

14 October 2024

English and Spanish only

Human Rights Council**Fifty-seventh session**

Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela*

Summary

The present conference room paper elaborates on the main findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, as presented in its official report (A/HRC/57/57), through a contextual, factual and legal analysis of the serious human rights violations and crimes committed in the country between 1 September 2023 and 31 August 2024.

The period covered by the mission's investigation was characterized by acts of repression in the run-up to the presidential election of 28 July 2024, mass protests following the National Electoral Council's announcement of President Maduro's victory, and the violent response by security forces and armed civilian groups aligned with the Government. The present conference room paper presents the mission's findings on human rights violations and crimes committed before and after the presidential election. The analysis is accompanied by 19 illustrative case files that exemplify those violations and crimes.

In the 10 months prior to the election, the mission documented and investigated numerous acts of targeted repression, including the detention of opposition political leaders and prominent civil society actors. Between December 2023 and March 2024, at least 48 persons (39 men and nine women), including civilians and military personnel, were arrested in connection with conspiracies invoked by the Government, such as Operation White Armband (*Brazalete Blanco*). In the context of the election campaign, the mission registered and documented the detention of 121 persons (106 men and 15 women) for engaging in opposition activities.

The present conference room paper includes a detailed analysis of Operation White Armband and its human rights implications, and how this plot served as a justification for the selective repression of military personnel, politicians and civil society activists.

Following the announcement of the election results, the authorities launched an unprecedented campaign of mass and indiscriminate detentions. The detentions, according to figures reported by the authorities themselves, numbered in the thousands, reaching levels comparable only to the protests of 2014, 2017 and 2019. Between 28 July and 1 September 2024, the mission was able to document 143 detentions, based on information from at least two credible sources, mindful that this only represents a sample of a much larger universe.

Many of the detentions in the post-election period were carried out within the framework of the Operation Tun Tun, which served to threaten and frighten the population. Security forces were deployed to the homes of persons who had participated in the protests or who had expressed critical views against the Government, in order to detain them. The

* Information complementary to that contained in the official report (A/HRC/57/57), submitted to the Human Rights Council pursuant to resolution 51/29.

houses of persons perceived as opponents were marked with an 'X', and a mobile app was encouraged supporters of the Government to report and denounce alleged opponents.

During the post-election period, the mission obtained information on the detention of 158 children (130 boys and 28 girls) during or after the protests, who were charged with serious offences such as terrorism. This is a new phenomenon of particular concern to the mission.

The detentions and the judicial proceedings that followed suffered from serious and systematic violations of due process. In most cases, the detentions were carried out without a warrant, without a clear legal basis, and/or without informing the detainee of the reason for the detention. The 48-hour time limit for bringing the detainees before a supervisory court was often not respected, and hearings were held without publicity, without lawyers of the detainees' choice, and in the evening or early hours of the morning. After the post-election crisis, hearings before the terrorism courts were generally held by videoconference, and they were often summary and collective. In most of the cases investigated by the mission, the Office of the Attorney General charged defendants with serious crimes such as "terrorism" or "treason" that were previously announced by the Attorney General without initiating any investigation leading to the individualization and establishment of facts related to those charges

During the first days of post-election protests, there were at least 25 deaths, including of two children, all but one of whom were killed by gunfire. Although insufficient evidence has been obtained at this stage to establish responsibility for those deaths, the mission can conclude that, in at least eight of the fatal incidents, members of the State security forces, as well as groups of civilians sympathetic to the Government, used firearms during the demonstrations. The mission will continue to investigate those cases.

During the reporting period, the mission continued to investigate cases of short-term enforced disappearances. The number of cases identified during the reporting period, together with those reported in previous mission reports, shows that such cases were neither isolated incidents nor the result of procedural errors. Rather, such practices have become a frequent instrument of repression against real or perceived opponents, which has an additional serious impact on the family and social circle of the disappeared persons.

The mission investigated numerous cases of torture or cruel, inhuman or degrading treatment, which occurred when detainees were in the custody of security forces in prisons and other detention facilities. The conference room paper includes a brief analysis of the allegations received in relation to the Rodeo I prison in Miranda State, which since February 2024 has been holding prisoners linked to conspiracies against the Government.

The present conference room paper also analyses several cases of sexual and gender-based violence that were documented and investigated by the mission. Such acts, which increased in conjunction with mass detentions in the context of the election, included groping, forced nudity, invasive searches, coercive transactional sex, and the denial of sexual and reproductive rights, among others.

Finally, the present conference room paper expands on the findings of the mission's report to the Council. Among others, the mission concluded that some of the serious human rights violations investigated during the reporting period represent a continuation of the same line of conduct characterised as crimes against humanity in the mission's previous reports. Moreover, those violations, which include arbitrary detention, torture, and sexual violence committed as part of a discriminatory policy, amount to the crime against humanity of persecution on political grounds, on the basis of the identity of the victims as real or perceived opponents of the Government, or simply as critics of the Government.

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I. Introduction

1. The present conference room paper accompanies the report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (hereinafter “the Mission”), pursuant to Human Rights Council resolution 51/29.¹
2. In the present conference room paper, the Mission presents its detailed findings on serious human rights violations and crimes committed in the Bolivarian Republic of Venezuela against real or perceived members of the opposition during the period from 1 September 2023 to 31 August 2024. The Mission’s investigations focused on serious human rights violations explicitly mentioned in the mandate given to it by the Human Rights Council (such as extrajudicial executions, enforced disappearances, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence).²
3. The reporting period was marked by the process leading up to the presidential elections of 28 July 2028. As reported by the Mission in its last oral update to the Human Rights Council, since December 2023, previous patterns of repression were repeated against voices critical of or opposed to the Government.³ Starting on 29 July 2024, after the national electoral authority had proclaimed President Maduro the winner, protests and allegations of fraud sprang up across the country and were heavily repressed.
4. The reactivation of the most violent mechanisms of the State’s repressive apparatus led to serious human rights violations and crimes, in what constituted one of the country’s most acute crises in recent years. Those violations and crimes occur within the framework of a State policy to silence, discourage and quash opposition to the Government of President Maduro, as identified in the Mission’s first report.⁴
5. The focus of this conference room paper is in no way intended to minimize or ignore serious human rights violations not included herein and should not be interpreted to mean that such violations did not occur.

II. Methodology and legal framework

A. Methodology and standard of proof

6. The Mission conducts its investigations in accordance with established methodologies and best practices recognized by the United Nations, taking into account a gender perspective. The Mission works according to the principles of independence, impartiality, objectivity, transparency, integrity and the “do no harm” principle.
7. The Mission uses the standard of proof of “reasonable grounds to believe” to reach its conclusions. The standard is met when factual information has been gathered that would satisfy an objective and prudent observer that the incident occurred as described, with a reasonable degree of certainty.
8. The investigations leading to the present conference room paper faced several limitations, particularly as a result of the post-election crisis. At the time of finalizing the conference room paper, most of those detained during the post-election crisis were still in detention. Many of their family members and witnesses preferred not to provide their testimonies to the Mission for fear of reprisals. That fear was particularly evident in the case of children, as well as survivors of sexual and gender-based violence.

¹ Para. 10

² A/HRC/RES/45/20, para. 15.

³ Statement by Marta Valiñas, Chair of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 55th session of the Human Rights Council, 20 March 2024. Available at: <https://www.ohchr.org/en/statements-and-speeches/2024/03/statement-marta-valinas-chair-independent-international-fact>.

⁴ Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, A/HRC/45/33, 25 September 2020 [hereinafter “2020 Mission Report”], para. 160.

9. Some individuals did not consent to the Mission publishing the details of their case, and some others withdrew their consent at a later stage. The Mission decided not to publish information provided by sources when protection risks for victims and witnesses were identified.

10. Despite those limitations, the Mission was able to meet its standard of proof of “reasonable grounds to believe” in a limited number of cases in the post-election period. In other cases, the Mission presents only preliminary indications that the events could reasonably have occurred.

11. In the current report, the verb “to document” is used to refer to the information that is not a direct outcome of the Missions investigation, but that has corroborated against at least two credible and mutually independent sources. The verb “to register” refers to the information collected by the Mission from a single source.

12. The work methods applied consisted of:

- a) conducting confidential interviews, both in person and via secure telephone or video connections, with direct victims, their families and lawyers, witnesses and intermediaries;
- b) collecting and analyzing official documents, judicial records, death certificates and records, and public pronouncements and statements by authorities and State officials;
- c) collecting and analyzing documentary information from other sources, including civil society organisations, human rights organisations, the media and open sources; and
- d) collecting and reviewing photographic and videographic information obtained from various sources, including open sources and social media (Facebook, X, Instagram and YouTube).

13. For the preparation of the conference room paper, the Mission conducted 366 remote or face-to-face interviews with 383 persons (203 men and 180 women). The Mission also conducted four investigative visits to three countries. The Mission is grateful for the co-operation extended by the authorities of those countries.

14. To report on new violations and crimes registered during the electoral period, the Mission launched a new call for submissions, which it disseminated through its website⁵ and on the Human Rights Council’s X account.⁶ The Mission received more than 400 submissions in response to the call.

15. The Mission ensured that it obtained the informed consent of each person it interviewed before using the information they provided. The identities of sources, witnesses and victims have been anonymized where disclosure would pose a risk of reprisals to the individuals and/or their families.

16. Interactions with victims and witnesses are kept confidential, but the Mission has a database of information and evidence on which it based the analysis and determinations made in the present conference room paper. The information is stored on secure platforms, with restricted and controlled access. Access to information will only be granted if witnesses or other sources have given their informed consent and if such access is secure, taking into account protection considerations.

17. Despite the Human Rights Council urging, in its resolutions, the Venezuelan authorities to cooperate fully with the Mission⁷, all requests for information sent to the

⁵ Human Rights Council, “Call for submissions”. Available at: <https://www.ohchr.org/en/hr-bodies/hrc/ffmv/call>.

⁶ Post on X by The United Nations Human Rights Council [@UN_HRC], 8 August 2024. Available at: https://x.com/UN_HRC/status/1821545150071394695.

⁷ See A/HRC/RES/42/25, para. 25; A/HRC/RES/45/20, para. 16; A/HRC/RES/51/29, para. 11.

authorities have been ignored.⁸ The Mission regrets that the Government continues to refuse to cooperate, especially in the context of the current crisis.

B. International legal framework

18. The Mission assessed the facts on the basis of international human rights law and international criminal law, as applicable in the Bolivarian Republic of Venezuela. The Mission also examined human rights guarantees in Venezuelan domestic law and other relevant aspects of national legislation, where applicable.

19. Human rights norms and standards are contained in universal and regional human rights treaties, as well as in general or customary international law. The Bolivarian Republic of Venezuela is party to 14 of the 18 United Nations human rights treaties.⁹

20. With regard to international criminal law, the Bolivarian Republic of Venezuela is a party to, *inter alia*, the Rome Statute of the International Criminal Court, which it ratified in the year 2000.¹⁰

1. Arbitrary deprivations of life

21. The right to life is a supreme and non-derogable right.¹¹ The use of potentially lethal force by State security forces, including in the context of law enforcement operations,¹² should be an extreme measure to be used only to protect life or prevent serious injury in the face of an imminent threat, and only if less extreme means are insufficient to achieve those objectives.¹³ Failure to meet these criteria constitutes an arbitrary use of force and, if the result is fatal, could amount to extrajudicial killing, depending on the circumstances.¹⁴

⁸ The Mission sent four written requests for information to various Venezuelan authorities, and did not receive any response. The Mission also formally offered to share this report with the Venezuelan Government prior to its publication but received no response.

⁹ The United Nations human rights treaties ratified by Bolivarian Government of Venezuela are the following: International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (ratified in 1967); International Covenant on Civil and Political Rights (ICCPR) (ratified in 1978); Optional Protocol to the ICCPR (ratified in 1978); Second Optional Protocol to the ICCPR (ratified in 1993); International Covenant on Economic, Social and Cultural Rights (ICESCR) (ratified in 1978); Optional Protocol to the ICESCR (ratified in 2018); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (ratified in 1983); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT) (ratified in 1991); Convention on the Rights of the Child (CRC) (ratified in 1990); Optional Protocol to the CRC on the involvement of children in armed conflicts (ratified in 2003); Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (ratified in 2002); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ratified in 2016); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ratified in 2016); International Convention for the Protection of All Persons from Enforced Disappearance (ratified in 2013).

¹⁰ Rome Statute of the International Criminal Court, A/CONF.183/9, 17 July 1998 [hereinafter “Rome Statute”].

¹¹ See Universal Declaration of Human Rights (1948) (UDHR), art. 3; ICCPR, art. 6.

¹² Code of Conduct for Law Enforcement Officials, A/RES/34/109, 17 December 2019 [hereinafter “Code of Conduct”], art. 3; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, 27 August-7 September 1990 [hereinafter “Basic Principles”], Principle 14.

¹³ Code of Conduct, art. 3; Basic Principles, Principle 9.

¹⁴ Extrajudicial execution is defined as a specific form of arbitrary deprivation of life when committed by public officials, with their acquiescence or at their behest, outside the framework of a judicial process. The Mission has investigated extrajudicial executions in the past. See Conference Room Paper: “Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, A/HRC/45/CRP.11, 15 September 2020 (hereinafter “Detailed Findings of the Mission 2020”), paras. 28, 1096-1098, 1163, 1218, 1264, 1265-1502; Conference Room Paper: “The government apparatus, its repressive mechanisms and restrictions on civic and democratic

22. The unlawful and intentional killing of a human being in the context of a widespread or systematic attack constitutes the crime against humanity of murder.¹⁵

2. Enforced disappearance

23. According to international human rights law,¹⁶ enforced disappearance of persons requires three elements: (a) deprivation of liberty against the person's will, whether by abduction, arrest or detention (even on legal grounds); (b) the involvement of State officials, or persons acting with the authorisation, support or acquiescence of the State; and (c) refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person, which removes the person from the protection of the law.¹⁷ International human rights norms do not specify a duration requirement for an enforced disappearance to occur.¹⁸ In this sense, the Mission uses the term “short-term enforced disappearance” when applicable.¹⁹

24. Enforced disappearance for an extended period of time, committed as part of a systematic or widespread attack against a civilian population, is considered a crime against humanity. The Rome Statute provides, as constitutive element for the crime of enforced disappearance, the intention to remove the disappeared person from the protection of the law for a prolonged period of time.²⁰

3. Arbitrary detentions

25. Article 9 of the International Covenant on Civil and Political Rights (ICCPR) states that no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. In analyzing the arbitrariness of detention, the Mission applies international standards on the subject, including the categories established by the United Nations Working Group on Arbitrary Detention.²¹ Under category II, a detention is considered arbitrary if it results from the exercise of certain rights, such as the rights to peaceful assembly, expression and participation in public affairs. Category III

space”, A/HRC/54/CRP.8, 18 September 2023 (hereinafter “Restrictions on civic and democratic space”), paras. 157 -166.

¹⁵ Rome Statute, art. 7(1)(a).

¹⁶ The treaties ratified by the Bolivarian Republic of Venezuela do not include the International Convention for the Protection of All Persons from Enforced Disappearance (2010). However, in 1998 the State ratified the regional treaty on this matter, the Inter-American Convention on Forced Disappearance of Persons of the Organisation of American States (OAS).

¹⁷ Article 2 of the UN Convention coincides with the three elements outlined in its definition of enforced disappearance.

¹⁸ The two UN bodies dealing with the issue, the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances, have consistently underlined this point. See OHCHR, “Call for inputs with a view to issuing a joint statement on the notion of short-term enforced disappearance”, 16 August 2023. Available at: <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-view-issuing-joint-statement-notion-short-term-enforced>

¹⁹ The Mission recognizes that international human rights law does not require a prolonged duration of disappearance. Nevertheless, the Mission has opted for the term “short-term enforced disappearance” to characterize most of the situations examined in the report. While the Mission notes that both short-term and long-term disappearances are violations of international human rights law and are unacceptable, this serves to differentiate the cases documented in the report from the all too frequent cases in the region where the disappeared person never reappears or if he or she appears after a prolonged period of time has never been brought before a judge. The Mission believes that it is important, especially for the families of persons who have been the subject of a prolonged disappearance or who have never returned, to recognize the particular gravity of these cases which are all too often synonymous with murder.

²⁰ Rome Statute, art. 7 (2)(i).

²¹ Working Group on Arbitrary Detention (United Nations publication, Fact Sheet No. 26. Rev. 1, 2024). Available at: <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-26-rev-1-working-group-arbitrary-detention>.

includes detentions where there are serious violations of due process guarantees set out in international standards relating to the right to a fair trial.²²

26. International criminal law recognises imprisonment or other severe deprivation of physical liberty as a crime against humanity when committed as part of a widespread or systematic attack against any civilian population.²³

4. Torture and other cruel, inhuman or degrading treatment

27. Torture is defined as acts causing severe pain or suffering, whether physical or mental, inflicted intentionally by or with the acquiescence of a public official. The acts must be committed for a specific purpose, such as obtaining a confession or information, punishment, intimidation, humiliation, coercion or any reason based on discrimination.²⁴ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment does not contain a definition of what constitutes cruel, inhuman or degrading treatment, which is defined as such by its distinction from torture, according to Article 1 of the Convention. In practice it is difficult to distinguish between torture and cruel, inhuman or degrading treatment. According to the Committee against Torture, experience often shows that the conditions that give rise to ill-treatment facilitate torture.²⁵

28. Torture constitutes a crime against humanity when it is committed as part of a widespread or systematic attack against a civilian population and with knowledge of the attack.²⁶ Torture is also considered an international law crime, even if committed outside of a generalized or systematic context²⁷.

5. Sexual and gender-based violence

29. Acts of sexual and gender-based violence can constitute torture or cruel, inhuman or degrading treatment.²⁸ Rape and acts of sexual violence other than rape have been recognised as torture or cruel, inhuman or degrading treatment and include, inter alia, threats of rape or of other acts of sexual violence against individuals or their relatives;²⁹ touching of sexual body parts;³⁰ violence directed at the genitals³¹ and forced nudity.³²

30. When committed as part of a widespread or systematic attack, acts of sexual or gender-based violence may constitute one or more of the crimes against humanity listed in Article 7 of the Rome Statute.

²² Rome Statute, art. 7 (1)(e). It also requires that the perpetrator was aware of the factual circumstances that determined the gravity of the conduct. See International Criminal Court, Elements of Crimes, adopted by the Assembly of States Parties on 9 September 2002, ICC-ASP/1/3(part. II-B). Available at: <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>

²³ Rome Statute, art. 7(1)(e).

²⁴ CAT, art. 1

²⁵ Committee against Torture, General Comment No. 2 (implementation of article 2 by States parties), CAT/C/GC/2 (2008), para. 3.

²⁶ Rome Statute, art. 7(1)(f).

²⁷ CAT, arts. 4 and 7.

²⁸ The Special Rapporteur on torture affirmed that rape and other forms of sexual violence can constitute torture, especially when perpetrated or consented to by public officials, and underlined the particular risk faced by women and girls in detention of being subjected to sexual violence, including insults, humiliation and invasive body searches, as well as during transfers, especially when male and female detainees are not separated. See A/HRC/31/57, paras. 16-20 and 51-53.

²⁹ ICTY, *Prosecutor v. Kvočka et al*, IT-98-30/1-T, Judgement, 2 November 2001, paras. 144, 145; CAT, *Saad Ali v. Tunisia*, CAT/C/41/D/291/2006, 21 November 2008, para. 3(8).

³⁰ Report of the UN Special Rapporteur on torture on torture and ill-treatment in Mexico, A/HRC/28/68/Add.3, December 2014.

³¹ ICTY, *Prosecutor v. Simić et al*, IT-95-9-T, Judgment, 17 October 2003, para. 695; CAT, *X. v. Denmark and Ethiopia*, CAT/C/58/D/458/2011, 20 January 2015, para. 2(2). *Denmark and Ethiopia*, CAT/C/53/D/458/2011, 20 January 2015, para. 2(2).

³² ICTY, *Prosecutor v. Kunarac et al*, IT-96-23-T/IT-96-23/1-T, 2 February 2001, paras 766-67; ECtHR, *Aydin v. Turkey*, Case No 57/1996/676/866, 25 September 1997, paras 78, 84; IACHR, *Miguel Castro-Castro Prison v. Peru*, Series C, No. 160, Judgement, 25 November 2006, para 260.

III. Context

A. The Barbados Agreements and the attack on the opposition's primary election

31. On 67 October 2023, the Government and the Unitary Democratic Platform (hereafter “Unitary Platform”) signed the Barbados Agreements, mediated by Norway. The main agreement was aimed at the “promotion of political rights and electoral guarantees”, and included commitments such as the promotion of a “favourable environment” for the development of the electoral process, the freedom to select candidates, and the updating of the electoral register.³³

32. On 22 October 2023, the Unitary Platform held a primary election to choose a single candidate to compete in the presidential election. The primary election was won by María Corina Machado, president of the Vente Venezuela group, with more than 92 per cent of the votes. According to organisers³⁴, 2.3 million voters participated-

33. Three days later, in response to a complaint filed by the member of the National Assembly - and future presidential candidate - José Brito, the Attorney General of the Republic, Tarek William Saab, announced a criminal investigation against representatives of the National Primary Commission and its regional boards, alleging usurpation of electoral functions, usurpation of identity, money laundering and association to commit a crime.³⁵ In addition, on 30 October, in response to a contentious electoral appeal filed by the same member of the National Assembly, the Supreme Court of Justice issued a precautionary measure suspending the results of the election.³⁶

34. As a follow-up to the Barbados Agreements, a procedure was agreed upon to judicially review disqualifications of opposition members from holding public office. María Corina Machado, who was previously disqualified by the Comptroller General of the Republic for 15 years,³⁷ challenged her disqualification before the Supreme Court in December 2023. On 26 January 2024, the Court ratified the disqualification without providing legal grounds for its decision.³⁸

35. As a result of the Barbados Agreement negotiations, the United States of America released Alex Saab, who was serving a sentence for money laundering in that country and whom the Government of President Maduro considers its diplomatic agent.³⁹ For its part, the Government of Venezuela realised ten citizens of the United States (all men) who had been

³³ Government of Norway, Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All, 17 October 2024. *Official Gazette* No. 42.738, 19 October 2023 (hereinafter “Agreement on Electoral Guarantees”). Available at: <https://www.regjeringen.no/contentassets/ac03d5655a8448e0a9653cd95d5c7978/garantias-electorales.pdf>.

³⁴ Facebook post by the Unitary Democratic Platform [@UnidadVenezuela], 28 October 2024. Available at: https://www.facebook.com/UnidadVenezuela.org/videos/660413092886465/?locale=es_LA.

³⁵ See Public Prosecutor’s Office, “Fiscal General Tarek William Saab anunció investigación por irregularidades anunciadas en 'Primarias' de oposición”, 25 October 2023. Available at <https://web.archive.org/web/20231026063826/http://www.mp.gob.ve/index.php/2023/10/25/fiscal-general-tarek-william-saab-anuncio-investigacion-por-irregularidades-denunciadas-en-primarias-de-oposicion>.

³⁶ Supreme Court of Justice (TSJ), Judgment No. 122, 30 October 2023. As of the date of this report, the Mission was unable to obtain information on the status of this process.

³⁷ Machado was disqualified without any disciplinary proceedings being instituted, without being given an opportunity to defend herself and without being notified of the sanction. See Restrictions on civic and democratic space, A/HRC/54/CRP.8, Case 38: María Corina Machado, paras. 1052 et seq.

³⁸ Supreme Court of Justice (Political- Administrative Chamber), Judgement No. 005, 26 January 2024.

³⁹ See President of the United States of America, Executive Grant of Clemency, 15 December 2023 https://www.justice.gov/d9/2023-12/moran_warrant.pdf

detained in the Bolivarian Republic of Venezuela⁴⁰ and released 24 Venezuelan nationals (21 men and 3 women). At least with respect to 17 of these individuals the Mission documented that had been victims of serious human rights violations, as documented in the Mission's reports.

B. The referendum on the Guayana Essequiba territory

36. On 3 December, at the request of the Government, the National Electoral Council held a consultative referendum to support Venezuela's claim to the territory of Guayana Essequiba, controlled by the neighbouring Cooperative Republic of Guyana since its independence in 1966.⁴¹ The National Electoral Council reported that the 'yes' option won an 'overwhelming victory', but has yet to officially publish the results.⁴² The referendum escalated tensions and military mobilisation in both countries, and led to pronouncements by the International Court of Justice,⁴³ the United Nations Secretary General⁴⁴ and the Organization of American States.⁴⁵

37. On 6 December, the Attorney General announced that arrest warrants had been issued for 14 opposition's leaders (13 men and 1 woman) accused of attempting to sabotage the referendum, in collusion with the United States of America and a transnational oil company.⁴⁶ Two men were detained.⁴⁷

C. Conspiracies and a new wave of repression

38. During this period, the Government continued to invoke the existence of conspiracies that the authorities claimed were aimed at destabilizing or overthrowing the Government, including assassination attempts. This was used to intimidate, detain and prosecute opponents or critics of the Government.

39. The main conspiracy announced by the Government was Operation White Armband (*Brazalete Blanco*) (see *infra*, chap. IV.A). On 9 February, Rocío San Miguel, president of the non-governmental organisation Control Ciudadano and an expert on security issues, was

⁴⁰ The White House, Briefing Room: Background Press Call by Senior Administration Officials on Venezuela, 20 December 2023. Available at: <https://www.whitehouse.gov/briefing-room/press-briefings/2023/12/20/background-press-call-by-senior-administration-officials-on-venezuela-2/>

⁴¹ The dispute over the territory of Guayana Essequiba has its historical origin in an 1899 arbitral award, which recognised the territory to the then colonial power, the United Kingdom. Under the Geneva Accords of 26 May 1966, the parties agreed to maintain the *status quo* pending a final resolution of the referendum. After trying to promote his good offices between the Bolivarian Republic of Venezuela and the Cooperative Republic of Guyana, the Secretary General of the United Nations decided to transfer the territorial referendum between the two countries to the International Court of Justice.

⁴² See National Assembly of Venezuela, "CNE anuncia abrumadora victoria del Sí con participación superior a 10 millones", 4 December 2023. Available at: <https://www.asambleanacional.gob.ve/noticias/cne-anuncia-abrumadora-victoria-del-si-con-participacion-superior-a-10-millones>.

⁴³ International Court of Justice, *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, Order of 1 December 2023. Available at: <https://www.icj-cij.org/sites/default/files/case-related/171/171-20231201-ord-01-00-en.pdf>.

⁴⁴ UN News: "En la disputa entre Guyana y Venezuela por el Esequibo, Guterres recuerda que las decisiones de la Corte Internacional son vinculantes" [In Guyana-Venezuela dispute over Essequiba, Guterres recalls that International Court decisions are binding], 6 December 2023. Available at: <https://news.un.org/es/story/2023/12/1526242>.

⁴⁵ Organization of American States, Press Release No. C-082/23: Statement by the OAS General Secretariat on the recent actions of the Venezuelan regime towards Guyana, 7 December 2023. Available at: https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-082/23.

⁴⁶ CNN en español, "Solicitan aprehensión de 14 opositores venezolanos, incluidos 3 del partido de la candidata Machado", 6 December 2023. Available at: <https://cnnespanol.cnn.com/2023/12/06/solicitan-aprehension-14-opositores-venezolanos-orix>.

⁴⁷ The two men detained were Roberto Abdul-Hadi and Savoi Wright.

detained and accused of involvement in this operation.⁴⁸ The Mission issued a public statement on 13 February expressing concern about the violations committed against San Miguel, in a context of intensified repression.⁴⁹

40. Another person implicated in Operation White Armband was former lieutenant Ronald Ojeda, who was mentioned in Anyelo Heredia's confession and whose name appeared on the list of military personnel expelled by the Ministry of People's Power for Defence published in January 2024. Having managed to escape from Ramo Verde military prison in 2017, Ojeda was residing in Chile, where he enjoyed refugee status. On 21 February 2024, Ronald Ojeda was abducted from his home by four persons disguised as agents of the Chilean Investigative Police (PDI). His dead body was found with signs of torture on 1 March in the commune of Maipú, near the Chilean capital. The Chilean prosecutor's office ruled out that Ojeda's kidnapping was an act of extortion.

41. As part of the government crackdown in connection with various conspiracies, the authorities arrested 10 activists and leaders of Vente Venezuela (nine men and one woman), and President Maduro called Vente Venezuela a "terrorist" organisation.⁵⁰ Arrest warrants were issued for six other persons, all close associates of María Corina Machado, who took refuge in the residence of the Ambassador of Argentina in Caracas⁵¹ and were subsequently placed under the protection of the embassy of Brazil. On 7 September 2024, the Government of the Bolivarian Republic of Venezuela decided to revoke the authorization given to Brazil to custody the diplomatic facilities of Argentina.

42. Between September 2023 and May 2024, a total of 60 persons, including 11 women, were convicted in connection with Operations Constitution (*Constitución*), Gideon (*Gedeón*) and Liberty (*Libertad*). These individuals were sentenced to between 16 and 30 years in prison for treason, rebellion, terrorism and other related offences. In its previous reports, the Mission investigated the cases of 15 of these individuals (11 men and 4 women), concluding that it had reasonable grounds to believe that they had been subjected to arbitrary detention, torture and ill-treatment, and sexual and gender-based violence.⁵² The Mission also registered numerous due process violations in these proceedings.

D. The electoral process

43. In accordance with its constitutional mandate, the National Electoral Council played a key role in the preparation of the presidential elections. Despite the fact that, according to the Venezuelan constitution, the National Electoral Council represents an independent electoral power, its composition after its renewal in October 2023 has a clear pro-government bias. Its president and chief rector, Elvis Amoroso, was a member of the National Assembly

⁴⁸ X post by Tarek William Saab [@TarekWilliamSaab], 11 February 2024. Available at: <https://x.com/TarekWilliamSaab/status/1756789729394086294>.

⁴⁹ Press release: "Fact-finding Mission to Venezuela expresses deep concern over the detention of a human rights defender and calls for an end to government repression", 13 February 2024. Available at: <https://www.ohchr.org/en/press-releases/2024/02/venezuela-fact-finding-mission-expresses-profound-concern-over-detention>. <https://www.ohchr.org/es/press-releases/2024/02/venezuela-fact-finding-mission-expresses-profound-concern-over-detention>

⁵⁰ YouTube video, Nicolás Maduro [@NicolásMaduroM], "Nicolás Maduro | 30° Aniversario de la salida del comandante Hugo Chávez de la Cárcel de la Dignidad", 26 March 2024. Available at: <https://www.youtube.com/live/61nScHcZbug?si=R6BZOHpifUC-K24w&t=5999> [min 1:39:59].

⁵¹ See infra, Case 11: National Command of Vente Venezuela. Following the expulsion of the legation of Argentina during the post-election crisis, Brazil took custody of the diplomatic headquarters of Argentina in Caracas along with the persons who were sheltered there. On 7 September 2024, the Venezuelan Government decided to revoke its consent for Brazil to take custody of Argentina's diplomatic facilities, citing as grounds that the asylum seekers were involved in "planning terrorist actions and assassination attempts" against President Maduro. See also Instagram post by Cancillería Venezuela [@cancilleriave], 7 September 2024. Available at: https://www.instagram.com/p/C_n0KLvxqMr/?hl=es.

⁵² Detailed Findings of Mission 2020, A/HRC/45/CRP.11; Restrictions on civic and democratic space, A/HRC/54/CRP.8.

for the Government party and served as Comptroller General of the Republic, when he was responsible for the disqualification of numerous opposition candidates.⁵³

44. On 5 March 2024, the National Electoral Council announced the electoral timetable, including the date of 28 July 2024 for the presidential elections. The timetable was published on the website of the National Electoral Council without being published in the Electoral Gazette - as prescribed by law⁵⁴ - which allowed changes to be made arbitrarily, including to the deadline for the registration of candidates.

45. On 25 March 2024, close to the deadline for the registration of candidates, the National Electoral Council reported that thirteen parties, including two parties belonging to the Unitary Platform, were not eligible to stand in the elections.⁵⁵

46. The online process for the registration of presidential candidates before the National Electoral Council, which was open between 21 and 25 March 2024, was interfered with by political decisions. Two opposition candidates were prevented from running, including Corina Yoris, designated by the Unitary Platform as the candidate to replace María Corina Machado. After negotiations with the National Electoral Council, and following an exceptional extension of the registration deadline, the Democratic Unity Roundtable (*Mesa de la Unidad Democrática* - MUD - a party associated with the Unitary Platform) was able to register Edmundo González Urrutia as its candidate. González was subsequently confirmed as the sole candidate of the MUD, under the electoral slogan “*ConVzla*”.

47. On 26 March 2024, the National Electoral Council released the final list of 13 candidates, later reduced to 10. No women were among the candidates, after the participation of María Corina Machado and Corina Yoris was blocked. Of the 38 parties that formally contested the elections, more than a third (13) supported President Maduro’s candidacy. Another 12 parties had previously been subject to interventions by the Supreme Court of Justice and participated in the elections with ad hoc boards of directors close to the Government that were imposed by the Court.⁵⁶

48. In line with the Barbados Agreements, the National Electoral Council invited the United Nations, the European Union and the Carter Center, among others, as electoral observers.⁵⁷ On 28 May 2024, the National Electoral Council rescinded the invitation to the European Union, in response to the renewal of individual sanctions against Venezuelan citizens.⁵⁸

49. The campaign period lasted from 4 to 25 July 2024. The Mission registered numerous acts of harassment, reprisals, attacks and roadblocks targeting MUD campaign events - particularly those involving María Corina Machado and Edmundo González - perpetrated by the authorities and groups aligned with the Government party. The authorities arrested dozens of persons who participated in, provided logistical support for, or publicised these events on social media. Numerous cases were reported in which the National Integrated Customs and Tax Administration Service (SENIAT) closed or fined companies that provided accommodation or food to the opposition team.

50. The Mission observed the prevalence of misogynist attacks on social media in the period from September 2023 to May 2024. Such attacks ranged from belittling the

⁵³ Ibid, paras. 1501 et seq.

⁵⁴ Organic Law of Electoral Processes, Official Gazette No. 5,928 (Extraordinary), 12 August 2009 (hereinafter “LOPE”), art. 33.

⁵⁵ National Electoral Council, Resolution No. 240315-015, 15 March 2024, resolution point 3. See also Diario Vea, “Cifra redonda: 13 candidatos inscritos para la elección presidencial 28-J”, 26 March 2024. Available at: <https://diariovea.com.ve/cne-13-candidatos-y-37-partidos-participan-en-eleccion-presidencial-2024>

⁵⁶ Restrictions on civic and democratic space, A/HRC/54/CRP.8, paras. 172 et seq.

⁵⁷ Agreement on Electoral Guarantees, para. 3(4).

⁵⁸ Instagram post by CNE, [@cneesvenezuela], 28 May 2024. Available at: https://www.instagram.com/p/C7hzeetOwky/?hl=es&img_index=1; X post by European Union in Venezuela, [@UEenVenezuela], 28 May 2024. Available at: <https://x.com/UEenVenezuela/status/1795614314784800836>.

capabilities of women politicians to offensive allusions to their appearance and sexualisation.⁵⁹

E. The election and its results

51. The election took place on 28 July 2024. During the day, some incidents were reported regarding the setting up of polling stations and the ability of election officials, polling station authorities, and journalists to access the voting centres.⁶⁰ After the polling stations closed, MUD polling station authorities – who were registered before the National Electoral Council – reported that they were prevented from accessing the National Electoral Council’s headquarters. The opposition also reported that, in a “significant number of voting centres”, National Electoral Council officials refused to transmit the results of the tally sheets and to provide copies to opposition authorities.⁶¹ During the day, there were reports of attacks by armed civilians against citizens who had gathered at the voting centres to await the results, which left one dead and several wounded.⁶²

52. The following day, 29 July 2024, in the early hours of the morning, the National Electoral Council issued its first bulletin of election results. The Council announced, as a “resounding and irreversible trend”, the victory of President Maduro with 51 per cent of the votes compared with 44 per cent for Edmundo González Urrutia, based on 80 per cent of the votes and a 59 per cent turnout. The President of the Council justified the delay in announcing the results of the election on account of an “attack on the data transmission system”.⁶³

53. Around noon that same day, the President of the National Electoral Council confirmed the victory of Nicolás Maduro, who was proclaimed President for a new six-year term.⁶⁴ The announcement was made without having completed the process of tallying or publishing the tally sheets generated by the voting machines.⁶⁵

54. Several countries refused to recognise the results until the tally sheets from polling stations were published and called for a review of the results with the presence of independent observers.⁶⁶ In response, the Government expelled diplomatic personnel from seven Latin American countries.⁶⁷

55. On 29 July 2024, the Attorney General announced that he had launched an investigation into attacks on the National Electoral Council’s electrical and data transmission system, pointing the finger at María Corina Machado and exiled opposition leader Lester

⁵⁹ Proboxve Digital Observatory, “La misoginia avanza a la sombra de las tendencias en redes sociales”, 18 March 2024. Available at: <https://proboxve.org/2024/03/18/la-misoginia-avanza-a-la-sombra-de-las-tendencias-en-redes-sociales>.

⁶⁰ Observatorio Electoral Venezolano, “Avance de resultados: observación de la elección presidencial 2024”, 28 July 2024. Available at: <https://oevenezolano.org/2024/07/avance-de-resultados-observacion-de-la-eleccion-presidencial-2024>.

⁶¹ YouTube video, FRANCE 24 Español, [@France24_es] “‘Se nos impide el acceso al CNE’: oposición denuncia irregularidades en las elecciones venezolanas”, 28 July 2024. Available at: <https://www.youtube.com/watch?v=hktOicYFgrY>.

⁶² Infobae, “Reportan un muerto y varios heridos por un ataque de colectivos chavistas durante la auditoría de los votos en el estado Táchira”, 28 July 2024. Available at: <https://www.infobae.com/venezuela/2024/07/29/reportan-un-muerto-y-varios-heridos-por-un-ataque-de-colectivos-chavistas-durante-la-auditoria-de-los-votos-en-el-estado-tachira>.

⁶³ X post by cneesvzuela [@cneesvzla], 29 July 2024. Available at: <https://x.com/cneesvzla/status/1817953254208110756?s=12>

⁶⁴ Ibid.

⁶⁵ LOPE, arts. 144-150. See also General Regulations of the Organic Law on Electoral Processes, Resolution No. 130118-000, 18 January 2013, paras. 381-386.

⁶⁶ Ministry of Foreign Affairs of Uruguay, Press release No. 53/24: “Comunicado conjunto sobre las elecciones en Venezuela”, 29 July 2024. Available at: <https://www.gub.uy/ministerio-relaciones-exteriores/comunicacion/comunicados/comunicado-conjunto-sobre-elecciones-venezuela>.

⁶⁷ X post by Yvan Gil [@yvangil], 29 July 2024. Available at: <https://x.com/yvangil/status/1818016486532812873>

Toledo.⁶⁸ The Attorney General stated that the computer attack against the National Electoral Council originated from North Macedonia.⁶⁹ The Government of North Macedonia subsequently denied that the attack had been carried out from its country.⁷⁰

56. That same night, María Corina Machado announced that the MUD had copies of 73.2 per cent of the printed and signed tally sheets that had been provided by polling station authorities representing presidential candidate Edmundo González Urrutia, who had been present at the polling stations. González Urrutia's team digitised the tally sheets and shared them on a freely accessible website <https://resultadosconvzla.com>. The digitised tally sheets indicated a large majority of votes for González Urrutia.

57. Two of the independent entities that observed the electoral process at the invitation of the Government published preliminary reports, in which they questioned the integrity of the electoral process. The Carter Center's technical election observation Mission, in its capacity as an electoral observer invited by the National Electoral Council, declared that "Venezuela's 2024 presidential election did not meet international standards of electoral integrity and cannot be considered democratic".⁷¹ A United Nations panel of experts noted that "the results management process of the CNE [National Electoral Council] fell short of the basic transparency and integrity measures that are essential to holding credible elections".⁷²

F. Post-election crisis and massive repression

58. On 29 July 2024, thousands of citizens took to the streets in at least 17 of the country's 23 states and the Capital District, protesting against the opacity of the electoral body and demanding transparency.⁷³ Working-class communities joined the protests all over the country.⁷⁴ The Venezuelan Observatory of Social Conflict registered 915 protests in demand for transparency in the results of the presidential election.⁷⁵

59. Violent repression by the security forces and groups of armed civilians aligned with the Government took place during those days and in the days that followed. The repression resulted in 25 deaths and hundreds of persons injured or detained for simply expressing an opinion. Among the victims were children and persons with disabilities.

60. The repression of the protests was instigated by the highest civilian and military echelons of the State, including President Maduro, through public statements of a threatening nature. After the first protests, the President announced that there would be "maximum

⁶⁸ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab informó que se inició investigación por ataque al CNE", 29 July 2024. Available at: https://www.youtube.com/watch?v=_uxbpyqPydw&t=1203s.

⁶⁹ Ibid.

⁷⁰ Balkan Insight, "North Macedonia Baffled by Venezuelan Claims of 'Hacking Attack'", 30 July 2024. Available at: <https://balkaninsight.com/2024/07/30/north-macedonia-baffled-by-venezuelan-claims-of-hacking-attack>.

⁷¹ Carter Center, "Carter Center Statement on Venezuela Election" 30 July 2024. Available at: <https://www.cartercenter.org/news/pr/2024/venezuela-073024.html>.

⁷² Preliminary Report of the United Nations Panel of Experts: Venezuelan Presidential Election of 28 July 2024, 9 August 2024. Available at: https://news.un.org/en/sites/news.un.org/en/files/atoms/files/Informe_Preliminar_PdE_Venezuela_090824.pdf.

⁷³ Interviews QQIV098; QQIV099; QQIV0100; QQIV0101; QQIV0101; QQIV0102; QQIV110 and QQIV0111. See also AP News, "La oposición de Venezuela asegura tener pruebas de su victoria ante Maduro, mientras miles protestan", 29 July 2024. Available at: <https://apnews.com/world-news/general-news-64fd28f52d5c5c7925a6c7668e272b33>.

⁷⁴ PROVEA, "Venezuela: la represión escala en un intento brutal por ahogar los reclamos ciudadanos", 4 August 2024. Available at: <https://provea.org/actualidad/venezuela-la-represion-escala-en-un-intento-brutal-por-ahogar-los-reclamos-ciudadanos>.

⁷⁵ Interview TTIV018. See also Venezuelan Observatory of Social Conflict (OVCS), "Comunicado: 915 protestas postelectorales, 138 reprimidas. Durante 29 y 30 de julio", 9 August 2024. Available at: www.observatoriodeconflictos.org.ve/comunicados-2/comunicado-915-protestas-postelectorales-138-reprimidas-durante-29-y-30-de-julio.

punishment” for the protesters and warned that “this time there would be no forgiveness”.⁷⁶ On 30 July 2024, President Maduro blamed Machado and González for all the violence and announced the deployment of military and police patrols throughout the country.⁷⁷

61. On 30 July 2024, the authorities launched “Operation Tun Tun”, sending security forces to the homes of persons who had participated in the protests, or who had voiced opinions critical of the Government, in order to arrest them, fostering a climate of generalized fear among the population.⁷⁸ That same day they began arresting opposition leaders, including former National Assembly member Freddy Superlano⁷⁹ and Ricardo Estévez,⁸⁰ a member of Vente Venezuela’s electoral team. Also on the same day, the Attorney General announced the arrest of 749 persons for their alleged participation in violent acts linked to protests “of a terrorist nature” and announced that they would be presumptively charged with the crimes of “public instigation, obstruction of public roads, incitement to hatred, resisting arrest, and in more serious cases, terrorism, and will be imprisoned”.⁸¹

62. On 31 July 2024, the Mission issued a press release expressing its deep concern over the violence and allegations of human rights violations that had been registered.⁸² That evening, President Maduro enlisted the support of the Bolivarian National Guard in response to the protests in Caracas, stating that the demonstrators were trained criminals and that more than 1,200 persons had been detained.⁸³ Two days later, on 2 August, President Maduro announced that 2,000 persons had been detained by the civic-military-police union and that they would be taken to the recently refurbished maximum security prisons of Tocorón and Tocuyito.⁸⁴

63. During the first week of August, the detentions of political leaders continued, including of the national operational coordinator of the political party Voluntad Popular, Roland Carreño,⁸⁵ the former coordinator of the *ConVzla* Campaign Committee, María

⁷⁶ Post on X by El Universo [@eluniverso.com], 7 August 2024. Available at: <https://x.com/eluniversocom/status/1821351866682253793>.

⁷⁷ YouTube video, Luigino Bracci Roa desde Venezuela [@lubrio], “Maduro realiza Consejo de Estado y Consejo de Defensa de la Nación, 30 de julio de 2024”, 30 July 2024. Available at: <https://www.youtube.com/watch?v=124MGAwiVgk>.

⁷⁸ Detailed findings of the Mission 2020, A/HRC/45/CRP.11, paras. 274, 470 et seq.

⁷⁹ Post on X by Freddy Superlano [@freddysuperlano], 30 July 2024. Available at: <https://x.com/freddysuperlano/status/1818289691319574840>.

⁸⁰ El Pitazo, “Perfil: ¿Quién es Ricardo Estévez, el técnico electoral detenido arbitrariamente?”, 2 August 2024. Available at: <https://elpitazo.net/politica/perfil-quien-es-ricardo-estevez-el-tecnico-electoral-detenido-arbitrariamente>.

⁸¹ El Universal, 'Fiscal General: Cuerpos de seguridad han logrado la detención de 749 personas tras generar caos en Venezuela', 30 July 2024. Available at: <https://www.eluniversal.com/politica/187671/fiscal-general-anuncia-que-se-han-detenido-749-personas-en-distintos-focos-de-violencia>.

⁸² Interviews QQIV0100; QQIV0101 and QQIV0105; Documents QQDC089 and QQDC090; United Nations Human Rights Council, Press release: “Venezuela: UN Fact-Finding Mission expresses alarm over human rights violations in post-election context”, 31 July 2024. Available at: <https://www.ohchr.org/en/press-releases/2024/07/venezuela-un-fact-finding-mission-expresses-alarm-over-human-rights?sub-site=HRC>.

⁸³ Post on X by Nicolás Maduro [@NicolasMaduro], 31 July 2024. Available at: <https://x.com/nicolasmaduro/status/1818807344228450380?s=61&t=GWUsvOaBPLvLt7ew4SPNg>.

⁸⁴ Post on X by Nicolás Maduro [@NicolasMaduro], 3 August 2024. Available at: <https://x.com/NicolasMaduro/status/1819842645818032448> [min. 11:50].

⁸⁵ See infra, Case 17: Roland Carreño. See also X post of Voluntad Popular [@VoluntadPopular], 2 August 2024. Available at: <https://x.com/VoluntadPopular/status/1819481772679184829>.

Oropeza;⁸⁶ the former National Assembly member Williams Dávila;⁸⁷; the legal coordinator of Vente Venezuela, Perkins Rocha⁸⁸ and Biaggio Pillieri, national leader of Convergencia.⁸⁹

64. On 12 August 2024, the Mission issued a second press release calling for an end to the repression and for thorough investigations into the serious human rights violations taking place.⁹⁰ The Secretary General and the United Nations High Commissioner for Human Rights,⁹¹ as well as the Inter-American Commission on Human Rights⁹² also spoke out on the situation.

65. During the post-election crisis, The Mission registered other repressive practices, such as the extortion of detainees;⁹³ the dismissal and imprisonment of prosecutors and judges for refusing to issue arrest warrants without a legal basis, persuading the military to avoid cracking down on youths and commenting on the lack of clearly defined crimes in police arrest records;⁹⁴ mass dismissals of dissident civil servants⁹⁵ or the cancellation of passports of human rights defenders, journalists, and political and social leaders.⁹⁶

G. The intervention of the Supreme Court of Justice

66. On 31 July 2024, President Maduro filed a contentious appeal before the Electoral Chamber of the Supreme Court of Justice to “review and verify the results of the presidential

⁸⁶ See *infra*, Case 18: María Oropeza. See also X post by Génesis Dávila [@genesisdava], 7 August 2024. Available at: <https://x.com/genesisdava/status/1821330104385204569>

⁸⁷ See *infra*, Case 19: Williams Dávila. See also X post by Williams Dávila [@williamsdavila], 10 August 2024. Available at: <https://x.com/williamsdavila/status/1822318695705657480>.

⁸⁸ Post on X by Buscando Ciudadanos [@MaConstanzaCR], 28 August 2024. Available at: <https://x.com/MaCostanzaCR/status/1828898228235808860>.

⁸⁹ Post on X by Biagio Pillieri [@BiagioPillieri], 28 August 2024. Available at: <https://x.com/biagiopillieri/status/1828920220897161382?s=12>

⁹⁰ Press release: “Venezuela Fact-Finding Mission calls for end of repression, thorough investigations, after elections” 12 August 2024. Available at: <https://www.ohchr.org/en/press-releases/2024/08/venezuela-fact-finding-mission-calls-end-repression-thorough-investigations>.

⁹¹ UN News, “Venezuela: UN rights chief concerned about post-election tension and violence”, 30 July 2024. Available at: <https://news.un.org/en/story/2024/07/1152661>.

⁹² IACHR, Press Release No. 184: IACHR and SRFOE condemn State terrorism practices in Venezuela, 15 August 2024. Available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/184.asp

⁹³ Interview QQIV099. See also CEPAZ, “Derechos Humanos de Venezuela en Movimiento, Informe: ‘Crisis postelectoral y de Derechos Humanos 2024 en Venezuela’: El informe negro de la dictadura 2024”, 29 August 2024. Available at: <https://cepaz.org/derechos-humanos-de-venezuela-en-movimiento-presenta-el-informe-crisis-postelectoral-y-de-derechos-humanos-2024-en-venezuela-el-informe-negro-de-la-dictadura/>.

⁹⁴ Interview QQIV096. See also X post by @Luis Sucesos, [@LuisSuceso], 1 August 2024. Available at: <https://x.com/LuisSuceso/status/1819182526042460250>; Acceso a la Justicia, “Procesos sumariales sin derecho a la defensa ni información para los detenidos en el marco de las protestas”, 13 August 2024. Available at: <https://accesoalajusticia.org/procesos-sumariales-sin-derecho-defensa-ni-informacion-detenidos-marco-protestas/>.

⁹⁵ TalCual, “La represalia política de nuevo en Pdysa: al menos 100 trabajadores obligados a renunciar”, 21 August 2024. Available at: <https://talcualdigital.com/la-represalia-politica-de-nuevo-en-pdysa-al-menos-100-trabajadores-obligados-a-renunciar>; El Carabobeño, “SNTP confirma que han despedido a trabajadores de VTV y RNV por publicaciones o likes en redes”, 15 August 2024. Available at: <https://www.el-carabobeno.com/sntp-confirma-que-han-despedido-a-trabajadores-de-vtv-y-rnv-por-publicaciones-o-likes-en-redes>.

⁹⁶ Aula Abierta, “Anulación o retención de pasaportes y restricciones a la libertad de circulación contra venezolanos”, 7 August 2024. Available at: <https://aulaabiervenezuela.org/index.php/2024/08/07/anulacion-o-retencion-de-pasaportes-y-restricciones-a-la-libertad-de-circulacion-contra-venezolanos/>.

elections of 28 July”, summon all presidential candidates and request all the tally sheets of the electoral process.⁹⁷ The appeal was declared admissible the following day.⁹⁸

67. On 22 August, the Electoral Chamber of the Supreme Court of Justice issued Judgement No. 032, in which it resolved the contentious electoral appeal lodged by President Maduro. In its judgment, the Electoral Chamber “indisputably” certified the electoral material and ratified the results issued by the National Electoral Council. In addition, the Supreme Court of Justice pointed out that Edmundo González Urrutia was in contempt of court for not attending any phase of the proceedings.⁹⁹

H. The criminal investigation against Edmundo González Urrutia

68. The investigation and judicial proceedings were marked by the interference of some non-judicial authorities. On 30 July 2024, the President of the National Assembly accused Machado and González Urrutia of being leaders of “criminal violence” and of a “fascist conspiracy” and requested the Office of the Attorney General to order their arrest.¹⁰⁰

69. On 7 August 2024, the Office of the Attorney General announced the opening of a criminal investigation against those responsible for the publication and maintenance of the website <http://resultadosconvzla.com>, for the crimes of “usurpation of functions, forgery of public documents, instigation to disobey the law, cybercrimes, association and conspiracy”.¹⁰¹ Between 26 and 30 August 2024, the Public Prosecutor’s Office summoned Edmundo González three times to appear as a suspected in the investigation.¹⁰² Mr. González Urrutia did not attend these summons, alleging the absence of “guarantees of independence and due process”.¹⁰³

70. On 2 September 2024, the First Special Supervisory Court of First Instance with jurisdiction in cases linked to terrorism offences issued an arrest warrant against Edmundo González Urrutia at the request of the Public Prosecutor’s Office.¹⁰⁴ On 7 September 2024, González Urrutia was forced to go into exile in Spain as a result of the persecution to which he was subjected.¹⁰⁵

⁹⁷ Post on X by Nicolás Maduro [@NicolasMaduro], 31 July 2024. Available at: <https://x.com/NicolasMaduro/status/1818755964918525970>.

⁹⁸ Agencia Venezolana de Noticias, “TSJ admite recurso contencioso electoral interpuesto por presidente Maduro”, 1 August 2024. Available at: <https://avn.info.ve/tsj-admite-recurso-interpuesto-por-presidente-maduro-en-relacion-con-elecciones>.

⁹⁹ Post on Instagram by PSUV-Táchira [@psuvtachiraoficial], 22 August 2024. Available at: <https://www.instagram.com/p/C--tzTzOgs4/?d=1>.

¹⁰⁰ Agencia EFE, “El presidente del Parlamento de Venezuela pide cárcel para González Urrutia y María Corina Machado”, 30 July 2024. Available at: <https://efe.com/mundo/2024-07-30/venezuela-presidente-del-parlamento-pide-carcel-para-gonzalez-urrutia-y-machado>.

¹⁰¹ Post on X by Tarek William Saab [@TarekWilliamSaab], 7 August 2024. Available at: <https://x.com/TarekWilliamSaab/status/1821315584929448088/photo/1>.

¹⁰² TeleSUR, “González Urrutia es citado nuevamente por el Ministerio Público”, 26 August 2024. Available at: <https://www.telesurtv.net/gonzalez-urrutia-es-citado-nuevamente-por-el-ministerio-publico>; Venezolana de Televisión, “Edmundo González incumple por tercera vez citación del Ministerio Público”, 30 August 2024. Available at: <https://www.vtv.gob.ve/edmundo-gonzalez-incumple-por-tercera-vez-citacion-ministerio-publico>.

¹⁰³ Post on Instagram by Edmundo González Urrutia [@egonzalezurrutia], 25 August 2024. Available at: https://www.instagram.com/reel/C_HSe9IM4ZE/?utm_source=ig_web_copy_link

¹⁰⁴ Post on Instagram by the Public Prosecutor’s Office of the Bolivarian Republic of Venezuela [@mpublicove], 2 September 2024. Available at: https://www.instagram.com/p/C_bvY0fNwC6/?igsh=N3ZzY2RmNzls2gw

¹⁰⁵ Ministry of Foreign Affairs of Spain, Press Statement No. 049: “Edmundo González lands in Torrejón”, 8 September 2024. Available at: https://www.exteriores.gob.es/en/Comunicacion/Comunicados/Paginas/2024_COMUNICADOS/20240908_COMU049.asp; Press Statement No. 048: “Spain welcomes Edmundo González”, 8 September 2024. Available at: https://www.exteriores.gob.es/en/Comunicacion/Comunicados/Paginas/2024_COMUNICADOS/20240908_COMU048.aspx.

IV. Violations and crimes prior to the presidential election of 28 July 2024

A. Background

1. Conspiracies announced by the Government

71. Since its first report to the Human Rights Council, the Mission has identified that the Government has invoked the existence of conspiracies and destabilising plots, real or fictitious, to justify repression against real or perceived opponents. In 2020, the Mission compiled a non-exhaustive list of 19 conspiracies or destabilising operations put forward by the authorities since 2014.¹⁰⁶

72. During the current reporting cycle, the Government continued this practice. Between December 2023 and July 2024, the authorities announced that they had uncovered and dismantled at least 10 conspiracies which resulted in a wave of repression (see Table 1). The Mission documented the cases of at least 93 persons who were detained in this framework. Many of them were subjected to arbitrary detention and also suffered short-term enforced disappearance, torture or ill-treatment.

Table 1

Conspiracies announced by the authorities (December 2023-July 2024)

<i>Name of the conspiracy</i>	<i>Number of persons detained</i>
Case of the Consultative Referendum for the Essequibo	2
High Conspiracy (<i>Alta Conspiración</i>)	11
Guasualito Espionage	3
La Viñeta	5
Fortunato Espionage	5
White Armband (<i>Brazalete Blanco</i>)	24
Case of Maturín*	2
25 March attack*	3
Case of electricity sabotage in Carabobo*	6
Case of electricity sabotage in Táchira *	32
Total	93

(*) Unofficial designation

Source: Elaborated by the Mission based on its own investigations

73. Some of these conspiracies were presented in a specific political context and in a specific time frame, such as the alleged “national and international conspiracy against Venezuela and the Consultative Referendum for the Essequibo”.¹⁰⁷ With that conspiracy as justification, on 6 December 2023, the Office of the Attorney General announced that arrest warrants had been issued for 14 persons, two of whom were initially detained and then released at the end of December 2023 following political negotiations.¹⁰⁸

¹⁰⁶ Detailed findings of the Mission 2020, A/HRC/45/CRP.11, para. 258.

¹⁰⁷ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR anunció órdenes de aprehensión contra quienes conspiraron contra Referéndum Consultivo”, 6 December 2023. Available at: <https://www.youtube.com/watch?v=ULddeM6Aij4> [min. 11:04].

¹⁰⁸ “Legitimate” National Assembly (IV Legislature), Press Statement: “Ante las órdenes de aprehensión contra 14 ciudadanos venezolanos, por presunta conspiración nacional e internacional contra Venezuela y el Referéndum consultivo del pasado domingo 3 de diciembre de 2023, por parte del Ministerio Público madurista”, 3 December 2023. Available at: <https://asambleanacional.media.s3.amazonaws.com/documentos/act/comunicado-ante-las-ordenes-de-aprehension-contra-14-ciudadanos-venezolanos-por-presunta-conspiracion-nacional-e-internacional-contra-venezuela-y-el-referendum-consultivo-del-pastado-domingo-3-de-diciembre-de-2023-20231207192657.pdf>

74. At a press conference on 22 January 2024, the Attorney General announced that five plots consisting of “criminal and terrorist actions aimed at bathing Venezuela in blood” had been uncovered. The Attorney General stated that these five plots involved “the participation of the DEA, the CIA and the intelligence services of the Colombian army”.¹⁰⁹

75. The five plots, as described by the Attorney General, were the following:

a) *High Conspiracy (Alta Conspiración)*: Venezuelan military personnel were recruited to obtain information related to military and security matters which was to be handed over to “enemy governments”.¹¹⁰ The Office of the Attorney General announced that the plan had been dismantled in May 2023 and that as of January 2024, 11 persons had been arrested and indicted.¹¹¹

b) *Guasdalito Espionage*: A group of civilians and police officials cooperated with a foreign intelligence organisation to recruit members of security agencies with the aim of attacking President Maduro and other political leaders.¹¹² The Office of the Attorney General announced that three men had been arrested and indicted in the case.¹¹³

c) *La Viñeta*: A plot to assassinate President Maduro and Defence Minister Vladimir Padrino López. The Office of the Attorney General announced that five men were detained and charged in relation to this case.¹¹⁴

d) *Fortunato Espionage*: José Fortunato Guerrero Rojas was apprehended when he entered the country illicitly in order to carry out espionage activities and seek information of a military nature that he was going to hand over to the CIA. The Office of the Attorney General announced that in this case, in addition to Guerrero Rojas, four other men had been detained and charged.¹¹⁵

e) *White Armband (Brazalete Blanco)*: The plot included an attack on the 21st Infantry Brigade of the Bolivarian Army in San Cristóbal, Táchira State, in order to obtain weapons to then assassinate the Governor of Táchira, Freddy Bernal. In addition,

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el presidente”, 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min. 12:13 to 13:23].

¹¹² Ibid. [min. 13:26 to 15:00]; Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, “Fiscal General anunció aprehensión de 8 personas por plan para atentar contra el Presidente de la República”, 22 January 2024. Available at: <https://web.archive.org/web/20240123014226/http://www.mp.gob.ve/index.php/2024/01/22/fiscal-general-anuncio-aprehension-de-8-personas-por-plan-para-atentar-contr-el-presidente-de-la-republica>.

¹¹³ Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, “Fiscal General anunció aprehensión de 8 personas por plan para atentar contra el Presidente de la República”, 22 January 2024. Available at: <https://web.archive.org/web/20240123014226/http://www.mp.gob.ve/index.php/2024/01/22/fiscal-general-anuncio-aprehension-de-8-personas-por-plan-para-atentar-contr-el-presidente-de-la-republica>.

¹¹⁴ Ibid.; YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el presidente”, 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min. 15:16 to 17:26].

¹¹⁵ Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, “Fiscal General anunció aprehensión de 8 personas por plan para atentar contra el Presidente de la República”, 22 January 2024. Available at: <https://web.archive.org/web/20240123014226/http://www.mp.gob.ve/index.php/2024/01/22/fiscal-general-anuncio-aprehension-de-8-personas-por-plan-para-atentar-contr-el-presidente-de-la-republica/>; YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el presidente”, 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 17:34 to 18:57].

there was a plan to assassinate President Maduro. Although the plot was scheduled to be carried out between 31 December 2023 and 1 January 2024, the Attorney General reported that the conspiracy was dismantled before it could be successfully executed.¹¹⁶

76. In March 2024, the Attorney General announced that two more assassination plots had been uncovered: on 13 March he reported a case in Maturín, Monagas State,¹¹⁷ and on 26 March, he announced the arrest of two men for an assassination attempt against President Maduro. A third man was arrested in the same case on 15 April 2024.¹¹⁸

77. Other conspiracies were announced in the context of the presidential election. On 12 July 2024, the Attorney General held a press conference in which he announced that “acts of sabotage to the electricity system” had increased in the context of the elections.¹¹⁹ The Attorney General reported that six persons had been detained in Carabobo State in April 2024 for sabotaging the electricity system in connection with “acts of conspiracy”.¹²⁰ He also announced that two men had been detained for planning to sabotage the electricity system in Táchira State with the aim of “destabilizing” the presidential elections.¹²¹

78. After the conclusion of the election on 28 July 2024, the authorities claimed that the delay in announcing the results was due to “an attack on the data transmission system”.¹²² On 29 July 2024, the Attorney General publicly announced that the attack had originated in North Macedonia with the intention of “manipulating the data being received by the National Electoral Council”, accusing María Corina Machado, among others, of being involved.¹²³

2. Operation White Armband

79. Among all the conspiracies announced by the authorities, Operation White Armband is particularly significant. The Mission conducted an in-depth investigation into the serious human rights violations and crimes related to this conspiracy, in particular because of the large number of persons affected and the impact it generated. The victims of these violations were members of the armed forces, human rights defenders and political leaders involved in the electoral process (see Figures 1 and 2 and Table 2 below).

80. Detentions related to White Armband began on 15 and 16 December 2023, when five members of the military (four men and one woman) were detained.¹²⁴ One month later, members of the political organisation Vente Venezuela began to be arrested as part of this case, starting with Víctor Venegas on 17 January 2024,¹²⁵ followed by the detention of three regional leaders on 23 January 2024: Juan Freites, Luis Camacaro, and Guillermo López.¹²⁶

¹¹⁶ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el presidente”, 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 37:07].

¹¹⁷ See infra, Case 10: Whillfer Piña.

¹¹⁸ See infra, Case 12: Carlos Julio Rojas.

¹¹⁹ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab anunció la detención de implicados en desmantelamiento del SEN”, 12 July 2024. Available at: <https://www.youtube.com/watch?v=jvOfYrkvWBQ> [min 1:10 - 2:40].

¹²⁰ Ibid. [min 20:30 - 22:35].

¹²¹ Ibid. [min 17:13 - 17:28].

¹²² YouTube video, FRANCE 24 Español, [@France24_es], “Al 80% de las mesas escrutadas, CNE confirma la reelección de Nicolás Maduro con 51,2% votos”, 28 July 2024. Available at: <https://www.youtube.com/watch?v=DEybLPc6iaU> [min 00:28 - 00:46].

¹²³ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab informó que se inició investigación por ataque al CNE”, 29 July 2024. Available at: https://www.youtube.com/watch?v=_uxbpyqPydw [min 22:11 - 22:54].

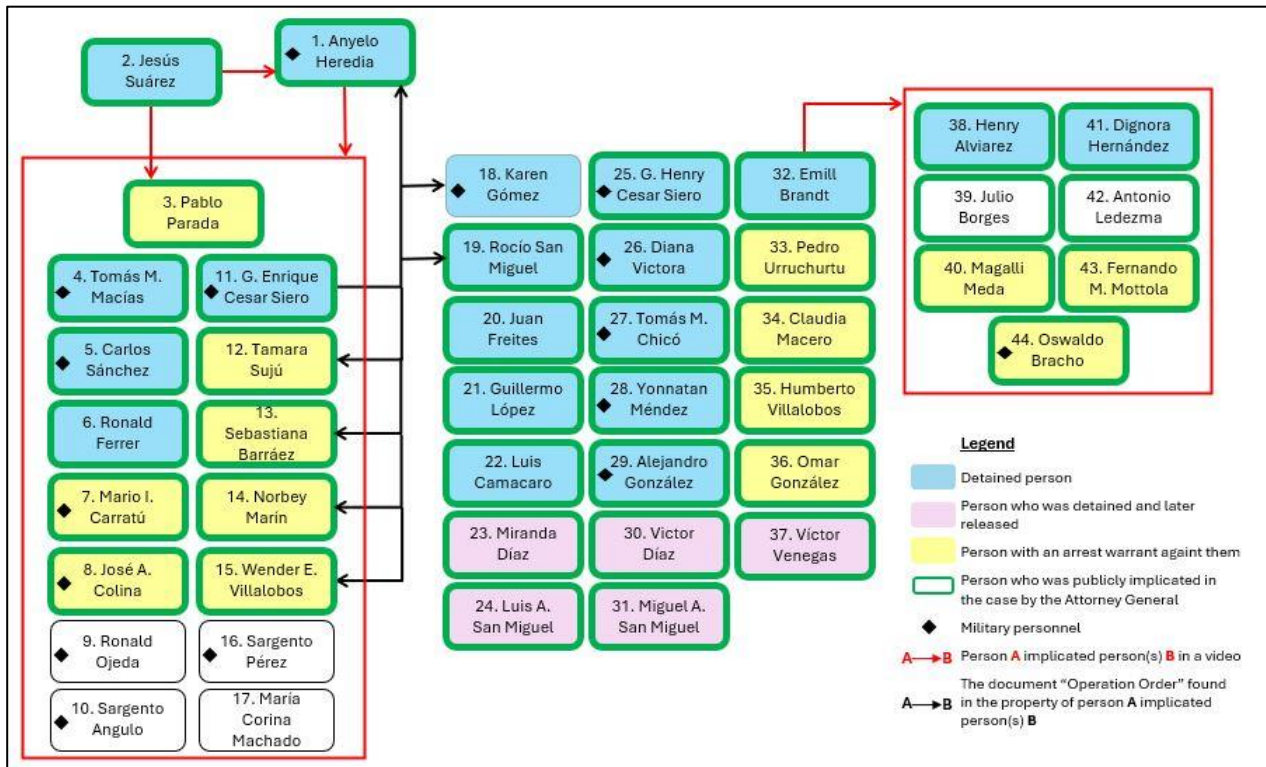
¹²⁴ Anyelo Heredia, Carlos Sánchez, Guillermo Enrique César Siero, Diana Victora, and Guillermo Henry César Siero. See infra, Case 3: Anyelo Heredia and Case 4: Four Military Personnel (Operation White Armband).

