Independent international fact-finding mission on the Bolivarian Republic of

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**ORAL UPDATE**

Human Rights Council, fifty-second session

(Geneva, March 21, 2023)

Statement by Marta Valiñas, Chairperson of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela at the fifty-second session of the Human Rights Council

Mr. President,

Distinguished delegates,

Ladies and Gentlemen,

The International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela hereby submits an oral update of its activities in accordance with Human Rights Council resolution 51/29. In September 2022, the Mission submitted to this Council its latest report on gross violations of human rights committed in Venezuela since 2014. That report incorporated two lines of inquiry.

The first delved into responsibility for crimes against humanity committed through the State intelligence services as part of a plan to repress persons perceived as opponents of the Government. The second line of investigation focused on human rights violations in the region of the Arco Minero del Orinoco and other areas of the State of Bolivar.

Both investigations confirmed that Venezuela continues to face a profound human rights crisis. In view of this reality, this Council decided last October to renew the Mission's mandate for an additional two-year period.

At present, the Mission has six staff members, which represents 40% of the human resources that were assigned to the Mission to fulfill its mandate. Delays in the recruitment process and high staff turnover continue to be some of the main challenges faced by the Mission in carrying out its mandate.

Mr. Chairman,

Since its inception, the Mission has documented serious human rights violations and international crimes in Venezuela, especially in the context of the policy to silence, discourage and quash opposition to the Government, as well as in the context of security operations.

After the COVID-19 pandemic, mass mobilizations diminished, and with them systematic arbitrary detentions and arbitrary deprivations of life in the context of protests. The last period in which we documented a peak of widespread unlawful detentions of perceived opponents, followed by acts of torture, was recorded in 2019. According to civil society sources, no deaths in the context of protests occurred in 2022.

As the Mission has determined, the serious human rights violations and crimes described in previous reports, as well as the lack of investigation and punishment of the perpetrators identified by the Mission, appear to have produced a chilling effect on protest that has succeeded in terrorizing the civilian population and demobilizing political dissent. In the meantime, thousands of people fled the country.

Nevertheless, serious human rights violations continue to take place in Venezuela to this day. These include the detention of people who are opponents or considered as such. According to civil society estimates, 282 persons - civilians and military - remain detained for political causes or motives, and new selective detentions are being verified. The Mission continues to receive reports of threats and reprisals against detainees and their families, as well as of difficulties in accessing food and medical treatment, restrictions on access to family members and lawyers, and constant violations of the right to due process.

Mr. President,

In resolution 51/29, the Council expressed its concern about restrictions on civic and democratic space. The Mission echoes this concern, and has decided to prioritize this issue as part of its investigations under its third mandate.

In recent years, following the cessation of mass protests, repression has focused on civil society actors perceived as opponents of the Government. Attacks and threats against human rights organizations and defenders, trade unionists, journalists, humanitarian personnel and other organized civil society actors in Venezuela, as well as political leaders, have persisted and, in some cases, increased.

The director of the NGO FundaREDES Javier Tarazona, has been detained since July 2021 at the headquarters of the Bolivarian National Intelligence Service (SEBIN), El Helicoide, after having denounced a senior government official to the Public Prosecutor's Office. Mr. Tarazona was charged with the crimes of terrorism, incitement to hatred and treason. According to information received by the Mission, his physical and psychological health continues to deteriorate.

Although it is true that mass protests have decreased in relation to previous periods, in the last year unions in the public sector, especially in education, health care and the steel industry, have mobilized and expressed criticism against the Government.

The persecution of union leaders has intensified. Between July and August 2022, six union leaders and activists were arrested, including Gabriel Blanco of the Alianza Sindical Independiente (ASI) and Emilio Negrín of the Confederación de Sindicatos Autónomos de Venezuela (CODESA), as well as Néstor Astudillo, Alcides Bracho, Reynaldo Cortés and Alonso Meléndez, also union activists and members of the Bandera Roja party. They all face charges of terrorism, conspiracy and criminal association before the Second Special Court of First Instance. The Mission is investigating the basis for these arrests. At least nine other union leaders of the State-own companies in the Bolivar State were arrested and released the following day, in the context of the wave of protests of January 2023.

During the last year attacks against the media have intensified. In the month of September alone, the media reported the administrative closure of 19 radio stations in Táchira and other 31 in Zulia. According to the NGO Espacio Público, in 2022 the Government ordered the closure of at least 80 radio stations, the largest number of radio stations in the country.

