

June 20, 2020

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Objective of the Rapporteur's report: To report the annual interim report of the Special Rapporteur to be presented to the General Assembly at its 75th session in October 2020

Subject: Report on psychosocial dynamics leading to torture and ill-treatment identified in cases of extrajudicial executions and documented torture in Venezuela.

Presentation:

COFAVIC¹ and OMCT² present a special report on *Psychosocial dynamics conducive to torture and ill-treatment* to the Office of the Special Rapporteur on Torture and other cruel, inhuman and degrading treatment or punishment, who will present an annual interim report to the General Assembly in its 75th period of sessions in October 2020.

Methodology:

The information provided is the result of the comprehensive care work for victims of torture and their families carried out by COFAVIC during the last 10 years, with updated information through a project executed with the support of the United Nations Voluntary Fund for Victims of Torture (July 2019-June 2020), which included medical, psychological, legal, social and financial care for victims. This experience allowed documenting information related to 70 emblematic cases that occurred in Venezuela between 2012-2020³ through activities such as: interviews with victims and witnesses, preparation of social studies and psychological evaluation, documentation of medical consequences on direct victims and family members, support for the denunciation before national and international instances, documentary evidence related to the events such as: death certificates, autopsy protocols, forensic medical examinations, among other proceedings associated with the cases. Also, individual psychological support, group meetings with victims to share their testimonies, and psychosocial work sessions on the effects of impunity, grief management, individual and collective impact of torture, were necessary to complete the aforementioned report.

Comprehensive care for torture victims and their families:

The cases analyzed: 64% were family members of victims of extrajudicial executions committed by State security forces, where patterns of torture have been detected; 29% are direct victims of torture currently in recovery process; 3.6% are cases of relatives of people forcibly disappeared; 1.7% are family members of persons arbitrarily detained and victims of torture

¹ COFAVIC stands for "The Committee of Family Members of Victims of the Events of February and March 1989", according to its initials in Spanish.

² OMCT stands for "World Organization Against Torture", according to its initials in Spanish.

³ The regions where the cases were located are: Anzoátegui, Aragua, Bolívar, Carabobo, Distrito Capital, Falcón, Guárico, Lara, Miranda, Sucre.

(even deprived of liberty); 1.7% are victims of gender-based violence where patterns of torture have been detected.

The victims: men (93%), young people under the age of 25 (73%). In more than 90%, people who report these crimes to the authorities are the target of threats and criminalization campaigns. 69% of extrajudicial executions are carried out within the framework of special procedures for citizen security with deployments of military and police forces and, in some cases, with the participation of civilian armed groups that act with the acquiescence and connivance of the State. Most of the victims reside in very poor sectors.

Main individual affectations identified in cases of torture, cruel, inhuman and degrading treatment in Venezuela:

In the cases analyzed, the psychological impact is profound and lasting over time, both for the direct victims of torture and for their families, due to the cruelty and violence with which the acts are committed. It has been identified that the perpetrators not only seek to generate pain, physically and psychologically subdue the victim, but also disintegrate their personality, affecting their identity and trusted references, with the intention of producing humiliation and submission.

Among the factors that favor these practices in Venezuela we have: i) The existence of security forces with a culture of violent action, warmongering with a repressive nature (fight against crime); ii) Impunity for this type of human rights violation; iii) Naturalization or normalization of ill-treatment practices carried out by State security forces; iv) The fear of the victims and their next of kin to denounce for fear of being attacked again, or for perceiving the legal process as ineffective.

In Venezuela, as has been determined by reports on the subject presented by the Office of the United Nations High Commissioner for Human Rights and the Inter-American Commission on Human Rights, the sectors most affected by torture practices are: the prison population; inhabitants of poor sectors in urban and rural areas, especially young people between the ages of 18 and 25, as well people who defend rights from different areas. Among the purposes for which it is applied are: to obtain information and / or a confession of a crime or some forced declaration that compromises or generates a certain opinion matrix; punish the victim person; bend and intimidate the person, community or group; obtain socio-political control of the popular and excluded sectors; as a mechanism of disciplinary control within groups linked to organized crime or non-state actors, who act with the acquiescence of the State, submitting the population in a territory under its control.

Documented types or patterns of torture: events of violence and intimidation of short duration that occur within the framework of operations and actions of the security forces in poor and rural communities, in detention facilities; widespread use of methods such as: hitting, kicking, pushing, suspending, placing a plastic bag sprayed with insecticide on the head or other chemical substances to produce suffocation, electric shocks, death threats, simulation of extrajudicial executions, sexual violence, among others.

Documented individual affectations in torture cases:

Documented physical sequelae in direct victims of torture: contusions, myalgia, bruising, wounds, scars, neuralgia, headaches, gastrointestinal disorders, fractures, respiratory system diseases, allergies, abrasions and other skin conditions.

Among the psychological sequelae: sleep disorders, alteration of eating habits, flashbacks related to the torture event, feeling of rage and powerlessness, irritability, fear of being detained or tortured again, emotional lability, feeling of handicap and helplessness, paranoid ideas with persecutory content, guilt and shame, anxiety and anguish when faced with stimuli that remind them of those experiences, depression associated with changes in their life project, material and symbolic losses, cognitive difficulties such as reduced ability to attention, concentration and memory, mourning processes, fear, hypervigilance, psychosomatic complaints, increased alcohol intake or dependence on some type of medication or substance that allows to decrease or avoid some of the aforementioned symptoms.