¹²⁵ See infra, Case 5: Victor Venegas.

¹²⁶ See infra, Case 7: Regional leaders of Vente Venezuela.

Figure 1.

Persons implicated in the White Armband case according to information presented by the Office of the Attorney General



Source: Elaborated by the Mission based on its own investigations.

81. Operation White Armband was mentioned publicly by the authorities on 22 January 2024, at a press conference in which the Attorney General announced the detention of Anyelo Heredia and presented a video in which he incriminated Heredia and 15 other persons in Operation White Armband. Between that moment and 20 March 2024, 44 persons were publicly linked to the conspiracy. At least 24 of them were detained and arrest warrants were issued for at least 14 others.¹²⁷ The Attorney General announced that he had requested the arrest warrants from the Second Terrorism Court and that he had commissioned National Prosecutors 67 and 74 to lead the investigation into the case.¹²⁸

82. On 26 January 2024, the Attorney General announced that, in addition to the 12 arrests that had already been carried out, there were 17 outstanding arrest warrants.¹²⁹ Of the latter, at least seven warrants targeted civil society actors opposed to the Government or perceived as such.¹³⁰

83. In February and March 2024, at least nine other persons were arrested in this case: human rights defender and security expert Rocío San Miguel, along with five of her family

¹²⁷ See *infra*, Graphic 1 (Diagram of persons involved); Table 2 (List of persons involved) and Graphic 2 (Timeline).

¹²⁸ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el presidente”, 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 22:00].

¹²⁹ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab informó detención de exfiscal y exdefensor público por pagos de beneficios”, 26 January 2024. Available at: <https://www.youtube.com/watch?v=19T3Vt2K7y4&t=3649s> [min 1:12:15].

¹³⁰ Tamara Sujú, Wender Enrique Villalobos, Norbey Marín, Sebastiana Barráez, Mario Ivan Carratú, José Antonio Colina, and Pablo Antonio Parada.

members and other related persons;¹³¹ and three leaders of Vente Venezuela.¹³² On 20 March, the Attorney General announced seven additional arrest warrants, five of them against national leaders of Vente Venezuela.¹³³

84. By the end of March 2024, there were at least 18 persons in detention, six released with probation measures, and 21 outstanding arrest warrants in connection with Operation White Armband. The Mission was able to investigate 19 of those detentions and has reasonable grounds to believe that all of them were arbitrary.¹³⁴ In most cases, the detentions were conducted without the presentation of an arrest warrant by the State security forces, and without providing the detainees with information about the reasons for their arrest. In addition, these arrests were accompanied or followed by serious violations of due process.

85. The Mission has reasonable grounds to believe that at least three persons detained in connection with Operation White Armband were tortured or ill-treated in detention.¹³⁵ In addition, the Mission was informed that at least three persons were forced to write letters or record videos implicating other persons in the conspiracy.¹³⁶ The Mission also has reasonable grounds to believe that, under an expansive interpretation of the enforced disappearance, at least 11 persons detained in connection with the White Armband case were also victims of short-term enforced disappearance.¹³⁷

Table 2.

Persons implicated in the White Armband case according to information presented by the Office of the Attorney General

<i>Number</i>	<i>Name</i>	<i>Profile</i>
1	Anyelo Julio Heredia Gervacio	<p><i>Man, military personnel (captain) demoted and expelled from FANB</i></p> <p>Detained in Colombia by the National Liberation Arm (ELN) on 13 December 2023 and handed over to the DGCIM on 16 December. The Attorney General publicly stated that Heredia was detained on 16 January 2024.</p> <p>The Mission has reasonable grounds to believe that Heredia was subjected to arbitrary detention and enforced disappearance, and that during his detention he was tortured and forced to record a video incriminating himself and implicating at least 15 other persons (Nos. 3 to 17) in Operation White Armband.</p>
2	Jesús Suárez Gil	<p><i>Man, former student leader</i></p> <p>On 26 January 2024 the Attorney General announced his detention. After a preliminary investigation, the Mission could not obtain information on his whereabouts or conditions of detention.</p>

¹³¹ See *infra*, Case 9: Rocío San Miguel and related persons.

¹³² Emill Brandt, Henry Alviarez, and Dignora Hernández. See *infra*, Case 11: National Committee of Vente Venezuela.

¹³³ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [MPvenezolano], “FGR Tarek William Saab reveló nuevo plan desestabilizador con epicentro en Barinas”, 20 March 2024. Available at: <https://www.youtube.com/watch?v=T8RE-8OfP4> [min 34:19].

¹³⁴ See *infra*, Case 3: Anyelo Heredia; Case 4: Four military personnel (Operation White Armband); Case 5: Víctor Venegas; Case 6: Karen Gómez; Case 7: Regional leaders of Vente Venezuela; Case 9: Rocío San Miguel and related persons; and Case 11: National Committee of Vente Venezuela.

¹³⁵ Emill Brandt, Anyelo Heredia, and Diana Victora. See *infra*, Case 3: Anyelo Heredia, and Case 4: Four military personnel (Operation White Armband).

¹³⁶ See *infra*, Case 3: Anyelo Heredia; Case 4: Four military personnel (Operation White Armband) and Case 5: Victor Venegas.

¹³⁷ See *infra*, Case 3: Anyelo Heredia; Case 4: Four military personnel (Operation White Armband); Case 6: Karen Gómez; Case 7: Regional leaders of Vente Venezuela and Case 9: Rocío San Miguel and related persons.

<i>Number</i>	<i>Name</i>	<i>Profile</i>
3	Pablo Antonio Parada Díaz	<i>Man, former student leader living in exile</i> On 24 January 2024, the Public Prosecutor’s Office requested a warrant for his arrest.
4	Tomás Enrique Martínez Macías	<i>Man, military personnel (major general) demoted and expelled from FANB. Father of Tomás Martínez Chicó (No. 27)</i> The Public Prosecutor’s Office requested a warrant for his arrest on 19 January 2024. On 22 January 2024, the Attorney General announced that he had been detained in execution of that warrant.
5	Carlos Jesús Sánchez Vásquez	<i>Man, military personnel (colonel) demoted and expelled from FANB. Partner of Karen Gómez (No. 18)</i> The Public Prosecutor’s Office requested a warrant for his arrest on 19 January 2024. On 22 January 2024, the Attorney General announced that he had been detained in execution of that warrant. According to the Mission’s investigation, Sánchez Vásquez was detained on 15 December 2023. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and short-term enforced disappearance.
6	Ronald Alejandro Ferrer Vera	<i>Man</i> The Public Prosecutor’s Office requested a warrant for his arrest on 19 January 2024. On 22 January 2024 the Attorney General announced that he had been detained in execution of that warrant. The Mission has no information on his whereabouts or conditions of detention.
7	Mario Iván Carratú Molina	<i>Man, military personnel (vice admiral) living in exile</i> On 22 January 2024 the Attorney General announced that an arrest warrant had been issued against him.
8	José Antonio Colina Pulido	<i>Man, military personnel (lieutenant) living in exile</i> On 22 January 2024 the Attorney General announced that an arrest warrant had been issued against him.
9	Ronald Leandro Ojeda Moreno	<i>Man, military personnel (first lieutenant) demoted and expelled from FANB</i> Kidnapped on 21 February 2024 in Chile. He was murdered and his body was found ten days later in Chile.
10	“Sergeant Angulo”	<i>Man, military personnel (sergeant)</i> Implicated in White Armband by Anyelo Heredia in a video broadcast by the Public Prosecutor’s Office on 22 January 2024. It is possible that this person is Sergeant Nerio Xavier Angulo Camacaro, who appears on the list of military personnel demoted and expelled from FANB on 23 January 2024.
11	Guillermo Enrique César Siero	<i>Man, military personnel (lieutenant colonel) demoted and expelled from FANB. Spouse of Diana Victoria (No. 26); brother of Guillermo Henry César Siero (No. 25)</i> The Public Prosecutor’s Office requested a warrant for his arrest on 19 January 2024. On 22 January 2024 the Attorney General announced that he had been detained in execution of that warrant. According to the Mission’s investigation, Guillermo Enrique César Siero was detained on 15 December 2023. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and to a short-term enforced disappearance, according to an expansive interpretation of this serious human rights violation, as detailed in Section IV. C of this report. The Mission was also informed that during his detention he was tortured and forced to write a letter implicating other persons in a conspiracy.

<i>Number</i>	<i>Name</i>	<i>Profile</i>
12	Tamara Sulay Sujú Roa	<i>Woman, human rights defender living in exile</i> On 22 January 2024 the Attorney General announced that an arrest warrant had been issued against her.
13	María Sebastiana Barráez Pérez	<i>Woman, journalist</i> On 22 January 2024 the Attorney General announced that an arrest warrant had been issued against her.
14	Norbey Antonio Marín Gil	<i>Man, Internet content creator living in exile</i> On 22 January 2024 the Attorney General announced that an arrest warrant had been issued against him.
15	Wender Enrique Villalobos Padrón	<i>Man, Internet content creator living in exile</i> On 22 January 2024 the Attorney General announced that an arrest warrant had been issued against him.
16	"Sergeant Perez"	<i>Man, military personnel (sergeant)</i> Implicated in White Armband by Anyelo Heredia in a video broadcast by the Public Prosecutor's Office on 22 January 2024. It is possible that this person is Sergeant Juan Vicente Pérez Marcano, who appears on the list of military personnel demoted and expelled from FANB on 23 January 2024.
17	María Corina Machado	<i>Woman, politician and National Coordinator of Vente Venezuela</i> Implicated in White Armband by Anyelo Heredia in a video broadcast by the Public Prosecutor's Office on 22 January 2024.
18	Karen Nayarit Gómez Gutiérrez	<i>Woman, military personnel (first lieutenant) demoted and expelled from FANB. Partner of Carlos Sanchez (No. 5)</i> According to the Mission's investigation, Karen Nayarit Gómez Gutiérrez was detained on 22 January 2024. The Mission has reasonable grounds to believe that she was subjected to arbitrary detention and short-term enforced disappearance.
19	Rocío San Miguel Sosa	<i>Woman, human rights defender. Mother of Miranda Diaz (No. 23); sister of Luis A. San Miguel (No. 24) and Miguel A. San Miguel (No. 31); former spouse of Alejandro Gonzalez (No. 29); former spouse of Victor Diaz (No. 30)</i> Detained on 9 February 2024. The Mission has reasonable grounds to believe that she was subjected to arbitrary detention and to a short-term enforced disappearance, according to an expansive interpretation of this serious human rights violation, as detailed in Section IV. C of this report
20	Juan José Freites Cabrejos	<i>Man, politician</i> Detained on 23 January 2024. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and short-term enforced disappearance.
21	Guillermo de Jesús López	<i>Man, politician</i> Detained on 23 January 2024. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and short-term enforced disappearance.
22	Luis Enrique Camacaro Meza	<i>Man, politician</i> Detained on 23 January 2024. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and short-term enforced disappearance.

<i>Number</i>	<i>Name</i>	<i>Profile</i>
23	Miranda Díaz San Miguel	<i>Woman. Daughter of Rocío San Miguel (No. 19) and Víctor Díaz (No. 30)</i> Detained on 10 February 2024 and released under probation measures on 13 February 2024. The Mission has reasonable grounds to believe that she was subjected to arbitrary detention and short-term enforced disappearance.
24	Luis Alberto San Miguel Gigosos	<i>Man. Brother of Rocío San Miguel (No. 19) and Miguel A. San Miguel (No. 31)</i> Detained on 11 February 2024 and released under probation measures on 13 February 2024. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and to a short-term enforced disappearance, according to an expansive interpretation of this serious human rights violation, as detailed in Section IV. C of this report
25	Guillermo Henry César Siero	<i>Man, military personnel (major) demoted and expelled from FANB. Brother of Guillermo Enrique César Siero (No. 11)</i> The Public Prosecutor's Office requested a warrant for his arrest on 19 January 2024. On 22 January 2024 the Attorney General announced that he had been detained in execution of that warrant. According to the Mission's investigation, Guillermo Henry César Siero was detained on 15 December 2023. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and short-term enforced disappearance.
26	Diana Desiree Victoria Justo	<i>Woman, military personnel (major) demoted and expelled from FANB. Spouse of Guillermo Enrique César Siero (No. 11)</i> The Public Prosecutor's Office requested a warrant for her arrest on 19 January 2024. On 22 January 2024 the Attorney General announced that she had been detained in execution of that warrant. According to the Mission's investigation, Diana Desiree Victoria Justo was detained on 15 December 2023. The Mission has reasonable grounds to believe that she was subjected to arbitrary detention and short-term enforced disappearance, and that during her detention she was subjected to torture and cruel, inhuman or degrading treatment.
27	Tomás Enrique Martínez Chicó	<i>Man, military personnel (captain) demoted and expelled from FANB. Son of Tomás Martínez Macías (No. 4)</i> The Public Prosecutor's Office requested a warrant for his arrest on 19 January 2024. On 22 January 2024 the Attorney General announced that he had been detained in execution of that warrant.
28	Yonnatan Ezardo Méndez Chacón	<i>Man, military personnel (first lieutenant)</i> The Mission has received information that he was detained on 16 December 2023. On 26 January 2024 the Attorney General stated publicly that on that same day he had requested an arrest warrant against him. Following a preliminary investigation, the Mission was unable to corroborate information on his whereabouts or conditions of detention.
29	Alejandro José González Canales Plaza	<i>Man, retired military personnel (colonel). Former spouse of Rocío San Miguel (No. 19)</i> Detained on 9 February 2024. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and short-term enforced disappearance.
30	Victor Radiro Díaz Paruta	<i>Man. Father of Miranda Díaz (No. 23); former spouse of Rocío San Miguel (No. 19)</i> Detained on 10 February 2024 and released under probation measures on 13 February 2024. The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and short-term enforced disappearance.
31	Miguel Ángel San Miguel Sosa	<i>Man. Brother of Rocío San Miguel (No. 19) and Luis A. San Miguel (No. 24)</i> Detained on 11 February 2024 and released under probation measures on 13 February 2024.

Number

Figure 1 Name

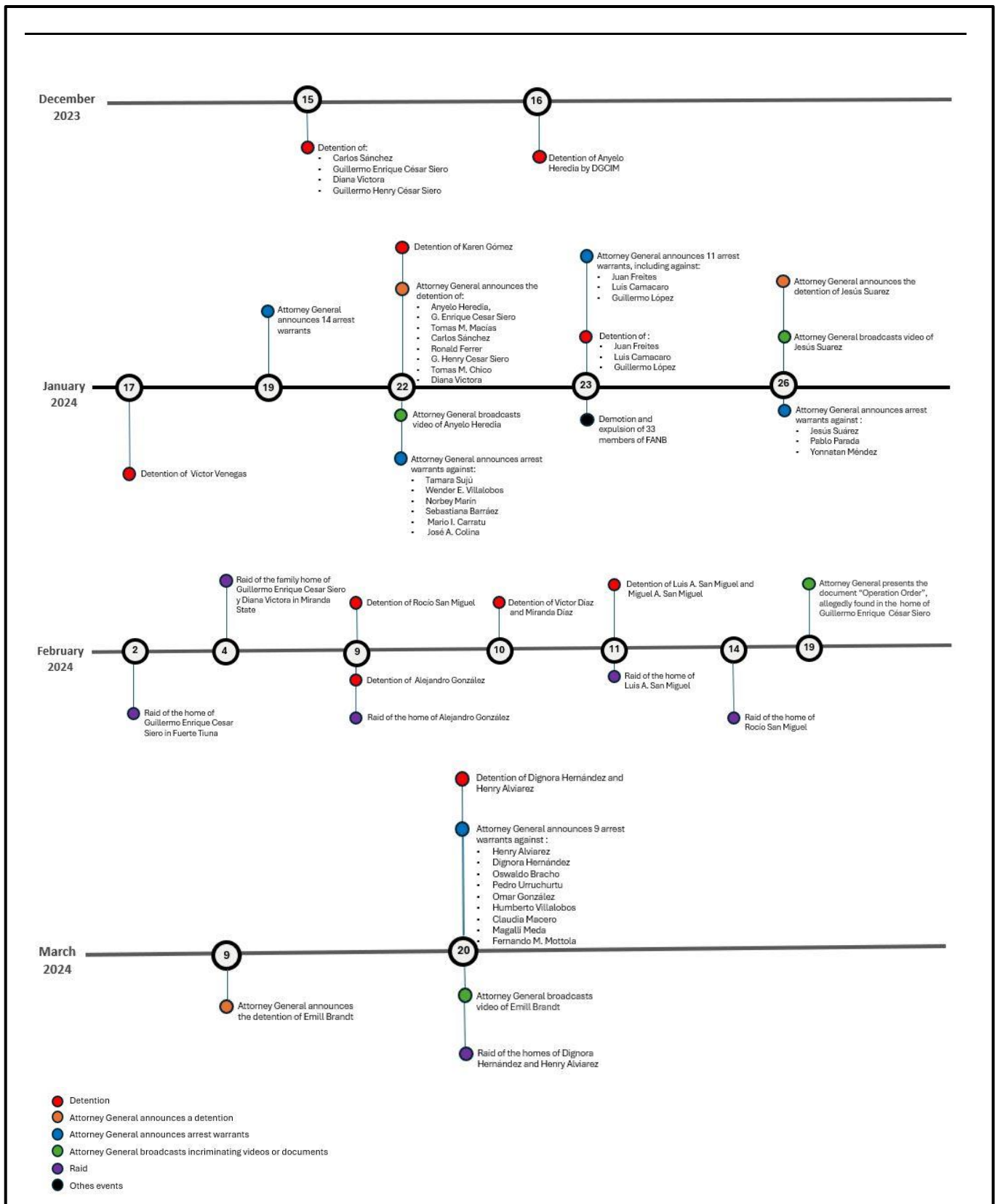
Profile

		<p>The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and to a short-term enforced disappearance, according to an expansive interpretation of this serious human rights violation, as detailed in Section IV. C of this report</p>
32	Emill Brandt Ulloa	<p><i>Man, politician</i></p> <p>On 9 March 2024 the Attorney General announced that Brandt Ulloa had been detained. During his detention, he was forced to record a video implicating Henry Alviarez (No. 38), Julio Borges (No. 39), Magalli Meda (No. 40), Dignora Hernández (No. 41), Antonio Ledezma (No. 42), Fernando Martínez Mottola (No. 43), and Oswaldo Bracho (No. 44).</p> <p>The Mission has reasonable grounds to believe that he was subjected to arbitrary detention, and that during his detention he was subjected to torture and cruel, inhuman or degrading treatment.</p>
33	Pedro Urruchurtu	<p><i>Man, politician</i></p> <p>On 20 March 2024 the Attorney General announced that an arrest warrant had been requested against Urruchurtu. Since that day he has taken refuge in the residence of the Ambassador of Argentina in Caracas.</p>
34	Claudia Macero	<p><i>Woman, politician</i></p> <p>On 20 March 2024 the Attorney General announced that an arrest warrant had been requested against Macero. Since that day she has taken refuge in the residence of the Ambassador of Argentina in Caracas.</p>
35	Humberto Villalobos	<p><i>Man, politician</i></p> <p>On 20 March 2024 the Attorney General announced that an arrest warrant had been requested against Villalobos. Since that day he has taken refuge in the residence of the Ambassador of Argentina in Caracas.</p>
36	Omar González Moreno	<p><i>Man, politician</i></p> <p>On 20 March 2024 the Attorney General announced that an arrest warrant had been requested against Gonzalez Moreno. Since that day he has taken refuge in the residence of the Ambassador of Argentina in Caracas.</p>
37	Victor Venegas	<p><i>Man, politician</i></p> <p>Detained on 17 January 2024 and released under probation measures on 11 March 2024.</p> <p>The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and to a short-term enforced disappearance, according to an expansive interpretation of this serious human rights violation, as detailed in Section IV. C of this report</p>
38	Henry Alviarez	<p><i>Man, politician</i></p> <p>Implicated in White Armband by Emill Brandt in a video published by the Office of the Attorney General on 20 March 2024. Detained on 20 March 2024.</p> <p>The Mission has reasonable grounds to believe that he was subjected to arbitrary detention and to a short-term enforced disappearance, according to an expansive interpretation of this serious human rights violation, as detailed in Section IV. C of this report</p>
39	Julio Andrés Borges Junyent	<p><i>Man, politician living in exile</i></p> <p>Implicated in White Armband by Emill Brandt in a video broadcast by the Public Prosecutor's Office on 20 March 2024.</p>
40	Magalli Meda	<p><i>Woman, politician</i></p> <p>On 20 March 2024 the Attorney General announced that an arrest warrant had been requested against Meda. Since that day she has taken refuge in the residence of the Ambassador of Argentina in</p>

<i>Number</i>	<i>Name</i>	<i>Profile</i>
		Caracas. Implicated in White Armband by Emill Brandt in a video broadcast by the Public Prosecutor's Office on 20 March 2024.
41	Dignora Hernández	<i>Woman, politician</i> Implicated in White Armband by Emill Brandt in a video published by the Office of the Attorney General on 20 March 2024. Detained on the same date. The Mission has reasonable grounds to believe that she was subjected to arbitrary detention and to a short-term enforced disappearance, according to an expansive interpretation of this serious human rights violation, as detailed in Section IV. C of this report
42	Antonio José Ledezma Díaz	<i>Man, politician living in exile</i> Implicated in White Armband by Emill Brandt in a video broadcast by the Public Prosecutor's Office on 20 March 2024.
43	Fernando Martínez Mottola	<i>Man, politician</i> On 20 March 2024 the Attorney General announced that an arrest warrant had been requested against Martínez Mottola. Implicated in White Armband by Emill Brandt in a video published by the Office of the Attorney General on 20 March 2024. Detained on 20 March 2024. Since 21 March 2024 he has taken refuge in the residence of the Ambassador of Argentina in Caracas.
44	Oswaldo Bracho	<i>Man, retired military personnel (general) living in exile</i> Implicated in White Armband by Emill Brandt in a video published by the Office of the Attorney General on 20 March 2024. Detained on 20 March 2024.

Source: Elaborated by the Mission based on its own investigations and publicly available information from the Public Prosecutor's Office.

Figure 2.
Timeline of key events in the case of Operation White Armand



Source: Elaborated by the Mission based on its own investigations.

B. Arbitrary detentions

86. In the period leading up to the presidential election, the Mission continued to investigate cases of detentions as targeted repression against real or perceived opponents to the Government. Most of those detentions investigated by the Mission were targeted at members of political parties or groups, or persons with a public profile. Those detentions were generally justified on the alleged involvement of the detainees in the various conspiracies announced by the Government and were carried out without a warrant being presented to those detained.¹³⁸

87. During this period, the Mission documented 23 cases of detentions linked to conspiracies, involving 43 men and 9 women (41 civilians and 11 military). Among the latter, 10 were demoted and expelled from FANB on 23 January 2024 for their participation - according to the Ministry of People's Power for Defence- in conspiratorial activities.¹³⁹ Out of the documented cases, the Mission investigated 16 (involving 30 men and 7 women) and concluded with reasonable grounds to believe that all those detentions were arbitrary.

88. The Mission also registered massive detentions of persons participating in opposition campaign events, particularly in the latter part of this period. In total, 121 detentions¹⁴⁰ were registered against 106 men and 15 women.¹⁴¹ The detentions included members of political parties,¹⁴² supporters and sympathisers of the MUD candidate, and a range of persons who provided logistical support for opposition campaign events.¹⁴³

89. The Mission also investigated the issuing of arrest warrants against persons who were outside the country. In some cases, those persons had to go into exile or who had to go into hiding due to accusations that were published against them prior to the Mission's reporting period.

1. Profiles of the victims of arbitrary detentions

a) Members of opposition parties and political groups

90. Prior to the presidential election, the Mission documented 18 detentions of members of political parties and groups (15 men and 3 women). The Mission investigated 13 of those cases and concluded that all those detentions were arbitrary.

91. Among those arbitrarily detained, eight were members of Vente Venezuela. For example, two leaders of the National Committee of Vente Venezuela, Dignora Hernández, the political secretary of the party, and Henry Alviarez, its organisational coordinator, were both implicated in a plot to generate violence and destabilise the country.¹⁴⁴ Members of the

¹³⁸ See *infra*, Case 3: Anyelo Heredia; Case 4: Four military personnel (Operation white Armband); Case 5: Víctor Venegas; Case 6: Karen Gómez; Case 7: Regional leaders of Vente Venezuela; Case 8: Carlos Salazar; Case 9: Rocío San Miguel and related persons and Case 11: National Committee of Vente Venezuela.

¹³⁹ Communiqué of the Minister of the People's Power for Defence, 23 January 2024.

¹⁴⁰ Cases of human rights violations may involve one or several persons affected by violations investigated by the Mission, reflecting specific patterns. Each case may include several incidents, which are specific acts of rights violations, such as arbitrary detention, torture, or enforced disappearances, affecting a particular victim.

¹⁴¹ Post on X by Foro Penal [@ForoPenal], 22 July 2024. Available at: <https://x.com/ForoPenal/status/181555944685654242>; DW, "Detenciones de opositores marcan campaña en Venezuela!", 16 July 2024. Available at: <https://www.dw.com/es/detenciones-de-opositores-marcan-campa%C3%B1a-en-venezuela/a-69674843>.

¹⁴² El Impulso, "Voluntad Popular confirmó detención de Freddy Cimino en Miranda #18Jul", 18 July 2024. Available at: <https://www.elimpulso.com/2024/07/18/video-voluntad-popular-confirmando-detencion-de-freddy-cimino-en-miranda-18jul>.

¹⁴³ El Nacional, "Reportan seis detenciones tras acto de campaña de Edmundo González en Barinas", 10 July 2024. Available at: <https://www.elnacional.com/venezuela/reportan-seis-detenciones-tras-acto-de-campana-de-edmundo-gonzalez-en-barinas>.

¹⁴⁴ See *infra*, Case 11: National Committee of Vente Venezuela.

regional leadership of Vente Venezuela from the states of Yaracuy, La Guaira, Trujillo, Barinas and Aragua were also arbitrarily detained.¹⁴⁵

92. Five other members of Vente Venezuela (3 men and 2 women) were the subject of arrest warrants announced by the Attorney General on 20 March 2024.¹⁴⁶ Since that day, the five persons have taken refuge in the residence of the Ambassador of Argentina in Caracas. After the rupture of diplomatic relations between the Bolivarian Republic of Venezuela and Argentina, Brazil took custody of the diplomatic headquarters of Argentina in Caracas along with the persons who were sheltered there. On 6 September, the Venezuelan Government decided to revoke its consent for Brazil to take custody of Argentina's diplomatic facilities.¹⁴⁷

93. The Mission also investigated the cases of members of other political parties detained in the run-up to the elections. One example is that of John Álvarez, secretary general for youth of the Bandera Roja party, detained for allegedly having posted pamphlets on a statue of Simón Bolívar located in the historic centre of Caracas.¹⁴⁸ Nelson Piñero, a member of the Encuentro Ciudadano party, was detained for posting messages critical of public officials and government policies on his X account.¹⁴⁹ Similarly, a leader of La Causa Radical (La Causa R) party and coordinator of United for Monagas (UPAM), Whillfer Piña, was detained and implicated by the Attorney General in a conspiracy to carry out a coup d'état.¹⁵⁰

b) Members of civil society organisations and human rights defenders

94. The Mission also investigated the detention of civil society activists and human rights defenders during the pre-election period. One such case is that of Roberto Abdul-Hadi, president of the organization Súmate, who was arrested on 6 December 2023 and charged with participating in an alleged conspiracy against the referendum on Guayana Esequiba. Abdul-Hadi had played an active role in the organization of the opposition's primary election. The Mission also investigated the case of Rocío San Miguel, human rights activist and president of the organization Control Ciudadano, who was arrested on 9 February 2024.¹⁵¹

95. The Mission also investigated the case of Edison Arciniega, executive director of the Centre for Agri-Food Studies, who went into exile on 17 March 2024 after the Attorney General announced an arrest warrant against him for incitement to hatred. A representative of the Office of the Attorney General said Arciniega made "*indiscriminate and irresponsible use of social media and other means of communication*", disseminating "*false information through which he intended to cause anxiety and panic in the community*".¹⁵² Before the arrest warrant was issued, Arciniega had been advised by several officials that he should keep a

¹⁴⁵ See *infra*, Case 7: Regional Leaders of Vente Venezuela and Case 11: National Committee of Vente Venezuela; Interviews: QQIV041; QQIV042; QQIV053; QQIV069; QQIV076; QQIV080 and QQIV093.

¹⁴⁶ Omar González Moreno, Magallí Meda, Humberto Villalobos, Fernando Martínez Mottola, Claudia Macero and Pedro Urruchurtu. See *infra*, Case 11: National Committee of Vente Venezuela.

¹⁴⁷ See *infra*, Case 11: National Committee of Vente Venezuela; Clarín, "Brasil: Lula da Silva se reunió con la cúpula de la Cancillería y se mostró "preocupado" con la situación de la Embajada argentina en Venezuela", 8 September 2024. Available at: https://www.clarin.com/mundo/brasil-lula-da-silva-reunio-cupula-cancilleria-mostro-preocupado-situacion-embajada-argentina-venezuela_0_vwTkUttRHP.html?srsId=AfmBOopF1jQUzG3y11Joe8IY_UsKQbr5dCoMOsQwsa858vxURbPOU3IZ

¹⁴⁸ See *infra*, Case 1: John Álvarez.

¹⁴⁹ See *infra*, Case 2: Nelson Piñero.

¹⁵⁰ See *infra*, Case 10: Whillfer Piña.

¹⁵¹ See *infra*, Case 9: Rocío San Miguel and related persons.

¹⁵² Post on X by Tarek William Saab [@TarekWilliamSaab], 12 March 2024. Available at: <https://x.com/TarekWilliamSaab/status/1767548127861436660>; YouTube video, NTN24 [@ntn24], "Recibí la noticia con sorpresa: Edison Arciniegas, a quien el régimen de Maduro ordenó capturarlo", 21 March 2024. Available at: <https://www.youtube.com/watch?v=4v6919643Ig>

low profile in relation to the results of investigations into issues such as inequality in access to food, food security and land invasion.¹⁵³

96. The Mission also documented cases in which the Office of the Attorney General requested arrest warrants against persons and activists in exile outside the country. This is the case of Tamara Sujú Roa, executive director of the Centre for Latin American Studies (CASLA) and José Antonio Colina, founder of the association Venezuelans under Political Persecution in Exile (VPPEX).¹⁵⁴ The Attorney General implicated both in Operation White Armband.

c) Journalists, content creators and other persons who exercised freedom of expression

97. The Mission continued to document a pattern of harassment, as well as arbitrary detentions and announcements of arrest warrants by the Attorney General against persons exercising their right to freedom of expression, including journalists, content creators, politicians and social media users. The Mission documented eight cases of such detentions, and in five of them concluded with reasonable grounds to believe that they amounted to arbitrary detention.¹⁵⁵ Persons detained for exercising their freedom of expression were generally charged with offences under the Law against Hatred.¹⁵⁶

98. YouTube content creator Óscar Alejandro Pérez Martínez was arrested on 31 March 2024.¹⁵⁷ The reason for his detention was the publication of a video on his YouTube channel, in which he pointed to the Credicard Tower in Caracas, and commented that “if they threw a bomb at this building, the entire national banking system would collapse”.¹⁵⁸ For that video, the Office of the Attorney General charged Oscar Alejandro Pérez with the crimes of “terrorism” and “incitement to hatred”.

99. In the case of the communicator and member of the Encuentro Ciudadano party, Nelson Piñero, his detention on 22 November 2023 was ordered on the basis of messages on his personal account on the social media website X, in which he criticised, among others, President Maduro and the Governor of Carabobo State, Rafael Lacava, a member of the Government party. Piñero was charged with the crime of “promoting or inciting hatred”.¹⁵⁹

100. Carlos Salazar, an engineer who had retired from the national oil company Petróleos de Venezuela (PDVSA), was arrested on 5 February 2024 after recording and publishing a video of Alex Saab on his visit to Margarita Island. Salazar was held at an unknown location for 18 days, transferred to El Helicoide and charged with “incitement to hatred”.¹⁶⁰

101. Alejandro Acosta Romero was subjected to arbitrary detention for his journalistic work in Yapacana National Park, where, since March 2023, he had been reporting on the deployment of FANB troops in the context of Operation Bolivarian Shield Autana 2023 (*Escudo Bolivariano Autana 2023*) aimed at eradicating illegal gold mining and combating the illegal armed groups that benefit from it in the states of Amazonas and Bolívar.¹⁶¹ Acosta

¹⁵³ Document WWDC047; Interview with Edison Arciniega, 29 May 2024 (WWIV072).

¹⁵⁴ Interview WWIV058.

¹⁵⁵ Some of those incidents are discussed below as illustrative cases. See *infra*, Case 2: Nelson Piñero; Case 8: Carlos Salazar; and Case 12: Carlos Julio Rojas.

¹⁵⁶ Constitutional Law against Hate, for Peaceful Coexistence and Tolerance, *Official Gazette* No. 41.276 of 10 November 2017 [hereinafter “Law against Hate”], art. 20.

¹⁵⁷ Interview QQIV071; YouTube video, Óscar Alejandro [@oscaralejandr0], *Estuve 32 horas preso en Venezuela*, 1 April 2024. Available at: <https://www.youtube.com/watch?v=on5tMm9q8CU>

¹⁵⁸ *Ibid.*; YouTube video, Óscar Alejandro [@oscaralejandr0], “¡Caminamos de noche en Caracas!”, 13 August 2023. Available at: <https://www.youtube.com/watch?v=on5tMm9q8CU> [min 00:31:46-00:32:02].

¹⁵⁹ See *infra*, Case 2: Nelson Piñero.

¹⁶⁰ See *infra*, Case 8: Carlos Salazar.

¹⁶¹ YouTube video, Telesur, [@teleSURtvoficial] “Venezuela: Erradicación de minería ilegal en parque Yapacana abre nuevos desafíos”, 29 September 2023. Available at: <https://www.youtube.com/watch?app=desktop&v=g-C8jzS4iT0>; Social Watch, “Advierte que las causas estructurales de la destrucción del Yapacana, no van a ser resueltas con una Operación Militar”, 20 January 2023. Available at: <https://www.controlciudadano.org/noticias/desplegada-fanb-en-el-parque-nacional-yapacana-en-el-estado-amazonas/>; X post by SOS Orinoco [@SOSOrinoco], 3 July 2023. Available at: <https://twitter.com/SOSOrinoco/status/1676001986758553600>.

was brought before a judge five days after his detention, in contravention of the 48-hour maximum time limit.¹⁶²

102. Carlos Julio Rojas, a journalist and deputy secretary general of the National Association of Journalists (CNP), was arbitrarily detained in Caracas by armed persons dressed in black and with their faces covered, who forced him into a vehicle on 15 April 2024. A day later, the Attorney General presented videos and images of WhatsApp messages implicating Rojas in the planning of an alleged assassination attempt against President Maduro.¹⁶³ An organisation specialising in the verification of digital information concluded there were doubts about the authenticity of the WhatsApp messages presented by the Attorney General.¹⁶⁴

103. During the same period, the Attorney General also announced the existence of arrest warrants for journalists in exile. On 22 January 2024, the Attorney General announced at a press conference that journalists in exile Sebastiana Barráez Pérez and Norbey Marín were involved in Operation White Armband and that, therefore, arrest warrants had been issued against them. He added that the role of those persons in the operation was to act as “*immediate collaborators to publicize, to give a kind of media façade via YouTube*” to the operation.¹⁶⁵

104. In addition, on 1 April the Attorney General announced that he had requested an arrest warrant for journalist Orlando Avendaño. The announcement was made following a post on X by Avendaño, in which he stated that “*the energy surrounding [María Corina Machado] was insurrectionary*”. In response, the President of the National Assembly, Jorge Rodríguez, described Avendaño’s message as an “*insurrectionary and murderous plan*.”¹⁶⁶

d) Military personnel

105. The Mission documented 11 detentions of military personnel in the pre-electoral period. The names of 10 of them appear in the communiqué of the Ministry of People’s Power for Defence of 24 January 2024, which published a list of 33 military personnel who had been demoted and expelled for allegedly being involved in conspiracies.¹⁶⁷ The Mission’s investigations concluded that those 10 military personnel (8 men and 2 women), whom the Attorney General implicated in Operation White Armband, were subjected to arbitrary detentions.¹⁶⁸

2. Locations where arrests took place

106. The arbitrary detentions investigated by the Mission took place in public spaces, in homes, at workplaces and at the airport. The detentions that occurred on public roads were mostly perpetrated by State security officials in unmarked vans, in some cases accompanied by individuals on motorbikes. In several of the incidents, the officials intercepted the vehicles in which the persons were travelling, pulled them out of the vehicles at gunpoint and, after

¹⁶² Interviews WWIV032 and WWIV066; Document WWDC033 [Record of court appearance].

¹⁶³ Posts on Instagram by the Public Prosecutor’s Office of the Bolivarian Republic of Venezuela [@mpublicove], 16 April 2024. Available at <https://www.instagram.com/p/C51eSXfpjB>; <https://www.instagram.com/p/C51euDQJBI>; and <https://www.instagram.com/p/C51fYTwJDPn>. See infra, Case 12: Carlos Julio Rojas.

¹⁶⁴ Cazadores de Fake News, “Vallas que culpan a las sanciones, manipulación de evidencias digitales y encuestas con poca credibilidad”, 23 April 2024. Available at: <https://www.cazadoresdefakenews.info/vallas-que-culpan-a-las-sanciones-manipulacion-de-evidencias-digitales-y-encuestas-con-poca-credibilidad/>

¹⁶⁵ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el Presidente”, 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 24:25].

¹⁶⁶ Interview with Orlando Avendaño, 7 April 2024 (QQIV065); Post on X by Jorge Rodríguez [@jorgerpsuv], 29 March 2024. Available at: <https://x.com/jorgerpsuv/status/1773796410569207902?s=12>.

¹⁶⁷ Interviews WWIV067 and WWIV075; Documents WWDC046; WWDC068 [Letter to Office of the Ombudsman] and Document WWDC070.

¹⁶⁸ Some of these cases are analysed below as illustrative cases. See infra, Case 2: Ányelo Heredia; Case 4: Four military personnel (Operation White Armband and Case 6: Karen Gómez Gutiérrez.

handcuffing them, transferred them into an official vehicle.¹⁶⁹ Generally, the officials did not wear uniforms and did not carry identification. At the time of the arrest, the detainees were not informed of the reason for the arrest nor were they presented with a warrant.

107. Most of the detentions of military personnel investigated by the Mission took place in military facilities. The detainees were transferred to DGCIM in different contexts. For example, in the case of Diana Victora, one of her superiors told her that she would be transferred to DGCIM for interrogation in connection with the detention of her husband, implicated in Operation White Armband. The César Siero brothers were arrested at their workplaces and transferred to DGCIM.¹⁷⁰ Karen Gómez was asked to attend a meeting at ZODI No. 83 in Guatire, Caracas; however, once there, Gómez was transferred to DGCIM.

108. In the period leading up to the elections, the Mission investigated two cases of arbitrary detentions that occurred at the Simón Bolívar International Airport when persons were preparing to board a flight. The first case is that of Rocío San Miguel, who, at the time her passport was being checked, was informed by staff of the Administrative Service for Identification, Migration and Foreigners (SAIME) that her name coincided with that of a person wanted by DGCIM. After several hours at the airport, she was transferred to DGCIM headquarters in Boleíta. She was charged four days later with several serious crimes, including treason, terrorism, and attempted intentional homicide against the President.

109. The second detention at the airport was that of YouTuber Óscar Alejandro Pérez, who was unable to board his flight because of an alleged problem with his identity card. Pérez was taken to the main CICPC headquarters in Caracas where he was held for 32 hours before being released without charge.¹⁷¹

110. The Mission also investigated detentions that occurred at private homes, including the case of Nelson Piñero. Piñero's home was raided, without a warrant, by officials of the Bolivarian National Intelligence Service (SEBIN), who then apprehended him without presenting an arrest warrant.¹⁷²

3. Perpetrators

111. According to the Mission's investigations, 29 of the detentions in the pre-election period were carried out by State intelligence services, namely SEBIN, involved in 15 detentions, and the General Directorate of Military Counter-Intelligence (DGCIM) involved in 17 detentions. The Bolivarian National Police (PNB), through the Directorate of Strategic and Tactical Actions (DAET) was also involved in 7 detentions, which were conducted by Criminal Investigations Division (DIP) and the Special Investigations Division (DIE). Officials of these agencies have been accused of making arrests without warrants, holding detainees incommunicado and subjecting them to interrogations involving ill-treatment.

112. In the cases investigated, the Mission has continued to document that State security officials did not identify themselves nor did they wear identification badges indicating the law enforcement agency to which they belonged. It was only after the arrest that the detainees, their relatives or lawyers were able to identify which agency was involved.

4. Failure to respect due process guarantees

113. The Mission has documented and investigated that arbitrary detentions that were carried out prior to the presidential election generally occurred without a warrant being

¹⁶⁹ See *infra*, Case 7: Regional Leaders of Vente Venezuela and Case 11: National Committee of Vente Venezuela.

¹⁷⁰ See *infra*, Case 4: Four Military Personnel (Operation White Armband).

¹⁷¹ Interview QQIV075; La Nación, "Quién es Oscar Alejandro, el youtuber detenido en Venezuela por presuntas vinculaciones con el terrorismo", 2 April 2024. Available at: <https://www.lanacion.com.ar/estados-unidos/quien-es-oscar-alejandro-el-youtuber-de-miami-detenido-en-venezuela-por-presuntas-vinculaciones-con-nid02042024>; CNN en Español, "Acusan en Venezuela al youtuber Óscar Alejandro Pérez de 'instar' a dinamitar edificio", 1 April 2024. Available at: <https://cnnespanol.cnn.com/2024/04/01/oscar-alejandro-perez-venezuela-dinamitar-edificio-orix/>

¹⁷² See *infra*, Case 2: Nelson Piñero.

presented by the State security forces and without the detainees being informed of the reasons for their arrest.¹⁷³ In most cases, the detentions involved, or were followed by, serious violations of due process, confirming patterns previously observed by the Mission. In addition, the Mission has corroborated that in some cases, before, during and after the detentions, raids of the homes of the detainees, their families, trade unions and political organizations were also carried out without warrants.¹⁷⁴

114. The Mission also documented that official records indicate that detentions took place at a certain time, in contradiction with other evidence indicating that the person was detained at an earlier time, as in the case of Nelson Piñero, which is analyzed below.¹⁷⁵ In addition to these types of discrepancies, the Mission has documented different versions regarding the objects with which the detainees were found at the time of their arrest, to justify, in certain cases, that they were arrested in flagrante delicto.¹⁷⁶ For example, in the case of John Álvarez, according to the police report, at the time of his arrest he was carrying posters which were considered to be “objects of criminal interest”. Álvarez denied that fact at his court hearing, stating that he was not carrying any posters when he was detained, and that they were printed later by the same officials who detained him.¹⁷⁷

115. Recurrently, the authorities prevented detainees from appointing their own lawyers to defend them.¹⁷⁸ Instead, public defenders were imposed on them, who generally failed to share key information or case files with the detainees or their relatives and failed to perform an adequate technical defence.¹⁷⁹ In the case of Emill Brandt, between 9 and 19 March 2024 his team of lawyers appeared on several occasions before the Second Supervisory Court with National Jurisdiction in Terrorism Matters in order to be officially designated as his private defence,¹⁸⁰ but as of the closing of the present report, they had not been allowed to represent him.¹⁸¹ Rocío San Miguel and Whillfer Piña’s private attorneys attempted to be officially designated on at least four occasions, but the judicial authorities and SEBIN and DGCIM officials in Boleíta obstructed their designation.¹⁸²

116. In the cases investigated, relatives and lawyers often tried to file complaints or habeas corpus appeals with the relevant authorities regarding the detention or disappearance of the detainees. The complaints or appeals were neither processed nor, on occasion, even accepted. This occurred in various institutions, such as the Office of the Ombudsman,¹⁸³ the General Directorate for the Protection of Human Rights of the Office of the Attorney General (also known as the Human Rights Prosecutor’s Office)¹⁸⁴ and the Scientific, Criminal and Forensic Investigations Corps (CICPC),¹⁸⁵ as well as in the courts.¹⁸⁶

117. In cases such as those of Víctor Venegas, Rocío San Miguel, Carlos Salazar Lárez, and Guillermo López, complaints and appeals before the authorities were not received or accepted under the pretext that not enough time had elapsed to consider the reported event as a disappearance. In the case of Guillermo López, when relatives tried to report his disappearance to CICPC and DGCIM in Trujillo, the institutions refused to register the report

¹⁷³ See *infra*, Case 5: Victor Venegas; Case 8: Carlos Salazar; Case 9: Rocio San Miguel and related persons; and Case 12: Carlos Julio Rojas.

¹⁷⁴ See *infra*, Case 2: Nelson Piñero and Case 9: Rocío San Miguel and related persons.

¹⁷⁵ See *infra*, Case 1: John Alvarez and Case 2: Nelson Piñero.

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ See *infra*, Case 7: Regional Leaders of Vente Venezuela; Case 8: Carlos Salazar and Case 11: National Committee of Vente Venezuela.

¹⁷⁹ See *infra*, Case 9: Rocío San Miguel and related persons; Case 10: Whillfer Piña; and Case 12: Carlos Julio Rojas.

¹⁸⁰ Interviews QQIV041; QQIV047 and QQIV076; X post by Omar Mora Tosta [@Omar_moratosta], 18 March 2024. Available at: https://x.com/Omar_moratosta/status/1769855900225818816

¹⁸¹ Interviews QQIV068; QQIV077 and QQIV093.

¹⁸² See *infra*, Case 9: Rocío San Miguel and related persons and Case 10: Whillfer Piña.

¹⁸³ See *infra*, Case 7: Regional leaders of Vente Venezuela; Case 8: Carlos Salazar; Case: 9 Rocío San Miguel and related persons and Case 11: National Committee of Vente Venezuela.

¹⁸⁴ See *infra*, Case 7: Regional Leaders of Vente Venezuela; 8: Carlos Salazar and Case 11: National Committee of Vente Venezuela; Documents: QQDC018; QQDC019; QQDC033 and QQDC072.

¹⁸⁵ See *infra*, Case 1: John Alvarez.

¹⁸⁶ See *infra*, Case 8: Carlos Salazar and Case 9: Rocío San Miguel and related persons.

arguing that they had to wait 48 hours. When it was mentioned that López had been seen with a SEBIN official prior to his disappearance, the authorities stated that it was “a *political issue*” and that they could not intervene.¹⁸⁷

118. In the case of the members of the National Committee of Vente Venezuela, the complaints filed for enforced disappearance and arbitrary detention with the Office of the Ombudsman and the Fundamental Rights Directorate of the Office of the Attorney General simply went unanswered.¹⁸⁸

119. Those detained during the period leading up to the presidential elections were charged primarily with the crimes of “conspiracy”¹⁸⁹ (20 defendants), “association”¹⁹⁰ (19 defendants), “treason”¹⁹¹ (14 defendants) and “attempted murder”¹⁹² (11 defendants). In addition, at least 27 of the detainees were tried by courts with jurisdiction over terrorism-related crimes at the national level. Of these, 85% of cases were heard by the Second Terrorism Court.

5. Detention despite completion of sentence

120. The Mission continued to document several cases of detention in which persons were deprived of their liberty, even though they had completed their prison sentences. Among them are the cases of Erick Ricardo Romero Arteaga, Raidel Jesús Espinoza Flores, Wuadid Pacheco Pacheco, Danny Enrique Salinas Quevedo, Yusmelys Elena Meregote Pereira, and Neira María Palomino Anaya. All of them were convicted for crimes related to the murder of the member of the National Assembly for the PSUV, Robert José Serra Aguirre, on 1 October 2014.¹⁹³

121. Even though all the above persons had completed their prison sentences, they remained under detention without any legal basis that could justify their continuous incarceration, which constitutes arbitrary detention. In addition to this violation of individual liberty, the Mission has reasonable grounds to believe that the six persons suffered other due process violations, including being denied access to their court files and a lack of response to official appeals filed with regards to their continued detention.¹⁹⁴

C. Short-term enforced disappearances

122. Under international human rights law, enforced disappearance of persons requires three cumulative elements: (a) deprivation of liberty against the person's will, whether in the form of abduction, arrest or detention (including on lawful grounds); (b) the involvement of State officials, or persons acting with the authorisation, support or acquiescence of the State; and (c) the refusal to acknowledge the deprivation of liberty or the concealment of the fate or whereabouts of the disappeared person, removing the person from the protection of the law.¹⁹⁵ Enforced disappearance is a continuing and multiple violation of numerous rights.

123. To reach a legal determination on the occurrence of an enforced disappearance, the Mission has analyzed the specific circumstances of each case, including whether there was any acknowledgement of the detention by any competent authority or whether the detainee was brought before a supervisory judge within the statutory 48-hour period. According to a restrictive interpretation, any communication that acknowledges the deprivation of liberty,

¹⁸⁷ Interviews QQIV016 and QQIV020.

¹⁸⁸ See *infra*, Case 7: Regional Leaders of Vente Venezuela and Case 11: National Committee of Vente Venezuela.

¹⁸⁹ Penal Code, art. 132.

¹⁹⁰ Organic Law against Organised Crime and Terrorist Financing, art. 37.

¹⁹¹ Penal Code, art. 128.

¹⁹² *Ibid.*, art. 405.

¹⁹³ Interview PPIV139; Documents PPDC165 [judgment] and PPDC164 [Constitutional injunction].

¹⁹⁴ Interviews PPIV139; PPIV140; and PPIV142; Document PPDC164 [Constitutional injunction].

¹⁹⁵ See Inter-American Convention on Forced Disappearance of Persons, art. 2 (ratified by the Bolivarian Republic of Venezuela on 19 January 1999). On the other hand, the International Convention on Enforced Disappearance of Persons, to which the Bolivarian Republic Venezuela is not a party, coincides with the three elements indicated in its definition of enforced disappearance (art. 2).

made by an authority vested powers to participate in the detention in accordance with the national legal system, serves the function of not removing the detainee from the protection of the law. This is so even if such communication does not include, for example, information on the whereabouts of the person, or on the law enforcement agency in charge of their custody. The appearance of the detainee before a judicial authority serves the same function, irrespective of whether due process was fully respected or not. Under both circumstances, the State and its officials act as guarantors of the rights of the detainee. That role of guarantor renders the authorities responsible for the fate of or for any harm caused to the detainee, and this is precisely the protection afforded by the legal system. Furthermore, for this interpretation, given that there is an acknowledgement by an authority and the subsequent appearance of the person, it is not considered that the violation of multiple norms that characterizes enforced disappearance, as per international jurisprudence and doctrine, is satisfied.

124. A more expansive interpretation requires a more complete communication from the authorities. Under this interpretation, the main criterion for determining whether there has been an enforced disappearance is the absence of and/or refusal by the authorities to provide information about the whereabouts and fate of the disappeared person, including about the entity holding the detainee in custody. According to this understanding, the prohibition of enforced disappearance seeks precisely to protect detainees from the possible actions of those responsible for their capture, arrest or detention since, by the very nature of detention, the detainee is in a position of vulnerability vis-à-vis the persons who have custody over them. Therefore, legal safeguards are established to ensure that a trusted third party can act on behalf of the detainee before the competent authorities, and/or that an independent and impartial authority can determine the legality of the detention and, eventually, order the release of the detainee. Those safeguards also ensure that any allegations of torture or ill-treatment against the detainee can be duly investigated. For this reason, the expansive interpretation recognizes that, from the moment the detainee has been brought before a supervisory judge within the 48-hour legal period, there is a presumption of protection of the law.¹⁹⁶

125. The reality in the Bolivarian Republic of Venezuela, as shown by the individual cases investigated by the Mission, presents challenges in the interpretation and application of the prohibition of enforced disappearance. The Mission presents its findings, in accordance with the two interpretations described above, in the cases included in this conference room paper.

126. During the reporting period, the Mission observed an increase in allegations of short-term enforced disappearances of real or perceived opposition members, reaching numbers not registered since 2019. In 2019, the Mission registered 31 cases of enforced disappearances, qualifying most of them as short-term enforced disappearances. In 2020, five cases; in 2021, one case; in 2022, four cases; and in 2023, one case. In the present reporting cycle, the Mission investigated 29 cases (22 men and 7 women) and concluded that it had reasonable grounds to believe that 15 cases involved short-term enforced disappearance under either of the interpretations described above.

127. The Mission is also concerned about the increasingly widespread practice of preventing detainees from communicating with their relatives or lawyers, or any trusted person in the outside world. Of the 29 cases investigated, the Mission identified 14 cases in which incommunicado detention lasted between one month and five months. In nine of the cases investigated, the detainees were held incommunicado between one and four weeks. In the remaining six cases, incommunicado detention lasted between one and six days.

128. The Mission recalls that although incommunicado detention is not prohibited under international law, it must be subject to certain conditions, including “communication of the detained or imprisoned person with the outside world, and in particular his family or counsel,

¹⁹⁶ The more restrictive interpretation is favoured by expert Cox, while the more expansive interpretation is favoured by expert Valiñas. Expert Tappatá favours one or the other, depending on whether the legal deadline of presenting the person before a judge within 48 hours is respected.

shall not be denied for more than a matter of days”.¹⁹⁷ Within the national legal framework, the Constitution of the Bolivarian Republic of Venezuela establishes that “every detainee has the right to communicate immediately with their relatives [...]”.¹⁹⁸ Likewise, according to international human rights standards, every person has the right, after being detained, to promptly notify (or request the authorities to notify) their family or other person(s) of their choice that they have been detained as well as the place where they are being held in custody.¹⁹⁹ However, the competent authority may delay a notification for a reasonable period in cases where the exceptional needs of the investigation so require.²⁰⁰

129. In all the cases investigated by the Mission, the authorities concealed or denied, at some point and in some way, information about the whereabouts and/or fate of the detainees. In all but one of the investigated by the Mission (i.e. in 28 cases), the detainees were actually detained in the same detention centers where the authorities had previously denied their presence. Relatives and lawyers were only able to obtain information unofficially or through acquaintances.

130. In all the cases investigated, the detainees’ initial court appearances were plagued with serious violations of due process. The proceedings were conducted without the presence of a lawyer of the detainee’s choice, and the detainee was represented by a public defender who, in some cases, did not provide a proper and effective defence. Furthermore, the relatives of the detainee were not informed of the hearings, which was held without the necessary publicity.²⁰¹ In most cases, the court proceedings were held in the evening hours, at the very detention centres.

131. In several cases, the lawyers or relatives of the detainees filed complaints with the Public Prosecutor’s Office (most often with the General Directorate for the Protection of Human Rights) or with the Office of the Ombudsman. The Mission notes the lack of response and lack of interest on the part of these entities with regard to the complaints that were lodged, since none of the cases investigated by the Mission the complaints received a response. The Mission notes that this is a serious dereliction of duty on the part of officials, which leaves the detainees extremely vulnerable to the arbitrary exercise of power by key actors in the justice and penitentiary system.

132. In cases where relatives or lawyers of disappeared persons filed habeas corpus petitions, these also remained unanswered or were rejected. In the cases that took place after 28 July 2024, the authorities even refused to allow the petitions to be filed, indicating, according to sources, that petitions relating to *guarimberos* (persons who participate in

¹⁹⁷ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by United Nations General Assembly resolution 43/173 of 9 December 1988, Principle 15. Cf. Principles 18(3) and 19. In this regard, the Inter-American Court of Human Rights has affirmed that:

Incommunicado detention is an exceptional measure the purpose of which is to prevent any interference with the investigation of the facts. Such isolation must be limited to the period of time expressly established by law. Even in that case, the State is obliged to ensure that the detainee enjoys the minimum and non-derogable guarantees

I/A Court, Suárez-Rosero vs. Ecuador (Merits), Seris C No. 44, Judgement of 12 November 1997, párr. 51. Moreover, the Court clarified that “[o]ne of the reasons that incommunicado detention is considered to be an exceptional instrument is the grave effects it has on the detained person” and that “isolation from the outside world produces moral and psychological suffering in any person, places him in a particularly vulnerable position, and increases the risk of aggression and arbitrary acts in prisons.” *Ibid.*, párr. 90.

¹⁹⁸ Constitution of the Bolivarian Republic of Venezuela, art. 44(2); Organic Code of Criminal Procedure, art. 127(2).

¹⁹⁹ International Convention for the Protection of All Persons from Enforced Disappearance, arts. 17(d) and 18; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 16(1).

²⁰⁰ International Convention for the Protection of All Persons from Enforced Disappearance, art. 20; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 16(4)

²⁰¹ See *infra*, section on violations of due process, chap. V section C

demonstrations) were not permitted, or presenting other excuses, for example that petitions could not be filed on weekends.²⁰² In the case of Williams Dávila, mentioned below, the officials initially refused to receive the habeas corpus petition, but accepted it two days later when the lawyers insisted on filing it.

133. In four of the cases investigated by the Mission, more than 30 days passed before the disappeared persons were brought for their initial court appearance.

134. Among the most prolonged enforced disappearances investigated during the period covered by this report are the cases of Captain Anyelo Heredia and five other military personnel who were arrested in December 2023 in connection with Operation White Armband.

135. In the case of Heredia, on 22 January 2024 the Attorney General announced at a press conference that Heredia was detained on 16 January 2024, without commenting on his whereabouts or fate. However, the Mission has reasonable grounds to believe that he was actually detained on 16 December 2023. Heredia was held in a clandestine location until 27 January 2024, where he was subjected to torture. Subsequently, he was held incommunicado at DGCIM headquarters in Boleíta and his relatives did not know of his whereabouts and fate until May 2024.

136. In the case of the other five military detainees, the Mission found, with respect to four of them, that their initial court appearance took place more than a month after they had been detained.²⁰³ Moreover, in all five cases, the detainees were held in incommunicado detention during two and a half to three months, even after their initial court appearance.²⁰⁴

137. In another case investigated by the Mission, three regional leaders of the political party Vente Venezuela detained on 23 January 2024 - Luis Camacaro, Juan Freites and Guillermo López - had their initial court appearance on 19 February, almost a month after their detention. In this case the Mission notes that the 48-hour legal deadline was exceeded by 22 days. In the cases of Freites and López, their relatives only learned of the place of their detention on 18 February 2024, one day before their initial court appearance was scheduled. Their relatives had searched for them in several State facilities where the authorities denied having them in detention, or simply did not provide any information. In addition, the relatives filed habeas corpus petitions and complaints with the Office of the Ombudsman and the Human Rights Prosecutor's Office but received no response whatsoever.

138. In another case investigated by the Mission, which took place after the presidential election on 28 July 2024, Williams Dávila, an opposition politician with serious health problems, was arrested on 8 August 2024. On 12 August 2024, his lawyers managed to file a habeas corpus petition, after two days of unsuccessful attempts. The officials who finally agreed to receive the petition indicated that it would take about 15 days to receive a response. On 14 August 2024, Dávila's relatives learned unofficially that he was being treated in a hospital in Caracas in serious condition since the day before. When his relatives went to the hospital, they were informed that only his treating physicians were authorised to see him. At the time of writing, Dávila's relatives had still not been allowed to see him, amounting to almost a month of incommunicado detention. The Mission has no evidence that Dávila was ever brought before a supervisory judge.

139. The number of short-term disappearances registered during this period, as well as those reported in previous reports by the Mission, indicates that these are not isolated or unconnected events, which excludes the possibility that they occurred at random. In fact, in all the cases investigated, the Mission is concerned that the State is increasingly deliberately resorting to subterfuge in order to avoid legal proceedings and exploiting legal deadlines.

140. In this context, the Mission has reasonable grounds to believe that short-term enforced disappearances have become a more frequent mechanism of political repression

²⁰² See *infra*, Case 17: Roland Carreño; Case 18: María Oropeza and Case 19: Williams Dávila.

²⁰³ Carlos Jesús Sánchez Vásquez, Guillermo Enrique Cesar Siero, Guillermo Henry Cesar Siero, and Diana Desirée Victora Justo were arrested on 15 December 2023 and their initial court appearance took place on 24 January 2024. See *infra*, Case 4: Four military personnel (Operation White Armband).

²⁰⁴ *Ibid.*; Case 6: Karen Gómez.

against real or perceived opponents of the Government, which has an additional serious impact on the family and social circle of the disappeared persons.

D. Torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence

1. Torture

141. In the months leading up to the election on 28 July, the Mission continued to receive allegations of torture or cruel, inhuman or degrading treatment against real or perceived opponents of the Government, while in the custody of the security forces, in prisons or in other detention facilities. The Mission was able to establish, with reasonable grounds to believe, that in at least seven cases the authorities committed acts of torture. Allegations were also received of other cases which could not be investigated due to the fear of the victims or their relatives to provide or elaborate on information to the Mission.

142. The methods of torture used in the cases investigated by the Mission include punching, beatings with wooden planks or bats wrapped in foam, electric shocks - including to the genitals-, suffocation with plastic bags, immersion in cold water and forced sleep deprivation through lighting and/or loud music 24 hours a day. Those methods are consistent with methods of torture used by the police and intelligence services, as documented in previous reports of the Mission.²⁰⁵

143. An illustrative case from the period prior to the election is that of John Álvarez, who was detained on 30 August 2023.²⁰⁶ Álvarez was linked to the six trade unionists sentenced to 16 years in prison that same month after leading labour protests.²⁰⁷ On the same day of his detention, Álvarez was taken to a police station in Caracas, where he was subjected to physical and sexual torture, receiving beatings and electric shocks to force him to implicate various trade union leaders, politicians and journalists in illegal acts. As a result of the torture to which he was subjected, Álvarez suffers from physical sequelae.²⁰⁸

144. The Mission also investigated the case of Anyelo Heredia, detained in connection with Operation White Armband.²⁰⁹ According to information received by the Mission, during his interrogation Heredia was forced by DGCIM officials to sit naked on a metal chair while he was subjected to electric shocks.²¹⁰

145. In the case of journalist Alejandro Acosta, the Mission documented that one of the CICPC officials who arrested him placed a plastic bag over his head, asphyxiated him for almost a minute and hit him on the back of the neck to force him to reveal information.²¹¹

146. The Mission investigated nine cases in which the authorities inflicted physical violence or used psychological coercion and intimidation against detainees, including threats against their relatives, to make them record videos incriminating themselves or others. Only some of these videos were made public by the authorities.

147. Among those who were victims of such acts was Emill Brandt, regional leader of Vente Venezuela in Barinas, arrested on 9 March 2024 and accused of organising destabilization campaigns as part of Operation White Armband. The acts of torture took place during the first two weeks of his incommunicado detention in SEBIN custody at El Helicoide and were aimed at making him record a video incriminating himself and several persons whose contacts were on his phone.

148. Another member of Vente Venezuela, also detained by SEBIN, was threatened during his interrogation with the detention of his relatives in order to coerce him into

²⁰⁵ Detailed Findings of the Mission 2020, A/HRC/45/CRP.11, paras. 284-290; 319-316.

²⁰⁶ See *infra*, Case 1: John Álvarez.

²⁰⁷ Restrictions on civic and democratic space, A/HRC/54/CRP.8, paras. 592 et seq.

²⁰⁸ See *infra*, Case 1: John Alvarez.

²⁰⁹ See *infra*, Case 3: Anyelo Heredia.

²¹⁰ Interview WWIV076.

²¹¹ Interview WWIV032.

recording a video accusing María Corina Machado and Vente Venezuela of organizing violent acts. The officials also beat him while threatening him.

149. Anyelo Heredia was also forced to record a video confessing his involvement in criminal acts and incriminating other persons. According to information received by the Mission, while he was being filmed, officials pointed their firearms at him to make him follow a script prepared by DGCIM.²¹²

150. The Mission received information that at least three of the detainees transferred to the Rodeo I detention centre were beaten by guards upon their arrival. They received blows to the ribs, knees and other parts of the body. According to this information, one of the detainees suffered a broken nose and was not allowed to receive visitors for the first two weeks.²¹³

151. The mother of one of the inmates could see that her son had bruises, as if he had been handcuffed very tightly. Another mother was able to communicate by gestures with her son, asking if he was being beaten (by pretending to hit his cheek with her fist), to which her son replied “*not anymore*”.²¹⁴

152. On her first visit, the mother of another prisoner saw that his hands were shaking uncontrollably. Her son told her that, during the night, one official knocks on the grille every 15 minutes and does not let the inmates sleep.²¹⁵ After only five minutes of conversation, officials interrupted her and ordered the woman to get up and leave the room without turning her head. On her second visit, her son told her that following public complaints by family members about the conditions of the detainees, the officials had threatened them that if their relatives did not keep quiet, “*it would be worse for them*”.²¹⁶

2. Sexual and gender-based violence

153. The Mission has documented cases of sexual and gender-based violence committed during arrests, during interrogations and in places of detention. Detainees and relatives who visited them in detention centres, especially women and girls, were victims of these acts.

154. The Mission concluded that it had reasonable grounds to believe that sexual and gender-based violence had occurred in three cases it investigated. The most significant, involving sexual torture, was that of John Álvarez who was subjected to electric shocks to his genitals.

