la Revolución dejan a un lado la figura del Estado*, 13 October 2013.

<sup>510</sup> IPYS, *Reglamento del CESPPA contiene disposiciones contrarias a la libertad de expresión*, 25 February 2014.

<sup>511</sup> IPYS Venezuela, *MINCI instruyó a agentes de seguridad del estado en la supervisión de redes sociales*, 23 April 2015.

<sup>512</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018; *Netblocks, Venezuela suffers major power outage knocking out internet connectivity*, 1 March 2020.

<sup>513</sup> CS, 9 January 2020.

<sup>514</sup> *NetBlocks, Social media restricted in Venezuela on day of National Assembly leadership vote*, 5 January 2020: NetBlocks is an NGO that monitors cybersecurity and keeps an eye on the restrictions that governments impose on the Internet.

<sup>515</sup> CS, 18 February 2020.

<sup>516</sup> *El Tiempo, Denuncian participación de telefonía móvil privada en bloqueos a portales de noticias*, 21 June 2018.

<sup>517</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018.

<sup>518</sup> CS, 18 February 2020.

<sup>519</sup> CS, 18 February 2020.

To get round blocks, many news channels, such as *El Pitazo*, have created a group on WhatsApp on which messages are sent out daily. The sources say that it is apparently harder to monitor content on WhatsApp.<sup>520</sup>

*Commonly used instant messaging applications and government control*

WhatsApp is the most widely used instant messaging application in Venezuela at present. Signal is also used, but to a much lesser extent. According to experts, Signal is better protected than WhatsApp, for example.<sup>521</sup> Confidential sources report that the Venezuelan security services have been trained by Cuba and received monitoring equipment from China and Russia,<sup>522</sup> but the sources do not know to what extent the Venezuelan authorities are able to monitor the content of applications such as Signal and WhatsApp.<sup>523</sup>

As mentioned above, some news channels distribute messages via WhatsApp, as this application is said to be harder to monitor.

3.8.1 *Handing over of social media passwords*

A confidential source states that individuals questioned by the Venezuelan authorities must not only provide the passwords of their Facebook, Twitter and other social media accounts, but must also provide access to their phones.<sup>524</sup>

*Request for submission of passwords of social media accounts on legal departure from or entry into the country*

There is no information available suggesting that the Venezuelan authorities ask travellers to provide the passwords of their social media accounts when they legally depart from or enter Venezuela.

3.8.2 *Conviction of individuals based on social media content*

A confidential source reports that social media content that displeases the authorities often leads to intimidation. The government has charged and convicted individuals because of social media content, often under the guise of some other offence, whether fabricated or genuine, the source said.<sup>525</sup>

Two tweeters were released in late 2017 after being sent to prison in separate cases in 2014.<sup>526</sup> Víctor Andrés Ugas was held responsible for the publication of photos of the body of a former MP, and was charged with improper disclosure and technical espionage. A court ordered his release in July 2015, but SEBIN disregarded the order, according to the NGO *Espacio Público*. Even after serving his sentence of nearly three years, Ugas remained in prison, the NGO said.<sup>527</sup>

Leonel Sánchez was arrested for allegedly being the user of the @AnonymusWar Twitter account. His arrest was reported by the then speaker of the AN Diosdado Cabello, who accused Sánchez during his weekly television programme of spreading hatred through this Twitter account. The alleged tweeters were charged with

<sup>520</sup> CS, 18 February 2020; CS, February 2020.

<sup>521</sup> CS, 9 January 2020; CS, February 2020.

<sup>522</sup> On Cuba's influence on the Venezuelan security services, see also: Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.

<sup>523</sup> CS, 27 February 2020, CS, 26 February 2020; CS, 9 January 2020.

<sup>524</sup> CS, 9 January 2020.

<sup>525</sup> CS, 9 January 2020.

<sup>526</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018.

<sup>527</sup> Espacio Público, *Los tuiteros Leonel Sanchez y Victor Ugas fueron liberados*, 12 January 2018. According to public sources, Ugas was arrested again in December 2019 by members of several security services, along with MP Gilbert Caro. The reason for his arrest this time was reportedly his work as an assistant to opposition member Caro: Espacio Público, *CIDH amplía medidas cautelares a favor de Victor Ugas*, 10 January 2020.

spreading hatred, libel and conspiracy. According to Espacio Público, some of the charges had nothing to do with the Twitter account in question.<sup>528</sup>

According to Freedom House, various social media users have been charged under the Hatred and Intolerance Act of late 2017. For example, the 2018 Freedom House report gives the example of three teenagers arrested by intelligence officers in January 2018. The authorities claimed that they had issued calls on chat groups and social media to protest against the government, and they were therefore charged with spreading hatred. The three teenagers were released by court order in the summer of 2018.<sup>529</sup>

The case of Mérida firefighters Ricardo Antonio Prieto Parra and Carlos Julio Varón García was widely covered in the press. On 31 October 2018, Prieto Parra and Varón García were conditionally released after 48 days in prison. They had been arrested a month and a half earlier, without an official arrest warrant according to public sources, because of a satirical video portraying a donkey as Maduro.<sup>530</sup> After their arrest, they were charged with inciting hatred and contempt. Public sources say that the charges were based on certain articles from the Hatred and Intolerance Act and the Criminal Code.<sup>531</sup>

AI writes that in October 2019, the total number of people arrested for posting opinions or complaints on social media or in the press stood at 193. They included Pedro Jaimes Criollo, who was arbitrarily arrested by SEBIN agents for posting information about the route of the presidential plane, which could also be obtained from public sources, on his Twitter account.<sup>532</sup> According to HRW, his family and lawyers from the Venezuelan NGO *Espacio Público* were not allowed to visit or speak to Criollo for a month.<sup>533</sup> After being held for a year and five months, Criollo was released on 17 October 2019.<sup>534</sup>

*Status in criminal law of posting information on a website/blog outside Venezuela*  
There are no known cases where posting information on social media outside Venezuela has been treated as a criminal offence in Venezuela. The Act against Hatred mentioned earlier is open to broad interpretation and does not give a definitive answer as to whether the law also applies to information posted outside Venezuela.<sup>535</sup> A confidential source believes that posting information outside Venezuela is not 'technically' a criminal offence. However, if the information is displeasing to the regime, the author or his or her family may be vulnerable to intimidation or arrest. That vulnerability depends on whether the author or his or her family are in Venezuela, not the location of the website, according to the source.<sup>536</sup>

A 2018 article in *National Public Radio* (NPR) claims that some Venezuelans abroad self-censure or post anonymously on social media, because they are afraid not so much that there will be government repercussions, but rather that their family will be blackmailed or otherwise pressured by fellow Venezuelans if they know they have

<sup>528</sup> Espacio Público, *Los tuiteros Leonel Sanchez y Victor Ugas fueron liberados*, 12 January 2018.

<sup>529</sup> Freedom House, *Freedom on the Net 2018 Venezuela*, 2018.

<sup>530</sup> Crónica Uno, *Excarcelados con medidas de presentación bomberos de Mérida*, 31 October 2018.

<sup>531</sup> Crónica Uno, *Excarcelados con medidas de presentación bomberos de Mérida*, 31 October 2018; Comisión para los Derechos Humanos del Estado Zulia (CODHEZ), *51 organizaciones de Derechos Humanos exigen sobreesimio de la causa de los bomberos de Mérida*, 15 October 2018; USDoS, *Venezuela 2018 Human Rights Report*, page 15, 13 March 2019.

<sup>532</sup> AI, *Everything you need to know about human rights in Venezuela*, 2020.

<sup>533</sup> HRW, *World Report Events of 2018*, page 650, 2019.

<sup>534</sup> AI, *Everything you need to know about human rights in Venezuela*, 2020.

<sup>535</sup> Ley Constitutcional Contra el Odio por la Convivencia Pacífica y la Tolerancia

<sup>536</sup> CS, 9 January 2020.

a relative abroad, and as more than 4.5 million Venezuelans have left the country, almost every Venezuelan has a family member living abroad.<sup>537</sup>

3.8.3 *Monitoring of content of mobile phone traffic (including text messages)*  
USDoS writes in its report for the year 2018 that, according to the NGO *Free Access*, CONATEL, among others, supported the monitoring of private phone calls.<sup>538</sup> A confidential source states with certainty that the military intelligence service is able to monitor phone calls. An article published by the news agency Reuters also discusses the fact that the military intelligence agency listens in on the calls of military personnel.<sup>539</sup> According to the Spanish newspaper *ABC*, the government agency CESPPA (see 3.10.1) has a group of hackers and intelligence experts who can listen to phone conversations with advanced equipment.<sup>540</sup>

Another confidential source claims to have been monitored by SEBIN. He says that the agency collected various pieces of information about him. The source knew someone within the agency who had sent him the data collected by SEBIN. The data is said to have included phone calls, text messages, WhatsApp messages and Internet use.<sup>541</sup>

Opposition leader Leopoldo López, who was under house arrest and had been banned from speaking to journalists by the Venezuelan authorities, was nevertheless able to conduct phone interviews with a reporter from the *New York Times* for several months in 2017 and 2018.<sup>542</sup> The reporter himself states in an article that they used an 'obscure video service' instead of Skype or FaceTime, because they assumed that it was less likely to have been hacked by the Venezuelan services. López wore headphones during the interviews to ensure that if a microphone had been placed in his house, the authorities would only hear his side of the conversation. In one of his articles, the reporter wonders whether the authorities listened to their conversations. His conclusion is that if they had known about them, it is likely that they would have intervened to prevent the contact.<sup>543</sup> When the article about the interviews with López was published online in early March 2018, dozens of officers raided López's house, the opposition leader's father said in an interview.<sup>544</sup>

### 3.9 Oversight and legal protection

3.9.1 *Possibilities for reporting a crime to the police*  
In Venezuela, the government gives a legal guarantee that every citizen has the right to report any crime, such as fraud, theft, murder, rape, kidnapping, possession and trafficking of drugs, environmental offences, gender violence and corrupt practices. Article 267 of the *Código Orgánico Penal Procesal* (COPP: Organic Criminal Procedure Code) states that anyone who is aware of a criminal offence may report it

<sup>537</sup> NPR, *For Many In Venezuela, Social Media Is A Matter Of Life And Death*, 11 September 2018.

<sup>538</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 18, 13 March 2018.

<sup>539</sup> CS, 27 February 2020; Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.

<sup>540</sup> ABC, *Cuba controla a Venezuela a través de un centro de escuchas electrónicas*, 5 April 2017: However, it is neither clear nor confirmed that CESPPA itself generates intelligence by means of eavesdropping equipment, as many sources say that this agency's main role is analytical.

<sup>541</sup> CS, 26 February 2020.

<sup>542</sup> The New York Times Magazine, *Can Venezuela Be Saved?* 1 March 2018; Consentido, *"De internationale gemeenschap moet Venezuela onder druk blijven zetten" – interview met Leopoldo López Gil*, 13 May 2018.

<sup>543</sup> The New York Times Magazine, *Can Venezuela Be Saved?*, 1 March 2018.

<sup>544</sup> Consentido, *"De internationale gemeenschap moet Venezuela onder druk blijven zetten" – interview met Leopoldo López Gil*, 13 May 2018.

to the public prosecutor or any body of the police that performs criminal investigations.<sup>545</sup>

Article 268 of the same code states that the report may be made orally, in which case the statement is made in person and signed in the presence of the employee who records it; or in writing, in which case the person making the report or an authorised representative signs the statement.<sup>546</sup> On the website of the police department *Cuerpo de Investigaciones Científicas, Penales y Criminalísticas* (CICPC: Scientific, Penal and Criminal Investigation Unit) a telephone number is displayed which can be used to report criminal offences anonymously.<sup>547</sup> The unit also has an email address to which anonymous reports can be sent.<sup>548</sup> A confidential source states that a copy of a statement may be requested, if necessary by someone other than the declarant, by means of a power of attorney, but in practice he suggests that there would be difficulties. These difficulties are due to various factors, including the shortage of paper.<sup>549</sup>

There is no longer any confidence in the Venezuelan legal system, according to a confidential source. Many people therefore do not report crimes. Not only is there no longer any confidence, but Venezuelan citizens are also afraid of reprisals from the authorities if they report anything to the police.<sup>550</sup> This claim is supported by the USDoS report, which states that NGOs and police have noticed that many victims no longer report violent crimes due to their mistrust and fear of the Venezuelan authorities.<sup>551</sup>

Various sources (some of them confidential) give examples of people who wished to report a crime to the police but were subjected to intimidation, abuse and injustice from the Venezuelan authorities. The example of the transgender person Sam Seijas, who was abused and beaten by police officers after reporting an incident, was mentioned earlier in this report (see also 3.5). A lesbian couple who wanted to report to the CICPC that they had been attacked and beaten up at a disco were also physically abused by members of this police unit, according to a confidential source.<sup>552</sup> A confidential source who believed that he had been falsely accused by the authorities and wished to report this to the police got nowhere with his request and instead was beaten up by the officers to whom he had turned for help.<sup>553</sup> Women who try to report domestic violence also often leave the police station without having succeeded in doing so.<sup>554</sup>

A confidential source states that the legal system in Venezuela is 'bankrupt' and that the police are no longer there to protect citizens, but to maintain the current government.<sup>555</sup> The police are corrupt and add to the problem rather than helping to solve it, the source says. He cites the example of a boy whose phone was stolen. The phone was later found during a murder investigation. The boy was arrested and, according to the source, had to pay the CICPC in order to avoid prosecution.<sup>556</sup>

<sup>545</sup> Código Orgánico Procesal Penal, Article 267, 2012.

<sup>546</sup> Código Orgánico Procesal Penal, Article 268, 2012

<sup>547</sup> **Error! Hyperlink reference not valid.** (consulted on 30 March 2020).

<sup>548</sup> Waka Noticias, *CICPC habilita correo electrónico y número telefónico para realizar denuncias*, 14 March 2018.

<sup>549</sup> CS, 5 May 2020; CS, 19 February 2020.

<sup>550</sup> CS, 19 February 2020.

<sup>551</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 4, 13 March 2019.

<sup>552</sup> CS, 17 February 2020.

<sup>553</sup> CS, 26 February 2020.

<sup>554</sup> CS, 18 February 2020; CS, 20 February 2020.

<sup>555</sup> CS, 19 February 2020.

<sup>556</sup> CS, 19 February 2020.

The source states that the rule of law in the country is in very bad shape, which is confirmed by the current place it occupies on the *World Justice Project* index. Of the 128 countries examined by the project, Venezuela occupies 128<sup>th</sup> place in 2020.<sup>557</sup> The confidential source states that if something happens to you, you should not go to the police station, but phone someone you know who can help you or take matters into your own hands. And if you have money, you can buy an investigation from the police, the source says. He adds that many criminals are better equipped than the Venezuelan police in terms of weapons and gear such as phones and bulletproof vests.<sup>558</sup>

Both public and confidential sources confirm the view that the government has limited capacity to address complaints that are lodged, and is also reluctant to deal with certain discrimination cases on political grounds.<sup>559</sup> A confidential source indicates that while there are still police officers who take their responsibilities seriously and want to protect law and order, they are thwarted by the 'corrupt' system and frustrated by the impunity that prevails in Venezuela.<sup>560</sup>

#### *The possibility of seeking protection from other authorities if the police fail to do their job*

According to a reliable source, it makes little sense to seek help elsewhere in the Venezuelan power structure if the police do not act appropriately.<sup>561</sup> Prosecutor general Luisa Ortega Díaz was a senior official in the Venezuelan system who raised certain concerns and in doing so worked against the government's interests. She criticised the operations for the liberation of the people (OLPs: see 1.2.1) and called the actions of the security services in connection with those operations violent. Ortega initiated investigations into the security services' actions during the OLPs.<sup>562</sup> Partly because of her critical attitude towards the government, she was removed from her post and had to flee to Colombia (see also 3.9.3).<sup>563</sup>

#### *Protection of NGOs or international organisations*

HRW and AI reported that the Venezuelan government withdrew from the American Convention on Human Rights in 2013. As a result, Venezuelan citizens or residents are unable to submit a request to the Inter-American Court of Human Rights to intervene when local remedies for human rights violations have proved unavailable or ineffective.<sup>564</sup>

The OHCHR was not granted access to Venezuela to investigate human rights violations until 2019.<sup>565</sup> However, in 2019 the UN Commissioner for Human Rights did receive permission to conduct an investigation, resulting in the UN report mentioned earlier on the human rights situation in Venezuela, which was published in July 2019 (see 3.7.1).<sup>566</sup> The UN Commissioner for Human Rights now has two independent officers in Caracas, although they are not admitted to all sectors of

<sup>557</sup> World Justice Project (WJP), *Rule of Law Index*, 2020: The Rule of Law Index 2020 indicates the state of the rule of law in 128 countries, based on various factors, such as the presence of corruption, open government and the powers of government.

<sup>558</sup> CS, 19 February 2020.

<sup>559</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 38, 13 March 2019; CS 19 February 2020.

<sup>560</sup> CS, 8 June 2020.

<sup>561</sup> CS, 19 February 2020.

<sup>562</sup> BBC Mundo, "*Una pena de muerte disimulada*": la polémica Operación de Liberación del Pueblo, la mano dura del gobierno de Venezuela contra el crimen, 28 November 2016.

<sup>563</sup> BBC Mundo, *Quién es Luisa Ortega, la fiscal chavista que acusó al gobierno de Venezuela de delitos de lesa humanidad y que ahora ha huido a Colombia*, 19 August 2017.

<sup>564</sup> HRW, *World Report Events of 2019*, page 634, 2020; AI, *Venezuela's withdrawal from regional human rights instrument is a serious setback*, 6 September 2013.

<sup>565</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 27, 13 March 2019.

<sup>566</sup> OHCHR, *Human rights in the Bolivarian Republic of Venezuela*, 5 July 2019.

Venezuelan society, according to a confidential source.<sup>567</sup> A delegation from the *Inter-American Commission on Human Rights* (IACHR) of the OAS was refused entry to Venezuela by the Venezuelan authorities in February 2020. The delegation was intending to investigate the human rights situation in Venezuela and wanted to talk to victims of human rights violations and their family members.<sup>568</sup>

As well as being limited in their ability to raise funds, local NGOs are also bound by restrictions in the performance of their activities and mission. For example, Venezuelan law prohibits NGOs from representing victims of alleged human rights violations in legal proceedings. The law stipulates that only public defenders and private individuals can bring a case to court or represent victims of alleged human rights violations by government personnel or members of security forces in legal proceedings.<sup>569</sup>

If a citizen feels unsure about reporting a case to the police, the public prosecutor or a lawyer, he or she can contact one of the many NGOs in Venezuela, according to a journalist who claims to work for the independent news medium *Efecto Cocuyo*. Although these NGOs cannot bring charges on behalf of an individual who believes that his or her rights have been violated by the state, it is still important that such individuals can at least contact one of the many NGOs championing human rights in Venezuela for support and guidance.<sup>570</sup> A confidential source says that the primary task of NGOs such as *Cofavic*, *Foro Penal*, *CECODAP* and *Provea* is to expose abuses in Venezuela and make them known to a broad public. 'Bad publicity still gets the government moving sometimes,' he believes.<sup>571</sup> The risks these NGOs run as a result of their activities in Venezuela and elsewhere are discussed in 3.7.3.

### 3.9.2

#### *Current state of the judicial process*

According to various sources, numerous abuses are identifiable in the judicial process in Venezuela. Arrests are sometimes made arbitrarily and without a warrant. In some cases, sources claim that incriminating material is planted on individuals by police officers or members of other enforcement agencies so that they can be arrested.<sup>572</sup> On 15 February 2020, the United States issued a statement condemning the arrest of Juan José Márquez, the uncle of acting president Juan Guaidó, which the Americans regarded as being based on absurd suspicions and fabricated evidence. According to the US authorities, the falsification of proof in order to carry out arbitrary arrests is a frequently used tactic of the Venezuelan government.<sup>573</sup>

There are also instances of people being held in custody for too long, of their location being unknown to lawyers and family for some time after they have been detained, or of being denied permission to receive visits or speak to anyone.<sup>574</sup> Detainees are reportedly also not informed properly and promptly of the reason why they are being held. In the interview given by Leopoldo López's father, he said that his son was not allowed to call any witnesses during the trial.<sup>575</sup>

<sup>567</sup> CS, 1 November 2019; CS, 18 February 2020.

<sup>568</sup> IACHR, *IACHR regrets denied entry into Venezuela and announces that will meet with victims and organizations on the Colombian border*, 4 February 2020.

<sup>569</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 27, 13 March 2019.

<sup>570</sup> Efecto Cocuyo, *Denunciar las violaciones a los derechos humanos es tu derecho*, 8 June 2017.

<sup>571</sup> CS, 19 February 2020.

<sup>572</sup> CS, 18 November 2019; AD, *Stafchef oppositieleider Venezuela beschuldigd van terrorisme*, 22 March 2019.

<sup>573</sup> USDoS, *Los Estados Unidos condena la detención de un miembro de la familia del presidente interino Guaidó*, 15 February 2020.

<sup>574</sup> HRW, *World Report Events of 2018*, page 630, 2019.

<sup>575</sup> Consentido, *"De internationale gemeenschap moet Venezuela onder druk blijven zetten" – interview met Leopoldo López Gil*, 13 May 2018.