From a social point of view: torture victims have reported: affectation in their life project, especially due to the stigma that represents being in a victim of inconclusive judicial processes without judicial guarantees, social isolation, forced displacement or moving from their residences for security reasons, abandonment of work or study spaces, separation from the family nucleus, change of family roles, stigmatization, rejection or mockery of the community, loss of group identification and disarticulation of social organization, loss of confidence in justice.

Documented collective damages in torture cases:

Violence significantly disrupts the quality of life and development possibilities of individuals and groups, especially when the perpetrators are State security forces committing serious human rights violations, and when the action of non-state actors and irregular armed groups is tolerated. The absence of sanctions and effective mechanisms of protection for victims and witnesses, generates uncertainty and fear, inhibiting behaviors of denunciation and vindication of rights. In the torture cases analyzed, pain and insecurity are present in the victims and their families, including even children and adolescents who have also witnessed police operations and have received both physical and psychological attacks. Extrajudicial executions, arbitrary arrests and torture are repressive mechanisms that seek to activate the sensation of exemplary punishment, using terror as a form of social control of the population, sowing mistrust and causing victims to paralyze and move away, not organize and do not report. On the other hand, in the case of practices of arbitrary arrests and torture of social leaders, politicians, journalists and human rights defenders, the documented purpose has been intimidation, the application of exemplary punishment and the disestablishment of any social and political dissident organization, criminalizing them. The latter are subjected to judicial processes in violation of judicial guarantees, which become prolonged in time, extending the suffering to the victim, but also prolonging the feeling of defenselessness against an established power.

Tolerating this type of crime and the impunity that it entails, promotes dehumanization, denies the value of life, as well as other aspects of community dynamics such as solidarity and compassion. In these types of contexts, cruel acts begin to be viewed with "naturalness" and "normality" by the general population. Additionally, in some of the cases analyzed, the use of massive and selective arrests of young people from popular sectors in the country, generates uncertainty in their communities in the face of disinformation about such procedures and their purposes, giving the sensation of that anyone can be affected by them.

The criminalization of victims is a situation that operates under a multiplicity of actions, configuring itself as another mechanism of impunity. The absence of punishment or sanctions for the perpetrators of torture generates an expansive psychosocial effect that goes beyond direct victims, encompassing their families, groups of belonging, and distancing them from the justice system. This hinders access to justice due to the deployment of State mechanisms to

prevent victims from reporting and demanding their rights and establishing legitimate organizations.

The actions of the criminal investigation bodies in cases of human rights violations are essential. The procedural delay contributes for the evidence to fade away in cases of material and non-pecuniary damages that occur to the victims. In Venezuela, according to the victims interviewed, it is a common that, at the moment of making the complaint, the justice operator treats the victim following some stereotypes, due to their condition as a relative of someone with a criminal record, due to gender, ethnicity, nationality and even for its socioeconomic level. In many cases, the victim must strive to assert his truth and avoid blaming himself for an attitude of the State in which it tends to hold him responsible for what happened.

Other documented psychosocial dynamics are internal forced displacements in urban areas due to violence exerted by state security forces or non-state actors against populations of agriculturists, or small towns with some important agricultural or mining activity, or when its geographical location is attractive for certain interests, as a strategy that seeks to destroy the social fabric from terror, threat and fear in order to achieve greater social, political, economic and military control. Forced displacement is related to serious violations of the right to life, personal integrity and the exercise of civil and political rights, many times expressed by the direct experience of massacres, disappearances and torture, or experiences of life threats, illegal raids, robberies, destruction of belongings and means of economic sustenance, which motivates people to leave their residences and communities.

Recommendations:

1. Creation of national programs of medical and psychological care of an independent nature for victims of torture and with the participation of civil society organizations specialists in human rights.
2. Design specialized psychological care protocols with emphasis on the identification of individual and collective affectations, on the psychosocial dynamics leading to torture and ill-treatment.
3. Strengthen the national regulatory framework in Venezuela and other countries since in the Special Law to Prevent and Punish Torture and other Cruel, Inhuman and Degrading Treatment (June 2013)⁴, according to the CAT⁵, there are deficiencies in the typification of torture, which limits the framework of the investigation and punishment of those responsible for this practice, as well as the recognition of moral and psychological harm to victims and society.

⁴ Special Law to Prevent and Punish Torture and other Cruel, Inhuman and Degrading Treatment (Spanish) <https://www.acnur.org/fileadmin/Documentos/BDL/2015/10000.pdf>

⁵ The Committee against Torture examined the combined third and fourth periodic reports of the Bolivarian Republic of Venezuela (CAT/C/VEN/3-4) in its sessions 1256^a y 1259^a (CAT/C/SR.1256y 1259), held on November 6th and 7th, 2014, and approved in its 1274th meeting (CAT / C / SR.1274), held on November 19, 2014, the following concluding observations: <http://acnudh.org/wp-content/uploads/2015/01/CAT-Venezuela.pdf>