155. In one case, a victim decided to hide their sexual orientation in a detention centre to avoid gender-based violence by officials.²¹⁷ In another case, a woman expressed concern for the safety of her male relatives in detention, as rape against men is commonly used as a tool of punishment and humiliation.

156. These acts were committed not only against detainees, but also against those who visited them in detention. The Mission investigated five incidents of invasive strip-searches of women visiting their detained relatives, a practice already reported by the Mission in previous reports.²¹⁸

157. In the case of John Álvarez, officials at the detention centre prevented his father from visiting him and only allowed his mother and spouse to enter the detention centre, who were subjected to humiliating searches before being allowed to visit him. The mother had to partially undress, while the spouse was forced to undress completely.²¹⁹ In another case

²¹² Interview WWIV077.

²¹³ Interviews IIIV063 and IIIV075; Document WWDC064.

²¹⁴ Interview IIIV129.

²¹⁵ Interview IIIV075.

²¹⁶ Ibid.

²¹⁷ Interview WWIV042.

²¹⁸ Detailed findings of the Mission 2020, A/HRC/45/CRP.11; Conference Room Paper: “Crimes against humanity and structures”, A/HRC/51/43/CRP.3, 20 September 2022; and Restrictions on civic and democratic space, A/HRC/54/CRP.8.

²¹⁹ See infra, Case 1: John Alvarez.

investigated by the Mission, a journalist was subjected to forced nudity by State armed forces who detained him while he was covering a news story.

3. Conditions of detention and cruel, inhuman or degrading treatment

158. The Mission continued to receive numerous allegations concerning conditions of detention that violated international standards, such as those reflected in the Mandela Rules.²²⁰ In seven of the cases investigated, the Mission concluded, with reasonable grounds to believe, that certain conditions of detention in prisons constituted acts of torture or cruel, inhuman or degrading treatment and/or acts of sexual and gender-based violence.

159. As an illustrative case, the Mission analysed the situations reported in the Rodeo I maximum security prison. This analysis places special emphasis on the conditions under which the detainees can receive visits, as well as on acts of torture and cruel, inhuman and degrading treatment. Since February 2024, the prison has held detainees linked to conspiracies against the Government (see *infra*, chap. IV.D.4).

160. Prolonged solitary confinement and incommunicado detention continued to be used as a punishment against persons deprived of their liberty, especially those prosecuted or convicted of conspiracy. One such case is that of military officer Oswaldo García Palomo, who is serving a 30-year prison sentence after being linked to Operation Constitution. García Palomo was subjected to prolonged solitary confinement in “the house of dreams” (*la casa de los sueños*) at DGCIM headquarters in Boleíta for more than 15 days. In the cell in which he was confined, which measured 4m², he constantly inhaled carbon monoxide and was exposed to high temperatures of up to 40°C.²²¹

161. Journalist Carlos Julio Rojas, who was detained on 15 April 2024 and charged with “terrorism”,²²² “conspiracy”,²²³ and “attempted assassination”²²⁴ among other offences, was held incommunicado for 35 days.²²⁵

162. According to information received by the Mission, Karen Gómez Gutiérrez, one of the persons detained in the context of Operation White Armband, remained isolated for a month in a cell at DGCIM in Boleíta, where she was exposed to low temperatures, without access to sunlight, and permanently subjected to loud music.²²⁶

163. Anyelo Heredia had no access to visits or calls from 16 December 2023 until 26 May 2024. For Diana Victoria Justo, the authorities allowed her to make her first phone call after 70 days in detention, and she was allowed her first visit at DCCIM headquarters in Boleíta after 99 days.²²⁷

164. Military officer Juan Carlos Marrufo, convicted in the Drone case, suffers from a urological disease that prevents him from urinating regularly and causes him abdominal pain. Marrufo has not been allowed access to specialised medical treatment since his transfer to the Rodeo I detention centre. After suffering weight loss of almost 10 kg, his relatives filed an appeal with the competent court for his transfer to a hospital outside the prison, but they received no response.²²⁸

165. The Mission documented the case of Josnars Adolfo Baduel Oyoque, convicted in the Operation Gideon case, who was held in his cell in Rodeo I for a total of seven weeks, with no opportunity to interact with other inmates or access the yard. During this time, he was only allowed to leave his cell once a week for family visits, which lasted approximately

²²⁰ United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by General Assembly resolution 70/175, 8 January 2016.

²²¹ Detailed Findings of the Mission 2020, paras. 336-339; 860; Crimes against humanity and structures, A/HRC/51/43/CRP.3, paras. 123-129.

²²² Ley Orgánica Contra la Delincuencia Organizada y Financiamiento al Terrorismo, art. 52.

²²³ Penal Code, art. 132

²²⁴ *Ibid.*, art. 406.3.b.

²²⁵ See *infra*, Case 12: Carlos Julio Rojas.

²²⁶ See *infra*, Case 6: Karen Gómez.

²²⁷ See *infra*, Case 3: Anyelo Heredia and Case 4: Four military personnel (Operation White Armband).

²²⁸ Document WWDC069 and Interview WWIV070

15 to 20 minutes. The Mission also received information that these restrictions were again imposed on him after his sister publicly denounced his detention conditions.²²⁹

166. The Mission also received information about the deteriorating health of some detainees, such as Emirlendris Carolina Benítez Rosales, whose situation was reported by the Mission in its 2023 report. Benítez is serving a 30-year sentence in the National Institute for Female Orientation (INOF) in Los Teques, Caracas, for “attempted homicide”, “terrorism”, and “treason”, among other crimes, after being linked to the drone attack against President Nicolás Maduro in 2018.²³⁰

167. The Mission was informed that Benítez's health has deteriorated considerably as a result of a lack of medical attention, particularly for the sequelae of the torture she suffered during her detention, and that she is in a wheelchair due to serious spinal problems.²³¹ In June 2024, the director of INOF expressed her willingness for Benítez to receive medical attention, but her family was told that the transfer order depended on the Ministry of People's Power for the Penitentiary Service and the judge, who have not yet given their authorization.²³²

4. The situation in the Rodeo I Judicial Prison

a) Background

168. The penitentiary complex Capital Judicial Prison, more commonly known as “Rodeo”, is a male detention centre located in the city of Guatire, Miranda State, on the outskirts of Caracas. The complex is composed of three sets of buildings: Rodeo I, Rodeo II and Rodeo III. Rodeo I was built in 1983; Rodeo II was built in 1996²³³ and Rodeo III began operating in 2011.²³⁴

169. Since the 2000s, human rights organizations and mechanisms have been expressing their concern about the detention conditions in Rodeo due to overcrowding and violence within the prison.²³⁵ On 8 February 2008, in a resolution ON provisional measures, the Inter-American Court of Human Rights ordered the Bolivarian Republic of Venezuela to adopt measures to protect the life and personal integrity of those deprived of liberty in Rodeo I and II.²³⁶

170. In June 2011, Rodeo I became the epicentre of a violent confrontation that led to a significant military deployment to regain control of the prison.²³⁷ As a response to the prison crisis, the Ministry of People's Power for the Penitentiary Service was established on 26 July 2011, with the purpose of optimising the administration of the national penitentiary system. From 2013 onwards, the Ministry began the implementation of a new policy known as the New Prison Regime, which incorporates military discipline, greater controls on visits, as well as on weapons and other prohibited materials.

²²⁹ Interviews WWIV084 and WWIV101

²³⁰ Restrictions on civic and democratic space, A/HRC/54/CRP.8, para. 215.

²³¹ Working Group on Arbitrary Detention, Opinion No. 74/2021 concerning Emirlendris Benitez, A/HRC/WGAD/2021/74.

²³² Post on X by Justicia, Encuentro y Perdón [@JEPvzla], 13 June 2024. Available at: <https://x.com/JEPvzla/status/1801361396304675161>; Tal Cual Digital, “Familiares de Emirlendris Benítez piden su traslado inmediato a un centro de salud”, 6 June 2024. Available at: <https://talcualdigital.com/familiares-de-emirlendris-benitez-piden-su-traslado-inmediato-a-un-centro-de-salud/>

²³³ IACtHR, *Cases of certain Venezuelan prisons: Internado Judicial Capital El Rodeo I and El Rodeo II*, Provisional Measures, Resolution of 6 September 2012.

²³⁴ Programa Venezolano de Educación y Acción en Derechos Humanos (PROVEA), *Annual Report October 2010 - September 2011*, p. 170. Available at: <https://provea.org/wp-content/uploads/2016/11/20PrivadosLibertad.pdf>

²³⁵ IACtHR, *Case of the Internado Judicial Capital El Rodeo I and El Rodeo II*, Provisional Measures, Resolution of 8 February 2008.

²³⁶ *Ibid.*

²³⁷ Observatorio Venezolano de Prisiones, *Las Masacres carcelarias tiñeron de sangre la historia de Venezuela*, 10 January 2023, p. 5. Available at: <https://oveprisiones.com/boletin-las-masacres-carcelarias-tineron-de-sangre-la-historia-de-venezuela>.

171. In 2018, the Ministry announced the evacuation of Rodeo I in order to comply with the New Prison Regime policy²³⁸ and to repair the infrastructure of the prison.²³⁹ Between June and August 2023, the Minister of People's Power for the Penitentiary Service reported that maintenance and restructuring work was being carried out in the facilities of Rodeo I as well as Rodeo II and III.²⁴⁰

b) Transfers of prisoners to Rodeo I

172. Since February 2024, at least 45 male detainees (36 military personnel and nine civilians) have been transferred from other detention centres to Rodeo I.²⁴¹ These detainees are linked to several conspiracy-related cases, real or fictitious, including Operations Gideon (*Gedeón*)²⁴² and Constitution (*Constitución*)²⁴³ and the Drone case,²⁴⁴ as well as the more recent Operation White Armband.²⁴⁵

173. Among those transferred, at least 16 men arrived on 19 February 2024 from SEBIN's detention centre in El Helicoide and DGCIM's headquarters in Boleíta.²⁴⁶ The relatives of some of the detainees learned of this transfer while queuing to deliver parcels at DGCIM headquarters in Boleíta, when the guards notified them that some individuals had been transferred to Rodeo.²⁴⁷ Unofficial information about the transfer circulated on social media.²⁴⁸ According to various testimonies received by the Mission, some detainees transferred to Rodeo I were only able to receive visits from their relatives from 25 February 2024 onwards.²⁴⁹

174. On 4 April 2024, a second group of at least 29 detainees linked to the Gideon and Constitution operations and the Drone case, were transferred from El Helicoide and other detention centres (Ramo Verde and DGCIM) to Rodeo I.²⁵⁰ This transfer, according to information received by the Mission, was carried out under the pretext that the detainees would be taken to the main SEBIN headquarters in Plaza Venezuela for a medical evaluation. However, the evaluation never took place and, instead, they were transferred to Rodeo I.²⁵¹ Before the transfer occurred, some relatives, alerted by the inmates themselves, went to El Helicoide and followed the commission in charge of the transfer to Rodeo I, thus obtaining information about the whereabouts of the detainees.²⁵²

175. On 5 April 2024, other relatives heard of the transfer and went to El Helicoide to confirm it. When the guards at El Helicoide failed to provide information, the relatives went

²³⁸ Insight Crime, "Venezuela's New Prison Regime Seeks to Protect Human Rights", 18 June 2013. Available at: <https://insightcrime.org/es/noticias/noticias-del-dia/nuevo-regimen-penitenciario-de-venezuela-busca-protoger-los-derechos-humanos>.

²³⁹ Ministerio del Poder Popular para el Servicio Penitenciario: "Complejo Penitenciario Rodeo cuenta con 100% de Nuevo Régimen Penitenciario", 18 May 2018. Available at: <https://www.mppsp.gob.ve/index.php/noticias/2974-complejo-penitenciario-rodeo-cuenta-con-100-de-nuevo-regimen-penitenciario>.

²⁴⁰ Post on X by Celsa Bautista Ontiveros [@CelsaBautistaO], 20 June 2023. Available at: <https://x.com/CelsaBautistaO/status/1671291605523783681>.

²⁴¹ Documents WWDC057 and WWDC058.

²⁴² Operation Gideon refers to an alleged maritime invasion attempt of Venezuelan territory 4 on May 2020, with the objective of overthrowing the Government of President Maduro.

²⁴³ Operation Constitution referred to a series of alleged destabilisation activities and an attack against President Maduro, with links to the August 2018 drone strike.

²⁴⁴ The Drone case concerned an alleged drone attack against President Maduro by members of the opposition and military forces during the celebration of the 81st anniversary of the GNB, on 4 August 2018.

²⁴⁵ See sec.1, *supra*

²⁴⁶ Documents WWDC057; WWDC058 & WWDC050; Interviews WWIV041 & WWIV048.

²⁴⁷ Interviews WWIV083 and WWIV086; Document WWDC059.

²⁴⁸ Monitoreamos, "Denuncian traslado irregular de presos políticos de la DGCIM a la cárcel común El Rodeo I", 20 February. Available at: <https://monitoreamos.com/venezuela/denuncian-traslado-irregular-de-presos-politicos-de-la-dgcim-a-la-carcel-comun-el-rodeo-i>.

²⁴⁹ Interviews WWIV083 and WWIV086.

²⁵⁰ Interviews WWIV068; IIV063; IIV064; IIV070 and IIV075.

²⁵¹ Interview WWIV068.; Document WWDC083.

²⁵² Interviews IIV063; IIV064; IIV070 and IIV075.

to Rodeo I, where they confirmed the presence of the detainees and that were informed that they would be able to visit them on 6 and 7 April 2024.²⁵³

176. According to Venezuelan law, persons deprived of their liberty may be transferred to other prisons with prior judicial authorization,²⁵⁴ which must be recorded in the respective case file. In this regard, the attorney for three persons transferred to Rodeo I reviewed the judicial files of his clients and noted that they did not contain any judicial transfer order.²⁵⁵

c) Conditions of detention

177. According to military and civilian sources interviewed by the Mission, the law enforcement agency in charge of the detainees in Rodeo I is DGCIM and the head of the team was initially Abel Angola,²⁵⁶ identified in previous reports of the Mission as responsible for acts of torture. The inmates are guarded by a team of between 10 and 15 officials from the eight regions where DGCIM is stationed. Each team is headed by a team leader and rotates every 30 to 45 days.²⁵⁷

178. The officials wear black and grey uniforms and generally do not display any identification. Witnesses have reported seeing the letters “SESMAS” on the uniforms of some guards,²⁵⁸ while others have the emblem of the Ministry of People’s Power for the Penitentiary Service.²⁵⁹ The guards identify themselves by pseudonyms such as “Tokyo”, “Rio”, “Centurion”, “Shark (*Tiburón*)” - used by the official who identifies himself as the director of the penitentiary centre - or “Warlock”, identified by some relatives as the deputy director.²⁶⁰

179. The detainees are assigned individual cells measuring approximately 4m², with a cement bed and an even thinner mattress than they had in other detention centres, which, for several of them, has caused lumbago. The cells have latrines that emit a foul smell due to lack of cleaning and maintenance and have no separation from the rest of the cell. In the same space where the latrine is located, detainees receive water for personal hygiene for only five minutes a day. Relatives must provide detainees with toothpaste, shampoo, soap and other personal hygiene items.²⁶¹

180. The Mission has received information that detainees have suffered from stomach ailments, including severe diarrhoea.²⁶² The Mission has also been informed that Rodeo I does not provide sufficient food and offers limited amounts of drinking water to the detainees.²⁶³ In February 2024, some of the detainees complained to their relatives that food rations had decreased and that they were all losing weight.²⁶⁴ According to sources interviewed by the Mission, detainees reported that since their transfer to Rodeo I, they have lost between three and eight kilograms of weight, including in some cases more than 10 kilograms.²⁶⁵

181. Detainees in Rodeo I are also restricted from communicating by telephone and correspondence with the outside world. The mother of one of the prisoners, who is terminally ill and cannot travel to the detention centre, requested to be able to communicate with her

²⁵³ Interview WWIV068.

²⁵⁴ Organic Penitentiary Code, art. 122; Organic Code of Criminal Procedure, arts. 241 (pre-trial detention) and 473 (execution of sentence).

²⁵⁵ Interview WWIV081.

²⁵⁶ Interviews IIV069; IIV084; IIV075; and IIV059.

²⁵⁷ Interview IIV084.

²⁵⁸ Interviews IIV074 and IIV098.

²⁵⁹ Interview WWIV068.

²⁶⁰ Interviews WWIV068 and WWIV080.

²⁶¹ *Ibid.*

²⁶² Interview WWIV068.

²⁶³ Interviews WWIV068 and WWIV070.

²⁶⁴ Interview IIV064.

²⁶⁵ Interviews WWIV068 and WWIV070; Document WWDC069.

son by telephone, a request that was denied.²⁶⁶ The letters sent by relatives are read beforehand by the officials and are not always delivered to the detainees.²⁶⁷

d) Family visits

182. Visits are only permitted to immediate relatives (father, mother, children and spouse), once a week and for 10 to 20 minutes per visit.²⁶⁸ Private defence counsel for detainees are allowed visits of approximately 10 minutes. There is no physical contact of any kind allowed between detainees and their relatives, no privacy and no conjugal visits.²⁶⁹

183. The distance, time and cost of travel to the municipality of Zamora, Miranda State, where Rodeo I is located, have had a negative impact on relatives' ability to maintain regular contact with the detainees. This affects, above all, families who live in States far from Miranda and who do not have sufficient means to pay for visits.²⁷⁰

184. The visitors' entrance to Rodeo I is covered with black tarpaulins and the prison officials who receive and escort them wear hoods at all times.²⁷¹ The visitors enter through a so-called "prevention" area where they pass through an initial security cordon. They are then transferred to the "parcel room".²⁷² After passing through another security cordon, they are searched in a separate room where they are made to drop their trousers, lift their tops and have the hem of their underwear checked.²⁷³ Some persons are forced to remove their upper clothing, including intimate apparel, and then their lower clothing.²⁷⁴ It is forbidden during visits to talk about political issues and visitors must wear blue trousers and a white T-shirt and remove any jewellery and hair accessories.²⁷⁵

185. After the inspection, the officials put hoods over the visitors' heads, which completely cover their faces, making it difficult for them to breathe.²⁷⁶ The visitors have to walk with their faces covered for approximately 180 metres until they reach the room where they can talk to the detainees. During this walk, they are accompanied by two or three guards who hold them by the arms. This procedure, which has not been observed in other detention centres, has generated fear and anxiety among the detainees' relatives. The Mission registered the testimony of one person who witnessed an elderly woman faint during this process²⁷⁷ and another, who was visually impaired, was forced to remove her glasses.²⁷⁸ Once visitors arrive in the visitation room, they remove their hoods. After the visitors identify themselves with their full names, they are able to speak with their detained relative from behind a glass partition and via an intercom.²⁷⁹

186. Relatives have informed the Mission that their conversations are filmed by a camera installed in the visiting room. Two to three hooded guards are stationed on either side of the room. On occasion, the guards interrupt conversations when detainees provide information about the conditions of detention.²⁸⁰

187. Relatives of some of the inmates have been denouncing the conditions of detention at Rodeo I via social media. When one of these relatives went to Rodeo I a few days after publishing his complaints, he was surrounded by eight armed officials without identification. The deputy director of Rodeo I addressed the family member, telling him that his statements were inciting hatred and that he could be arrested for that crime, but that "this time he would

²⁶⁶ Interview IIV063.

²⁶⁷ Interviews WWIV068; WWIV080 and IIV063.

²⁶⁸ Interviews WWIV068; WWIV080 and PPIV154.

²⁶⁹ Interviews WWIV068; WWIV080 and PPIV139.

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

²⁷² A place where detainees' families leave them personal items and food.

²⁷³ Interviews IIV063; IIV064; IIV070; IIV075 and WWIV080.

²⁷⁴ Interview WWIV083.

²⁷⁵ Interviews IIV063; IIV064; IIV070; IIV075 and PPIV139.

²⁷⁶ Interviews IIV075 and PPIV139.

²⁷⁷ Interviews WWIV068.

²⁷⁸ Interview IIV070.

²⁷⁹ Interviews WWIV068 and WWIV080.

²⁸⁰ *Ibid.*

be allowed to go". His visits were suspended for a month, and he now prefers to keep a low profile for fear of further reprisals.²⁸¹

188. In another case, when a family member arrived at Rodeo I for a visit after having made allegations and complaints at the gates of the detention centre, the deputy director of Rodeo I declared that such statements were inciting hatred and, as a result, the family member's visit was suspended.²⁸²

E. Illustrative cases

CASE 1: John Álvarez

Background

189. John Álvarez is a student of anthropology at the Universidad Central de Venezuela, in Caracas. Until 2023 he was secretary general of the youth of the Bandera Roja political party.²⁸³

Detention

190. On 30 August 2023, around 9 a.m., John Álvarez left his home located in the San Juan parish, Capital District, on a motorcycle to go shopping.²⁸⁴ According to Álvarez's statements, half an hour after leaving his house he was approached by several persons dressed in plain clothes. One of the individuals present brandished a firearm and compelled him to enter a white Chery Orinoco vehicle lacking license plates. Two other individuals, riding blue V-Strom motorcycles, were also involved in the operation.²⁸⁵ The individuals took his cell phone and wallet and one of them took his motorcycle.²⁸⁶

191. According to the testimony, the individual driving the car, who identified himself as a "commander," ordered two of the others to hood and handcuff Álvarez. At no time did the individuals identify themselves as State officials or present an arrest warrant, so Álvarez initially thought he was being kidnapped²⁸⁷.

192. Álvarez was taken to the PNB police station in Los Chaguaramos, where he was interrogated by some of the individuals who apprehended him. Álvarez understood that they were officials from a security force, despite the fact that none of them were wearing uniforms.²⁸⁸ One of the officials was identified as "Pedro", another as "Gaviria", and a third was known by various nicknames, particularly "Sosa". The officials informed him that they were aware of his affiliation with an opposition party and inquired about third parties. During the course of the interrogation, the officials accessed and reviewed the contents of his mobile phone including conversations with other individuals.²⁸⁹

193. In his testimony, Álvarez stated that during the interrogation, the official identified as "Pedro" struck him with a closed hand, while the official "Gaviria" beat him with a board on his legs, buttocks and back. Additionally, the official "Sosa" applied electricity on his knees, back and genitals.²⁹⁰ An official informed Álvarez from behind that: "*If you move, this firearm will be discharged.*" Furthermore, the officials informed him that in exchange for providing information about individuals of interest, they would consider releasing him.²⁹¹ Álvarez has claimed that another official, who went by the name "Ronnie" and identified

²⁸¹ Interview WWIV083.

²⁸² Interview WWIV084.

²⁸³ Document OODC005 [Initial court appearance record]; Interview PPIV030.

²⁸⁴ *Ibid.*, Interviews OOIV082; OOIV083 and PPIV133.

²⁸⁵ In his initial court appearance, Alvarez identified the subjects on motorcycles at the time of his arrest as the officials named Pedro and Bolivar.

²⁸⁶ Document OODC005 [Initial court appearance record].

²⁸⁷ *Ibid.*, Interview OOIV088.

²⁸⁸ *Ibid.*, Interview PPIV130.

²⁸⁹ Document OODC005 [Initial court appearance record]; Interview PPIV130.

²⁹⁰ Document OODC005 [Initial court appearance record].

²⁹¹ *Ibid.*, Interview PPIV130.

himself as the unit commander, joined the interrogation and said that he had an arrest warrant for him. Álvarez was stripped of several of his belongings, including a watch and a steel slave, and the officials got into an argument over who would get to keep those items.²⁹²

194. Álvarez insistently asked the officials to communicate with his family members. At approximately 2 p.m. he was permitted to send an audio message to his partner.²⁹³ According to Álvarez, they forced him to say that he was in a meeting, without clarifying where, showing him the tablet and the *taser* in a threatening manner indicating that he would face consequences if he divulged any information beyond what they had already disclosed.²⁹⁴ At 2:40 p.m. a mobile payment was made from Álvarez's phone to another number; Álvarez claims that one of the officials forced him to send the money from his account to a number dictated to him by the aforementioned official.²⁹⁵

195. Álvarez stated that, at approximately 9:00 p.m., several officials who identified themselves as members of the Criminal Investigations Division (DIP) - belonging to the Directorate of Strategic and Tactical Actions (DAET) - of the La Quebradita branch of the PNB²⁹⁶ appeared before him. There he was forced to make a statement that was filmed with the cell phones of the official "Pedro" and the DIP officials. Álvarez was compelled to admit that trade unionist Carlos Salazar and journalist and union leader Carlos Julio Rojas were complicit in criminal activities, given the likelihood of further beatings if he did not cooperate. Furthermore, he was questioned about other Venezuelan union leaders and politicians, including José Patines and Mario De Nigris.²⁹⁷

196. That night John Álvarez's relatives searched for him at the medical facilities and several PNB stations in Caracas. The family did not go to the Los Chaguaramos police station, as it was a retired police station unknown to the family. In all the PNB stations they visited, the officials told them that they had no information about John Álvarez. In the absence of information on his whereabouts, on 31 August 2023, at 9 a.m., Álvarez's relatives went to the headquarters of the Scientific, Criminal and Criminalistic Investigations Corps (CICPC) in Caracas to file a missing person's report. However, CICPC officials declined to accept the report, citing insufficient time for the CICPC to classify the case as a disappearance.²⁹⁸

197. According to Álvarez's testimony, he spent the night of August 30 handcuffed in the same room where he was interrogated. The following day, at approximately 6 a.m., he was transferred by vehicle by officials "Pedro" and "Gaviria", and another identified as "Bolívar".²⁹⁹ The officials informed Álvarez that they were taking him to the National Service of Medicine and Forensic Sciences of Caracas (SENAMECF)³⁰⁰ to perform a technical health examination. They also warned him not to disclose that he had been beaten, stating that they would repeat the act if he did so.³⁰¹

198. Following the health examination, Álvarez was escorted to the CICPC offices, where he alleges that he overheard a discussion between CICPC officials and his custodians regarding apparent inconsistencies in the police record of his detention.³⁰² Subsequently, Álvarez was again placed in handcuffs and taken to the Los Chaguaramos police station. During one of the journeys that day, the officials permitted Álvarez to place a telephone call

²⁹² Document OODC005 [Initial court appearance record].

²⁹³ *Ibid.*, Interviews OOIV082 and OOIV083.

²⁹⁴ Document OODC005 [Presentation hearing minutes].

²⁹⁵ Document PPDC135 [Complaint to the public prosecutor's office, 13 September 2023]; Interviews PPIV130 and OOIV088.

²⁹⁶ Restrictions on civic and democratic space, A/HRC/54/CRP.8.

²⁹⁷ Document OODC005 [Presentation hearing minutes].

²⁹⁸ Interviews OOIV082; OOIV083; PPIV133.

²⁹⁹ Document OODC005 [Presentation hearing minutes].

³⁰⁰ Main body and forensic scientific center of national reference in forensic medicine and sciences, auxiliary to the administration of justice, attached to the Vice-Ministry of the Integrated Criminal Investigation System (VISIIP).

³⁰¹ Document OODC005 [Presentation hearing minutes]; Interview PPIV130.

³⁰² Document OODC005 [Presentation hearing minutes].

to his partner, during which he informed her that he was being detained at the Los Chaguaramos PNB police station.³⁰³

199. After receiving the call from Álvarez, his partner and family members went to the Los Chaguaramos police station, where they were informed that Álvarez had been arrested for pasting pamphlets on the statue of Simón Bolívar located in the historic centre of Caracas. The officials told the family members that they could visit Álvarez that night "*when it was dark*" and there were no witnesses present. They also requested that the family comply with a "friendship pact". The agreement was that the family would refrain from making any social media posts or communicating with journalists or lawyers regarding Álvarez's detention. The officials informed the family members that they would release Álvarez between 2 and 3 September 2023, if the family complied with the pact.³⁰⁴

200. On the evening in question, several of Álvarez's relatives returned to the Los Chaguaramos police station. However, the officials indicated that men were not permitted to enter. The only persons allowed to visit him were his partner and his mother.³⁰⁵ According to a relative of Álvarez, the officials prohibited him from visiting him on the grounds that "*they do not deal with men*".³⁰⁶ In this case, before they could see him, the officials forced the two women to undress, the mother partially and the partner completely.³⁰⁷ When the mother and the couple were able to meet with Álvarez, they did so in the presence of an official.³⁰⁸ During the visit, the official told Álvarez to tell his mother that he had been treated well in detention, and encouraged him to incriminate third parties in exchange for his release.³⁰⁹

201. On 1 September 2023, Álvarez's family proceeded to the courthouse in Caracas, as he had been detained for 48 hours that day and, in accordance with the law, he should have been presented in court. The family spent the entire day inquiring about Álvarez's whereabouts at the courthouse, but he was never presented. The family returned to the Los Chaguaramos police station and inquired with the officials about Álvarez's whereabouts. The officials stated that the situation had "*escaped their control*" and that Álvarez had been transferred to the PNB's Center for the Control and Protection of Detainees in La Yaguara.³¹⁰

202. According to his testimony, Álvarez was visited that night at the La Yaguara detention centre by an official who identified himself as the official in charge of the Center for the Control and Protection of Detainees, who took pictures of him to check his state of health.³¹¹ The following day, on 2 September 2023, Álvarez's family was finally able to visit him in that detention centre.³¹²

Judicial process

203. On Monday, 4 September 2023, Álvarez's initial court appearance was held, more than five days after his detention. Álvarez was represented by his attorneys of choice who were sworn in to assume his defense that same day.³¹³ The hearing was held before Judge Franklin Mejias Caldera of the Special Fourth Court of First Instance in Control Functions with Jurisdiction in Cases Related to Crimes Associated with Terrorism (Tribunal Cuarto de Primera Instancia en Funciones de Control con Competencia en Casos Vinculados con Delitos Asociados al Terrorismo) (Fourth Terrorism Court).³¹⁴

³⁰³ *Ibid.*; Interviews OOIV083 and PPIV133.

³⁰⁴ Interviews OOIV082; PPIV133 and OOIV083.

³⁰⁵ Interviews OOIV082; PPIV130 and PPIV133.

³⁰⁶ Interview PPIV133.

³⁰⁷ Interviews OOIV082 and OOIV083.

³⁰⁸ *Ibid.*, Document OODC005 [Presentation hearing minutes].

³⁰⁹ Interviews PPIV130 and OOIV082.

³¹⁰ Interviews OOIV082 and PPIV133.

³¹¹ Document OODC005 [Presentation hearing minutes].

³¹² *Ibid.*, Interviews OOIV082 and PPIV133.

³¹³ Document OODC005 [Presentation hearing minutes]; Interviews OOIV082 and OOIV083; Interview with Eduardo Torres, 15 May 2024 (PPIV126).

³¹⁴ Document OODC005 [Presentation hearing minutes].

204. At the initial court appearance, the 74th National Prosecutor's Office against Money Laundering, Financial and Economic Crimes (the Prosecutor's Office), indicated that Álvarez had been arrested under an arrest warrant issued by the same court on 6 July 2022.³¹⁵ This was over a year before his arrest. The Prosecutor's Office confirmed that John Álvarez was identified in July 2022 as a member of an alleged "terrorist structure", along with six union members who were arrested that same month.³¹⁶ The Prosecutor's Office has confirmed that the arrest warrant issued against the six union members also applies to Álvarez.³¹⁷

205. In the initial court appearance, Álvarez denounced before the judge that he had been a victim of torture and ill-treatment, identifying his torturers by name and physiognomic characteristics. He also denounced that the officials had stolen his motorcycle³¹⁸ and several personal items.³¹⁹

206. At the end of the initial court appearance, Álvarez was charged with the crimes of "conspiracy"³²⁰ and "aggravated criminal association",³²¹ and the judge imposed preventive detention at the Rodeo III Judicial Prison. In response to the allegations of torture and ill-treatment made by Álvarez, the judge issued a summons to the Office of the Ombudsman, to investigate and determine whether torture occurred. Furthermore, the judge requested the Office of the Attorney General to designate a fundamental rights prosecutor to investigate the complaint. The judge also requested that Álvarez undergo a physical evaluation by SENAMECF.³²²

207. On October 19, Prosecutor no. 74 presented a file containing details of the investigation carried out against Álvarez to the Fourth Terrorism Court. The file indicates that he was arrested at 5:30 p.m. on 30 August 2023, which differs from Álvarez's account of what happened that day. The case file also indicates that, at the time of his arrest, Álvarez was carrying 19 posters with the flags of Venezuela and Ukraine and the legends "Batallón Bolívar" and "#UnidosPorLaLibertad". These items were identified in the police record as "objects of criminalistic interest".³²³ In his statement during the initial court appearance, Álvarez affirmed that he was not carrying any posters when he was arrested and that it was the same officials who had them printed from an image Álvarez had received through social networks³²⁴.

Excarceration

208. John Álvarez was released on 23 December 2023 as part of a series of releases resulting from negotiations between the government and the opposition.³²⁵ Álvarez stated that on the aforementioned date, he was escorted to an office within the La Yaguara detention center, where he was presented before the center's director, Daniel Araujo; the 74th Prosecutor with national jurisdiction, Elin León; and the rector of the Central University of Venezuela, Víctor Rago. The Prosecutor informed Álvarez that he would be released, without offering any further explanation or handing him any document.³²⁶

³¹⁵ *Ibid.*

³¹⁶ In its 2023 report, the Mission concluded that these six trade unionists were victims of arbitrary detention and that several were victims of ill-treatment. See Restrictions on civic and democratic space, A/HRC/54/CRP.8, paras. 592-635.

³¹⁷ Document OODC009 [Court File No. MP-143749-2022, 19 October 2023].

³¹⁸ Sources indicated that after Álvarez's detention, they saw advertisements on social networks announcing the sale of his motorcycle, and that they heard that the motorcycle was being used by unknown persons. See also Document PPDC144 [Photo of sale advertisement]; Interviews OOIV082; OOIV083 and PPIV133.

³¹⁹ Document OODC005 [Presentation hearing minutes].

³²⁰ Criminal Code, art. 132.

³²¹ Organic Law against the crime and the financing of terrorism, art. 37.

³²² Document OODC005 [Presentation hearing minutes].

³²³ Document OODC009 [Court File No. MP-143749-2022, 19 October 2023].

³²⁴ Document OODC005 [Presentation hearing minutes].

³²⁵ Document QQDC029 [List of released prisoners, 23 December 2023]; Interview with Eduardo Torres, 15 May 2024 (PPIV126); Interview PPIV130.

³²⁶ Interview with Eduardo Torres, 10 January 2024 (OOIV090); Interviews PPIV130 and OOIV088.

209. Álvarez appeared before the Third Terrorism Court on 9 January 2024 to inquire about the conditions of his release. The court provided him with a document indicating that he was subject to precautionary measures, including the prohibition to leave the country and the obligation to report every 15 days to the Criminal Judicial Circuit.³²⁷

Physical sequelae

210. The Medical Forensic Division of the Office of the Attorney General has issued a report stating that Álvarez was examined on 25 September 2023 and did not present any external physical injuries. The doctor who performed the evaluation advised that a medical evaluation by a specialist in traumatology and internal medicine be conducted, as Álvarez exhibited mobility limitations in his right leg.³²⁸

211. After his release from prison, Álvarez was examined by an internist on 25 January 2024, who diagnosed him with cervicgia, mechanical lumbago and post-traumatic stress disorder.³²⁹ On 11 March 2024, based on a back x-ray, the same doctor concluded that Álvarez had fusion of two vertebrae (C3 and C4) and that the cervicgia, mechanical low back pain and post-traumatic stress persisted.³³⁰

212. Since his detention, Álvarez has complained of vision problems in his left eye, which he claims began after he received electric shocks with a *taser* to his head³³¹. In March 2024, he underwent ophthalmological examinations which concluded that he suffers vision loss in his left eye and that his Glaucoma Hemifield is outside normal limits.³³² In May 2024, Álvarez informed the Mission that he was still experiencing back pain and visual issues.³³³

213. A forensic expert consulted by the Mission has concluded that the injuries sustained by John Álvarez are consistent with the type of blows received during his interrogation.³³⁴

State response

214. On 6 September 2023 the Álvarez family submitted a formal complaint to the Office of the Ombudsman regarding the alleged torture of John Álvarez.³³⁵ On 13 September 2023 the family filed a further complaint with the Public Prosecutor's Office, requesting an investigation into alleged acts of torture committed by DAET and PNB-DIP personnel. Furthermore, the complaint requested an investigation into the circumstances surrounding the seizure of the aforementioned goods, which are not referenced in the police report.³³⁶

215. As of May 2024, the family had not received any updates on the status of those complaints. Furthermore, the Public Prosecutor's Office and the Office of the Ombudsman had not contacted Álvarez regarding the investigations into the torture complaint ordered by the judge on 4 September 2023.³³⁷

Impacts

216. The case of John Álvarez and his family has had a significant impact on their security, emotional well-being and economic situation. During Álvarez's detention, his family members reported that they were photographed on numerous occasions by unknown

³²⁷ Document PPDC143 [Judicial notice, 9 January 2024]; Interview PPIV130; Interview with Eduardo Torres, 15 May 2024 (PPIV126).

³²⁸ Document OODC009 [Court File No. MP-143749-2022, 19 October 2023].

³²⁹ Document PPDC145 [Medical report, 25 January 2024].

³³⁰ Document PPDC146 [Medical report, 11 March 2024].

³³¹ Interviews OOIV088 and PPIV133.

³³² Document PPDC147 [Ophthalmological report].

³³³ Interview with John Álvarez, 21 May 2024.

³³⁴ Document PPDC191 [Forensic expert's note].

³³⁵ Document PPDC137 [Complaint filed with the Ombudsman, 6 September 2023]; Interview with Eduardo Torres, 15 May 2024 (PPIV126).

³³⁶ Document PPDC135 [Complaint filed with Public Prosecutor's Office, 13 September 2023] Interview OOIV082.

³³⁷ Interviews PPIV130 and PPIV133.

individuals while attending the prosecutor's office or participating in demonstrations. This resulted in a perception of constant surveillance.³³⁸

217. John Álvarez has told the Mission that he avoids going out alone due to persistent anguish and fear. After his detention, Álvarez said he observed individuals in civilian attire on a motorcycle taking photographs in front of his brother's educational establishment. This caused him concern as he was unsure if they were state officials. Álvarez reports feeling nervous and anxious when attending hearings, citing a perception of arbitrariness and a lack of control over the judicial process.³³⁹ A relative of John Álvarez has stated that the experience has resulted in a precarious economic situation for the family, as they have been denied the renewal of the lottery business license, which was their primary source of income.³⁴⁰

Conclusions

218. In light of the information presented, the Mission has reasonable grounds to believe that John Álvarez was subjected to arbitrary detention. His initial court appearance took place five days after his arrest, which is contrary to Venezuelan law, which establishes the obligation to be presented before a judge within 48 hours of the arrest. The Mission recalls that, according to international human rights law, all persons must be brought before a judge without delay after having been detained,³⁴¹ which did not occur in the present case. The Mission notes that the Fourth Terrorism Court did not rule on this aspect.³⁴²

219. The Mission also notes that, according to Álvarez's statement before the aforementioned Court, at the time of his arrest, the officials did not identify themselves as such, did not inform him of the reasons for his arrest, and did not present him with an arrest warrant. Furthermore, the Mission notes that Álvarez was released without any explanation. He was therefore required to seek information from a court in person in order to ascertain his legal position and the alternative measures that applied to him.

220. The Mission has reasonable grounds to believe that John Álvarez was a victim of torture and sexual violence, including blows with blunt objects and charges of electricity on different parts of his body, including his genitals, during his stay at the Los Chaguaramos police station of the PNB. The acts to which he was subjected during his detention and interrogation were intended to intimidate him and force him to incriminate third parties.

221. The Mission has reasonable grounds to believe that Álvarez was the victim of an enforced disappearance of short duration for the period of approximately 21 hours between the time of his arrest and the time he was allowed to call his partner to inform her that he was detained at the PNB police station in Los Chaguaramos. During this period, Álvarez was a victim of torture and sexual violence, as described above. The Mission notes that the same night of his detention, his family, realizing that something might have happened to him, went to look for him at several PNB stations, where they were denied information about his fate and whereabouts. In the absence of information, the next day Álvarez's relatives tried to file a missing person's report with the CICPC. However, the officials did not allow them to file it.

222. The Mission also notes that the initial court appearance took place outside the 48-hour legal deadline to be presented before a control judge after the arrest, as it took place five days after the arrest.

223. The Mission has reasonable grounds to believe that John Álvarez's mother and partner were subjected to arbitrary and unjustified invasive searches, which constitute a form of gender-based violence. These practices align with a previously identified pattern by the Mission, whereby women are subjected to invasive searches and forced nudity in the prison context.

³³⁸ Interview PPIV133.

³³⁹ Interview with John Álvarez, 21 May 2024.

³⁴⁰ Interview PPIV133.

³⁴¹ Human Rights Committee, General Comment No. 35, CCPR/C/GC/35, para. 33.

³⁴² Document OODC005 [Presentation hearing minutes].

CASE 2: Nelson Piñero

Background

224. Nelson Leopoldo Piñero Alfonzo is a member of the national communications team of the political party Encuentro Ciudadano. He is also the communications coordinator of this party in the state of Carabobo.³⁴³

225. In the weeks prior to his detention, Piñero posted several messages on his personal account on the social network X, in which he criticised, among others, President Maduro and the Governor of Carabobo State, Rafael Lacava. Mr. Lacava is a member of the political party in power.³⁴⁴

Detention

226. On the night of 21 November 2023, Nelson Piñero was at home in San Diego, Carabobo, with his son, who is a child, and his octogenarian father.³⁴⁵ At 11:30 p.m., Piñero contacted several persons he trusted, alerting them that SEBIN officials had arrived at his house to take him to the institution's headquarters in Naguanagua, Carabobo State.³⁴⁶ A source interviewed by the Mission saw three vehicles with SEBIN signs and nine officials wearing military waistcoats and boots, three of whom were carrying pistols. According to this testimony, Piñero told the officials stationed at the gate of the building that he would open it if they showed him an arrest warrant, but they did not show him any document.³⁴⁷

227. According to a source interviewed by the Mission, Piñero called him/her shortly after 11:30 p.m. and informed him/her that SEBIN officials were forcing the gates of the entrance to his house.³⁴⁸ According to another source, two of the officials climbed over the gate of the property, and then, gave the rest of the officials access to the property.³⁴⁹ When the SEBIN officials arrived at the door of Piñero's flat, he opened it and again asked to see an arrest or search warrant. However, the officials entered without showing him any documents. The officials searched the house for approximately half an hour, seized a computer and a mobile phone, and took Piñero into custody.³⁵⁰

228. The criminal investigation record issued by SEBIN presents another version of Piñero's detention, indicating that he was apprehended on 22 November 2023 between midnight and 3:00 a.m. The record indicates that three SEBIN officials, accompanied by two witnesses,³⁵¹ arrived at Piñero's home, presented him with the arrest and search warrants and proceeded to detain him. They seized a mobile phone, a computer and other electronic devices.³⁵² The statements of the witnesses indicate that these acts were carried out without violence and without any opposition from the detainee.³⁵³

Judicial proceedings

229. On 23 November 2023, Nelson Piñero's initial court appearance took place at the First Criminal Court with Control Functions in Valencia (Tribunal Penal de la Primera Instancia en Funciones de Control - Tribunal Penal de la Primera Instancia), presided over

³⁴³ Interview Delsa Solórzano, 22 November 2023 (PPIV110).

³⁴⁴ Document PPDC112 [Photo of posts on X by Nelson Piñero, 21 November 2023]; Interview PPIV111; Interview with Foro Penal, 7 December 2023 (PPIV113).

³⁴⁵ Interview with Delsa Solórzano, 22 November 2023 (PPIV110); Interview QQIV030

³⁴⁶ Interview with Delsa Solórzano, 22 November 2023 (PPIV110); Interviews PPIV111 y PPIV117; Documents PPDC106 y PPDC107 [Screenshots of Nelson Piñero's posts].

³⁴⁷ Interview QQIV030.

³⁴⁸ Interview PPIV117.

³⁴⁹ Interview QQIV030.

³⁵⁰ Interview QQIV030 and PPIV111; Interview with Delsa Solórzano, 22 November 2023 (PPIV110).

³⁵¹ The names of witnesses are not disclosed in the criminal investigation because they are protected by the Special Law on Protection of Victims, Witnesses and Other Persons Involved in Judicial Proceedings.

³⁵² Document QQDC003 [Criminal investigation record, 22 November 2023].

³⁵³ Document QQDC006 [Witness I interview record, 22 November 2023]; Document QQDC007 [Witness II interview record, 22 November 2023].

by Judge Melissa Filomena De Sousa. Nelson Piñero was legally represented by lawyers of his choice.³⁵⁴

230. Piñero was charged by the Fourth Public Prosecutor's Office of the State of Carabobo with the crime of "promoting or inciting hatred".³⁵⁵ According to the Office of the Attorney General, on 20 November 2023, as part of the cybernetic patrols carried out by SEBIN for the "*identification and neutralisation of threats, as well as possible subversive or terrorist acts that violate the supreme interests of the Republic*", messages were detected from the account '@NelsonpVzla1' of Nelson Piñero on the social network X.³⁵⁶

231. According to the Public Prosecutor's Office, Piñero had published "*messages promoting discrimination and hatred against relevant figures who hold positions in a certain political and social group*". Piñero's messages, according to Public Prosecutor's Office, included "*a large amount of discriminatory content, promoting hostility and violence against all citizens who share and comply with the various policies emanating from the [government]... in addition to publishing adjectives such as 'traitor to the homeland, thief, drug trafficker, liar, kidnapper'; among others, against various political leaders of the country*".³⁵⁷

232. During the hearing, the Public Prosecutor's Office pointed out that on 21 November 2023, prior to Piñero's detention, it had requested search and arrest warrants from the First Criminal Court with Supervisory Functions in Carabobo (Tribunal de Primera Instancia en Funciones de Control de Carabobo).³⁵⁸

233. The defence argued that no arrest or search warrant was presented to Piñero when he was detained, nor were any in the case file. The defence also argued that since the operation to arrest Piñero and search his house began on the night of 21 November 2023, it was not possible for the officials involved in these actions to have had warrants, as they were not issued until the following day.³⁵⁹

234. The First Criminal Court rejected the defence's arguments and ruled that the arrest and search were lawful. The court also ordered that Piñero be remanded in custody.³⁶⁰

235. On 5 January 2024, the Public Prosecutor's Office presented the formal charges against Nelson Piñero for "promoting or inciting hatred",³⁶¹ based on the criminal investigation record issued by SEBIN on 20 November 2023.³⁶² The indictment was based on the criminal investigation report issued by SEBIN on 20 November 2023. The SEBIN's criminal investigation record quote some messages allegedly posted from Piñero's X account, for example: "*The rejection of the criminal and miserable regime that has destroyed our country is a national sentiment that is demonstrated daily in all scenarios and events, get rid of Maduro is an irreversible trend that we will achieve in 2024. Amen*". Another post read: "*What did Petro and Maduro talk about in Miraflores, one is a "guerrillero", a kidnapper and a thief, and the other one is a drug trafficker, a criminal against humanity and a mega thief?*".³⁶³

236. According to the criminal investigation record included in the indictment, Piñero disseminated more than 20,000 messages "of a discriminatory nature, promoting hostility and violence" and "published insults and accusatory, defamatory and slanderous messages"

³⁵⁴ Document PPDC115 [Initial court appearance record, Case No. CIM-2023-000687].

³⁵⁵ Constitutional Law against hatred, for peaceful coexistence and tolerance, art. 20; Document PPDC115 [Initial court appearance record, Case No. CIM-2023-000687]; Interview with Foro Penal, 7 December 2023 (PPIV113).

³⁵⁶ Document PPDC115 [Initial court appearance record, Case No. CIM-2023-000687].

³⁵⁷ Ibid.

³⁵⁸ Ibid., Document QQDC001 [Public Prosecutor Office's indictment, 23 November 2023].

³⁵⁹ Document PPDC115 [Initial court appearance record, Case No. CIM-2023-000687]; Interview PPIV111; Interview with Foro Penal, 7 December 2023 (PPIV113); Interview with Foro Penal, 5 June 2024 (PPIV138).

³⁶⁰ Document PPDC115 [Initial court appearance record, Case No. CIM-2023-000687]; Interview with Foro Penal, 7 December 2023 (PPIV113).

³⁶¹ Constitutional Law against hatred, for peaceful coexistence and tolerance, art. 20.

³⁶² Interview with Foro Penal (PPIV119).

³⁶³ Document QQDC002 [Criminal investigation record, 20 November 2023].

against President Maduro, among other officials, "promoting hatred among more than eighty-one thousand (81,000) followers that he managed to attract".³⁶⁴

237. On 2 February 2024, the preliminary hearing was held at the Criminal Court of First Instance. At the hearing, Piñero's defence reiterated that the warrant had been issued hours after the search had been carried out and that the SEBIN officials had, therefore, carried out an illegal search. He also argued that during the search, Piñero's mobile phone was seized, an object that was not specifically listed among those to be searched according to the alleged warrant. It also objected to the fact that the technical expertise to empty the contents of the electronic devices collected had been carried out without a specific judicial order to do so. The judge rejected the objections, upheld the prosecution's indictment and upheld Piñero's detention.³⁶⁵

238. The trial's opening hearing, originally scheduled for 11 June 2024, was postponed at least three times³⁶⁶. According to Piñero's defence, the hearing was postponed each time because the authorities had not appointed a prosecutor to the case³⁶⁷. The hearing only took place on 28 August 2024, after being delayed for two and a half months³⁶⁸.

Conclusions

239. The Mission has reasonable grounds to believe that the detention of Nelson Piñero was arbitrary, as it was carried out for exercising his right to freedom of expression, as well as his right to participate in public affairs, given that Piñero is a member of the national communications team of the Encuentro Ciudadano political party. He is also the party's coordinator in the state of Carabobo. With regard to freedom of expression, the Mission observes that Piñero's detention was ordered on the basis of some messages he posted on his account X, in which he criticised some public officials, using words such as "traitor to the country", "thief", "drug trafficker", among others, without the Court having indicated how such criticism constituted the promotion or incitement of hatred, the offence with which he was charged. The Court merely stated that it accepted the prosecution's accusation in its entirety, without explaining why it considered that the elements of the offence had been established.

240. In this regard, the Mission recalls that, according to international human rights standards, the use of criminal proceedings against persons who express criticism, even offensive criticism,³⁶⁹ of the government, its authorities or its policies is disproportionate.³⁷⁰ In this respect, the Inter-American Court of Human Rights has stated that "in a democratic society, public officials are more exposed to public scrutiny and criticism. This different threshold of protection is explained by the fact that they have voluntarily subjected themselves to more demanding scrutiny [...] Hence the greater tolerance of statements and assessments made by citizens in the exercise of this democratic control³⁷¹.

241. Finally, the Mission has reasonable grounds to believe that the search of Piñero's house had no legal basis, given that, according to the authorities themselves, the warrant was ordered only the day after the search.

³⁶⁴ *Ibid.*

³⁶⁵ Document QQDC015 [Preliminary hearing record].

³⁶⁶ Document PPDC148 [Notification of the trial's opening hearing, 28 May 2024] Document PPDC176 [Notification of the trial's opening hearing, 12 June 2024]; Interview with Foro Penal, 18 July 2024 (PPIV143).

³⁶⁷ Interview with Foro Penal, 18 July 2024 (PPIV143).

³⁶⁸ Interview with Foro Penal, 11 September 2024 (PPIV155).

³⁶⁹ See IACtHR, *Ivcher Bronstein Vs. Peru*, Serie C No. 74, Judgement of 6 February 2001, para. 152; CCPR/C/GC/34, para. 38.

³⁷⁰ See IACtHR, *Palamara Iribarne Vs. Chile*, Serie C No. 135, Judgement of 22 November 2005, para. 88.

³⁷¹ IACtHR, *Kimel Vs. Argentina*, Serie C No. 177, Judgement of 2 May 2008, paras. 86-87.

CASE 3: Anyelo Heredia (Operation White Armband)

Background

242. Anyelo Julio Heredia Gervacio is a retired captain of the Venezuelan Army (Bolivarian Army). Heredia was arrested by the Directorate General of Military Counter-Intelligence (DGCIM) on 30 March 2017,³⁷² a few days after he denounced to the Public Prosecutor's Office the smuggling of gasoline in the state of Táchira.³⁷³ Heredia was associated with Operation Fénix which, according to the Government, was a conspiracy aimed at freeing Leopoldo López from the National Centre of Ramo Verde prison.³⁷⁴

243. On 24 December 2019, Heredia escaped from Ramo Verde prison. As of November 2023, Heredia was in Colombia.³⁷⁵

Capture and detention

244. Anyelo Heredia was captured on 13 December 2023, in Cúcuta, Colombia, by armed men.³⁷⁶ According to information received by the Mission, the men who arrested him were members of the National Liberation Army (ELN), who handed him over to the DGCIM on 16 December 2023. At the time of his capture, Heredia was with former first lieutenant Ronald Leandro Ojeda Moreno, who managed to escape.³⁷⁷ During the operation, Heredia was injured following a shot on his leg.³⁷⁸

245. According to information received by the Mission, Heredia was transferred to a clandestine detention centre in Caracas where he remained until 27 January 2024. He was later transferred to the DGCIM headquarters in Boleíta.³⁷⁹

246. The date of the detention that the Mission was able to determine, 16 December 2023, differs from the information provided by the Attorney General in his press conference of 22 January 2024. In the press conference, he announced that Heredia had been arrested on 16 January 2024.³⁸⁰

³⁷² Heredia alleged that during his period of detention at DGCIM headquarters in Boleíta he was subjected to torture. See El Español, "La Épica Fuga del Capitán Heredia de la Cárcel de Máxima Seguridad de Maduro: "Me torturaron colgado del techo"", 2 October 2022. Available from: https://www.lespanol.com/porfolio/actualidad/20221002/capitan-heredia-carcel-maxima-seguridad-torturaron-colgado/705429837_0.html

³⁷³ Foro Penal, "Una pesadilla del nazismo revive Venezuela", 23 July 2023. Available at: <https://foropenal.com/una-pesadilla-del-nazismo-revive-en-venezuela/>; El Español, "La Épica Fuga del Capitán Heredia de la Cárcel de Máxima Seguridad de Maduro: "Me torturaron colgado del techo", 2 October 2022. Available at: https://www.lespanol.com/porfolio/actualidad/20221002/capitan-heredia-carcel-maxima-seguridad-torturaron-colgado/705429837_0.html.

³⁷⁴ Con el Mazo Dando, "Ningún angelito!, Conozca el verdadero expediente del militar fugado de Ramo Verde", 3 January 2020. Available at: <https://mazo4f.com/ningun-angelito-conozca-el-verdadero-expediente-del-militar-fugado-de-ralo-verde>.

³⁷⁵ Interview WWIV035; YouTube video, Wender Enrique [@WenderEnriqueSINFILTRO], "Entrevista al CAP/ Anyelo Heredia en vivo...", 6 August 2023. Available at: <https://www.youtube.com/watch?v=ZFpkeEVnKpQ> [min 16:32].

³⁷⁶ Document WWDC079; Interviews WWIV040; WWIV035 and WWIV076.

³⁷⁷ Former Lieutenant Ronald Ojeda, mentioned in Anyelo Heredia's confession and whose name appeared on the list of military personnel expelled by the Ministry of Defence, published in January 2024, was residing in Chile with refugee status after having escaped from the Ramo Verde military prison in 2017. On 21 February 2024, Ojeda was abducted from his home by four individuals disguised as agents of the Chilean Investigative Police (PDI). His body, with signs of torture, was found on 1 March 2024 in the commune of Maipú, near the Chilean capital.

³⁷⁸ Interviews IIV060 and WXR531.

³⁷⁹ Interview WWIV076.

³⁸⁰ Ministry of the People's Power of the Office of the Presidency and Monitoring of Government Management, "MP detiene y sentencia a ciudadanos vinculados a planes magnificadas contra el presidente Maduro", 22 January 2024. Available at: http://www.presidencia.gob.ve/Site/Web/Principal/paginas/classMostrarEvento3.php?id_evento=26551.

Torture and self-incrimination

247. According to a testimony gathered by the Mission, during the interrogation, Heredia was held hooded and handcuffed, except when he ate. He was not allowed to communicate with his relatives or his lawyers. Heredia was forced by DGCIM officials to sit naked on a metal chair, while electric current was passed to him through a connection between the chair, the wires and a pliers-like device.³⁸¹

248. According to the information received by the Mission, Heredia was forced to record a video confessing his responsibility for several criminal acts. He was also forced to incriminate several persons. According to this information, while he was being filmed, the DGCIM officials pointed their firearms at him to make him follow a script they had prepared.³⁸²

249. At a press conference held on 22 January 2024, the Attorney General showed excerpts from that video, in which Heredia confessed his participation in Operation White Armband. In those excerpts, Heredia also provided some details about the objectives of the operation.³⁸³

Enforced disappearance

250. According to the testimonies received by the Mission, Heredia stopped communicating with his relatives on 13 December 2023, the date of his capture³⁸⁴. The first news they received about his fate was provided by the Attorney General in his press conference on 22 January 2024, where he reported on Heredia's detention³⁸⁵. During the press conference, the Attorney General said that the capture had taken place on 16 January 2024. However, as the Mission was able to confirm, Heredia was actually arrested a month earlier, on 16 December 2023. He was first transferred to a clandestine detention facility and then to the DGCIM headquarters in Boleíta.

251. On 17 February 2024, his sister, Angy Heredia, demanded proof of life through a video posted on social media. The sister pointed out that no one had known of her brother's fate or whereabouts for more than 63 days.³⁸⁶

252. The Mission was informed that a person enquired about Heredia's whereabouts on at least five occasions between February and March, at the DGCIM facilities in Boleíta, as well as at El Helicoide. Officials there did not provide any information³⁸⁷.

253. According to information received by the Mission, on 5 May 2024, guards at Rodeo I prison confirmed to a related person to Heredia that he was being held in that detention centre but informed the person that he/she could not visit him.³⁸⁸

254. According to one source, Heredia received his first visit on 26 May 2024. The person who visited Heredia saw that he was in a wheelchair.³⁸⁹

Legal proceedings

255. On Wednesday, 23 January 2024, at 10:30 a.m., in the courtyard of the Ministry of Defence, in Fuerte Tiuna, Caracas, an act of demotion and expulsion of a group of 33 military

³⁸¹ Interview WWIV076.

³⁸² Interview YTZ946.

³⁸³ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el presidente", 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 37:07].

³⁸⁴ Interview WWIV040.

³⁸⁵ X post by Polianalítica [@polianalítica], 22 January 2024. Available at: <https://x.com/polianalitica/status/1749489897377825065>.

³⁸⁶ Video of Angy Heredia published on X by Tamara Sujú [@TAMARA_SUJU], 17 February 2024. Available at: https://x.com/TAMARA_SUJU/status/1758875903516364868.

³⁸⁷ Interview WWIV076.

³⁸⁸ Ibid.

³⁸⁹ Interview ZQP728.

personnel from the army was carried out, for "treason".³⁹⁰ According to various sources, approximately 11 of the 33 demoted and expelled military personnel were present in the act, including Anyelo Heredia, who was in a wheelchair.³⁹¹

256. The Mission was informed that on 26 January 2024, Heredia was presented before a Military Tribunal set up in Boleíta. A day later, on 27 January 2024, more than 40 days after his detention, he was presented before the Second Terrorism Court in a closed online hearing from Boleíta. He was accompanied by a public defender.³⁹² As the Attorney General pointed out in his press conference,³⁹³ Heredia was charged with the crimes³⁹⁴ of "treason",³⁹⁵ "conspiracy",³⁹⁶ "terrorism"³⁹⁷ and "criminal association".³⁹⁸

257. On 8 May 2024, Heredia was presented before the Second Terrorism Court in a preliminary hearing. The following day, on 9 May 2024, Anyelo Heredia appointed a defence counsel of his choice.³⁹⁹ On 16 May 2024, Heredia's private defence counsel attempted to be sworn in before the Second Terrorism Court, but was informed by court staff that he could only do so at the oral trial stage. To date, the oral trial has not begun, Heredia's private defence lawyer has not been sworn in and, therefore, he has not had access to the court file.⁴⁰⁰

Conclusions

258. The Mission has reasonable grounds to believe that Anyelo Heredia was the victim of an enforced disappearance from the moment DGCIM took him into its custody on 16 December 2023.

259. At his press conference on 22 January 2024, the Attorney General stated that Heredia had been detained on 16 January 2024, without providing any additional information on his fate and whereabouts. However, the Mission has reasonable grounds to believe that by that moment, Heredia had already been detained for a month in a situation of enforced disappearance.

260. The Mission further notes that Heredia's family lost contact with him as of mid-December 2024, and that in the months of February and March 2024, a relative repeatedly requested information about Heredia (up to five times) at the headquarters of DGCIM in Boleíta and of SEBIN in Helicoide. DGCIM officials did not provide any information, despite the fact that Heredia was indeed detained at DGCIM in Boleíta.

261. The Mission also has reasonable grounds to believe that Anyelo Heredia was subjected to torture by DGCIM officials between December 2023 and January 2024 in a clandestine house, and subsequently, at DGCIM's facilities in Boleíta. During this time, Heredia was subjected to coercive interrogation methods that constitute forms of physical and psychological torture, such as being subjected to electric shocks or being forced to remain hooded and handcuffed for long periods of time. These methods of torture coincide with those identified in other cases investigated by the Mission.

262. Heredia was forced to film a video confessing his responsibility, as well as that of others in a conspiracy, in violation of his right not to incriminate himself. The Mission notes that Heredia's case is consistent with a pattern, identified above, whereby a person in

³⁹⁰ Interview WWIV075; Document WWDC046; Post on X by Vladimir Padrino L, [@vladimirpadrino], 23 January 2024. Available at: <https://x.com/vladimirpadrino/status/1749866560435404994>.

³⁹¹ Interviews WWIV067; WWIV075 and XVM183.

³⁹² Interview YLN457.

³⁹³ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el presidente", 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 22:23].

³⁹⁴ Interview ZKW639.

³⁹⁵ Criminal Code, art. 128.

³⁹⁶ *Ibid.*, art. 132.

³⁹⁷ Organic Law against Organised Crime and the Financing of Terrorism, art. 52.

³⁹⁸ *Ibid.*, art. 37.

³⁹⁹ Document WWDC053.

⁴⁰⁰ Interview VHJ295.

detention is forced to confess to his or others' involvement in conspiracies against the Government.⁴⁰¹

263. The Mission also has reasonable grounds to believe that Anyelo Heredia was subjected to arbitrary detention. Heredia was detained without an arrest warrant and remained unlawfully in the custody of DGCIM since 16 December 2023, including in a clandestine house. Even though the Attorney General stated that his detention took place on 16 January 2024.

264. The Mission notes that Heredia was brought before a military court and before the Second Terrorism Court outside the legal time limits in closed hearings, and without informing his relatives. In addition, he was not allowed to choose a lawyer, in violation of his right to defence. These are serious violations of due process that confirm patterns identified by the Mission in other cases contained in this report.

265. The Mission also notes that Heredia was held in incommunicado detention from his arrest until his lawyer was able to visit him on 26 May 2024, which totals a period of approximately 5 months. This was despite the fact that there is no legal basis in domestic law for holding a person in incommunicado detention. According to international standards, subjecting a person to prolonged incommunicado detention may amount to torture or ill-treatment.⁴⁰² The Mission notes that these violations are not isolated acts or the result of procedural errors, but are committed systematically in most of the detentions that the Mission has investigated during the present cycle, when the persons concerned are opponents or perceived as such.

CASE 4: Four military personnel (Operation White Armband)

266. This case includes the cases investigated by the Mission of four members of the Bolivarian National Armed Force (FANB) (3 men and 1 woman), who were implicated by the Attorney General in the Operation White Armband. They are Lieutenant Colonel Enrique César Siero, Major Henry César Siero (his brother), Major Diana Desirée Victora Justo (Lieutenant Colonel Enrique's wife), and Colonel Carlos Jesús Sánchez Vázquez. The four were arrested on 15 December 2023, had their initial court appearance on 24 January 2024 and their preliminary hearing on 16 April 2024.

267. In addition to these four cases, the Mission investigated the cases of Captain Anyelo Julio Heredia Gervacio, analyzed above, and First Lieutenant Karen Gómez Gutiérrez, partner of Colonel Carlos Jesús Sánchez Vázquez. Heredia Gervacio and Gómez Gutiérrez were also implicated by the Attorney General in Operation White Armband.⁴⁰³

Detentions

Lieutenant Colonel Enrique César Siero

268. Between October 2021 and September 2023, Lieutenant Colonel Enrique César Siero was Commander of the Daniel Florencio O'Leary Battalion, responsible for guarding the Army Command Headquarters.⁴⁰⁴ As of September 2023, Enrique César Siero served as

⁴⁰¹ A/HRC/45/CRP.11, paras. 283, 585, 841, 1587, 1627, 1985; A/HRC/51/CRP.3, paras. 93, 139, 146, 156, 271, 410; A/HRC/54/CRP.8, paras. 239, 441, 559, 560 and 522.

⁴⁰² A/66/268: Interim Report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment (2011). Human Rights Committee CCPR/C/104/D/1782/2008, *Aboufaied v. Libya*, para. 7.4; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 15 which states that a person may not be held incommunicado for more than a few days. IACTHR, *Case Rodríguez Vera, et al. (the disappeared from the Palace of Justice)*, Series C 287, para. 322: "the mere fact of prolonged isolation and coercive incommunicado detention represents cruel and inhuman treatment in contradiction with Articles 5(1) and 5(2) of the Convention".

⁴⁰³ These cases are presented separately. See supra, Case 3: Anyelo Heredia; and infra, Case 6: Karen Gómez.