Even if a court orders a detainee's release, this is not always complied with, and people are held for longer than is legally permitted.<sup>576</sup> USDoS states in connection with the above and other examples that the Venezuelan authorities regularly disregard the rules of judicial procedure.<sup>577</sup>

#### *Separation of powers*

The separation of powers has disappeared under Maduro. During his presidency, the executive, legislature and judiciary have all come under the control of the government and thus the PSUV. In July 2018, the International Commission of Jurists (ICJ) called on the Venezuelan authorities to restore democratic institutions so that they could address what they considered to be the economic, political and humanitarian crisis in the country.<sup>578</sup> The creation of the *Asamblea Nacional Constituyente* (ANC) in 2017, which introduced a parallel legislature, is seen by many sources as a significant event in the loss of independence of the different powers in Venezuela.<sup>579</sup>

The judiciary is also subject to government influence, with a supreme court consisting mainly of judges who sympathise with the Maduro administration or at least do not seek change.<sup>580</sup> HRW writes that in 2020 no independent government bodies are left in Venezuela that can exercise control over the executive. Since the Chávez regime, the government has worked to pack the courts with judges who are no longer independent, according to HRW.<sup>581</sup>

#### *Current role of the public prosecutor*

Following the resignation of Prosecutor General Luisa Ortega Díaz in summer 2017 (see below), Tarek Williams Saab was appointed as her successor in September 2017. According to a confidential source, this did not take place in accordance with the usual legal procedure customary when appointing people to other public positions such as the ombudsman<sup>582</sup> and the president of the court of audit.<sup>583</sup> Saab halted the investigations initiated by his predecessor into the more than 600 cases of personal injury that had been caused since the April 2017 protests (see 3.9.1). Ortega's office had charged at least ten members of the Venezuelan security forces with the wrongful killing of protesters or onlookers. After his appointment, Prosecutor General Saab did not deal with these cases.<sup>584</sup>

On the contrary, he reopened the investigation in order to overturn the earlier findings that held the security forces and colectivos responsible for the widespread violence during demonstrations.<sup>585</sup> *The Washington Post* writes that Tarek William Saab is a Maduro ally who among other things has accused government opponents such as opposition MPs of crimes such as rebellion and treason.<sup>586</sup>

<sup>576</sup> AI, *Amnesty International Report 2017/18*, page 395, 22 February 2018; El Universal, *Almagro insta a CPI a investigar "de inmediato" tortura en Venezuela con apoyo de Cuba*, 12 December 2019.

<sup>577</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 9, 13 March 2019.

<sup>578</sup> Reuters, *Rule of law has crumbled in Venezuela: jurists' group*, 8 July 2019.

<sup>579</sup> Transparencia Venezuela, *Annual Report of Corruption in Venezuela, 2017*; The Washington Post, *Venezuela charges 4 anti-Maduro lawmakers with rebellion*, 16 December 2019.

<sup>580</sup> HRW, *World Report Events of 2019*, page 629, 2020; CS, 18 February 2020.

<sup>581</sup> HRW, *World Report Events of 2019*, pages 625 and 629, 2020.

<sup>582</sup> In 2014 the AN elected Tarek Williams Saab for a seven-year term as the ombudsman for Venezuela. After his appointment as prosecutor general, he was succeeded by Alfredo Ruiz as national ombudsman (see also note 830): BBC News, *Venezuela crisis: Son criticises rights ombudsman father in video*, 27 April 2017; Espacio Público, *Alfredo Ruiz designado como Defensor del Pueblo*, 14 August 2017.

<sup>583</sup> CS, 5 December 2019.

<sup>584</sup> HRW, *Cancun, the OAS, and Venezuela's Prosecutor General*, 19 June 2017; USDoS, *Venezuela 2018 Human Rights Report*, page 7, 2019.

<sup>585</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 3, 13 March 2019.

<sup>586</sup> The Washington Post, *Venezuela charges 4 anti-Maduro lawmakers with rebellion*, 16 December 2019; The EU has imposed sanctions on Saab for undermining democracy.



*Current role of the judiciary*

In 2004, President Chávez used new legislation to ensure that twelve *chavista* judges – Chávez sympathisers – could serve in the Venezuelan supreme court. According to HRW, this put allies of the Chávez government in the majority at the court, making it an extension of the executive.<sup>587</sup> Three magistrates who were less sympathetic to Chávez were removed from their posts shortly after the adoption of the new legislation.<sup>588</sup> In the years that followed, hundreds of lower-court judges were then fired by the supreme court. HRW writes that this massive turnover of judges has done no good to the credibility of Venezuela's judiciary.<sup>589</sup> A confidential source says the current supreme court president, Maikel Moreno, is on Maduro's 'leash' and owes his position purely to his ties with the government.<sup>590</sup> 'Given his past,<sup>591</sup> he would otherwise never have been in the running for such a position,' he adds.<sup>592</sup>

According to *Transparencia Venezuela*, corruption is rife in Venezuela and has penetrated every level of society, including the holders of high office. However, the latter go unpunished because they control the legal system.<sup>593</sup> USDoS reports that there are credible suspicions of corruption and the use of political influence within the judicial system.<sup>594</sup> *Armando.info* notes the high percentage of judges with links to the government. Forty percent of all judges are said to be members of the PSUV or one of the other parties affiliated with the Maduro government.<sup>595</sup>

Supreme court judges are not appointed for life, according to a confidential source.<sup>596</sup> Supreme court magistrates are elected for a single twelve-year term under the constitution.<sup>597</sup> However, judges without a seat on the supreme court, but who work in other types of courts, are regarded as government officials in Venezuela. Once they have entered the judiciary they therefore cannot be replaced or removed unless procedures specifically instituted by law have been followed.<sup>598</sup> The author Carlos Ayala Corao notes with regret that it has become customary in Venezuela to remove temporary and even 'tenured' judges from their posts. According to Ayala, this has undermined the position of judges and politicised the judiciary.<sup>599</sup> According to the ICJ, about eighty percent of all judges in 2014 were temporary appointments, and it would be easy for the supreme court to remove them from office.<sup>600</sup> In February 2019, one in four judges were permanent appointments, and the rest could be dismissed without any disciplinary procedure, according to the website of *Armando.info*.<sup>601</sup>

<sup>587</sup> HRW, World Report Events of 2019, page 629, 2020; El País, *Chávez se hace con el control de los jueces*, 18 September 2008.

<sup>588</sup> HRW, *A Decade Under Chávez Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*, page 49, September 2008.

<sup>589</sup> HRW, *A Decade Under Chávez Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*, page 53, September 2008; El País, *Chávez se hace con el control de los jueces*, 18 September 2008.

<sup>590</sup> The EU has imposed sanctions on Moreno, in the same way as on Prosecutor General Saab, for undermining democracy.

<sup>591</sup> The Washington Post, *Beware Maikel Moreno, the hatchet man who runs Venezuela's supreme court*, 28 April 2017: Former intelligence officer Moreno was convicted of murder in 1987 and was also charged with a second murder. He was never brought to trial for the second murder.

<sup>592</sup> CS, 19 February 2020.

<sup>593</sup> *Transparencia Venezuela, Annual Report of Corruption in Venezuela, 2017.*

<sup>594</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 11, 13 March 2019.

<sup>595</sup> *Armando.info, Los jueces de Venezuela asfaltan calles y firman sentencias*, 17 February 2019.

<sup>596</sup> CS, 19 February 2020.

<sup>597</sup> Constitución de la República Bolivariana de Venezuela, Article 264, 1999.

<sup>598</sup> Ayala Corao, C., *Estatuo del Juez Constitucional en Venezuela*, page 643, 2012.

<sup>599</sup> Ayala Corao, C., *Estatuo del Juez Constitucional en Venezuela*, page 643, 2012.

<sup>600</sup> ICJ, *Strengthening the Rule of Law in Venezuela*, page 9, 2014.

<sup>601</sup> *Armando.info, Los jueces de Venezuela asfaltan calles y firman sentencias*, 17 February 2019.

### 3.9.3

#### *Treatment of dissident judges and employees of the public prosecution service*

As mentioned earlier, Prosecutor General Luisa Ortega was removed from office after taking decisions against the interests of the government. In particular, the investigation into the use of excessive force by security force personnel and colectivos against protesters and her condemnation of the transfer of powers from parliament to the supreme court led the government to remove her from office.<sup>602</sup> She eventually fled to Colombia.<sup>603</sup>

As noted above, many judges have been replaced in recent years by judges who sympathise with the government. In 2017 the opposition-controlled parliament proposed candidates for the supreme court. The authorities responded to the nominations by detaining some of the candidates. A number of the nominated judges decided to take refuge in Colombia following intimidation by members of SEBIN.<sup>604</sup>

It sometimes happens that a judge issues an order for someone who has been arrested or detained to be released, but SEBIN fails to comply with the order and keeps the person in custody anyway.<sup>605</sup> In July 2019, the supreme court ruled in favour of judge María Lourdes Afiuni and conditionally released her.<sup>606</sup> Afiuni had by then been in prison for a year and spent several years under house arrest. In 2009 the state initiated legal proceedings against her after she had conditionally released a critic of the government. HRW described Afiuni's conviction as arbitrary.<sup>607</sup>

### 3.9.4

#### *Conviction of civilians under military law*

Many of the protesters arrested in 2017 ended up before a military judge, with more than 300 of them being charged with rebellion against the state.<sup>608</sup> According to a confidential source, from 2017 to February 2020 when the source was interviewed, 851 civilians were brought before a military court.<sup>609</sup> The authorities started bringing civilians before military courts after the public prosecution service under Luisa Ortega Díaz began to take a critical look at the authorities. By sending protesters and other detainees to military courts, they bypassed the prosecutor general.<sup>610</sup> HRW, AI and USDoS all mention in their reports that civilians have appeared before military courts in Venezuela.<sup>611</sup> This practice continued after Ortega's resignation and with the appointment of Saab, though on a far smaller scale.<sup>612</sup>

A confidential source claims to know of one specific case in which a civilian was convicted by a military court.<sup>613</sup> This was the Secretary General of the *Sindicato de Trabajadores de Ferrominera del Orinoco* (Orinoco Iron Ore Mine Workers' Union), Rubén González, who was found guilty on 14 August 2019 of causing harm to the armed forces and sentenced to five years and nine months in prison. The military

<sup>602</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017

<sup>603</sup> BBC Mundo, *Quién es Luisa Ortega, la fiscal chavista que acusó al gobierno de Venezuela de delitos de lesa humanidad y que ahora ha huido a Colombia*, 19 August 2017.

<sup>604</sup> Vozpopuli, *Cinco jueces venezolanos huyen a Colombia por la presión de las autoridades*, 7 August 2017; CS 19 February 2020.

<sup>605</sup> AI, *Amnesty International Report 2017/18*, page 395, 22 February 2018; Espacio Público, *Los tuiteros Leonel Sanchez y Victor Ugas fueron liberados*, 12 January 2018.

<sup>606</sup> The conditions include restrictions on her freedom.

<sup>607</sup> HRW, *World Report Events of 2019*, page 629, 2020.

<sup>608</sup> The Washington Post, *In Venezuela, prisoners say abuse is so bad they are forced to eat pasta with excrement*, 24 February 2017; ICG, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017.

<sup>609</sup> CS, 19 February 2020.

<sup>610</sup> The Washington Post, *In Venezuela, prisoners say abuse is so bad they are forced to eat pasta with excrement*, 24 February 2017; CS 19 February 2020.

<sup>611</sup> AI, *Amnesty International Report 2017/18*, page 29, 22 February 2018; HRW, *World Report Events of 2019*, page 625, 2020; USDoS, *Venezuela 2018 Human Rights Report*, page 12, 13 March 2019.

<sup>612</sup> HRW, *World Report Events of 2019*, page 627, 2020; CS, 19 February 2020.

<sup>613</sup> CS, 9 June 2020.

court said González attacked members of the GNB at a workers' meeting in August 2018. As far as is known, González was still in prison in March 2020.<sup>614</sup>

### 3.9.5 *Access to a lawyer*

The Venezuelan constitution guarantees access to legal advice and assistance for anyone who has been charged. The constitution also states that a person is innocent until proven guilty.<sup>615</sup> Lawyers from the NGO *Foro Penal* assisted detained military personnel and others during their hearings, according to a public source.<sup>616</sup> AI, however, reports that lawyers for individuals who have been brought before a military court have been harassed and intimidated by government officials.<sup>617</sup>

HRW wrote in a 2017 article that among those arrested in that year's demonstrations were individuals who did not have proper access to a lawyer or family members.<sup>618</sup> A confidential source states that lawyers have no access to those imprisoned in DGCIM or SEBIN facilities.<sup>619</sup> Even the OHCHR representatives in Caracas have no access to these facilities, according to another confidential source.<sup>620</sup> The lawyer of opposition member Gilber Caro was said to have been ignorant of his client's whereabouts for weeks when Caro, after being arrested and detained on a previous occasion, was arrested together with journalist Victor Ugas by the FAES in late 2019. The lawyer announced at the end of January 2020 that Caro was still in detention.<sup>621</sup> Lawyers for Carlos Graffe, a member of the opposition party *Voluntad Popular* who was arrested in 2017, still had no access to their client's file months later. They said that they were therefore unable to conduct a proper defence.<sup>622</sup>

#### *Differences in access to justice between opposition members and other citizens*

From the examples cited above, it seems that opposition members and others whom the authorities believe have acted against the government have even less access to adequate justice and legal assistance than other citizens.

## 3.10 **The security apparatus**

### 3.10.1 *Intelligence and security services (DGCIM, SEBIN, CESPPA)*

A confidential source regards the *Servicio Bolivariano de Inteligencia Nacional* (SEBIN: Bolivarian National Intelligence Service) and the *Dirección General de Contrainteligencia Militar* (DGCIM: General Directorate of Military Counter-Intelligence) as part of a five-headed monster: in his view, the DGCIM and SEBIN were responsible along with the military, guerrilla groups and the FAES/colectivos (which he lumped in together) for the repression in Venezuela (see below for more explanation).<sup>623</sup>

<sup>614</sup> El Cierre Digital, *APDHE denuncia el hostigamiento en Venezuela contra el defensor de derechos laborales Rubén González*, 2 March 2020.

<sup>615</sup> Constitución de la República Bolivariana de Venezuela, Article 49, 1999.

<sup>616</sup> ABC News, *Military officers, relatives tortured in Venezuela*, 9 January 2019.

<sup>617</sup> AI, *Amnesty International Report 2017/18*, page 394, 22 February 2018.

<sup>618</sup> HRW, *Arremetida contra opositores, Brutalidad, tortura y persecución política en Venezuela*, 29 November 2017.

<sup>619</sup> CS, 19 February 2020.

<sup>620</sup> CS, 18 February 2020.

<sup>621</sup> ShareAmerica, *Maduro's crimes against Venezuela continue*, 30 January 2020; CS, 20 February 2020; NotiAmerica, *La oposición venezolana denuncia que los abogados de Gilber Caro no han podido asistir a su audiencia*, 23 December 2019.

<sup>622</sup> El Carabeño, *Tribunal militar niega acceso a expediente de Carlos Graffe tras dos meses de detención*, 13 September 2017.

<sup>623</sup> CS, 19 February 2020.

Another confidential source describes Iván Hernández Dala, the boss of the DGCIM, as the most violent man in the whole of Venezuela. He has his own group of trained executioners, according to the source.<sup>624</sup> SEBIN has been infiltrated by members of the DGCIM, the source states, because the Venezuelan authorities are said to lack confidence in it.<sup>625</sup> This is partly because the previous SEBIN boss, General Manuel Christopher Figuera, sided with Guaidó in April 2019 when he called for an uprising against the Maduro government.<sup>626</sup> The DGCIM is described as more professional and better trained than SEBIN.<sup>627</sup> In response to a question, a confidential source stated that despite this, SEBIN's current power should not be underestimated.<sup>628</sup>

The DGCIM is a military agency whose main task is to track down and monitor dissident military personnel. The agency has its own training and recruits personnel from the various branches of the Venezuelan armed forces.<sup>629</sup> In 2011 the head of the agency at the time, General Hugo Carvajal, changed its name from *Dirección de Inteligencia Militar* (DIM: Directorate of Military Intelligence) and added the term 'counter-intelligence', underlining the agency's role in combating sabotage from within the Venezuelan armed forces.<sup>630</sup> The agency is organised on the Cuban model and personnel receive training from Cuban advisers, who also have a physical presence in the different sections of the DGCIM.<sup>631</sup> According to a confidential source, the agency has become increasingly prominent since 2017 and is also carrying out SEBIN tasks.<sup>632</sup> Activists, opposition members and other non-military people say they have been followed, monitored and arrested by the DGCIM.<sup>633</sup>

SEBIN is Venezuela's civilian intelligence service, its main task being to identify, monitor and arrest civilian elements that pose a threat to state security. In addition to its intelligence role, SEBIN provides personal protection for government officials and has special tactical units, such as an explosive ordnance disposal service.<sup>634</sup> According to an article in *The Washington Post*, SEBIN has a special unit of approximately one hundred and fifty agents tasked with spying on opposition members.<sup>635</sup> Like the DGCIM, SEBIN has its own detention centres.<sup>636</sup> For example, opposition member Gilber Caro was held initially in an SEBIN detention centre from January 2017 to June 2018, and then by DGCIM for five months in 2019.<sup>637</sup> In December 2019, he was arrested for a third time, on this occasion by the FAES. A confidential source stated that SEBIN had control over certain districts in Caracas at least, but had had to yield much of this control to the FAES.<sup>638</sup> As mentioned earlier in this section, SEBIN is less trusted by the authorities now.<sup>639</sup>

<sup>624</sup> CS, 20 February 2020.

<sup>625</sup> CS, 20 February 2020.

<sup>626</sup> VoaNews, *Exiled Venezuelan Spy Chiefs Speak Out About Corruption, Cuban Ties*, 23 July 2019; CS, 20 February 2020; CS, 21 February 2019.

<sup>627</sup> CS, 19 February 2020; CS, 21 February 2020.

<sup>628</sup> CS, 8 June 2020.

<sup>629</sup> CS, 27 February 2020.

<sup>630</sup> Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.

<sup>631</sup> VoaNews, *Exiled Venezuelan Spy Chiefs Speak Out About Corruption, Cuban Ties*, 23 July 2019; Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019; CS, 27 February 2020.

<sup>632</sup> CS, 19 February 2020.

<sup>633</sup> Infobae, *Jorge Rodríguez anunció que la dictadura chavista libró orden de búsqueda y captura contra dos diputados*, 14 December 2019.

<sup>634</sup> OSAC, *Venezuela 2019 Crime & Safety Report*, 18 June 2019; CS, 1 February 2020; El Universal, *Diputados de la AN denunciaron asedio del Sebin a sus casas*, 4 December 2019.

<sup>635</sup> Associated Press, *Troops that defied Maduro have fled Venezuela*, 10 December 2019.

<sup>636</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 8, 13 March 2019; ABC, *Villca Fernández: «España es cómplice del chavismo al aceptar empresas con dinero del narcotráfico»*, 30 April 2019.

<sup>637</sup> El Universal, *Diputado Gilber Caro fue detenido por funcionarios de las FAES*, 20 December 2019.

<sup>638</sup> CS, February 2020.

<sup>639</sup> VoaNews, *Exiled Venezuelan Spy Chiefs Speak Out About Corruption, Cuban Ties*, 23 July 2019; CS, 20 February 2020; CS, 21 February 2019.

Whereas SEBIN and the DGCIM have executive and operational tasks, the role of the *Centro Estratégico de Seguridad y Protección de la Patria* (CESPPA: Strategic Centre for Homeland Security and Protection) is to collect and analyse all information for the protection of Venezuela's national security. This information is also provided by SEBIN and the DGCIM.<sup>640</sup> According to the news outlet Vertice, this agency performs data analyses using advanced software.<sup>641</sup> It is not known to what extent it generates information independently (see 3.8.3). Whereas DGCIM is controlled by the Ministry of Defence and SEBIN by the Ministry of the Interior and Justice, CESPPA falls directly under the Presidential Office.<sup>642</sup> According to a confidential source, CESPPA has no operational powers, but is the body within the Venezuelan security apparatus that determines the policy, strategy and methodology of the other agencies. The source believes that the Cubans have a prominent presence within this body.<sup>643</sup>

#### *Record in the field of fundamental human rights*

Earlier in this report, the situation and alleged abuse of opposition member Juan Requesens at the SEBIN detention centre, Helicoide, was described (see 3.2.2). This centre is often cited by NGOs and other sources as a place where, among other things, detained protesters and opposition members are subjected to physical violence and torture.<sup>644</sup> The BBC has reported on the abuse that takes place there, including the administration of electric shocks all over detainees' bodies and the use of physical violence. Prisoners are also said to endure humiliations such as eating excrement. The BBC said it had spoken to ex-prisoners and former prison officers who admitted that SEBIN regularly tortured prisoners to obtain a confession.<sup>645</sup> The case of opposition member Fernando Albán, who was killed while held at SEBIN headquarters, is discussed in 3.2.2. Officers from the agency are alleged to have tortured him and then thrown him from the tenth floor.<sup>646</sup>

The DGCIM has also been linked to human rights violations. Since 2017 in particular, according to a confidential source, the agency has been more repressive and tougher.<sup>647</sup> Reuters reported in 2019 that the DGCIM is known for its repressive character and has been accused by soldiers, opposition members, human rights activists and numerous foreign governments of human rights violations, including the torture and death of naval captain Rafael Acosta (see also 3.4).<sup>648</sup>

On 24 March 2020, the director of the *Centro de Análisis y Estudios para Latinoamérica* (Casla: Centre for Analysis and Studies for Latin America), Tamara Suju, posted a tweet accusing the DGCIM of assaulting political prisoners in the Ramo Verde military prison. According to Suju's informants, around a hundred agency officials, while searching for mobile phones, ordered prisoners to remove their clothes and sit on the floor with their legs wide apart, so that they were almost

<sup>640</sup> Transparencia Venezuela, *Creación del CESPPA refuerza la opacidad. Intereses de la Revolución dejan a un lado la figura del Estado*, 13 October 2013.

<sup>641</sup> Vertice, *Espionaje chavista con tecnología norteamericana*, 13 April 2016.