The Mission is particularly concerned about attacks against journalists and communicators. Among the detainees whose cases were previously documented by the Mission, the situation of journalist and political activist Roland Carreño, detained at the SEBIN headquarters in El Helicoide since October 2020, stands out. The trial against him continues to present procedural irregularities, including multiple interruptions of the trial, which have led to a significant procedural delay, due to the fact that the detainee was not transferred to the court as required. For his part, journalist Jesús Medina, who was detained in the military detention center of Ramo Verde between 2018 and 2020, continues to be subject to criminal proceedings on charges of "instigation to hatred" and "illegal association", without having been informed of the reasons for such accusation.

Along with these attacks, laws and administrative procedures that hinder the free functioning of civil society organizations are under parliamentary discussion or have already been approved. On January 24 of this year, the National Assembly approved on first reading the draft "Law for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations". The Mission issued a press release in this regard, and has insisted that the new regulation, if approved, would consolidate an abusive control by the State over the existence, financing, and activities of non-governmental organizations.

Mr. President,

In its first report to the Council, the Mission documented a State policy to combat criminality, which included the elimination, through extrajudicial executions, of persons considered or presented as "criminals". Such acts were committed within the framework of the so-called People's Liberation Operations, and, as of 2017, by the Special Action Forces of the National Police, or FAES.

The information gathered by the Mission to date shows indications that these patterns persist. The very high number of deaths due to confrontation with law enforcement reported by the non-governmental organization Control Ciudadano, which counted 716 cases in 2022, is indicative of such a pattern.

The FAES were formally disbanded in July 2022. However, information in possession of the Mission indicates that their main functions, commands and members have been absorbed by the new Directorate of Strategic and Tactical Actions (DAET), as part of the Bolivarian National Police. Its creation coincides with the re-launching of security operations against organized crime known as "Trueno” operations. Between April and September 2022, seven such operations were carried out in the States of Aragua, Anzoátegui, Guárico, Miranda and Yaracuy. The media have reported a high number of fatalities in the context of these operations, which could amount to 70, according to some sources.

Mr. President,

In its latest report, the mission also addressed the human rights situation in the region of the Orinoco Mining Arc and other areas of Bolivar State, in the south of the country. The Mission's investigation described a context marked by extreme violence associated with the illicit exploitation of gold, including patterns of sexual and gender-based violence.

In August 2022, the Government simultaneously launched the military operations Roraima 2022 and Autana I-2022 in the three states of the Guayana region with the stated objective of fighting drug trafficking, illegal mining and environmental depredation. Despite the importance of eradicating violence associated with illegal mining and armed groups, these operations generated protests from the mining population and indigenous communities, according to testimonies gathered by the Mission.

The indigenous peoples of the State of Amazonas continue to denounce violent attacks against their leaders. Virgilio Trujillo Arana, leader of the Piaroa people, was murdered in 2022. This case must be seriously investigated.

Mr. President,

On 1 November, the Office of the Prosecutor of the International Criminal Court filed a request with the Pre-Trial Chamber of the Court to be authorized to continue its investigations into crimes against humanity committed in Venezuela since at least April 2017. The OTP's findings are based on a thorough analysis of documentation and background information provided by various sources, including the Bolivarian Republic of Venezuela.

The Prosecution's findings are supported by verification of the same criminal patterns and lines of command that were investigated by the Mission in its previous reports, and they quote copiously from our Mission's reports, substantially concurring with our determinations. The Prosecutor General's Office and the Mission also agree that legal and institutional reforms related to the justice system have been insufficient and have had limited implementation.

In its latest reports, the Mission concluded with reasonable grounds to believe that crimes against humanity, including torture and other ill-treatment, were committed in detention centers of the civilian and military intelligence services. The evidence received supported, with reasonable grounds to believe, that individuals who worked and continue to work in the intelligence services, as well as high-level authorities, could bear criminal responsibility for these crimes. The Mission has recommended analyzing whether the individuals are being genuinely investigated and prosecuted and recalls that, according to international norms and jurisprudence, crimes against humanity and other serious human rights violations are not subject to statutes of limitation and cannot be amnestied.

The proceedings before the International Criminal Court represent a substantial step forward in ensuring accountability in Venezuela.

Mr. President,

With the new impetus provided by the renewal of its mandate, the Mission will continue to independently, impartially, objectively and rigorously document gross human rights violations with the aim of combating impunity and ensuring full accountability for perpetrators and justice for victims. The Mission will report its findings to the Council next September.

Thank you for your attention.