⁴⁰⁴ Post on X by Ejército Bolivariano [@somos_ejercito], 1 September 2021. Available at: <https://www.tiktok.com/@tvfanb/video/7278119823551237381?q=CESAR%20SIERO&t=1715994645644>.

head of the Military Doctrine and Training Division of the Bolivarian Military University of Venezuela (UMBV).⁴⁰⁵

269. According to a source, on 15 December 2023, at 2:30 p.m., DGCIM officials went to Enrique César Siero's workplace at the UMBV to detain him, without presenting him with an arrest warrant. They then took him, in his own vehicle, to the DGCIM facilities in Boleíta.⁴⁰⁶

270. According to the same source, on 15 December, in the evening hours, the UMBV's President and Vice-Minister of Education for Defence, Major General Frank Zurita, along with the Academic Vice-President of the UMBV, Major General Félix Ramón Osorio Guzmán, called the family of Enrique César Siero to inform them that he had been detained by DGCIM officials at the UMBV headquarters.⁴⁰⁷

271. Between 15 and 17 December 2023, Enrique César Siero was forced by DGCIM officials to write a letter addressed to DGCIM's official Alexander Granko Arteaga, whose name appears in the Mission's files,⁴⁰⁸ implicating few individuals in a conspiracy. A source told the Mission that, in order to get Enrique César Siero to write the letter, the officials hung him by the arms and placed dogs under him. They also threatened to harm his family.⁴⁰⁹

272. According to a source, on 16 and 17 December 2023, relatives of Enrique César Siero - as well as of his brother Henry César Siero and of Victora Justo - went to inquire about their whereabouts at the DGCIM in Boleíta but received no information.⁴¹⁰

273. According to the information received, on 18 December 2023 the sister of the César Siero brothers, Barbara Gabriela César Siero, and another family member, met with the Defence Minister Vladimir Padrino López, who was accompanied by Major General Frank Zurita and Major General Félix Ramón Osorio Guzmán. The meeting took place at the headquarters of the Ministry of the People's Power for Defence. During the meeting, the relatives were informed of the letter addressed to Granko Arteaga. One of the relatives asked the Minister to see Enrique César Siero. The Minister refused this request, although he indicated that Enrique César Siero was doing well⁴¹¹.

274. On 29 December 2023, according to the information received, Barbara Gabriela César Siero met again with Major General Félix Ramón Osorio Guzmán, who informed her that her brother Enrique was involved in the Operation White Armband. Furthermore, Major General Félix Osorio told her that the President of the Republic would not speak about the case until mid-January 2024.⁴¹²

275. In his press conference of 22 January 2024, the Attorney General indicated that the arrest warrant for Enrique César Siero -as well as for the other three military personnel referred to in the present case- was only requested before the Second Terrorism Court on 19 January 2024.⁴¹³

276. On 24 January 2024, on his TV show *Con el mazo dando*, the PSUV member of the National Assembly and vice-president Diosdado Cabello, showed the printed chats of an alleged conversation between Enrique César Siero and Anyelo Heredia. According to

⁴⁰⁵ Interview WWIV075; El Pitazo, "Perfil I ¿Quiénes son los siete militares detenidos por la operación Brazaletes Blanco?", 24 January 2024. Available at: <https://elpitazo.net/politica/perfil-quienes-son-los-militares-detenido-por-la-operacion-brazaletes-blanco/>.

⁴⁰⁶ Interview WWIV075 and Document WWDC084.

⁴⁰⁷ Interview WWIV075.

⁴⁰⁸ Major Granko Arteaga belongs to the Special Affairs Unit of the DGCIM. He has been identified in previous Mission reports as responsible for torture of persons detained in DGCIM Boleíta. See A/HRC/45/CRP.11, para. 899.

⁴⁰⁹ Document WWDC068.

⁴¹⁰ Interview WWIV075.

⁴¹¹ Ibid.

⁴¹² Ibid.

⁴¹³ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela [@MPvenezolano], "FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el Presidente", 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 25:41].

Cabello, this demonstrated the complicity between the two to carry out Operation White Armband.⁴¹⁴

277. According to the information received, on 2 February 2024, in the evening hours, a group of ten DGCIM officials raided the flat of Enrique César Siero, located in Fuerte Tiuna, in Caracas.⁴¹⁵ The officials were accompanied by the 74th National Prosecutor against Money Laundering, Financial and Economic Crimes, Elín Teodoro León Aguilar, and presented a warrant. Two neighbours acted as "competent witnesses".⁴¹⁶ On the same day, the home of his brother Henry César Siero in Fuerte Tiuna was also raided.⁴¹⁷

278. According to the same information, the security forces removed from the flat a briefcase with the name "Carlos" embroidered on it. At the end of the raid, one of the "competent witnesses" requested that it be recorded in the search's minutes that the officials had entered the flat with large black bags. Both the 74th National Prosecutor and DGCIM officials replied that if he wanted to make such a request, he should do so at DGCIM.⁴¹⁸

279. According to sources interviewed by the Mission, on the afternoon of 4 February 2024, around eight officials, who identified themselves as members of DGCIM, raided a second family home of Enrique César Siero and his wife Diana Victora Justo, located in San Antonio de los Altos, Miranda State. At the time of the raid, some of the couple's relatives, their two daughters and other persons were present. During the raid, which was carried out without a warrant, the couple's belongings were seized, including military uniforms, the family's passports and laptops. At the end of the raid, the flat was locked without allowing the couple's daughters time to remove some of their belongings.⁴¹⁹

280. During the press conference held on 19 February 2024, the Attorney General presented the document "operation order", which was obtained, according to his account, during the raid on the home of Enrique César Siero of 2 February 2024.⁴²⁰ The Attorney General added that this document specified the actions to be carried out in relation to the Operation White Armband, as well as those individuals responsible for it. The document mentioned military officers Anyelo Heredia and Karen Gómez Gutiérrez, as well as human rights defender Rocío San Miguel.⁴²¹ The document also referred to journalists Norbey Marín, Sebastiana Barráez and Wender Enrique, as well as to human rights defender Tamara Sujú, all of whom are in exile.⁴²²

281. On the same day, a relative of Enrique César Siero went to the DGCIM facilities in Boleíta to bring personal belongings for him and his brother Henry. While the relative was queuing at the entrance, one of the guards announced to her and other family members queuing that the detainees had been transferred to the Rodeo I prison.

282. According to information received by the Mission, the César Siero brothers received their first visit in Rodeo I prison, on Saturday 2 March 2024.⁴²³

⁴¹⁴ YouTube Video, TECNOILDE [@tecnoidle], "Con El Mazo Dando - Programa 462", 24 de enero de 2024. Disponible en: <https://www.youtube.com/watch?app=desktop&v=tGVX8bZuiDQ>.

⁴¹⁵ Interview WWIV075; Document WWDC084.

⁴¹⁶ Article 196 of the Organic Code of Criminal Procedure requires that the search of a house "shall be carried out in the presence of two competent witnesses, if possible neighbours of the place, who shall have no connection with the police".

⁴¹⁷ Interview WWIV075.

⁴¹⁸ Ibid.

⁴¹⁹ Interviews WWIV078 and WWIV075.

⁴²⁰ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab brindó detalles sobre investigación en el caso Rocío San Miguel", 19 February 2024. Available at: https://www.youtube.com/watch?v=_XgGtgToRoM&t=2177s [min 6:14].

⁴²¹ See Case 1: Anyelo Heredia, Case 6: Karen Gómez and Case 9: Rocío San Miguel and five related persons

⁴²² YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab brindó detalles sobre investigación en el caso Rocío San Miguel" 19 February 2024. Available at: https://www.youtube.com/watch?v=_XgGtgToRoM&t=2177s [min 8:27].

⁴²³ Interview WWIV075

Major Henry César Siero

283. Until his detention, Major Henry César Siero was stationed at the Bolivarian Army Military Academy (AMEB) in Fuerte Tiuna, Caracas.⁴²⁴

284. According to a source interviewed by the Mission, at 6 p.m. on 15 December 2023, on the same day his brother Enrique was arrested, Major Henry César Siero was detained by DGCIM officials while he was at the AMEB. The officials did not present an arrest warrant. The arrest took place in the presence of the Director of the Academy Brigadier General Norber Torres Ortíz.⁴²⁵

285. As mentioned above, on 16 and 17 December 2023, the relatives of the César Siero brothers and Diana Victora Justo went to inquire about their whereabouts at the DGCIM facilities in Boleíta but received no information.⁴²⁶

286. As in the case of his brother Enrique, the Attorney General announced in his press conference of 22 January 2024, that Henry's arrest warrant was requested on 19 January 2024 before the Second Terrorism Court.⁴²⁷

287. According to information received by the Mission, on 2 February 2024, the home of Henry César Siero, located in Fuerte Tiuna, was raided by DGCIM officials. However, no objects were seized.⁴²⁸ On the same day, his brother Enrique's flat in Fuerte Tiuna was also searched.

288. As noted above, on 19 February 2024, a relative of the César Siero brothers went to the DGCIM facilities in Boleíta to bring them personal belongings but was informed that the detainees had been transferred to the Rodeo I prison. According to the information received by the Mission, both Henry and his brother Enrique César Siero received their first visit at Rodeo I on 2 March 2024.⁴²⁹

Major Diana Desirée Victora Justo

289. Major Diana Desirée Victora Justo, wife of Enrique César Siero, had been working since 2012 in the Brigade of the Presidential Honour Guard (GHP).⁴³⁰

290. Major Victora Justo was detained on 15 December 2023, the same day that her husband Enrique Cesar Siero and her brother-in-law Henry Cesar Siero were also detained. While she was at the GHP headquarters at 5 p.m., her superior, Brigadier General Crismar Darío Mago Sánchez, asked her to hand over her mobile phone. He also told her that she was going to be taken to the DGCIM in Boleíta to be interrogated in connection with her husband's detention. Colonel Reutilio José Santamaría Castillo, second commander of the GHP, took her in a vehicle to the DGCIM facilities.⁴³¹

291. When Major Victora Justo arrived at the DGCIM facilities in Boleíta, the officials interrogated her, asking her if she knew Captain Anyelo Heredia. They also asked her about her opinion of the Government, about the "traitors", and if she knew why she had been taken for interrogation. She was then informed that she would be held for approximately 45 days for investigative purposes, and that she would then be released. The officials did not show her an arrest warrant.⁴³²

292. As mentioned above, on 16 and 17 December 2023, the relatives of Victora Justo and the César Siero brothers went to inquire about their whereabouts at the DGCIM in

⁴²⁴ Ibid.

⁴²⁵ Ibid.

⁴²⁶ Ibid.

⁴²⁷ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atacar contra el Presidente", 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 25:41].

⁴²⁸ Interview WWIV075.

⁴²⁹ Ibid.

⁴³⁰ Document WWDC070.

⁴³¹ Ibid., Interviews WWIV078 and WWIV075.

⁴³² Ibid.

Boleíta, but did not receive any information⁴³³. As in the case of the brothers, according to the Attorney General's press conference of 22 January 2024, the arrest warrant for Victoria Justo was only requested on 19 January 2024 to the Second Terrorism Court⁴³⁴.

293. Also as reported above, on 4 February 2024, DGCIM officials raided the home of Victoria Justo and her husband Enrique César Siero, located in San Antonio de los Altos, Miranda State.

294. Victoria Justo remained in Sector B of the Criminal and Criminalistic Investigations Department (DIPC), located in the basement of the DGCIM, until 22 January 2024. After that date, she was transferred to Sector C of Boleíta where she was put in a cell with no ventilation or natural light. She was kept in solitary confinement without being allowed to leave or have contact with other inmates. She was also exposed to loud instrumental music from a loudspeaker outside her cell, which disturbed her and disrupted her sleep. During those days, according to information provided to the Mission, Victoria Justo did not have access to feminine hygiene items.⁴³⁵

295. On 19 February 2024, a relative of Victoria Justo managed to leave her a package of personal supplies at the DGCIM in Boleíta.⁴³⁶ On 23 February 2024, 70 days after being detained, Diana Victoria Justo was able to make her first phone call to her family from Boleíta.⁴³⁷

296. On 21 March 2024, Victoria Justo was allowed to call her relatives for the second time since her detention and told them that the DGCIM officials would allow her to receive visits.⁴³⁸ Two days later, on 23 March 2024, family members were finally able to visit her in Boleíta, 99 days after her detention. Her two minor daughters were able to visit her on 6 April 2024.⁴³⁹

297. On 10 April 2024, Victoria Justo was transferred to the National Institute for Female Orientation (INOF) prison, where she continues to be detained.⁴⁴⁰

Colonel Carlos Jesús Sánchez Vázquez

298. According to information received by the Mission, on 15 December 2023, Colonel Carlos Jesús Sánchez Vázquez was summoned by telephone by the General Commander of the Militia, Major General Javier Marcano Tábata, to a working meeting to be held at the 4F Mountain barracks, located in the 23 de Enero sector in Caracas.

299. Sánchez went to the barracks in his family car, driven by his partner, First Lieutenant Karen Nayarit Gómez Gutiérrez, accompanied by their two children.⁴⁴¹ Upon arrival at the barracks, the DGCIM officials asked Colonel Sánchez to accompany them, without further explanation.⁴⁴² From that moment on, Sánchez's family never heard from him again.

300. According to the information received, between 19 and 21 December 2023, Colonel Sánchez's partner went to the DGCIM in Boleíta, the Ministry of Defence and the Public Prosecutor's Office to inquire about his whereabouts, but she could not obtain any information from these institutions. On 21 December 2023, Gómez Gutiérrez filed a missing

⁴³³ Interview WWIV075.

⁴³⁴ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el Presidente", 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 25:41].

⁴³⁵ Interviews WWIV078 and WWIV075; Document WWDC070.

⁴³⁶ Interview WWIV075.

⁴³⁷ Interview WWIV078.

⁴³⁸ Interviews WWIV075 and WWIV078.

⁴³⁹ Ibid.

⁴⁴⁰ Ibid.

⁴⁴¹ Document WWDC051 and Interview WWIV064.

⁴⁴² Ibid.

person's report with the Military Prosecutor General José Daniel Monsálvez Maldonado but received no response.⁴⁴³ A month later, Gómez Gutiérrez herself was detained⁴⁴⁴.

301. On 26 December 2023, Sánchez's relatives went again to DGCIM headquarters in Boleíta where officials confirmed that he was being held there, although relatives were not allowed to visit or communicate with him.⁴⁴⁵

302. As in the three previous cases, according to the Attorney General, the arrest warrant for Sánchez was only requested on 19 January 2024 before the Second Terrorism Court.⁴⁴⁶

303. On 30 January 2024, a relative of Sánchez filed a complaint with the Public Prosecutor's Office and the Office of the Ombudsman. The complaints stated that since Sánchez's arrest, neither his family nor his relatives had been able to contact him or confirm his whereabouts.⁴⁴⁷

304. On 14 March 2024, after the family received unofficial information that Sánchez had been transferred to Rodeo I prison, a friend went to ask for him there and was able to corroborate that he was indeed detained in Rodeo I. On 31 March, Sánchez received a visit from a relative, to whom he confirmed that he had been detained at the DGCIM facilities in Boleíta from 15 December 2023 to 19 February 2024.⁴⁴⁸

Legal proceedings

305. On Wednesday 23 January 2024, at 10.30 a.m., in the courtyard of the Ministry of Defence, in Fuerte Tiuna, Caracas, an act of demotion and expulsion of a group of 33 military personnel from the army was carried out for "treason."⁴⁴⁹ The list of the 33 military included the César Siero brothers, Victora Justo and Sánchez Vázquez.⁴⁵⁰ The Mission has no information as to whether the demotion and expulsion from the army were imposed as ancillary sanctions arising from military criminal proceedings, as provided for in the Organic Code of Military Justice.⁴⁵¹

306. On 26 January 2024, relatives of the Cesar Siero brothers went to the headquarters of the Public Defender Office in Caracas and managed to meet with the public defender in charge of the case. The public defender confirmed that the two brothers and Victora Justo were being held at the DGCIM facilities in Boleíta. He also informed the relatives that their initial court appearance had taken place on 24 January.⁴⁵²

307. Indeed, as the Mission was able to confirm, the initial court appearance of the four military personnel took place on 24 January 2024, in the evening hours, before the Second Terrorism Court presided over by Judge Juan Carlos Liendo. Two witnesses saw at least seven persons leave the courthouse at 1.30am on 25 January 2024, including the César Siero brothers and Victora Justo.⁴⁵³ The hearing was closed, the relatives of the detainees were not informed of it, and the detainees were not allowed to have lawyers of their choice.

⁴⁴³ Ibid.

⁴⁴⁴ See infra Case 6: Karen Gómez.

⁴⁴⁵ Document WWDC051 and Interview WWIV064.

⁴⁴⁶ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el Presidente", 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 25:41].

⁴⁴⁷ Document WWDC052.

⁴⁴⁸ Interview WWIV064.

⁴⁴⁹ X post by Vladimir Padrino L, [@vladimirpadrino], 23 January 2024. Available at: <https://x.com/vladimirpadrino/status/1749866560435404994> ; Interviews WWIV067 and WWIV075; Documents WWDC084 and WWDC070.

⁴⁵⁰ Also on the list were Captain Anyelo Heredia, and First Lieutenant Karen Gómez Gutiérrez (partner of Carlos Jesús Sánchez Vázquez), associated with the Operation White Armband, whose cases are reported separately.

⁴⁵¹ Organic Code of Military Justice, art. 405.

⁴⁵² Interview WWIV075.

⁴⁵³ Ibid and WWIV078.

308. The four military personnel were charged⁴⁵⁴ with the crimes of "treason",⁴⁵⁵ "conspiracy",⁴⁵⁶ "attempted intentional homicide" against the President of the Republic,⁴⁵⁷ "attempted intentional homicide" in the person of the Governor of the State of Táchira,⁴⁵⁸ "terrorism"⁴⁵⁹ and "criminal association."⁴⁶⁰

309. On 16 April 2024, the Cesar Siero brothers, Victora Justo and Sanchez had their preliminary hearing before the Second Terrorism Court. All four attended virtually from their respective detention centres.⁴⁶¹ According to the information received, the public defenders assigned to the detainees did not make any arguments on behalf of their defendants and the court admitted in its entirety the prosecutor's accusation.⁴⁶²

310. The Mission received information that the César Siero brothers and Victora Justo did not receive visits from their public defenders.⁴⁶³ On 24 April 2024, a relative of the detainees filed complaints with the Public Defence Office's Oversight and Disciplinary Directorate for alleged negligence and omission of duties by the assigned public defenders. To date, these complaints have not been answered.⁴⁶⁴

Conclusions

Arbitrary detention

311. The Mission has reasonable grounds to believe that Enrique and Henry César Siero, Diana Victora Justo and Carlos Sánchez Vásquez were subjected to arbitrary detention.

312. The Mission notes that the four military personnel were arrested on 15 December 2023. However, the Attorney General acknowledged in his press conference on 22 January 2024, that the arrest warrants were requested from the Second Terrorism Court on 19 January 2024, more than a month after the arrests.⁴⁶⁵

313. In all four cases, the military personnel were detained in the military premises where they were working and in the presence of their hierarchical authorities. None of the four were presented with a court order at the time of arrest ordering the deprivation of their liberty, nor were they informed of the reasons for their detention or the charges against them.

314. The Mission recalls that the seriousness of the violations of due process is in itself sufficient to establish arbitrary detention⁴⁶⁶. In this case, there were serious violations of due process following the detention of the four military personnel. This includes the refusal to allow them to choose their own lawyers, which prevented their legal counsels from having access to the files, in violation of the right to defence and the principle of equality of arms. The Mission was also informed that the first court appearance of the four military personnel

⁴⁵⁴ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el Presidente", 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 25:41]; Interview WWIV085.

⁴⁵⁵ Criminal Code, art.128.

⁴⁵⁶ Ibid, art. 132.

⁴⁵⁷ Ibid, art. 406 (b).

⁴⁵⁸ Ibid, art. 407 (2).

⁴⁵⁹ Organic Law against Organised Crime and the Financing of Terrorism, art. 52.

⁴⁶⁰ Ibid, art. 37.

⁴⁶¹ Interviews WWIV075 and WWIV099.

⁴⁶² Document WWDC071.

⁴⁶³ Interview WWIV075.

⁴⁶⁴ Document WWDC073.

⁴⁶⁵ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el Presidente", 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 25:41].

⁴⁶⁶ The Mission uses the categories used by the UN Working Group on Arbitrary Detention to classify the deprivations of liberty it documents or investigates as arbitrary. See <https://www.ohchr.org/sites/default/files/documents/publications/Fact-sheet-26-WGAD-es.pdf>.

before the Second Terrorism Court took place more than a month after the legal deadline had expired, in the evening hours and without their private lawyers or families being notified.

315. As for the preliminary hearings, the Mission received information that they were held virtually in the same detention centres, and that the Court fully accepted the charges presented by the Public Prosecutor's Office. In addition, the public defenders assigned to the accused did not make any arguments on their behalf.

316. Moreover, the Mission notes that Enrique and Henry César Siero, Diana Victoria Justo and Carlos Sánchez Vásquez were held in incommunicado detention for between three months (Sánchez Vásquez and Victoria Justo) and two and a half months (Cesar Siero brothers), despite the fact that there is no legal basis in domestic law for holding a person incommunicado detention for such a period. The Mission notes that these violations are not isolated acts or the result of procedural errors but are committed systematically in most of the detentions investigated by the Mission when real or perceived political opponents are involved.

Short-term enforced disappearance

317. The Mission has reasonable grounds to believe that Henry César Siero, Diana Victoria Justo and Carlos Sánchez Vásquez were victims of short-term enforced disappearance.

318. In the cases of Henry César Siero and Victoria Justo, their relatives searched for them on 16 and 17 December 2023 at the DGCIM facilities in Boleíta, without receiving any information on their whereabouts⁴⁶⁷. Regarding Carlos Sánchez Vásquez, the Mission notes that his family asked for him at DGCIM in Boleíta between 19 and 21 December 2023 without obtaining any information. Only on 26 December 2024 did DGCIM officials in Boleíta confirm to his family that Sánchez was indeed detained in their facilities, but that they were not allowed to visit or communicate with him.

319. Furthermore, the Mission takes into consideration the fact that the initial court appearance of the three took place on 24 January 2024, more than a month after their arrest, exceeding the legal deadline by more than five weeks.

320. In the case of Enrique Cesar Siero, according to an expansive interpretation, as described in the chapter on enforced disappearance in this in this report, the Mission has reasonable grounds to believe that he was subjected to a short-term enforced disappearance. On the day of his arrest, the family received a phone call from the General s of the UMBV informing them that he had been detained by DGCIM. On 18 December 2023, the Minister of Defence confirmed to his sister that Enrique César Siero was doing well. On 29 December 2023, another senior military officer gave the family some details of his detention. Despite these explanations, Enrique César Siero's family still did not know where he was being held.

321. This interpretation also takes into account the fact that the authorities refused to disclose Enrique César Siero's whereabouts. On 16 and 17 December 2024, his relatives went to the DGCIM facilities in Boleíta to look for him, without receiving any information. It was only on 26 January 2024 that the family was informed that Enrique César Siero was being held in the aforementioned detention centre. They were finally able to visit him on 2 March 2024.

322. For a restrictive interpretation, however, it is not considered that in this case an enforced disappearance has taken place, because there were several acknowledgements by the authorities that the detention had been carried out: a call to the relatives from the General s of the UMBV on 15 December 2023 (day of the detention); information from the Minister of Defence three days later and a communication from a high-ranking military officer on 29 December 2023, informing about some details of the detention. For this interpretation, the state's acknowledgement of a person's detention places him or her under the protection of the law.

⁴⁶⁷ Interview WWIV075.

Torture and other cruel, inhuman or degrading treatment

323. According to information received by the Mission, Enrique César Siero was subjected to torture and cruel, inhuman and degrading treatment in order to force him to sign a letter accusing several persons of participating in an anti-government conspiracy. Enrique César Siero was subjected to physical torture, as he was hung by the arms. He was also subjected to psychological torture, as dogs were put under him and threats were made to harm his family.

324. Moreover, the Mission has reasonable grounds to believe that Diana Desirée Victora Justo was a victim of torture and cruel, inhuman or degrading treatment. She was held in solitary confinement for approximately one month in degrading and inhuman conditions, including cells with no natural light and loud noise and music. During this time, Victora Justo did not have access to feminine hygiene products, as required by international standards⁴⁶⁸, and was unable to communicate with others.⁴⁶⁹

325. The Mission considers that these acts contrary to her personal physical and psychological integrity were carried out by DGCIM officials in order to punish and intimidate her. All of this took place in the context of prolonged solitary confinement, which not only increases the risk of torture and ill-treatment but is itself considered a form of torture and ill-treatment⁴⁷⁰.

CASE 5: Victor Venegas

326. Víctor Manuel Venegas Escorcha is an educator, president of the Barinas State Education Workers' Union (SINDITEBA), affiliated to the National Federation of Trade Unions and Workers' Associations of Venezuela (FENATEV) in the state of Barinas. He is also the coordinator of the Barinas Inter-union platform, made up of more than 18 unions and guilds.⁴⁷¹ Víctor Venegas is also the political secretary of Vente Venezuela in the state of Barinas.

327. On 15 January 2024, Venegas led a demonstration in Barinas to mark Teachers' Day. The demonstration called for better working conditions in the education sector, higher salaries and pensions, among other things.⁴⁷²

Detention

328. On Wednesday 17 January 2024 in the morning, the SINDITEBA headquarters in the city of Barinas was raided by the security forces mentioned below. In the premises were the members of the union leadership, including Victor Venegas and 23 other persons (19 women and four men). One of the women was accompanied by her son, a child.⁴⁷³

329. At around 11am, a mixed commission of around 200 officials surrounded the building where the union is based, divided into three security rings. The commission was made up of officials from SEBIN, the Strategic Intelligence Department (DIE) and the Criminal Investigation Department (DIP) of the PNB, both under the Directorate of Strategic

⁴⁶⁸ Rule 5 "Personal hygiene" of the "United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders", or "Bangkok Rules".

⁴⁶⁹ Human Rights Committee CCPR/C/104/D/1782/2008, *Aboufaied v. Libya*, para. 7.4; IACtHR, *Case Rodriguez Vera et al (Disappeared from the Palace of Justice) v. Colombia*, judgement of 14 November 2014, para. 322. Serie C No. 287.

⁴⁷⁰ Human Rights Committee, General Comment No. 35, on the article 9 of the International Covenant on Civil and Political Rights, para. 56. See also Interim Report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, A/66/268 (2011), in which the Special Rapporteur reiterates that any imposition of solitary confinement exceeding 15 days constitutes torture or cruel, inhuman or degrading treatment or punishment, depending on the circumstances.

⁴⁷¹ Intergremial Barinas is an organisation that brings together public sector workers and trade unions in the state of Barinas. Interview WWIV024. See also <https://x.com/IntergremialBa1/status/1746952799911288941?s=20>.

⁴⁷² Interviews WWIV024, WWIV038 and WWIV056.

⁴⁷³ Interviews WWIV033; WWIV037 and WWIV038.

and Tactical Actions (DAET). Security forces used vehicles to block the surrounding roads, preventing persons from entering and leaving the area.⁴⁷⁴

330. A group of about 60 SEBIN and PNB officials, some of them hooded, tried to enter the union headquarters through the main door. The persons inside asked them to identify themselves and, in the absence of a response, placed furniture behind the door to block the entrance⁴⁷⁵. The officials then forced the lock, which took at least 20 minutes. During this time, three women, an elderly man and a child hid in fear in one of the toilets in the building⁴⁷⁶. Just before the officials entered, Victor Venegas recorded a video from the union's headquarters, in which he made "*a call to the teachers to come out and protest, because this cannot be, this is a dictatorship.*"⁴⁷⁷

331. When the PNB and SEBIN officials managed to enter the union headquarters, they did not present a search warrant⁴⁷⁸. They immediately turned to Venegas, telling him that he was the target and that "*it was his end.*"⁴⁷⁹ The Director of the DIE in Barinas at the time, First Commissioner Franklin Espinoza, identified himself as the commander in charge of the operation and told Venegas: "*you know this is political and we are coming for you.*"⁴⁸⁰ They then covered his head with a cloth, took him out of the building and put him in a van without plates. Venegas was not informed of the reason for his arrest and was detained without a warrant.⁴⁸¹

332. After the detention of Victor Venegas, the officials remained at the union's headquarters for approximately another 30 minutes, until noon. During this period, they inspected all the rooms and seized two computers, two printers and a photocopier, as well as at least 16 mobiles, wallets and identity cards of the persons present at the union headquarters.⁴⁸² Meanwhile, persons were taken into the main hall and forced, in some cases violently, to lie face down on the floor.

333. A PNB official opened the door of the bathroom where the five persons were hiding, including the child who was being held by his mother. He pointed a long gun at them and ordered them to put their hands up. Another official tried to take the child from his mother, but she resisted.⁴⁸³

334. During the operation, the First commissioner Franklin Espinoza was in charge of registering the details of each mobile phone and its owner's identity card number. When questioned by one of the persons present at the union headquarters about the violence used during the operation, Espinoza justified himself by saying that he was "*following orders from Caracas.*"⁴⁸⁴

335. Meanwhile, outside, a number of persons were trying to record the deployment of the security forces with their mobile phones. At least five persons, including two journalists,

⁴⁷⁴ Ibid., Video featured on X message by the Vinotinto Movement [@movinotinto], 17 January 2024. Available at: <https://x.com/movinotinto/status/1747644225838055925?s=20>.

⁴⁷⁵ Interviews WWIV05 and WWIV038; Video featured on X message by Venezuelan Trade Union Network [@redsindicalVE], 17 January 2024. Available at: <https://twitter.com/RedSindicalVE/status/1747672959215378658?s=20>.

⁴⁷⁶ Interview WWIV038.

⁴⁷⁷ Interview WWIV051; Video featured on X message by the Venezuelan Federation of Teachers, [@fvmluchaonline], 17 January 2024. Available at: <https://x.com/fvmluchaonline/status/1747655807817093329?s=20>; Video featured on X message by El Llanero Digital, [@LlaneroDigitalV], 17 January 2024. Available at: <https://x.com/LlaneroDigitalV/status/1747756475395551280?s=20>; Video featured on X message by the Asociación de Profesores de la Universidad Central de Venezuela, [@LlaneroDigitalV], 17 January 2024. Available at: <https://x.com/Rogelio64016126/status/1747725809068999079?s=20>.

⁴⁷⁸ Interviews WWIV038, WWIV051 and WWIV056.

⁴⁷⁹ Interviews WWIV038 and WWIV051.

⁴⁸⁰ Interviews WWIV024 and WWIV037.

⁴⁸¹ Interviews WWIV038; WWIV051 and WWIV037.

⁴⁸² Interviews WWIV038 and WWIV051.

⁴⁸³ Interview WWIV038.

⁴⁸⁴ Ibid.

had their phones damaged or confiscated by the PNB to prevent them from recording the operation.⁴⁸⁵

336. On the same day, 17 January 2024, at 12:16 p.m., the Attorney General issued a statement on his account on X informing that Venegas' arrest was in connection with the conspiracy known as White Armband. According to the Attorney General, Víctor Venegas "was involved in the development of activities against the peace of the republic and was part of a group that intended to turn the state of Barinas into an epicentre of violent actions."⁴⁸⁶ The Attorney General did not say where Venegas was being held, what his conditions were or which authority had custody of him.

337. After being detained on 17 January 2024, Victor Venegas was put into a private vehicle and driven to the GNB headquarters located on Avenida Cuatricentaria, in the municipality of Barinas (Comando de Zona para el Orden Interno No. 33). Venegas remained in the vehicle for approximately one hour, without entering the GNB headquarters. He was then taken to the airport where he boarded a GNB plane bound for Caracas, together with other persons, including the Director of the DIE and SEBIN officials.⁴⁸⁷

338. Upon his arrival in Caracas, Víctor Venegas was taken to the PNB headquarters in Maripérez.⁴⁸⁸ In the afternoon, a relative of Venegas went to Maripérez headquarters to inquire about his whereabouts, having been unofficially informed that he was there. However, the PNB officials told the relative that they could not confirm Venega's presence there.

339. During the night of 17 January 2024, Victor Venegas was taken to El Helicoide, where he was interrogated by SEBIN officials until the early hours of the morning.⁴⁸⁹ Immediately after this first interrogation, Venegas was taken back to the PNB headquarters in Maripérez, where he was interrogated again.

340. The interrogations of Venegas, both at El Helicoide and at the PNB headquarters in Maripérez, were carried out by at least four different SEBIN officials. Venegas was questioned about his relationship with María Corina Machado, as well as about the origin of Vente Venezuela's campaign funds. He was also asked if there were plans to assassinate the governor of Táchira, Freddy Bernal, as part of Operation White Armband, and about Vente Venezuela's involvement in the conspiracy. Venegas replied that he was not aware of these facts.⁴⁹⁰

341. On 18 and 19 January 2024, a relative of Víctor Venegas went to the PNB headquarters in Maripérez to enquire about Venegas's whereabouts, but the officials in charge told him that they were not authorised to give him this information.⁴⁹¹

342. On 20 January 2024, with the consent of Venegas's family, lawyers from the organisation Foro Penal filed a writ of *habeas corpus*. The writ stated that Venegas had not communicated with them or his family and that, after more than 48 hours in detention, it was not known where he was being held or whether he had been brought before a court.⁴⁹²

343. That same day (20 January 2024), in the afternoon, officials from the PNB Command in Maripérez informed Venegas' relatives that he was being detained there. On 21

⁴⁸⁵ Interview WWIV033; Post on X by Fundación de Derechos Humanos de los Llanos, [@FundehullanVza], 17 January 2024 [Video attached]. Available at: <https://x.com/FundehullanVzla/status/1747672725437505571?s=20>; Post on X by Sindicato Nacional de Trabajadores de la Prensa de Venezuela, [@sntpvenezuela], 17 January 2024. Available at: <https://x.com/sntpvenezuela/status/1747686641215377470?s=20>.

⁴⁸⁶ Post on X by Tarek William Saab, [@TarekWilliamSaab], 17 January 2024. Available at: <https://x.com/TarekWilliamSaab/status/1747669340252422535?s=20>.

⁴⁸⁷ Interviews WWIV037, WWIV039 and WWIV056.

⁴⁸⁸ Ibid.

⁴⁸⁹ Ibid.

⁴⁹⁰ Ibid.

⁴⁹¹ Interviews WWIV037 and WWIV056

⁴⁹² The *habeas corpus* writ was filed before the First Instance Supervisory State Court with competence on Protection of Security and Liberty of Person, Document WWDC028; Interview WWIV041; Interview WWIV079.

January 2024, the authorities agreed to allow Victor Venegas to be visited by his wife for the first time.⁴⁹³

Legal proceedings

344. Venegas' lawyers were able to learn unofficially that the initial court appearance was to take place on 19 January 2024 before the Second Special Supervisory Court of First Instance with competence in terrorism matters with nationwide jurisdiction (Second Terrorism Court).

345. When the lawyers enquired at the court about the date of the hearing scheduled for the same day, they were told that there was no hearing scheduled for Venegas⁴⁹⁴. However, according to the information received by the Mission, the hearing was indeed held on 19 January 2024⁴⁹⁵ and Venegas was charged with the crimes of "conspiracy"⁴⁹⁶ and "criminal association."⁴⁹⁷

346. During the hearing, a public defender was appointed for Venegas, who was dismissed a few days later after being linked to a corruption case.⁴⁹⁸ Victor Venegas has not had access to the records of his first appearance to court.⁴⁹⁹

347. On the night of 11 March 2024, after 68 days in prison, Victor Venegas was released. Hours earlier, Venegas had been informed by prison guards that a release order had been issued in his favour. The order imposed alternative precautionary measures, including a ban on leaving the country and reporting to the court every 30 days. Venegas was read the release order, but it was not given to him.

348. On 8 May 2024, Victor Venegas appeared before the Second Terrorism Court for his preliminary hearing. Venegas was assisted by a lawyer of his choice, who had access to the case file. The presiding judge, Judge Liendo, found the prosecution's case to be well-founded and approved the precautionary measures imposed on Victor Venegas. At the time of writing, Venegas had not yet received a copy of the court decision ordering the precautionary measures.

Conclusions

349. Based on the facts described above, the Mission has reasonable grounds to believe that Victor Venegas was the victim of arbitrary detention. At the time of his arrest, the SEBIN and PNB officials did not inform Victor Venegas of the reasons for his arrest, nor did they present him with an arrest warrant. Venegas has also been subjected to serious violations of due process, which is a further factor in the arbitrary nature of his detention. His first court appearance took place without informing his family and without the possibility of appointing a lawyer of his choice, as he was assigned a public defender.

350. The Mission also notes that Venegas was held in incommunicado detention from his detention on 17 January 2024 until 21 January 2024, when his family was able to visit him for the first time. This despite the fact that there is no legal basis in the domestic legislation for holding a person in incommunicado detention.

351. According to an expansive interpretation, as described in the chapter on enforced disappearances in this report, the Mission also has reasonable grounds to believe that Victor Venegas was subjected to a short-term enforced disappearance. On at least three occasions -

⁴⁹³ Interview WWIV037; Interview WWIV056.

⁴⁹⁴ Interview WWIV041.

⁴⁹⁵ Interview WWIV034 and Interview WWIV037.

⁴⁹⁶ Criminal Code, art.132.

⁴⁹⁷ Organic Law against Organised Crime and the Financing of Terrorism, art. 37(4).

⁴⁹⁸ Interview WWIV056. See also Public Prosecutor's Office of the Bolivarian Republic of Venezuela, "Fiscal General Tarek William Saab informó detención de exfiscal y exdefensor público por recibir pagos a cambio de beneficios procesales", 26 January 2024. Available at: <http://www.mp.gob.ve/index.php/2024/01/26/fiscal-general-tarek-william-saab-informo-detencion-de-exfiscal-y-exdefensor-publico-por-recibir-pagos-a-cambio-de-beneficios-procesales/>; Interview WWIV037.

⁴⁹⁹ Interviews WWIV034 and WWIV037.

17, 18 and 19 January 2024 – officials at the Maripérez PNB command denied to his relatives that Venegas was being held or refused to provide information when they went to inquire about him. It was only on 20 January 2024 that his relatives were informed by officials of the same command that Venegas was being held there.

352. A restrictive interpretation, however, does not consider that there was an enforced disappearance in this case, as Vanegas was presented to the judge within the 48 hour legal time limit and his detention was acknowledged by the Attorney General on the same 17 January 2024. According to this interpretation, the fact that he was brought before a judicial authority within the legal time limit ensures that the detainee is not deprived of the protection of the law.

CASE 6: Karen Gómez Gutiérrez (Operation White Armband)

353. Karen Nayarit Gómez Gutiérrez, first lieutenant of the Bolivarian Army, assigned to the 64th Brigade of Railway Engineers in Charallave, Miranda State, is the partner of Colonel Carlos Jesús Sánchez Vázquez.⁵⁰⁰ Both were detained in connection with the so-called Operation White Armband (*Brazalete Blanco*).

Detention

354. According to the information received by the Mission, on 22 January 2024, First Lieutenant Gómez Gutiérrez was detained and taken by DGCIM officials to their headquarters in Boleíta. The day before, Gómez Gutiérrez had been requested by Brigadier General Francisco Javier Sánchez Carballo to attend a meeting with him at the facilities of ZODI No. 83 in Guatire, Caracas. On 22 January 2024, the Brigadier General took her in an official army vehicle to the ZODI facilities, where, after a wait of approximately one hour, she was detained by DGCIM officials.⁵⁰¹

355. Upon arrival at DGCIM in Boleíta, Gómez Gutiérrez was handcuffed and transferred to a cell. DGCIM officials ordered her to dress in a blue uniform and told her that the person who would interview her would arrive the next day.⁵⁰² Gómez Gutiérrez was able to send a voice message via WhatsApp to her family informing them of her detention, without mentioning the place where she was being held.⁵⁰³ After this, they did not receive any messages from her again.

356. On 24 and 29 January 2024, two persons went to DGCIM headquarters in Boleíta to inquire about her, but did not receive any information. Other members of her family also went to DGCIM to inquire about Gómez Gutiérrez's vehicle and were informed that it was being held for investigation.⁵⁰⁴

357. On 30 January 2024, a person close to Gómez Gutiérrez filed a complaint with Public Prosecutor's Office and the Office of the Ombudsman, stating that since 22 January 2024, neither her family nor relatives had been able to contact her and that they did not know her whereabouts.⁵⁰⁵

358. On 2 February 2024, Gómez Gutiérrez's relatives delivered personal items to DGCIM in Boleíta, which were received by the officials in charge, implicitly recognizing that Gomez Gutiérrez was detained there. However, the relatives were not allowed to visit her.⁵⁰⁶

359. According to the information received by the Mission, for one month, from 22 January 2024 to 21 February 2024, Gómez Gutiérrez remained isolated in a cell in Boleíta at low temperatures, without access to sunlight, and permanently exposed to loud music. Every four days, the guards allowed her to take a three-to-five-minute shower. On numerous occasions she received limited food.⁵⁰⁷

⁵⁰⁰ See supra, Case 4: Four military personnel (Operation White Armband).

⁵⁰¹ Interviews WWIV044; WWIV067; WWIV085 and Document WWDC046.

⁵⁰² Document WWDC046.

⁵⁰³ Document WWDC054.

⁵⁰⁴ Interview WWIV044.

⁵⁰⁵ Document WWDC055.

⁵⁰⁶ Document WWDC084.

⁵⁰⁷ Interviews WWIV085; WWIV067; Document WWDC046.

360. The same information indicated that on 22 February 2024, Gómez Gutiérrez was transferred to another cell located in the “House of Dreams” (*Casa de los Sueños*) the existence of which was documented by the Mission in previous reports.⁵⁰⁸

361. On 23 March 2024, Gómez Gutiérrez received her first visit from family members but was not allowed to see her children under the age of two, who had been in her care since her partner's detention on 15 December 2023. Until then, Gómez Gutiérrez had been held incommunicado. On 10 April 2024 she was transferred to the National Institute for Female Orientation (INOF) where she remains to date.⁵⁰⁹

Degradation

362. On 23 January 2024, at 10:30 a.m., an act of demotion and expulsion of a group of 33 military personnel from the Army was carried out for “treason”; the act took place in the courtyard of honour of the headquarters of the Ministry of Defence, in Fuerte Tiuna, Caracas.⁵¹⁰ Gómez Gutiérrez was on the list of the 33 soldiers.⁵¹¹ The Mission has no record that the demotion and expulsion from the army were imposed as accessory penalties arising from a military criminal proceeding, as provided for in the Organic Code of Military Justice.⁵¹²

Judicial proceedings

363. It was not until the night of 19 February 2024, one month after her detention, that Karen Gómez occurred in her initial court appearance before the Second Terrorism Control Court, far exceeding the legal limit of 48 hours. The hearing was held without publicity or communication with the family at DGCIM facilities. The judge did not allow the detainee to have access to private defence.⁵¹³

364. Like the rest of the military officers detained in connection with the so-called Operation White Armband, Gómez was charged⁵¹⁴ for the crimes of “treason”,⁵¹⁵ “conspiracy”,⁵¹⁶ “intentional homicide in degree of attempt” in the person of the President of the Republic,⁵¹⁷ “intentional homicide in degree of attempt” in the person of the Governor of Táchira State⁵¹⁸, “terrorism”⁵¹⁹ and “criminal association”.⁵²⁰

365. According to the information received by the Mission, on May 2 at 9:30 p.m., Gómez's preliminary hearing before the Second Terrorism Court took place and lasted until the early hours of the morning. As of the date of conclusion of this investigation, she had not been allowed to appoint a lawyer of his confidence.⁵²¹

Conclusions

366. The Mission has reasonable grounds to believe that Gómez Gutiérrez was a victim of arbitrary detention. As in the cases of the military personnel Enrique and Henry Cesar Siero,

⁵⁰⁸ A/HRC/45/CRP.11, Paras. 336–338.

⁵⁰⁹ Interviews WWIV067; WWIV064 and Document WWDC046.

⁵¹⁰ X post by Vladimir Padrino L, [@vladimirpadrino], 23 January 2024. Available at: <https://x.com/vladimirpadrino/status/1749866560435404994>; Interviews WWIV067 and WWIV075; Documents WWDC046; WWDC068 and WWDC070.

⁵¹¹ The list also included Anyelo Heredia, brothers Enrique and Henry Cesar Siero, Victora Justo (wife of Enrique Cesar Siero), and Carlos Jesús Sánchez Vázquez (partner of Gómez Gutiérrez), all associated with the Operation White Armband.

⁵¹² Organic Code of Military Justice, art. 405.

⁵¹³ Interview WWIV067; Document WWDC046.

⁵¹⁴ YouTube Video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], “FGR Tarek William Saab anunció aprehensión de 8 personas por plan para atentar contra el Presidente,” 22 January 2024. Available at: <https://www.youtube.com/watch?v=fJKEBN0Om9w&t=151s> [min 25:41]; Interview WWIV085.

⁵¹⁵ Criminal Code, art. 128

⁵¹⁶ Ibid, art. 132

⁵¹⁷ Ibid, art. 406 (b)

⁵¹⁸ Ibid, art. 407 (2)

⁵¹⁹ Law against the crime and the financing of terrorism, art. 52.

⁵²⁰ Ibid, art. 37

⁵²¹ Interviews WWIV067 and WWIV085.

Diana Victoria Justo and Carlos Jesús Sánchez Vázquez, Gómez Gutiérrez was detained at the military installations where she was serving, under her hierarchical authorities, without presenting a detention warrant or informing her of the reason for her detention. Gómez Gutiérrez was held incommunicado for two months, despite the fact that Venezuelan law does not establish the possibility of incommunicado detention. In addition, Gómez Gutiérrez suffered serious violations of due process, which constitutes another factor in the arbitrariness of her detention. The initial court appearance was carried out behind closed doors in the early hours of the morning, without the presence of his lawyer and without notifying his family. Furthermore, it was conducted more than three months after the time limit established by national legislation.

367. The Mission also has reasonable grounds to believe that Gómez Gutiérrez was subjected to a short-term enforced disappearance. Her relatives and lawyers requested information about her on 24 and 29 January 2024 in Boleíta, but the officials did not provide it. Complaints were also filed with the Office of the Ombudsman's and the Public Prosecutor's Office, but never received a response.

368. Although on the same day of her detention, 22 January 2024, the family received a voice message via WhatsApp from Gómez Gutiérrez informing them that she had just been detained, it was not until 2 February 2024, that they learned, tacitly, that she was at DGCIM in Boleíta, when they were able to deliver personal items to her through at the prison. His audience of presentation took place on 19 February, almost a month after his arbitrary arrest.

369. The Mission received information that Gómez Gutiérrez was held in inhumane and degrading conditions at DGCIM in Boleíta, including in cells in the basement, known as the House of Dreams. In addition, the same information indicates that she was subjected to acts of torture, including low temperatures, absence of natural light, and exposure to loud noise and music. The Mission also notes that Gómez Gutiérrez was held incommunicado for a prolonged period of time, which is contrary to international human rights law and constitutes a serious violation of personal integrity.⁵²²

370. In addition, the Mission notes that Gómez Gutiérrez was caring for children under the age of two at the time of her detention, whom he has not been able to see. International standards indicate that in these cases, prior to imprisonment, other measures should be considered, such as the possibility of suspending the deprivation of liberty for a reasonable period of time, based on the best interests of the children.⁵²³

CASE 7: Regional leaders of Vente Venezuela

Background

371. On 22 January 2024, the Attorney General reported the detention of 32 persons -both civilians and military-, as well as the issuance of several arrest warrants related to five conspiracies. Among these conspiracies, there was Operation White Armband (*Brazalete Blanco*), which allegedly had as one of its objectives the assassination of President Maduro.⁵²⁴

⁵²² Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved in resolution 43/173, 9 December 1988, Principles 15, 18(3) and 1; Human Rights Committee, CCPR/C/GC/35, para. 56; Communication 440/1990, *El-Megreisi v. Libyan Arab Jamahiriya*, para. 5.4.

⁵²³ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women ("Bangkok Rules"), Rule 2.2.

⁵²⁴ Public Prosecutor's Office of the Bolivarian Republic of Venezuela, "Fiscal General anunció aprehensión de 8 personas por plan para atentar contra el Presidente de la República", 22 January 2024. Available at: <http://www.mp.gob.ve/index.php/2024/01/22/fiscal-general-anuncio-aprehension-de-8-personas-por-plan-para-atentar-contra-el-presidente-de-la-republica/>; YouTube video, Luigino Bracci Roa desde Venezuela [@lubrio], "Tarek William Saab, press conference on conspiracies against Maduro in 2023, orders arrests," 23 January 2024. Available at: <https://www.youtube.com/watch?v=fNK08pZMJ60> [min 00.11].

372. The following day, four of Vente Venezuela's regional leaders - Luis Camacaro and Tomás Sequera (Yaracuy State), Juan José Freitas (La Guaira State) and Guillermo López (Trujillo State) - were detained for their alleged involvement in Operation White Armband.⁵²⁵

Detentions

Detention of Luis Enrique Camacaro and Tomás Sequera

373. Luis Enrique Camacaro is the Coordinator of Vente Venezuela in the Yaracuy State, and Tomas Sequera is the Municipal Planning Coordinator of the organization in Yaracuy, the capital of the state.

374. According to information gathered by the Mission, on the morning of 23 January 2024, Camacaro and his wife participated in the commemoration of the 66th anniversary of the return to democracy in the city of San Felipe, Yaracuy State. After the event, Camacaro and his wife left in the latter's vehicle to visit a friend's house. Tomás Sequera also went to the event in his own vehicle. Around 12:30 p.m., while Camacaro's wife was returning to work, Sequera and Camacaro went out together to do some shopping.⁵²⁶

375. According to the information received, about half an hour later, while driving her vehicle, Camacaro's wife was approached by three vehicles without license plates that blocked her way. An individual who was in one of the vehicles touched her window and asked her to get out, introducing himself as a journalist of the Yaracuy Governor's Office. After observing the interior of the wife's vehicle and realizing that Camacaro was not in the car, the vehicles left. Camacaro's wife immediately contacted Camacaro and told him what had happened. Camacaro confirmed that he was fine and in the company of Sequera. Half an hour later, the wife called Camacaro again, but his phone was turned off.⁵²⁷

376. The Mission was informed that Camacaro and Sequera were detained in the latter's vehicle while they were driving along Cedeño Avenue, in the neighbouring Municipality of Independencia (Yaracuy). At approximately 2:00 p.m. on 23 January 2024, five persons in civilian clothes (one woman and four men) got out of three cars without license plates (one grey, one white and a silver Toyota Yaris) and forced Camacaro and Sequera into the vehicles.⁵²⁸

377. Since Camacaro did not return home, his wife went to the SEBIN headquarters in the city of San Felipe at 3:00 p.m. The official who met her at the door was the same one who had intercepted her in his vehicle a few hours earlier, claiming to be a journalist from the Governor's Office. The wife turned to the official and, referring to Camacaro, said: "*you have him here*", to which the official replied: "*I don't know where he is, go to other places*". That same night Camacaro's relatives went to the PNB and DGCIM headquarters in the municipality of San Felipe, where they also denied having him detained.⁵²⁹

378. From 24 January 2024 to 18 February 2024, Camacaro's relatives visited SEBIN and DGCIM offices, as well as several PNB commands in the city of San Felipe, Yaracuy State, where they were unable to obtain information on his whereabouts.⁵³⁰ During those days, relatives of Camacaro residing in Caracas visited the SEBIN offices in Plaza Venezuela, DGCIM in Boleíta and the terrorism courts, where they were met with nothing but silence regarding Camacaro's whereabouts or on a judicial process against him.⁵³¹ Vente Venezuela

⁵²⁵ Public Prosecutor's Office of the Bolivarian Republic of Venezuela, "Fiscal General Tarek William Saab anunció que van 12 personas detenidas por caso Brazalete Blanco," 26 January 2024. Available at: <http://www.mp.gob.ve/index.php/2024/01/26/fiscal-general-tarek-william-saab-anuncio-que-van-12-personas-detenidas-por-caso-brazalete-blanco/>; Vente Venezuela has 23 campaign leaders nationwide, of which 6 are women and 17 are men.

⁵²⁶ Interviews QQIV014; QQIV015; QQIV016 and QQIV018.

⁵²⁷ Ibid., Instagram post by Vladimir Villegas [@vladimirvillegastv], 13 February 2024. Available at: https://www.instagram.com/vladimirvillegastv/reel/C3Sj65qOL_Y/

⁵²⁸ Interviews QQIV018 and QQIV039.

⁵²⁹ Interviews QQIV014; QQIV016 and QQIV018.

⁵³⁰ Ibid., Interview QQIV039.

⁵³¹ Interviews QQIV014; QQIV015; QQIV028 and QQIV033.

and various civil society organizations publicly denounced his disappearance on social networks on repeated occasions⁵³².

379. On 25 January 2024, two days after his detention along with Camacaro, Tomás Sequera was released without charge.⁵³³ Meanwhile, Camacaro continued to be detained and held incommunicado with no news of his family's fate or whereabouts.

Detention of Juan José Freitas Cabrejo

380. Juan José Freitas Cabrejo is the coordinator of Vente Venezuela in the La Guaira State. On 23 January 2024, at around 9 a.m., Juan Freitas was picked up by motorcycle at his home in La Guaira by a member of Vente Venezuela to go to a public civic event in Caracas; the event was called by Vente Venezuela on the occasion of the 66th anniversary of the return of democracy to the country and counted with the participation of María Corina Machado.⁵³⁴ Seconds after getting on the motorcycle, Freitas was approached in front of his house by three men in civilian clothes, who forced him into a black sport-utility vehicle without license plates⁵³⁵. Three other men got out of a gray sedan type vehicle, without license plates, and one of them took by force a young street vendor who witnessed the events. A third vehicle, a dark gray Toyota Tacoma without license plates, crossed in the middle of the street to facilitate the escape of the other two vehicles⁵³⁶.

Detention and short-term enforced disappearance of Guillermo de Jesus Lopez

381. Guillermo de Jesús López (33 years old) led the volunteer movement "Con María Corina Machado Somos Trujillo"⁵³⁷ and served as regional campaign manager for Vente Venezuela in Trujillo State.⁵³⁸

382. On 23 January 2024, López was scheduled to go to the public rally commemorating the return of democracy in the city of Valera, Trujillo State, together with two colleagues from Vente Venezuela.⁵³⁹ At around 9:40 a.m., López received a call from an acquaintance of his, a SEBIN official, who summoned him to meet him at the same place.⁵⁴⁰ The official

⁵³² Instagram post by Vente Venezuela Yaracuy [@vente_yaracuy], 24 January 2024. Available at: https://www.instagram.com/vente_yaracuy/reel/C2eKBcVg1Hd/; European Parliament, Draft Resolution, 7 February 2024. Available at: https://www.europarl.europa.eu/doceo/document/RC-9-2024-0097_ES.html; Espacio Público, Contribution to the Working Group on Enforced Disappearances (February 2024). Available at: <https://www.ohchr.org/sites/default/files/documents/issues/disappearances/cfi/elections/submissions/subm-study-working-cso-esacio-publico.pdf>.

⁵³³ Interviews QQIV014; QQIV016; QQIV021; QQIV033 and QQIV039; Efecto Cocuyo, "En libertad plena Tomás Sequera, dirigente de Vente Venezuela", 26 January 2024. Available at: <https://efectococuyo.com/politica/en-libertad-plena-a-dirigente-de-vente-venezuela-tomas-sequera/#:~:text=La%20noche%20de%20este%20jueves,detenido%20y%20en%20desaparici%C3%B3n%20forzada>.

⁵³⁴ Interviews QQIV014; QQIV015; QQIV016; and QQIV019. Document QQDC054: Video of the arrest of Juan Freitas as reported by La Patilla, "In Video: This Was the Kidnapping of Juan Freitas, Campaign Manager of Vente Venezuela in La Guaira," January 23, 2024. Available at: <https://www.lapatilla.com/2024/01/23/en-video-asi-fue-el-secuestro-de-juan-freites-jefe-de-campana-de-vente-venezuela-en-la-guaira/>.

⁵³⁵ Interviews QQIV014; QQIV015; QQIV016; QQIV019; and QQIV021. Document QQDC054: Video of the arrest of Juan Freitas as reported by Infobae, "Así fue el secuestro de Juan Freitas, jefe del equipo de campaña de la opositora venezolana María Corina Machado", 23 January 2024. Available at: <https://www.infobae.com/venezuela/2024/01/23/asi-fue-el-secuestro-de-juan-freites-jefe-del-equipo-de-campana-de-la-opositora-venezolana-maria-corina-machado>.

⁵³⁶ The driver of the motorcycle was able to leave the scene without hindrance. The Mission was informed that, the following day, around 2:00 PM, the individual placed in the light grey sedan was released, though showing signs of having been beaten and subjected to electric shocks (Interviews QQIV014; QQIV015; and QQIV016; Document QQDC054).

⁵³⁷ Interviews QQIV020 and QQIV015.

⁵³⁸ Interviews QQIV020 and QQIV014.

⁵³⁹ Interviews QQIV015; QQIV016; and QQIV020.

⁵⁴⁰ Ibid., Interview QQIV014.

arrived in a black Explorer Limited sport-utility vehicle, with tinted windows and covered license plates, and invited López to get in.⁵⁴¹

383. At approximately 10:20 a.m., eight of López's colleagues arrived on motorbikes at the agreed meeting point. López got out of the SEBIN vehicle and approached two of them. He explained that he was "*meeting with SEBIN*" and assured them that "*nothing was going to happen*". He also handed them his cell phone.⁵⁴²

384. The SEBIN official informed López that he was to take him to a meeting with the new SEBIN commissioner in Trujillo, who had requested to meet with him. López was taken to the SEBIN headquarters, located on Bolívar Avenue in the city of Valera. Upon his arrival, he was detained without being informed of the reason for the detention or being presented with a warrant.⁵⁴³

385. According to testimonies gathered by the Mission, on 24 January 2024, López's relatives filed complaints before the CICPC and DGCIM of Trujillo. These institutions did not accept to register the complaints, arguing that it should wait 48 hours. However, when the relatives alleged that there were witnesses who had seen him with a SEBIN official, the CICPC and DGCIM officials responded that this was "*a political issue*" and that they could not do anything. On the same day, López's relatives asked for him at the SEBIN headquarters in Valera, where officials denied having him in custody and stated that they had no information on his whereabouts⁵⁴⁴.

386. Between 25 and 31 January 2024, family members continued to search for López in the detention centers of PNB, the state police, CICPC and CONAS in the city of Valera. In all these centers they were denied that their López was detained. His wife also went to the Criminal Judicial Circuit of Trujillo State, where she was informed that no person with her husband's name had been brought before the courts⁵⁴⁵.

Legal action

387. On Friday, 26 January 2024, early in the morning, the Governor of Trujillo, Gerardo Márquez, stated in his weekly program "*¡Háblame Gerardo!*" that López "was wanted" by the Second Special Control Court (Tribunal Especial Segundo de Control) of the metropolitan area of Caracas for several crimes.⁵⁴⁶ According to a source, this was the first time his wife had any news of López.⁵⁴⁷

388. On the same day, 26 January 2024, at approximately noon, the Attorney General held a press conference during which he announced that he had requested 13 detention warrants for civilians and military personnel in connection with the "terrorist operation known as White Armband". Among them included the warrants executed against Camacaro, Freites and López for their link with the "*terrorist plot since as they had served as logistical support for the terrorist group that intended to assault several barracks and kidnap the governor of Táchira. All linked to the terrorist Anyelo Heredia*". The Attorney General did not indicate

⁵⁴¹ *Ibid.*

⁵⁴² Interviews QQIV016; QQIV020; and Document QQDC048.

⁵⁴³ Interview QQIV040; Document QQDC048.

⁵⁴⁴ Interview QQIV016 and QQIV020; VPITV, "Esposa de Guillermo López (Vente Venezuela) denunció falta de respuesta de las autoridades sobre su paradero", 24 January 2024. Available at: <https://registrationcdnaws-1.com/destacados/esposa-de-guillermo-lopez-vente-venezuela-denuncio-falta-de-respuesta-de-las-autoridades-sobre-su-paradero/>

⁵⁴⁵ Interviews QQIV015; QQIV016; QQIV020; and QQIV033; VPITV, "Esposa de Guillermo López (Vente Venezuela) denunció falta de respuesta de las autoridades sobre su paradero", 24 January 2024. Available at: <https://registrationcdnaws-1.com/destacados/esposa-de-guillermo-lopez-vente-venezuela-denuncio-falta-de-respuesta-de-las-autoridades-sobre-su-paradero/>

⁵⁴⁶ Diario Los Andes, "Gerardo Márquez sobre detención de Guillermo López: "pobrecito, casi que es el 'Niño Jesús de Escuque pues'", 26 January 2024. Available at: <https://diariodelosandes.com/gerardo-marquez-sobre-detencion-de-guillermo-lopez-pobrecito-casi-que-es-el-nino-jesus-de-escuque-pues/>

⁵⁴⁷ Interview QQIV020.

the place where the three leaders were detained, which force had them in custody or in what conditions they were being held.⁵⁴⁸

389. Following the Attorney General's press conference, lawyers and family members of Camacaro, Freitas and López continued to search for them at the SEBIN and DGCIM facilities in Caracas but continued to receive no information on their whereabouts.⁵⁴⁹

390. In view of the lack of information, on 31 January 2024, the lawyers of the three filed a *habeas corpus* writ on personal liberty and security before the Criminal Judicial Circuit of the Metropolitan Area of Caracas.⁵⁵⁰ During the following weeks, the court designated to hear the *habeas corpus* appeal, the Second Court of First Instance in matters of Amparo Action on personal liberty and security of the Criminal Judicial Circuit of the Metropolitan Area of Caracas (Juzgado Segundo de Primera Instancia en materia de Acción de Amparo sobre la libertad y seguridad personal del Circuito Judicial Penal del Área Metropolitana de Caracas), did not attend to the public, hanging a sign on the door that read "no office".⁵⁵¹ The attorneys were not informed of the rejection of the *habeas corpus* appeal until 19 February 2024. This was communicated to them by the Court of Appeals of the Caracas Circuit, which had not provided reasons for its decision.⁵⁵²

391. The relatives of Camacaro, Freitas and López also filed complaints with various authorities denouncing their disappearance. On 31 January 2024, Camacaro's relatives filed complaints of forced disappearance before the General Directorate for the Protection of Human Rights of the Public Prosecutor's Office and the Office of the Ombudsman; these complaints have not been answered.⁵⁵³ On 2 February 2024, the relatives of Freitas and Lopez also filed complaints before these institutions, again without response.⁵⁵⁴ Communications were also sent to several UN human rights mechanisms.⁵⁵⁵

392. On 7 February 2024, the lawyers for Camacaro, Freitas and López went to the Public Defense Coordination Office in Caracas. There they were informed that no public defenders had been assigned to the leaders and that they were unaware of their situation.⁵⁵⁶

393. According to sources interviewed by the Mission, on the night of 18 February 2024, Camacaro, Freitas and López were finally able to communicate by telephone with their families from the different SEBIN headquarters where they were being held. The three told

⁵⁴⁸ YouTube video, Luigino Bracci Roa desde Venezuela [@lubrio], "Fiscal General Tarek William Saab, 26 enero 2024, rueda de prensa sobre conspiraciones y otros", 26 January 2024. Available at: <https://www.youtube.com/watch?v=q-xBbYrN04Y> [min. 00:51].

⁵⁴⁹ Interviews QQIV015; QQIV017; QQIV018; QQIV033; QQIV020; Document QQDC079 (Communication of Allegations from the Special Procedures of the United Nations ALVEN 4/2024, April 30, 2024); Efecto Cucuyo, "Oposición exige saber paradero de dirigentes de Vente Venezuela detenidos el 23 de enero", 9 February 2024. Available at: <https://efectocucuyo.com/politica/oposicion-exige-saber-paradero-de-dirigentes-de-vente-venezuela-detenidos-el-23-de-enero/>

⁵⁵⁰ Document QQDC018 (Complaint to the General Directorate of Protection of Human Rights of the Public Prosecutor's Office, 31 January 2024); Document QQDC019 (Complaint to the Office of the Ombudsman, 2 February 2024); Interviews QQIV018; QQIV022; and QQIV033; X post by Caleidoscopio Humano, 31 January 2024. Available at: <https://twitter.com/CaleidoHumano/status/1752742208678007044>.

⁵⁵¹ Interviews QQIV022 and QQIV033; Document QQDC017: Amparo Appeal for Personal Liberty and Security, January 31, 2024; X post by Eduardo Torres [@torreseduardoj], February 7, 2024. Available at: <https://twitter.com/torreseduardoj/status/1755335670128660693?t=ksDmljEyiDxgXdHAY0bVQ&s=09>.

⁵⁵² Document QQDC023, 9 February 2024

⁵⁵³ Interviews QQIV015; QQIV018; QQIV020; and QQIV033.

⁵⁵⁴ Interviews QQIV014; QQIV015; and QQIV017.

⁵⁵⁵ Document QQDC020 (Communication to the Working Group on Enforced or Involuntary Disappearances of the United Nations in Favor of Luis Camacaro, Juan Freitas, and Guillermo López on February 1 and 2, 2024); QQDC079 (Communication of Allegations from the Special Procedures of the United Nations ALVEN 4/2024, April 30, 2024); Interviews QQIV018; QQIV022; QQIV017; and QQIV020.

⁵⁵⁶ Interviews QQIV0022 and QQIV0033.

them that they could be visited that same night and asked to bring them clothes, food and toiletries.⁵⁵⁷

394. The visits, which lasted until midnight, took place in the respective SEBIN detention centres in La Guaira, Trujillo and Yaracuy. According to the testimonies received by the Mission, although the detainees did not show physical signs of having been mistreated, they did express having experienced psychological suffering due to the continuous interrogations.⁵⁵⁸

395. All interviews between family members and detainees were recorded and photographed in the presence of a prosecutor and a representative of the Office of the Ombudsman. The Public Prosecutor's Office required them to sign a document certifying that the detainees were in good condition. The relatives were informed that the detainees would be transferred to Caracas the following day, February 19, for their initial court appearance⁵⁵⁹.

Judicial proceedings

396. Camacaro, Freitas and López were transferred to Caracas on Monday, 19 February 2024. Their relatives and lawyers waited all day for the initial court appearance to be held before the Second Terrorism Control Court (Tribunal Segundo de Control en materia de Terrorismo), until they were informed that the hearing had been postponed for the following day.⁵⁶⁰

397. On 20 February 2024, the Second Terrorism Court informed the lawyers that the hearing had taken place the night before with the presence of a public defender⁵⁶¹. Camacaro, Freitas and López's private lawyers could not be sworn in as legal defence. On 22 February 2024, family members were able to visit the three detainees at the SEBIN headquarters in El Helicoide, Caracas.⁵⁶²

398. On 30 April 2024, the United Nations Special Procedures sent a communication to the Government of the Republic of Venezuela transmitting the allegations they had received concerning the detention and subsequent enforced disappearance of Camacaro, Freitas and López.⁵⁶³

399. On the night of Thursday, 2 May 2024, Camacaro, Freitas and López were transferred from El Helicoide to the Palace of Justice of the Metropolitan Area of Caracas. Upon their arrival there, during the same night, the preliminary hearing of the three detainees was held before the Second Terrorism Court, without their families having been informed beforehand.⁵⁶⁴ In the preliminary hearing, the judge confirmed the charges presented by the Public Prosecutor's Office for the crimes of "terrorism";⁵⁶⁵ "conspiracy";⁵⁶⁶ "treason"⁵⁶⁷ and "criminal association".⁵⁶⁸ At the same hearing, the Court ruled on the oral trial and confirmed the provisional deprivation of liberty of the three regional leaders of Vente Venezuela.⁵⁶⁹

⁵⁵⁷ Interviews QQIV0028; QQIV0031 and QQIV0032.