<sup>642</sup> Inter Press Service, *Caracas richt dienst op om "binnenlandse vijand" te controleren*, 21 October 2013; Vertice, *Espionaje chavista con tecnología norteamericana*, 13 April 2016; González, E.R., *La Guerra del Dictador Nicolas Maduro: Contra Comunicadores Sociales y Medios en el 2015*, page 79, 29 April 2019; Freedom House, *Freedom on the Net 2018 Venezuela*, 2019; USDoS, *Venezuela 2018 Human Rights Report*, page 18, 13 March 2019.

<sup>643</sup> CS, 10 May 2020.

<sup>644</sup> The Washington Post, *In Venezuela, prisoners say abuse is so bad they are forced to eat pasta with excrement*, 24 June 2017; ABC, *Villca Fernández: «España es cómplice del chavismo al aceptar empresas con dinero del narcotráfico»*, 30 April 2019.

<sup>645</sup> BBC News, *El Helicoide: From an icon to an infamous Venezuelan jail*, 24 January 2019.

<sup>646</sup> Reuters, *Venezuela says jailed lawmaker takes own life opposition says he was killed*, 9 October 2018; USDoS, *Venezuela 2018 Human Rights Report*, page 10, 13 March 2019.

<sup>647</sup> CS, 19 February 2020.

<sup>648</sup> Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.

embracing the prisoner in front of them. In doing so, the DGCIM officials had violated all rules on social distancing in connection with the coronavirus crisis, Suju said.<sup>649</sup>

### 3.10.2

*The Policía Nacional Bolivariana (PNB), the Cuerpo de Investigaciones Científicas, Penales y Criminalísticas (CICPC), and the state and municipal police*

In 2009 the *Policía Nacional Bolivariana* (PNB: National Bolivarian Police) was established. The creation of this unit was one of the recommendations of the *Comisión Nacional para la Reforma Policial* (CONAREPOL: National Police Reform Commission). The Commission's enquiry revealed that a clear national vision and policy for all police units was lacking.<sup>650</sup> Professor Keymer Ávila, who conducted the enquiry into the Venezuelan police prior to the creation of the PNB, wrote in his report that regional police units functioned too autonomously and acted like local private armies.<sup>651</sup>

In the *Ley de Reforma de Ley Orgánica del Servicio de Policía y Cuerpo de Policía Nacional Bolivariana* (Act Amending the Organic Act on Police Services and the Unit of the National Bolivarian Police) the duties and roles of the PNB, of the *policía estatal* (state police)<sup>652</sup> and of the *policía municipal/comunal* (municipal police)<sup>653</sup> are defined. Although all three units have the generic tasks of enforcement and investigation, the law states that there must always be proper coordination between the units. Their different mandates are subject to criteria such as scope, complexity, intensity and extent of the situation. The PNB looks after the more complex, wide-ranging cases, whereas the municipal police tend to deal with the local, less complex cases. However, certain tasks are the exclusive preserve of the national police, such as protecting diplomats in Venezuela. The law also prescribes that if a particular unit is not present, the nearest unit from another force will perform policing tasks where necessary.<sup>654</sup>

Mayors and governors oversee the municipal and state police respectively. The PNB reports directly to the Ministry of the Interior, Justice and Peace. Although the PNB is a national police unit, it has only a minimal presence outside Caracas.<sup>655</sup> According to USDoS, the PNB is only represented in seven of the twenty-three states.<sup>656</sup> Confidential sources indicate that following the centralisation of the security apparatus in Venezuela the national government has, in contrast to the intended purpose of establishing the PNB, in fact ended up with less control over some regions, with the result that local players including irregular armed groups (see 3.13) have started to call the shots there.<sup>657</sup>

<sup>649</sup> Suju, T., @TAMARA\_SUJU, 24 March 2020 (twitter.com/TAMARA\_SUJU/status/1242474820840894465); TalCual, *Denuncian torturas y requisas de la Dgcim en Ramo Verde durante cuarentena*, 24 March 2020.

<sup>650</sup> HRW, *A Decade Under Chávez Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*, pages 213-214, 2008.

<sup>651</sup> Ávila, K., *El Servicio de Policía en Venezuela y su necesaria Institucionalización: ¿Voluntad popular del ejecutivo o una tarea legislativa?*, 2016: Professor Ávila had worked as an adviser to the Venezuelan Ministry of the Interior, Justice and Peace, among other organisations. However, his article on the alleged excessive use of the FAES was criticised by the Venezuelan authorities, and the news channel of the mayor of Caracas allegedly launched a smear campaign against the professor: Nacla, *Statement: In Defense of Professor Keymer Avila's Research Amid Police Violence in Venezuela*, 16 December 2019.

<sup>652</sup> This refers to the police of the individual states.

<sup>653</sup> The law uses both the terms *comunal* and *municipal*.

<sup>654</sup> *Ley de Reforma de la Ley Orgánica del Servicio de Policía y Cuerpo de Policía Nacional Bolivariana*, Articles 44 through 55, 2011.

<sup>655</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 8, 13 March 2019; OSAC, *Venezuela 2019 Crime & Safety Report*, 18 June 2019.

<sup>656</sup> USDoS, *Venezuela 2019 Human Rights Report*, page 2, 11 March 2020.

<sup>657</sup> CS, 17 February 2020; CS, 21 February 2020.

The *Cuerpo de Investigaciones Científicas, Penales y Criminalísticas* (CICPC: Scientific, Penal and Criminal Investigation Unit) is the unit responsible for most crime investigations and is overseen by the Ministry of the Interior, Justice and Peace.<sup>658</sup> The CICPC investigates property crimes, violent crimes, fraud, kidnapping and other crimes. The CICPC has special arrest teams responsible for dangerous arrests and hostage situations, according to OSAC. This police unit also serves as Venezuela's representative at Interpol.<sup>659</sup>

#### *Record in the field of fundamental human rights*

After Maduro launched the operations for the liberation of the people (OLPs: see also 1.2.1) in July 2015, the number of complaints concerning murders and disappearances by the police increased, according to the BBC in a 2016 article.<sup>660</sup> HRW backs up this claim and reports that the actions taken during the OLPs led to widespread allegations of human rights abuses such as extrajudicial killings, arbitrary mass arrests, mistreatment of prisoners, forced evictions, destruction of homes and arbitrary deportations. As well as members of SEBIN and the GNB, the HRW report states that members of the PNB, the CICPC and the state police were also involved in the OLPs.<sup>661</sup>

During the 2017 demonstrations, the PNB together with the GNB and colectivos reportedly used excessive force against the protesters, resulting in dozens of deaths.<sup>662</sup> AI refers in a report to the use of excessive violence by the PNB and the FAES, a special unit within the PNB, during the suppression of demonstrations against the Maduro government in early 2019.<sup>663</sup>

#### 3.10.3 *Fuerzas de Acciones Especiales (FAES)*

The *Fuerzas de Acciones Especiales* (FAES: Special Actions Forces) was established by President Maduro on 14 July 2017 for the purpose of fighting crime and terrorism. The FAES is overseen by the PNB, but a confidential source states that there is no clear description of the origin, specific tasks and mandate within which the FAES can operate.<sup>664</sup> The Venezuelan government describes the FAES as an elite unit, 'the criminals' nightmare', but in reality the FAES is the nightmare of residents of poorer neighbourhoods, according to Professor Keymer Ávila in an article in the *Caracas Chronicles*.<sup>665</sup>

The OLPs, in which the police tried to rid poorer neighbourhoods of criminals by military means, seem to have given rise to the FAES, according to various sources. The FAES is now doing what other units did during the OLPs.<sup>666</sup> With its black outfits and skull face masks, it resembles a death squad, according to a confidential source.<sup>667</sup>

<sup>658</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 8, 13 March 2019;

<sup>659</sup> OSAC, *Venezuela 2019 Crime & Safety Report*, 18 June 2019.

<sup>660</sup> BBC Mundo, "Una pena de muerte disimulada": la polémica Operación de Liberación del Pueblo, la mano dura del gobierno de Venezuela contra el crimen, 28 November 2016.

<sup>661</sup> HRW, *World Report Events of 2019*, page 628, 2020.

<sup>662</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017.

<sup>663</sup> AI, *Hambre de Justicia Crímenes de Lesa Humanidad en Venezuela*, page 13, 2019.

<sup>664</sup> CS, 19 February 2020.

<sup>665</sup> Caracas Chronicles, *Meet FAES: The Bolivarian Police Death Squads Leading Repression Against Protesters*, 27 January 2019.

<sup>666</sup> Insight Crime, *Las 2 caras de los ejércitos criminales del régimen de Venezuela*, 28 February 2019; Caracas Chronicles, *Meet FAES: The Bolivarian Police Death Squads Leading Repression Against Protesters*, 27 January 2019; CS, 19 February 2020.

<sup>667</sup> CS, 21 February 2020.

The current head of the FAES is José Miguel Domínguez Ramírez, who is said to have a criminal background and has also been linked to murder.<sup>668</sup> Domínguez is said to have been a member of a colectivo prior to his career at the FAES. Various sources say that the FAES has brought in members of colectivos and people with criminal records. 'Set a thief to catch a thief,' says one of the confidential sources.<sup>669</sup>

The FAES is regarded as the most loyal unit within the Maduro government's security apparatus. Its current head, José Domínguez, was the personal bodyguard of PSUV leader Freddy Bernal<sup>670</sup>, who reportedly secured a position for Domínguez in the FAES.<sup>671</sup> A news channel on YouTube wondered to what extent the FAES is subject to control.<sup>672</sup> In the early months of 2020, for example, there were several confrontations between the FAES and other security forces such as the CICPC and the GNB. In late February 2020, members of the FAES disagreed with an arrest of a PNB officer by the CICPC, leading to a clash between the two agencies on the motorway.<sup>673</sup> At the end of March 2020, members of the GNB and of the FAES fell out with one another. The exact reason is still unclear, but the FAES allegedly stole petrol from a petrol station. Petrol had become even scarcer than usual due to the measures taken in response to the coronavirus crisis, according to the news channel Infobae.<sup>674</sup>

#### *Record in the field of human rights*

In July 2019, the OHCHR spoke out about the extrajudicial killings allegedly committed by the FAES and called on Maduro to disband the unit.<sup>675</sup> Although the report did not provide evidence for the killings that the security apparatus is alleged to have carried out, it stated that thousands of people, mainly young men, had been killed in confrontations with security forces in previous years. The OHCHR stated that there were 'reasonable grounds' to believe that many of these deaths were the result of extrajudicial killings for which the FAES in particular was responsible.<sup>676</sup> Maduro called the OHCHR's report 'biased' and said on national TV: 'Long live the FAES!'<sup>677</sup>

The FAES uses a national network of informants, many of whom have prominent positions in the poorer districts or areas and/or belong to local colectivos, to choose targets and plan operations.<sup>678</sup> Many members themselves have a background in the colectivos, which means that the FAES has connections in these districts.<sup>679</sup> The victims of the FAES are often young men with petty crimes to their name such as possession of marijuana or theft.<sup>680</sup> When neighbourhoods and homes are raided,

<sup>668</sup> El Carabeño, *Conozca quién es José Miguel Domínguez, el nuevo director de las FAES*, 8 May 2019; CS, 21 February 2020; CS, 19 February 2020; CS, 19 February 2020.

<sup>669</sup> CS, 21 February 2020.

<sup>670</sup> CS, 10 May 2020: A confidential source refers to Freddy Bernal as the *dueño* (owner) of the FAES, meaning the person within the regime who controls the FAES. The source claims that Bernal also uses the FAES for his own financial interests. Since the FAES and colectivos are often linked, the source believes that Bernal is also the *dueño* of the colectivos (see 3.12).

<sup>671</sup> El Carabeño, *Conozca quién es José Miguel Domínguez, el nuevo director de las FAES*, 8 May 2019; CS 19 February 2020.

<sup>672</sup> PEN, *Venezuela sin control FAES no obedece a Maduro*, 27 February 2020: <https://www.youtube.com/watch?v=5naM2SpZrM>.

<sup>673</sup> TalCual, *A golpes se agarraron funcionarios del Cicpc y las FAES en la Prados del Este*, 19 February 2020.

<sup>674</sup> Infobae, *Nuevo choque entre las fuerzas de seguridad del régimen de Nicolás Maduro por la escasez de gasolina*, 30 March 2020.

<sup>675</sup> OHCHR, *Human rights in the Bolivarian Republic of Venezuela*, page 15, 5 July 2019.

<sup>676</sup> OHCHR, *Human rights in the Bolivarian Republic of Venezuela*, page 14, 5 July 2019.

<sup>677</sup> 15minutosnews, *Nicolás Maduro desafía a Michelle Bachelet: "¡Que viva el FAES!"*, 18 July 2019: **Error! Hyperlink reference not valid.**; Reuters, *Elite police force spreads terror in the barrios of Venezuela*, 13 November 2019.

<sup>678</sup> Reuters, *Elite police force spreads terror in the barrios of Venezuela*, 13 November 2019.

<sup>679</sup> Insight Crime, *Las 2 caras de los ejércitos criminales del régimen de Venezuela*, 28 February 2019.

<sup>680</sup> Reuters, *Elite police force spreads terror in the barrios of Venezuela*, 13 November 2019.



the FAES operates a 'shoot to kill' policy; according to public sources, victims are first beaten and tortured.<sup>681</sup> After a raid, the FAES claims to have cleared a neighbourhood of 'dangerous criminal and terrorist' elements. Extrajudicial killings take place during these raids according to the above-mentioned UN report and various NGOs.<sup>682</sup>

The FAES has a nationwide reach and is present in most states.<sup>683</sup> *TalCual* claimed in March 2020 that FAES had killed 79 people by February 2020, in fourteen of the twenty-three states.<sup>684</sup>

In late December 2019, despite his parliamentary immunity, MP Gilber Caro was arrested by one of the Venezuelan security agencies for the third time. He had previously been arrested by SEBIN and DGCIM; the third time, it was by the FAES. This was apparently the first time that this police unit had arrested a member of the opposition.<sup>685</sup> As described in 3.9.5, Caro's lawyer and family did not know where the MP was for weeks after his arrest.<sup>686</sup> Public sources heard that the FAES arrested and/or detained other members of the opposition following Caro's arrest.<sup>687</sup> In early March 2020, the arrest in Colombia of three individuals believed to be members of the FAES was widely reported in the media. According to official sources, the newspaper *El Tiempo* reported, they were on a secret mission from the Maduro government to murder the Venezuelan opposition member Hernán Alemán.<sup>688</sup>

#### 3.10.4

##### *Guardia Nacional Bolivariana (GNB)*

The *Guardia Nacional Bolivariana* (GNB: Bolivarian National Guard) is one of the five components of the *Fuerzas Armadas Nacionales Bolivarianas* (FANB: National Bolivarian Armed Forces).<sup>689</sup> The Guard reports to both the Ministry of Defence and the Ministry of the Interior, Justice and Peace. The GNB's responsibilities include maintaining public order, guarding the outer perimeter of prisons and important government buildings, guarding the country's external borders and law enforcement in remote areas. The GNB also supports other agencies in drug investigations and anti-drug operations.<sup>690</sup> The crisis has also affected the military and the GNB. A confidential source reported having been stopped at a checkpoint in the state of Sucre by GNB members carrying no ammunition and wearing battered boots.<sup>691</sup>

Like many other elements of the security apparatus, members of the GNB have been associated with corruption and other illegal practices.<sup>692</sup> For example, the GNB is

<sup>681</sup> The Guardian, 'They are murderers': special forces unit strikes fear in Venezuelans, 6 February 2019; USDoS, *Venezuela 2018 Human Rights Report*, page 2, 13 March 2019; Reuters, *Elite police force spreads terror in the barrios of Venezuela*, 13 November 2019; CS, 19 February 2020.

<sup>682</sup> OHCHR, *Human rights in the Bolivarian Republic of Venezuela*, 5 July 2019; HRW, *World Report Events of 2019*, page 628, 2020; El Universal, *Almagro insta a CPI a investigar "de inmediato" tortura en Venezuela con apoyo de Cuba*, 12 January 2019; Reuters, *Elite police force spreads terror in the barrios of Venezuela*, 13 November 2019.

<sup>683</sup> Reuters, *Elite police force spreads terror in the barrios of Venezuela*, 13 November 2019; *TalCual*, *Las FAES mataron a casi tres personas por día en febrero*, 29 March 2020.

<sup>684</sup> *TalCual*, *Las FAES mataron a casi tres personas por día en febrero*, 29 March 2020.

<sup>685</sup> El Universal, *Diputado Gilber Caro fue detenido por funcionarios de las FAES*, 20 December 2019; El Pitazo, *Faes detiene por tercera vez al diputado Gilber Caro* 20 December 2019.

<sup>686</sup> ShareAmerica, *Maduro's crimes against Venezuela continue*, 30 January 2020.

<sup>687</sup> *TalCual*, *Diputado Renzo Prieto está «asegurado» y no detenido, según las FAES y la Fiscalía*, 11 March 2020.

<sup>688</sup> El Tiempo, *Detienen en Colombia a tres miembros de la temible Policía de Maduro* 12 March 2020; El Carabeño, *Detenidos en Colombia miembros de las FAES por espiar a opositores*, 12 March 2020.

<sup>689</sup> The other components of the FANB are the army, the navy, the air force and, since February 2020, the Bolivarian militia.

<sup>690</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 8, 13 March 2019; OSAC, *Venezuela 2019 Crime & Safety Report*, 18 June 2019.

<sup>691</sup> CS, 21 February 2020; Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.

<sup>692</sup> Insight Crime, *Las 2 caras de los ejércitos criminales del régimen de Venezuela*, 28 February 2019; Infobae, *La ONU presentó el primer informe que analiza la infiltración del narcotráfico y el Cártel de los Soles en la Fuerza Armada de Venezuela*, 27 February 2020.

said to cooperate with Colombian guerrillas from the ELN and ex-FARC in drug trafficking and illegal mining in Venezuela.<sup>693</sup> According to a confidential source, Minister of Defence Vladimir Padrino López has little control over the GNB's activities at regional level.<sup>694</sup>

#### *Deployment of the GNB against civilians and opponents*

During the operations for the liberation of the people (OLPs) that took place between 2015 and 2017, police and members of the GNB carried out actions that led to widespread allegations of human rights violations such as extrajudicial killings, arbitrary mass arrests and mistreatment of prisoners (see 1.2.1 and 3.10.2).<sup>695</sup> There have been regular reports in recent years of the use during demonstrations of excessive force against protesters by GNB officers, among others. For example, tear gas canisters and rubber bullets have been aimed at the bodies of protesters; according to AI, this endangers protesters' lives.<sup>696</sup>

Two former GNB members stated that they had been ordered by their superiors to shoot at protesters while on plain clothes duty. One of these ex-members said that the GNB had also killed people suspected of criminal activity in this way. According to one member, each regional division of the Venezuelan army had a GNB section to carry out such assignments. He said they call themselves the *Águilas Negras* (Black Eagles).<sup>697</sup> However, this information could not be confirmed.

Sources state that the GNB regularly suppressed demonstrations in collaboration with colectivos and that in some cases it gave colectivos free rein in their activities.<sup>698</sup> When members of colectivos reportedly began to loot shops, during the violence on 23 February 2019 (see also 3.7.5), public sources state that members of the GNB joined them.<sup>699</sup>

#### *Comando Nacional Antiextorsión y Secuestro (CONAS)*

During the 2017 demonstrations, the OHCHR identified the involvement of security institutions that have no mandate to maintain public order, such as SEBIN and the *Comando Nacional Antiextorsión y Secuestro* (CONAS: National Anti-Extortion and Kidnapping Unit), which is part of the GNB.<sup>700</sup> The unit is also said to have been involved in the OLPs.<sup>701</sup> CONAS was created by the Ministry of Defence in 2013 as an elite unit specialising in investigations into extortion and kidnapping cases.<sup>702</sup> A confidential source is convinced that although CONAS was created to combat kidnapping, it also engages in the practice itself.<sup>703</sup>

<sup>693</sup> Insight Crime, *Venezuela: A Mafia State?*, May 2018; ABC, *Villca Fernández: «España es cómplice del chavismo al aceptar empresas con dinero del narcotráfico»*, 30 April 2019.,

<sup>694</sup> CS, 16 September 2019.

<sup>695</sup> HRW, *World Report Events of 2018*, page 648, 2019.

<sup>696</sup> AI, *Amnesty International Report 2017/18*, page 394, 2019.

<sup>697</sup> CS, 25 February 2020: The *Águilas Negras* are said by various other sources to be part of BACRIM (see also 3.13). This confidential source is the only source to link the *Águilas Negras* with the GNB.

<sup>698</sup> CS, 17 January 2020.

<sup>699</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019.

<sup>700</sup> OHCHR, *Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017*, page 10, August 2017.

<sup>701</sup> OHCHR, *Human rights violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight*, page 16, June 2018.

<sup>702</sup> HRW, *Crackdown on Dissent Brutality, Torture, and Political Persecution in Venezuela*, 2017;

<sup>703</sup> CS, 1 February 2020; El Mundo, *Secuestro en Venezuela del niño Ángelo*, 24 September 2018; The Spanish newspaper El Mundo, for example, reports the story of the kidnapping of the son of a dissident soldier by members of CONAS. According to the newspaper, the purpose of the kidnapping was to put pressure on the soldier's family to find out where he was staying.