⁵⁵⁸ Ibid.

⁵⁵⁹ Ibid.

⁵⁶⁰ Interviews QQIV0031; QQIV0032 and QQIV0033.

⁵⁶¹ Ibid.

⁵⁶² Ibid.

⁵⁶³ Document QQDC079 (Joint communication from the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms, AL 4/2024, 30 April 2024).

⁵⁶⁴ Interviews QQIV072; QQIV073 and QQIV075.

⁵⁶⁵ Law against Organized Crime and the Financing of Terrorism, art. 52.

⁵⁶⁶ Criminal Code, art. 132.

⁵⁶⁷ Ibid, art. 128.

⁵⁶⁸ Law against Organized Crime and the Financing of Terrorism, art. 37.

⁵⁶⁹ Interviews QQIV072 and QQIV073.

Conclusions

400. The Mission has reasonable grounds to believe that Luis Camacaro, Juan Freites, Guillermo López and Tomas Sequera were victims of arbitrary detention on 23 January 2024 as part of the intelligence operations carried out by SEBIN, and that their detentions are related to their political affiliation to Vente Venezuela.

401. Likewise, the right to due process of Camacaro, Freites and López was not respected with a series of violations that respond to patterns previously identified by the Mission. The three were brought before a judge far more than the 48-hour time limit established in national legislation. None of the three detainees had access to lawyers of their choice, neither during the initial court appearance, on February 19, nor during the preliminary hearing, on 2 May 2024. These serious violations of due process constitute another factor in the arbitrariness of their detention.

402. For both hearings, the three detainees were assigned a public defender who did not exercise proper technical defence, for example, by not appealing the decision to remand them in custody. Family members were not informed of the development of any of the hearings, which were not public. In addition, the Second Terrorism Court provided erroneous information about the date of the hearing, which affected the possibility of attending the hearing as well as the possibility of appointing lawyers of their choice. Furthermore, the Mission received information that the preliminary hearing took place at night. These elements constitute violations of due process, in terms of the lack of access to information by the families, and the impossibility of choosing a lawyer of their choice.

403. The Mission also notes that Camacaro, Freites and López were detained incommunicado from 23 January until 18 February 2024 when they were able to communicate with their families. The Mission notes that these violations are not isolated acts or the product of procedural errors but are committed systematically in most of the detentions that the Mission has investigated when they involve persons who are real or perceived opponents.

404. The Mission also has reasonable grounds to believe that Camacaro, Freites and López were victims of short-term enforced disappearances. The Mission takes into account the multiple requests from their relatives to the authorities in each of the states where they were located and in Caracas, asking for their whereabouts; as well as the fact that the three detainees were not presented before a judge until February 19, almost a month after they were detained.

405. Camacaro's relatives inquired about his whereabouts in SEBIN and DGCIM offices, as well as in several PNB commands in the city of San Felipe, Yaracuy State, without obtaining any answer. They also inquired at the Caracas offices of SEBIN in Plaza Venezuela, DGCIM in Boleíta and the terrorism courts with the same result. In addition, they denounced the disappearance to the General Directorate for the Protection of Human Rights of Public Prosecutor's Office and the Office of the Ombudsman, also with no response.

406. Lopez's relatives denounced in vain his disappearance to the CICPC and DGCIM of Trujillo. They also inquired about him at the Criminal Judicial Circuit of Trujillo State, at detention centres of the PNB, the state police, the CICPC and GNB-CONAS, as well as at the SEBIN headquarters in the city of Valera, Trujillo State. In all these places the officials denied having López in custody and offered no information on his whereabouts.

407. The relatives of Camacaro, Freites and López continued searching for them in the SEBIN and DGCIM in Caracas, without receiving any information on their whereabouts and filed complaints before several instances without positive results. Also, on 31 January 2024, they filed a *habeas corpus* writ before the Criminal Judicial Circuit of the Metropolitan Area of Caracas. Only on 19 February 2024, the lawyers learned that the writ had been denied.

408. In addition, the Mission considers the fact that the press conference in which the Attorney General announced that Camacaro, Freites and López had been detained, in which he did not provide information on their fate and whereabouts, took place on 26 January 2024, after the 48-hour legal deadline had expired.

409. In the case of Tomas Sequera, the Mission has been unable to obtain information on his whereabouts or the conditions under which he was detained for two days, from 23 to 25 February 2024, when he was released without charge.

CASE 8: Carlos Salazar

Background

410. Carlos Salazar Lárez, aged 60, is a Venezuelan engineer who retired from Petróleos de Venezuela (PDVSA). On 22 January 2024 Salazar identified Alex Saab⁵⁷⁰ in La Vela shopping centre, located in the city of Porlamar, on Margarita Island (Nueva Esparta State) and decided to videotape him with his cell phone. During the recording Salazar stated that "[t]he bad guy Alex Saab [...] is here in Margarita, that bad guy, who was imprisoned in the United States [...], is walking around here in Margarita".⁵⁷¹ According to information obtained by the Mission, while Salazar was filming, an escort of Saab asked him to stop filming and erase the video, warning him that it could have consequences; however, Salazar continued filming.⁵⁷²

411. Salazar shared the video via instant messaging among his contacts. They, in turn, posted it on social networks and the video ended up going viral.

Detention and short-term enforced disappearance

412. According to sources interviewed by the Mission, on 5 February 2024, at approximately 5:30 p.m., Salazar was driving home with a friend. While passing through Los Módulos street in the town of Punta de Piedras, Margarita Island, Salazar's vehicle was surrounded by a white Toyota sport-utility vehicle and two small black cars, all without license plates, which blocked his way.⁵⁷³

413. Five hooded individuals dressed in black got out of the vehicles and approached Salazar's vehicle and identified themselves as DGCIM officials conducting an official investigation.⁵⁷⁴ The officials asked for Salazar and, when he identified himself, they told him that he was under investigation. Without giving him further explanation or presenting a detention warrant, the individuals got into Salazar's vehicle, sat him in the back and drove him to an unknown destination. His companion was abandoned on the public road.⁵⁷⁵

414. Between 6 and 13 February 2024, Salazar's family and his lawyers inquired about him at the PNB, CICPC, GNB-CONAS and SEBIN facilities on Margarita Island, as well as at DGCIM headquarters located at the Santiago Mariño International Caribbean Airport. The officials denied that Salazar was in their custody and stated that they did not know his whereabouts.⁵⁷⁶ On 14 February 2024, Salazar's family publicly denounced his disappearance.⁵⁷⁷

415. On 26 February 2024, more than two weeks after his detention, Salazar's family learned that he was in the SEBIN headquarters of El Helicoide, in Caracas, thanks to

⁵⁷⁰ Alex Nain Saab Morán is President of the International Center for Productive Investment of Venezuela. Saab was detained in the United States since 2020, after being extradited by Cape Verde, and was accused, among other crimes, of corruption and money laundering. On 15 December 2023, the President of the United States granted an executive clemency to Saab, in the context of prisoner exchange negotiations with the Venezuelan Government. Saab returned to the Bolivarian Republic of Venezuela on December 20 of the same year.

⁵⁷¹ TikTok post by Félix Perdomo [@drfelixperdomo], 22 January 2024. Available at: <https://www.tiktok.com/@drfelixperdomo/video/7327045396633554182>; Interview QQIV060.

⁵⁷² *Ibid.*; Interviews QQIV059 and QQIV64.

⁵⁷³ Interviews QQIV059 and QQIV060.

⁵⁷⁴ Document QQDC040 (Writ of habeas corpus, 23 February 2024).

⁵⁷⁵ Interviews QQIV059 and QQIV060; Document QQDC040 (Complaint to the General Prosecutor's Office).

⁵⁷⁶ *Ibid.*; YouTube video, VPItv, "Pedirán información por desaparición de jubilado de PDVSA", 13 February 2024. Available at: <https://www.youtube.com/watch?v=Pdfn55Vbr6Q>.

⁵⁷⁷ YouTube video, VPItv, "Sobrina de Carlos Salazar extrabajador de Pdvsa, exige conocer el paradero de su tío", 14 February 2024. Available at: <https://www.youtube.com/watch?v=5ODxx9UOVYo>.

information provided by relatives of other persons detained there.⁵⁷⁸ The following day, his relatives travelled to Caracas and requested authorization from SEBIN to visit Salazar, a request that was granted on "extraordinary" grounds.⁵⁷⁹ Between March and May 2024, Salazar was authorized to contact his relatives by telephone and to receive periodic visits.⁵⁸⁰

416. According to information received by the Mission, after his detention on 5 February 2024, Carlos Salazar was detained for ten days in an office building in Porlamar, Margarita Island. On 15 February 2024, SEBIN officials transferred Salazar by plane to Caracas and took him to El Helicoide.⁵⁸¹ That same day, he was presented before the Second Court of First Instance in Control Functions with Competence in Cases related to Crimes associated with Terrorism (Second Terrorism Court) without having a lawyer of his choice, but with a public defender. He also did not have access to his file and was charged with the crimes of "promotion or incitement to hatred"⁵⁸² and "criminal association".⁵⁸³ The Court ordered Salazar to be remanded in custody.

417. Salazar's preliminary hearing took place on 20 May 2024. In it, the Second Terrorism Court confirmed the charge of "promotion or incitement to hatred", dismissing the charge of "criminal association". The Court proceeded to trial and confirmed the provisional detention of Salazar. At the time of writing, the oral trial had not begun, and Salazar had not been able to formally appoint a lawyer of his choice, and his defence continued to be handled by a public defender.⁵⁸⁴

Conclusions

418. The Mission has reasonable grounds to believe that Carlos Salazar Lárez was a victim of short-term enforced disappearance. The Mission notes that in the period between 6 and 13 February 2024, Salazar's relatives searched for him in institutions and detention centres, including the SEBIN on Margarita Island, where Salazar was initially detained. The Mission also notes that, although Salazar's family filed a writ of *habeas corpus* and a complaint for forced disappearance and arbitrary detention with the Public Prosecutor's Office on 23 February 2024, these legal actions were not effective. The first was not admitted, and the second had no response.

419. The Mission has reasonable grounds to believe that Salazar's detention was arbitrary, as there were serious violations of his due process. Salazar was unable to exercise his right to a full defence, as he was unable to choose an attorney of his choice at either the initial court appearance or the preliminary hearing. He also did not have access to his file, and none of the hearings were public. In addition, his initial court appearance was held after the time limit established by national legislation (48 hours), since it was held 10 days after his detention. Likewise, the elements documented by the Mission on the manner in which the detention and subsequent enforced disappearance took place determine that Salazar's detention was carried out in an arbitrary manner.

420. The Mission also notes that Salazar remained in incommunicado detention from the time of his detention on 5 February 2024 until 26 February 2024, when he was able to communicate with his family. This despite the fact that there is no legal basis in national legislation for holding a person incommunicado for such a period. The Mission observes that these violations are not isolated acts or the product of procedural errors but are committed

⁵⁷⁸ Interviews QQIV059, QQIV060, and QQIV064; La Patilla, "Familiares de Carlos Salazar pudieron visitarlo en El Helicoide tras 20 días desaparecido por el chavismo", 28 February 2024. Available at: <https://www.lapatilla.com/2024/02/28/familiares-de-carlos-salazar-pudieron-visitarlo-en-el-helicoide-tras-20-dias-desaparecido-por-el-chavismo>; Venezuela Visión Noticias, "Encontraron a Carlos Salazar detenido en el Sebin de El Helicoide", 29 February 2024. Available at: <https://venezuelavision.com/encontraron-a-carlos-salazar-detenido-en-el-sebin-de-el-helicoide/>.

⁵⁷⁹ Interviews QQIV059 and QQIV060.

⁵⁸⁰ *Ibid.*

⁵⁸¹ Interview QQIV059; Document QQDC044.

⁵⁸² Constitutional Law against Hate for Peaceful Coexistence and Tolerance, art.20.

⁵⁸³ Law against the crime and the financing of terrorism, art. 37.

⁵⁸⁴ Interviews QQIV082 and QQIV083.

systematically in most of the detentions that the Mission has investigated when dealing with persons who are real or perceived opponents.

CASE 9: Rocío San Miguel Sosa and related persons

Background

421. Rocío San Miguel Sosa, a Venezuelan-Spanish citizen, is a lawyer, researcher and human rights defender, publicly recognized as such. Since 2005 San Miguel has been the president of the NGO Control Ciudadano (Social Watch), a civil association specialized in promoting citizen oversight on security, defence and armed forces issues in the Bolivarian Republic of Venezuela.⁵⁸⁵

422. In December 2003, in retaliation for having signed the request for the recall referendum of then President Hugo Chávez, Rocío San Miguel was subject to arbitrary termination of her professional services contracts with the National Border Council, attached to the Ministry of Foreign Affairs. The case was brought before the Inter-American Human Rights System and the Inter-American Court. In its judgment of 18 February 2018, the Court determined that the State was responsible for the violation of the rights of San Miguel and two other women colleagues.⁵⁸⁶

423. On 18 January 2012, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures to Rocío San Miguel and her daughter, Miranda Díaz San Miguel, in response to acts of harassment and threats, including death threats at their home, due to their work at the NGO Control Ciudadano.⁵⁸⁷ The measures remain in force, as the IACHR considers that they have not been implemented by the State.⁵⁸⁸

424. On 25 March 2014, President Maduro, in a public intervention before the Armed Forces, identified Rocío San Miguel as a "liaison with the coup sector of the opposition" and accused her of being involved in promoting a military uprising in the country.⁵⁸⁹

425. On the occasion of the consultative referendum called by the Government on Guayana Essequiba on 3 December 2023, San Miguel criticized some aspects of the process, while encouraging the population to vote.⁵⁹⁰ On 1 December 2024, at the closing ceremony of the "Venezuela Toda" campaign for the referendum, President Maduro publicly described San Miguel as "*anti-patria, vendepatria* who lives in Miami".⁵⁹¹

Detention and short-term enforced disappearance

426. On Friday, 9 February 2024, at around 5:00 a.m., Rocío San Miguel was detained at the Simón Bolívar International Airport, in Maiquetía, when she was about to travel with her daughter Miranda Díaz San Miguel (25 years old). According to sources consulted by the Mission, when passing through passport control, officials of the Migration and Foreigners Service (SAIME) informed San Miguel that her name coincided with that of a person wanted by DGCIM, and she and her daughter were taken to a reserved room to await the authorities' decision.⁵⁹²

⁵⁸⁵ Asociación Civil Control Ciudadano, "Quiénes somos". Available at: <https://www.controlciudadano.org/quienes-somos-2/>.

⁵⁸⁶ IACHR Court, *Case San Miguel Sosa et al. vs. Venezuela*, Merits, Reparations, and Costs. 8 February 2018. Series C No. 348.

⁵⁸⁷ IACHR, Precautionary Measures MC 349/11: Rocío San Miguel and Daughter (Venezuela), 18 January 2012. Available at: <https://www.oas.org/es/cidh/defensores/proteccion/cautelares.asp>

⁵⁸⁸ Interviews QQIV038 and QQIV043.

⁵⁸⁹ YouTube video, Diario Panamá, "Maduro: «Rocío San Miguel está plenamente involucrada en el golpe de Estado»" March 25, 2014. Available at: <https://www.youtube.com/watch?v=xGxuVtsTYoE>.

⁵⁹⁰ Control Ciudadano, "Rocío San Miguel: «Tengo tres razones para votar en el referéndum sobre el Esequibo»" 19 November 2023. Available at: <https://www.controlciudadano.org/noticias/rocio-san-miguel-tengo-tres-razones-para-votar-en-el-referendum-sobre-el-essequibo/>.

⁵⁹¹ YouTube video, Nicolás Maduro, [@NicolásMaduroM], "Gran Cierre de Campaña «Venezuela Toda»", 1 December 2023. Available at: <https://www.youtube.com/watch?v=2G8Y7VJXJUE> [min. 37:00].

⁵⁹² Interviews QQIV034 and QQIV051.

427. According to information received by the Mission, after several hours of waiting, several DGCIM and SEBIN officials took San Miguel away, without presenting a detention warrant. Her daughter Miranda was released. On the same Friday, at approximately 11:00 p.m., DGCIM officials conducted a raid on the residence of Alejandro González de Canales, a retired military officer and former spouse of San Miguel (59 years old), in Lecherías, Anzoátegui State. González de Canales was detained without a warrant.⁵⁹³

428. According to information received by the Mission, the following day, Saturday, 10 February 2024 in the afternoon, Miranda Díaz, accompanied by her father, Víctor Díaz Paruta (63 years old), went to the airport to pick up the suitcases that she and her mother had checked in at the airline the day before. At that moment, SEBIN and DGCIM officials, without explanation or warrant, detained her. Minutes later, her father was also detained by DGCIM.⁵⁹⁴

429. On Sunday, 11 February 2024, at 9:00 a.m., two brothers of Rocío San Miguel, Luis Alberto (44 years old) and Miguel Ángel (64 years old), were detained by officials of DGCIM. The two men were taken into custody without explanation or warrant while driving in a private vehicle through the El Calabozo checkpoint in the Higuero area of Miranda State. Following the detention of Luis Alberto San Miguel, a search was conducted at the residence of a relative, resulting in the seizure of several computers and mobile phones belonging to Rocío San Miguel and her daughter.⁵⁹⁵

430. On the same Sunday afternoon, 11 February 2024, the Attorney General Tarek William Saab announced via his official account on X that Rocío San Miguel had been detained in accordance with an arrest warrant issued against her in connection with the "conspiracy plot and attempted assassination called 'White Armband'". The Attorney General did not provide any further details regarding the location where San Miguel was being held, nor which authority had custody of her, nor did he refer to the detention of the other five individuals.⁵⁹⁶

431. On Monday, 12 February 2024, in the early hours of the morning, lawyers for the San Miguel family filed an *habeas corpus* writ for the protection of freedom and personal safety on behalf of Rocío San Miguel before the Criminal Judicial Circuit of the Metropolitan Area of Caracas.⁵⁹⁷ The writ was filed on the grounds of ignorance of her whereabouts. On the same day, a group of six individuals, comprising family lawyers, human rights activists and journalists, made enquiries at the SEBIN headquarters in El Helicoide and DGCIM in Boleíta regarding the whereabouts of San Miguel and her relatives. Both headquarters denied having any information regarding the detention and whereabouts of San Miguel and the other individuals.⁵⁹⁸

Initial Court Appearance

432. On the same Monday, 12 February 2024, at 9:00 p.m., the Attorney General announced via his account in X that the initial appearance of six individuals allegedly involved in Operation White Armband, including San Miguel and five related persons, was underway. Furthermore, the Attorney General stated that the Public Prosecutor's Office intended to request the preventive deprivation of liberty against Rocío San Miguel and Alejandro González de Canales, as well as precautionary measures of presentation for the other four individuals.⁵⁹⁹

⁵⁹³ Ibid., Interview QQIV0038.

⁵⁹⁴ Interview QQIV045.

⁵⁹⁵ Ibid.

⁵⁹⁶ X post by Tarek William Saab [@TarekWilliamSaab], 11 February 2024. Available at: <https://twitter.com/TarekWilliamSaab/status/1756789729394086294>.

⁵⁹⁷ Document QQDC024; Tal Cual Digital, "Abogado denuncia desaparición de Rocío San Miguel y de su hija y presenta hábeas corpus", 12 February 2024. Available at: <https://talcualdigital.com/abogado-denuncia-desaparicion-de-rocio-san-miguel-y-de-su-hija-y-presenta-habeas-corpus/>.

⁵⁹⁸ Interviews QQIV034; QQIV035; QQIV037; QQIV036; and QQIV038.

⁵⁹⁹ Post on X by Tarek William Saab [@TarekWilliamSaab], 12 February 2024. Available at: <https://x.com/TarekWilliamSaab/status/1757221775572607301>.

433. However, the Mission has reasonable grounds to believe that the initial court appearance of San Miguel and the other five related persons detained before the Second Control Court with National Jurisdiction in Terrorism Matters (Tribunal Segundo de Control con Competencia Nacional en Materia de Terrorismo) actually took place in the early morning hours of Tuesday, February 13, at DGCIM facilities in Boleíta.⁶⁰⁰ The hearing was not public and none of the detainees were allowed to be represented by attorneys of their choice, but rather a public defense attorney was imposed on them.⁶⁰¹ During the hearing, the detainees were informed for the first time that they were being investigated in connection with Operation White Armband.⁶⁰²

434. Rocío San Miguel was charged with the crimes of "treason";⁶⁰³ "terrorism";⁶⁰⁴ "conspiracy";⁶⁰⁵ "attempted intentional homicide" against President Nicolás Maduro;⁶⁰⁶ "attempted intentional homicide" against the Governor of Táchira,⁶⁰⁷ and "criminal association".⁶⁰⁸ According to the Attorney General, the charges against San Miguel were based on the fact that her telephone number was registered in the cell phone of former military officer Anyelo Heredia, who was detained in December 2023 and prosecuted as the ringleader of Operation White Armband.⁶⁰⁹ Similarly, the Attorney General stated that San Miguel's name was identified in a document labelled "Order of Battle" on an "Order of Operation ", a document which, according to the authorities, was seized during the search of the residence of retired military officer Guillermo César Siero, who was also detained in connection with the same investigation.⁶¹⁰ In this document San Miguel appears as responsible for a series of tasks in Operation White Armband.

435. According to the Attorney General,⁶¹¹ Alejandro González de Canales was charged with "revelation of political and military secrets concerning the security of the Nation",⁶¹² "obstruction to the administration of justice"⁶¹³ and "criminal association".⁶¹⁴ The Attorney General did not provide details on the facts he was charged with.

436. The rest of the persons detained at DGCIM in Boleíta - Miranda Díaz, Miguel Ángel San Miguel, Luis Alberto San Miguel, and Víctor Díaz Paruta - were charged with "obstruction to the administration of justice"⁶¹⁵ and "criminal association"⁶¹⁶ , accused of having covered up and concealed evidence.⁶¹⁷ These four persons were released under the probation measures of periodic presentation to the Court, prohibition to leave the country and prohibition to make statements to the media and through social networks.⁶¹⁸

⁶⁰⁰ Interviews III051 and QQIV045.

⁶⁰¹ *Ibid.*

⁶⁰² *Ibid.*

⁶⁰³ Criminal Code, art. 128.

⁶⁰⁴ Law against Organized Crime and the Financing of Terrorism, art. 52.

⁶⁰⁵ Criminal Code, art. 132.

⁶⁰⁶ *Ibid.*, art. 405 y 406(3), b.

⁶⁰⁷ *Ibid.*, art. 405 y 407(2).

⁶⁰⁸ Law against Organized Crime and the Financing of Terrorism, art. 37.

⁶⁰⁹ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab brindó detalles sobre investigación en el caso Rocío San Miguel", 19 February 2024. Available at: https://www.youtube.com/watch?v=_XgGtgToRoM [min. 05:19].

⁶¹⁰ *Ibid.* [min. 06:00].

⁶¹¹ Post on X by Tarek William Saab [@TarekWilliamSaab], 12 February 2024. Available at: <https://x.com/TarekWilliamSaab/status/1757221775572607301>.

⁶¹² Criminal code, art. 134.

⁶¹³ Law against Organized Crime and the Financing of Terrorism, art. 45(3).

⁶¹⁴ *Ibid.*, art. 37.

⁶¹⁵ *Ibid.*, art. 45(3).

⁶¹⁶ *Ibid.*, art. 37.

⁶¹⁷ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela [@MPvenezolano], "Declaraciones del FGR Tarek William Saab sobre nuevas detenciones en Caso Brazalete Blanco", 14 February 2024. Available at: https://www.youtube.com/watch?v=4aFeX00I7_s [min. 28:00].

⁶¹⁸ *Ibid.*

Criminal proceedings

437. On Wednesday, 14 February 2024, DGCIM executed a search warrant at the residence of Rocío San Miguel. During the course of the raid, which was conducted during the night hours, an electronic device and documents belonging to San Miguel were seized.⁶¹⁹ The Attorney General has stated that among the documents seized, they found 18 cartographic maps.⁶²⁰ These maps demarcate security zones of a series of military installations and also include lists of high-ranking army personnel. The existence of these lists is already public knowledge, as they are published in the official gazettes. They are being presented as evidence of Rocío San Miguel's alleged involvement in conspiratorial acts.⁶²¹ One of her lawyers has stated that the seized maps are old and were used by San Miguel to teach classes in military institutes.⁶²²

438. The Attorney General⁶²³ stated that in the initial court appearance the Court ordered that Rocío San Miguel be remanded in custody at El Helicoide and that Alejandro González be held at DGCIM in Boleíta.⁶²⁴

439. According to a source interviewed by the Mission, the public defender who assisted the detainees did not file an appeal against their preventive detention, nor did she request investigative proceedings after the initial court appearance.⁶²⁵

440. On Thursday 15 February 2024, the lawyers for the four beneficiaries of probation measures were finally sworn in before the Second Terrorism Court.⁶²⁶ At the time of writing, neither Rocío San Miguel nor Alejandro González had been able to appoint lawyers of their choice, as the Court had refused on at least four occasions to accept the withdrawal of the public defence and the request for the appointment of new lawyers.⁶²⁷

Conclusions

441. The Mission has reasonable grounds to believe that Rocío San Miguel was arbitrarily detained on 9 February 2024 by SEBIN and DGCIM officials. The officials did not inform her of the reasons for her detention nor did they present her with a warrant for her detention. Likewise, the Mission has reasonable grounds to believe that her five relatives were also

⁶¹⁹ Interview QQIV0034; YouTube video, AFP en español, "Allanan vivienda de activista venezolana detenida Rocío San Miguel | AFP", 15 February 2024. Available at:

https://www.youtube.com/watch?v=Qmh_R2F25F4.

⁶²⁰ The seized maps are of public access, as acknowledged by the Attorney General. YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela [@MPvenezolano], "FGR Tarek William Saab brindó detalles sobre investigación en el caso Rocío San Miguel", 19 February 2024. Available at: https://www.youtube.com/watch?v=_XgGtgToRoM [min. 27:00]

⁶²¹ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab brindó detalles sobre investigación en el caso Rocío San Miguel", 14 February 2024. Available at: https://www.youtube.com/watch?v=_XgGtgToRoM [19:50]

⁶²² YouTube video, AFP en español, "Allanan vivienda de activista venezolana detenida Rocío San Miguel | AFP" 15 February 2024. Available at: https://www.youtube.com/watch?v=Qmh_R2F25F4

⁶²³ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "Declaraciones del FGR Tarek William Saab sobre nuevas detenciones en Caso Brazalete Blanco", 14 February 2024. Available at: https://www.youtube.com/watch?v=4aFeX00I7_s [31:00].

⁶²⁴ Alejandro González was transferred to Rodeo I prison on 28 February 2024. El Nacional, "Hijos del militar retirado Alejandro González exigen su liberación", 12 March 2024. Available at: <https://www.elnacional.com/venezuela/hijos-del-militar-retirado-alejandro-gonzalez-exigen-su-liberacion/>; Tal Cual Digital, "Rocío San Miguel sigue incomunicada y González de Canales fue trasladado al Rodeo I", 8 May 2024. Available at: <https://talcualdigital.com/rocio-san-miguel-sigue-incomunicada-y-gonzalez-canales-fue-trasladado-al-rodeo-i/>

⁶²⁵ Interview QQIV0044.

⁶²⁶ Interviews QQIV034 and QQIV045.

⁶²⁷ Interviews QQIV034; QQIV045 and QQIV038; See also Tal Cual Digital, "Suspenden por tercera vez traslado de Rocío San Miguel para juramentar a sus abogados", 5 March 2024. Available at: <https://talcualdigital.com/suspenden-por-tercera-vez-traslado-de-rocio-san-miguel-para-juramentar-a-sus-abogados/>

arbitrarily detained between 9 and 11 February 2024. In the case of Miranda Díaz, Alejandro José González and Luis Alberto San Miguel, no arrest warrants were presented either. In the cases of Víctor Díaz Paruta and Miguel Ángel San Miguel, flagrancy was used as justification for their detention, without there being any factual basis to argue such flagrancy.

442. The Mission has reasonable grounds to believe that all of the detained persons in this case suffered serious violations of due process, which constitutes an additional element that defines the arbitrary nature of their detentions. Rocío San Miguel, Alejandro González, Víctor Díaz and Miranda Díaz were presented before the Second Terrorism Tribunal in the early hours of Tuesday 13 February 2024. This was more than 48 hours after their detention, in violation of the maximum time allowed under Venezuelan law for a detainee to be brought before a court.

443. Also, in the context of due process, the Mission notes that the initial court appearance was held in the early hours of the morning, in a prison, without prior notification to the family or attorneys of the detainees, without publicity, and without allowing them to be assisted by an attorney of their choice. All the defendants were assigned a public defender who did not provide adequate or individualized technical assistance to any of the defendants.

444. The Mission also notes that Rocío San Miguel and her five relatives were held incommunicado for periods that ranged from a little over a month (Alejandro Gonzalez de Canales), more than a week (Rocío San Miguel) and a couple of days (Miranda Díaz, Víctor Díaz, Luis Alberto San Miguel and Miguel Ángel San Miguel). The Mission notes that there is no legal basis in domestic law for holding a person incommunicado. The Mission notes that these violations are not isolated acts or the product of procedural errors but are committed systematically in most of the detentions that the Mission has investigated when they involve persons who are real or perceived opponents.

445. The Mission has reasonable grounds to believe that Miranda Díaz, Víctor Díaz and Alejandro Gonzalez de Canales were victims of enforced disappearance for a short period of time. On 12 February, relatives of these persons inquired about them at the headquarters of SEBIN and the DGCIM. The officials explicitly denied that they were detained and concealed that they had them in their custody, although they were in fact in their possession.

446. Furthermore, in these three cases, the first court appearance took place after the legal deadline. In the case of Miranda and Victor Diaz, one day after the time limit had expired, and in the case of Gonzalez de Canales, two days after the time limit had expired. Moreover, in these cases, there was no acknowledgement by the authorities that these individuals had been detained, either before or after the legal limit.

447. According to an expansive interpretation, as described in the chapter on enforced disappearances in this conference room paper, the Mission also has reasonable grounds to believe that Rocío San Miguel, Luis Alberto San Miguel and Miguel Ángel San Miguel were subjected to a short-term enforced disappearance.

448. The Mission notes that the Attorney General reported the detention of Rocío San Miguel on Sunday afternoon, 11 February 2024, via his personal X account. However, the Attorney General did not acknowledge the deprivation of liberty of the other five persons, nor did he communicate where Rocío San Miguel was being held, under what conditions, and which authority had her in custody.

449. The Mission has reasonable grounds to believe that on Monday 12 February 2024, SEBIN and DGCIM officials explicitly denied and concealed from the family's lawyers, activists and friends that they were holding Rocío, Luis Alberto and Miguel Ángel San Miguel, when in fact they were at the DGCIM facilities in Boleíta. Also, in the context of this interpretation, the Mission notes that the initial court appearance of Rocío San Miguel took place on 13 February 2024, outside the 48-hour legal deadline to be presented before a control judge after the detention.

450. A restrictive interpretation, however, does not consider that there was an enforced disappearance in this case, as the Attorney General publicly acknowledged that Rocío San Miguel was detained two days after her arrest, that is, on 11 February 2024. In the case of Luis Alberto and Miguel Angel, because their initial court appearance took place within the legal deadline. According to this interpretation, the fact that they were brought before a

judicial authority within the legal time limit ensures that the detainees are not deprived of the protection of the law, regardless of whether the authorities failed to provide information about their fate and whereabouts to their relatives.

451. Together with the serious violations mentioned above, this case confirms the practice of the State's repressive apparatus, already identified in previous reports of the Mission, of attacking and intimidating family members and relatives of those they consider to be their "main target". This has a far-reaching impact on the social environment of the victims of State repression and causes additional psychological suffering.

452. The Mission notes that the detention of Rocío San Miguel, a renowned researcher and human rights defender, has a chilling effect on civil society as a whole and, in particular, on the community of human rights defenders, inhibiting their work of monitoring and denouncing human rights violations. This shows the reactivation of the most violent form of selective repression by the State against real or perceived opponents or critics of government policies.

Case 10: Whillfer Piña

Background

453. Whillfer José Piña Azuaje is a shopkeeper and a leader of La Causa Radical (also known as "La Causa R"), a political party that is part of the Unitary Platform in Monagas State. Piña is also coordinator of Unidos por Monagas (UPAM), a regional political party.⁶²⁸

454. On 11 March 2024, on the occasion of President Maduro's visit to Maturín, the capital of Monagas State, Piña wrote on his WhatsApp status the message: "*Maturín will be the death of Maduro*".⁶²⁹

Detention

455. On the same day, 11 March 2024, at 2:30 p.m., three unknown persons came to the store Piña runs in Maturín. The unknown persons tried to take him out by force and, when he resisted, they beat him, forced him into a white van and left the place. At that moment, it was not known if the unknown persons belonged to any security or intelligence corps of the State.⁶³⁰

456. Neighbors who witnessed the kidnapping alerted Piña's relatives, who searched for him in several places in the city of Maturín, including several detention centers.⁶³¹

457. According to information received by the Mission, on 12 March 2024, Piña was transferred from Maturín to the DGCIM detention center in Boleíta Norte, Caracas. According to information received by the Mission, during the first days of detention, Piña was beaten and had to remain with his hands tied above his head, without access to food or water.⁶³²

Search for his whereabouts

458. On 12 March 2024, Piña's family received unofficial information that he had been transferred to Caracas. Between 12 and 14 March 2024, the family searched for him in different detention centers and at the Caracas courthouse; they also filed complaints with the

⁶²⁸ Post on X of La Causa R [@LaCausaRve], 12 March de 2024. Available at: <https://x.com/LaCausaRve/status/1767670242816192544>

⁶²⁹ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela [@MPvenezolano], "FGR Tarek William Saab actualizó detalles sobre conspiración magnicida contra el Presidente", 19 March 2024. Available at: <https://www.youtube.com/watch?v=NLCgcMmnx5g> [min 2:30]; Interview PPIV129; Document PPDC136 [Foro Penal File]

⁶³⁰ Interviews PPIV129 and PPIV131; Document PPDC136 [Foro Penal File]; Efecto Cocuyo, "Van 9 presos en Venezuela por difundir mensajes en redes o WhatsApp", 14 April 2024. Available at: <https://efectococuyo.com/la-humanidad/van-9-presos-en-venezuela-por-difundir-mensajes-en-redes-o-whatsapp/>

⁶³¹ Document PPDC136 [Foro Penal File]; Interviews PPIV129; PPIV131 and PPIV132.

⁶³² Interviews PPIV152 and PPIV153.

Office of the Ombudsman and the General Directorate for the Protection of Human Rights of the Public Prosecutor's Office.⁶³³ During those days, the family also went to Boleíta, where, after several hours of waiting, a DGCIM official confirmed that Piña was detained in that center. The official told them, however, that they could not visit him for the next 45 days, while the investigation by the Office of the Attorney General progressed.⁶³⁴

Judicial process

459. On 13 March 2024, in a televised statement, the Attorney General reported that on 11 March 2024 Piña and another individual by the name of Renzo Estibenz Flores were detained in Maturín "for publishing very serious threats, inciting the assassination" of President Maduro when he was in said locality. The Attorney General said that Piña was being investigated in connection with the message in his WhatsApp status and that Flores, a former military officer who was serving a substitute sentence after being convicted of "desertion" and "treason", had been charged after finding "incriminating" messages on Piña's phone. According to the Office of the Attorney General, preliminary investigations had shown that behind the threats there was a conspiracy to carry out a coup d'état.⁶³⁵

460. That same 13 March 2024, the detainees were presented before the Fourth Control Court Against Terrorism of the Metropolitan Area of Caracas (Tribunal Cuarto de Control Contra el Terrorismo del Área Metropolitana de Caracas) (Fourth Terrorism Court).⁶³⁶

461. Piña's relatives received information that his initial court appearance had indeed taken place on March 13 and that he had been represented by a public defender. Since his detention, Piña's private attorneys attempted to be sworn in at least four times, but the judicial authorities obstructed this act of appointing a private defense attorney.⁶³⁷ The officials of DGCIM in Boleíta did not facilitate it either.⁶³⁸

462. On 19 March 2024, the Attorney General announced in another press conference that Piña and Flores were charged with "attempted intentional homicide".⁶³⁹ against President Maduro, "conspiracy"⁶⁴⁰ and "criminal association".⁶⁴¹ He also said that they had been taken into preventive custody. He also announced that 17 raids had been carried out on the homes of persons who had "constant contacts of a conspiratorial nature" with Piña. The Attorney General explained that Piña had plans to assault Fort Paramaconi, in the Monagas State. He also explained that, in his interrogation, Flores had stated that Piña had tried to recruit him to take over the Fort.⁶⁴²

⁶³³ Document PPDC138 [Complaint to the Ombudsman, 13 March 2024]; Document PPDC139 [Complaint to the Public Prosecutor's Office, 13 March 2024]; Interviews PPIV129; PPIV131; PPIV132.

⁶³⁴ Interviews PPIV129 and PPIV131.

⁶³⁵ Instagram Post by the Public Prosecutor's Office of the Bolivarian Republic of Venezuela (@mpublicove), 13 March 2024. Available at: <https://www.instagram.com/p/C4djiGgrbY4/>; Public Prosecutor's Office of the Bolivarian Republic of Venezuela, Press Release, 13 March 2024. Available at: <https://web.archive.org/web/20240313234602/http://www.mp.gob.ve/index.php/2024/03/13/fiscal-general-informo-detencion-de-dos-hombres-por-planes-para-atentar-contra-la-vida-del-presidente-de-la-republica/>

⁶³⁶ Ibid.; Interviews PPIV129 and PPIV132

⁶³⁷ Among the acts that hindered the swearing-in of the lawyers were the custodians' refusal to accept documents brought by private lawyers for the defendant's signature, or the custodians' indication that the documents "were lost"; the custodians also refused to sign such documents as "witnesses," a practice previously used to facilitate the swearing-in of private lawyers. According to information provided to the Mission, this practice existed because detainees were often not brought to court, as hearings were held in detention centers, which prevented the swearing-in of lawyers before the judge.

⁶³⁸ Interviews PPIV129 and PPIV132.

⁶³⁹ Criminal Code, art. 406.3.b.

⁶⁴⁰ Ibid, art. 132.

⁶⁴¹ Law against Organized Crime and the Financing of Terrorism, art. 37.

⁶⁴² YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], 19 March 2024. Available at: <https://www.youtube.com/watch?v=NLCgcMmnx5g>.

463. On 24 April 2024, 43 days after his detention, Piña was able to contact his family for the first time. Since 27 April 2024 he has been able to receive weekly visits.⁶⁴³

464. Piña's preliminary hearing was held on 23 May 2024. Since his lawyers could not be sworn in, the only information the family has about the criminal proceedings comes from the public statements of the Attorney General and the limited information shared with them by the public defender. As of the date of publication of this report, the public defender had not shared with the family, nor with Piña himself, the case file⁶⁴⁴.

465. According to information received by the Mission, on 22 August 2024 Piña was transferred to the Rodeo I penitentiary centre, without any explanation as to the reasons for the transfer.⁶⁴⁵

Conclusions

466. The Mission has reasonable grounds to believe that Whillfer Piña has been a victim of arbitrary detention. At the time of his detention, Piña was violently abducted by unknown persons who were not carrying identification and was forcibly placed in a van without official identification.

467. Furthermore, the Mission has reasonable grounds to believe that Whillfer Piña suffered a series of due process violations. These include the violation of the right to appoint and communicate with a lawyer of his choice, or to have access to the records of the first appearance and the preliminary hearing, as well as to the trial file, in violation of his right to a defence and the principle of equality of arms.

468. The Mission also has reasonable grounds to believe that Whillfer Piña was arbitrarily prevented from contacting his family and lawyers for 43 days. In this regard, the Mission recalls that although incommunicado detention is not prohibited under international law, it must be subject to certain conditions, including "that the prisoner or detainee shall not be kept incommunicado from the outside world, in particular from his family or lawyer, for more than a few days".⁶⁴⁶ In the national framework, the Constitution of the Bolivarian Republic of Venezuela establishes that "[e]very detainee has the right to communicate immediately with his/her relatives [...]".⁶⁴⁷

469. The Mission considers that further investigation is required to corroborate the allegations that Whillfer Piña was ill-treated during the first days of his detention at DGCIM in Boleíta.

CASE 11: National Committee of Vente Venezuela

Background

470. During the reporting period, members of the National Committee of Vente Venezuela, the main nucleus of the group's political leadership, were subjected to arrest warrants, arbitrary detention and short-term enforced disappearance. These actions have affected persons with key responsibilities in the National Committee for coordination, communications, human rights, international affairs, political secretariat, strategic and electoral planning.

⁶⁴³ Interviews PPIV129 and PPIV131.

⁶⁴⁴ Interviews PPIV129; PPIV132; PPIV154.

⁶⁴⁵ Interview PPIV154.

⁶⁴⁶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved in resolution 43/173, 9 December 1988, Principles 15, 18(3) and 19.

⁶⁴⁷ Constitution of the Bolivarian Republic of Venezuela, art. 44.2.

Table 4
Members of the National Committee of Vente Venezuela

<i>Name</i>	<i>Gender</i> (W=woman M=man)	<i>Role</i>	<i>Situation</i>
María Corina Machado	W	National Coordinator	Threats and harassment. Disqualified from holding public office.
Perkins Rocha	M	Legal Coordinator	Detained by hooded officials who allegedly took him away without an arrest warrant.
Henry Alviarez	M	Organizational Coordinator	Indicted in the "Esequibo conspiracy" case (released with probation measures). Arbitrarily detained on charges related to Operation White Armband. Forcibly disappeared. Detained in El Helicoide.
Dignora Hernández	W	Political Secretary	Arbitrarily detained on charges related to Operation White Armband. Forcibly disappeared. Detained in El Helicoide.
Pedro Urruchurtu	M	International Affairs Coordinator	Indicted in the "Esequibo conspiracy" case (released with probation measures). Subject to arrest warrant for Operation White Armband. Under asylum at the residence of the ambassador of Argentina in Caracas.
Claudia Macero	W	Communications Coordinator	Indicted in the "Esequibo conspiracy" case (released with probation measures). Subject to arrest warrant for Operation White Armband. Under asylum at the residence of the ambassador of Argentina in Caracas
Omar González	M	Political Secretary	Subject to arrest warrant for Operation White Armband Under asylum at the residence of the ambassador of Argentina in Caracas
Magallí Meda	W	Strategic Planning Coordinator	Subject to arrest warrant for Operation White Armband Under asylum at the residence of the ambassador of Argentina in Caracas
Humberto Villalobos	M	Electoral Coordinator	Subject to arrest warrant for Operation White Armband Under asylum at the residence of the ambassador of Argentina in Caracas

Name	Gender		Role	Situation
	(W=woman M=man)			
Orlando Moreno	M		Human Rights Coordinator	Threats and harassment
Carlos Fernández	M		Vente Joven Coordinator	Harassment.
José Gregorio Contreras	M		Training Coordinator	Defamation.

Source: Mission's own investigations.

Arrest warrants in connection with the Consultative Referendum for the Essequibo

471. On 6 December 2023, the Attorney General requested the detention of 14 persons linked to what he described as a "*national and international conspiracy against Venezuela and the Consultative Referendum for the Essequibo*".⁶⁴⁸ Among them were Henry Alviarez, Claudia Macero and Pedro Urruchurtu.⁶⁴⁹ Roberto Abdul-Hadi, president of the NGO Súmate and collaborator of María Corina Machado was also pointed out by the Attorney General.

472. The Attorney General stated that these individuals would be charged with the crimes of "treason",⁶⁵⁰ "conspiracy",⁶⁵¹ "money laundering"⁶⁵² and "criminal association".⁶⁵³ According to him, these charges were based on the identification of funds from money laundering activities, as well as contributions from international organisations and foreign companies, with the purpose of conspiring against the holding of the consultative referendum.⁶⁵⁴

473. At the time of the Attorney General's announcement, María Corina Machado was holding a press conference in front of the headquarters of Vente Venezuela.⁶⁵⁵ At the end of the press conference, between 12:30 and 1:00 p.m., Machado and her team entered the headquarters of Vente Venezuela, where they received the news of the detention of Roberto Abdul-Hadi. The three members of the National Committee left the place secretly in a vehicle to avoid being detained.

474. Between 7 and 8 December 2023, Alviarez, Macero and Urruchurtu discovered that their bank accounts were blocked, when they tried to access them through the Internet, without having received any notification from the authorities or the banking entities

⁶⁴⁸ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR anunció órdenes de aprehensión contra quienes conspiraron contra Referéndum Consultivo 06/12/23", 6 December 2023. Available at: <https://www.youtube.com/watch?v=ULddeM6Aij4>, Minute 11:04; Press Release by the Attorney General, 6 December 2023, available at: <http://www.mp.gob.ve/index.php/2023/12/06/fiscal-general-anuncio-ordenes-de-aprehension-contra-14-personas-que-conspiraron-contra-referendum-consultivo/>

⁶⁴⁹ YouTube video, Vente Venezuela, "Rueda de prensa | María Corina Machado | Vente Venezuela", 6 December 2023. Available at: <https://www.youtube.com/live/3ftOmLDrVQc?si=I3aQX70BDDMnxqBv>

⁶⁵⁰ Criminal Code, art. 128.

⁶⁵¹ *Ibid.*, art. 132

⁶⁵² Law against Organized Crime and the Financing of Terrorism, art. 35.

⁶⁵³ *Ibid.*, art. 37

⁶⁵⁴ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR anunció órdenes de aprehensión contra quienes conspiraron contra Referéndum Consultivo", 6 December 2023. Available at: <https://www.youtube.com/watch?v=ULddeM6Aij4> [00:09:10; 00:12:23].

⁶⁵⁵ Interviews PPIV114; PPIV115 and PPIV116; YouTube video, Vente Venezuela, "Rueda de prensa | María Corina Machado | Vente Venezuela", 6 December 2023. Available at: <https://www.youtube.com/live/3ftOmLDrVQc?si=I3aQX70BDDMnxqBv>

communicating the measure and the reasons that justified it.⁶⁵⁶ Their passports were also cancelled without receiving any official communication in this regard.⁶⁵⁷

475. After a lapse of 13 days since their detention warrant, on 19 December 2023, Alvarez, Macero and Urruchurtu were informed by Vente Venezuela that, as a result of negotiations under the Barbados Agreement, they would be allowed conditional release. This commitment was conditioned to their appearance at a hearing before a judge to impose substitute precautionary measures. The hearing was scheduled for the following day.⁶⁵⁸

476. On 20 December 2023, at 10 a.m., Alvarez, Macero and Urruchurtu, accompanied by a lawyer they trusted, appeared at the Palace of Justice in Caracas to participate in their initial court appearance before the Fourth Terrorism Court, in charge of Judge Franklin Mejías Caldera.⁶⁵⁹ Roberto Abdul-Hadi was also transferred from El Helicoide to the Palace of Justice to participate in the hearing.⁶⁶⁰

477. The Fourth Terrorism Court determined that Alvarez, Macero and Urruchurtu would be prosecuted for the commission of the crimes of "money laundering"⁶⁶¹ and "agavillamiento" (illicit criminal association).⁶⁶² The Court decided to release the accused under alternative measures of presentation to the court every 15 days and prohibition to leave the country.⁶⁶³ The lawyers for the three individuals, as well as for Abdul-Hadi, did not have access to a copy of the case file, despite having repeatedly requested it in writing and having denounced this situation to the Public Prosecutor's Office.⁶⁶⁴ At the time of writing, the preliminary hearing had not been set.⁶⁶⁵

Arrest warrants and detentions in connection with Operation White Armband

478. On 20 March 2024, at 1:20 p.m., at a press conference, the Attorney General announced that nine arrest warrants had been issued under the "White Armband" conspiracy. Two of them, directed against Dignora Hernández and Henry Alvarez, were executed that same day, at noon. Another one was issued against General Oswaldo Bracho who was out of the country. The other six detention warrants were issued against Pedro Urruchurtu, Claudia Macero, Omar González, Humberto Villalobos and Magalli Meda, all members of the National Committee of Vente Venezuela, and against Fernando Martínez Mottola, advisor to María Corina Machado. The six persons sought international protection at the Argentinean Ambassador's residence in Caracas on March 20 and 21, where they are still at the closing of this report.

479. On 29 July 2024, the day after the presidential elections, the Government rejected the declarations of seven Latin American countries, including Argentina, that questioned the results announced by the National Electoral Council, which it considered "interfering". As a retaliatory measure, the Government ordered the expulsion of all diplomatic personnel from these six countries.⁶⁶⁶ Following the departure of the Argentine delegation, by agreement

⁶⁵⁶ Interviews PPIV114; PPIV122; PPIV118; PPIV123; and PPIV116; Documents PPDC123 and PPDC121.

⁶⁵⁷ Document PPDC122; Interviews PPIV122; PPIV118 and PPIV121.

⁶⁵⁸ Ibid.

⁶⁵⁹ Document PPDC120 [Document of the Fourth Special Court in cases related to terrorism-associated crimes, 20 December 2023].

⁶⁶⁰ Ibid. The review of the measure was requested, pursuant to Article 250 of the Organic Code of Criminal Procedure, by the 52nd National Prosecutor's Office against Money Laundering, Financial and Economic Crimes and the 59th National Prosecutor's Office of Full Competence.

⁶⁶¹ Organic Law against Organized Crime and Financing of Terrorism, art. 35.

⁶⁶² Criminal Code, art. 286.

⁶⁶³ Document PPDC119 [Document of the Fourth Special Court in cases related to terrorism-associated crimes, 20 December 2023].

⁶⁶⁴ Document WWDC042 [Requests to the Judicial Power for file's copies and complaints to the Office of the Attorney General]

⁶⁶⁵ Interviews WWIV054 and WWIV062.

⁶⁶⁶ X post by Yvan Gil [@yvangil], 29 July 2024. Available at: <https://x.com/yvangil/status/1818016486532812873>.

with the Government, Brazil took custody of the delegation's property,⁶⁶⁷ and also assumed the protection of the six persons sheltered in the ambassador's residence. On 7 September, the Venezuelan Government decided to revoke its consent for Brazil to take custody of Argentina's diplomatic facilities.⁶⁶⁸

Detention of Alvarez and Hernandez

480. On 20 March 2024, around noon, Dignora Hernández was walking along Avenida Sucre de los Dos Caminos, Sucre municipality, Caracas. In front of a restaurant, at least three gray Toyota sport-utility vehicles without license plates blocked her path. About ten officials descended from them, men and women, wearing uniforms of the Criminal Investigations Division - under the Directorate of Strategic and Tactical Affairs⁶⁶⁹ - of the PNB.⁶⁷⁰ Without explanation or warrant, six of these officials grabbed Hernández and tried to force her into one of the vehicles, while she resisted by hitting and shouting "*help, please, please, no!*".⁶⁷¹ In the struggle, Hernandez lost consciousness and was put into one of the vehicles by the officials. The detention was recorded by a passerby and disseminated on social networks.⁶⁷²

481. On 20 March 2024, at around 12:50 p.m., Henry Alvarez left his home in Caracas in a car with another person. Before continuing on their way, they stopped in the street to put some garbage bags in some containers. As Alvarez walked back to his car, two green Toyota Fortuner sport utility vehicles parked on the street and a third white vehicle blocked his path. A group of men dressed in black with SEBIN insignia on their arms got out of the white vehicle, grabbed Alvarez without explanation or a warrant, and forced him into one of the sport utility vehicles. The SEBIN officials snatched the cell phone of the person accompanying Alvarez so that she would not film the incident and let her go.⁶⁷³

482. As noted above, the Attorney General held a press conference on 20 March 2024 at around 1:20 p.m., in which he announced the detention of Henry Alvarez and Dignora Hernandez; but did not provide information on the whereabouts or fate of both.

483. The following day, 21 March 2024, the private lawyers for Alvarez and Hernández went to the SEBIN and PNB headquarters in El Helicoide and Maripérez, respectively, where they were informed that they were not in those facilities. Likewise, the lawyers went to the terrorism courts in Caracas to request information on the initial court appearance, but they were not provided with any information either.⁶⁷⁴ In the afternoon of that same day, Vente

⁶⁶⁷ X post by Yvan Gil [@yvangil], 4 August 2024. Available at: <https://x.com/yvangil/status/1820455908326928387>.

⁶⁶⁸ See *infra*, Case 11: National Committee of Vente Venezuela; Clarín, "Brasil: Lula da Silva se reunió con la cúpula de la Cancillería y se mostró "preocupado" con la situación de la Embajada argentina en Venezuela", 8 September 2024. Available at: https://www.clarin.com/mundo/brasil-lula-da-silva-reunio-cupula-cancilleria-mostro-preocupado-situacion-embajada-argentina-venezuela_0_vwTkUttRHP.html?srsId=AfmBOopF1jQUzG3y11Joe8IY_UsKQbr5dCoMOsQwsa858vxURbPOU3IZ https://www.clarin.com/mundo/brasil-lula-da-silva-reunio-cupula-cancilleria-mostro-preocupado-situacion-embajada-argentina-venezuela_0_vwTkUttRHP.html?srsId=AfmBOopF1jQUzG3y11Joe8IY_UsKQbr5dCoMOsQwsa858vxURbPOU3IZ

⁶⁶⁹ The Directorate of Strategic and Tactical Actions of the Bolivarian National Police Corps, A/HRC/54/CRP.9, 18 September 2023.

⁶⁷⁰ Interview QQIV049; DNews, Venezuela: "¡Auxilio por favor! Así era arrestada Dignora Hernández", 20 March 2024. Available at: <https://www.youtube.com/watch?v=ik5yhNNgsUQ>; YouTube video, NTN24 [@ntn24], "El grito de Dignora Hernández en medio de nueva arremetida del régimen contra María Corina Machado", 20 March 2024. Available at: <https://www.youtube.com/watch?v=2hn0m3KXrRM>.

⁶⁷¹ YouTube video, NTN24 [@ntn24], "El grito de Dignora Hernández en medio de nueva arremetida del régimen contra María Corina Machado", 20 March 2024. Available at: <https://www.youtube.com/watch?v=2hn0m3KXrRM>.

⁶⁷² *Ibid.*

⁶⁷³ Interview QQIV0050; Documents QQDC036; QQDC037 and QQDC038.

⁶⁷⁴ Interviews QQIV0048 and QQIV0050; Document QQDC079 [Letter of Allegations of the United Nations Special Procedures, AL VEN 4/2024, 30 April 2024]. See also X post by Omar Mora Tosta, 21 March 2024. Available at: https://x.com/Omar_moratosta/status/1770892082451812513.

Venezuela and Hernández's relatives publicly requested proof of Hernández's life given his delicate state of health⁶⁷⁵.

Judicial proceedings

484. According to two sources interviewed by the Mission, on 22 March 2024, the initial court appearance of Hernández and Alviarez was held before the Second Control Court with National Competence in Terrorism Matters (Tribunal Segundo de Control con Competencia Nacional en Materia de Terrorismo) by Judge Carlos Liendo. The hearing was held at the SEBIN headquarters itself under the surveillance of several heavily armed officials. Despite the express request of Hernandez and Alviarez, the presence of lawyers of their choice was not allowed and a public defense was imposed on them. At the hearing, the prosecutor alleged that Hernandez and Alviarez had committed the crimes of "conspiracy",⁶⁷⁶ "criminal association",⁶⁷⁷ "treason"⁶⁷⁸ and "money laundering".⁶⁷⁹ The judge admitted the charges presented by the prosecution and ordered, as a preventive measure, the deprivation of liberty of both detainees in the SEBIN⁶⁸⁰.

485. On 26 March 2024, after six days of no information about Alviarez and Hernandez, their lawyers filed a complaint of enforced disappearance and arbitrary detention with the Office of the Ombudsman and the General Directorate for the Protection of Human Rights of the Public Prosecutor's Office, without receiving a response. They also submitted a communication to the Working Group on Enforced or Involuntary Disappearances and other UN Special Procedures.⁶⁸¹

486. According to a source interviewed by the Mission, on 27 March 2024, Dignora Hernández phoned her family from El Helicoide. Hernández confirmed that she was well and had medical attention and asked her family to bring clothes to El Helicoide. As of 28 March 2024, Hernández received regular visits from his family.⁶⁸² However, in the case of Henry Alviarez, although his relatives knew unofficially that he was also in El Helicoide, they were only able to communicate with him and visit him as of 21 May 2024, according to the testimony gathered by the Mission.⁶⁸³

487. On 30 April 2024, several United Nations special procedures addressed the government regarding the detention of Alviarez, Hernandez and three others. The Working Group on Enforced or Involuntary Disappearances also transmitted the cases of Alviarez and Hernandez to the State under its urgent procedure.⁶⁸⁴

488. According to two sources interviewed by the Mission, on 6 June 2024, the preliminary hearing of Hernández and Alviarez took place at night and without prior notice to the detainees and their lawyers, before the Second Control Tribunal with National Competence in Terrorism Matters. Hernández and Alviarez requested private defence, which was denied. Judge Carlos Liendo confirmed the charges brought by the Public Prosecutor

⁶⁷⁵ Post on X by DDHH Vente Venezuela [@VenteDDHH], 21 March 2024. Available at: <https://twitter.com/VenteDDHH/status/1770842187413979202>; Monitoreamos, "Familiares de Dignora Hernández preocupados por su estado de salud: Debe tomar tres medicinas, 21 de marzo de 2024. Available at: <https://monitoreamos.com/venezuela/familiares-de-dignora-hernandez-preocupados-por-su-estado-de-salud-debe-tomar-tres-medicinas>.

⁶⁷⁶ Criminal Code, art. 132.

⁶⁷⁷ Organic Law against Organized Crime and Financing of Terrorism, art. 37.

⁶⁷⁸ Criminal Code, art. 128.

⁶⁷⁹ Organic Law against Organized Crime and Financing of Terrorism, art. 35.

⁶⁸⁰ Interviews QQIV086 and QQIV091.

⁶⁸¹ Interviews QQIV0050 and QQIV0048; Document QQDC033 [Form to file a communication of enforced or involuntary disappearance, on behalf of Dignora Hernandez, 24 March 2024 and Document QQDC081 [Form to file a communication of enforced or involuntary disappearance, on behalf of Henry Alviarez, 24 March 2024].

⁶⁸² Interview QQIV049.

⁶⁸³ Interview QQIV083.

⁶⁸⁴ Document QQDC079 [Letter of Allegations of the United Nations Special Procedures, AL VEN 4/2024, 30 April 2024].

against Hernandez and Alviarez and ordered the trial. The judge also ordered the continuation of their preventive detention in SEBIN.⁶⁸⁵

Diplomatic asylum

489. The five members of the National Committee of Vente Venezuela (Claudia Macero, Magalli Meda, Omar González Moreno, Pedro Urruchurtu and Humberto Villalobos), who were subject to an arrest warrant announced by the Attorney General on 20 March 2024, went to the residence of the Argentine Ambassador in Caracas on the same day, where they were received "as guests". Martínez Mottola, also named by the Attorney General, entered the residence the following day, 21 March 2024.⁶⁸⁶

490. On 29 March 2024, the six persons staying at the Ambassador's residence formally requested diplomatic asylum⁶⁸⁷. They were granted asylum a few days later by the authorities of Argentina, who began negotiations with the Government to obtain the respective laissez-passer⁶⁸⁸.

491. Both governments agreed that the asylum seekers would travel to Argentina on a commercial flight on 4 April 2024. On 3 April 2024, however, their departure from the country had to be suspended because the Venezuelan Government had not authorized the security escorts. The Government also refused to authorize the entry into the country of the Argentinean gendarmes who were to provide security during the transfer of the six asylum-seekers.⁶⁸⁹ The Venezuelan Government requested new requirements for the safe-conducts to be issued, including that the asylum seekers leave the country on a charter flight.

492. At the time of finalizing this report, the six persons, who have been able to be visited by their families, continue to be held in the residence of the Ambassador of Argentina, under the protection of the Embassy of Brazil,⁶⁹⁰ awaiting safe conduct.⁶⁹¹ The lawyer for the six asylum seekers has not had access to their legal file and is unaware of the crimes with which they are charged.⁶⁹²

⁶⁸⁵ Interviews QQIV086, QQIV091 and QQIV092.

⁶⁸⁶ Interview WWIV060; AP News, "Argentina acoge a opositores de Maduro en su embajada de Caracas; denuncia cortes de electricidad, 26 March 2024". Available at: <https://apnews.com/world-news/general-news-7b1562ce429d3c318e187e97958d707e>.

⁶⁸⁷ Pursuant to the Convention on Diplomatic Asylum adopted at the Tenth Inter-American Conference held in Caracas, on 28 March 1954. Entry into force on 29 December 1954 in accordance with Art. 23. *Serie sobre Tratados, OAS*, No. 18.

⁶⁸⁸ Interview WWIV060; CNN, "Argentina concede asilo a líderes opositores venezolanos hospedados en su embajada en Caracas", 5 April 2024. Available at:

Available at: <https://www.abc.es/internacional/milei-otorga-asilo-politico-seis-opositores-maduro-20240406191733-nt.html>; Europa Press, "Argentina confirma que negocia salvoconductos para los seis opositores venezolanos refugiados en su Embajada en Caracas", 5 April 2024. Available at: <https://www.europapress.es/internacional/noticia-argentina-confirma-negocia-salvoconductos-seis-opositores-venezolanos-refugiados-embajada-caracas-20240405220800.html>.

⁶⁸⁹ Interview WWIV060. See also Clarín, "Milei le concedió el asilo político a los seis venezolanos refugiados en la embajada argentina en Caracas", 5 April 2024. Available at: https://www.clarin.com/politica/milei-concedio-asilo-politico-venezolanos-refugiados-embajada-argentina-caracas_0_5Iuo9Pco5.html.

⁶⁹⁰ On 7 September 2024, the Government of Venezuela revoked the approval granted to Brazil to represent Argentina's diplomatic interests in the Venezuelan territory. See X post by Agencia Venezuela News [@VNVenezuelanews], 7 September 2024. Available at: <https://x.com/VNVenezuelanews/status/1832454301098312100>

⁶⁹¹ Interview WWIV060.

⁶⁹² *Ibid.*

Conclusions

493. The Mission has reasonable grounds to believe that Dignora Hernández and Henry Alviarez have been subjected to arbitrary detention, in which the DAET-PNB and SEBIN officials who arrested them did not inform them of the reasons for their detention, nor did they provide them with the relevant court orders. Dignora Hernández and Henry Alviarez were also subjected to serious violations of due process, which is another factor in the arbitrariness of their detention. The first court appearance took place at the SEBIN headquarters, without the presence of a lawyer of their choice and without informing their families.

494. The Mission also notes that Dignora Hernández and Henry Alviarez were held *incommunicado*. In the case of Alviarez for two months and in the case of Hernández for one week. This despite the fact that there is no legal basis in national legislation for holding a person *incommunicado* for such a period. The Mission observes that these violations are not isolated acts or the result of procedural errors, but are committed systematically in most of the detentions examined by the Mission when they involve persons who are opponents or perceived as such.

495. Under an expansive interpretation, as described in the chapter on enforced disappearance in this conference room paper, the Mission also has reasonable grounds to believe that Hernández and Alviarez were victims of enforced disappearance.

496. In the context of this interpretation, the Mission notes that, despite the fact that on the same day of the detention (20 March 2024), the Attorney General announced their detention, he did not provide information on the fate and whereabouts of both, making it impossible to contact Hernández and Alviarez with their relatives and attorneys. Furthermore, according to the information received by the Mission, the lawyers and relatives of Hernández and Alviarez went to the PNB and SEBIN headquarters, including El Helicoide, where they did not obtain any information on their whereabouts. Later it was confirmed that they were detained in this detention center⁶⁹³. Alviarez's relatives were only able to communicate with him on 21 May 2024, while Hernandez was able to communicate with his family on March 27.

497. The relatives and lawyers also filed complaints about the disappearance of Hernandez and Alviarez before the Office of the Ombudsman and the Fundamental Rights Directorate of the Office of the Attorney General, without obtaining any response.

498. For a restrictive interpretation, however, it is not considered that in this case an enforced disappearance has been configured, because the Attorney General publicly acknowledged that Hernandez and Alviarez had been detained, on the same day of the detention. In addition, the initial court appearance took place within the legal time limit. For this interpretation, both the presentation before a judicial authority within the legal time limit, as well as a pronouncement by a state authority acknowledging the detention, grants the function of not removing the detainee from the protection of the law, regardless of whether the authorities denied information about the person's whereabouts to his or her next of kin.

499. On the other hand, the Mission notes that the authorities searched the homes of Hernández and Alviarez when they were empty, without proof of the existence of a search warrant, in violation of the right to due process. In the case of Hernández, where two witnesses were present, as required by the Organic Code of Criminal Procedure, the officials left the house with several bags.

CASE 12: Carlos Julio Rojas

500. Carlos Julio Rojas is a journalist and assistant secretary general of the National Association of Journalists (Colegio Nacional de Periodistas - CNP), Caracas branch.⁶⁹⁴ He is

⁶⁹³ Document QQDC079 [Letter of Allegations of the United Nations Special Procedures, AL VEN 4/2024, 30 April 2024]. See also X post by Omar Mora Tosta [@Omar_moratosta], 21 March 2024. Available at: https://x.com/Omar_moratosta/status/1770892082451812513.

⁶⁹⁴ Post on X by Caraota Digital [@CaraotaDigital], 23 July 2020. Available at: <https://twitter.com/CaraotaDigital/status/1286483439588380672>.

also a member of the national team of the Gran Alianza Nacional (GANAN) and coordinator of the neighbourhood association North Front of Caracas.

501. Rojas was arrested in 2017, charged with “treason” and released six weeks later with precautionary measures. According to a source interviewed by the Mission, this detention and the process against him were a reprisal for having participated in the demonstrations of that year and having given media coverage to them.

502. In 2020, while covering a demonstration by retirees, Rojas was arrested for eight hours and then released without charges. According to another person who was arrested with Rojas, police officials detained them on the instructions of a member of an armed colectivo who was present at the demonstration.