## 3.10.5

*Role and function of the Milicia Bolivariana de Venezuela army unit*

The *Milicia Bolivariana* (Bolivarian Militia) was founded by Maduro's predecessor Hugo Chávez in 2005 and added to the Venezuelan armed forces as a 'complementary' unit in 2009.<sup>704</sup> In early February 2020, Nicolás Maduro signed the Venezuelan Armed Forces Act (FANB), which integrated the militia into the military and recognised it as an official part of the Venezuelan armed forces.<sup>705</sup> Its integration with the other four branches of the armed forces was celebrated with a large-scale exercise on the weekend of 16 February 2020 which was broadcast on national television.<sup>706</sup>

The militia consists of volunteers (men, women, young people and the elderly) under the direct command of the President, and is trained to defend Venezuela against foreign enemies (the United States) and domestic enemies (the opposition), writes the newspaper *El Mundo*.<sup>707</sup> A militia member who also belongs to a colectivo says in an interview with *Al Jazeera*: 'I'm now a member of the Bolivarian militia. If I have to take up arms to defend the revolution, I will do it in that capacity.'<sup>708</sup> The militia consists of special sections such as the *Milicia Obrera* (workers' militia), *Milicia Estudiantil* (students' militia) and *Milicia Campesina* (farmers' militia).<sup>709</sup> According to a confidential source, there is no maximum age for admission to the militia. You can join from the age of sixteen, in accordance with the principle that the military academies also admit people from the age of sixteen, the source states. The source adds that there is no evidence that minors are on active duty with the militia.<sup>710</sup>

Estimates vary, but according to official figures from the Maduro government the militia has several million members.<sup>711</sup> The militia has a presence throughout Venezuela, according to an article on a government website.<sup>712</sup> A confidential source believes that its membership is closer to half a million.<sup>713</sup> Many people do not take the militia, which has been described as a 'political army', seriously. They tend to see the militia members, many of whom are elderly, practising with their fake guns or PVC pipes instead of bazookas, as figures of fun.<sup>714</sup> A confidential source says he finds it strange that his sister, whom he describes as a 'real chavista', was immediately appointed an officer of the militia without any military training. In the other branches of the armed forces, this requires a certain minimum level of experience and training, according to the source.<sup>715</sup>

A confidential source points out that things may change a little now that the militia has officially become part of the military. Previously, they had no weapons and militia members would only be armed if it was necessary, but the source says that

<sup>704</sup> *El Mundo*, *Los guardianes de la revolución*, 15 April 2014.

<sup>705</sup> Infobae, *Nicolás Maduro firmó la ley que incluye a la Milicia Bolivariana en la Fuerza Armada venezolana*, 4 February 2020.

<sup>706</sup> MPPRE, *Ejercicios militares "Escudo Bolivariano 2020" se mantendrán activos*, 18 February 2020. **Error! Hyperlink reference not valid.**; CS, February 2020.

<sup>707</sup> *El Mundo*, *Los guardianes de la revolución*, 25 February 2014; France24 Español, *Las milicias bolivarianas, los venezolanos en pie de guerra*, 16 April 2019; **Error! Hyperlink reference not valid.**; De Volkskrant, *Burgers worden in rode T-shirts klaargestoomd om Venezuela tegen de Amerikaanse invasie te verdedigen*, 1 April 2020.

<sup>708</sup> *Al Jazeera*, *Venezuela Who are the colectivos?*, 9 May 2019.

<sup>709</sup> Infodefensa.com, *La Milicia Bolivariana "¿Brazo armado de la revolución?"*, 17 October 2017.

<sup>710</sup> CS, 27 February 2020.

<sup>711</sup> *El Universal*, *Maduro celebra que Milicia Bolivariana alcanza los 3.300.000 integrantes*, 8 December 2019; BBC News Mundo, *Qué es la milicia voluntaria de Venezuela*, 16 April 2019; <https://www.youtube.com/watch?v=IEqd40vi9II>.

<sup>712</sup> [www.ine.gov.ve](http://www.ine.gov.ve), *Día de la Milicia Nacional Bolivariana*, 13 April 2018.

<sup>713</sup> CS, 27 February 2020.

<sup>714</sup> De Volkskrant, *Burgers worden in rode T-shirts klaargestoomd om Venezuela tegen de Amerikaanse invasie te verdedigen*, 1 April 2020.

<sup>715</sup> CS, 25 February 2020.

30,000 militia members are now permanently armed and well trained. It is no longer just the way it is shown on YouTube videos, he says, referring to the videos of older militiamen with fake weapons.<sup>716</sup>

#### *Deployment of Bolivarian militia against civilians and opponents*

In principle, the militia members do not carry weapons, but they do wear khaki military uniforms. In April 2019, De Volkskrant reported that militia members were sitting at the entrance to the metro and hospitals and filling the front rows of pro-government demonstrations.<sup>717</sup> Whenever there is a demonstration or other government event, militia members are brought in to show their support for the government. At such events, the military uniform is often exchanged for a red t-shirt.<sup>718</sup>

The militia members are also used as the government's 'eyes and ears': they keep an eye on their neighbours and report anti-revolutionary practices to their superiors. Among other things, they function as *jefes de calle*, street leaders. They are responsible in their neighbourhoods for tasks such as distributing CLAP food packages. A YouTube video by TeleSur shows that as well as distributing food, militia members also help with food production.<sup>719</sup> Most militia members believe in the Bolivarian revolution and have joined the militia on the basis of this conviction, but those who volunteer for the militia also receive benefits such as a better chance of getting a government job or priority in receiving food parcels. Militia members are also fed while on exercise.<sup>720</sup>

An article in the newspaper El Mundo in 2014 states that members of the militias were used to suppress demonstrations.<sup>721</sup> A confidential source confirms that militia members were deployed against protesters, but says that they did not wear their khaki uniforms.<sup>722</sup> Another confidential source said in response to a question that he/she had seen militia members being deployed in connection with demonstrations.<sup>723</sup> The NGO Provea calls the presence of the Bolivarian militia on Venezuelan streets a violation of human rights and a sign of the repressiveness of the Maduro government.<sup>724</sup>

### 3.11 Consejos comunales

The *consejos comunales* (neighbourhood councils) were established in 2006 as a local organisation of the people that is politically and economically dependent on the central government. Chávez's goal was to get citizens more involved in the running of their own neighbourhoods.<sup>725</sup> Various topics are discussed on Venezuela's more

<sup>716</sup> CS, 27 February 2020.

<sup>717</sup> De Volkskrant, *Burgers worden in rode T-shirts klaargestoomd om Venezuela tegen de Amerikaanse invasie te verdedigen*, 1 April 2019.

<sup>718</sup> BBC News, *Crisis en Venezuela: tensión por manifestaciones a favor y en contra de Maduro tras el "levantamiento" de Guaidó y López*, 2 May 2019; De Volkskrant, *Burgers worden in rode T-shirts klaargestoomd om Venezuela tegen de Amerikaanse invasie te verdedigen*, 1 April 2019; CS, February 2020.

<sup>719</sup> Telesur TV, *Milicia Bolivariana, la expresión viva de la unión*, 13 June 2019: <https://www.youtube.com/watch?v=NF26mRd3UXs>

<sup>720</sup> De Volkskrant, *Burgers worden in rode T-shirts klaargestoomd om Venezuela tegen de Amerikaanse invasie te verdedigen*, 1 April 2019; France 24 Español, *Las milicias bolivarianas, los venezolanos en pie de guerra*, 16 April 2019: <https://www.youtube.com/watch?v=9nb1OjKmqWg>

<sup>721</sup> El Mundo, *Los guardianes de la revolución*, 25 February 2014.

<sup>722</sup> CS, 27 February 2020.

<sup>723</sup> CS, 1 February 2020.

<sup>724</sup> Provea, *Presencia de milicia bolivariana en las calles aumentará riesgos para los derechos humanos*, 13 November 2019.

<sup>725</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017; Insight Crime, *Venezuela: A Mafia State?*, May 2018.

than 30,000 neighbourhood councils, from the price of a cup of coffee to complaints about cattle getting loose. In the eyes of government supporters, the neighbourhood councils are an example of local democracy, but critics see the system as a means for the government to monitor the population.<sup>726</sup>

The neighbourhood councils are also involved in distributing the CLAP and, according to a confidential source, know the names of all the families that receive these packages.<sup>727</sup> Neighbours who no longer wanted to depend on the government's food packages and took their own initiatives were opposed by the local neighbourhood council, but this opposition did not prevent them from continuing the initiative, according to one of the local residents.<sup>728</sup> The neighbourhood councils have ties to the colectivos or the FAES. A confidential source states that neighbourhood councils can ask the FAES or the local colectivos to impose order in their neighbourhood if they consider it necessary.<sup>729</sup> *Insight Crime* states that there may even be links between neighbourhood councils and the guerrilla groups. The originally Colombian guerrilla movement *Fuerzas Bolivarianas de Liberación* (FBL: Bolivarian Forces of Liberation) is said to be partly financed by these councils (for more information on the guerrilla movement, see 3.13).<sup>730</sup>

### 3.12 Colectivos

In terms of hierarchy, size, ideology and possession of weapons, there are differences among the colectivos, but the colectivos are often described as 'illegal groups of armed civilians' who act as 'heavies' for the authorities.<sup>731</sup> In recent years, regular reports have been written about colectivos who, in cooperation with uniformed security personnel from the GNB and other agencies, have helped with the suppression of demonstrations or with other actions against individuals or groups that have got on the wrong side of the government; the alleged acts of violence against journalists on Guaidó's return after his international tour are one example of this.<sup>732</sup>

The term colectivos dates back to the 1960s, when the left-wing working class rebel movements fighting for social justice were so called. Groups such as the *Tupamaros* committed robberies and stole cars to finance their organisations. Over time, more colectivos emerged, such as *La Piedrita*, which was set up by Valentín Santana and Carlos Ramírez in September 1985 to combat violence in the *barrio 23 de Enero* (23 January district) in Caracas. *La Piedrita*, which adheres to Marxist-Leninist principles, is one of many colectivos in 23 de Enero, the district where the most powerful and notorious colectivos are present, according to *Insight Crime*.<sup>733</sup> After Chávez came to power in 1999, the colectivos abandoned their armed struggle against the

<sup>726</sup> BBC Mundo, *Consejos comunales en Venezuela: ¿Estado paralelo o democracia participativa?*, 5 April 2016; NTN24, @NTN24ve, 13 April 2020, (twitter.com/ntn24ve/status/1249664504960561152?s=12): At the time of the coronavirus crisis, neighbourhood councils issued a new document restricting the movement of residents of the Catia district of Caracas.

<sup>727</sup> CS, 19 February 2020.

<sup>728</sup> CS, 19 February 2020.

<sup>729</sup> CS, February 2020.

<sup>730</sup> *Insight Crime, Venezuela: A Mafia State?*, May 2018.

<sup>731</sup> BBC News, *Qué son los colectivos y cómo operan para "defender la revolución bolivariana" en Venezuela* 7 July 2017; Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019.

<sup>732</sup> ICG, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017; AI, *Amnesty International Report 2017/18*, page 394, 22 February 2018; USDoS, *Venezuela 2018 Human Rights Report*, page 3, 13 March 2019; Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019.

<sup>733</sup> *Insight Crime, The Devolution of State Power: The 'Colectivos'*, 18 May 2018.

government, and for the most part became protectors of the Bolivarian revolution.<sup>734</sup>

When the neighbourhood councils were set up in 2006, according to *Insight Crime* the colectivos came under the umbrella of these councils and were given weapons by the government as well as money and other resources. In this way, they became an important power factor in the areas where they had influence.<sup>735</sup> The colectivos are well armed; a confidential source said in an interview that a GNB unit had to hand over its weapons to a colectivo in a neighbourhood in Caracas, by order from above.<sup>736</sup>

However, not all colectivos are armed and operate in the same way; there are those that also or only engage in community work and promote the government's social programmes.<sup>737</sup> For example, many colectivos are also involved in handing out CLAP food packages.<sup>738</sup> *La Piedrita*, mentioned earlier, has its own radio station and its own city farm where chickens are kept and vegetables are grown.<sup>739</sup> However, most colectivos have a violent reputation and are known for their role as tools for repression for the Venezuelan government.<sup>740</sup> After people took to the streets to protest against the Maduro government after a power cut in March 2019, the colectivos were among the groups called on to go out on the streets to defend the government. The 'hour of resistance' had arrived, as Maduro put it.<sup>741</sup> Prior to 2019, the colectivos had also been deployed against the large-scale demonstrations in 2014 and 2017, and they were also linked with the OLPs.<sup>742</sup>

### 3.12.1 *Principal pro-government colectivos*

Of the dozens of different colectivos that operate across the country, there are certain pro-government colectivos that are more often in the public eye. These colectivos, all of which operate in the 23 de Enero district, include:

- *El Movimiento Revolucionario de Liberación Carapaica* (Revolutionary Freedom Movement Carapaica), described as one of the most dangerous colectivos with its military outfits and heavy weapons;
- *La Piedrita*, one of the most violent colectivos, according to public sources;<sup>743</sup>
- *Los Tupamaros*, described as the colectivo with the strongest political character (Leninist-Marxist);<sup>744</sup>

<sup>734</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019; ICG, *Power without the People: Averting Venezuela's Breakdown*, 2017.

<sup>735</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019; BBC News, *Qué son los colectivos y cómo operan para "defender la revolución bolivariana" en Venezuela*, 7 July 2017; CS, 19 February 2020.

<sup>736</sup> CS, 25 February 2020; CS, 1 February 2020.

<sup>737</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019; Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; BBC News, *Qué son los colectivos y cómo operan para "defender la revolución bolivariana" en Venezuela*, 7 July 2017.

<sup>738</sup> Caracas Chronicles, *The Forces Keeping Maduro in Power*, 21 February 2020.

<sup>739</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; CS, 1 February 2020.

<sup>740</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019; BBC News, *Qué son los colectivos y cómo operan para "defender la revolución bolivariana" en Venezuela*, 7 July 2017; CS, 19 February 2020.

<sup>741</sup> Insight Crime, *Maduro Relies on 'Colectivos' to Stand Firm in Venezuela*, 18 March 2019; ABC, *Maduro llama a los «colectivos» paramilitares a la «resistencia activa» frente a Guaidó*, 13 March 2019.

<sup>742</sup> Insight Crime, *Las 2 caras de los ejércitos criminales del régimen de Venezuela*, 28 February 2019; AI, *Amnesty International Report 2017/18*, page 394, 22 February 2018.

<sup>743</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019.

<sup>744</sup> CS, 25 February 2020. A confidential source made a distinction between Los Tupamaros and the other colectivos, because he saw Los Tupamaros more as a political party with an armed wing.

- *La Coordinadora Simón Bolívar*; this left-wing colectivo was already active in Venezuelan politics before the presidency of Chávez;<sup>745</sup>
- *Alexis Vive*, a colectivo that emerged from the Coordinadora Simón Bolívar;
- *Tres Raíces*, which a confidential source says has training camps to the west of Caracas along with the FAES;<sup>746</sup>
- *Frente 5 de Mayo*.

The above list is far from exhaustive, but gives an idea of some of the colectivos that are frequently in the news.<sup>747</sup> According to *Insight Crime*, after the *Policía Metropolitana* (metropolitan police) was abolished by Chávez in 2011, the colectivos were given free rein in both the 23 de Enero district and other parts of Caracas.<sup>748</sup> A confidential source indicates that the current police forces do not have the same degree of professionalism that this police unit had.<sup>749</sup>

Although the above colectivos are all left-wing in character and say that they defend the Bolivarian revolution, they do not form a common front. Various colectivos engage in power struggles in certain areas, such as *La Piedrita*, which contends with *Tres Raíces* and *La Coordinadora Simón Bolívar* for control of areas within the 23 de Enero district.<sup>750</sup>

*Operational practices (hierarchy, revenue model, method of controlling a district, weapons)*

There is no single model for a colectivo, given the diversity between them. In this section an attempt will be made to provide insight into the operational practices of the colectivos and how they differ. As mentioned earlier, the colectivos receive support in the form of money and weapons from the state. It is not known whether all colectivos receive this support, or what amounts are involved. Colectivos that control a particular district sometimes raise their own taxes on traffic passing through their district by means of checkpoints.<sup>751</sup> A confidential source stated that one colectivo had its own currency in the district where it operated.<sup>752</sup> By means of camera surveillance, checkpoints and a permanent presence, the colectivos have complete control of some districts.<sup>753</sup>

Some colectivos have also been linked to extrajudicial killings, kidnapping, illegal gambling and extortion practices. Their share in the distribution of the CLAP food packages is also profitable, according to various sources.<sup>754</sup> On the border with Colombia, the colectivos are also said to be engaged in the trade in petrol and drugs.<sup>755</sup> In addition to illegal money flows, many members of colectivos also have

<sup>745</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 8, 20 February 2020.

<sup>746</sup> CS, 1 February 2020.

<sup>747</sup> Infobae, *Los 5 colectivos chavistas más temidos por la población civil de Venezuela*, 29 April 2017; BBC News, *Qué son los colectivos y cómo operan para "defender la revolución bolivariana" en Venezuela*, 7 July 2017; OSAC, *Venezuela 2019 Crime & Safety*, 18 June 2019; Caracas Chronicles, *The Forces Keeping Maduro in Power*, 21 February 2020.

<sup>748</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018.

<sup>749</sup> CS, 21 February 2020.

<sup>750</sup> Infobae, *Los 5 colectivos chavistas más temidos por la población civil de Venezuela*, 29 April 2017, CS., 1 February 2020; The 23 de Enero district is also of strategic importance to the government, because it is only a stone's throw from the presidential palace in Miraflores.

<sup>751</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018.

<sup>752</sup> CS, 1 February 2020.

<sup>753</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; CS, 17 February 2020.

<sup>754</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019; NRC, *Met voedselpakket en vaderlandskkaart wordt de Venezolaan koest gehouden*, 14 June 2019; Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; Caracas Chronicles, *Maduro Uses Paramilitary Forces to Repress the Poor*, 18 April 2019.

<sup>755</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019.

jobs in which they earn an income legally. Many colectivo members have government jobs, often with one of the security agencies, or their own business.<sup>756</sup>

Although the colectivos are apparently able to go about their business undisturbed and cooperate with the security forces rather than confront one another, it is unclear exactly what hierarchy exists.<sup>757</sup> Some colectivos such as La Piedrita and *El Movimiento Revolucionario de Liberación Carapaica* are military in character and have a strict hierarchy.<sup>758</sup> According to both a confidential and a public source, Maduro does not control the colectivos. Instead, most colectivos listen to two other leaders within the government: Diosdado Cabello, the speaker of the ANC, and Freddy Bernal, a former police chief and ex-mayor of the municipality of Libertador in Caracas.<sup>759</sup>

In recent years, the colectivos have been used by the authorities to quell demonstrations or intimidate the opposition, but it is not clear to what extent they can still be controlled directly from the government. The prison minister Iris Varela called the colectivos a pillar of defence of the fatherland in a tweet in early 2014,<sup>760</sup> but more recent sources believe that the government has lost control of these armed civilian groups and that the leaders of the colectivos are acting with increasing autonomy.<sup>761</sup> In an interview, however, a colectivo member indicates that he will continue to fight for the government, because if the opposition comes to power, it could turn against the colectivos.<sup>762</sup>

#### *Links with the security apparatus*

Earlier in this report, a confidential source was quoted as saying that he saw the colectivos and FAES as together comprising one head of the five-headed monster (see 3.10.1).<sup>763</sup> Several sources refer to the alleged links between the Venezuelan security apparatus and colectivos. For example, many colectivos are said to have jobs with SEBIN, the DGCIM, the Caracas police, the FAES and other bodies. The FAES is said to have the strongest ties with the colectivos.<sup>764</sup>

It should be noted that not all colectivos are equally closely linked with the security apparatus. *Alexis Vive*, *Tres Raíces* and *Frente 5 de Marzo* are said to be examples of colectivos with close ties with the security services.<sup>765</sup> The funeral of an FAES agent who was also part of the colectivo *Tres Raíces* was attended by both

<sup>756</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018.

<sup>757</sup> OSAC, *Venezuela 2019 Crime & Safety Report*, 18 June 2019; Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019; Infobae, *Colectivos chavistas dispararon contra la marcha de educadores en Caracas*, 16 September 2019.

<sup>758</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018.

<sup>759</sup> Infobae, *Los 5 colectivos chavistas más temidos por la población civil de Venezuela*, 29 April 2017; CS, 20 February 2020; ABC, Villca Fernández: «España es cómplice del chavismo al aceptar empresas con dinero del narcotráfico», 30 April 2019; CS, 26 September 2019; CS, 10 May 2020.

<sup>760</sup> El Universal, @ElUniversal, *Iris Varela: Colectivos son el pilar para la defensa de la patria*, 16 February 2014 (twitter.com/eluniversal/status/434971725768691712): Varela's original tweet could not be found.

<sup>761</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019; Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; Insight Crime, *Las 2 caras de los ejércitos criminales del régimen de Venezuela*, 28 February 2019; CS, 20 February 2020: Some colectivos still call themselves chavistas and want to fight for the Bolivarian revolution. However, they feel less loyal to Maduro because they think that he has betrayed the revolution. Because of the economic crisis, the government cannot give the colectivos as much as it used to, and sources indicate that this has affected their loyalty.

<sup>762</sup> Insight Crime, *Las 2 caras de los ejércitos criminales del régimen de Venezuela*, 28 February 2019

<sup>763</sup> CS, 19 February 2020.

<sup>764</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 13 November 2019; ABC, Villca Fernández: «España es cómplice del chavismo al aceptar empresas con dinero del narcotráfico», 30 April 2019; Caracas Chronicles, *The Forces Keeping Maduro in Power*, 21 February 2020.

<sup>765</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 9, 20 February 2020; Insight Crime, *The Devolution of State Power: The 'Colectivos'* 18 May 2018.



uniformed FAES agents and colectivos in their usual clothes (see below for further description).<sup>766</sup>

Because of these close links with the security apparatus, various confidential and public sources believe that information is exchanged. With their local presence, their jobs within the government bodies such as SAIME and within the security apparatus, and their ties with the neighbourhood councils, the colectivos are well placed to gather information in districts and share it with the security services.<sup>767</sup> According to a confidential source, this exchange of information goes both ways.<sup>768</sup>

*Characteristics (external characteristics such as clothing, symbols, weapons, motorbikes)*

Despite the differences between the colectivos, an attempt will be made here to give an idea of what most colectivos have in common.