503. In September 2023, Rojas publicly denounced that authorities were planning to falsely incriminate him to imprison him, following the arrest of John Álvarez, a student and youth leader of the Red Flag party, in August of that year. Álvarez was coerced into recording a video that falsely implicated Rojas in illegal activities (see Case 1: John Álvarez, supra).

504. On 26 March 2024, the Attorney General announced the arrest, the previous day, of Jerry Argenis Ostos and Carlos Eduardo Castillo, who were allegedly detained while carrying firearms 20 meters from the presidential platform during a public rally in Diego Ibarra Square in Caracas, where President Maduro was participating. The Attorney General stated that Ostos and Castillo would have their initial appearance that day before the relevant control courts on charges of “attempted assassination,” “terrorism,” “criminal association,” “incitement to hatred,” and “illicit carrying of firearms in prohibited places” and that they were linked to an attempted homicide of President Maduro.

505. During the press conference, the Attorney General pointed out Ostos as “National Electoral Coordinator of Vente Venezuela,” and Castillo as “political activist” of the same political organization. However, a representative of Vente Venezuela informed the Mission that neither Ostos nor Castillo were affiliated to the organization.

Detention of Carlos Julio Rojas

506. According to the information gathered by the Mission, on 15 April 2024, at approximately 7:50 p.m., Rojas and her partner left their residence in Caracas. A few minutes later, they were approached by two armed individuals dressed in black and with their faces covered. A third person, dressed similarly, got out of a silver truck without license plates.

⁶⁹⁵ According to his website (Available at: <https://venezuelagana.com/>), GANA is not a political party, but a civil society movement and alliance, which includes militants of political parties. GANA was created in 2017 with the objective of “achieving a change of government in Venezuela in the shortest possible time”.

⁶⁹⁶ Interview (PPIV135); Document PPDC130.

⁶⁹⁷ Criminal Code, art. 132.

⁶⁹⁸ Interview (PPIV135); Document PPDC130; Espacio Público, *Liberan a Carlos Julio Rojas tras 45 días detenido en Ramo Verde*, 24 August 2017. Available at: <https://espaciopublico.org/liberan-carlos-julio-rojas-tras-45-dias-detenido-ramo-verde/>.

⁶⁹⁹ Interview PPIV141.

⁷⁰⁰ Post on X by Caraota Digital [@CaraotaDigital], 23 July 2020. Available at: <https://twitter.com/CaraotaDigital/status/1286483439588380672>; Interview PPIV135.

⁷⁰¹ Interview PPIV135.

⁷⁰² Post on X by Carlos Julio Rojas [@CarlosJRojas13], 5 September 2023. Available at: <https://twitter.com/CarlosJRojas13/status/1699246918319182246>.

⁷⁰³ Criminal Code, art. 406.3.b.

⁷⁰⁴ Organic Law against Organized Crime and Financing of Terrorism, art. 52.

⁷⁰⁵ *Ibid.*, art. 37.

⁷⁰⁶ Constitutional Law against Hate for Peaceful Coexistence and Tolerance, art. 20.

⁷⁰⁷ Law on disarmament and the control of arms and ammunition, art. 113.

⁷⁰⁸ YouTube video, Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], 26 March 2024. Available at: <https://www.youtube.com/watch?v=Uw8xqu7XSM4> [min 6:40 y 14:06]

⁷⁰⁹ *Ibid.* [min 8:36].

⁷¹⁰ *Ibid.* [min 10:20].

⁷¹¹ Interview PPIV136.

Two of the hooded men grabbed Rojas by the arms and he began to scream and fight to prevent them from taking him, but was eventually forced into the vehicle, while the third hooded man filmed the scene with a digital camera. The individuals who took Rojas were not wearing uniforms or insignia, did not identify themselves, did not show an arrest warrant, and did not inform Rojas of the reasons for his detention.⁷¹²

507. At 9:30 p.m., the Venezuelan Attorney General announced on the social network X that Rojas had been arrested and was linked to an alleged assassination attempt on 25 March 2024. The post on X included a photo of Rojas in front of a SEBIN shield, flanked by two individuals dressed in black and wearing balaclavas.⁷¹³

508. The following day, 16 April 2024, the Attorney General appeared at a televised press conference. During the conference, the Attorney General announced that the Second Control Tribunal with Competence in Terrorism (Second Terrorism Tribunal) had issued an arrest warrant for Rojas⁷¹⁴ on charges of "criminal association,"⁷¹⁵ "terrorism,"⁷¹⁶ "conspiracy,"⁷¹⁷ "instigation to commit a crime,"⁷¹⁸ and "attempted assassination."⁷¹⁹

509. The Attorney General also presented videos of Jerry Argenis Ostos Perdomo and Carlos Eduardo Castillo - the two men whose arrest for the alleged assassination attempt had been announced by the Attorney General three weeks earlier - implicating Rojas in the planning of the alleged assassination attempt and other violent acts. The Attorney General also presented images of a WhatsApp conversation attributed to Ostos and Rojas, which implicated Rojas in the planning of the alleged assassination attempt.⁷²⁰ The Mission had access to a specialized analysis by the organization Cazadores de Fake News, which concluded that the WhatsApp messages presented by the Attorney General raised doubts about their authenticity.⁷²¹

510. On 16 April 2024, individuals close to Rojas, accompanied by a lawyer, went to the SEBIN offices in El Helicoide and Plaza Venezuela to inquire about his whereabouts. At both locations, the authorities denied having any information about him.⁷²²

511. On the afternoon of 18 April 2024, when Rojas' partner returned to El Helicoide to inquire about him, a SEBIN official unofficially confirmed that Rojas was being held at the facility but was not allowed to receive visitors.⁷²³ According to Rojas' partner, since 18 April 2024 she returned to El Helicoide every day to bring him clothes, medicine and food, but she was not allowed to communicate with him until 20 May 2024, when they were able to speak by telephone.⁷²⁴ On 20 May 24, she was finally allowed to visit him.⁷²⁵ From the time of his

⁷¹² Interview PPIV125; Interview PPIV135; X post by SNTTP [@sntpvenezuela], 24 April 2024. Available at: <https://twitter.com/sntpvenezuela/status/1783223196839260197>; X post by SNTTP [@sntpvenezuela], 24 April 2024. Available at: <https://twitter.com/sntpvenezuela/status/1783222583640441102>.

⁷¹³ Post on X by Tarek William Saab [@TarekWilliamSaab], 15 April 2024. Available at: <https://twitter.com/TarekWilliamSaab/status/1780075541804065271>.

⁷¹⁴ Post on Instagram by the Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@mpublicove], 16 April 2024. Available at: <https://www.instagram.com/p/C51dyG2JHXd/>.

⁷¹⁵ Organic Law against Organized Crime and Financing of Terrorism, art. 37.

⁷¹⁶ Ibid., art. 52.

⁷¹⁷ Criminal Code, art. 132.

⁷¹⁸ Ibid., art. 283.

⁷¹⁹ Ibid., art. 406 (3)(b).

⁷²⁰ Posts on Instagram by Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@mpublicove], 16 April 2024. Available at: <https://www.instagram.com/p/C51eSXfpPjB>; <https://www.instagram.com/p/C51euDQJBI>; <https://www.instagram.com/p/C51fyTwJDPn>.

⁷²¹ Cazadores de Fake News, *Vallas que culpan a las sanciones, manipulación de evidencias digitales y encuestas con poca credibilidad*, 23 April 2024. Available at: <https://www.cazadoresdefakenews.info/vallas-que-culpan-a-las-sanciones-manipulacion-de-evidencias-digitales-y-encuestas-con-poca-credibilidad>.

⁷²² Interviews PPIV125; PPIV135 and PPIV137.

⁷²³ Ibid., post on X on Carlos Julio Rojas's account managed by his family [@CarlosJRojas13], 18 April 2024. Available at: <https://x.com/CarlosJRojas13/status/1781126297294459026>.

⁷²⁴ Interview with Franczy Fernandez, 30 April 2024 (PPIV125).

⁷²⁵ Ibid.

arrest until then, Rojas remained incommunicado.⁷²⁶ According to a source, SEBIN officials explained to Rojas' relatives on several occasions that he could not receive visitors because it was "a political case" and that they were under orders not to allow visits, stating, "*it is a political issue, and he has to wait.*"⁷²⁷

Legal proceedings

512. According to unofficial information obtained by Rojas' partner, on the evening of April 17, Rojas' initial appearance before the Second Terrorism Tribunal took place. Despite being present at the Palace of Justice during the hearing, his private attorneys were not allowed to represent him, so Rojas was represented by a public defender. According to a source, the public defender informed him that Rojas would have to admit the charges against him to avoid going to trial, as he had not presented evidence to prove his innocence.⁷²⁸

513. As of the date this report was finalized, Rojas' partner informed the Mission that he had not been able to appoint counsel of his choice or access his file.⁷²⁹

Conclusions

514. The Mission has reasonable grounds to believe that Carlos Julio Rojas was a victim of arbitrary detention, as he has been subjected to serious violations of due process, particularly concerning his right to defence and the principle of procedural equality. The Mission notes that Rojas was deprived of his right to communicate with an attorney within hours of his detention and that he was not allowed to be defended by an attorney of his choice; instead, a public defender was appointed to represent him. The designation of his private attorneys has been obstructed by the authorities, to the point of designating a public defender during the initial appearance hearing, even though Rojas' private attorneys were present at the Palace of Justice where the hearing took place. Rojas' right to defence was also violated because neither he nor his lawyers were able to access the file, which prevented the preparation of an adequate defence.

515. The Mission further notes that Rojas was held incommunicado for 35 days. The Mission recalls that, although such detentions are not prohibited by international law, they must be subject to certain conditions, including that incommunicado detention be regulated by law and that it should not last for more than a few days.⁷³⁰ Likewise, the Mission recalls that Venezuelan law does not contemplate incommunicado detention. The Mission notes that these violations are not isolated incidents or merely procedural errors but are systematically committed in most detentions investigated by the Mission when they involve individuals who are opponents or are perceived as such.

516. According to an expansive interpretation, as described in the chapter on enforced disappearance in this report, the Mission has reasonable grounds to believe that Carlos Julio Rojas was subjected to a short-term enforced disappearance by SEBIN. The Mission notes that, starting the day after his arrest, Rojas' next of kin, having received no news of his whereabouts, inquired about him at SEBIN facilities in El Helicoide and Plaza Venezuela, where officials denied having any information. However, three days after the arrest, Rojas' relatives received unofficial information confirming that he was indeed detained in El Helicoide.

517. On the day of the detention, the Attorney General announced on the social media platform X that Rojas had been detained and linked him to an alleged assassination attempt. The following day, the Attorney General made another statement regarding Rojas' detention, indicating that a tribunal had issued a warrant for his detention. However, the Attorney

⁷²⁶ Interviews PPIV125 and PPIV134; Posts on X by SNTP [@sntpvenezuela], 24 April 2024. Available at: <https://twitter.com/sntpvenezuela/status/1783222583640441102>; and 24 April 2024. Available at: <https://twitter.com/sntpvenezuela/status/1783223196839260197>.

⁷²⁷ Interviews PPIV125 and PPIV134; Post on X by SNTP [@sntpvenezuela], 24 April 2024. Available at: <https://twitter.com/sntpvenezuela/status/1783222737554510259>.

⁷²⁸ Interview PPIV134.

⁷²⁹ Interview PPIV156.

⁷³⁰ Principle 15 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, General Assembly resolution 43/173. See also Principles 18(3) and 19.

General did not provide any information about where Rojas was held or his conditions of detention.

518. However, according to a restrictive interpretation, this case is not considered to be an enforced disappearance, because, on the same day of the arrest, the Attorney General publicly acknowledged that Rojas was detained, and the following day, he provided more details about it. In addition, the initial appearance before a court happened on 17 April 2024, within the 48-hour period. For this interpretation, both the appearance before a judicial authority within the legal deadline, as well as a pronouncement by a state authority acknowledging the detention, has the effect of not depriving the detainee of the protection of the law, regardless of the denial of information to relatives.

V. Violations and crimes after the presidential election of 28 July

519. As noted above (supra, chap. III), on 29 July 2024, the announcement of the results of the presidential elections by the President of the National Electoral Council led to a wave of protests which were heavily repressed by the security forces, sometimes with the support of armed civilian groups. The repression in the context of the post-election crisis left 25 dead, as well as dozens injured and arrested. On 30 July 2024, the authorities launched Operation Tun Tun, resulting in harassment, threats and mass detentions of real or perceived opponents to the Government.

A. Deaths in the context of protests

1. Background

520. In its first report in 2020, the Mission investigated 36 cases of deaths in the context of mass anti-government demonstrations in 2014, 2017 and 2019,⁷³¹ and concluded that, in at least eight cases, security forces used lethal force against the victims when it was not strictly unavoidable to protect human lives.⁷³² Subsequently, the Mission investigated a further three cases of deaths in protests linked to demands for access to public services, which occurred between 2020 and 2021.⁷³³

521. Between 2022 and July 2024, the Mission identified no new cases of deaths in the context of protests. Neither did report them Venezuelan civil society organisations, such as the Venezuelan Observatory of Social Conflict (OVCS); Justicia Encuentro y Perdón, or the Venezuelan Programme for Human Rights Education and Action (PROVEA).⁷³⁴

522. According to OVCS, between 29 and 30 July 2024, 915 protests took place across the country. In 119 of these protests, OVCS observed the presence of armed civilians, known as “colectivos” (groups of armed civilians associated with the Government).⁷³⁵ During August 2024, OVCS registered 413 new protests, of which 367 (89 per cent) were calling for civil and political rights.⁷³⁶

523. During the post-election protests, primarily those that took place between 28 and 30 July, the Mission documented a number of incidents that left at least 25 persons dead. Of the

⁷³¹ Detailed Findings of the Mission 2020, paras. 1559, 1592, 1593, 1600, and 1601.

⁷³² *Ibid.*, paras. 1592 and 1597.

⁷³³ Restrictions on civic and democratic space, A/HRC/54/CRP.8, para. 157.

⁷³⁴ See Programa Venezolano de Educación y Acción en Derechos Humanos (PROVEA), Situación de los derechos Humanos en Venezuela 2023. Available: <https://provea.org/wp-content/uploads/2024/04/18-Vida-Provea-2023.pdf>

⁷³⁵ Observatorio Venezolano de Conflictividad Social (OVCS), “OVCS y CDJ denuncian incremento de la represión por civiles armados y cuerpos de seguridad en Venezuela”, 3 August 2024. Available at: <https://www.observatoriodeconflictos.org.ve/comunicados-2/comunicado-915-protestas-postelectorales-138-reprimidas-durante-29-y-30-de-julio>

⁷³⁶ OVCS, Conflictividad social en Venezuela durante julio de 2024, 23 July 2024. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-durante-julio-de-2024>

deaths, 24 were caused by gunshot wounds, and in one the person died as a result of a beating. One of those killed by firearms was a member of the GNB. All the others were civilians.

524. The Mission carried out independent documentation, verification and investigation of these deaths. This work was based on the large amount of information reported directly to the Mission by civil society organisations and individuals, or obtained from open sources, including social media, since the day after the presidential election.

525. As a result of this work, the Mission has been able to identify, at the time of finalising the present report, the names and other individualised data of the 25 deceased persons, including dates, places (states, municipalities and parishes) where the fatal events occurred, as well as the cause of each of those deaths. It has also identified preliminary information on the circumstances in which the deaths occurred and the actors who were present during the incidents, including State security forces and armed civilians. The information analysed and investigated does not allow at the time of closing the present report to reach conclusive determinations about responsibility for the deaths. More time is needed to investigate further.

526. The Mission has begun investigating all 25 cases and has reached reasonable grounds to believe in relation to different factual elements in each of them. Due to the constraints on the investigation - in particular, the widespread and well-founded fear of witnesses, relatives and other sources - the Mission was not able to obtain the same level of corroboration in each of the cases under investigation. Some of the remote interviews scheduled with certain sources were cancelled because those persons did not feel safe. Other planned interviews did not take place because the Mission's intermediaries reported that the victims' relatives had been threatened that if they gave information to third parties they would not be granted access to their loved ones bodies.

2. Profiles of the victims

527. On 12 August 2024, the Attorney General announced an initial total of 25 deaths that occurred during the protests of 29 and 30 July 2024, without providing the names of all the deceased or the circumstances of their deaths.⁷³⁷

528. Among the 25 dead, the Attorney General included two officials of the State security forces: a sergeant of the Bolivarian National Guard (GNB), José Antonio Torrents Blanca, and a second official whom he did not identify. On another occasion, the Attorney General reported that the second official was named Yorman Martínez, another member of the GNB, who had been run over by an individual who, “*under the influence of alcohol and out of intolerance and hatred, expressly and premeditatedly [ran him over] while he was on patrol on a motorbike in Porlamar [Nueva Esparta State]*”.⁷³⁸

529. On 19 August 2024, at a meeting of the Government party, President Maduro reported the death of two more persons in the post-election context: two women activists belonging to that political organisation. The President affirmed that the two women were “*assassinated by the comanditos [local groups of supporters of the Unitary Platform] of María ‘Fascist’ Machado*”.⁷³⁹ The Mission did not find sufficient evidence to be able to document the circumstances of those deaths mentioned by the President.

⁷³⁷ Swissinfo, “Venezuelan Prosecutor's Office confirms 25 dead in protests against election result”, 12 August 2024. Available at: <https://www.swissinfo.ch/spa/la-fiscal%C3%ADa-de-venezuela-confirma-25-muertos-en-las-protestas-contra-resultado-electoral/86692383>.

⁷³⁸ Alba Ciudad 96.3 FM, “Fiscal General confirmó 25 muertos por violencia post-electoral: Conozca algunos de los casos más emblemáticos”, 12 August 2024. Available at: <https://albaciudad.org/2024/08/tarek-william-saab-25-muertos-elecciones-casos-emblematicos>.

⁷³⁹ El Tiempo, “Nicolás Maduro acusó a María Corina Machado y a Edmundo González de la muerte de dos militantes chavistas, en Venezuela”, 19 August 2024. Available at: <https://www.eltiempo.com/mundo/venezuela/nicolas-maduro-acuso-a-maria-corina-machado-y-a-edmundo-gonzalez-de-la-muerte-de-dos-militantes-chavistas-en-venezuela-3373216>; Swissinfo, “Maduro declara ‘mártires’ a dos militantes chavistas ‘asesinadas’ tras los comicios”, 19 August 2024. Available at: <https://www.swissinfo.ch/spa/maduro-declara-%22m%C3%A1rtires%22-a-dos-militantes-chavistas-%22asesinadas%22-tras-los-comicios/87224130>.

530. On 21 August 2024, the Attorney General added to the figure of 25 deaths, the death of “two motorcyclists whose deaths are under investigation by the Office of the Attorney General”.⁷⁴⁰ The Mission has also not obtained sufficient information to be able to document the circumstances of those two deaths and has asked the Attorney General for information on those deaths as well as on the others it has documented. At the time of writing, the Mission had not received a response.

531. For their part, Venezuelan NGOs provided total numbers of deaths ranging from 23 to 25 persons. Monitor de Víctimas, for example, documented the deaths of 23 persons,⁷⁴¹ and PROVEA reported 25.⁷⁴²

532. As mentioned, the Mission was able to document the deaths of 25 persons in incidents during protests or rallies, including basic details of their identities (Table 4).

Table 4
Victims killed in the context of the post-election protests

<i>Name</i>	<i>Gender</i>	<i>Age</i>
Isaías Jacob Fuenmayor González	Male	15
Ángel David Mora	Male	17
Jeison Gabriel España Guillén	Male	18
Anthony Enrique Cañizales Garetá	Male	19
Luis Eduardo Roberto Hernández	Male	19
Jhon Alejandro Graterol Mendoza	Male	19
Anthony David Moya Mantia	Male	20
Jesús Gregorio Tovar Perdomo	Male	21
Dorian Rair Rondón	Male	22
Jeison Javier Bracho Martínez	Male	22
Olinger Johan Montaña López	Male	23
Euris Junior José Mendoza Royé	Male	24
José Antonio Torrents Blanca	Male	26
Aníbal José Romero Salazar	Male	26
Carlos Oscar Porras	Male	26
Gustavo Rojas	Male	29
Walter Páez Lucena	Male	29
Rancés Daniel Yzarra Bolívar	Male	30
Gabriel Ramos	Male	33
Victor Alfonzo Bustos	Male	34
Yorgenis Emiliano Leyva Méndez	Male	35
Andrés Alfonso Ramírez Castillo	Male	36
Julio Valerio García	Male	40
Edgar Alexander Aristeguieta	Male	42
Jesús Ramón Medina Perdomo	Male	56

Source: Mission’s own investigations

⁷⁴⁰ Swissinfo, “Death toll rises to 27 in Venezuela’s post-election crisis”, 22 August 2024. Available at: <https://www.swissinfo.ch/spa/sube-a-27-el-n%C3%BAmero-de-muertos-en-crisis-poselectoral-en-venezuela/87424349>.

⁷⁴¹ Runrunes, “Van 23 muertes por protestas electorales en nueve estados de Venezuela”, 10 August 2024. Available at: <https://runrun.es/monitor-de-victimas/561899/van-23-muertes-por-protestas-electorales-en-nueve-estados-de-venezuela>.

⁷⁴² Programa Venezolano de Educación y Acción en Derechos Humanos (PROVEA), Informe Especial: “Gobierno de Maduro rompe cifras históricas de represión en Venezuela”, 23 August 2024. Available at: <https://provea.org/actualidad/informe-especial-gobierno-de-maduro-rompe-cifras-historicas-de-represion-en-venezuela>.

533. All of the victims registered were male. Sixty-eight percent (17) were under the age of 30. Of these, 12 were youths, that is, 24 years old or younger.⁷⁴³ Two of the victims were children, one aged 15 and one aged 17.⁷⁴⁴

534. Most of the victims were residents of low-income neighbourhoods located in areas where the Government party had historically enjoyed the most support. According to several civil society organisations, the persons killed included, among others, labourers, motorbike taxi drivers, barbers and small shopkeepers.

535. Among those deaths documented by the Mission is also a member of the GNB, Sergeant José Antonio Torrents Blanca. The Mission could not obtain information to document the death of the second officer named by the Attorney General (Yorman Martínez). Torrents Blanca died on 29 July 2024 at a protest in Maracay, Aragua State, where six demonstrators were also killed. In the Attorney General's version, the sergeant was killed by "terrorist groups" or "criminal groups instrumentalised by the so-called comanditos".⁷⁴⁵

536. Other versions suggested that the shots that caused the death of Sergeant Torrents did not come from armed civilians, but from military personnel, who could have been members of the Bolivarian Army⁷⁴⁶ or the GNB, who arrived to repress the protest.⁷⁴⁷ According to those versions, the other six deaths that occurred during the same protest were also caused by the shots fired by military personnel.

3. Temporal and geographical context of the deaths

537. According to the information obtained and the analysis of numerous pieces of evidence, including videos and testimonies, the Mission found that most of the protests were peaceful.⁷⁴⁸ Some of the protests did turn violent, resulting in some protesters damaging public property (e.g. government offices, monuments and others)⁷⁴⁹ and private property (e.g. PSUV headquarters in different municipalities).⁷⁵⁰

538. According to information analyzed by the Mission, in the protests where violence occurred, demonstrators threw Molotov cocktails, bottles and stones, and carried sticks and other blunt objects.

⁷⁴³ "The United Nations, without prejudice to any other definition made by Member States, defines youth as those between the ages of 15 and 24". See United Nations, "Who are young people? Available at: <https://www.un.org/es/global-issues/youth>.

⁷⁴⁴ Article 1 of the United Nations Convention on the Rights of the Child states: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". The Bolivarian Republic of Venezuela is a State party to this convention.

⁷⁴⁵ Latest news, "Tiros en espalda y cabeza causaron muertes post 28J", 14 August 2024. Available at: <https://ultimasnoticias.com.ve/noticias/sucesos/tiros-en-espalda-y-cabeza-causaron-muertes-post-28j>.

⁷⁴⁶ Programa Venezolano de Educación y Acción en Derechos Humanos (PROVEA), *Informe Especial / Gobierno de Maduro rompe cifras históricas de represión en Venezuela*, 23 August 2024. Available at: <https://provea.org/actualidad/informe-especial-gobierno-de-maduro-rompe-cifras-historicas-de-represion-en-venezuela>.

⁷⁴⁷ *Ibid.*; Interview QQIV115

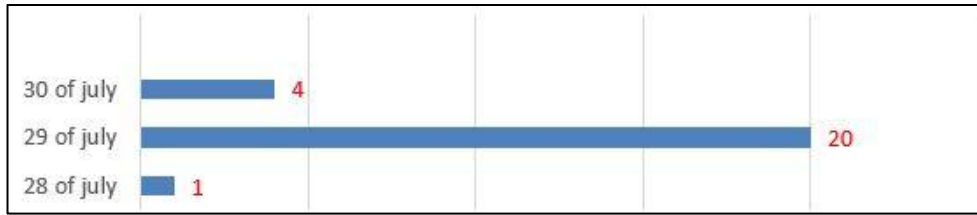
⁷⁴⁸ Post on Instagram by Carmen Elisa Pecorelli [@celisapecorelli], 30 July 2024. Available at: <https://www.instagram.com/p/C-DjpS6OG7S>; Post on Instagram by Carmen Elisa Pecorelli [@celisapecorelli], 30 July 2024. Available at: <https://www.instagram.com/p/C-DxWh5hKto>; Post on Instagram by El Aragueno | Medio Digital [@elaraguenodigital], 29 July 2024. Available at: https://www.instagram.com/elaraguenodigital/p/C-BIMYVv2Xo/?img_index=1; Post on Instagram by Diario El vistazo [@diarioelvistazo], 30 July 2024. Available at: <https://www.instagram.com/p/C-DfGvngET-/?hl=es>; YouTube video, Agencia EFE, [@efeagenciaefe], "Miles de venezolanos salen a las calles en el segundo día de protestas", 30 July 2024. Available at: <https://www.youtube.com/watch?v=vh68tqlFQCc>.

⁷⁴⁹ BBC News World, "At least 5 statues of Hugo Chávez toppled during protests in Venezuela", 30 July 2024. Available at: <https://www.bbc.com/mundo/articles/cw4yz8r472lo>; Red+, "Crowds topple more statues of Hugo Chávez and other symbols of Chavismo in Venezuela", 29 July 2024. Available at: <https://redmas.com.co/mundo/Multitudes-derriban-mas-estatuas-de-Hugo-Chavez-y-otros-simbolos-del-chavismo-en-Venezuela-20240729-0054.html>.

⁷⁵⁰ Post on X by Tarek William Saab [@TarekWilliamSaab], 29 July 2024. Available at: <https://x.com/TarekWilliamSaab/status/1818110999217492065/video/2>.

Figure 3

Dates of fatal incidents in the context of protests documented by the Mission



Source: Mission's own investigations.

539. As documented by the Mission, the first of the fatalities occurred on the night of 28 July 2024, in the municipality of Guásimos, Táchira State, in the vicinity of a polling station. On 29 July 2024, another 20 fatal incidents occurred, the day with the highest number recorded. On 30 July 2024, another four fatal incidents took place. The Mission has not registered any new incidents resulting in deaths since that date.

540. Fatal incidents occurred at an average of one every two hours between 29 and 30 July 2024. In most cases, the deaths occurred in the same place and at the same time as the protests. In some cases, the victim died one or more days later, as a result of injuries sustained:

- a) Luis Eduardo Roberto Hernández died on 31 July 2024, a day after he was shot in the head during a protest in the Piar municipality of Bolívar State.
- b) Gabriel Ramos, who was wounded in the head on 29 July 2024, died on 2 August 2024 at the Central Hospital in Maracay, Aragua State.
- c) Walter Páez Lucena was injured in a protest in Carora, Lara State, on 30 July 2024 and died on 4 August 2024 at the Dr. Antonio María Pineda Central Hospital in Barquisimeto.
- d) Andrés Alfonso Ramírez Castillo died on 21 August 2024 at the Central Hospital in Maracay, 23 days after being shot three times in the neck, leg and abdomen during a protest in San Jacinto, Aragua State.

541. The deaths occurred in 10 of the 24 territorial entities of the Bolivarian Republic of Venezuela (23 states plus the Capital District). The map below shows that deaths occurred in 41% of the Venezuelan territory, with the Capital District and the state of Aragua being the most affected by these events, with 8 (32%) and 7 (28%) deaths respectively.

Figure 4

Map with number of deaths by State



The boundaries and names shown, and designations used on this map do not imply official approval or acceptance by the United Nations.

Source: Mission's own investigations.

542. The eight fatal incidents in the Metropolitan District of Caracas occurred in the municipality of Libertador, in five different parishes: El Valle (one, near Calle Cajigal), Sucre (one, on the old Caracas - La Guaira highway), San Juan (one, in the vicinity of the Capuchinos metro station, and another, on Avenida San Martín), Antímáno (one, on Avenida Intercomunal de Antímáno, adjacent to the Social Security office, and another, in the Carapita sector) and Macarao (one, near the La Nieves sector).

543. The seven fatal incidents in the state of Aragua all occurred in the Girardot municipality, in the city of Maracay, in the vicinity of the obelisk at the San Jacinto roundabout.

544. Regarding the two fatal incidents in the state of Zulia, one occurred in Maracaibo, in the vicinity of Avenida 40, near Eduardo Mathías Lossada National Highschool and the Municipal Command of PSUV 39; and the second, in the municipality of Cabimas, Ambrosio parish, in the vicinity of Pedro J. Hernández high school.

545. The two fatal incidents in Miranda State occurred in the same municipality, Plaza, and also in the same city, Guareñas. The first took place in the urbanisation La Vaquera and the second near Plaza Bolívar.

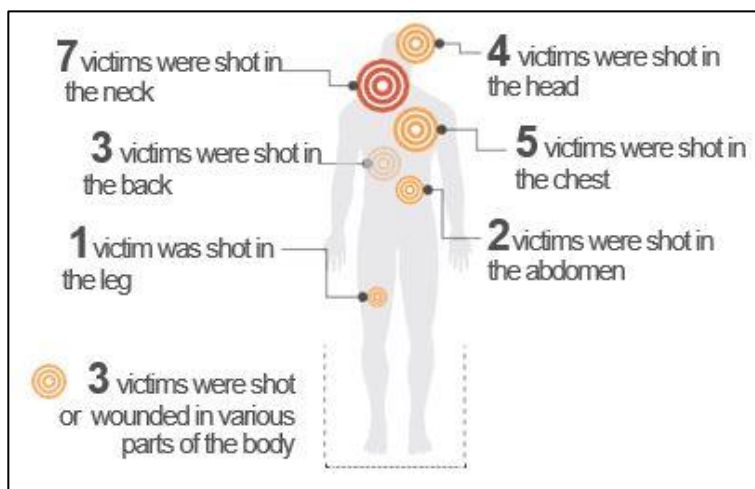
546. The fatal incident in the Bolívar State occurred in the municipality of Piar, in the central part of the city of Upata; the one in the Carabobo State, in the Naguanagua municipality, in the city of the same name, in the vicinity of Avenida Universidad Naguanagua; and the one in the Lara State, in the Torres municipality, Carora parish, in front of the PSUV headquarters. The fatal incident in the state of Portuguesa occurred in the municipality and city of the same name, Guanare, on Simón Bolívar Avenue; in the state of Táchira, the fatal incident occurred in the municipality of Guásimos, Palmira parish, Patiecitos sector; and in the state of Yaracuy, the incident occurred in the municipality of Peña, Yaritagua parish, near the Yaritagua overpass.

4. Causes of death

547. Of the 25 deaths documented and preliminarily investigated by the Mission, 24 were caused by gunshot wounds and one by injuries sustained from beating.

548. The Mission obtained death certificates and/or death records for seven of the persons who lost their lives. In all the documents reviewed by the Mission, the cause of death is stated to have been caused by gunshot wounds. On the basis of corroborating information from reliable and credible sources, including testimonies from relatives and public officials, documents, photographs, videos and others, the Mission has reasonable grounds to believe that 17 other victims also died from gunshot wounds.

Figure 5
Location of wounds on victims



Source: Mission's own investigation.

549. The Mission has not been able to determine the type of ammunition fired at the 24 persons killed by firearms, which is not recorded in the death certificates and death records. However, in one of the cases - one of the seven deaths that occurred at the protest at the obelisk of San Jacinto in Maracay - the Mission was informed by a family member that the hospital confirmed that the projectile found in the victim's body was a rifle bullet.⁷⁵¹

550. According to information received by the Mission, the death of Ángel David Mora was caused by injuries resulting from a severe beating.⁷⁵² The Mission documented that Mora and other youths were captured in retaliation for the toppling of a statue of Hugo Chávez during protests in Guanare, Portuguesa State. Mora was found dying in a street hours later with multiple contusions and died in the intensive care unit of a hospital.

5. Responsibility for the deaths

551. The Attorney General attributed all of the deaths “to criminal groups instrumentalised by the misnamed ‘comanditos’”.⁷⁵³ He also stated that he had no information about any cases of excessive use of force by the security forces.⁷⁵⁴ On 19 August 2024, in another interview, the Attorney General stated that María Corina Machado and Edmundo González could, “at any moment”, be “held responsible as the masterminds of all these events”.⁷⁵⁵

552. Two days later, on 21 August 2024, the Attorney General stated that “of all the victims [27 according to official data], 70 per cent were killed by criminal groups”. The Attorney General also claimed that none of the deaths were attributable to State actors “because we have not received a single complaint”.⁷⁵⁶ In this regard, a relative of one of the persons killed told the Mission that his family had not filed a complaint with the authorities - despite having information that their loved one's death occurred when the GNB repressed the protest near the obelisk of San Jacinto in Maracay - for fear of reprisals and because they distrust the justice system in the country.

553. In addition, the Attorney General indicated that the deaths occurred because violent “protesters” burned down buildings with persons inside.⁷⁵⁷ As mentioned above, the Mission has not documented any deaths in the context of the protests caused by burns or asphyxiation, or inside burned buildings.

554. According to public information registered by the Special Follow-up Mechanism for Venezuela (MESEVE) of the Inter-American Commission on Human Rights, of a total of 23 deaths registered, 10 are linked to the security forces (eight to FANB and two to the

⁷⁵¹ Interview QQIV115

⁷⁵² See Publication on X by Emanuel Figueroa [@EmaFigueroaC], 2 August 2024. Available at: <https://twitter.com/EmaFigueroaC/status/1819531542755975631>.

⁷⁵³ YouTube video, Telesur, [@telesuroficialvideos], “En Venezuela los grupos “Comanditos” son implicados en asesinatos”, 12 August 2024. Available at: <https://www.youtube.com/watch?v=-FyLQp5OVt0>.

⁷⁵⁴ Caracol Radio, “No existen órdenes de captura contra Machado y González: Saab, fiscal general de Venezuela”, 4 August 2024. Available at: <https://caracol.com.co/2024/08/04/no-existen-ordenes-de-captura-contra-machado-y-gonzalez-saab-fiscal-general-de-venezuela>.

⁷⁵⁵ Caraota Digital [@decaroatadigital] Instagram post, 19 August 2024. Available at: <https://www.instagram.com/caraotadigital/reel/C-3AzNwJQcQ/?locale=zh-TW>; CNN en Español, “Fiscal general de Venezuela advierte que González y Machado pueden ser responsabilizados por las muertes de manifestantes”, 20 August 2024. Available at: <https://cnnespanol.cnn.com/video/oposicion-denuncia-tsj-redaccion-buenos-aires-tv-fast>.

⁷⁵⁶ La Nación, “El fiscal general de Venezuela confirma 27 muertes y dice que no fueron causadas por las autoridades”, 21 August 2024. Available at: <https://www.lanacion.com.ar/agencias/el-fiscal-general-de-venezuela-confirma-27-muertes-y-dice-que-no-fueron-causadas-por-las-autoridades-nid21082024>.

⁷⁵⁷ Caracol Radio, “No existen órdenes de captura contra Machado y González: Saab, fiscal general de Venezuela”, 4 August 2024. Available at: <https://caracol.com.co/2024/08/04/no-existen-ordenes-de-captura-contra-machado-y-gonzalez-saab-fiscal-general-de-venezuela>.

police), six to colectivos (groups of armed civilians) and two to “joint actions between State forces and non-State groups”.⁷⁵⁸

555. The NGO Monitor de Víctimas attributed eight of the deaths to members of FANB, two to police officials, six to colectivos and one to police and colectivos working together.⁷⁵⁹ PROVEA, for its part, has identified the army as responsible in seven cases, the PNB's Directorate of Strategic and Tactical Actions (DAET) in two cases, GNB in one case, the police forces of the states of Miranda, Carabobo, Portuguesa and Yaracuy in four cases (one each), and colectivos in ten cases.⁷⁶⁰

556. The Mission obtained more than 400 videos related to the protests of 29 and 30 July 2024 in the different states of the country, one hundred of which it was able to analyze in detail before the closing of the present report. The Mission has observed in those videos the presence of armed security forces, notably officials belonging to PNB, GNB and local police forces, sometimes firing shots in the direction of demonstrators. So far, the Mission has documented the presence of State security forces in at least eight of the fatal incidents in the context of protests.

557. For example, in the case of the fatal incidents that occurred on the afternoon of 29 July 2024 in the vicinity of the San Jacinto roundabout and the former 42nd Army Parachute Infantry Brigade (currently the headquarters of the GJ Félix Antonio Velásquez 99th Army Special Forces Brigade)⁷⁶¹ in Maracay, there was a large presence of GNB officials in charge of maintaining law and order. Demonstrators protesting at the roundabout headed towards the brigade, which was guarded by military personnel. At 5 p.m. a GNB Immediate Reaction Group (GRI)⁷⁶² arrived, with approximately 20 motorcycles each with driver and another official, equipped with shields, shotguns, and tear gas, among others, and supported by a white VN4 armoured vehicle with a tear gas canister launcher.⁷⁶³ GNB officials set up in a line formation in order to establish a barrier and prevent the advance of the demonstrators located a few metres away from the brigade.⁷⁶⁴

558. At 5:37 p.m., GNB officials began to fire tear gas at the demonstrators, who had broken through the barricade. A large number of demonstrators ran towards the barricade and, after a few shots were fired, retreated and ran for cover. Minutes later, after the momentary chaos caused by the dispersal of the demonstrators, some of them burned tyres on the public road.⁷⁶⁵

559. A video analyzed by the Mission shows that as the protest continued into the evening, a person wounded by a firearm is transported by two other persons on a motorbike. They ask for help from an official of the Transit Police⁷⁶⁶ who tells them to take him to an

⁷⁵⁸ IACHR, Press Release No. 184/24: IACHR and RELE Condemn State Terrorism Practices in Venezuela, 15 August 2024

⁷⁵⁹ Runrunes, “Van 23 muertes por protestas electorales en nueve estados de Venezuela”, 10 August 2024. Available at: <https://runrunes.org/monitor-de-victimas/561899/van-23-muertes-por-protestas-electorales-en-nueve-estados-de-venezuela>.

⁷⁶⁰ PROVEA, Informe Especial: “Gobierno de Maduro rompe cifras históricas de represión en Venezuela”, 23 August 2023. Available at: <https://provea.org/actualidad/informe-especial-gobierno-de-maduro-rompe-cifras-historicas-de-represion-en-venezuela>.

⁷⁶¹ Publication in threads by Ejército Bolivariano [@ejercito_bolivariano], 6 March 2024. Available at: https://www.threads.net/@ejercito_bolivariano/post/C4MSVd0s-Nm.

⁷⁶² According to the GNB public order manual, an Immediate Reaction Group (GRI) is composed of “Two (02) Officials, the Commander and his Assistant, who will carry the following means of Public Order: one (01) radio, one (01) megaphone and one (01) binoculars; thirty-eight (38) elements of public order with the following means: fourteen (14) protection squires, eight (08) shotgunners, four (04) carabinieri, eight (08) capture elements, one (01) fire extinguisher holder, one (01) garrapiño holder, one (01) portable supply pouch holder, one (01) video recorder holder”. Document TTDC029 [GNB Public Order Manual], para. 117.

⁷⁶³ *Ibid.*

⁷⁶⁴ Document TTOS036 [Video Grupo de Reacción Inmediata (GRI) de la GNB].

⁷⁶⁵ Document TTOS035 [Video GNB disperses demonstrators in San Jacinto, Maracay].

⁷⁶⁶ Infobae, “Quién era Rancés Yzarra, el primer muerto en las protestas contra el fraude electoral del régimen de Maduro en Venezuela”, 30 July 2024. Available at:

Aragua Transit patrol van (with the insignia of the Ministry of the Interior) parked a few metres away. Several persons carry the injured man to the van, which drives off with two PNB officials and another person accompanying them.⁷⁶⁷ The injured man, Rancés Yzarra, arrived lifeless at the hospital.

560. Six other persons, including a member of GNB, died in the same demonstration, all from gunshot wounds.⁷⁶⁸ One of the persons killed in the protest was wounded by a shot from a rifle, according to information received by the Mission.

561. In the case of Isaías Fuenmayor, a 15-year-old boy who died on 20 July 2024 in Zulia State, a group of officials from the State security forces, wearing green uniforms and riding motorbikes, allegedly identified as members of GNB, dispersed and detained peaceful demonstrators a few hours before his death. According to sources consulted by the Mission, some witnesses saw a group of green-clad motorised security forces firing their weapons into the air. Others claimed to have heard from witnesses that Fuenmayor was shot by an official from a security force.⁷⁶⁹ The Mission has so far been unable to verify the information received.

562. The Mission was also able to identify the presence of security forces at the protest held on 29 July 2024 in the municipality of Peña, Yaracuy State, where 18-year-old Jhon Alejandro Graterol died from a bullet wound to the chest. In a video of the same demonstration analyzed by the Mission, which was corroborated by other sources, one can observe a group of at least 15 officers of the GNB and the Yaracuy state police, four of them with shotguns and two firing their weapons.⁷⁷⁰

563. With reference to the colectivos, the NGO PROVEA affirmed that they acted in “open coordination with officials of the security forces in repressing demonstrations”.⁷⁷¹ In this regard, the Mission has identified that during demonstrations, groups of armed civilians operated and fired shots without being prevented from doing so by the security forces, even when they were only metres away from them. However, the involvement of these groups needs to be further investigated to determine responsibilities.

564. In a case that occurred in Caracas on 29 July 2024 in the afternoon, a few metres from the Miraflores presidential palace, on Urdaneta Avenue in front of the Santa Capilla Basilica, the Mission was able to verify how a group of PNB officials in formation and equipped to maintain law and order (with helmets, protective shields and batons) prevented the passage of persons who were demonstrating, while a group of armed civilians detained some demonstrators and fired pistols. At one point, the PNB officials retreated a few metres from the scene, allowing the armed civilians to continue firing. Some of those armed civilians, when they ran out of ammunition, even changed their weapon's magazines and fired

<https://www.infobae.com/venezuela/2024/07/30/quien-era-rances-yzarra-el-primer-muerto-en-las-protestas-contra-el-fraude-electoral-del-regimen-de-maduro-en-venezuela>; Document TTOS034 [Video of Rancés Yzarra].

⁷⁶⁷ Document TTOS033 [Video of Rancés Yzarra].

⁷⁶⁸ Post on X by Paúl Esteban [@Paul_Trejo], 2 August 2024. Available at: https://x.com/Paul_Trejo/status/1819429041079803989; Facebook post by Noticias Venezuela en Contacto, 2 August 2024. Available at: https://www.facebook.com/story.php/?story_fbid=919798323500204&id=100064101330641&_rdr; Te Lo Cuento News Venezuela Facebook post, 30 July 2024. Available at: https://www.facebook.com/TeLoCuentoNewsV/videos/30julio-ascienden-a-2-los-fallecidos-en-aragua-y-m%C3%AAs-de-20-heridos-en-medio-de-l/1025819718494741/?_rdr; TikTok post by Núcleo Noticias [@nucleonoticias], 29 July 2024. Available at: <https://www.tiktok.com/@nucleonoticias/video/7397265499484065030>.

⁷⁶⁹ Document HHDC195 [Protest Videos]; Interviews HHIV144 and HHIV138; Post on X of Versión Final [@VersionFinal] Newspaper, 29 July 2024. Available at: <https://x.com/VersionFinal/status/1818053948009218530>.

⁷⁷⁰ Post on X by CAMPO [@Campo_ONG], 29 July 2024. Available in: https://x.com/Campo_ONG/status/1818131497028600238.

⁷⁷¹ Programa Venezolano de Educación y Acción en Derechos Humanos (PROVEA), *Venezuela: la represión escala en un intento brutal por ahogar los reclamos ciudadanos*, 4 August 2024. Available at: <https://provea.org/actualidad/venezuela-la-represion-escala-en-un-intento-brutal-por-ahogar-los-reclamos-ciudadanos>.

again in the direction of the demonstrators, all with the acquiescence of PNB officials who allowed them to act freely.⁷⁷²

565. In another case, in the city of Güigüe, in the Municipality of Carlos Arvelo, Carabobo State, the Mission was able to observe the presence of an armed civilian with his face covered and carrying a long weapon who was patrolling alongside members of the Municipal Police.⁷⁷³

566. On the basis of the information obtained and investigated so far, the Mission has not reached, under its evidentiary standard of “reasonable grounds to believe”, a conclusive determination on the responsibility of security forces with or without the accompaniment of armed civilians in the deaths that have occurred in all 25 cases of killings. The Mission requires more time to deepen and finalise its investigations into those fatal events.

567. As with any potentially unlawful killing, regardless of whether or not a formal complaint has been received, the State has an obligation to promptly investigate, prosecute and punish the persons found guilty of all deaths occurring in the context of the post-election protests⁷⁷⁴.

6. Statements and messages from the authorities

568. The Mission has documented a series of statements made by the President of the Republic and other authorities days before or shortly after the presidential election that anticipated scenarios of armed violence and even deaths if his candidacy did not win.

569. On 11 July 2024, at a campaign rally in Aragua State, the President declared that “*on 28 July we will decide war or peace, guarimba or tranquillity, homeland or colony, democracy or fascism. Are you ready? Are you ready? I am ready...*”⁷⁷⁵

570. On 16 July 2024, less than two weeks before the presidential election, at a rally in La Vega, Caracas, President Maduro stated that “*the destiny of Venezuela in the 21st century depends on our victory on July 28. If you do not want Venezuela to fall into a bloodbath, into a fratricidal civil war caused by the fascists, let us guarantee the greatest success, the greatest victory in the electoral history of our people*”.⁷⁷⁶

571. That same day, according to reports on social media, President Maduro, along with his wife, Member of the National Assembly Cilia Flores, and half a dozen persons, privately asserted that “if we tell the people, the Armed Forces, and the police forces, to take to the streets, then there will be a revolution like in the 20th century, grassroots and armed; it will be another revolution. It would be inevitable, if the fascist right comes to power; a grassroots and armed revolution would be inevitable”.⁷⁷⁷

572. After the election and in the midst of protests and mass detentions, President Maduro, in a tour of Caracas on 31 July 2024, addressed dozens of GNB members to inform them that they already had “more than 1,200 captured criminals, who were trained in Texas,

⁷⁷² Document TTOS014 [Videos of armed civilians]; Post on Instagram by Venezuelans in New York _ NO TENEMOS MIEDO #ART350 [@venezolanosenyyc], 29 July 2024. Available at: <https://www.instagram.com/reel/C-BWVPTvfEd/?igsh=Y2RkN2g1aXNmZjJi>; Post on X by José [@joseleandro60], 1 August 2024. Available at: <https://x.com/joseleandro60/status/1819116601448583431?s=46>.

⁷⁷³ Document TTDC070 [Video of armed civilian, Carabobo State].

⁷⁷⁴ Human Rights Committee, General Comment No. 36 (Right to life), 30 October 2018, CCPR/C/GC/36, para. 13.

⁷⁷⁵ Post on Instagram by EL TIEMPO [@diario_eltiempo], 12 July 2024. Available at: <https://www.instagram.com/p/C9UpURYOndh>.

⁷⁷⁶ YouTube video, DW Español, [@dwespanol], “Maduro threatens bloodshed and civil war if he loses elections in Venezuela”, 18 July 2024. Available at: <https://www.youtube.com/watch?v=RT4IMEoUJt4>.

⁷⁷⁷ Facebook post by Yariguies Barrancabermeja, “Bloodbath” and “civil war”, Maduro's warnings if he loses the election. President Nicolás Maduro assured that his victory would prevent a civil war in Venezuela, 19 July 2024. Available at: <https://www.facebook.com/watch/?v=370454122452177>; Voice of America, “Maduro advierte que de su victoria depende que en Venezuela no haya un ‘baño de sangre’”, 18 July 2024. Available at: <https://www.vozdeamerica.com/a/maduro-advierte-que-de-su-victoria-depende-que-en-venezuela-no-haya-un-banio-de-sangre-/7703768.html>.

Colombia, Peru and Chile [...] to come and attack, to burn [...] they are fascists”. At the end of his speech to the military, he told them: “Knee to the ground, I am in combat and I am counting on you”.⁷⁷⁸ The expression “knee to the ground” used in this FANB context can be understood as meaning “defend the Government at all costs”, according to the interpretation of three Venezuelan military personnel consulted by the Mission. In response to this instruction from the President, the GNB Commander, Major General Elio Estrada Paredes, wrote on the social media platform X: “Knee to the ground my Commander-in-Chief Nicolás Maduro Moros, count on the undefeated and unbreakable Bolivarian National Guard, guarantee of peace and order for the sovereign people, we will win!”.⁷⁷⁹

573. On 30 July 2024, in the city of Guarenas, the mayor representing the PSUV in the municipality of Plaza, Miranda state, Freddy Rodríguez, gave a speech in which he said that “the revolutionary forces were activated for the defence of Guarenas”.⁷⁸⁰

574. On 30 July 2024, the mayor representing the PSUV in the municipality of Anaco, Anzoátegui State, Jesús David Ríos, in the company of dozens of motorcyclists, incited the community to participate in Operation Blowout (*remate*) and “to finish liquidating everyone”, making the gesture of cutting the neck and wielding a pistol.⁷⁸¹

575. President Maduro also issued messages denying the existence of deaths in the protests, and declared that the deaths, in some cases, were “false positives” to incite hatred, while rejecting the involvement of security forces.⁷⁸² For example, on 31 July 2024, at a press conference, President Maduro stated that Aníbal José Romero Salazar, nicknamed “Pimpina”, was not dead. However, the Mission has reasonable grounds to believe that Romero Salazar was indeed shot dead in a protest in the Antímano parish in the Metropolitan District of Caracas on 29 July 2024.

B. Arbitrary detentions after 28 July 2024

576. Arbitrary detentions of real or perceived opponents of the Government increased during the election campaign and particularly in the days following the election on 28 July 2024. Responding to protests against the results announced by the authorities, the Government launched a campaign of mass and indiscriminate detentions, while targeted arrests of opposition and civil society actors continued. The number of detentions reported by the authorities themselves reached numbers comparable only to the 2014, 2017 and 2019 protests.

577. In all the cases documented and investigated by the Mission, the persons were detained without warrants, on charges that had no legal basis, and without informing relatives and friends where they were being taken. In many cases, the detentions were the result of anonymous complaints or through electronic applications, like the *VenApp*. The mass nature of the detentions and the uncertainty of what awaited the persons detained caused widespread alarm and fear among the population.

1. Figures

578. At midday on 30 July 2024, the Attorney General condemned the demonstrations against the announcement of the election results in the early hours of 29 July 2024 as violent. Among the acts of violence, he noted attacks with Molotov cocktails, attacks on monuments,

⁷⁷⁸ Post on X by Nicolás Maduro [@NicolasMaduro], 31 July 2024. Available at: <https://x.com/NicolasMaduro/status/1818807344228450380>.

⁷⁷⁹ Post on X by M/G Elio Estrada Paredes [@ElioEstrada18], 31 July 2024. Available at: <https://x.com/ElioEstrada18/status/1818816995879797065>.

⁷⁸⁰ Post on Instagram by Freddy Rodríguez [@freddyarrodriguez], 30 July 2024. Available at: <https://www.instagram.com/p/C-D0yB5v6Ah/?hl=es>.

⁷⁸¹ TTOS018 [Video Alcalde de Anaco, edo. Anzoátegui, en compañía de policías, incita a acabar con la oposición 20240730].

⁷⁸² Post on X by Cazadores de Fake News [@cazamosfakenews], 2 August 2024. Available at: <https://twitter.com/cazamosfakenews/status/1819361722848911749>; Post on Instagram by Venezuela News Radio [@vnradio1049fm], 1 August 2024. Available at: <https://www.instagram.com/vnradio1049fm/reel/C-IuGN6PnRv>.

the burning of police and National Electoral Council headquarters and municipal facilities. He also claimed that the violence was promoted by the opposition, using hooded and armed persons who had been paid, criminals and persons under the influence of drugs. Commenting on the detentions, the Attorney General stated that, “up to [that] point, 749 of these criminals had been detained”.⁷⁸³

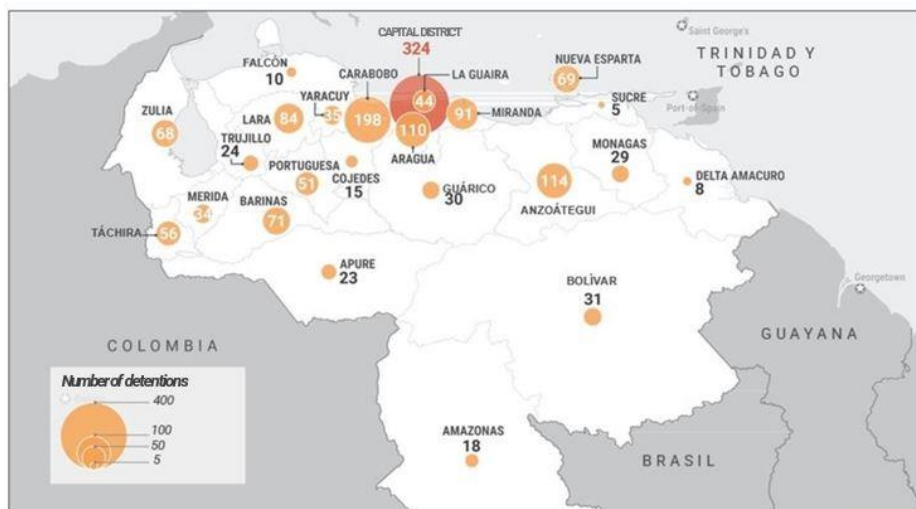
579. The following day, on 31 July 2024, the Attorney General announced that 1,062 persons had been arrested for “terrorist attacks perpetrated by violent demonstrators”.⁷⁸⁴

580. On 6 August 2024, President Maduro announced that, by that date, there were already 2,229 persons in detention, whom he described as “terrorists”.⁷⁸⁵

581. Between the number of detainees announced by the Attorney General on 30 July 2024 and that announced by the President, only six days apart, the increase was almost 200 percent. The authorities did not provide disaggregated data nor did they mention the locations of the detentions.

582. For their part, human rights organisations registered different numbers of detentions. The NGO Foro Penal documented a total number of 1,542 detentions between 29 July 2024 and 24 August 2024. The difference between the official figures and the NGO figures is exceptional in that, in the past, the figures published by the latter were always higher than those acknowledged by the authorities. According to Foro Penal, the detentions took place throughout the country in all 23 states and in the Metropolitan District of Caracas (Figure 6)⁷⁸⁶.

Figure 6
Map of detentions after the election of 28 July 2024



The boundaries and names shown, and designations used on this map, do not imply official approval or acceptance by the United Nations.

Source: Mission's own elaboration with data from Foro Penal (from 29 July to 24 August).

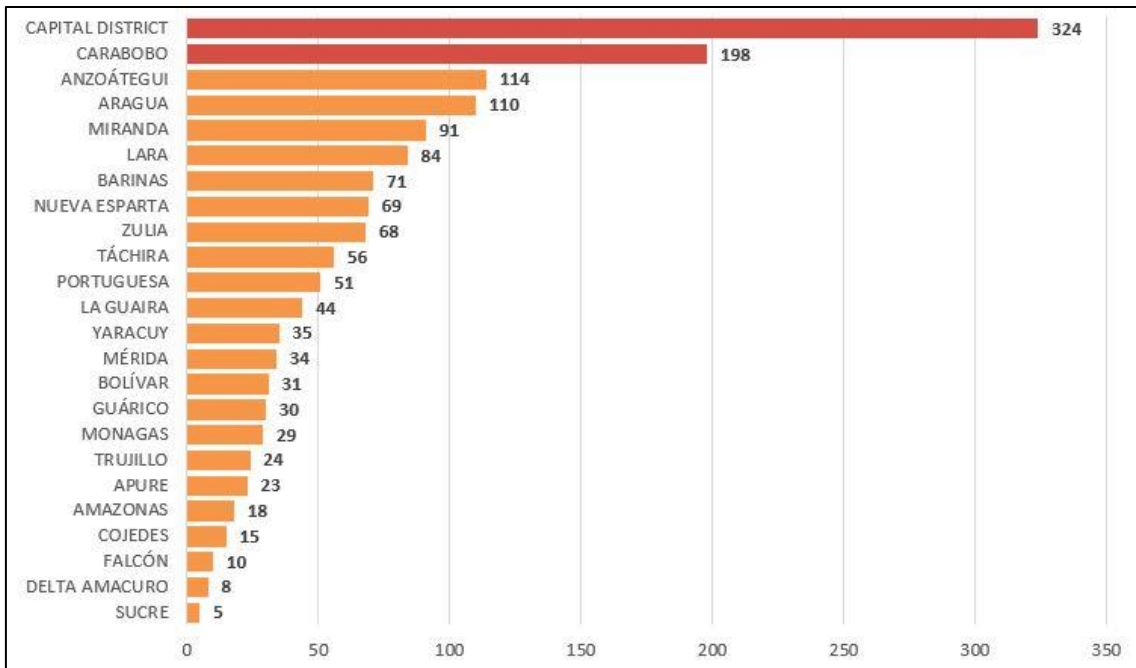
⁷⁸³ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR informó que hasta los momentos hay 749 detenidos por actos violentos en el país", 30 July 2024. Available at: <https://www.youtube.com/watch?v=I93sdPErteE&t=1245s> [min 20:30].

⁷⁸⁴ YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR Tarek William Saab actualizó a 1062 la cifra de detenidos durante focos de violencia en el país", 31 July 2024. Available at <https://www.youtube.com/watch?v=xxzkItzRjJc&rco=1>; Publication in X of the Public Prosecutor's Office of the Bolivarian Republic of Venezuela [@MinpublicoVEN], 4 August 2024. Available at: <https://x.com/MinpublicoVEN/status/1820097608951660667>.

⁷⁸⁵ YouTube video, Nicolás Maduro, [@NicolasMaduroM], "Nicolás Maduro | Gran Marcha de los Abuelos y Abuelas", 6 August 2024. Available at: <https://www.youtube.com/watch?v=rb-Q3hyTBcI> [min 32:16].

⁷⁸⁶ Foro Penal, "Political Prisoner in Venezuela". Available at: <https://foropenal.com/foro-penal-balance-de-presospoliticos-en-venezuela-al-26-de-agosto-2024>.

Figure 7.
Number of detentions by state

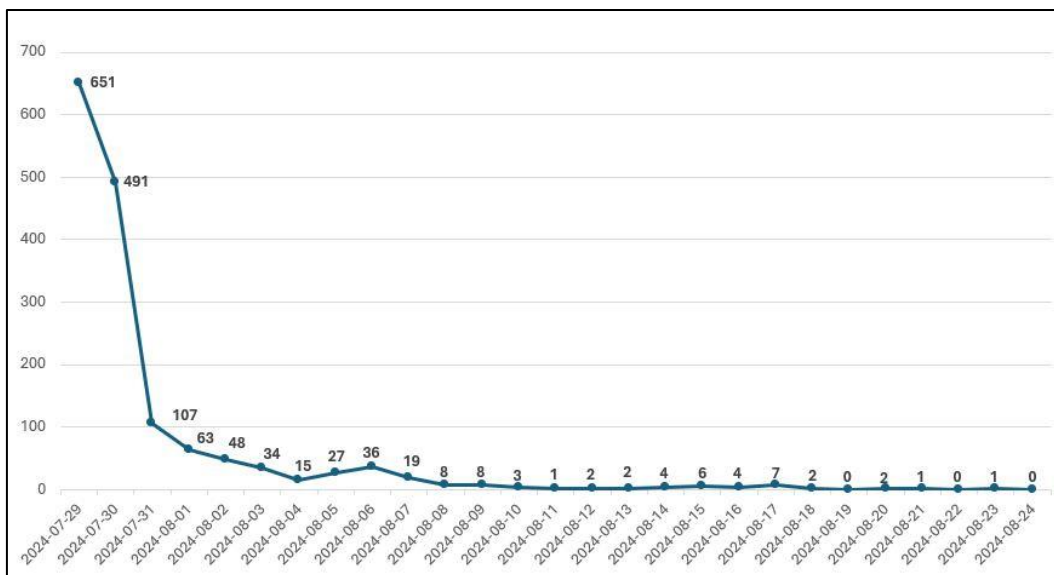


Source: Mission’s elaboration with data from Foro Penal (from 29 July to 24 August 2024).

583. According to figures from Foro Penal, the largest number of detentions took place in the six-day window from 29 July 2024 to 3 August 2024. During the first two days alone, the NGO registered more than 1,000 detentions. Ten days after the election results were announced, the NGO registered that the detentions progressively decreased, with some small spikes. In the days leading up to 24 August, the numbers of daily detentions had fallen to 2, to 1 and even to 0.

584. Given the large number of persons detained, either according to official information or civil society reports, as well as other limitations of access to information referred to above, the Mission was only able to document and investigate a limited number of cases so far.

Figure 8
Number of detentions per day



Source: Mission’s own elaboration with data from Foro Penal (from 29 Jul to 24 August 2024).

585. Within the universe of cases, the Mission was able to document 143 detentions, based on corroborated information from at least two credible sources, and was able to investigate 12. As for the remaining cases, the Mission considers that it is reasonable to question their legal basis and the existence of a prior and individualised investigation of a crime which would warrant the detentions and charges of extremely serious crimes.

2. Locations

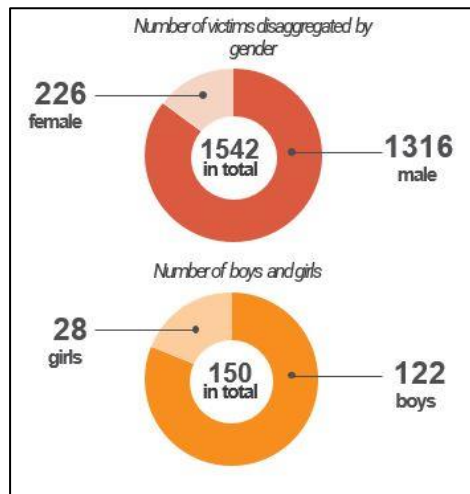
586. The information documented by the Mission does not make it possible at this stage to establish precisely how many detentions took place at the sites of the protests. The high number of detentions during the first days of the protests suggests that most of the arrests took place at the scene of the protests. Videos reviewed by the Mission support this inference, as they show that the security forces made detentions of several persons during the demonstrations.⁷⁸⁷ Another large number of detentions took place in private homes and on public roads.

587. On the basis of some examples, some civil society organisations determined that most of the detentions were carried out during the protests or shortly after they ended, when the demonstrators were leaving the gathering places. For example, Efecto Cocuyo, based on a sample of 50 persons detained up to 17 August 2024, concluded that 29 persons (58 percent) were detained during the demonstrations; 14 persons (28 percent) were detained at their homes; 2 persons (4 percent) at roadblocks; 2 persons (4 percent) at Maiquetia airport. The location of arrest of the three remaining persons (6 percent) was undetermined.⁷⁸⁸

3. Profile of the victims

588. Of the total number of persons detained between 29 July 2024 and 24 August 2024, as documented by Foro Penal, 85 per cent were male and 15 per cent female. The data from this source, and others consulted by the Mission, does not include other gender categories.

Graphic 9.
Victims by gender



Source: Mission's own elaboration with data from Foro Penal (from 29 July to 24 August 2024).

⁷⁸⁷ Document HHDC195 [Videos of protests in San Francisco, Zulia State]; Post on X by Joaquín L. Ramírez [@JoaquinRamirez], 5 August 2024. Available at: <https://x.com/JoaquinRamirez/status/1820394713888755830>; Post on X by Alerta News 24 [@AlertaNews24], 30 July 2024. Available at: <https://x.com/AlertaNews24/status/1818476128253739337>; Post on X of Stanley del 56% [@stanleybostero], 30 July 2024. Available at: <https://x.com/stanleybostero/status/1818465222450893236>; Post on X by Luisrgrb [@Luisrgrb65], 31 July 2024. Disponible en: <https://x.com/Luisrgrb65/status/1818655952083575032>.

⁷⁸⁸ Efecto Cocuyo, “Indefensión, vulnerabilidad y silencio: las mujeres detenidas en las protestas poselectorales”, 17 August 2024. Available at: <https://efectococuyo.com/la-humanidad/indefension-vulnerabilidad-y-silencio-las-mujeres-detenidoas-en-las-protestas-poselectorales>.

589. The high number of detentions of children and adolescents, confirmed by sources consulted by the Mission,⁷⁸⁹ which represents 10 per cent of the total number of detentions documented by Foro Penal, is an alarming figure, given their degree of vulnerability, that had not previously been registered by the Mission in its investigations of serious human rights violations in the Bolivarian Republic of Venezuela since 2014 (see *infra*, section 4).

590. Among all the persons detained, the Mission has identified a number of profiles which are detailed below.

a) Residents of working-class neighbourhoods, especially young men

591. Most of the persons detained in the post-election context were not politicians or persons with a known public profile, as was the case in the period prior to 28 July 2024. Rather, they were persons who expressed their rejection of and dissatisfaction with the Government and the announced election results, many of whom were from working-class neighbourhoods, especially young men.⁷⁹⁰

592. According to Foro Penal, 85 per cent of those detained were men and more than 95 per cent were residents of low-income neighbourhoods in different cities of the country.⁷⁹¹ OVCS confirmed that the demonstrations following the election were predominantly concentrated in the country's most vulnerable neighbourhoods and localities, which correlates with the socio-economic status of most of the persons detained.⁷⁹²

b) Members of opposition parties and political groups

593. After the election on 28 July 2024, targeted arrests of persons associated with opposition political parties and groups continued.