In action, members of colectivos usually wear balaclavas or cover their heads with handkerchiefs; this is often combined with a black helmet when they are travelling by motorcycle. Most of their clothing is in black or camouflaged material. For example, members of *El Movimiento Revolucionario de Liberación Carapaica* always wear military outfits. They often wear communist or related symbols on their clothing, such as images of Che Guevara. In a photo in an article by *Insight Crime*, members of *Alexis Vive* wear white t-shirts with a portrait of the Argentinian Che Guevara.<sup>769</sup> They carry hip bags or army backpacks in which they can put their weapons, tear gas and their devices for communicating both with each other and with the security forces. They usually move about on motorcycles or in trucks with 4x4 drive. Their main weapons are 9mm pistols, Kalashnikovs and AR-15s.<sup>770</sup>

*Area of operation/possible national network*

The colectivos are present in almost the whole of Venezuela. According to *Insight Crime*, they were present in 16 of Venezuela's 23 states in May 2019.<sup>771</sup> On 23 February 2019, when opponents of the Maduro government tried to get humanitarian aid into Venezuela via the border with Colombia and Brazil, it was the colectivos, along with the GNB, who forcibly prevented this.<sup>772</sup> The most important and powerful colectivos are located in Caracas, especially in the 23 de Enero district.<sup>773</sup> Although the influence of some colectivos may extend beyond the area where they operate,<sup>774</sup> there is no national network with a clear hierarchy and command structure, according to various sources. As mentioned earlier in this section, some colectivos fight each other for dominance in a certain area.<sup>775</sup> A

<sup>766</sup> RunRunEs, *Colectivo Tres Raíces: "Ha muerto el león más feroz del 23 de Enero"*, January 2018.

<sup>767</sup> Reuters, *Elite police force spreads terror in the barrios of Venezuela*, 13 November 2019; El Nacional, *Caballo afirmó que sanciones al director del Saime impedirán impresión de pasaportes*, 11 December 2019; Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018; US Department of the Treasury, *Treasury Sanctions Corruption and Material Support Networks*, 9 December 2019.

<sup>768</sup> CS, 27 February 2020.

<sup>769</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018

<sup>770</sup> Insight Crime, *Las 2 caras de los ejércitos criminales del régimen de Venezuela*, 28 February 2019; Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2019; RunRunEs, *Colectivo Tres Raíces: "Ha muerto el león más feroz del 23 de Enero"*, January 2018; Caracas Chronicles, *Maduro Uses Paramilitary Forces to Repress the Poor*, 18 April 2019; BBC News, *Los "colectivos urbanos" de Caracas y los niños con armas*, 31 January 2012; CS, 19 February 2020.

<sup>771</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2019; CS 16 December 2019.

<sup>772</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 8, 20 February 2020; Insight Crime, *Las 2 caras de los ejércitos criminales del régimen de Venezuela*, 28 February 2019.

<sup>773</sup> Infobae, *Los 5 colectivos chavistas más temidos por la población civil de Venezuela*, 29 April 2017; BBC News, *Qué son los colectivos y cómo operan para "defender la revolución bolivariana" en Venezuela*, 7 July 2017; OSAC, *Venezuela 2019 Crime & Safety*, 18 June 2019; Caracas Chronicles, *The Forces Keeping Maduro in Power*, 21 February 2020.

<sup>774</sup> CS, 1 February 2020.

<sup>775</sup> CS, 1 February 2020; CS, 27 February 2020.

confidential source states that members of a colectivo were able to track down a person with whom they had a score to settle in Bogotá, and travelled there in pursuit of him.<sup>776</sup>

The colectivos all have links with the Maduro government, but the nature of these links differs in both hierarchical and ideological terms. A confidential source indicates that the colectivos outside Caracas, especially those in states where the opposition traditionally has more supporters, are less 'chavista', or at any rate less 'madurista', as she puts it.<sup>777</sup> They have a less ideological character, according to the source.<sup>778</sup> The ICG distinguishes between three types of colectivos. First, there are those that have their roots in left-wing ideologies and that in some cases were already politically active in Venezuela before Chávez, such as *Coordinadora Simón Bolívar* or the *Tupamaros*. The second category mainly consists of colectivos of opportunists and criminals who use their ties with the Maduro government to gain some legitimacy and to engage in their illegal activities with impunity. The third group consists of colectivos that mainly function as private armies for senior government figures.<sup>779</sup> For example, a confidential source says that the governor of the state of Zulia controls colectivos in the capital of the state of Maracaibo.<sup>780</sup>

It is not clear whether there are significant regional differences in the behaviour of the colectivos.

#### *Recruitment of minors*

In 2012 a photo appeared of children wearing red t-shirts and holding weapons in front of a wall with the symbol of the La Piedrita colectivo, a figure of Jesus with a Kalashnikov. A local said that the weapons were fake, but the photo drew a lot of criticism, according to a confidential source, among others. Chavez himself reportedly said that children should not be going round with weapons.<sup>781</sup> For the purpose of this report, no information was found about colectivos using children in operational contexts, for example against demonstrators. However, there are reports of colectivos getting children to sing or give a presentation at their events.<sup>782</sup> A confidential source indicates that colectivos teach children their ideology and also use them as messengers or informers.<sup>783</sup>

#### *Protection in the event of threats and/or violence by colectivos*

According to public sources, colectivos act with impunity when deployed against protesters or opposition gatherings.<sup>784</sup> The National Guard (GNB) and national police have instructions from above to take no action against the colectivos, according to a confidential source.<sup>785</sup> A police chief who did take action after colectivos fired at

<sup>776</sup> CS, 1 February 2020.

<sup>777</sup> 'Chavista' means a supporter of Chavez and 'Madurista' a supporter of Maduro. There are Venezuelans today who still describe themselves as Chavistas and still support the Bolivian revolution, but disagree with Maduro's current policies and call his supporters Maduristas. However, most Maduro supporters still tend to call themselves Chavistas.

<sup>778</sup> CS, 20 February 2020.

<sup>779</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, pages 8/9, 20 February 2020

<sup>780</sup> CS, 16 December 2019.

<sup>781</sup> BBC News, *Los "colectivos urbanos" de Caracas y los niños con armas*, 31 January 2012; CS, 1 February 2020; Diario Las Americas, *Niños ingresan a los colectivos chavistas antes de los siete años de edad*, 25 November 2014.

<sup>782</sup> Diario Las Americas, *Niños ingresan a los colectivos chavistas antes de los siete años de edad*, 25 November 2014.

<sup>783</sup> CS, 1 February 2020

<sup>784</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 mei 2019; ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, pagina 8, 20 February 2020; Insight Crime, *Maduro Relies on 'Colectivos' to Stand Firm in Venezuela*, 18 March 2019; Caracas Chronicles, *Maduro Uses Paramilitary Forces to Repress the Poor*, 18 April 2019

<sup>785</sup> CS, 8 June 2020.

protesters in Caracas on 1 May 2019 was dismissed the next day, according to public sources.<sup>786</sup> A report by the ICG states that colectivos that engage in illegal practices have acquired a certain degree of immunity due to their ties to the government.<sup>787</sup> Valentine Santana, the leader of La Piedrita, is said to be wanted for murder and attempted murder, yet is still at liberty.<sup>788</sup>

According to a confidential source, impunity prevails in Venezuela and there is little point in bringing charges against colectivos.<sup>789</sup> The authorities are said only to take action against colectivos if they themselves are affected. For example, five members of the colectivo *Frente 5 de Marzo* died in a clash with members of the CICPC in 2014. The reason for this violent encounter is not clear, but may have been related to a power struggle between the colectivo and local members of the CICPC, public sources say. However, according to various sources, including the NGO *Washington Office on Latin America* (WOLA)<sup>790</sup>, this action by the CICPC was not without consequences: the management of the relevant CICPC unit was fired and the relevant minister was dismissed by Maduro.<sup>791</sup>

### 3.13 Irregular armed groups of guerrillas; paramilitaries; other criminal groups

As well as the colectivos described above, other irregular armed groups exist. As mentioned earlier in this report, a parallel structure has arisen in some parts of Venezuela in which irregular armed groups coexist with the state structure and in some cases have even taken over with their own health services and schools. Despite their criminal activities, in some areas these groups have even replaced the state in enforcing public order and the rule of law. These groups can be roughly divided into three main categories:<sup>792</sup>

#### *Guerrilla movements*

Most guerrilla movements currently operating in Venezuela have their origins in Colombian guerrilla movements such as the *Fuerzas Armadas Revolucionarias Colombianas* (FARC: Revolutionary Armed Forces of Colombia) and the *Ejército de Liberación Nacional* (ELN: Army of National Liberation). These left-wing groups originated in Colombia in recent decades and fought against Colombia's predominantly right-wing governments.<sup>793</sup> The *Fuerzas Patrióticas de Liberación Nacional* (FPLN: Patriotic National Liberation Forces) is a guerrilla group operating in western Venezuela, in the states of Apure, Barinas, Guarico and Táchira.<sup>794</sup> The group is also known as *Fuerzas Bolivarianas de Liberación* (FBL: Bolivarian Forces of Liberation), and according to *Insight Crime* it is a strange phenomenon: a Venezuelan pro-government rebel group formed on the model of the FARC and ELN, but avoiding confrontations with Venezuelan security forces.<sup>795</sup>

<sup>786</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019. El Pitazo, *Sancionaron a policías de Miranda que enfrentaron a presuntos colectivos*, 1 May 2019.

<sup>787</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 8, 20 February 2020.

<sup>788</sup> Al Jazeera, *Venezuela Who are the colectivos?*, 9 May 2019.

<sup>789</sup> CS, 19 February 2020.

<sup>790</sup> WOLA is an organisation that works to improve human rights in North, Central and South America.

<sup>791</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 8, 20 February 2020; WOLA, *Removal of Minister Reveals Tenuous State Monopoly on Violence*, 27 October 2014; Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2019.

<sup>792</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 8, 20 February 2020.

<sup>793</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018; HRW, *"The Guerrillas Are the Police" Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, 22 January 2020: The ELN and dissident elements of the FARC continue to take action against Colombian state interests in Colombian territory.

<sup>794</sup> HRW, *"The Guerrillas Are the Police" Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, 22 January 2020.

<sup>795</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018.

President Chávez of Venezuela, whose ideology was similar to that of the Colombian guerrilla groups, was sympathetic to these groups and allowed them into Venezuelan territory.<sup>796</sup> However, ties between Chávez and the guerrilla movements deteriorated in the later years of his presidency due to the rapprochement between Venezuela and the Colombian government under former president of Colombia Juan Manuel Santos. Venezuela played an important role in the peace negotiations between the FARC and the Colombian government, which started in 2012 and ended in 2016 with a peace treaty between the two sides.<sup>797</sup>

Since 2017, when the political and economic situation in Venezuela deteriorated, the ELN and dissidents from the FARC (ex-FARC), who did not accept the 2016 peace agreement, have gained a firmer foothold in Venezuelan territory. According to both public and confidential sources, the guerrilla groups use Venezuela as a safe haven and source of income from illegal activities.<sup>798</sup>

Public sources state that Colombian guerrillas now operate in at least thirteen of the 24 Venezuelan states. However, the ELN and ex-FARC are most active in the states bordering Colombia, and the states of Bolívar and Amazonas where the Arco Minero is located. Their activities include drug trafficking, extortion and smuggling, and in the Arco Minero in particular illegal mining of gold and other minerals. Another group that has its origins in the Colombian guerrilla movements and now operates in Venezuelan territory is the *Ejército de Liberación Popular* (EPL: Popular Liberation Army), also known as 'Los Pelusos'. Public sources state that the EPL is active in the Venezuelan state of Zulia.<sup>799</sup>

The presence of these guerrilla movements on Venezuelan territory is tolerated by the Venezuelan state, which even cooperates with them in some cases, according to sources. Today, guerrilla groups no longer consist exclusively of Colombians, and in some areas groups such as ex-FARC and the ELN have more Venezuelans than Colombians in their ranks.<sup>800</sup>

#### *Paramilitary groups/BACRIM*

The *Bandas Criminales* (BACRIM: criminal gangs) is a blanket term for groups that have emerged from the right-wing paramilitary groups that originated in Colombia. In that country, these groups were mainly engaged in illegal activities and fighting left-wing guerrillas.<sup>801</sup> Under the former Colombian president Álvaro Uribe, the Colombian government sought a rapprochement with the paramilitaries, leading to the demobilisation treaty of 2006.<sup>802</sup>

Not every group complied with the terms of this treaty and several continued their criminal activities. These groups are now collectively referred to as BACRIM, but each group is independent and has its own aims. Today's paramilitary groups may have their roots in right-wing ideologies, but little now remains of any ideology,

<sup>796</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018; De Correspondent, *Zo werden Curaçao en Aruba doorvoerhaven voor conflictgoud uit Venezuela*, 22 June 2019.

<sup>797</sup> CNN Español, *Los protagonistas del proceso de paz en Colombia*, 23 April 2016.

<sup>798</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018; ICG, *Colombia's Armed Groups Battle for the Spoils of Peace*, pages 12-14, 19 October 2017; CS, 17 February 2020; CS, 18 February 2020; CS, 27 February 2020.

<sup>799</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018; Infobae, *Surgió un grupo paramilitar venezolano al servicio de la temida banda Los Rastrojos y gana terreno en la frontera con Colombia*, 17 June 2019.

<sup>800</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 11, 20 February 2020; De Correspondent, *Zo werden Curaçao en Aruba doorvoerhaven voor conflictgoud uit Venezuela*, 22 June 2019.

<sup>801</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018; Infobae, *Surgió un grupo paramilitar venezolano al servicio de la temida banda Los Rastrojos y gana terreno en la frontera con Colombia*, 17 June 2019.

<sup>802</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 11, 20 February 2020.

according to various sources.<sup>803</sup> The only ideology is making money, according to a confidential source. In Venezuela, they are involved in activities such as intimidation, extortion and kidnapping of farmers and landowners.<sup>804</sup>

In these groups, the largest and best known of which are the *Rastrojos*, the *Urabeños* and the *Águilas Negras*<sup>805</sup>, the leadership still consists of Colombians, but there are increasing numbers of Venezuelans in their ranks. Many of the recruits are Venezuelan migrants who want to travel to Colombia because of the worsening conditions in their country and have to pass through areas controlled by these groups.<sup>806</sup>

The paramilitary groups also control some trochas in the border area between Venezuela and Colombia, where their presence is said to be strongest. In February 2019, Guaidó travelled to Colombia via one of these trochas and was pictured in a photo with members of *Los Rastrojos*. The Venezuelan government used this to support their claim that the Venezuelan opposition is working with the paramilitaries. Guaidó claimed to have no knowledge of having any dealings with members of the *Rastrojos* and said that he was photographed with numerous people on that day. A confidential source believes that opposition members use these trochas because other trochas are controlled by bodies such as the GNB and the ELN that have closer ties to the government. But with enough money, any trocha can be used, according to another confidential source.<sup>807</sup> BACRIM mainly operates in the border states with Colombia, but as already mentioned in 1.2.1, *Los Rastrojos* are expanding their network. Due to the political instability and passivity of the Venezuelan army in the states of Delta Amacuro and Monagas, this group has established a branch there called *El Evander*.<sup>808</sup>

#### *Other criminal groups*<sup>809</sup>

Venezuela is one of the most violent countries in the world that is not at war. Criminal groups of various sizes and with differing hierarchies and reaches have gained an increasing grip on and presence in Venezuelan society in recent years. There are groups with a regional character, international criminal organisations operating in Venezuela and Venezuelan organisations trying to gain a foothold internationally. For example, the Colombian NGO PARES (a portmanteau term from the words *Paz y Reconciliación*: Peace and Reconciliation) states that the Mexican Sinaloa cartel is present in the border area between Colombia and Venezuela.<sup>810</sup> Conversely, according to a confidential source, the *pranes* (criminal leaders in Venezuelan prisons), who have their roots in the Venezuelan prisons, are trying to gain a foothold in prisons in Brazil and other countries.<sup>811</sup>

Criminal organisations are involved in activities such as robberies, kidnappings, fraud, extortion, contract killings and illegal trafficking, in particular of weapons,

<sup>803</sup> Stanford University, *Mapping Militant Organizations*, “*Bandas Criminales*”, August 2019; ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 11, 20 February 2020.

<sup>804</sup> Stanford University, *Mapping Militant Organizations*, “*Bandas Criminales*”, August 2019.

<sup>805</sup> CS, 12 February 2020.

<sup>806</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 11, 20 February 2020; CS, 24 February 2020.

<sup>807</sup> CS, 20 February 2020.

<sup>808</sup> Infobae, *Surgió un grupo paramilitar venezolano al servicio de la temida banda Los Rastrojos y gana terreno en la frontera con Colombia*, 17 June 2019; El Comercio, *Venezuela captura a 14 miembros de Los Rastrojos en zona cercana a Colombia*, 17 February 2020; PARES, *Sin dios ni ley, un informe de la violencia en la frontera*, page 23, 10 February 2020

<sup>809</sup> This category is referred to as ‘other’. The guerrilla groups and paramilitaries also engage in criminal activities, but their origins lie in the political battles of neighbouring Colombia.

<sup>810</sup> PARES, *Sin dios ni ley, un informe de la violencia en la frontera*, page 7, 10 February 2020.

<sup>811</sup> CS, February 2020.

drugs, children and women. Sources use different terms for the different criminal organisations, but three common categories are the *pranes*, *megabandas* (mega-gangs) and *sindicatos*.<sup>812</sup>

The *pranes* are leaders of criminal groups that engage in drug trafficking, extortion and other practices from Venezuelan prisons. In many cases, the *pranes* control the prison they are in. Because of the explosion of violence within the Venezuelan prison system, which the authorities were unable to control, the *pranes* have been given the task by the authorities of maintaining order in prisons in exchange for power and control.<sup>813</sup>

Megabandas are organisations with a strict hierarchy and a wide scope. They are involved in drug trafficking, extortion and kidnapping throughout Venezuela and have considerable power in the areas in which they operate.<sup>814</sup> Because many megabandas leaders have also been in prison, they work closely with the *pranes*. The megabanda *Tren de Aragua* (Aragua Train) was founded by one of the *pranes* and is regarded as the largest megabanda in Venezuela, with branches in at least seven states. *Tren de Aragua* has also gone international, and sources say that it now has illegal interests in Peru, for example.<sup>815</sup>

According to *Insight Crime*, the Venezuelan authorities helped create the dominant position of the megabandas through the use of ill-advised policies. These include the creation of the so-called *zonas de paz* (peace zones). Because of the high crime rates in the country, the government sat down with armed criminal groups and offered them money and other inducements to hand in their weapons.<sup>816</sup> The criminal groups simply used this money to buy better weapons, according to a confidential source.<sup>817</sup> One of the results of this is that security forces do not enter these peace zones before obtaining permission from the criminal organisation in charge, usually a megabanda.<sup>818</sup>

The *sindicatos*, on the other hand, are criminal groups with a more regional character. In the Arco Minero in particular, they engage in illegal mining and other illegal activities.<sup>819</sup> According to public sources they are heavily armed, have links with government officials and fight against other irregular armed groups such as the ELN for control over criminal activity in certain areas.<sup>820</sup>

#### *Recruitment of minors*

Multiple sources state that the mass exodus of Venezuelans to Colombia is being exploited by the irregular groups to recruit new members, including women and young people. In response to a question, a confidential source stated that groups such as the ELN and paramilitary organisations do not need to use forced recruitment. If you have been walking for days and you are hungry, a bed and a plate of food are enough to win you over, the source said.<sup>821</sup> But recruitment is not

<sup>812</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 11, 20 February 2020.

<sup>813</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 13, 20 February 2020; Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018.

<sup>814</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018.

<sup>815</sup> Insight Crime, *Tren de Aragua*, 6 May 2020; CS 8 June 2020.

<sup>816</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018; BBC Mundo, "Una pena de muerte disimulada": la polémica Operación de Liberación del Pueblo, la mano dura del gobierno de Venezuela contra el crimen, 28 November 2016.

<sup>817</sup> CS, 21 February 2020.

<sup>818</sup> Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018.

<sup>819</sup> De Correspondent, *Zo werden Curaçao en Aruba doorvoerhaven voor conflictgoud uit Venezuela*, 22 June 2019.

<sup>820</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 14, 20 February 2020; Insight Crime, *ELN in Venezuela*, 28 January 2020; Insight Crime, *Venezuela: A Mafia State?*, 1 May 2018.

<sup>821</sup> CS, 19 February 2020.

confined to migrants; for example, there are also reports of children being recruited in schools in areas where these groups operate.<sup>822</sup>

In a report issued by the ELN central command in early 2020, the group admitted that its fighters include minors. It also stated that these minors are not under 16 years old and have joined the ELN voluntarily.<sup>823</sup> However, there are sources who believe that the ELN and other groups also recruit minors under the age of 16. The ELN is most frequently mentioned in connection with the recruitment of young people, but groups such as the Rastrojos and ex-FARC are also associated with these practices.<sup>824</sup> The growing numbers of children attempting to use the trochas between Venezuela and Colombia unaccompanied by their parents are especially vulnerable, according to a confidential source.<sup>825</sup>

A source says that he encountered a boy no more than twelve years old at the border with Colombia who was acting as a lookout for one of these groups – the source did not know which one. The boy was equipped with a walkie-talkie with which he could summon members of the group.<sup>826</sup> Children are not only used as lookouts. Sources state that minors also serve as messengers, infiltrators and coca leaf pickers on the plantations controlled by the groups. There are also reports that cannot be verified or substantiated that minors are used to commit murders for the groups.<sup>827</sup>

HRW refers to girls who have escaped from the ranks of armed groups such as the ELN and ex-FARC, both in Colombia and in Venezuela, who recount that they were victims of sexual violence during their time with these groups, including rape and forced abortion.<sup>828</sup> A confidential source agrees that women and girls are victims of trafficking and forced to engage in prostitution, mainly in the border areas.<sup>829</sup> A confidential source says that indigenous women and girls are an especially vulnerable group. They are sold to groups responsible for mining, such as the Sindicatos and the ELN, to be employed as cooks or sex workers, or to work in the mines.<sup>830</sup>

#### *Mutual cooperation between armed groups*

The relationship between the different armed groups consists of a fluid and regional pattern of alliances, partnerships and conflicts. For example, ex-FARC and ELN may cooperate in some areas, yet fight each other in other areas. The same applies to BACRIM factions, which sometimes fight each other and in other cases join forces to fight guerrilla groups. There are also occasional coalitions between BACRIM factions and guerrilla movements to fight against other groups. For instance, *Stanford University* states that BACRIM factions have a strong presence in Venezuela and cooperate with guerrilla groups; this is confirmed by reports from *Insight Crime*.<sup>831</sup> Another public source refers to conflict on the border with Colombia between an occasional faction of the *Rastrojos* and *Pelusos* on the one side and an ELN faction

<sup>822</sup> CS, 16 December 2019.