594. The Mission documented the detention of 66 members and leaders (including 9 women) of various opposition organizations and political parties (Vente Venezuela, Acción Democrática, Voluntad Popular, Primero Justicia, Convergencia, Causa R, Un Nuevo Tiempo) in 12 states of the country.⁷⁹³ Of these, the Mission investigated five cases (four men and one woman) in which it has concluded that there are reasonable grounds to believe that they were arbitrary detentions. These are the cases of Roland Carreño (Voluntad Popular), Williams Dávila (Acción Democrática), Ricardo Estévez (Vente Venezuela), María Oropeza (Vente Venezuela) and Freddy Superlano (Voluntad Popular). Details are given below.

595. On 7 August 2024, the Office of the Attorney General announced the opening of a criminal investigation against those responsible for the publication and maintenance of the website *resultadosconvzla.com*, on which the election tally sheets were published.⁷⁹⁴ Between 26 and 30 August 2024, the Office of the Attorney General summoned Edmundo González Urrutia three times to appear as a person of interest in the investigation.⁷⁹⁵ González

⁷⁸⁹ Documents PPDC186 and PPDC187; Foro Penal, "Political Prisoner in Venezuela". Available at: <https://foropenal.com/balance-de-presospolicos-en-venezuela-al-22-08-2024-por-foro-penal>.

⁷⁹⁰ Interview with Foro Penal, 7 August 2024; Interview with ODHULA, 9 August 2024 (QQIV098); VOA, "Maduro's repression turns against his traditional base: Venezuela's poor", 9 August 2024. Available at: <https://www.vozdeamerica.com/a/la-represion-de-maduro-se-vuelve-contra-su-base-tradicional-los-pobres-de-venezuela/7735970.html>; BBC News Mundo, "'El barrio bajó a Caracas': por qué los sectores populares lideran las protestas que cuestionan el triunfo de Maduro anunciado por el CNE", 30 July 2024. Available at: <https://www.bbc.com/mundo/articulos/c19kxz13wwdo>.

⁷⁹¹ Provea, Informe Especial: "Gobierno de Maduro rompe cifras históricas de represión en Venezuela", 23 August 2024. Available at: <https://provea.org/actualidad/informe-especial-gobierno-de-maduro-rompe-cifras-historicas-de-represion-en-venezuela>.

⁷⁹² Observatorio Venezolano de Conflictividad Social, *Conflictividad social en Venezuela durante Julio de 2024*, 23 August 2024. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-durante-julio-de-2024>.

⁷⁹³ Document WWDC086.

⁷⁹⁴ Post on X by Tarek William Saab [@TarekWilliamSaab], 7 August 2024. Available at: <https://twitter.com/TarekWilliamSaab/status/1821315584929448088>.

⁷⁹⁵ Telesur, "González Urrutia es citado nuevamente por el Ministerio Público", 26 August 2024. Available at: <https://www.telesurtv.net/gonzalez-urrutia-es-citado-nuevamente-por-el-ministerio>

Urrutia did not attend these summons, alleging the absence of “guarantees of independence and due process”.⁷⁹⁶ On 2 September 2024, the First Special Supervisory Court of First Instance with jurisdiction in cases linked to terrorism offences issued an arrest warrant against Edmundo González Urrutia,⁷⁹⁷ who, on 7 September 2024, González Urrutia was forced to go into exile in Spain as a result of the persecution to which he was subjected.⁷⁹⁸

c) Human rights defenders and activists

596. The Mission documented the detention of at least six human rights defenders and activists between 2 and 4 August 2024. In two of these cases, according to the information received, the persons were detained while exercising their profession as lawyers and defending the rights of detainees.

597. One of those detained is the lawyer Kennedy Tejada, from Foro Penal, who was arrested on 2 August 2024 in Carabobo State, when he was inquiring about some persons detained for their alleged participation in the protests.⁷⁹⁹ On the same day, Freddy Ferrer, another Foro Penal lawyer, was arrested without a warrant at the courthouse in Maracaibo, Zulia State, by DAET/PNB officials for denouncing violations committed against persons detained in that city. Ferrer was charged with “incitement to hatred”.⁸⁰⁰

598. The Mission investigated the case of a LGBTIQ+ activist, Yendri Velásquez, arbitrarily detained at Simon Bolivar International Airport as he was about to board a flight to Europe, including to participate in a session on Venezuela before the Committee on the Elimination of Racial Discrimination.⁸⁰¹ A humanitarian activist was also detained in similar circumstances.

d) Journalists and media workers

599. The Mission documented the detention of 10 journalists and media workers. The arrests included 7 men⁸⁰² and 3 women⁸⁰³, and occurred between 29 July and 25 August 2024.

600. According to information gathered by the Mission, at least three journalists were detained while carrying out their reporting duties. This is the case of Yousner Leomar Alvarado Medina, photojournalist and cameraman for Noticias Digital, who was arrested on 29 July 2024 while covering the demonstrations in the city of Barinas.⁸⁰⁴ Paul León, a

publico; El Universal, “Edmundo González incumple por tercera vez citación del Ministerio Público”, 30 August 2024. Available at: <https://www.eluniversal.com/politica/189735/edmundo-gonzalez-incumple-por-tercera-vez-citacion-del-ministerio-publico>.

⁷⁹⁶ Post on Instagram by Edmundo González Urrutia [@egonzalezurrutia], 25 August 2024. Available at: https://www.instagram.com/reel/C_HSe9IM4ZE/?utm_source=ig_web_copy_link.

⁷⁹⁷ Post on Instagram by the Public Prosecutor’s Office of the Bolivarian Republic of Venezuela, [@mpublicove], 2 September 2024. Available at: https://www.instagram.com/p/C_bvY0fNwC6/?igsh=N3ZzY2RmNzsc2gw.

⁷⁹⁸ Ministry of Foreign Affairs, European Union and Cooperation, “Edmundo González lands in Torrejón”, 8 September 2024. Available at: https://www.exteriores.gob.es/es/Comunicacion/Comunicados/Paginas/2024_COMUNICADOS/2024_0908_COMU049.aspx.

⁷⁹⁹ Foro Penal, “Kennedy Tejada, abogado Foro Penal detenido el 2 de agosto 2024”, 3 August 2024. Available at: <https://foropenal.com/kennedy-tejada-abogado-foro-penal-detenido-el-2-de-agosto-2024>; Post on X by Foro Penal [@ForoPenal], 4 August 2024. Available at: <https://x.com/ForoPenal/status/1820265254900642042>; Interview with Foro Penal, 14 August 2024 (QQIV106).

⁸⁰⁰ Interview QQIV099; Post on X by Justicia, Encuentro y Perdón [@JEPvzla], 2 August 2024. Available at: <https://x.com/JEPvzla/status/1819562836961776126>; Document QQDC094 [List of detainees from Foro Penal].

⁸⁰¹ Interview IIIV112, Document IIDC093 [travel documents].

⁸⁰² Yousner Leomar Alvarado Medina, Paul León, Gilberto Reina, Joaquín de Ponte, José Gregorio Camero, Roland Carreño and Fernando Chuecos.

⁸⁰³ Ana Carolina Guaita, Deisy Peña and Carmela Longo.

⁸⁰⁴ Post on X by IPYS Venezuela [@ipysvenezuela], 30 July 2024. Available at: <https://x.com/ipysvenezuela/status/1818380596034650163?s=46&t=2-kA5INzJzdanhAEa5JRGa>; IPYS,

cameraman for VPITV, was arrested by GNB on 30 July 2024 in Valera, Trujillo State, when he was covering a protest.⁸⁰⁵ Both were charged with terrorism.⁸⁰⁶

601. Journalist Joaquín de Ponte was detained on 30 July 2024 by PNB in San Juan de los Morros, Guárico State, while covering the post-election demonstrations. He was released on the same day.⁸⁰⁷ Ana Carolina Guaita, a reporter for La Patilla, was arrested on 20 August 2024 in Maiquetía, when she went out to report on opposition activities.⁸⁰⁸ The Inter-American Commission on Human Rights granted her provisional measures on 27 August 2024 in response to a petition alleging arbitrary detention and enforced disappearance.⁸⁰⁹

602. Other journalists were detained as a result of their professional publications on social media. Photojournalist Deisy Peña was detained in Los Teques on 2 August 2024 by officials of the Miranda State Police because of photos she took during a protest in Carrizal on 30 July 2024.⁸¹⁰ She was also charged with terrorism.⁸¹¹

603. In addition to arbitrary detentions, the Mission documented threats of detention and defamatory slurs by various authorities against journalists. On 6 August 2024, the Governor of Portuguesa State, Primitivo Cedeño, stated that journalists and newspaper owners would be criminally investigated for having published information about the post-election protests, referring to “news portals that have incited hatred”.⁸¹² Likewise, on 7 August 2024, the then member of the National Assembly, Diosdado Cabello, - who is currently Minister of Justice and the Interior - warned that journalists who published information about the election results

“Balance IPYSve: 79 ataques a la prensa independiente después de las presidenciales del 28J”, 5 August 2024. Available at: <https://ipysvenezuela.org/alerta/balance-ipysve-79-ataques-a-la-prensa-independiente-despues-de-las-presidenciales-del-28j>.

⁸⁰⁵ Post on X by IPYS Venezuela [@ipysvenezuela], 30 July 2024. Available at:

<https://x.com/ipysvenezuela/status/1818311349102915690>; IPYS, “Balance IPYSve: 79 ataques a la prensa independiente después de las presidenciales del 28J”, 5 August 2024. Available at: <https://ipysvenezuela.org/alerta/balance-ipysve-79-ataques-a-la-prensa-independiente-despues-de-las-presidenciales-del-28j>.

⁸⁰⁶ Post on X by SNTP [@sntpvenezuela], 26 August 2024. Available at:

<https://x.com/sntpvenezuela/status/1828057590615380395?s=12>.

⁸⁰⁷ IPYS, “Balance IPYSve: 79 ataques a la prensa independiente después de las presidenciales del 28J”, 5 August 2024. Available at: <https://ipysvenezuela.org/alerta/balance-ipysve-79-ataques-a-la-prensa-independiente-despues-de-las-presidenciales-del-28j>.

⁸⁰⁸ Post on X by SNTP [@sntpvenezuela], 30 July 2024. Available at:

<https://x.com/sntpvenezuela/status/1818474567586795853>; IPYS, “Balance IPYSve | 79 ataques a la prensa independiente después de las presidenciales del 28J”, 5 August 2024. Available at: <https://ipysvenezuela.org/alerta/balance-ipysve-79-ataques-a-la-prensa-independiente-despues-de-las-presidenciales-del-28j>.

⁸⁰⁹ La Patilla, “Hermano de la periodista Ana Carolina Guaita ofreció nuevos detalles sobre el caso (video)”, 26 August 2024. Available at: <https://www.lapatilla.com/2024/08/26/hermano-de-la-periodista-ana-carolina-guaita-ofrecio-nuevos-detalles-sobre-el-caso-video>; El País, “Ana Carolina Guaita, la periodista de padres opositores desaparecida tras ser detenida en Venezuela”, 23 August 2024. Available at <https://elpais.com/america/2024-08-24/ana-carolina-guaita-la-periodista-de-padres-opositores-desaparecida-a-tras-ser-detenida-en-venezuela.html>.

⁸¹⁰ IACHR Resolution No. 58/204, Precautionary Measures No. 907-24, 27 August 2024.

⁸¹¹ IPYS, “Balance IPYSve: 79 ataques a la prensa independiente después de las presidenciales del 28J”, 5 August 2024. Available at: <https://ipysvenezuela.org/alerta/balance-ipysve-79-ataques-a-la-prensa-independiente-despues-de-las-presidenciales-del-28j>; Publication in X by SNTP [@sntpvenezuela], 2 August 2024. Available at: <https://x.com/sntpvenezuela/status/1819350980514750822>; Post on X by VPITV [@VPITV], 6 August 2024. Disponible en: <https://twitter.com/VPITV/status/1821011971312955734>.

⁸¹² Post on Instagram by El Tequeño TV [@eltequeno_tv], 8 August 2024. Available at:

https://www.instagram.com/eltequeno/reel/C-areg_paN1.

Alberto News, “CNP: Gobernador de Portuguesa amenazó con investigar a dueños de portales informativos de la entidad por incitación al odio”, 1 August 2024. Available at: <https://albertonews.com/politica/cnp-gobernador-de-portuguesa-amenazo-con-investigar-a-duenos-de-portales-informativos-de-la-entidad-por-incitacion-al-odio>.

that was not in line with the official discourse would be arrested as part of Operation Tun Tun.⁸¹³

e) Civil servants

604. The Mission documented the detention of at least seven public officials. In the first week of August 2024, the Attorney General announced the detention of two women prosecutors, charged with “intentional delay or omission of functions”. The prosecutors had refused to prosecute persons being investigated for simply participating in protests.⁸¹⁴

605. According to a source interviewed by the Mission, Mariam de los Ángeles Alarcón, a PNB official in Merida State, was detained on 30 July 2024 by DGCIM officials after her immediate boss checked her mobile phone and found a message saying: “Edmundo won the elections, he is the new president, if they send me to the streets, I will not repress my people”. A court charged her with terrorism, conspiracy, treason and incitement to hatred.⁸¹⁵

f) Indigenous persons

606. According to information received by the Mission, 15 persons belonging to the indigenous groups of Baré, Puinave, Pemón, Jivi, Wayúu, Baniva, Piapoco and Yekwana, were detained in the states of Amazonas, Aragua, Bolívar and Zulia.

607. The Mission was informed that some of the indigenous persons arrested were subjected to excessive use of force, and physical and verbal abuse. None of the indigenous persons were offered the possibility to use their mother tongue and were not provided with interpreters,⁸¹⁶ despite the requirements under Venezuelan law.⁸¹⁷

g) Members of the academic community

608. The Mission has also documented the detention of university students and professors. According to information from the organisation Aula Abierta, at least 31 members of the academic community (22 students and 9 professors) from various universities have been detained since the election.⁸¹⁸

4. The detention of children

609. During the post-election period, the Mission obtained information regarding the detention of at least 150 children (122 boys and 28 girls). A yet to be established proportion of those individuals were charged with serious offenses such as “incitement to hatred” and “terrorism” for their alleged involvement in violent protests. The mass detention of children is a concerning phenomenon that had not been identified by the Mission in previous reporting cycles.

⁸¹³ YouTube video, El Silbon Agencia Informativa [@elsilbonagenciainformativa], “Con El Mazo Dando - Programa 489”, 7 August 2024. Available at: <https://www.youtube.com/watch?v=oaRWf8B7JdA>.

⁸¹⁴ Post on X by Tarek William Saab [@TarekWilliamSaab], 3 August 2024. Available at: <https://x.com/TarekWilliamSaab/status/1819802712919421408>; Post on X by Tarek William Saab [@TarekWilliamSaab], 7 August 2024. Available at: <https://x.com/TarekWilliamSaab/status/1821224076566000051>.

⁸¹⁵ Interview QQIV098.

⁸¹⁶ Interviews with Olnar Ortiz on 29 August 2024 (KKIV004) and on 29 July 2024 (QQIV0103); Runrun.es, “El silencio de los indígenas detenidos en Venezuela: a golpes y sin identidad”, 23 August 2024. Available at: <https://runrun.es/rr-es-plus/563256/el-silencio-de-los-indigenas-detenidos-en-venezuela-a-golpes-y-sin-identidad/#:~:text=El%20grupo%20de%20ind%C3%ADgenas%20pertenece,son%20hombres%20y%20tres%20mujeres;>

⁸¹⁷ International Labour Organisation Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989), art. 13.2; Constitution of the Bolivarian Republic of Venezuela, art. 169; Ley orgánica de pueblos y comunidades indígenas, (2004), art. 95.

⁸¹⁸ Aula Abierta, *Report: Restrictions and reprisals against students, professors and the university community in the framework of the Venezuelan presidential elections, 28 July-04 September 2024*.

a) Legal framework

610. According to international human rights law, a child is defined as any human being under 18 years of age.⁸¹⁹ Venezuelan legislation, however, defines a child as a person under 12 years of age⁸²⁰ and an adolescent as a person between 12 and 18 years of age.⁸²¹

611. International standards do not specify a particular age for assigning criminal responsibility to children. However, the Convention on the Rights of the Child states that when children are charged with, accused of, or convicted of a crime, they should be treated in a manner that promotes their sense of dignity.⁸²² The Convention also stipulates that children in detention have the right to have their case heard in fair hearings according to the law, in the presence of a lawyer and with the participation of their parents or legal representatives.⁸²³

612. The Convention also states that, in attributing criminal responsibility, the age of the child, the importance of promoting the child's reintegration, and the child's assumption of a constructive role in society must be taken into account.

613. In General Comment No. 24 of 2019, the Committee on the Rights of the Child addressed various issues on judicial guarantees and the rights of children within the juvenile justice system.⁸²⁴

614. The Constitution of the Bolivarian Republic of Venezuela recognizes the principles of integral protection and the best interests of children, explicitly adopting the normative framework of the Convention on the Rights of the Child.⁸²⁵ The provisions of the Constitution and the Convention are further elaborated in the Organic Law for the Protection of Children and Adolescents (LOPNNA) of 2007.

615. The LOPNA establishes that the minimum age of criminal responsibility is 12 years, distinguishing between the age ranges of 12 to 14 and 14 to 18 for the application of criminal sanctions.⁸²⁶ The Law also establishes the National System for the Integral Protection of Children and Adolescents, which includes the system of criminal liability for adolescents.⁸²⁷

b) Practices identified in cases of detention of children

616. The Mission investigated 11 cases involving the detention of children, all linked to the election period, including five cases of sexual violence against girls while they were deprived of their liberty (see *infra*, section D). The investigations conducted thus far have documented several elements that *prima facie* contravene international child protection norms and standards.

617. In all cases, according to the information received, detentions were conducted without a warrant and without the presence of *flagrante delicto*. At the time of their arrest, the children were not participating in either peaceful or violent protests. In one instance, the detention occurred during an indiscriminate raid, during which adults who were merely passing by the area of a demonstration were also detained.

⁸¹⁹ Convention on the Rights of the Child, art. 1.

⁸²⁰ Organic Law for the Protection of Children and Adolescents, *Official Gazette* No. 5.859 (Extraordinary), 10 December 2007, art. 2.

⁸²¹ *Ibid.*

⁸²² Convention on the Rights of the Child, art. 40(1).

⁸²³ *Ibid.*, art. 40(2)(b)(iii).

⁸²⁴ In this General Comment, the Committee addresses, among other topics, the guarantees for children to receive a fair trial. This includes: the presumption of innocence, the right to be heard, effective participation in proceedings, timely and direct information about the charges, legal assistance or other appropriate support, prompt decisions with the participation of parents or guardians, the right not to be compelled to plead guilty, the presence and questioning of witnesses, the right to appeal, free assistance for interpretation, and full respect for private life. See General Comment No. 24 (2019) on children's rights in the child justice system, CRC/C/G/24 (2019).

⁸²⁵ Constitution of the Bolivarian Republic of Venezuela, art. 78.

⁸²⁶ Organic Law for the Protection of Children and Adolescents, *Official Gazette* No. 5.859 (Extraordinary), 10 December 2007, art. 533.

⁸²⁷ *Ibid.*, arts. 90 et seq.

618. Children were not informed of the reasons for their detention, although international standards stipulate that this information should be provided “without delay,” meaning “as soon as possible after the child's first contact with the justice system.”⁸²⁸ Furthermore, authorities must ensure that the child comprehends the charges, options, and processes involved.

619. The children were unable to inform their relatives, legal representatives, or lawyers about their detention, with some experiencing this lack of contact for several days or even weeks. In most cases, the absence of contact with family lasted between seven and ten days, while in one instance, the victim had no communication with his family for over 18 days.

620. As the Mission was able to document, the children who were detained were primarily transferred to reinsertion centres for adolescent offenders, although some remained deprived of liberty in adult detention centres and in facilities operated by the State's security and intelligence forces. In the detention centres, there was not always separation based on age, gender, or dangerousness criteria, which exposed minors to a situation of special vulnerability.

621. The initial appearances before a judge for the detained children were conducted by the First Special Supervisory Court of First Instance of the Penal System for Criminal Liability of Adolescents with jurisdiction in cases linked to terrorism offences at the national level (First Terrorism Court for Adolescents); the court is presided over by Judge Joel Abraham Monjes. The fact that this court is part of the special terrorism jurisdiction raises numerous concerns regarding impartiality and its compliance with procedural guarantees, as the Mission has noted that these courts lack the necessary independence and objectivity, and frequently violate due process of law.⁸²⁹

622. The due process guarantees established by the Convention on the Rights of the Child and national legislation were not rigorously comply with. As documented by the Mission, the presentation hearings were conducted collectively, with multiple defendants charged with unrelated acts, which affects the right to defence, among other procedural guarantees. In several instances, the hearings took place in detention centres without the presence of parents or guardians. Moreover, in at least three of the investigated cases, the hearings occurred between three and six days after the arrests, exceeding the time limit set by law.

623. According to the Committee on the Rights of the Child, legal counsel for children and adolescents shall have sufficient time and resources to prepare the defence;⁸³⁰ however, this has not been the case based on the information collected. The hearings were summary and conducted via telematics, with a designated public defender who had no prior contact with the children, rather than lawyers selected by the children or their representatives.

624. The Mission notes that most of the detained children were charged with offenses such as “terrorism” and “incitement to hatred,” which carry severe prison sentences. In most of the cases involving adult detentions investigated by the Mission, these charges are also present.

625. The Mission was informed that, in one of the cases investigated, two of the children were beaten by the arresting officials, resulting in one child suffering broken teeth and an arm injury. Another child was threatened with death to coerce him into confessing on videotape that he received money to participate in a protest.

626. The Mission has received information from public and private sources indicating that an undetermined number of children were released under alternative precautionary measures to deprivation of liberty, with the Mission verifying three of those cases. In one instance, the release order does not specify which precautionary measures were imposed on the child. In another case, the child did not even receive a release order, although he is aware that his case is still ongoing.

⁸²⁸ Committee on the Rights of the Child, General Comment No. 24, para. 47.

⁸²⁹ A/HRC/48/CRP.5, para. 52.

⁸³⁰ Committee on the Rights of the Child, General Comment No. 24 (2019) on children's rights in the child justice system, CRC/C/G/24, para. 53.

c) **Illustrative cases**

627. The following are cases of child detention investigated by the Mission. For reasons of protection and the best interests of the child, the alleged victims have been anonymized, and identifying information about individuals, locations, and other circumstances has been omitted, along with references to direct and open sources documented in the Mission's files.

Case V24AA⁸³¹

628. According to the information obtained, V24AA, a 16-year-old, was detained on 29 July 2024 at approximately 7:45 p.m. by PNB officials while returning home with an adult friend. As they passed near a demonstration, both were arrested without explanation, and AA was severely beaten, resulting in two tooth fractures and immobilization of his left hand.

629. V24AA and his friend were taken to a detention centre under DGCIM custody for four days, after which they were transferred to the Palace of Justice and presented via telematics before the First Terrorism Court for Adolescents V24AA was charged with "terrorism," "incitement to hatred," and "obstruction of public roads."

630. According to a source, V24AA was subsequently transferred to the Tocuyito detention centre, where he remains detained with other adult detainees. The same source reports that AA has been coerced into recording a video under death threats, admitting to having received money to participate in a demonstration

Case V24BB⁸³²

631. In another case documented by the Mission, on 29 July 2024, in a town on Venezuela's Central Coast, V24BB, a 16-year-old boy, was detained by state police without explanation while walking down the street. According to the information gathered, the police officials took him to a detention centre where they recorded his information, including his date of birth, and, despite knowing he was a minor, did not allow him to contact or see his family.

632. According to a source, during the first five days of detention, V24BB was not informed of the reasons for his arrest or the nature of the proceedings he was facing. Police officials merely told him that he was being detained as a "guarimbero," even though he had not participated in any demonstrations on the day of his arrest.

633. On 3 August 2024, V24BB was finally brought before a court, where the judge informed him that he was being charged with terrorism and obstruction of the public highway for having participated in the "guarimba." According to the source, the hearing was held five days after his arrest, exceeding the time limit for the initial appearance before a judge established by Venezuelan law. Moreover, the hearing took place without the presence of his parents and was conducted via video call, with the judge and public defender participating from Caracas while V24BB and a group of other defendants were in a different city.

634. V24BB was able to see his family for the first time on 15 August 2024, 17 days after his arrest. Prior to that day, he had not been allowed any phone calls or visits. On 31 August 2024, 33 days after his detention, V24BB was brought before the judge for the second time, who informed him that he would be released under precautionary measures. At the end of the hearing, V24BB was released without receiving a copy of his release order or any documentation of the proceedings against him.

⁸³¹ This case is based on information from one interview and photographs.

⁸³² This case is based on information from two interviews.

Case V24CC⁸³³

635. The Mission also documented the case of V24CC, a 16-year-old who was arrested on 29 July 2024 in Venezuela's Litoral Central by state police. According to a source, police officials beat him at the time of his arrest and did not allow his family to see him for a week after his detention, telling family members that if they “stayed quiet” and did not report the situation, the boy would be released.

636. The same source informed the Mission that V24CC was brought before a court in a telematic hearing and charged with terrorism, with only a public defender present. V24CC was released on 31 August 2024 under probation measures.

Case V24DD⁸³⁴

637. On 29 July 2024, two young women, one of whom was 16 years old, were detained by a GNB official in a town on Venezuela's Central Coast. During the first week, the girl was transferred to three different detention centres and was not allowed to communicate with her family or a trusted lawyer. According to a source, the family and the girl were only able to speak for the first time after she was brought before the court with jurisdiction over terrorism. At that hearing, which was held without the presence of a family member or a trusted lawyer, V24DD was charged with terrorism⁸³⁵ and incitement to hatred.⁸³⁶

638. The girl was released one month after her arrest. According to a source, the judge informed her that she was subject to several precautionary measures: prohibition from leaving the country, restrictions on participating in political meetings, and a requirement to report to the court every eight days, although the release order did not specify any of these conditions.

Case V24EE⁸³⁷

639. The Mission investigated the case of V24EE, a boy detained by security forces on 29 July 2024 in Venezuela's Central Coast while he was in a business near the area where a demonstration was taking place. According to a source, during the first 10 days of his detention, the state police prohibited him from having any contact with his family.

640. V24EE had his initial appearance before a judge six days after his arrest, without the presence of his family and assisted only by a public defender. As of 4 September 2024, V24EE remained in detention with no right to a private defence.

Case V24FF⁸³⁸

641. The Mission has documented the arrest of V24FF, a 14-year-old, and his father on 30 July 2024 in the afternoon by members of a State Police force in a town where they had recently arrived for work reasons. The arrest took place during a raid conducted by the police, resulting in the indiscriminate detention of several individuals.

642. After being arrested, the father and son were handed over to the GNB and detained at CONAS/GNB headquarters for eight days. Although the family was notified of the arrest that same night, V24FF was held in incommunicado detention and was prevented from contacting his mother.

643. On 2 August 2024, V24FF had his initial appearance in court, and on 10 August 2024, he was transferred to a socio-educational centre, where he remains in detention with access to visits on Saturdays. His father was transferred to a penitentiary centre, making it difficult for the family to visit him due to the distance from their home. The family has no information about the charges against V24FF and has been unable to communicate with the assigned public defenders, who are in Caracas.

⁸³³ This case is based on information from two interviews.

⁸³⁴ This case is based on information from one interviews, information from an NGO, videos and one document.

⁸³⁵ Organic Law against the crime and the financing of terrorism, art. 52.

⁸³⁶ Constitutional Law against Hate for Peaceful Coexistence and Tolerance, art. 20

⁸³⁷ This case is based on information from two interviews and information from an NGO.

⁸³⁸ This case is based on information from two interviews, and information from open sources and documents.

5. Entities involved in the arrests: Operation Tun Tun

644. During the 2017 protests, the current Minister of Interior and Justice, Diosdado Cabello, called “operation Tun Tun” a set of repressive actions carried out by State security agencies.⁸³⁹ The name refers to the “sound made when the officers knocked on someone’s door before their arrest”.⁸⁴⁰ In 2020, President Maduro also referred to the Tun Tun operation, stating that “justice will be served... operation Tun Tun to all terrorists, to all violent people, to all conspirators and to all plotters... justice will be served to you, when they knock on your door don’t start crying on social media...”.⁸⁴¹ As the Mission noted in its report that year, “[t]he Tun Tun operation became an informal nickname for SEBIN detention operations targeting people who support the protests or the opposition in general”.⁸⁴²

645. After 28 July 2024, while the post-election arrests began, posts alluding to a resurgent “Tun Tun” operation planned by the State security forces began to spread through social media, particularly on Instagram and TikTok, evoking the repressive actions of the recent past.

646. A woman, whose family experienced one of those operations in recent weeks, explained that “Tun Tun is when they go to the houses, knock, and if the door doesn’t open, they knock it down and take the person away and don’t say anything at all”.⁸⁴³ Another said that the security forces “arrived apartment by apartment, banging on the doors to get people to open”.⁸⁴⁴

647. The Governor of Táchira State, Freddy Bernal, publicly announced on 2 August 2024 that Operation Tun Tun involved 10 security forces, including SEBIN, DGCIM and other intelligence agencies. The governor also stated that there were 26 people with outstanding arrest warrants and that they would be searched for “under every rock”.⁸⁴⁵ Banging on a table during his speech, Bernal said: “Tun Tun! [Knock knock!] Who’s there? It’s Silent Night, let’s go to jail, Christmas is here”.⁸⁴⁶

648. The Mission documented the arrest of individuals in the framework of this operation for the sole reason of having expressed their dissatisfaction with the election result in videos or messages disseminated through social media or instant messaging applications. The authorities qualified these activities as acts of “terrorism” and “hatred”.⁸⁴⁷

649. On 5 August 2024, in another reference to Operation Tun Tun, President Maduro indicated that two prisons, Tocarón and Tucuyito, had been designated to hold all the detainees from the “guarimbas”. In a mocking tone, alluding to the people deprived of their liberty, he said: “don’t be a crybaby, you’re going to Tocarón”.⁸⁴⁸ On 27 August 2024 a

⁸³⁹ Efecto Cocuyo, “Cabello amenaza con allanamientos a través de la «Operación tun tun»”, 17 May 2017. Available (in Spanish) at: <https://efectococuyo.com/politica/cabello-amenaza-con-allanamientos-a-traves-de-la-operacion-tun-tun/>

⁸⁴⁰ Detailed Findings of the Mission 2020, para. 470.

⁸⁴¹ Facebook post by Costal Pinolero [@CostalitoPinolero], 30 March 2020. Available (in Spanish) at: <https://www.facebook.com/watch/?v=258670015134961>

⁸⁴² Detailed Findings of the Mission 2020, para. 472.

⁸⁴³ YouTube video, Voz de América [@vozdeamerica], “El Tun Tun, la operación de las fuerzas del orden en Venezuela contra manifestantes”, 14 August 2024. Available at: <https://youtu.be/YgzA4i2yOc4?si=0L4WnGBeYak0QYtY>.

⁸⁴⁴ Ibid.

⁸⁴⁵ Post on TikTok de Diario del Pueblo [@diariodlpueblo], 3 August 2024. Available at: <https://www.tiktok.com/@diariodlpueblo/video/7398918525592603910?q=dgcim%20operacion%20tun%20tun&t=1724270998622>.

⁸⁴⁶ Ibid.

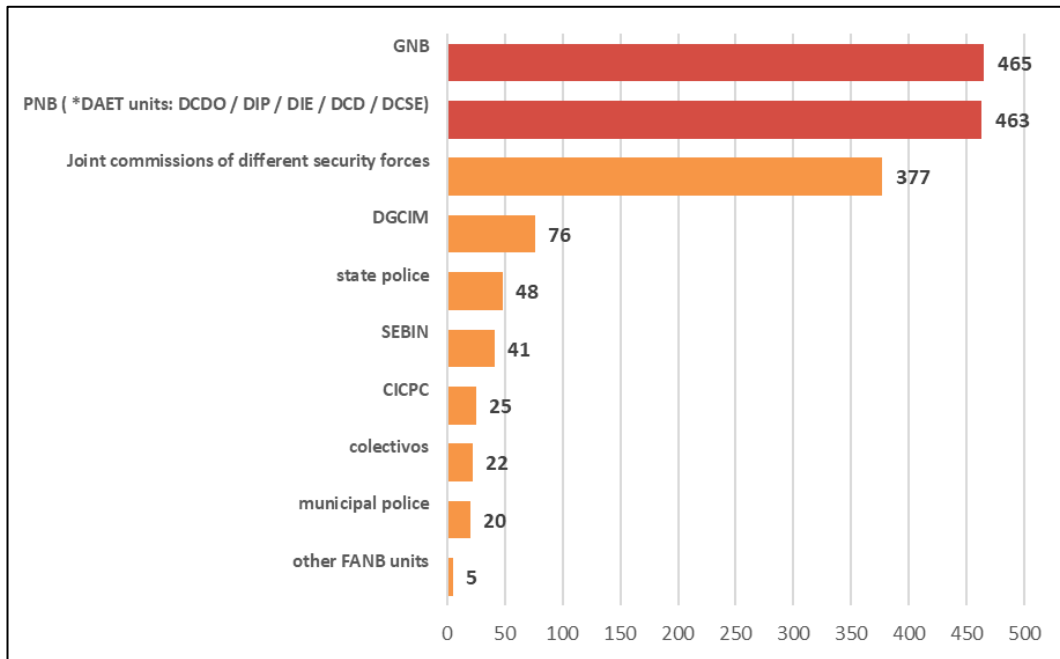
⁸⁴⁷ El Diario, “Maduro pidió a los venezolanos eliminar progresivamente WhatsApp en el país”, August 5, 2024. Available at: [https://cnnespanol.cnn.com/2024/08/07/chavismo-villancico-venezolano-represion-que-consiste-operacion-tun-tun-orix/](https://eldiario.com/2024/08/05/maduro-pidio-eliminar-whatsapp-venezuela/#:~:text=Nicol%C3%A1s%20Maduro%20pidi%C3%B3%20a%20sus%20seguidores%20eliminar%20voluntaria%20y;CNN,“Elchavismoconvierteunvillancicovenezolanoen sinónimo de represión. ¿En qué consiste la “operación Tun, tun”?”, 7 de agosto de 2024. Disponible: <a href=)

⁸⁴⁸ Post on Instagram by tvnoticias y tvnetwork [@tvnoticias], 5 August 2024. Available at: https://www.instagram.com/tvnoticias/reel/C-Thh_6SfMN.

massive transfer of detainees took place from different detention centres to the prisons mentioned by the President.⁸⁴⁹ Some relatives of transferred detainees contacted the Mission expressing their desperation because they did not know where exactly the detainees would be taken and because, being low-income families, they could not afford to travel to distant places to visit their loved ones.

650. According to information from Foro Penal, most of the arrests from 29 July to 24 August 2024 were carried out by the GNB (30 per cent) and the PNB (another 30 per cent), followed by joint operations by security forces and State intelligence and counter-intelligence agencies.

Graphic 10.
Arrests by perpetrators*



* DAET: Directorate of Strategic and Tactical Actions, DCDO: Division Against Organized Crime, DIP: Criminal Investigation Division, DIE: Strategic Intelligence Division, DCD: Anti-Drug Division, DCSE: Anti-Kidnapping and Extortion Division.

Source: Mission's own elaboration with data from Foro Penal (from 28 July to 24 August 2024).

651. Based on a much more limited universe of cases investigated by the Mission in this post-election period, the Mission has established that DGCIM officials were involved in 39 per cent of arbitrary detentions, followed by the PNB (22 per cent), the GNB (another 22 per cent) and SEBIN (17 per cent).

652. Foro Penal also kept records of arrests by “colectivos”. Although the Mission has no information that ‘colectivos’ were involved in the detentions it investigated, the presence of motorcyclists dressed in civilian clothes was recorded during operations by the security forces that resulted in detentions. The Mission has noted in its previous reports that these groups of armed civilians supportive of the Government collaborated with the security forces or acted with their acquiescence in different situations in which human rights violations were documented.⁸⁵⁰

⁸⁴⁹ Post on X by Luisrgrb [@Luisrgrb65], 27 August 2024. Available at: <https://x.com/Luisrgrb65/status/1828384021786542397>; Post on X by Tamra Sujú [@TAMARA_SUJU], 26 August 2024. Available at: https://x.com/TAMARA_SUJU/status/1828182110852534579.

⁸⁵⁰ A/HRC/45/CRP.11, para. 223, 224, 1507, 1557, 1601, 1612-1615.

6. New practices and the amplification of old practices

653. The high number of arrests in the first three days of the post-election protests is largely related to the fact that security forces arrested protesters during the protests or very soon after the protests were broken up. On occasions, persons did not even participate in the protests and were detained when they were in the vicinity of the protests or in more distant places. This form of action is related to patterns documented by the Mission in demonstrations and protests in previous years, especially in 2014.⁸⁵¹

654. In one such case, documented by the Mission, four persons (three men and one woman) were detained on July 30 in the State of Mérida by GNB officials while waiting for public transportation⁸⁵². The men were isolated for 15 days in a "reflection cell" in a detention centre, while the woman was separated from the group⁸⁵³. The Mission received information that on the early morning of August 2, the initial court appearance was held before a court with national jurisdiction in Terrorism cases, in which the detainees were charged with terrorism, incitement to hatred, harm to the nation and contempt for authority⁸⁵⁴. A source informed the Mission that the GNB officials "planted" stones and balaclavas in the pockets of those men so that they would be charged⁸⁵⁵.

655. The Mission further documented that the authorities detained a significant number of persons days and weeks after the protests had taken place. These arrests took place at the homes of the victims, who were removed under express or veiled threats, with disproportionate contingents of law enforcement officers, or even by force. In several cases, arrests were also carried out at the capital's airport⁸⁵⁶.

656. After the conclusion of the Mission's investigations for this report, human rights organisations in the Bolivarian Republic of Venezuela⁸⁵⁷ and media⁸⁵⁸ reported that the authorities were forcing detainees to admit wrongdoing under torture, threats of harm to their families, and offers of reduced sentences, despite their pleas of innocence. Among the charges the authorities are forcing confessions on detainees are terrorism, incitement to hatred, obstruction of the public highway and resisting arrest. There were even allegations of attempts to make detainees sign and stamp their fingerprints on blank papers.

657. Although these allegations were made public between 10 and 13 October 2024, the Mission has considered it important to record its preliminary findings on this matter in this report. The facts documented by the Mission relate to persons deprived of their liberty in Tocarón and Tocuyito, although the Mission has recorded that similar events have occurred in other detention centres.

658. The Mission documented that, in at least four cases, the used methods of physical and psychological torture to force detainees, especially children and young people, to record videos admitting to having received money from the opposition to participate in violent protests and destruction of public and private property⁸⁵⁹.

659. In five other cases, the Mission has documented that detainees who are close to their preliminary hearings were "recommended" to admit to the charges in order to benefit from less severe sentences and procedural benefits, such as conditional release. Even during the preliminary hearings themselves, the judicial authorities, including Judge Keidimar Ramos Castillo (presiding the Second Terrorism Court), have tried to get the accused to admit to the

⁸⁵¹ A/HRC/45/CRP.11, para. 1675-1700.

⁸⁵² Interviews QQIV098; IIIV122 and HHIV149.

⁸⁵³ Interviews IIIV122 and IIIV120; Document IIDC110.

⁸⁵⁴ Interviews IIIV122 and IIIV120.

⁸⁵⁵ Interview QQIV098.

⁸⁵⁶ The arrests at airports were centered at Maiquetia International Airport, after irregular passport cancellations.

⁸⁵⁷ X Post from COFAVIC [@COFAVIC], 12 October 2024. Available at: <https://x.com/COFAVIC/status/1845121758682030576>; PROVEA [@_Provea], 11 October 2024. Available at: https://x.com/_Provea/status/1844827766761668884; Justicia, Encuentro y Perdón [@JEPvzla], 11 Oct. 2024. Available at: <https://x.com/JEPvzla/status/1844773300347584657>.

⁸⁵⁸ X Post by Reporte Ya [@ReporteYa], 11 October 2024 Available at: <https://x.com/ReporteYa/status/1844904969641525536>

⁸⁵⁹ Interviews QQIV118, QQIV120, QQIV119, QQIV122.

charges in exchange for a reduced sentence of 6 years and 8 months, instead of 10 or 20 years⁸⁶⁰. In addition, the defendants were threatened that if they did not admit to the crimes, they would end up “rotting in prison”, assuring that they would not be able to prove their innocence at trial.⁸⁶¹

660. In another case, the Mission documented that a child detainee and his family member were forced to sign a document after the preliminary hearing without being allowed to read it.⁸⁶² In another case, a young detainee was required to sign a blank piece of paper in the detention centre, a requirement that was also allegedly made to other detainees in the same centre.⁸⁶³

661. The Mission will elaborate on these findings in its next cycle of investigation.

a) Use of technology to promote whistleblowing and intimidation via digital propaganda

662. On July 30, in a public speech from the Miraflores Palace, President Maduro encouraged the population to report demonstrators against electoral results through the *VenApp* mobile application.⁸⁶⁴ This free application was created by the Government in 2022, to improve public services for the community⁸⁶⁵. However, at the President's request, the application began to be used during the post-election crisis for anyone to anonymously denounce others, even allowing the uploading of photographs and videos.

663. In one case documented by the Mission, two persons who denounced irregularities at a polling station in the State of Guárico during the presidential elections were denounced through *VenApp* by local authorities⁸⁶⁶. Eight other persons were included in the same denunciation. The individuals began to receive threats via Facebook from accounts with false profiles, which labeled them as "fascists" and warned them that the Tun Tun operation would come against them⁸⁶⁷. The two threatened individuals had to leave the State of Guárico for fear of reprisals and arrest⁸⁶⁸.

664. Several of the security and intelligence bodies of the State have disseminated their arrest operations from their accounts in social networks. They have done so, both to show results and to generate a threatening and dissuasive effect on those who protest or criticize the electoral results or the positions of the Government.⁸⁶⁹

665. DGCIM, for example, has shared a video that begins with the emblem of this counterintelligence service and the caption "*Operation Tun Tun, no crying*", and then follows images with horror music, showing individuals detained by officials of that entity. In another DGCIM video, a song from a horror movie is heard with modified lyrics referring to Granko

⁸⁶⁰ Interviews QQIV118, QQIV120, QQIV122, QQIV123, QQIV125.

⁸⁶¹ Interview QQIV124.

⁸⁶² Interview QQIV118.

⁸⁶³ Interview QQIV123.

⁸⁶⁴ CNN Latin America, "What is VenApp and why do they denounce that it was used to persecute opponents in Venezuela?", August 14, 2024. Available at: <https://cnnespanol.cnn.com/2024/08/14/ven> <https://cnnespanol.cnn.com/2024/08/14/venapp-aplicacion-venezuela-denuncia-perseguir-opositores-orix/> [pp-aplicacion-venezuela-denuncia-perseguir-opositores-orix](https://cnnespanol.cnn.com/2024/08/14/venapp-aplicacion-venezuela-denuncia-perseguir-opositores-orix/).

⁸⁶⁵ People's Ministry of Economy, Finance and Foreign Trade, VenApp: A sovereign application of the Bolivarian Government at the service of the people to improve public services, December 26, 2022. Available at: <http://www.mppef.gob.ve/venapp-una-aplicacion-soberana-del-gobierno-bolivariano-al-servicio-del-pueblo-para-mejorar-los-servici> <http://www.mppef.gob.ve/venapp-una-aplicacion-soberana-del-gobierno-bolivariano-al-servicio-del-pueblo-para-mejorar-los-servicios-publicos/> [s-publicos](http://www.mppef.gob.ve/venapp-una-aplicacion-soberana-del-gobierno-bolivariano-al-servicio-del-pueblo-para-mejorar-los-servicios-publicos/)

⁸⁶⁶ Interview IIIV125; Document IIDC115.

⁸⁶⁷ Document IIDC115.

⁸⁶⁸ Interview IIIV125; Document IIDC115.

⁸⁶⁹ Posting on TikTok, [jermenxonperez] el chino, Operación Tun Tun, July 31, 2024. Available at <https://www.tiktok.com/@jermenxonperez/video/7397999439194918149?lang=es&q=OPERACION%20TUN%20TUN%20CONAS&t=1723230057720>; Posting on TikTok, [dcdo_cojedes], Operación TUN TUN SIN LLORADERA!!, Available at https://www.tiktok.com/@dcdo_cojedes/video/7398191452498513157.

Arteaga, an official of this intelligence corps already identified by the Mission in previous reports as being associated with serious human rights violations, including acts of torture⁸⁷⁰

666. Other videos through social networks promote the denunciation, in association with the Tun Tun operation. An example is the one published by a Director of the Scientific, Criminal and Criminalistic Investigations Corps (CICPC) in his Instagram account⁸⁷¹. In another video, from the PNB of Cojedes⁸⁷², the legend "*Operación Tun Tun, sin lloradera*" is reproduced, with terror music, used by the DGCIM.

667. The Mission also documented cases of detentions of persons who had previously been photographed or filmed by officials from State security forces and even "colectivos". In one case investigated by the Mission, two men were arbitrarily detained on July 30 after being photographed by a member of a collective when they went to a health center to treat one of them, injured in a protest⁸⁷³.

b) Arrests for criticising the Government or calling for protests on social media

668. Since the end of 2023, the Mission documented and investigated detentions related to individuals who criticized the Government and the authorities through social networks and instant messaging applications⁸⁷⁴. In the post-electoral period, the Mission documented that these types of arrests increased and became more widespread.

669. In one of these cases, a woman in Maracay, state of Zulia, Iris Margarita Rincón Villasmil, on the same day of the elections published a video in social networks in which she expressed her discontent for the poor condition of the flour delivered by the Government, criticizing President Maduro and his family. Days later, the woman was arrested by officials of the GNB Zone Command No. 11 accusing her of instigating hatred against the President and his family members. Once arrested, the General Commander of the GNB, Major General Elio Estrada, published a video in which the woman showed her repentance, asked for forgiveness from President Maduro and confessed that she received 50 dollars from the opposition to discredit the Government⁸⁷⁵.

670. Another relevant case is that of María Oropeza, arbitrarily detained by a commission of the DGCIM and the PNB on August 6 at her home. Only a few hours before, Oropeza had published a message on the social network X in which she wrote that "*operation Tun Tun [was] political persecution against Venezuelans who defend the TRUTH*"⁸⁷⁶.

671. In another case, officials of the Anti-Kidnapping and Extortion Division (DCSE) of the DAET/PNB, some with their faces covered, carried out an arrest on August 2 in a house in the municipality of Urdaneta, Miranda State, without even knowing the name of the person to be arrested.⁸⁷⁷ They simply showed a video in which a person had criticized the Government. That was enough for the person to be arrested and charged with the crime of incitement to hatred.

⁸⁷⁰ Post on X by :) Mish [@mishellehecht_], August 1, 2024. Available at: https://x.com/mishellehecht_/status/1819163533051154892; Infobae, "Venezuelan intelligence chief accused of torture promotes his corporate image to gain access to young people and journalists," March 12, 2024. Available at: <https://www.infobae.com/venezuela/2024/03/12/un-jefe-de-inteligencia-venezolano-senalado-de-torturador-promociona-su-imagen-corporativa-para-acceder-a-jovenes-y-periodistas>.

⁸⁷¹ Post on Instagram by Douglas Rico [@douglasricovzla], August 3, 2024. Available at: https://www.instagram.com/reel/C-N2W2LuuNX/?utm_source=ig_embed&utm_campaign=loading

⁸⁷² Post on TikTok by dcdco_cojedes [@DCDO_COJEDES], August 1, 2024. Available at: https://www.tiktok.com/@dcdco_cojedes/video/7398191452498513157

⁸⁷³ See Case 13: Detention of two youths, *infra*.

⁸⁷⁴ See Case 8: Carlos Salazar, Case 10: Whilfer Piña, and Case 2: Nelson Piñero.

⁸⁷⁵ Publication in X by M/G Elio Estrada Paredes [@ElioEstrada18], August 3, 2024. Disponible en: <https://x.com/ElioEstrada18/status/1819833920244113576>

⁸⁷⁶ Post on X by María Oropeza [@mariaoropeza94], La "operación Tun Tun" es persecución política contra los venezolanos que defienden la VERDAD, August 6, 2024. Available at <https://x.com/mariaoropeza94/status/1820965731455869108>

⁸⁷⁷ Post on X by Nicmer Evans [@NicmerEvans], August 2, 2024. Available at <https://x.com/nicmerevans/status/1819458481285746777?s=12>

672. Gilberto Reina, editor of the information portal *La sapa del Orinoco*, was arrested on August 16 in Ciudad Bolívar, Bolívar State, after publishing a video calling for participation in the march called by the opposition on August 17⁸⁷⁸.

7. Other serious violations of human rights connected to the arrests

a) Torture and cruel, inhuman or degrading treatment

673. The Mission documented several cases of excessive use of force during arrests, as well as cruel, inhuman or degrading treatment in detention centers against persons deprived of liberty in the post-election period⁸⁷⁹. In one case, these acts even caused convulsions due to blows to the head in the detainee⁸⁸⁰.

674. In another documented case, a detained woman was apprehended in her home by a contingent of 14 persons in civilian clothes wearing vests - 10 men and 4 women - who identified themselves as "national police". The woman was accused of terrorism and her relatives were beaten, including with a firearm⁸⁸¹.

675. Another person, who was detained while walking in front of an Army facility shouting "freedom", was beaten. The officials who detained him beat him even more severely when they learned that he also belonged to a security agency⁸⁸².

676. In one detention centre, a person arbitrarily detained by the DGCIM in early August was subjected to interrogation using methods of torture, according to the Mission's investigation. The person was handcuffed, hooded, exposed to intense temperatures and noise - including repetition of horror movie songs associated with Operation Tun Tun - and subjected to insinuations of sexual violence⁸⁸³.

677. In another case also investigated by the Mission, two persons arbitrarily detained on 30 July 2024 were hung by the hands and beaten by DGCIM officers. In addition, they received electric shocks to the ribs⁸⁸⁴.

⁸⁷⁸ Posting on Instagram by Gilberto Reina [@lasapadelorinoco], August 16, 2024. Available at <https://www.instagram.com/p/C-vGq6RONiS/?hl=en>; Posting on X of Espacio Público [@espaciopublico], August 17, 2024. Available at: <https://x.com/espaciopublico/status/1824790121381585059>

⁸⁷⁹ Amnesty International, "Venezuela: Massive Detentions of Vulnerable Groups," August 8, 2024. Available at: <https://www.amnesty.org/es/documents/amr53/8396/2024/es>; IACHR, Press Release: "IACHR and RELE condemn practices of state terrorism in Venezuela," August 15, 2024. Available at: <https://www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2024/184.asp>;

⁸⁸⁰ Posting on Instagram by Foro Penal [@foropenal], July 30, 2024. Available at: <https://www.instagram.com/p/C-DRAosO2H4/?hl=en> and <https://www.instagram.com/p/C-DXLvZuzA7/?hl=en>; Crónica Uno, "Tribunales niegan defensa privada a detenidos en protestas tras comicios del 28J", 1 August 2024. Available at: <https://cronica.uno/tribunales-negaron-defensa-privada-a-detenidos-en-protestas/>; Document QQDC094 [Foro Penal's list of detainees].

⁸⁸¹ Interview PPIV157; Document PPDC188 [Video of the arrest]; Correo del Caroní, "Familiares de Aixa Boada: Entraron 20 funcionarios sin orden y se la llevaron 'por terrorista'", 1 August 2024. Available at: <https://correodelcahhttps://correodelcaroni.com/pais-politico/familiares-de-aixa-boada-entraron-20-funcionarios-sin-orden-y-se-la-llevaron-por-terrorista/>; roní.com/pais-politico/familiares-de-aixa-boada-entraron-20-funcionarios-sin-orden-y-se-la-llevaron-por-terrorista/; Instagram post by NOTICIAS DE INTERÉS [@noticiasdeinteres], August 3, 2024. Available at: <https://www.instagram.com/p/C-NQAzIRNCQ>

⁸⁸² Interview QQIV098.

⁸⁸³ The New York Times, "'Operation Tun Tun': Venezuela's government detains those who question Maduro's victory," August 10, 2024. Available at: <https://www.nytimes.com/es/2024/08/10/espanol/venezuela-represion-detenidos-maduro.html>; Posting on X by Agustin Antonetti [@agusantonetti], August 8, 2024. Available at: https://x.com/agusantonetti/status/1821622155798573512?t=sgmJk_g8dv0f8yrG0Mh5AQ&s=08; Posting on TikTok by Militares [@hitamaag], July 30, 2024. Available at: <https://www.tiktok.com/@hitamaag/video/7397654704311799046?q=dgcim%20operations%20tuntu n%202024&t=1723154780986>; TikTok posting by DCDO_COJEDES [@dcdo_cojedes], 1 August 2024. Available at: https://www.tiktok.com/@dcdo_coje d en/video/7398191452498513157.

⁸⁸⁴ Interviews IIV115; IIV116 and IIV117; Documents IIDC087; IDC088 and IIDC090.

b) Detentions and short-term enforced disappearances

678. Some civil society organizations have denounced short term enforced disappearances associated with arbitrary detentions. These cases require further investigation to reach a legal determination under the Mission's standards.

679. Notwithstanding the foregoing, the Mission notes that in several of the cases documented, the relatives and attorneys of detainees inquired about their whereabouts at different police and State intelligence service facilities, where they were denied any information or were told that they were not at those facilities. So far, in only two cases investigated the Mission has concluded that it has reasonable grounds to believe that short-term enforced disappearance was indeed perpetrated against Williams Daniel Dávila Barrios,⁸⁸⁵ Political Secretary of the National Executive Committee of the political party Acción Democrática (“in resistance”), and Ricardo Estévez⁸⁸⁶, member of the electoral team of Vente Venezuela. Their cases are presented in section D *infra*.

C. Serious due process violations

680. The Mission analyzed in detail the application of due process guarantees to detained and prosecuted persons in the context of the post-election protests. Many of the violations of due process found by the Mission in its previous reports were repeated in relation to those persons, and other new practices were identified, which, taken together, created a situation of defencelessness

1. Due process while in detention

681. The Mission analyzed respect for due process during the act of arrest itself, focusing on the following three aspects: (1) the identification of the officials who carried out the arrest; (2) the communication of the reasons for the arrest; and (3) the presentation of an arrest warrant or justification of *flagrante delicto*.

682. The criteria for the analysis are based on the provisions of the International Covenant on Civil and Political Rights, to which the Bolivarian Republic of Venezuela is a State party,⁸⁸⁷ as well as on domestic legislation.⁸⁸⁸ The Venezuelan legal system prohibits the arrest or detention of a person without a warrant, except in *flagrante delicto*; it requires that any authority making an arrest must identify itself; and that the person to be detained must be informed specifically and clearly of the reasons for the arrest. Failure to comply with any of these three requirements constitutes arbitrary detention.

a) Identification of officials in arrest operations

683. In several of the cases investigated and documented by the Mission, the officials responsible for the arrests were identified as members of a security force. However, all or some of the officials had their faces covered, as in the case of the detention of María Oropeza.⁸⁸⁹

684. In other cases, particularly those involving the selective detention of opposition political leaders, the operations were carried out by individuals who did not wear official uniforms or identification, who did not indicate which security force they belonged to, and who travelled in vehicles without licence plates. Such is the case, for example, of Williams Dávila, detained on 8 August 2024 by persons in civilian clothes in the vicinity of the plaza de Los Palos Grandes, Caracas.⁸⁹⁰ In another case, Ricardo Estévez was apprehended by

⁸⁸⁵ See *infra*, Case 19: Williams Davila.

⁸⁸⁶ See *infra*, Case 16: Ricardo Estévez.

⁸⁸⁷ ICCPR, art. 9 (1); Human Rights Committee, General Comment No. 35 (art. 9), CCPR/C/GC/35, para. 23.

⁸⁸⁸ Constitution, art. 44 (1 and 4).

⁸⁸⁹ See *infra*, Case 18: Maria Oropeza.

⁸⁹⁰ See *infra*, Case 19: Williams Davila.

persons in civilian clothes in the middle of the street on 30 July 2024, when his car was intercepted by vehicles without license plates in El Cafetal neighbourhood in Caracas.⁸⁹¹

b) Arrest warrants

685. In none of the cases investigated and documented by the Mission after 28 July 2024 did the arresting officials produce an arrest warrant issued by a competent judicial authority. The Mission has no indication that any of the arrests were made in *flagrante delicto*. While in the period prior to 28 July 2024 these warrants were also not presented or were subsequently added to the police files to give the appearance of legality,⁸⁹² even this practice disappeared after the presidential election.

686. During her detention, María Oropeza repeatedly asked to see an arrest warrant, to which the official in charge of the operation replied that "it was not necessary".⁸⁹³ In another case, which occurred on 2 August 2024 in the municipality of Urdaneta in Miranda State, the official in charge of the operation – from the Anti-Extortion and Kidnapping Division of the DAET –,⁸⁹⁴ accompanied by other officials with their faces covered, did not even know the name of the person they were going to arrest. When a relative of the wanted person asked to see the warrant, the official simply replied that he was following his "procedure" and threatened to arrest the relatives for "attack against authority".⁸⁹⁵ Both arrests made without arrest warrants were recorded and were shared on social media.

c) Reasons for the detention

687. In none of the cases investigated and documented by the Mission after 28 July 2024 did the officials involved in the operations communicate the reasons related to a specific criminal offence to justify the detention. In one case investigated by the Mission, a human rights defender was taken to a detention centre on the outskirts of Caracas without being informed of the reason for his detention and was released days later without charge.⁸⁹⁶ In other cases investigated by the Mission, the officials only mentioned in general terms that the detention was for "incitement to hatred" or "terrorism", following the statements of the Attorney General, but did not refer to specific facts or an alleged unlawful conduct of the detainee.⁸⁹⁷

2. Due process during the period of detention

688. The Mission also documented the non-observance of due process guarantees for persons deprived of their liberty with regard to communication with their families and lawyers of their choice, a timely first court appearance before a supervisory judge, and the processing of habeas corpus writs and other legal claims.

a) Communication with relatives and lawyers

689. In the vast majority of cases investigated and documented by the Mission during the post-election period, the persons deprived of their liberty were unable to communicate with their relatives or lawyers to inform them that they had been detained, where they were and what their situation was.

⁸⁹¹ See *infra*, Case 16: Ricardo Estévez.

⁸⁹² Detailed findings of Mission 2021, A/HRC/48/CRP.5; Restrictions on civic and democratic space, A/HRC/54/CRP.8.

⁸⁹³ See *infra*, Case 18: María Oropeza.

⁸⁹⁴ The role of the Directorate of Strategic and Tactical Actions (DAET) of the Bolivarian National Police (PNB) in the commission of serious violations was analysed in the Mission's report "The Directorate of Strategic and Tactical Actions of the Bolivarian National Police Corps and its relationship with the former Special Actions Forces" of 18 September 2023.

⁸⁹⁵ YouTube video, El País [@elpais], 7 August 2024. Available at: https://www.youtube.com/watch?v=mhW_IXpnCBE.

⁸⁹⁶ Case anonymised due to protection risks.

⁸⁹⁷ Post on X by the Public Prosecutor's Office of the Bolivarian Republic of Venezuela [@MinpublicoVEN], 30 July 2024. Available at: <https://x.com/MinpublicoVEN/status/1818306905581752371>.

690. The Mission recalls that international human rights law does not prohibit incommunicado detention. However, it cannot be prolonged (not more than a few days),⁸⁹⁸ and must be duly justified. Incommunicado detention increases the risk of torture and may in itself constitute a violation of the right to personal integrity.⁸⁹⁹ The domestic legislation (penitentiary regime) only exceptionally allows incommunicado detention of prisoners as a disciplinary sanction.⁹⁰⁰

691. In the case of persons detained as part of Operation Tun Tun, their relatives contacted the Mission and expressed their despair at not knowing their whereabouts. In the Oropeza case, her relatives and lawyers were told by SEBIN officials in El Helicoide not to have “any expectations” about visiting or calling her while the protests continued.⁹⁰¹

b) Prompt presentation before a judge

692. In several cases investigated and documented by the Mission, the maximum time limit of 48 hours legally established in domestic legislation for a detained person to be brought before a judge was not respected. International standards require that detainees be “promptly” presented before a judge.⁹⁰² In the case of children and adolescents, the time limit should not exceed 24 hours.⁹⁰³

693. In one of the cases investigated by the Mission of two young men detained in Caracas after taking part in a protest, they were brought before a judge four days after their detention.⁹⁰⁴ In the case of María Oropeza, at the time of writing, family members and lawyers were still unsure whether she had actually been brought before a judge since her arrest on 6 August 2024.⁹⁰⁵

c) Habeas corpus and other legal claims

694. The Mission notes with concern that, during the post-election period, judicial officials have refused to process *habeas corpus* petitions, which required the authorities to bring detained persons before a judge. In previous reports, as well as in the period prior to 28 July 2024, the Mission reported that judicial officials obstructed the processing of these petitions.⁹⁰⁶ However, as of 28 July 2024, *habeas corpus* petitions were not even received, nor were the complaints presented to the Public Prosecutor's Office and the Ombudsman's Office.

695. In one of the cases investigated by the Mission, officials of the Documents Reception and Distribution Unit of the Caracas Courthouse informed lawyers that they could not receive the *habeas corpus* petition because they needed authorisation from a superior.⁹⁰⁷ In two other

⁸⁹⁸ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, General Assembly Resolution 43/173 of 9 December 1988. Principle 15 states that a person may not be held in incommunicado detention for more than a few days; Human Rights Committee, *Aboufaied v. Libya*, CCPR/C/104/D/1782/2008, para. 7.4

⁸⁹⁹ Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person), CCPR/C/GC/35, para. 56; Interim Report prepared by the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment (2011), A/66/268; IACtHR, *Case of Rodríguez Vera et al (Disappeared from the Palace of Justice) v. Colombia*, 14 November 2014, para. 322. In that judgment the Court stated: “the mere fact of prolonged isolation and coercive incommunicado detention represents cruel and inhuman treatment in contradiction with Articles 5(1) and 5(2) of the Convention”.

⁹⁰⁰ The only domestic provision that refers to solitary confinement, and therefore to incommunicado detention, is article 145 of the Organic Penitentiary Code. It states that if a detainee has committed a serious or very serious offence, he or she will be punished by being held in solitary confinement for a maximum period of 15 days.

⁹⁰¹ See *infra*, Case 18: María Oropeza.

⁹⁰² Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person), CCPR/C/GC/35, para. 32.

⁹⁰³ UNODC. *Justice in Matters Concerning Children in Conflict with the Law. Model Law on Juvenile Justice and its Commentary* (New York, 2014).

⁹⁰⁴ See Case 13: Detention of two youths (V2024GG and V2024HH).

⁹⁰⁵ See Case 18: María Oropeza.

⁹⁰⁶ Detailed findings of the Mission 2020, A/HRC/45/CRP.11, para. 356.

⁹⁰⁷ See Case 18: María Oropeza.

cases, the officials claimed that they were not authorised to receive petitions from *guarimberos* (demonstrators) or terrorists,⁹⁰⁸ or that they did not receive *habeas corpus* petitions on weekends.⁹⁰⁹ The Mission also received information that judicial officials informed some lawyers that, as of 5 August 2024, they would comply with an order not to receive complaints of enforced disappearance, of cruel, inhuman or degrading treatment, or *habeas corpus* petitions.⁹¹⁰

3. Development of the hearings

696. The Mission has documented, based on the information received, the way in which judicial hearings have been conducted, in particular with regard to: the right of the accused to designate a lawyer of his or her own choosing; the equality of arms between the parties to the proceedings; the manner and places in which the hearings were held; and the relationship between the facts and the offences charged. International standards establish the right of all detainees to have adequate time and facilities for the preparation of their defence and to communicate with a lawyer of their choice.⁹¹¹ This is a safeguard for protection against arbitrary detention and infringement of personal security, including torture.⁹¹² Venezuelan legislation also enshrines these rights in the Organic Code of Criminal Procedure.⁹¹³

a) Lawyers of choice and technical defence

697. Although the denial of the detainees' right to have a lawyer of their own choice has been documented by the Mission in the past,⁹¹⁴ since 28 July 2024, this practice, which violates due process, has become widespread. In almost all the cases investigated and documented by the Mission, the accused were not able to appoint a lawyer of their choice and were assigned public defenders, who are, in fact, State officials.

698. The procedure for a lawyer to be able to represent a client includes an authorisation by the person to be represented and a certification by the competent court. In the cases investigated and documented by the Mission, lawyers have not been able to meet with detainees to obtain their formal authorisation. In other cases about which the Mission has received information from the NGOs Foro Penal and Espacio Público, the prison authorities have not allowed the legal teams of those organisations to communicate with the detainees, despite the fact that the relatives had authorised them to represent them legally.⁹¹⁵ Foro Penal said that it had received authorisation from the families of more than 150 prisoners to represent them, but at the time of writing, had not been able to make direct contact with the detainees.⁹¹⁶

699. In attempting to communicate with detainees, at least three Foro Penal lawyers have themselves been detained. In one of the cases documented by the Mission, the lawyer Kennedy Tejada went to see the head of the command of GNB in Caracas, Captain Mérida. Tejada was immediately threatened with death and forced to give officials the password to his mobile phone. GNB officials seized his motorbike and arrested him on 5 August 2024, shouting accusations that he was one of the persons destabilizing the Government, a "tire

⁹⁰⁸ See Case 19: Williams Davila and Case 17: Roland Carreño.

⁹⁰⁹ See Case 19: Williams Davila.

⁹¹⁰ Interview IIIV118.

⁹¹¹ ICCPR, art.14 (2) (b).

⁹¹² Human Rights Committee, General Comment No. 35 Article 9 (Liberty and security of person), CCPR/C/GC/35, para. 58.

⁹¹³ Organic Code of Criminal Procedure, arts. 127 and 139.

⁹¹⁴ Detailed Findings of the Mission 2020, A/HRC/45/CRP.11, para. 358; Detailed Findings of the Mission 2021, A/HRC/48/CRP.5, para. 293 et seq.; and Restrictions on civic and democratic space, A/HRC/54/CRP.8, para. 943.

⁹¹⁵ Interviews QQIV104 and WWIV103.