<sup>823</sup> Infobae, *Colombia: el ELN reconoció por primera vez que recluta menores de edad*, 13 January 2020.

<sup>824</sup> CS, 16 December 2019; Insight Crime, *Mujeres y jóvenes de Venezuela, los más reclutados por los grupos irregulares*, 31 December 2018; América Economía, *Reclutamiento de niños y adolescentes continúa en Colombia pese al acuerdo de paz con las FARC*, 30 January 2020.

<sup>825</sup> CS, 28 February 2020.

<sup>826</sup> CS, 21 February 2020.

<sup>827</sup> CS, 27 February 2020.

<sup>828</sup> HRW, *"The Guerrillas Are the Police" Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, 22 January 2020.

<sup>829</sup> CS, 18 February 2020.

<sup>830</sup> CS, 18 February 2020.

<sup>831</sup> Stanford University, *Mapping Militant Organizations, "Bandas Criminales"*, August 2019; Insight Crime, *Venezuela: A Mafia State?*, May 2018.

on the other.<sup>832</sup> As most groups are present on both sides of the Venezuela-Colombia border, these alliances and conflicts are not confined to one side of the border. In the Arco Minero, where the sindicatos have a strong presence, these groups face increasing competition from the ELN, as a result of which they have lost territory to the ELN over the past two years or have been forced to cooperate with the guerrilla faction.<sup>833</sup>

#### *Links with the Venezuelan authorities*

The ICG writes in its February 2020 report *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups* that nobody has been able to provide incontrovertible proof of the ties that are often assumed to exist between senior officials in Caracas and the guerrilla groups. While their activities in the country bring guerrilla groups and other 'dissident' groups into close contact with government officials and local residents, this is not in itself conclusive proof of links with the government in Caracas, the ICG says.<sup>834</sup>

A confidential source claims to know for sure that there are contacts between elements of the ELN and President Maduro, but does not provide further details.<sup>835</sup> Another source speaks of the alleged links between the office of Vice-President Delcy Rodríguez and ex-FARC. The intelligence agency SEBIN is said to act as an intermediary and provide financial support to ex-FARC and a safe haven to leaders of this group in Venezuela.<sup>836</sup> A high-profile case that presupposes the existence of ties between senior officials in the Maduro government and organised crime is that of the two nephews of Maduro's wife, Cilia Flores, who are also referred to in the media as the 'narco nephews'. They were found guilty of drug trafficking by a court in the United States and sentenced to 18 years in prison. The nephews are said to have been given free rein for their activities in Venezuela.<sup>837</sup> In late March 2020, the United States Department of Justice charged Maduro and four other current and former senior figures within the Venezuelan authorities with drug trafficking, money laundering and corruption. It also charged two FARC leaders with cooperating with Maduro in cocaine trafficking to the US.<sup>838</sup>

There are various reports in circulation about the ties between the irregular armed groups and the Venezuelan authorities at local level. Like the links among the various irregular armed groups, the ties between these groups and the Venezuelan authorities are fluid, shifting and of various kinds. In some cases, there is cooperation with or tolerance for irregular armed groups on the part of the authorities, while in other cases there are armed clashes.<sup>839</sup>

Public sources cite examples of members of the GNB cooperating with guerrilla and BACRIM elements in the area of petrol smuggling.<sup>840</sup> In the Arco Minero, the GNB and other elements of the Venezuelan military reportedly work with irregular armed groups in mining activities. As long as the irregular armed groups share the revenue from the gold mines with these elements of the Venezuelan armed forces, the

<sup>832</sup> La Opinión, *Eln vs. Rastrojos, una guerra que se alimenta con coca y gasolina*, 15 March 2020.

<sup>833</sup> De Correspondent, *Zo werden Curaçao en Aruba doorvoerhaven voor conflictgoud uit Venezuela*, 22 June 2019.

<sup>834</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 6, 20 February 2020.

<sup>835</sup> CS, 27 February 2020.

<sup>836</sup> CS, 26 September 2019.

<sup>837</sup> Reuters, *Nephews of Venezuela's first lady sentenced to 18 years in U.S. drug case*, 14 December 2017

<sup>838</sup> The New York Times, *Drug charges prove Venezuela's Nicolás Maduro is far worse than we thought*, 29 March 2020.

<sup>839</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups* pages 13-14, 20 February 2020.

<sup>840</sup> Insight Crime, *Venezuela: A Mafia State?*, May 2018; Stanford University, *Mapping Militant Organizations, "Bandas Criminales"*, August 2019



military leaves them undisturbed, according to a former officer of the Venezuelan security apparatus in an article in *De Correspondent*.<sup>841</sup>

In November 2018, a violent clash took place between the ELN and the GNB after an ELN leader was arrested by the GNB. The Colombian Luis Felipe Ortega, who was said to be the ELN commander of an area in eastern Venezuela, had a Venezuelan identity card and even his own *Carnet de la Patria* when he was arrested.<sup>842</sup> He was arrested for a dispute over the 'rent' that the ELN was supposed to pay to the GNB, according to a confidential source.<sup>843</sup> *Stanford University* reports that although the BACRIM group *Los Rastrojos* and the National Guard cooperate on petrol smuggling, there have also been armed confrontations between the two groups.<sup>844</sup>

Both public and confidential sources indicate that the activities of the irregular groups in the areas where they operate and the links they have with the authorities are of various kinds. Due to this diversity between the different groups, a general picture cannot be presented, but where guerrilla groups such as the ELN and ex-FARC operate, they have often created a parallel state in which they offer the population some form of protection and also try to maintain social services. There is therefore often coordination and alignment with the local authorities, according to various sources. Confidential sources also state that ELN and ex-FARC implement Maduro's political agenda and put down opposition demonstrations.<sup>845</sup>

The BACRIM and other criminal groups see the areas under their control more as areas to exploit for profit. These groups therefore use more violence and oppressive measures against the local population, according to the ICG.<sup>846</sup> Links with the local authorities thus tend to be purely financial in nature, according to a number of confidential sources.<sup>847</sup>

#### *Protection against threats and/or violence from armed groups*

The armed groups mentioned above have a certain degree of autonomy in the areas where they operate. People living in these areas can therefore expect little or no protection from the government if they experience threats and/or violence from these groups, especially as many of the groups have links of varying closeness with the authorities (see earlier in this section).

### **3.14 Arrests, custody and detentions**

#### *3.14.1 Detention and prison conditions*

The *Observatorio Venezolano de Prisiones* (OVP: Venezuelan Observatory for Prisons) writes in its 2018 annual report, entitled 'Being imprisoned in Venezuela is a death sentence', about overcrowding, high murder rates, malnutrition, lack of hygiene or proper healthcare, and abuse and torture in the Venezuelan detention and prison system. In 2018, according to the OVP, there were 46,775 people in

<sup>841</sup> *De Correspondent*, *Zo werden Curaçao en Aruba doorvoerhaven voor conflictgoud uit Venezuela*, 22 June 2019.

<sup>842</sup> *El Mundo*, *La guerrilla colombiana del ELN ataca por primera vez a las fuerzas militares venezolanas*, 5 November 2018; Steemit, *Because the ELN attack occurred in Amazonas*, 1 November 2018.

<sup>843</sup> CS, 20 December 2019.

<sup>844</sup> *Stanford University*, *Mapping Militant Organizations*, "Bandas Criminales", August 2019.

<sup>845</sup> ICG, *Troubled Waters along the Guyana-Venezuela Border*, 28 October 2019; CS, 26 September 2019: This confidential source also indicates that the ELN reportedly carries out 'dirty jobs' for the government and eliminates political dissidents. This information has not been verified.

<sup>846</sup> ICG, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, page 14, 20 February 2020.

<sup>847</sup> CS, 27 February 2020. According to a confidential source, members of BACRIM and other criminal groups sometimes dress as members of the ELN, hoping to gain more sympathy from the local population in this way.

Venezuelan prisons – 44,192 (94%) males and 2,583 (6%) females – despite there only being space for 20,766 prisoners in the nearly 60 prisons across the country.<sup>848</sup>

AI, HRW, USDoS and other open sources also write of the poor conditions in Venezuelan prisons.<sup>849</sup> For instance, AI states that when opposition leader Leopoldo López was in prison, he was deprived of medical care.<sup>850</sup> HRW believes that corruption, poor security, overcrowding, failing infrastructure and staff whose training has been brief and inadequate have enabled armed criminal groups to take control within some prisons (see also 3.13).<sup>851</sup> USDoS reports that when the prison in Guarico state was renovated in March 2017, construction workers came across a shallow grave containing fourteen bodies. This highlights the difficulty of estimating the exact number of deaths in prisons, USDoS states.<sup>852</sup>

Prisoners have to pay the prisons a fee known as the *causa* (cause) to have their own bed, for example; if you pay more, you can get other privileges, such as a mobile phone. Prisoners who do not pay the *causa* must sleep on the floor or, in the worst case, pay for this refusal with their life, according to a confidential source.<sup>853</sup> The newspaper *El Universal* has reported on the violence used by guards against prisoners, such as beating with sticks, electric shocks, suffocation and rape. These forms of violence are used to make an example and to sow 'terror', the newspaper said.<sup>854</sup>

In the women's prisons, the situation was not much better or even worse, according to the OVP, because most prisons for women do not meet the conditions that detention centres specifically set for women. For example, Venezuela has only one prison in the state of Miranda that is specifically for female prisoners only; the rest of the women's detention centres are buildings attached to men's prisons. There is no specific medical care for women and there have been cases where female prisoners have reportedly had to undress in front of the male guards.<sup>855</sup>

The NGO *Una Ventana a la Libertad* (UVL: Window on Freedom) writes that the right to motherhood is not protected in most institutions where women are held prisoner. Women do not receive proper medical care when they are pregnant, and after children are born, they are often not allowed to stay with the mothers for three years, as is normal in Venezuela, UVL said. Many of the female ex-prisoners interviewed by UVL complain that it was made very difficult for them to receive visits.<sup>856</sup>

<sup>848</sup> Observatorio Venezolano de Prisiones, *Informe 2018 "Estar preso en Venezuela es una condena de muerte"*, 2019; Una Ventana a la Libertad, *Situación de las Mujeres privadas de Libertad en Venezuela "Una narrativa desde las vivencias"*, page 27, March 2019: this NGO reported that there were about 3,000 female prisoners (about 6%) in March 2019, but the exact number is unknown due to the lack of official figures.

<sup>849</sup> Trouw, *Bijna dertig doden bij rellen in cellenblok Venezuela*, 25 May 2019; The Washington Post, *In Venezuela, prisoners say abuse is so bad they are forced to eat pasta with excrement*, 24 June 2017; AI, *Amnesty International Report 2017/18*, page 396, 22 February 2018; HRW, *World Report Events of 2019*, page 631, 2020; USDoS, *Venezuela 2019 Human Rights Report*, page 2, 2020.

<sup>850</sup> AI, *Amnesty International Report 2017/18*, page 395, 22 February 2018.

<sup>851</sup> HRW, *World Report Events of 2018*, page 651, 2019.

<sup>852</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 5, 2019.

<sup>853</sup> Insight Crime, *Venezuela: A Mafia State?*, May 2018; CS, 17 February 2020.

<sup>854</sup> *El Universal*, *Almagro insta a CPI a investigar "de inmediato" tortura en Venezuela con apoyo de Cuba*, 12 December 2019; ABC News, *Report: Military officers, relatives tortured in Venezuela*, 9 January 2019; *El Nacional*, *Reclusos de Rodeo III comienzan huelga de hambre y exigen respuesta a Iris Varela*, 11 January 2019.

<sup>855</sup> Observatorio Venezolano de Prisiones, *Informe 2018 "Estar preso en Venezuela es una condena de muerte"*, pages 26-28, 2019.

<sup>856</sup> Una Ventana a la Libertad, *Situación de las Mujeres privadas de Libertad en Venezuela "Una narrativa desde las vivencias"*, page 6, March 2019.

USDoS mentions two women's prisons, one in Miranda state and the other in Zulia state.<sup>857</sup> USDoS indicates in its report that, according to a local NGO, female and male prisoners were mixed in some cases, although the law requires strict separation of the sexes.<sup>858</sup> UVL also states that it is aware of women having been raped by male prisoners or prison guards.<sup>859</sup> A young woman who was arrested on her way to a demonstration was so upset by the conditions in which she was detained that when she was brought to court, she attempted to jump out of the court window, according to an article in The Washington Post.<sup>860</sup> In an interview, the father of opposition leader Leopoldo López father describes how his daughters founded the NGO *Acción de la Libertad* (Freedom Action). This NGO works for the rights of female prisoners in Venezuela because of the mistreatment they experience, according to López's father.<sup>861</sup>

#### *Torture in police cells, detention centres and prisons*

Reference was already made to the torture of prisoners in 3.10.1. These practices take place from the time of arrest through to the period of imprisonment. Even if a release order has been issued, prisoners sometimes continue to be held. No official data is available on investigations, charges or convictions in connection with alleged cases of torture. In a joint report, the NGOs *Foro Penal* and HRW write that hundreds of torture cases do not come to light because the victims fear repercussions from the authorities.<sup>862</sup> *Transparency International* reports that the *Defensoría del Pueblo* (ombudsman)<sup>863</sup> had 99 cases involving torture in 2015, but that the public prosecution service did not provide any official figures in this regard.<sup>864</sup> No specific information has been found about the extent to which the situation of women in penitentiaries differs from that of men. As stated in UVL's March 2019 report, women are at risk of sexual violence from male fellow prisoners or guards.<sup>865</sup>

#### *Detention of civilians in military prisons*

As stated in 3.9.4, civilians in Venezuela sometimes appear before and are tried by military courts. There are also reports of civilians being imprisoned in military prisons or held by military units.<sup>866</sup> For example, opposition member Gilber Caro has been detained by military intelligence (see 3.9.5). Other political prisoners have also been detained by the DGCIM, such as former AN deputy speaker Edgar Zambrano.<sup>867</sup> *Insight Crime* reports that the drug baron Makled was held in a

<sup>857</sup> UVL also names two *centros de reclusión* (prisons) that are exclusively for women: one in the state of Miranda and one in the state of Nueva Esparta.

<sup>858</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 5, 13 March 2019.

<sup>859</sup> Una Ventana a la Libertad, *Situación de las Mujeres privadas de Libertad en Venezuela "Una narrativa desde las vivencias"*, page 40, March 2019.

<sup>860</sup> The Washington Post, *In Venezuela, prisoners say abuse is so bad they are forced to eat pasta with excrement*, 24 June 2017.

<sup>861</sup> Consentido, *"De internationale gemeenschap moet Venezuela onder druk blijven zetten" – interview with Leopoldo López Gil*, 13 May 2018.

<sup>862</sup> HRW, *Foro Penal, Venezuela: Tortura de acusados de conspiración*, 9 January 2019.

<sup>863</sup> The extent to which the Venezuelan ombudsman operates independently of the government and is accessible to citizens was not established during the investigation. As reported in 3.9.1, Venezuelan citizens generally have little or no confidence in the rule of law. A confidential source states that the ombudsman works well with international NGOs: CS, 21 February 2020.

<sup>864</sup> *Transparency International, Resumen sobre la situación de Seguridad Ciudadana desde la Perspectiva de Transparencia Venezuela*, 2017; Una Ventana a la Libertad, *Situación de las Mujeres privadas de Libertad en Venezuela "Una narrativa desde las vivencias"*, pages 4-5, March 2019: One of the conclusions of the report of the NGO UVL is that if there is any area of Venezuelan society where men and women have attained a certain degree of equality, it is the penal system.

<sup>865</sup> Una Ventana a la Libertad, *Situación de las Mujeres privadas de Libertad en Venezuela "Una narrativa desde las vivencias"*, page 40, March 2019.

<sup>866</sup> El Nacional, *Comisión de víctimas denunció ante la CIDH torturas del régimen a sus familiares*, 6 February 2020

<sup>867</sup> Tal Cual, *La Dgcim permitirá a abogados reunirse con el diputado preso Édgar Zambrano*, 17 July 2019; CS, 9 October 2019.

military prison.<sup>868</sup> The fact that civilians are in military prisons is confirmed by USDoS, which reports that the Venezuelan government has systematically detained political prisoners in SEBIN institutions, as well as in Ramo Verde military prison.<sup>869</sup> A confidential source refers to the deplorable conditions in which some prisoners, including civilians, are held in military prisons.<sup>870</sup> GNB members are said to have beaten civilian prisoners with baseball bats and fed them pasta with faeces, according to an HRW report.<sup>871</sup>

#### *Torture in military prisons*

Section 3.10.1 of this report describes how prisoners have been subjected to physical abuse and torture in military prisons, in particular in *Ramo Verde* prison. Civilians as well as soldiers are said to be tortured there.<sup>872</sup>

#### 3.14.2

#### *Prosecution of perpetrators/suspected perpetrators of abuse and torture*

Several confidential sources state that the rule of law does not operate in Venezuela, and that many perpetrators of acts such as torture, serious abuse and rape go unpunished.<sup>873</sup> USDoS also sees impunity for human rights violations committed by security forces as a major problem.<sup>874</sup> Following the visit by Michelle Bachelet, the UN High Commissioner for Human Rights, to Venezuela in July 2019, her office released a report concluding that the Venezuelan authorities had failed to bring to justice perpetrators of human rights violations such as extrajudicial killings and other murders, excessive use of force, arbitrary arrests and torture.<sup>875</sup>

Earlier parts of this report have mentioned the fact that both regular and irregular armed groups are often able to engage in violence against civilians with impunity. One of these groups is the FAES, which is explicitly mentioned in the UN report as a unit that carries out extrajudicial killings without facing any consequences.<sup>876</sup> HRW states that since the resignation of Prosecutor General Luisa Ortega Díaz, no official information has been released about government officials allegedly involved in human rights violations.<sup>877</sup>

Before the publication of the UN report, there were cases of government officials having been brought to justice and convicted of human rights violations or other crimes, such as the two GNB sergeants who were sentenced to prison terms of 30 and 16 years in 2016 for the killing of Geraldine Moreno during a demonstration in 2014.<sup>878</sup> Also, in the summer of 2019, following the publication of the UN report, the Venezuelan authorities announced that 44 people had been arrested and a further 33 warrants had been issued for those held responsible for fatalities during the 2017 and 2019 demonstrations. The authorities also claimed that five FAES agents had been convicted of attempted murder and that another 388 agents of this unit were under investigation for committing crimes.<sup>879</sup>

On 17 July 2019, Prosecutor General Saab said at a press conference in which he criticised the UN report that 120 government officials had been convicted for

<sup>868</sup> Insight Crime, *Venezuela: A Mafia State?*, May 2018.

<sup>869</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 13, 13 March 2019.

<sup>870</sup> CS, 9 October 2019.

<sup>871</sup> HRW, *Crackdown on Dissent, Torture, and Political Persecution in Venezuela*, 29 November 2017.

<sup>872</sup> El Nacional, *Comisión de víctimas denunció ante la CIDH torturas del régimen a sus familiares*, 6 February 2020

<sup>873</sup> CS, 19 February 2020; CS, 20 February 2020; CS, 18 February 2020.

<sup>874</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 8, 13 March 2019.

<sup>875</sup> OHCHR, *Human rights in the Bolivarian Republic of Venezuela*, 5 July 2019.

<sup>876</sup> OHCHR, *Human rights in the Bolivarian Republic of Venezuela*, 5 July 2019.

<sup>877</sup> HRW, *World Report Events of 2018*, page 648, 1 January 2019.

<sup>878</sup> UPI, *Venezuela National Guard sergeants get jail for killing student watching protest*, 15 December 2016; AI, *Amnesty International Report 2018*, page 396, 22 February 2018.

<sup>879</sup> HRW, *Venezuela: Ejecuciones extrajudiciales en zonas de bajos recursos*, 18 September 2019.

violating human rights that year. A month earlier, he stated that there had been 3,820 reports of human rights violations in 2019 to date.<sup>880</sup> A confidential source points out that in that case the rate of convictions to reports is three percent.<sup>881</sup> HRW believes that impunity for human rights violations or other crimes is still the norm in Venezuela.<sup>882</sup> In a Reuters article, an agent from another unit describes the FAES as untouchable. In every report that Reuters has seen, the FAES states that fatalities have occurred due to 'resistance to the authorities', the news agency writes.<sup>883</sup> A confidential source claims to have been involved in 31 complaints of alleged human rights violations in 2019. By early June 2020, none of the charges had yet been brought before a court.<sup>884</sup>

#### 3.14.3 *Disappearances and kidnappings of opponents*

There have been several reports of opposition members whose family members and lawyers do not know where they are being held for weeks and sometimes months after their arrest, for instance in the case of Gilber Caro or that of the former defence minister and critic of the current government Raúl Isaiás Baduel, whose whereabouts were unknown to the outside world for 23 days while he was in detention.<sup>885</sup> Lieutenant-Colonel Igbert Marín, who was arrested by the Venezuelan authorities in 2018 on suspicion of plotting against the government, was 'incommunicado' for more than two months after his conviction, Reuters said.<sup>886</sup> Journalist Javier Vivas Santana was arrested by the DGCIM at the end of March 2020. Vivas Santana was able to send out one last Tweet, saying 'I am being taken away by the DGCIM', but nothing had been heard from him by the end of April 2020.<sup>887</sup>

These disappearances are normally for a limited period of time and the authorities announce where the prisoner is staying after some days, weeks or sometimes months. According to USDoS, there were no reports of disappearances by and/or on behalf of government authorities.<sup>888</sup>

In November 2016, the BBC reported the discovery of the remains of twelve people for whose disappearance elements from the army were allegedly responsible. Defence Minister Vladimir Padrino stated that those responsible had confessed to the crime, and called it a unique case.<sup>889</sup> A confidential source claims to know of anonymous graves where victims of GNB actions are said to be buried. However, this information has not been verified.<sup>890</sup>

#### 3.14.4 *Extrajudicial executions and killings*

Venezuela does not have the death penalty. A confidential source comments that although Venezuela does not have the death penalty *de jure*, it does have it *de*

<sup>880</sup> VTV, *Más de 135 mil casos han sido procesados por el Ministerio Público en 2019*, 11 June 2020; Despacho de la Presidencia, *Ministerio Público ha entregado 23 mil 455 vehículos desde el 2017 hasta la actualidad*, 17 July 2019.

<sup>881</sup> CS, 9 June 2020.

<sup>882</sup> HRW, *World Report Events of 2019*, page 628, 2020.

<sup>883</sup> Reuters, *Elite police force spreads terror in the barrios of Venezuela*, 13 November 2019.

<sup>884</sup> CS, 9 June 2020.

<sup>885</sup> ABC, *Villca Fernández: «España es cómplice del chavismo al aceptar empresas con dinero del narcotráfico»*, 30 April 2019; AI, *Amnesty International Report 2018*, page 394, 22 February 2018; El Nacional, *Tarek William Saab dice que Gilber Caro está detenido y no desaparecido*, 10 January 2020.

<sup>886</sup> Reuters, *Imported repression: How Cuba taught Venezuela to quash military dissent*, 22 August 2019.

<sup>887</sup> Reportero24, *MORDAZA: Dgcim secuestro a Javier Vivas Santana*, 29 March 2020; TalCual, *Dgcim detiene al comunicador tachirenses Javier Vivas Santana* 26 March 2020.

<sup>888</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 3, 13 March 2019.

<sup>889</sup> BBC Mundo, *"Una pena de muerte disimulada": la polémica Operación de Liberación del Pueblo, la mano dura del gobierno de Venezuela contra el crimen*, 28 November 2018.

<sup>890</sup> CS, 25 February 2020.

*facto*.<sup>891</sup> The source is referring to the extrajudicial killings<sup>892</sup> of which the FAES in particular has been accused by the UN High Commissioner for Human Rights, and, before this service was established in 2017, the extrajudicial killings that took place during the OLPs between 2015 and 2017 (see also 1.2.1, 3.9.1, 3.10.2 and 3.10.3).<sup>893</sup>

During the OLPs and with the current deployment of the FAES, it is mainly young men with a criminal record who have been victims of extrajudicial killings, but there have also been reports of extrajudicial killings of protesters (see also 3.7.5).<sup>894</sup> The alleged summary execution of former CICPC agent Oscar Pérez and his companions with whom he had barricaded himself in was also widely reported in the press (see also 3.4).<sup>895</sup>

Most agencies in the Venezuelan security apparatus, and even the colectivos and the ELN, acting on behalf of or on the instructions of the Venezuelan authorities, are named as alleged perpetrators of extrajudicial killings, but the FAES is most often connected with such actions by public and confidential sources.<sup>896</sup>

<sup>891</sup> CS, 20 February 2020.

<sup>892</sup> Several NGOs state that the FAES is responsible for hundreds of extrajudicial killings (see also 1.2.1).

<sup>893</sup> BBC Mundo, "Una pena de muerte disimulada": la polémica Operación de Liberación del Pueblo, 28 November 2016.

<sup>894</sup> Insight Crime, *Venezuela: A Mafia State?*, May 2018.

<sup>895</sup> USDoS, *Venezuela 2018 Human Rights Report*, page 2, 13 March 2019

<sup>896</sup> Insight Crime, *The Devolution of State Power: The 'Colectivos'*, 18 May 2018; HRW, *World Report Events of 2019*, pages 627-628, 2020 USDoS, *Venezuela 2018 Human Rights Report*, page 2, 13 March 2019; CS, 19 February 2020.

## 4 Refugees and reception in the region

### 4.1 The refugee/migrant flow from Venezuela

According to the UN agencies IOM and UNHCR, nearly five million<sup>897</sup> migrants and refugees had left Venezuela by the beginning of 2020 as a result of political turmoil, socio-economic instability and the ongoing humanitarian crisis; this represents the biggest movement of people in Latin America in recent history.<sup>898</sup>

Most of the migrating and fleeing Venezuelans, about 4.2 million people, have remained in the region, with Colombia housing the largest number of Venezuelans, a total of 1.8 million in early 2020. Other countries to which the Venezuelans have moved are Peru (861,000), Chile (455,500), Ecuador (366,600) and Brazil (253,500).<sup>899</sup> Since Peru, Chile and Ecuador introduced a visa requirement for Venezuelans, it has become more difficult to travel to these countries.<sup>900</sup>

Thousands of Venezuelans travel through South America on foot, often in *chanclas* (flip flops) and carrying little more than what they are wearing, according to public and confidential sources.<sup>901</sup> Most of them leave their homes without a clear final destination, and sometimes walk hundreds of kilometres in all weathers; in many cases they have not anticipated the colder climates in the countries neighbouring Venezuela. These persons are also called *caminantes* (walkers). Several sources indicate that various trends can be distinguished in the Venezuelan migration wave. The first to leave were mainly people with money, who then brought their family over at a later stage. When both the economic and political situation deteriorated drastically in 2017, there was a clear break in the pattern, and Venezuelans from all social classes left, according to a confidential source.<sup>902</sup> An increase has recently been seen in the number of children (including unaccompanied children), old people and pregnant women, including underage girls; for instance, this is observable on the bridge near the Colombian city of Cúcuta, where many Venezuelans enter Colombia.<sup>903</sup>

As mentioned above, most Venezuelans have gone to Colombia, often via one of the 600 trochas known to exist on the Colombia-Venezuela border. Until the summer of 2019, many migrants/refugees<sup>904</sup> travelled to countries such as Ecuador, Chile and Peru, but since they introduced a visa requirement for Venezuelans, this number has decreased significantly (see 4.4, 4.5, and 4.6). According to the IOM, more and more people are choosing to leave by sea to one of the nearby Caribbean islands, such as Aruba, Curaçao or Trinidad and Tobago.<sup>905</sup> Many of them leave without

<sup>897</sup> There has been an 8,000-percent increase in the number of Venezuelans seeking refugee status abroad since 2014, according to UNHCR: <https://www.unhcr.org/venezuela-emergency.html> (website checked on 28 April 2020).

<sup>898</sup> IOM, *Venezuelan Refugee and Migrant Crisis*, maart 2020; BBC News, *Venezuela crisis: Four million have fled the country, UN says*, 7 June 2019.

<sup>899</sup> IOM, *Venezuelan Refugee and Migrant Crisis*, March 2020.

<sup>900</sup> Trouw, *Vluchtelingen zijn welkom zegt Colombia Maar de bevolking mort*, 14 October 2019.

<sup>901</sup> DW, *Pacto de la ONU sobre refugiados: ¿qué ha pasado en un año?*, 16 December 2019.

<sup>902</sup> CS, 27 February 2020.

<sup>903</sup> CS, 25 February 2020; CS, 18 February 2020.

<sup>904</sup> The sources cited in this chapter variously use the terms 'asylum seekers', 'refugees' and 'migrants'. The text is based as much as possible on the terms used by the sources. As a result, variations in the use of these terms occur within individual paragraphs.

<sup>905</sup> IOM, *Venezuelan Refugee and Migrant Crisis*, March 2020.

official papers, which increases their chances of falling into the hands of people smugglers.<sup>906</sup>

## 4.2 Colombia

### *Regular/irregular*

Colombia has 1.8 Venezuelan migrants/refugees, 1.1 million of whom entered the country in an irregular manner (without official papers) and 700,000 in a regular manner.<sup>907</sup> However, sources estimate the number of Venezuelans in Colombia to be higher, as it is hard to estimate accurately how many people have entered the country irregularly. It is expected that the number of Venezuelans in Colombia will increase and that a higher proportion of Venezuelans will enter the country irregularly.<sup>908</sup> After the events of 23 February 2019 (the stopping of aid convoys from Colombia and subsequent confrontations; see also 1.4.1), the border between Colombia and Venezuela was closed for a few months and had to be crossed irregularly via the trochas even if you had an official travel document.<sup>909</sup>

### *Concentrations of Venezuelans*

The largest concentrations of Venezuelans are located near the border in the state of Norte de Santander, in the capital Bogotá, and near the border with Ecuador. Venezuelans are found there who are unable to get any further because of the new visa law in Ecuador. A confidential source said that by the beginning of 2020, eighty families of *caminantes* had stopped near the border with Ecuador. At the time of writing this report, forty of these eighty families had 'disappeared' in their search for better accommodation.<sup>910</sup>

### *Salvoconducto/PEP/TMF*

The asylum system in Colombia is weak. Colombia is a country that people have left rather than one that has taken in refugees and migrants, a confidential source said.<sup>911</sup> A Venezuelan migrant recounts how he first applied for asylum in Colombia, but later opted for the *Permiso Especial de Permanencia* (PEP: special residence permit) because it was possible to work with this document.<sup>912</sup> Venezuelans who have applied for asylum in Colombia – about 30,000 up to February 2020 – receive a *salvoconducto* (safe conduct) from the Colombian authorities. With this they are allowed to move around in Colombia and are entitled to healthcare and education, but are not allowed to work until the two-year asylum procedure has ended and they have a final decision.<sup>913</sup> A Venezuelan in Bogotá says he has opted for asylum, because he hopes in this way to be more certain of being able to stay in Colombia. For the sake of his safety, he says he does not want to be sent back to Venezuela. He is therefore staying in the Colombian capital and says he does not dare to go in the direction of the border between Colombia and Venezuela, as he believes that there is a greater chance of meeting Maduro supporters there.<sup>914</sup>

In February 2020, around 600,000 Venezuelans had a PEP in Colombia. This gives a Venezuelan the right to work, education and healthcare. Since 2017 Colombia has

<sup>906</sup> CS, 16 December 2019; CS, 24 February 2020.

<sup>907</sup> IOM, *Venezuelan Refugee and Migrant Crisis*, March 2020.

<sup>908</sup> CS, 27 February 2020; UNHCR, *Refugiados y migrantes venezolanos con vocación de permanencia en Colombia*, 2019.

<sup>909</sup> CS, 25 February 2020.

<sup>910</sup> CS, 27 February 2020.

<sup>911</sup> CS, 24 February 2020.

<sup>912</sup> CS, 25 February 2020.

<sup>913</sup> El Tiempo, *Así funciona el nuevo permiso para solicitantes de refugio venezolanos*, 12 July 2019.

<sup>914</sup> CS, 27 February 2020.



issued various types of PEP to Venezuelans who have entered the country under certain conditions for a certain period.<sup>915</sup> Most PEPs were for Venezuelans who had crossed the border legally and received an official stamp in their passport. One PEP was specifically for Venezuelans who were illegally resident in Colombia but who had registered in 2018 during a nationwide registration by the Colombian government in partnership with UNHCR.<sup>916</sup>

In February 2020, the UNHCR released a statement welcoming the Colombian government's decision to issue two new types of PEP. One of the new PEPs is for Venezuelans who entered Colombia with a stamped passport before 29 November 2019. The other is for Venezuelans who are staying illegally in Venezuela, but have a job offer for at least two months. It is thought that the two new types of PEP will give more than 100,000 Venezuelans staying in Colombia the right to live and work there. They will also be able to use the national social security and health system with these documents.<sup>917</sup>

Even with the new PEPs, more than half of all Venezuelans staying in Colombia do not have regular status. Many of them therefore have difficulty in gaining access to essential services such as healthcare and education, or to employment. Venezuelans without official papers in Colombia are only entitled to emergency medical care. Pregnant women staying illegally in Colombia therefore do not receive prenatal or postnatal care. Children without official status are allowed to go to school, but cannot obtain a school certificate, which prevents them from progressing into higher education. In terms of work, these people without regular residence status end up in the informal sector, where they may be exploited or forced to work.<sup>918</sup> Many Venezuelan women end up in prostitution in Colombia in order to feed their family and/or send money back to their families left behind in Venezuela.<sup>919</sup> Irregular armed groups in Colombia use Venezuelans to pick coca leaves according to various confidential sources.<sup>920</sup>

Another way that Venezuelans<sup>921</sup> can stay in Colombia is on the basis of the *Tarjeta de Movilidad Fronteriza* (TMF: Border Mobility Card). At the start of 2020, more than four million Venezuelans had this card, which allows them to move freely to and from Colombia with a maximum stay of seven days at a time. They must also remain in the border area.<sup>922</sup> The card may be requested via a Colombian government website, and the applicant must enter details of his or her *cédula de identidad*.<sup>923</sup> The card gives you the right to travel freely between Venezuela and Colombia and to attend both primary and secondary education,<sup>924</sup> visit relatives and use shops in Colombia.<sup>925</sup> According to a confidential source, Venezuelans sometimes travel for hours with this card to get water in Colombia.<sup>926</sup>

<sup>915</sup> CS, 24 February 2020.

<sup>916</sup> UNHCR, *UNHCR welcomes Colombia's decision to regularize stay of Venezuelans in the country*, 4 February 2020; CS, 24 February 2020.

<sup>917</sup> UNHCR, *UNHCR welcomes Colombia's decision to regularize stay of Venezuelans in the country*, 4 February 2020.

<sup>918</sup> CS, 21 February 2020.

<sup>919</sup> CNN, *They left Venezuela for a better life now they're selling their bodies*, 23 February 2019; CS, 18 February 2020.

<sup>920</sup> CS, 27 February 2020.

<sup>921</sup> The card is only for Venezuelans living in one of the border states with Colombia.

<sup>922</sup> Refworld, *Colombia Reporte Situacional*, July 2019; CS, 24 February 2020; El Tiempo, *Tarjeta de Movilidad Fronteriza: ¿cómo se tramita? y ¿para qué sirve?*, 28 November 2018.

<sup>923</sup> Website *Migración Colombia* (Migratie Colombia): **Error! Hyperlink reference not valid.** (accessed 14 April 2020).

<sup>924</sup> Children often travel back and forth every day, or stay in Colombia during the week and return to their home in Venezuela at the weekends: CS, 28 February 2020.

<sup>925</sup> CS, 25 February 2020.

<sup>926</sup> CS, 28 February 2020.

### *Problems*

The influx of Venezuelans has caused a number of problems, according to various sources. Venezuelan children may be entitled to education in Colombia, but most schools are overcrowded and there are not enough teachers. The hospitals can barely handle the influx of Venezuelans, these sources state. Seven out of ten children born in the hospital in the border town of Cúcuta have a Venezuelan mother.<sup>927</sup> Not everyone finds accommodation, so that Venezuelan migrants/refugees are forced to sleep on the streets or stay in makeshift shelters. A few sources also refer to the growing xenophobia among the Colombian population towards Venezuelan migrants.<sup>928</sup>

## **4.3 Brazil**

The report issued by the *Organización de Estados Americanos* (OEA/OAS: Organisation of American States) following field research in Brazil in late 2019 refers to 213,000 Venezuelan migrants/refugees, 7,000 of whom are staying in one of the 13 emergency camps in the state of Roraima.<sup>929</sup> In February 2020, the IOM reported that there were more than 250,000 Venezuelans in Brazil.<sup>930</sup> Between 2017 and 2019, around 113,000 Venezuelans applied for temporary residence in Brazil and some 124,000 applied for *refugio* (asylum).<sup>931</sup>

On a *prima facie* basis, *Brazil* granted asylum to more than 20,000 Venezuelans at one stroke in December 2019. It also announced that the asylum procedure for Venezuelans would be accelerated and that new applications would no longer require an interview.<sup>932</sup> Brazil is the first country in the region to automatically grant asylum to Venezuelans, which HRW believes to be the right decision given the humanitarian situation and human rights violations in Venezuela.<sup>933</sup>

The Brazilian government's Operation *Acolhida* (Welcome) is its response to the Venezuelan migratory flow into the country. The measure is based on a three-step model: welcoming and completing administration for Venezuelan migrants/refugees, receiving and accommodating them on the border, and distributing them to other parts of the country.<sup>934</sup> The temporary reception centres generally provide accommodation for a maximum of 45 days. In order to improve socio-economic integration, under the rules of Operation *Acolhida*, Venezuelans will be moved on a voluntary basis after this period to a region or city where it is easier to find work.<sup>935</sup>

As is the case with the migration flows to Colombia, not all Venezuelans who go to Brazil mean to stay; some of them simply travel to the next country to do their shopping, for example. The *carnet de residente fronterizo* (border resident card)

<sup>927</sup> USA Today, *No country to call home: Some babies born in Colombia to Venezuelan parents lack birthright citizenship*, 11 December 2019; CS, 24 February 2020: Colombia does not have the principle of *ius soli*, but has introduced it retroactively. Children of Venezuelan parents who are born in Colombian territory from 2015 to 2021 will be given Colombian nationality.

<sup>928</sup> CS, 27 February 2020.

<sup>929</sup> OEA, *Informe Situación de los Migrantes y Refugiados Venezolanos en Brasil*, November 2019: One of the report's conclusions is that the flight of so many Venezuelans due to the humanitarian crisis and widespread violence in the country has been caused by the Maduro government.

<sup>930</sup> IOM, *Venezuelan Refugee and Migrant Crisis*, March 2020.

<sup>931</sup> OEA, *Informe Situación de los Migrantes y Refugiados Venezolanos en Brasil*, November 2019.

<sup>932</sup> UNHCR, *UNHCR welcomes Brazil's decision to recognize thousands of Venezuelans as refugees*, 6 December 2019.

<sup>933</sup> UNHCR, *UNHCR welcomes Brazil's decision to recognize thousands of Venezuelans as refugees*, 6 December 2019.

<sup>934</sup> OEA, *Informe Situación de los Migrantes y Refugiados Venezolanos en Brasil*, page 11, November 2019.

<sup>935</sup> OEA, *Informe Situación de los Migrantes y Refugiados Venezolanos en Brasil* page 15, November 2019.

allows them to cross the border between Venezuela and Brazil. As well as the official border crossings, irregular trochas also exist on this border.<sup>936</sup>

Venezuelans in Brazil have the option to apply for refugee status or for a temporary stay. Both routes provide access to basic services and the employment market.<sup>937</sup> Despite the efforts of the Brazilian authorities, the OAS sees challenges, such as the makeshift settlements created by Venezuelans in the border state of Roraima.<sup>938</sup>

#### 4.4 Peru

With nearly 900,000 Venezuelans in the country, Peru ranks second behind Colombia as the country that has taken in the most Venezuelans. Many Venezuelans travelled to Peru after leaving Venezuela, but this number has decreased since the introduction of the visa requirement for Venezuelans in Peru. Before 15 June 2019, Venezuelans were able to travel to the country with a valid ID card (cédula de identidad), but since then they have needed a passport and visa to cross the border.<sup>939</sup> According to AI, the humanitarian visa, as the Peruvian authorities call the visa, does not guarantee entry. With or without this visa, Venezuelans were not allowed to enter Peru from Ecuador if they did not have incoming and outgoing passport stamps.<sup>940</sup>

Peru has the largest number of Venezuelan asylum seekers in the region; in February 2020 the number was nearly 400,000. However, by the summer of 2019, no more than 1,000 Venezuelans had been granted asylum by the Peruvian authorities.<sup>941</sup> In addition to the Venezuelans who had applied for asylum, in June 2019 there were approximately 370,000 Venezuelans with a *Permiso Temporal de Permanencia* (PTP: Temporary Residence Permit), allowing them to live and work in Peru for a year. This permit, which can be extended by one year at a time, also gives entitlement to healthcare and public education.<sup>942</sup> Only Venezuelans who entered the country legally before 31 October 2018 could apply for the PTP.<sup>943</sup> Venezuelans now need a visa to live and work in the country. To be eligible for this humanitarian visa, they must be able to demonstrate that they do not have a criminal record.<sup>944</sup>

In June 2019, UNHCR reported that it was stepping up its efforts in Peru, as Venezuelans have no access to the country's welfare system; it was working with 12 hospitals in Lima to enable Venezuelans to receive free healthcare due to their vulnerable situation.<sup>945</sup> Only 10 percent of refugees and migrants in the country were said to have access to public healthcare.<sup>946</sup>

<sup>936</sup> OEA, *Informe Situación de los Migrantes y Refugiados Venezolanos en Brasil*, page 23, November 2019.

<sup>937</sup> HRW, *Brazil Will Help Venezuelans but Global Voices Urgently Needed*, 28 June 2019.

<sup>938</sup> OEA, *Informe Situación de los Migrantes y Refugiados Venezolanos en Brasil*, page 24, November 2019.

<sup>939</sup> NOS, *Peru verscherpt toelatingseisen Venezolaanse vluchtelingen*, 15 June 2019; Fragomen, *Venezuelan Nationals Can No Longer Enter Peru Under Previous Visa Rules*, 7 June 2019.

<sup>940</sup> AI, *Peru weigert Venezolaanse vluchtelingen bescherming te bieden*, 4 February 2020.

<sup>941</sup> AI, *Peru weigert Venezolaanse vluchtelingen bescherming te bieden*, 4 February 2020.

<sup>942</sup> UNHCR, *UNHCR scales up response as record number of Venezuelans arrive in Peru*, 15 June 2019; CNN, *Venezolanos en Perú que cuentan con PTP deberán actualizar sus datos*, 17 March 2019; In June 2019, another 120,000 Venezuelans were awaiting approval for the PTP.

<sup>943</sup> Gestión, *Migraciones: Hay 54,765 venezolanos con trámite PTP pendiente*, 19 October 2019; CNN, *Perú entregará Permiso Temporal de Permanencia solo a venezolanos que ingresen hasta el 31 de octubre*, 20 August 2018.

<sup>944</sup> The New Humanitarian, *In Peru, tougher rules set to push Venezuelan migration underground*, 9 July 2019; **Error! Hyperlink reference not valid.** (accessed 14 April 2020)

<sup>945</sup> UNHCR, *fact sheet Peru*, June 2019.

<sup>946</sup> UNHCR, *Response for Venezuelans situation Peru Jan-Feb 2020*, (<https://data2.unhcr.org/es/documents/download/75388>).

In an interview with the Peruvian newspaper *La República*, a Venezuelan psychologist says that despite the Peruvian government's efforts, 300,000 Venezuelans do not yet have any status. Many people are therefore acquiring illegal status, and people smugglers take advantage of this, especially in the case of women.<sup>947</sup> The Peruvian Minister of Employment said in May 2019 that the many Venezuelans in the country had had an impact on the labour market, making it harder for Peruvians to find work, especially in the informal sector.<sup>948</sup> Several sources report growing xenophobia in the country.<sup>949</sup> According to a confidential source, a family member living in Peru advised a Venezuelan who had fled to Colombia not to travel on to Peru.<sup>950</sup>

On 13 January 2020, President Vizcarra announced that those staying illegally in Peru would be deported. A week later, the Minister of the Interior instructed a special police unit to combat the criminal activities of foreigners in Peru. This measure met with strong criticism from NGOs and activists on the grounds that it fuelled xenophobia against refugees and migrants from Venezuela.<sup>951</sup>

#### 4.5 Ecuador

Since 2016, approximately one and a half million Venezuelans have reached Ecuador; around 370,000 have remained there and the rest have travelled on to countries such as Peru and Chile. In the summer of 2019, a total of around 22,000 Venezuelans in Ecuador had applied for asylum and another 100,000 Venezuelans had other forms of regular status. More than half of Venezuelans in Ecuador therefore do not have a regular status.<sup>952</sup>

Like Peru, Ecuador has introduced a visa requirement for Venezuelans: since 26 August 2019, Venezuelans must have a visa in their passport to enter Ecuador. The visa costs 50 dollars, which is a lot of money given the current monthly salary of several dollars in Venezuela. Moreover, the applicant must be able to submit an official document with an apostille showing that he or she does not have a criminal record.<sup>953</sup> Another measure taken by the Ecuadorian government was that all Venezuelans who entered the country before 26 July 2019 could apply for a provisional residence permit on humanitarian grounds, provided that the border had been crossed in a regular manner and that no criminal offences had been committed by the applicant while staying in Ecuador.<sup>954</sup> According to official figures from the Ecuadorian authorities, up to 19 January 2020, 354,538 Venezuelans had entered the country in a regular manner and were still in Ecuador at the time.<sup>955</sup>

<sup>947</sup> La República, "La transculturización debe ser el siguiente paso de la migración venezolana en el Perú", 16 February 2020; The New Humanitarian, *In Peru, tougher rules set to push Venezuelan migration underground*, 9 July 2019.

<sup>948</sup> Sputnik News, *Ministra de Trabajo de Perú asegura que inmigración venezolana afecta mercado laboral*, 6 May 2019.

<sup>949</sup> Aleteia, *Chile aplica nueva normativa para migrantes venezolanos*, 8 November 2019.

<sup>950</sup> CS, 1 February 2020.

<sup>951</sup> BBC News, *Migración venezolana en Perú: la polémica por la creación de una brigada policial contra la "inmigración delictiva"*, 23 January 2020; UNHCR, *Response for Venezuelans situation Peru Jan-Feb 2020*, (<https://data2.unhcr.org/es/documents/download/75388>).

<sup>952</sup> HRW, *Ecuador debe proteger derechos de los venezolanos que huyen de su país*, 8 May 2019; UNHCR, *fact sheet Ecuador*, September 2019; UNHCR, *Situation Report, January February 2019*, 2019: Ecuador is home to the largest number of people with refugee status. Around 70,000 Colombians have been granted such status by the Ecuadorian authorities.

<sup>953</sup> CNN, *Ecuador habilita el proceso de visado humanitario para venezolanos*, 21 August 2019.

<sup>954</sup> CNN, *Ecuador habilita el proceso de visado humanitario para venezolanos*, 21 August 2019.

<sup>955</sup> El Universo, *Al menos 15 % de población venezolana en Ecuador estaría en condición irregular*, 21 January 2020.

In 2019, UNHCR reported that in 2020 Ecuador would continue to protect refugees in accordance with international standards, and that despite the challenges in terms of available capacity and resources, the government was expected to continue its efforts to address the shortcomings in the legal framework for refugee protection. Refugees would continue to have the right to civilian administration, to receive an ID card, and to have access to the labour market, primary education and healthcare.<sup>956</sup> According to the online newspaper Primicias, members of the migrant community, especially those in an irregular situation, have had an extra hard time with the outbreak of Covid-19 in early 2020, as they are not entitled to the social welfare provided by the government to vulnerable groups, such as food parcels and coupons.<sup>957</sup>

#### 4.6 Chile

At the time of writing this report, there were around 455,000 Venezuelans in Chile,<sup>958</sup> compared to around 288,000 in early 2019, according to the Chilean authorities.<sup>959</sup> Of that number, there were about 220,000 Venezuelans with regular status.<sup>960</sup> The influx of Venezuelans into Chile fell by 80% in the three months after Chile also introduced a visa requirement for Venezuelans in June 2019.<sup>961</sup> The visa allows Venezuelans who want to leave their country to stay in Chile for a year with the option of a one-year extension, according to the website of the Chilean Foreign Ministry. The visa costs 30 dollars, and the applicant must be able to demonstrate that he/she does not have a criminal record.<sup>962</sup>

In August 2019, the UN High Commissioner for Refugees Filippo Grandi announced in the Chilean capital of Santiago de Chile that the Chilean authorities had assured him of their commitment to meeting international requirements, including guaranteeing the right to asylum. Grandi said he had spoken to Venezuelan refugees who were very grateful to Chile and its residents for the way they had been received. Grandi said that it was important for the Chilean authorities to continue their efforts on their behalf, so that Venezuelan refugees could live in dignity and contribute to the Chilean economy and society.<sup>963</sup>

Grandi's warm words contrast with a number of policies of the current government, which are described by the press agency Reuters as revealing a tougher approach to migrants in Chile. For example, in December 2018 the Chilean government refused to sign a UN pact on the rights of migrants.<sup>964</sup> The country has also tightened up visa controls and deported migrants with criminal records.<sup>965</sup>

In addition, the 1975 immigration law is still in force in Chile. This law is a remnant from the dictatorship, when immigrants were viewed as a threat to national security,

<sup>956</sup> UNHCR, *2020 Planning Summary: Operation Ecuador*, page 4, 2 December 2019.

<sup>957</sup> Primicias, *La pandemia empeoró la situación de los venezolanos en Ecuador*, 30 March 2020.

<sup>958</sup> IOM, *Venezuelan Refugee and Migrant Crisis*, March 2020.

<sup>959</sup> UNHCR, *'Situation Report, January February 2019'*, 2019; Emol, *Gobierno estima en 1.251.225 el número de extranjeros y venezolanos desplazan a peruanos como principal grupo*, 14 February 2019.

<sup>960</sup> This total does not include Venezuelans who have applied for or been granted asylum.

<sup>961</sup> RPP, *Así fue el dramático efecto de la exigencia de visa a venezolanos en Chile y su impacto en el Perú*, 12 September 2019; Bloomberg, *Chile's Solidarity Visa Leaves Venezuelans Confused and Worried*, 16 April 2018.

<sup>962</sup> **Error! Hyperlink reference not valid.** (accessed 15 April 2020).

<sup>963</sup> UNHCR, *Statement from Santiago, Chile, by UN High Commissioner for Refugees Filippo Grandi*, 15 August 2019

<sup>964</sup> France24, *La polémica retirada de Chile del Pacto Mundial para la Migración de la ONU*, 11 December 2018.

<sup>965</sup> Reuters, *Chile declines to sign U.N. pact, says migration not a human right: report*, 9 December 2018; Migration Policy Institute, *Amid Record Numbers of Arrivals, Chile Turns Rightward on Immigration*, 17 January 2018.

according to the *Migration Policy Institute* (MPI).<sup>966</sup> Because the law focuses on regulating entry, it has allowed the government to develop one-off initiatives on urgent matters, such as healthcare access for pregnant migrants, without changing the national security core of the law, the MPI reports. This has led to a paradoxical situation in which an intrinsically conservative law can coexist with a patchwork of more flexible policies.<sup>967</sup> For example, municipalities have provided housing, healthcare and education facilities to migrants at local level.<sup>968</sup> Because there is no national law to underpin these initiatives, they depend on individuals and are susceptible to rapid changes. According to the MPI, two municipalities hosting large communities of migrants scaled down their role in connection with migration after the 2016 elections.<sup>969</sup>

<sup>966</sup> Migration Policy Institute, *Amid Record Numbers of Arrivals, Chile Turns Rightward on Immigration*, 17 January 2018; Centro de Políticas Públicas UC, *Los migrantes como sujetos del sistema de protección social en Chile*, page 4, November 2016.

<sup>967</sup> Migration Policy Institute, *Amid Record Numbers of Arrivals, Chile Turns Rightward on Immigration*, 17 January 2018.

<sup>968</sup> IOM, *Los Migrantes y las Ciudades Sistematización 2014-2017*, page 7, 2018.

<sup>969</sup> Migration Policy Institute, *Amid Record Numbers of Arrivals, Chile Turns Rightward on Immigration*, 17 January 2018.

## 5 Repatriation

### 5.1 Problems with forcible or voluntary repatriation

The Venezuelan authorities have criticised the many Venezuelans who have moved abroad in recent years. In late December 2019, Maduro criticised the Venezuelans who had left and, according to him, said bad things about the country. He said: 'Venezuela is much nicer than where you are now cleaning toilets.'<sup>970</sup> In April 2018, Maduro made a similar remark when he claimed that many Venezuelans had left the country because of the propaganda against Venezuela and now regretted it because they were cleaning toilets in Miami.<sup>971</sup>

The coronavirus crisis has worsened the situation of Venezuelans abroad, and some have been forced to return home because of their deteriorating economic situation and growing xenophobia in other Latin American countries.<sup>972</sup> Prosecutor General Tarek William Saab tweeted that 'Venezuelan migrants' karma had turned against them'. After first turning their backs on Venezuela and later receiving verbal abuse in the US, Colombia, Peru, Chile, Spain etc, they were now returning to Venezuela thanks to the Plan Vuelta a la Patria, Saab said in his tweet.<sup>973</sup>

The Colombian Interior Minister Alicia Arango stated in the Colombian parliament on 13 April 2020 that following the closure of the Venezuela-Colombia border, more than 33,000 Venezuelan migrants<sup>974</sup> had returned to Venezuela because of coronavirus. The minister said that a temporary humanitarian channel had been created so that Venezuelans could return safely, as the borders were closed and road traffic was restricted.<sup>975</sup> This form of repatriation is not the same as the Plan Vuelta a la Patria to which Tarek William Saab referred. Due to measures to combat coronavirus in Colombia, such as mandatory quarantine, many Venezuelans are no longer able to meet their basic needs, several NGOs have reported, including the *Consejo Noruego para los Refugiados* (CNR: Norwegian Refugee Council).<sup>976</sup> The coronavirus pandemic has made it hard for many Venezuelan refugees and migrants in Latin America to survive, according to a UN representative.<sup>977</sup>

Confidential sources said in February 2020 (before there was any question of a coronavirus crisis) that Venezuelans who returned had not always been received with open arms and could expect discrimination and verbal abuse from Venezuelans who stayed behind. Venezuelans from Caracas and the Venezuelan interior who did not return to their own area but remained in the border region with Colombia, because they still wanted to make occasional trips to Colombia for shopping or

<sup>970</sup> Caraota Digital, *Maduro se burla de los migrantes: "Venezuela es mucho más bella que donde está usted lavando pocetas"*, 26 December 2019.

<sup>971</sup> El Político, *Maduro se burla del éxodo venezolano: "Yo no me iría jamás de mi patria"*, 3 April 2018.

<sup>972</sup> BBC News, *Coronavirus | "Allá el único problema es la comida": por qué miles de migrantes venezolanos deciden volver a pie a su país pese a la crisis*, 9 April 2020.

<sup>973</sup> Saab T.W., @TarekWilliamSaab, 14 April 2020, (twitter.com/tarekwilliamsaab/status/1249824326838255619); El Nacional, *La burla de Tarek William Saab a los venezolanos que regresaron del extranjero*, 14 April 2020.

<sup>974</sup> It is not known whether this group of Venezuelans also includes individuals who have applied for asylum in Colombia.

<sup>975</sup> Infobae, *Más de 33.000 migrantes venezolanos regresaron a su país desde Colombia por el coronavirus*, 13 April 2020.

<sup>976</sup> CNR, *El punto ciego del COVID-19: la población venezolana que retorna*, 26 April 2020.

<sup>977</sup> UN News, *Los refugiados y migrantes venezolanos tienen cada vez más dificultades para sobrevivir en medio de la pandemia*, 12 May 2020.

medical help, were especially likely to meet with discrimination and disapproval. It is not known exactly what form this discrimination takes and whether this situation has led to violent confrontations and escalations.<sup>978</sup> According to a confidential source, a senior Zulia government official called those returning to Venezuela because of the coronavirus crisis a 'biological weapon', and expressed the view that these returnees should be in prison rather than quarantine.<sup>979</sup> At the beginning of June 2020, Maduro emphasised that new cases of people with coronavirus had originated from Colombia and Ecuador and had not become infected in Venezuela itself.<sup>980</sup> Such comments ensure that Venezuelans who have returned since the coronavirus crisis have not been able to expect a warm welcome, according to the confidential source.<sup>981</sup>

Sources speak of Venezuelans who have returned to Venezuela and been able to do so without significant problems.<sup>982</sup> They invariably add that it depends on who the person is and the extent to which the Venezuelan authorities see him or her as a threat to the current balance of power. In particular, dissident soldiers and opposition members say they are at risk of negative treatment from the Venezuelan government if they return to the country (see also 3.2.2 and 3.4). A confidential source said that an acquaintance of his in opposition circles had been told by an immigration officer at Caracas international airport on returning to Venezuela that he should leave the country again as soon as possible because he was wanted by the Venezuelan authorities.<sup>983</sup>

*Risk associated with returning if asylum has been or is suspected to have been applied for abroad*

Confidential sources state that it is not particularly the question of whether someone returning to Venezuela has applied for asylum abroad that potentially causes problems. It is more to do with who the person is and the potential threat he or she poses to the current government, these sources claim.<sup>984</sup> Two sources say that they themselves do not dare to return to Venezuela because of their profile, but that they know of lower-ranking military personnel who have returned to Venezuela or are commuting back and forth between Colombia and Venezuela and encounter no problems. The sources say that these military personnel include individuals who have applied for asylum in Colombia.<sup>985</sup> Another confidential source said that people in whom the Venezuelan authorities are interested will not even consider returning and was therefore unable to cite any specific cases (see also 3.7.1 on the authorities' interest in certain groups).<sup>986</sup>

*Distinction between illegal and legal departure from Venezuela*

In 1.5 it was stated that no documents are required to participate in the *Plan Vuelta a la Patria*, as long as the applicant can demonstrate that he or she is Venezuelan.<sup>987</sup> This implies that the Venezuelan authorities make no distinction for the purposes of this scheme between Venezuelans who have left the country illegally and those who have done so legally.

<sup>978</sup> CS, 28 February 2020.

<sup>979</sup> CS, 8 February 2020.

<sup>980</sup> *Semana, Venezuela restringe el ingreso de sus ciudadanos en la frontera con Colombia*, 7 June 2020.

<sup>981</sup> CS, 8 February 2020.

<sup>982</sup> CS, 21 February 2020.

<sup>983</sup> CS, 5 March 2020.

<sup>984</sup> CS, 27 February 2020; CS, 5 March 2020; CS, 25 February 2020.

<sup>985</sup> CS, 27 February 2020; CS, 25 February 2020.

<sup>986</sup> CS, 5 March 2020.

<sup>987</sup> *Radio Mundial, Conozca los requisitos del Plan Vuelta a la Patria*, 10 September 2018.



Confidential sources indicate that the Venezuelan authorities connive in the illegal departure of Venezuelan citizens and make money from it. Most migrants cross the border illegally, for example via the trochas or in a motor boat, because they lack means of identification. Many of the crossings are owned by the ELN, colectivos/FAES or criminal gangs, who charge money to cross the border.<sup>988</sup> This is tolerated by the GNB, which probably gets a cut of the proceeds, a confidential source said.<sup>989</sup> A confidential source relates that Venezuelans who do have a passport and who want to make the crossing to Caribbean islands such as Aruba, Curaçao or Trinidad and Tobago illegally by motor boat can buy an official exit stamp in their passport.<sup>990</sup> According to another source, 'boat migrants' also experience extortion at the hands of members of government agencies and the armed forces.<sup>991</sup>

The issue is not so much whether a Venezuelan migrant or refugee has crossed the border illegally or legally, but what profile he or she has with the authorities, according to several confidential sources.<sup>992</sup> Given the large number of Venezuelans who leave the country illegally, mainly because they lack official travel documents (see Chapter 2), the authorities are unlikely to assume that everyone who has left irregularly has applied for asylum. The figures for asylum applications in Colombia do not suggest this either: of the 1.8 million Venezuelans currently residing in Colombia – 1.1 million of them on an irregular basis – 30,000 have applied for asylum (see also 4.2.).

*Risk of negative treatment for former officials who return to Venezuela after applying for asylum abroad*

As mentioned in 3.2.2 above, officials who have opposed the Maduro government and fled from the Venezuelan authorities say that they dare not return because of the potential repercussions. According to a confidential source, there is no legal basis for the negative treatment of officials who return, but de facto they run the risk of being discriminated against or charged with 'treason against the fatherland'.<sup>993</sup>

*Consequences of applying for a travel document abroad*

While research was being conducted for this report, no information was obtained to give any indication of whether there are consequences for Venezuelans who have applied for a travel document abroad. Venezuelans who live abroad and have dual nationality state that they experience problems with the Venezuelan authorities if they try to enter or leave the country with a non-Venezuelan passport. Sources say that entry with the other passport is often still possible, but that leaving the country with this passport is almost impossible.<sup>994</sup> It is not known whether there are any consequences if a Venezuelan travel document that has been applied for abroad is used to travel to Venezuela.

*Arrest or other problems for asylum seekers on repatriation*

There is no known information about arrests or other problems for asylum seekers who have returned to Venezuela. This issue therefore cannot be discussed in any more detail (see also subsection *Risk on return if asylum has been or is suspected to have been applied for abroad*).

<sup>988</sup> CS, 16 December 2019, CS, 16 April 2020.

<sup>989</sup> CS, 16 April 2020.

<sup>990</sup> CS, 20 February 2020.

<sup>991</sup> CS, 16 December 2019.

<sup>992</sup> CS, 21 February 2020; CS, 27 February 2020; CS, 20 February 2020; CS, 25 February 2020.

<sup>993</sup> CS, 6 May 2020.

<sup>994</sup> CS, 30 January 2020.

*Problems for asylum seekers on repatriation (housing, recovery of property, access to school, work, food)*

Earlier in this report, the general problems in Venezuela regarding access to school, work and food were discussed. No specific information has been obtained on this issue for repatriated asylum seekers.

Several confidential sources have indicated that before or after their departure, Venezuelans had asked relatives or acquaintances to look after their property because of fears that it would be confiscated otherwise.<sup>995</sup> According to a source, many Venezuelans from outside Caracas have come to the capital to move into the homes of relatives or acquaintances who have left. Many departed Venezuelans are scared that they will lose their homes if the new census announced by the authorities is conducted and their homes are found to be uninhabited, the source says.<sup>996</sup>

Many affluent Venezuelans have a gate and a doorman, making it difficult for unauthorised persons to enter their home. A resident of Caracas said that at her apartment complex, where a lot of properties are unoccupied because of the departure of the residents, people had pretended to be government workers to try to gain access to the complex. The doorman on duty had ejected them, according to this source. She believed that poorer Venezuelans would be particularly affected by any census.<sup>997</sup> A Venezuelan in Colombia who applied for asylum there had put his house in the name of his newborn son. Another family member who lived nearby was making sure that the house was maintained. He hoped to be able to keep the house in this way and to move back in if he returned.<sup>998</sup>

Despite having a valid passport, a confidential source travelled via a trocha to Colombia, where he applied for asylum. In response to a question, he said that he did not want to have a stamp in his passport, as he was afraid that the government would confiscate his property if it learned that he had left Venezuela. Likewise, he had not resigned from his job, in the hope that he would be able to go back to work immediately if he returned.<sup>999</sup>

*Risk of negative treatment for current or former embassy employees if copies or originals of diplomatic travel documents are used in the event of forcible repatriation*

During the research for this report, no information was found to throw light on this question.

<sup>995</sup> There are reports that the Venezuelan authorities or groups linked to the government have forced opposition members from their homes while they were still living there (see 3.2.2).

<sup>996</sup> CS, February 2020; CS, 21 February 2020.

<sup>997</sup> CS, 21 February 2020.

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## 6.2 Map of Venezuela