⁹¹⁶ YouTube video, Univisión Noticias [@univisionnoticias], "Incomunicado, sin abogados y acusados de terrorismo: las condiciones de los detenidos en Venezuela", 1 August 2024. Available at: <https://www.youtube.com/watch?v=ON6SihjN8-Y> [min 1:10].

burner". The following day, Tejada was charged by a Terrorism Court for the crimes of "terrorism"⁹¹⁷ and "incitement to hatred".⁹¹⁸

700. On the same day, 5 August 2024, two lawyers from the NGO Fundehullan were threatened by PNB officials while visiting the families of detainees whom the organization was assisting. A PNB commander told the lawyers: *"You [Fundehullan NGO lawyers] are making a political show and I will not allow you to continue your work as lawyers"*.⁹¹⁹

701. The direct and deliberate action of the authorities in not allowing detainees to appoint lawyers of their choice is one of the main obstacles to the exercise of the right to an effective technical defence. The large number of cases in which this is happening, as well as the variety of places and ways in which these cases are occurring, especially since 28 July 2024, confirms the widespread and systematic nature of the practice, which was already documented in the period leading up to the presidential election. Among the cases investigated by the Mission, the lawyers of María Oropeza, Freddy Superlano, Williams Dávila, Perkins Rocha and Roland Carreño had not been allowed to represent their clients at the time of writing.

702. Moreover, as reported by the Mission in previous reports, public defenders do not comply with their obligation to provide a diligent and effective technical defence. This is either due to lack of resources, fear of reprisals, or lack of interest. According to sources consulted by the Mission, during the post-election period, public defenders were explicitly instructed not to carry out any procedural acts on behalf of their clients. This situation leaves detained persons in a serious state of defencelessness and lack of protection in the face of arbitrary acts by representatives of the Public Prosecutor's Office and the judges themselves.

b) Equality of arms

703. As reported by the Mission in previous reports,⁹²⁰ when private lawyers have been allowed to represent a detainee, they often did not have sufficient time to examine the case file - if he or she had access to it at all - or to prepare the defence. The same situation is occurring for public defenders assigned to represent detainees in the post-election period. Furthermore, the Mission has been informed that the inability to access case files is also due to the fact that, in some cases, the files simply do not exist.⁹²¹

c) Format and location of hearings

704. The Mission documented that, in a large number of cases during the post-election period, numerous detainees were jointly presented in grouped first court appearances which allowed the court to charge several persons at the same time, without individualising the participation of each of them in the alleged criminal acts. In general, the hearings were held at night in the prisons where the accused were being held. The hearings took place online and were of very short duration before a Special Terrorism Courts in Caracas.

705. In one case, 21 people arrested in Apure State between 1 and 2 August 2024 were brought before the State's Criminal Court between 3 and 4 August 2024. The court declined jurisdiction in favour of the terrorism courts and the detainees were immediately presented via a videocall before one of the terrorism courts in Caracas. The Mission was able to document that the hearing lasted approximately five minutes and was conducted with public defenders who were unfamiliar with the cases. The 21 detainees were charged with inciting hatred and terrorism.⁹²² These crimes may carry high penalties; for example, in the case of terrorism, the penalty can be up to 30 years imprisonment.⁹²³

706. The Mission also investigated another case in which the hearing was held online before a Terrorism Court, although the detainees were also in Caracas, in a detention centre

⁹¹⁷ Organic Law against Organised Crime and the Financing of Terrorism, art. 52.

⁹¹⁸ Interview WWIV100; Constitutional Law against Hate, for Peaceful Coexistence and Tolerance, art. 20.

⁹¹⁹ Document WWDC075.

⁹²⁰ Detailed Findings of the Mission 2021, A/HRC/48/CRP.5, paras. 305-306.

⁹²¹ Interviews QQIV014 and QQIV034

⁹²² Interviews WWIV090 and WWIV091.

⁹²³ Organic Law against Organised Crime and Terrorist Financing, art. 52.

in the capital. With the participation of an itinerant prosecutor, several persons were charged with offences established by the laws on terrorism and incitement to hatred, without specifying the alleged criminal responsibility of each of them.⁹²⁴

707. The initial court appearances in this period continued to be closed⁹²⁵ and it has been documented that defendants were prevented from addressing the judges. International norms and standards allow for exceptions to the rule of public hearings on grounds of national security, morals, public order (ordre public), respect for the private life of individuals or the interests of justice.⁹²⁶ The Mission has no evidence to suggest that the Terrorism Courts have invoked a legitimate justification for applying any exceptions on these grounds.⁹²⁷

d) Offences charged

708. The Mission consistently noted that persons arrested after 28 July 2024 were charged with terrorism and incitement to hatred. The charges for those offences were formulated without specifying individual criminal responsibility or the facts and circumstances of the commission of the offence, making it clear that the aim was to charge the detainees with those crimes as announced by the Attorney General, who stated: "*[a]ll those arrested for acts of violence will be charged with offences such as public incitement [to commit an offence], obstruction of public roads, incitement to hatred, resisting authority and, in the most serious cases, terrorism, and [they] will be sentenced to imprisonment*".⁹²⁸

709. Those charges were brought against opposition political leaders, individuals who simply participated in the protests, persons who sympathised with the opposition or criticised the Government, journalists who covered the protests, lawyers for those detained, human rights defenders and members of the academic community. It should also be noted that, according to information received by the Mission, persons who did not take part in the protests but were arrested in their vicinity, have also been charged with those offences.

D. Sexual and gender-based violence

710. Unlike other violations, cases of sexual and gender-based violence tend to be reported later due to the particular characteristics of these human rights violations and crimes. Due to both the delay in reporting and the complex factors surrounding sexual violence, such as shame or fear of social and cultural stigma that may affect their social and family relationships or their professional life project these types of violations and crimes require more time than others to be properly documented, analyzed and investigated in depth. In addition, the widespread impunity surrounding this type of violence exacerbates these problems and further silences the victims.

711. In the post-election period, there were several dynamics that delayed access to reliable information and hindered the investigation process. First, access to victims, witnesses and relatives of victims of sexual and gender-based violence was considerably restricted. Witnesses accessed by the Mission were afraid to denounce and talk to external actors.⁹²⁹ For the most part, victims were detained with very limited contact with family members and almost no contact with private defence lawyers. Many of the victims of these forms of

⁹²⁴ See Case 13: Detention of two youths (V2024GG and V2024HH).

⁹²⁵ Human Rights Committee, General Comment No. 32, CCPR/CG/32, notes in paragraph 28 that "(...) The publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large (...)".

⁹²⁶ ICCPR, art. 14(1).

⁹²⁷ The Human Rights Committee found violations of Article 14 (1) of the Covenant in cases where the government failed to justify the reasons for holding non-public hearings in respect of political opponents. Human Rights Committee, Communication 10/1977, *Alberto Altesor v. Uruguay*, para. 13.5; Communication 138/1983, *Mpandanjila Thsise v. Democratic Republic of the Congo*, para. 8.2.

⁹²⁸ Post on X by the Public Prosecutor's Office of the Bolivarian Republic of Venezuela [@MinpublicoVEN], 30 July 2024. Available at: <https://x.com/MinpublicoVEN/status/1818306905581752371>

⁹²⁹ Document IIDC117.

violence were in such a vulnerable situation that the protection risks outweighed the need to obtain information.

712. Other survivors of sexual and gender-based violence prefer not to make public the violation of their rights, even not to speak confidentially with the Mission, out of shame or fear of social and cultural stigma that may also affect their social and family relationships or their personal and professional life project.⁹³⁰

713. To try to mitigate the impact of these challenges, the Mission implemented several strategies in line with the “do no harm” principle, which allowed for at least recording incidents of sexual or gender-based violence. On several occasions, the Mission anonymized details that could identify victims.

714. In addition to the above, the Mission was able to verify that the victims came to normalize certain violations of their integrity, such as invasive searches and acts of forced nudity when visiting places of detention, assuming that this is an acceptable price for not losing the right to see and contact their loved ones.

1. Context

715. In the period since 28 July 2024, the Mission was able to investigate 11 cases involving 19 victims of sexual and gender-based violence (one man, 13 women - including one woman of age - and five girls) in eight states of the country. The Mission found reasonable grounds to believe that, in four of these cases, acts constituting SGBV occurred.

716. Acts of sexual and gender-based violence that were investigated by the Mission included the following⁹³¹:

- Threat of rape and sexual violence⁹³²
- Sexual violence including groping of breasts, buttocks and genitals⁹³³
- Forced nudity in front of custodians and other detainees of the opposite sex, sometimes with the obligation to perform physical exercises⁹³⁴
- Invasive body searches of detainees or visitors⁹³⁵
- Sexual exploitation and coercive transactional sex⁹³⁶
- Sexist insults⁹³⁷
- Denial of sexual and reproductive rights⁹³⁸

717. The cases and situations documented by the Mission during this period indicate that GNB, PNB and DGCIM officials perpetrated most of the acts of sexual and gender-based violence against women and girls. In all the cases to which the Mission had access, the officials of these security forces participated in the detention of the victims, treating them as

⁹³⁰Interview WWIV042.

⁹³¹Similar acts have been identified by the Mission since its first report in 2020. See Detailed Findings of the Mission 2020, A/HRC/45/CRP.11; The human rights situation in the Arco Minero del Orinoco, A/HRC/51/CRP.2; Crimes against humanity and State’s structures, A/HCR/51/CRP.3; and Restrictions on civic and democratic space, A/HRC/54/CRP.8.

⁹³²Interviews IIIV112; IIIV121; QQIV08; QQIV099 and QQIV0100; Documents IIDC100; IIDC103 and IIDC104.

⁹³³Interviews IIIV121; QQIV08; QQIV099 and QQIV0100; Documents IIDC100; IIDC103 and IIDC104.

⁹³⁴Ibid.

⁹³⁵Documents IIDC128 and IIDC129. See also Post on X by Kaoru Yonekura [@kaoru_yonekura], 5 September 2024. Available at: https://x.com/kaoru_yonekura/status/1831757997330374814; Post on X by Venezuela Libre [@josefinabenitz], 5 September 2024. Available at: <https://x.com/josefinabenitz/status/1831797638573985911>.

⁹³⁶Interviews QQIV109 and IIIV119.

⁹³⁷Interviews IIIV121; QQIV08; QQIV099; QQIV0100; IIDC100; IIDC103; IIDC104 and IIDC097.

⁹³⁸Interview IIIV121; Document IIDC098.

"guarimberas".⁹³⁹ These incidents generally took place in pre-trial detention centres, such as DGCIM Boleíta and different GNB zone commands in different states, and in the PNB headquarters in Maripérez (Caracas). Generally, the events took place during the period prior to the presentation before the courts and before the individuals were transferred to other detention centres.

718. The gender analysis of human rights violations presented in this section not only reveals the differentiated patterns of violence, but also reflects how security forces employed gender stereotypes to exercise control, punishment and humiliation against women, men and even boys and girls. Insults of "bitch" or "whore" are intended to reduce women to their sexuality, which is seen as inherently negative and dangerous if left unchecked. Similarly, men were attacked for their sexual orientation with homophobic insults equating homosexuality with weakness and questioning their masculinity as a form of humiliation.⁹⁴⁰

2. Detentions and gender

719. As noted above, young men from popular sectors have been the main victims of detentions in this post-electoral period (see supra, section B). Although to a lesser extent, the Mission documented that women and girls were also subject to detentions. Women, also mostly inhabitants of popular sectors, represent a particularly vulnerable group because of their lack of economic resources and because they face a double burden of repression: because of their participation in the protests and because of their gender.⁹⁴¹

720. As of 24 August 2024, Foro Penal reported 226 women and girls detained. According to the digital media Efecto Cocuyo, in the 15 days following Election Day, the number of women detained for political reasons increased by 700 percent with respect to the period prior to the presidential election.⁹⁴² In many cases, the victims were detained without warrants, in *flagrante delicto* or without an evident legal basis, which constitutes arbitrary detentions.

721. On many occasions, detentions were accompanied by gender-based violence, especially against women and girls, with a particular focus on the dehumanization and humiliation of the detainees.⁹⁴³ The Mission received the testimony of a woman who, in the context of a demonstration on 29 July 2024 in a State in the Andean region, despite not participating in the demonstration at the time, was subjected to sexist threats and intimidation in the street by GNB officials for wearing a white T-shirt - a colour currently associated with the political opposition - and carrying Venezuelan flags with a friend.⁹⁴⁴ These women were called "bitches" and briefly chased by a motorized contingent of the GNB. The intervention of an official prevented the situation from escalating.⁹⁴⁵ In one case investigated by the Mission, two girls reported that, while walking down the street in an area where there was no protest, they were stopped by a GNB commando and that the officials insulted them and touched their genitals, over their clothes, while beating them.⁹⁴⁶

722. On 17 August 2024 in Amazonas State during a peaceful gathering, three persons, the human rights defender Henry Gómez Fernández, Carmen Leomar García Azuaje, secretary of the opposition party 'Alianza Bravo Pueblo' and another woman of age, were detained. A witness told the Mission that he saw the two women being physically assaulted and insulted by the GNB. According to another source, in addition to physical violence, both women were

⁹³⁹ These same patterns of sexual and gender-based violence (SGBV) were already identified by the mission since its first report in 2020, where the same modus operandi by Venezuelan security forces was documented, showing a continuity in the use of these practices in the context of selective repression and control of protests. See A/HRC/45/33, paras. 398 et seq.

⁹⁴⁰ These stereotypes have been identified by the Mission since its first report in 2020. See A/HRC/45/33, paras. 398 et seq.

⁹⁴¹ Document IIDC119.

⁹⁴² Efecto Cocuyo, "Indefensión, vulnerabilidad y silencio: las mujeres detenidas en las protestas poselectorales", 17 August 2024. Available at: <https://efectococuyo.com/la-humanidad/indefension-vulnerabilidad-y-silencio-las-mujeres-detenido-en-las-protestas-poselectorales/>.

⁹⁴³ Ibid.

⁹⁴⁴ Document IIDC097; Interview IIIV121.

⁹⁴⁵ Document IIDC097.

⁹⁴⁶ Interviews IIIV121; QQIV08; QQIV099 and QQIV0100; Documents IIDC100; IIDC103; IIDC104 and IIDC119.

insulted with degrading terms such as ‘*bitches*’ and ‘*whores*’, in a clear attempt to humiliate and dehumanize them during the detention.⁹⁴⁷

723. The Mission documented the case of a mother and a daughter under 18 years of age who were detained on 3 August 2024 in a state in the Andean zone by DGCIM officials.⁹⁴⁸ Both were wearing a white T-shirt and were walking down the street returning from a citizens' assembly called by the opposition. During their transfer to the DGCIM headquarters, the officials touched the girl's genitals.⁹⁴⁹ The mother was released before arriving at the military counterintelligence headquarters while her daughter was released a day later without charges.⁹⁵⁰

724. The Mission also received testimony about two girls, 16 and 17 years old, who were detained by the GNB in a northeastern state. The detention took place while they were walking down the street where there was a demonstration. The girls were handed over to PNB officials, who subjected them to threats, groping and food deprivation in an intimidating context.⁹⁵¹

725. The Mission highlights the challenges that many of the female relatives of detainees are facing in assuming the economic burdens of supporting the family.⁹⁵² Given that the majority of detainees are men, mothers and wives especially have been disproportionately impacted due to the gender roles traditionally assigned to women.⁹⁵³ In numerous cases documented by the Mission, detention has led to changes and challenges in household dynamics, forcing women to assume the economic burden of supporting the family and the detained family member, who had previously been the main source of family income..⁹⁵⁴

3. Conditions of detention and cruel, inhuman or degrading treatment

726. In several cases reported to the Mission, men, women, girls and boys were held together in detention centres, including GNB and PNB detachments, without separation by gender, age or degree of danger.⁹⁵⁵ These persons had to relieve themselves in plastic bags without any privacy and in front of persons of the other sex.⁹⁵⁶ According to a source, a girl detained in one of these places was insulted by GNB officials calling her “*bitch whore*” and making intimidating sexual advances to her, in front of all the other detainees.⁹⁵⁷ Two girls were stripped naked in front of the rest of the detainees, including adult males, and subjected to touching and groping.⁹⁵⁸

727. In another case, according to information received by the Mission, a 24-year-old woman in the state of Barinas was detained while trying to find out about her partner, who had been arrested in the context of protests. She was subsequently taken to a detention centre in the city of Barinas, where, according to her relatives, she was severely beaten in the

⁹⁴⁷ Interview IIIV133. See also IAHCR, *Carmen Leonor García Azuaje regarding Venezuela*, resolution 54/2024, Precautionary Measure N° 900-24, 23 August 2024. Available at: https://www.oas.org/en/iachr/decisions/mc/2024/res_54-24%C2%A0_mc_900-24_ve_en.pdf.

⁹⁴⁸ Document IIDC119.

⁹⁴⁹ Ibid. See also IAHCR, *Carmen Leonor García Azuaje regarding Venezuela*, resolution 54/2024, Precautionary Measure N° 900-24, 23 August 2024. Available at: https://www.oas.org/en/iachr/decisions/mc/2024/res_54-24%C2%A0_mc_900-24_ve_en.pdf.

⁹⁵⁰ Interview IIIV121.

⁹⁵¹ Interview IIIV130.

⁹⁵² According to data from the ENCOVI survey, the economic activity rate of women is 37.3%, while that of men is 62.7%. The percentage of women who do not work because they occupy caregiving roles is 30.8% in households above the poverty line and 69.2% in households below the poverty line. See ENCOVI, “ENCOVI 2023. Radiografía de la vulnerabilidad social de Venezuela y propuestas de políticas públicas”, March 2024, p. 67. Available at: [https://assets.website-files.com/5d14c6a5c4ad42a4e794d0f7/65f8aa0a4054c8b7a93fe274_Presentacio%CC%81n%20ENCOVI%202023%20integrada%20prensa%20v1303%20\(1\).pdf](https://assets.website-files.com/5d14c6a5c4ad42a4e794d0f7/65f8aa0a4054c8b7a93fe274_Presentacio%CC%81n%20ENCOVI%202023%20integrada%20prensa%20v1303%20(1).pdf).

⁹⁵³ Interviews IIIV063; IIIV064; IIIV070; IIIV075 and IIIV123.

⁹⁵⁴ Ibid.

⁹⁵⁵ Interviews IIIV121; IIIV116; QQIV08; QQIV099 and QQIV0100. Documents IIDC100; IIDC102; IIDC103 and IIDC104.

⁹⁵⁶ Interviews IIIV123; IIIV118; IIDC114 and IIDC113.

⁹⁵⁷ Document IIDC103.

⁹⁵⁸ Document IIDC100.

abdomen by several officials. Due to her injuries, she had to be transferred to a medical centre. The woman is still in detention at the time of going to press.⁹⁵⁹

728. In one of the cases investigated, the Mission found reasonable grounds to believe that veiled threats of sexual violence and mistreatment specific to the person's sexual orientation were used while in detention.⁹⁶⁰ In another case investigated by the Mission, but which the family requested to be kept confidential for fear of reprisals, a female relative of a detainee was sexually extorted by requesting sexual favours in exchange for better conditions for her imprisoned relative.⁹⁶¹

729. The Mission also received information regarding the treatment of pregnant or lactating women in detention centres, that amount to forms of reproductive violence. The Mission investigated the case of a girl who was ill-treated in detention despite the fact that she had stated that she was pregnant. The victim was forced to do physical exercises such as jumping and jogging, while she was threatened with abortion for being a "bitch *whore*".⁹⁶²

730. The attorney for a woman who was 10 weeks pregnant told the Mission that the woman was detained in a small cell, shared with several other persons, both men and women, without access to the minimum conditions of medical attention or adequate food required for a pregnancy.⁹⁶³ The Mission also documented the cases of two female detainees who were prevented from continuing breastfeeding.⁹⁶⁴ Interference with the autonomy to decide whether or not to breastfeed children, in contexts of detention, can also constitute a form of reproductive violence and even ill-treatment.⁹⁶⁵

731. A large number of the women detained in the framework of the post-electoral crisis, especially in the Capital District, were transferred to the La Crisálida Training Center for Female Detainees, in Miranda State. According to several sources consulted by the Mission, the women detained in La Crisálida experience critical conditions due to lack of access to basic services and the stigma of having participated in the protests, for which they had been subjected to beatings and insults.⁹⁶⁶

732. The Mission also received information that detention conditions in the National Institute for Female Orientation (INOF), the only prison exclusively for women in the country, have worsened since the elections, especially against women detained for being considered opponents. Various sources informed the Mission that the searches are constant and invasive, forcing the women detainees and those who visit them to undress, jump, exert

⁹⁵⁹ Document IIDC126.

⁹⁶⁰ Interview IIIV112.

⁹⁶¹ Interviews QQIV109 and IIIV119.

⁹⁶² Comisión de la Mujer de la Universidad de los Andes, "Régimen de Maduro ignora enfoque de género al detener y privar de libertad a mujeres tras elecciones presidenciales", 21 August 2024. Available at: <https://ulamujer.org/regimen-de-maduro-ignora-enfoque-de-genero-al-detener-y-privar-de-libertad-a-mujeres-tras-elecciones-presidenciales>; Debate, "Te vamos a hacer abortar para que no tengas hijos terroristas: Gobierno de Maduro amenaza a embarazada", 18 August 2024. Available at: <https://www.debate.com.mx/mundo/Te-vamos-a-hacer-abortar-para-que-no-tengas-hijos-terroristas-Gobierno-de-Maduro-amenaza-a-embarazada-20240818-0061.html>; La Patilla, "Hay una joven embarazada: Reportan que al menos 10 adolescentes se encuentran detenidos en Mérida tras protestas", 5 August 2024. Available at: <https://www.lapatilla.com/2024/08/05/hay-una-joven-embarazada-reportan-que-al-menos-10-adolescentes-se-encuentran-detenidos-en-merida-tras-protestas>.

⁹⁶³ Interview IIIV135. See also X post by Tamara Sujú [@TAMARA_SUJU], 1 September 2024.

Disponibile en: https://x.com/TAMARA_SUJU/status/1830362841896956393.

⁹⁶⁴ Interview IIIV121; Document IIDC126.

⁹⁶⁵ Office of the Prosecutor of the ICC, Policy Paper on Sexual and Gender-Based Crimes (June 2014), p. 13. Available at: <https://www.icc-cpi.int/sites/default/files/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>.

⁹⁶⁶ Interview IIIV124. See also Observatorio Venezolano de Prisiones, "Sin agua y hacinadas en pequeñas celdas sobreviven mujeres detenidas en protestas postelectorales", 15 August 2024. Available at: <https://oveprisiones.com/sin-agua-y-hacinadas-en-pequenas-celdas-sobreviven-mujeres-detenidas-en-protestas-postelectorales>; X post by Runrunes [@RunRunesWeb], 20 August 2024. Available at: <https://x.com/RunRunesWeb/status/1825838687608815675>; El Mundo, "Setenta detenidas por el régimen venezolano hacinadas en La Crisálida, entre tratos crueles y torturas psicológicas", 17 August 2024. Available at: <https://www.elmundo.es/internacional/2024/08/17/66bf6c8afdddf2a0d8b45b5.html>.

themselves and show their vaginas.⁹⁶⁷ For example, in one of the last visits in the first week of September 2024, the Mission was informed that women visitors were obligated to strip completely naked and one custodian violently inserted her fingers into their vaginas, using the same glove and without washing her hands between each woman.⁹⁶⁸

733. Women and girls are at particular risk of sexual violence in detention, including insults, humiliation, and unnecessary invasive body searches.⁹⁶⁹ This risk manifests itself most clearly during transfers to police stations, courts or prisons, especially when male prisoners are not separated from female prisoners or when male staff transport female prisoners.⁹⁷⁰

E. Illustrative cases

Case 13: Detention of two youths (V2024GG and V2024HH)⁹⁷¹

Background

734. On 29 July 2024, V2024GG, 19 years old, and V2024HH, 24 years old, participated in a protest in Caracas against the electoral results announced by the National Electoral Council.⁹⁷² During the demonstration, a group of armed civilians, known as *colectivos*, who were supporting the government and working in collusion with the security forces, appeared. A member of the *colectivo* recognized V2024GG and struck him on the head with an object the young man identified as a firearm, telling him to leave the area. Both youths then left the protest at that moment.⁹⁷³

735. V2024GG went to a nearby health centre with a family member, where he was diagnosed with injuries, including bruises and a head wound.⁹⁷⁴ According to a source, upon entering the health centre a member of a *colectivo* took a photograph of V2024GG. When the family member asked this person the reasons for the photograph, he was told that it was a measure to register people arriving injured.⁹⁷⁵

Detention

736. The following day, on 30 July 2024, around six armed DGCIM officials arrived in two black vehicles at a house where V2024GG and V2024HH were staying together with five members of the same family⁹⁷⁶. The officials forced their way into the apartment and according to the account of witnesses, upon entering the house they pointed their guns at all the people who were there and took V2024GG and V2024HH away in handcuffs, without offering any explanation or showing a warrant.⁹⁷⁷ Several neighbours, with a communal courtyard in the centre of the building, witnessed the raid and arrest of V2024GG and V2024HH.⁹⁷⁸

737. A relative of the detainees told the Mission that he followed the DGCIM vehicles to downtown Caracas, losing track of them near the Presidential Palace in Miraflores. There, GNB officials indicated to him that the youths had probably been taken to the DGCIM

⁹⁶⁷ Interviews IIV120 and IIV122; Documents IIDC104; IIDC105; IIDC106 and IIDC127. .

⁹⁶⁸ Documents IIDC128 and IIDC129. See also X post de Kaoru Yonekura [@kaoru_yonekura], 5 September 2024. Available at: https://x.com/kaoru_yonekura/status/1831757997330374814; X post by Venezuela Libre [@josefinabenitz], 5 September 2024. Available at: <https://x.com/josefinabenitz/status/1831797638573985911>.

⁹⁶⁹ Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, paras. 16-20 y 51-53.

⁹⁷⁰ Ibid.

⁹⁷¹ For protection reasons, the alleged victims have been anonymized and information identifying persons, places and others has been omitted.

⁹⁷² Interviews IIV116 and IIV115.

⁹⁷³ Interviews IIV116 and IIV117.

⁹⁷⁴ Interview IIV116; Document IIDC087 [medical report].

⁹⁷⁵ Interview IIV116.

⁹⁷⁶ Ibid.; Documents IIDC088 and IIDC089.

⁹⁷⁷ Interview IIV116.

⁹⁷⁸ Documents IIDC088 and IIDC090.

facilities. The relative arrived at the DGCIM facility in Boleíta, where he was informed that the youths were not there.⁹⁷⁹

738. According to a source, between 30 and 31 July 2024, the youths were detained for a few hours at the PNB facility in Maripérez, Caracas. During their detention in Maripérez, they were ill-treated, including being beaten while hanging by their hands and receiving electric shocks to their ribs. They were subsequently transferred to Zone 7 of the PNB. There they were crammed into a small cell with approximately 40 other people, to the extent that they were forced to take turns sleeping and using a single toilet.⁹⁸⁰

739. On 31 July 2024, V2024HH called a relative to inform him that he and V2024GG were detained in Zone 7 of the PNB in Boleíta and requested that food and clothing be brought to them. The family went to the location and delivered a package with the requested items, but the officials in Boleíta refused to provide any official information about the whereabouts and health of the youths.⁹⁸¹

740. According to unofficial information obtained from the youths' relatives, on 3 August, in the early hours of the morning, V2024GG and V2024HH had their initial court appearance via teleconference before a terrorism judge at the same detention centre, with the participation of a mobile public prosecutor. During the brief hearing, the young men were charged with 'incitement to hatred'⁹⁸² and 'terrorism'⁹⁸³ without specifying their individual acts or the circumstances of the alleged crimes; the judge ruled a 45-day custodial measure on them.⁹⁸⁴ Despite his efforts, the lawyer representing the relatives was unable to represent the detainees or visit them.⁹⁸⁵

741. Some neighbours informed the relatives of V2024GG and V2024HH that they had been reported via the VENAPP⁹⁸⁶ application by other persons from the same neighbourhood for participating in the protests and expressing their opposition to the electoral result on their WhatsApp status.⁹⁸⁷

742. On 7 August 2024, the relatives of both youths received new information from another unofficial source that the youths would be transferred to the Yare 3 penitentiary centre.⁹⁸⁸ On 12 August 2024, V2024GG and V2024HH were visited by their relatives after they had been transferred to that centre, where they remained isolated with other detainees from the protests.⁹⁸⁹

743. The relatives of V2024GG and V2024HH discovered that their relatives were no longer at Yare 3 because the parcels brought on Sunday, 25 August 2024, were not received. Later, they learned from unofficial sources that the youths had been transferred to the Aragua Penitentiary Centre, known as Tocorón, however, at that time, they did not receive accurate information from the authorities, despite having inquired at the Platinum Tower, the headquarters of the Penitentiary Ministry.⁹⁹⁰

744. After a new call from V2024GG and V2024HH, in which they informed their relatives that they were well, the family secured a new visit scheduled for 9 September 2024.

Conclusion

745. The Mission has reasonable grounds to believe that the two youths were arbitrarily detained. At the time of their arrest, which was carried out with violence, DGCIM official

⁹⁷⁹ Interview IIIV116.

⁹⁸⁰ Interview IIIV117.

⁹⁸¹ Interviews IIIV116 and IIIV117.

⁹⁸² Constitutional Law against Hatred for Peaceful Coexistence and Tolerance, art. 20.

⁹⁸³ Organic Law against Organized Crime and Financing of Terrorism, art. 52.

⁹⁸⁴ Interview IIIV117.

⁹⁸⁵ Interviews IIIV116 and IIIV117.

⁹⁸⁶ See *supra*, chap. V.B.

⁹⁸⁷ Interview IIIV116.

⁹⁸⁸ *Ibid.*

⁹⁸⁹ Interviews IIIV116 and IIIV117.

⁹⁹⁰ Document IIDC116.

did not present an arrest warrant, nor did they inform the youths of the reasons for their detention or the charges against them.

746. The judicial process involved several serious due process violations. Among other issues, the hearing was conducted at night in an expedited and telematic manner at a detention centre, without informing the detainees' lawyers or their families, and without allowing the detainees to choose their preferred lawyers. The public defender did not provide effective technical defence. The Mission notes that V2024GG and V2024HH were charged with crimes that the Prosecutor General had already publicly announced would be charged individuals participating in the protests. The Mission has no information indicating that an investigation was conducted or even a complaint was filed before the youths were charged with these crimes. V2024GG and V2024HH were also held in incommunicado detention for more than 10 days, violating national legislation that does not permit incommunicado detention, as well as international human rights standards, which provide that such detention should not last more than a few days.⁹⁹¹

747. The Mission received serious allegations of cruel, inhuman and degrading treatment, which could amount to torture. The Mission needs more time to investigate these allegations and reach conclusions in accordance with its standard of proof.

Case 14: Detention of two girls⁹⁹²

748. On the afternoon of 29 July 2024, two girls (V2024II, 15 years old, and V2024JJ, 17 years old) were detained by GNB officials while walking through their town. At the location where they were detained, no protest was taking place at the time.

749. A person who was present at the time of the arrest reported that the GNB officials grabbed them by the hair, beat them, and covered their faces to take them to the GNB Zone Command.

750. According to one of the Mission's sources, upon arriving at the GNB Zone Command, some officials forced V2024JJ to pull down her pants and touched her genitals, in front of other detainees and adult male custodians. Subsequently, the two girls were transferred to a room with all the other detainees, including women and adult men, where they remained for a week. There they were beaten and verbally abused with sexist insults. During that week, they were not allowed to receive food, visits or phone calls from their families, and they slept on the floor without any blankets to cover themselves.

751. On 30 July 2024, one day after their arrest, V2024II and V2024JJJ were transferred for a few hours to the CICPC headquarters in the same city, for their initial court appearance. There they were presented, together with other girls, in a telematic hearing before the First Special Court of First Instance in control functions of the criminal system of adolescent responsibility with competence in cases related to crimes associated with terrorism, with nationwide jurisdiction. During the hearing, V2024II and V2024JJ stated that they were stripped and abused in the military facilities. The public defender representing them did not make any allegations on behalf of the girls. The girls were charged with "terrorism",⁹⁹³ "incitement to hatred"⁹⁹⁴ and "criminal association",⁹⁹⁵ and were placed in preventive detention.

752. According to a source, after 10 days of detention, V2024II was released with alternative measures of periodic presentation at the court, prohibition to leave the city and to participate in public demonstrations of any nature. At the time of receiving her release order, photos were taken of her.

⁹⁹¹ Principle 15, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

⁹⁹² For child protection reasons, the alleged victims have been anonymized and information identifying persons, places and others has been omitted, as well as the respective references to direct and open sources. This case is based on three interviews, videos, and information from two NGOs.

⁹⁹³ Organic Law against Organized Crime and Financing of Terrorism, art. 52.

⁹⁹⁴ Constitutional Law against Hatred for Peaceful Coexistence and Tolerance, art.20.

⁹⁹⁵ Organic Law against Organized Crime and Financing of Terrorism, art. 37.

753. V2024JJ remains in detention. According to a testimony, V2024JJ requires special medication, which she did not have access to for 13 days after her detention. Although her family was eventually able to provide her with this medication, they have not been able to see or visit her.

Conclusions

754. The Mission notes that the girls experienced serious violations of their right to due process, rendering their detention arbitrary. The initial hearing was conducted without the presence of their family members or guardians, as established by international standards on the matter,⁹⁹⁶ as well as Venezuelan law.⁹⁹⁷ Furthermore, they were not allowed to be represented by a lawyer of their choice and a public defender was imposed on them, who did not present any arguments in their defence, in violation of their right to defence. The public defender also made no reference to the allegations that the girls were subjected to sexual violence and ill-treatment, both at the time of their detention and during the period they were held at the GNB Zone Command. The Mission does not have sufficient information to determine whether an arrest warrant was presented to them at the time of their detention, or that the reason for their detention was explained to them.

755. The Mission considers that both adolescents suffered various acts of sexual and gender-based violence. These acts included touching, forced nudity in front of other detainees and adult male custodians, and sexist insults, in an intimidating and extremely vulnerable environment for the two girls.

756. The two girls did not receive the procedural protections required by the Venezuelan Organic Law for the Protection of Children and Adolescents, as well as by international norms and standards. Their initial court appearance was held at the detention centre, and neither the Office of the Attorney General, the Public Defender's Office, nor the judge made any pronouncement or took any action regarding the allegations of sexual and gender-based violence they suffered at the hands of GNB officials.

757. The Mission considers that the conditions of detention of V2024II and V2024JJ are not compatible with international minimum standards on the matter, which may constitute cruel, inhuman or degrading treatment.⁹⁹⁸ The two girls had to remain for a week in an overcrowded cell with older male persons in unsanitary conditions, without taking into consideration their specific needs as adolescents.⁹⁹⁹ The two girls were also held in incommunicado detention during this period.

⁹⁹⁶ Convention on the Rights of the Child - to which the Bolivarian Republic of Venezuela is a State party, art. 40 (2)(b)(i); Rule 7 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), A/RES/40/33, 29 November 1985. Available at: <https://www.ohchr.org/es/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile>.

⁹⁹⁷ Organic Law for the Protection of Children and Adolescents, *Gaceta Oficial* No. 5.859 Extraordinary, 10 December 2007, art. 654: Every adolescent alleged to have committed or to have participated in a punishable act has the right, from the first procedural act, to: (a) To be specifically and clearly informed of the facts with which he or she is charged and the authority responsible for the investigation. (b) To communicate privately with his or her parents, representatives or guardians; with a lawyer, attorney, person or association he or she trusts, to inform about his or her detention. (c) To be assisted by a defence counsel appointed by him or her, his or her parents, representatives or guardians and, failing that, by a public defender or public defender.

⁹⁹⁸ The Beijing Rules, A/RES/40/33, 29 November 1985. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile>.

⁹⁹⁹ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), A/RES/65/229, 21 December 2010. Adopted by the General Assembly, they provide guidance on how to meet the specific needs of women in the event of imprisonment, including rules relevant to the prevention of and protection against torture and ill-treatment, as well as the protection of women prisoners against any gender-based physical or verbal violence, abuse and sexual harassment. Available at: <https://documents.un.org/doc/undoc/gen/n10/526/28/pdf/n1052628.pdf>.

Case 15: Freddy Superlano

758. Freddy Francisco Superlano Salinas is an opposition politician and former member of the National Assembly in the 2016-2021 term. In November 2021, he was a candidate for the governorship of Barinas with the Democratic Unity Roundtable (MUD). The Supreme Tribunal of Justice ordered the National Electoral Council (CNE) to suspend the regional elections in Barinas due to alleged irregularities and to repeat the elections in January 2022, despite projections from the CNE indicating that Superlano was the winner. Superlano was unable to run again in these elections due to being politically disqualified by the Comptroller General of the Republic since August 2021, a measure of which he was unaware. In its 2023 report, the Mission investigated the case of his political disqualification, concluding that it had reasonable grounds to believe it was arbitrary.¹⁰⁰⁰ In 2023, Superlano ran as a candidate in the primary election of the Unitary Platform for the Voluntad Popular party, of which he is currently the political coordinator.

Detention

759. On 30 July 2024, just minutes before 9:40 a.m.,¹⁰⁰¹ Freddy Superlano, his cousin and personal assistant, Renso Salinas—also known as Renso Yépez—and his driver, Rafael García, were heading from the municipality of Baruta, Miranda State, to a rally in Caracas. The protest had been organized by Edmundo González and María Corina Machado in response to the presidential election results announced by the authorities.¹⁰⁰²

760. During the journey, near Plaza Chacao, the vehicle carrying Superlano and his companions was followed by two unmarked silver trucks and two motorcycles ridden by individuals in plain clothes.¹⁰⁰³ When they reached Avenida Principal de Sebuacán in Leoncio Martínez Parish (Municipality of Sucre, Miranda State), one of the silver trucks blocked Superlano's vehicle as it was preparing to reverse.¹⁰⁰⁴

761. According to the account from a source accessed by the Mission, which matches the footage from two videos recorded by local residents and posted on social media, it appears that only one of the silver trucks was involved in the initial pursuit. From this truck, five men emerged, dressed in uniforms and black bulletproof vests, some with an identifying logo on their backs—illegible in the images—and carrying long firearms; four of them were hooded.¹⁰⁰⁵ The videos also show that Freddy Superlano and the other two persons were forcibly removed from the vehicle they were traveling in and made to enter one of the silver trucks, without being shown any arrest warrant.¹⁰⁰⁶

762. During the capture procedure, the motorcyclists who also participated remained vigilant. At the end of the procedure, they left with the truck and Superlano's vehicle, which was driven by one of the officials.¹⁰⁰⁷

¹⁰⁰⁰ Restrictions on civic and democratic space, A/HRC/54/CRP.8, “Case 37: Freddy Superlano Salinas”, paras. 1037-1052.

¹⁰⁰¹ Document HHDC193 [Videos of security cameras - arrest of Freddy Superlano].

¹⁰⁰² Interviews HHIV141; HHIV136; HHIV139 and HHIV140. See also Post on X by Comando ConVzla [@ConVzlaComando], 30 July 2024. Available at: <https://x.com/convzlacomando/status/1818247570134569093?s=61&t=GWUsveOaBPLvLt7ew4SPNg>

¹⁰⁰³ Interviews HHIV141; HHIV136 y HHIV140.

¹⁰⁰⁴ Interviews HHIV141; HHIV136; HHIV139 y HHIV140; Document HHDC193 [Videos of security cameras - arrest of Freddy Superlano]; Post on X from the account of Freddy Superlano [@freddysuperlano], 30 July 2024. Available at: <https://x.com/freddysuperlano/status/1818289691319574840> [in this post on Freddy Superlano's social network X, there are two videos of the moment of his arrest].

¹⁰⁰⁵ Interview HHIV141; Post on X from the account of Freddy Superlano [@freddysuperlano], 30 July 2024. Available at: <https://x.com/freddysuperlano/status/1818289691319574840> [in this post on Freddy Superlano's social network X, there are two videos of the moment of his arrest].

¹⁰⁰⁶ Ibid.

¹⁰⁰⁷ Document HHDC193 [Videos of security cameras - arrest of Freddy Superlano].

763. According to a source to which the Mission had access, the three detainees were taken to the SEBIN facility in El Helicoide.¹⁰⁰⁸

764. On 30 July 2024, Superlano, Salinas and García's detention was publicly denounced in the media and social media. Some members of the opposition political parties also spoke out about this event.¹⁰⁰⁹

765. The next day, 31 July 2024, on his television program *Con el Mazo Dando*, the member of the National Assembly and PSUV Vice-President Diosdado Cabello announced that “Superlano [was] in custody and speaking very well, he is bilingual”. Cabello did not offer details on Superlano's whereabouts, but with this statement he confirmed that he was under State custody.¹⁰¹⁰

Disappearance

766. From the day after Freddy Superlano's capture until 6 August 2024, his wife searched for him at various facilities and detention centres of the State's security forces and intelligence services in Caracas, including the SEBIN offices in Plaza Venezuela, the DGCIM offices in Boleíta, and the PNB offices in Maripérez. On 2 and 5 August 2024 she also visited the SEBIN facilities at El Helicoide. At all these locations, the officials either refused to provide her with information or informed her that her husband was not in any of these places.¹⁰¹¹

767. In parallel, Superlano's wife requested from the authorities a proof of life of her husband through social media and television programs.¹⁰¹² Voluntad Popular published in its official social media alerts and requests for proof of life of Superlano, Salinas and García.¹⁰¹³

768. On 1 August 2024, at noon, 48 hours after the arrest and with no news of Superlano's whereabouts or situation, his wife filed a habeas corpus petition before the Court of First

¹⁰⁰⁸ Interview HHIV141.

¹⁰⁰⁹ X post by Voluntad Popular [@VoluntadPopular], 30 July 2024. Available at: <https://x.com/VoluntadPopular/status/1818401238070817109>; X post by Primero Justicia [@Pr1meroJusticia], 30 July 2024. Available at: <https://x.com/Pr1meroJusticia/status/1818297557790900475>; X post by Edmundo González [@EdmundoGU], 30 July 2024. Available at: <https://x.com/EdmundoGU/status/1818313091853197690>; X post by Vente Barinas [@VenteBarinas], 30 July 2024. Available at: <https://x.com/VenteBarinas/status/1818400324987818272>; X post by Unidad Venezuela [@unidadvenezuela], 30 July 2024. Available at: <https://x.com/unidadvenezuela/status/1818304822451359945>.

¹⁰¹⁰ YouTube video, El Silbon Agencia Informativa, [@elsilbonagenciainformativa], “Con El Mazo dando en vivo programa #487”, 31 July 2024. Available at: https://www.youtube.com/live/hgS_BSKxJQc?si=mGr5UCocc7U387m5&t=7386 [min. 2:03:06].

¹⁰¹¹ Documents HHDC184 y HHDC191; X post from the account of Freddy Superlano [@freddysuperlano], 5 August 2024. Available at: <https://x.com/freddysuperlano/status/1820474468629680223>.

¹⁰¹² X post by Aurora Superlano [@AuroraSuperlano], 1 August 2024. Available at: <https://x.com/AuroraSuperlano/status/1819112887480352986>; X post by Univision Noticias [@UniNoticias], 1 August 2024. Available at: <https://x.com/UniNoticias/status/1819114336981307697>; YouTube video, CNN en Español, [@cnnee], “Esposa de Superlano, el opositor venezolano detenido, dice que su marido no tuvo acceso a un abogado”, 2 August 2024. Available at: https://youtu.be/XjxiOa8AA7A?si=HLcSMMtsl4ky_XBD; X post by Freddy Superlano [@freddysuperlano], 3 August 2024. Available at: <https://x.com/freddysuperlano/status/1819821803633836163>; Video de YouTube, Noticias RCN, [@NoticiasRCN], “Esposa del opositor venezolano Freddy Superlano exige su liberación inmediata”, 5 August 2024. Available at: <https://youtu.be/vrQzXGVowAc?si=iZf9MXYJm8oZu3iB>.

¹⁰¹³ X post by Voluntad Popular [@VoluntadPopular], 30 July 2024. Available at: <https://x.com/VoluntadPopular/status/1818401238070817109>; 31 July 2024. Available at: <https://x.com/VoluntadPopular/status/1818406794760249823>; 31 July 2024. Available at: <https://x.com/VoluntadPopular/status/1818435385229299868>; 31 July 2024. Available at: <https://x.com/VoluntadPopular/status/1818449747763454111>; 31 July 2024. Available at: <https://x.com/VoluntadPopular/status/1818710418262528444>; and 4 August 2024. Available at: <https://x.com/VoluntadPopular/status/1819753549338751023>.

Instance with competence in matters of protection of personal liberty and security of the Judicial Circuit of the Metropolitan Area of Caracas.¹⁰¹⁴ In the petition, the wife denounced the detention of her husband and recounted the unsuccessful efforts to find him.¹⁰¹⁵

769. On the afternoon of 1 August 2024, after the wife filed the habeas corpus petition in court, the Attorney General informed in a press conference that Superlano was in good health and was cooperating with the investigations related to the protests that occurred after 28 July 2024. The Attorney General linked Superlano to Emill Brandt Ulloa, regional coordinator of Vente Venezuela and director of María Corina Machado's national campaign committee in the State of Barinas, arrested on 8 March and implicated in Operation White Armband. The Attorney General also claimed that Superlano was providing information about an attack on the CNE's data updating system. However, the Attorney General did not provide details on where Superlano was being held, nor did he indicate which body was holding him.¹⁰¹⁶

770. On 4 August 2024, the Attorney General gave an interview to Caracol Radio of Colombia. When asked about Superlano's whereabouts, he only mentioned that he was in excellent health, without indicating where he was being held. He also stated that the detainee had been charged with the "corresponding charges in relation to everything that has been orchestrated"; however, he did not specify the corresponding offences, arguing that he could not disclose such information.¹⁰¹⁷

771. On 6 August 2024, during a new visit to El Helicoide, Superlano's wife, accompanied by one of his lawyers, was informed by SEBIN officials that Freddy Superlano was being held in that detention centre and that he was in good health.¹⁰¹⁸ They also told her that, for the moment, he was not allowed visitors and that they had no information about the possibility of him communicating with his relatives or private attorneys.¹⁰¹⁹

772. According to the family's lawyer, on 3 August 2024, during an initial appearance before the court, which was held privately at night¹⁰²⁰ without notice to his relatives or lawyers in El Helicoide, Superlano was charged with "terrorism,"¹⁰²¹ "treason against the homeland,"¹⁰²² "conspiracy,"¹⁰²³ "criminal association,"¹⁰²⁴ and "incitement to hatred."¹⁰²⁵ According to the lawyer, this last charge stemmed from a speech made by Superlano on 1 July 2024, in which he addressed supporters of Voluntad Popular and encouraged them to vote on 28 July 2024. In that speech, Superlano said: "*Let's give a coñaza [beating] to the ruling party at every voting centre and polling station in the country*".¹⁰²⁶

773. On 5 August 2024, the Second Municipal Tribunal of First Instance, which has jurisdiction over security and personal freedom complaints in the Metropolitan Area of Caracas judicial circuit, declared the constitutional protection remedy inadmissible.

¹⁰¹⁴ Document HHDC183 [Hábeas Corpus Freddy Superlano].

¹⁰¹⁵ Ibid. See also Document HHDC184; Tal Cual, "Introducen en tribunales hábeas corpus por desaparición forzada de Freddy Superlano", 1 August 2024. Available at: <https://talcauldigital.com/introducen-en-tribunales-habeas-corpus-por-desaparicion-forzada-de-freddy-superlano>; X post by VIVOplay [@vivoplaynet], 1 August 2024. Available at: <https://x.com/vivoplaynet/status/1819084300345893237>.

¹⁰¹⁶ YouTube video, Noticias Venevisión, [@NoticieroVenevision], "Ministerio Público confirma la detención de Freddy Superlano", 2 August 2024. Available at: https://youtu.be/MMV6uEeL0cc?si=xwJRzOCV9xY_Kr-t.

¹⁰¹⁷ Caracol Radio, "No existen órdenes de captura contra Machado y González: Saab, fiscal general de Venezuela", 4 August 2024. Available at: <https://caracol.com.co/2024/08/04/no-existen-ordenes-de-captura-contra-machado-y-gonzalez-saab-fiscal-general-de-venezuela>.

¹⁰¹⁸ Documents HHDC184 and HHDC191; Interview HHIV137. See also El Pitazo, "Esposa de Freddy Superlano confirma que está detenido en El Helicoide", 6 August 2024. Available at: <https://elpitazo.net/politica/esposa-de-freddy-superlano-confirma-que-esta-detenido-en-el-helicoide>.

¹⁰¹⁹ Documents HHDC184 and HHDC191; Interview HHIV137.

¹⁰²⁰ Interview HHIV137.

¹⁰²¹ Organic Law against Organized Crime and Financing of Terrorism, art. 52.

¹⁰²² Criminal Code, art. 128.

¹⁰²³ Ibid., art. 132.

¹⁰²⁴ Organic Law against Organized Crime and Financing of Terrorism, art. 37.

¹⁰²⁵ Law against Hatred 2017, art. 20.

¹⁰²⁶ X post by 800 noticias [@800Noticias], 1 July 2024. Available at: https://x.com/800Noticias_/status/1807574574072029284.

Additionally, the tribunal noted that there was an arrest warrant for Superlano, requested by Office No. 19 of the Office of the Attorney General and dated 1 July 2024.¹⁰²⁷ However, neither Superlano's family nor his lawyers were notified of the existence of this arrest warrant.¹⁰²⁸

774. At the time this report was completed, Superlano had not had direct contact with either his family or his lawyer, both of whom lacked information about his conditions of detention.¹⁰²⁹

Conclusions

775. The Mission has reasonable grounds to believe that Freddy Superlano was arbitrarily detained, along with Renso Salinas and Rafael García, on 30 July 2024, in Sebuacán, Municipality of Sucre, Miranda State, by state security forces. At the time of their arrest, they were not presented with an arrest warrant nor informed of the charges against them. In this regard, the Mission notes that Superlano's arrest warrant was requested by Prosecutor's Office 19 at the national level on 1 July 2024, which was after his arrest, rendering it without legal basis.

776. Similarly, Freddy Superlano suffered serious violations of due process, which constitutes another factor of the arbitrariness of his detention. The initial appearance before the court was conducted through a closed hearing at night, in El Helicoide, without the presence of his lawyer and without notifying his family. Additionally, it was held beyond the timeframe established by national legislation, that is, 48 hours. The Mission also notes that Superlano was held in incommunicado detention from his arrest, up until the time this report was written, that is, for more than a month, despite the fact that there is no legal basis in domestic law for holding a person in incommunicado detention. The Mission observes that these violations are not isolated incidents or the result of procedural errors but are committed systematically in most of the detentions the Mission has investigated, especially when it involves opposition figures or those perceived as such.

777. According to an expansive interpretation, as described in the chapter on enforced disappearances in this report, the Mission also has reasonable grounds to believe that Superlano was subjected to a short-term enforced disappearance. Although on 31 July 2024 the current Minister of the Interior, Diosdado Cabello, who was then a member of the National Assembly, stated during his television program that Superlano had been detained, and the Attorney General publicly confirmed on two occasions —1 and 4 August 2024— that Superlano was detained and in good health, neither provided specific information about the location of his detention or which security force held him in custody. It was only on 6 August 2024, a week after his detention, that his relatives and lawyer were informed that Superlano was being held in El Helicoide under SEBIN's custody.

778. The Mission further notes that Superlano's relatives and attorneys inquired several times about his whereabouts and fate in various detention centres of the security forces, including El Helicoide, where he was indeed detained. The officials either denied that he was being held or did not provide any information. Additionally, two days after the arrest, Superlano's wife filed a habeas corpus petition, recounting her unsuccessful efforts to locate him. The petition was declared inadmissible four days later on the grounds that it did not meet the requirement of demonstrating that the deprivation of liberty was arbitrary, contrary to the Mission's findings.

779. In the framework of this interpretation, the Mission also notes that the initial appearance before a judge took place on 3 August 2024, beyond the legal period of 48 hours to be presented before a supervisory judge after arrest.

¹⁰²⁷ Document HHDC198 [Notification of the decision rejecting the Habeas Corpus petition in which reference is made to the filing hearing].

¹⁰²⁸ Document HHDC200.

¹⁰²⁹ Document HHDC185. See also X post by El Diario [@eldiario], 6 August 2024. Available at: <https://x.com/eldiario/status/1820897604479189178>

780. However, according to a restrictive interpretation, this case is not considered an enforced disappearance because two high-ranking State authorities publicly acknowledged that Superlano had been detained within 48 hours of the event. In addition, the Attorney General announced that Superlano was in good health and was cooperating with the investigations. Under this interpretation, the State's acknowledgment of a person's detention has the effect of not depriving the detainee of the protection of the law.

781. The Mission was informed that Renso Salinas and Rafael García were released on 1 August 2024 without charges or precautionary measures.¹⁰³⁰ The Mission was unable to obtain further information about their situation.

Case 16: Ricardo Estévez

782. Ricardo Ludwing Estévez Moza is a member of the electoral team of Vente Venezuela and a technician for the electoral room of the National Campaign Command.¹⁰³¹ In 2002, he co-founded the Civil Association Súmate¹⁰³² with María Corina Machado and others. Súmate is a non-profit organization dedicated to promoting citizen participation and transparency in Venezuela's electoral processes.¹⁰³³

Detention

783. On 30 July 2024, at 10:15 a.m., while driving his vehicle in the El Cafetal neighbourhood of Caracas, Ricardo Estévez was intercepted by two Toyota trucks without license plates, one white and one black. Three individuals, at least one of whom was armed and wearing a bulletproof vest, emerged from the trucks. Two of these individuals forcibly removed Estévez from his car, while one of them put him into the black truck. One of the individuals then drove away in Estévez's car, followed by the captors in the trucks. The scene was captured by a security camera at the site. In the 1-minute and 18-second video, the individuals did not appear to provide any explanation to Estévez or present him with an arrest warrant.¹⁰³⁴

Search for his whereabouts

784. On 31 July 2024, Ricardo Estévez's relatives inquired about his whereabouts at El Helicoide, where an official informed them that no detainee had been admitted in the last two days. The relatives then proceeded to a second gate of El Helicoide, where another official told them to wait while he checked with the investigating officials. Half an hour later, the officer informed them that there was no information about their detained relative and instructed them to leave.¹⁰³⁵

785. That same day, the relatives went to the PNB Command in Maripérez, where the officials informed them that no person matching Estévez's description had been admitted on either 30 or 31 July 2024. An official mentioned that several detainees had recently been transferred to the PNB facilities in Boleíta, known as Zone 7. Consequently, the relatives

¹⁰³⁰ Interviews HHIV141 and HHIV136.

¹⁰³¹ Interview WWIV087; El Pitazo, "Perfil ¿Quién es Ricardo Estévez, el técnico electoral detenido arbitrariamente?", 2 August 2024. Available at: <https://elpitazo.net/politica/perfil-quien-es-ricardo-estevez-el-tecnico-electoral-detenido-arbitrariamente>.

¹⁰³² In December 2023, within the framework of a statement to the media regarding the so-called conspiracy against the Essequibo referendum, the Attorney General referred to Súmate as "an organization historically subsidized with dark funds from alleged ... organizations outside the law linked to the United States of America". See also YouTube video, Public Prosecutor's Office of the Bolivarian Republic of Venezuela, [@MPvenezolano], "FGR anunció órdenes de aprehensión contra quienes conspiraron contra Referéndum Consultivo 06/12/23", 6 December 2023. Available at: <https://www.youtube.com/watch?v=ULddeM6Aij4> [min 11:22].

¹⁰³³ Súmate, "¿Quiénes Somos". Available at: <https://www.sumate.org/nosotros.html>; El Pitazo, "Perfil ¿Quién es Ricardo Estévez, el técnico electoral detenido arbitrariamente?", 2 August 2024. Available at: <https://elpitazo.net/politica/perfil-quien-es-ricardo-estevez-el-tecnico-electoral-detenido-arbitrariamente>.

¹⁰³⁴ Interview WWIV087; Documents QQDC100 and WWDC076.

¹⁰³⁵ Interviews WWIV087; WWIV092 and WWIV098; Document WWDC086.

went there to inquire, but an official, after reviewing a list, indicated that Estévez was not on it.¹⁰³⁶

786. On 1 August 2024, a team of lawyers appointed by the family filed a habeas corpus petition with the Appeals Chamber of the national terrorism jurisdiction, alleging that Ricardo Estévez was presumed to be in SEBIN custody and under the orders of a terrorism court, however, there was no certainty about his whereabouts or situation since 30 July 2024.¹⁰³⁷

787. On 2 August 2024, one of the lawyers checked the status of the habeas corpus proceedings at the Documents Reception and Distribution Unit of the Palace of Justice, where he was informed that the First Chamber of the Court of Appeals for Terrorism was handling the case.¹⁰³⁸

788. According to two of Estévez's relatives, on 4 August 2024 they went to El Helicoide again, bringing clothes, food, medicine, and a plastic chair. One of the relatives told an official that his only intention was for Estévez to receive the package if he was there. The SEBIN official responded that they need not worry, as “he has water and food here” and that he had a comfortable space, so there was no need to leave the chair.¹⁰³⁹

Judicial proceedings

789. Neither the relatives nor the lawyers of Ricardo Estévez have received or been informed of any official information regarding criminal proceedings initiated against him. However, from an unofficial source, they have learned that Estévez was brought before the Second Terrorism Tribunal on 3 August 2024, along with Freddy Superlano and Roland Carreño. The specific charges against Estévez are unknown.¹⁰⁴⁰ A public defender has been assigned to Estévez, and his trusted lawyers have not been officially designated, thus have not had access to his case file.¹⁰⁴¹

Conclusions

790. The Mission has reasonable grounds to believe that Ricardo Ludwing Estévez Moza was arbitrarily detained on 30 July 2024, after having been detained in a procedure in which the officials in charge, who were not identified, did not present him with the corresponding warrant, nor did they inform him of the charges against him, in violation of both the requirements established by domestic law¹⁰⁴² and international law.¹⁰⁴³

791. In addition, Estévez's initial court appearance involved several serious violations of due process, further demonstrating the arbitrariness of his detention. Among the violations, the hearing was conducted in a non-public manner, beyond the legally established 48 hours, and without notifying Estévez's trusted lawyers or his family. Estévez's lawyers have not had access to the court file. These serious violations do not occur exceptionally or in some isolated cases, but in a systematic manner, as demonstrated by the investigation carried out by the Mission during this period.

792. The Mission also has reasonable grounds to believe that Ricardo Estévez has been subjected to short-term enforced disappearance. After the arrest, both Estévez's family and lawyers inquired about his whereabouts and fate at different security and intelligence agencies in Caracas, including El Helicoide (where he was actually detained), without obtaining a positive response. In all these places, the respective officials denied having him in detention, or simply refused to provide any information on his fate or whereabouts. Only on 4 August 2024, when a SEBIN official at El Helicoide informed his relatives that Estévez had “water and food” did they have any indication of his whereabouts. The Mission also

¹⁰³⁶ Interviews WWIV087; WWIV092 and WWIV098; Document WWDC095.

¹⁰³⁷ Document WWDC074; Interview WWIV088.

¹⁰³⁸ Interview WWIV095.

¹⁰³⁹ Interviews WWIV092 and WWIV087.

¹⁰⁴⁰ Interviews WWIV087; WWIV088 and HHIV137.

¹⁰⁴¹ Interview WWIV095.

¹⁰⁴² Constitution of the Bolivarian Republic of Venezuela, art. 44; Organic Code of Criminal Procedure, art. 127.

¹⁰⁴³ ICCPR, arts. 9(1) and (2); and 14 (3)(a).

notes that his initial court appearance was held on 3 August 2024, two days after the legal deadline.

793. At the time of finalizing this report, the authorities had not allowed visits from either lawyers or family members to Estévez, keeping him incommunicado for more than a month, which is not permitted by the national legal system¹⁰⁴⁴ and is contrary to international standards on the matter.¹⁰⁴⁵

Case 17: Roland Carreño

794. Roland Oswaldo Carreño Gutiérrez is a journalist, a former television presenter, and currently a member and national operational coordinator of the political party *Voluntad Popular*. From 26 October 2020 to 18 October 2023, Carreño was detained at the SEBIN facilities at El Helicoide. In its 2023 report, the Mission concluded that it had reasonable grounds to believe that his detention was arbitrary.¹⁰⁴⁶ Carreño was released in the framework of the Barbados Agreements in October 2023.¹⁰⁴⁷

Detention

795. According to several sources interviewed by the Mission, on 2 August 2024, at approximately 2:30 p.m., the vehicle carrying Roland Carreño was intercepted by several trucks and a motorcyclist on the Francisco Fajardo highway, near the Botanical Garden in Caracas.¹⁰⁴⁸ According to one of the sources consulted by the Mission, approximately ten SEBIN officials got out of the trucks and, pointing their weapons at Carreño, made him get out of his vehicle and forced him into one of the SEBIN trucks.¹⁰⁴⁹ All vehicles left for the SEBIN offices in Plaza Venezuela.¹⁰⁵⁰

796. From that day, Carreño's lawyers and relatives began searching for him and visited SEBIN facilities in Plaza Venezuela and El Helicoide, DGCIM in Boleíta, and PNB in Maripérez. At all these locations, the respective officials denied that Carreño was detained there or claimed to have no information about him.¹⁰⁵¹

797. On the morning of 5 August 2024, a group of relatives and lawyers returned to the SEBIN facilities at El Helicoide. Once again, the officials denied having Carreño detained there¹⁰⁵² and threatened to arrest the lawyers if they continued to inquire about him.¹⁰⁵³ At noon, the lawyers attempted to file a habeas corpus petition at the Palace of Justice, but the judicial staff refused to accept it¹⁰⁵⁴.

798. On 6 August 2024, the lawyers again attempted to file the petition. The judicial officials again refused to receive it, alleging that they were not receiving petitions from the persons involved in the “*guarimbas*”.¹⁰⁵⁵

799. On the same day, one of the lawyers returned to El Helicoide, where SEBIN officials informed him that Carreño was being held at the facility and was in good health.¹⁰⁵⁶

¹⁰⁴⁴ Organic Code of Criminal Procedure, art. 127.

¹⁰⁴⁵ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, General Assembly resolution 43/173, 9 December 1988, Principles 15, 16, 18(3) and 19.

¹⁰⁴⁶ Restrictions on civic and democratic space, A/HRC/54/CRP.8, “Case 7: Roland Carreño”.

¹⁰⁴⁷ See *supra*, chap. III.

¹⁰⁴⁸ Interviews HHIV145 and HHIV142. See also X post by Voluntad Popular [@VoluntadPopular], 2 August 2024. Available at: <https://x.com/VoluntadPopular/status/1819481772679184829>.

¹⁰⁴⁹ Interview HHIV142.

¹⁰⁵⁰ Interview HHIV145.

¹⁰⁵¹ Interviews HHIV145 and HHIV142; Document HHDC192. See also Instagram post by TVV Noticias [@tvvnoticias], 3 August 2024. Available at: https://www.instagram.com/reel/C-MCKcFMWgO/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==.

¹⁰⁵² Interviews HHIV145 and HHIV142.

¹⁰⁵³ Interview HHIV142.

¹⁰⁵⁴ *Ibid.*

¹⁰⁵⁵ *Ibid.*

¹⁰⁵⁶ Interview HHIV137; Documents HHDC186 and HHDC185. See also X post by El Diario [@eldiario], 6 August 2024. Available at: <https://x.com/eldiario/status/1820897604479189178>.

Initial court appearance and search for his whereabouts

800. According to four sources who provided information to the Mission, on 4 August 2024 they learned from an unofficial source that Carreño had appeared before a terrorism tribunal on the night of 3 August 2024 or in the early hours of the following day.¹⁰⁵⁷ According to this unofficial information, at the hearing Carreño was charged with “terrorism,”¹⁰⁵⁸ “treason,”¹⁰⁵⁹ “conspiracy,”¹⁰⁶⁰ and “criminal association”¹⁰⁶¹ for coordinating the “comanditos”¹⁰⁶² of the national campaign for Edmundo González and María Corina Machado.¹⁰⁶³

801. The Mission was also informed by a source that, in the early morning of 6 August 2024, SEBIN officials raided Carreño's home and took personal belongings.¹⁰⁶⁴

802. Although SEBIN officials at El Helicoide informed Carreño's lawyer on 6 August 2024 that he was being held there and was well, neither his family nor his lawyer had been able to communicate with him as of the time this report was finalized.

Conclusions

803. The Mission has reasonable grounds to believe that Roland Carreño was detained by SEBIN officials on the Francisco Fajardo highway in Caracas on 2 August 2024. However, the Mission has not been able to confirm whether the officials presented a warrant at the time of the arrest. However, the manner in which the arrest was carried out fits a pattern identified by the Mission regarding arrests made in the post-election context, according to which, members of the security forces intercept individuals they intend to arrest, force them out of their vehicles, and transport them in another vehicle, sometimes without license plates, to the facilities of the respective security force, often without a warrant. The security forces also fail to inform the detainees of the reasons for their arrest and the charges against them.

804. According to the information received by the Mission, Carreño's initial court appearance took place on 3 August 2024 at night or on 4 August 2024 in the early morning hours. As with all cases investigated by the Mission in the post-electoral period, the hearing was conducted with serious violations of due process: it was held at night or in the early hours of the morning, a closed hearing without the attendance of lawyers of his choice, and without his family being informed. The Mission notes that Carreño was charged with the crimes that the Attorney General had previously announced would indict those participating in the protests. The Mission has no information indicating that an investigation or a complaint was filed against Carreño before he was charged with these crimes. Based on the foregoing, the Mission has reasonable grounds to believe that Carreño was subject to arbitrary detention.

805. The Mission also notes that Carreño was held in incommunicado detention since his arrest, up to the time of writing this report, for a period of more than one month, despite the fact that there is no legal basis in domestic law for holding a person in incommunicado detention for such a period. The Mission notes that these violations are not isolated incidents or mere procedural errors; rather, they are committed systematically in most of the detentions investigated by the Mission involving individuals who are opponents or perceived as such.

806. According to an expansive interpretation, as described in the chapter on enforced disappearance in this report, the Mission also has reasonable grounds to believe that Carreño was subjected to short-term enforced disappearance. The Mission notes that, from the day of his apprehension, no one was able to know where he was or what condition he was in. Moreover, when the persons close to Carreño and the lawyers questioned the authorities, including those at the SEBIN facilities in Plaza Venezuela and El Helicoide, the respective officials refused to give them information about his whereabouts, or would not admit to holding him, despite the fact that, according to information obtained by the Mission, Carreño

¹⁰⁵⁷ Interviews HHIV145; HHIV142 and WWIV088; Document HHDC192.

¹⁰⁵⁸ Organic Law against Organized Crime and Financing of Terrorism, art. 52.

¹⁰⁵⁹ Criminal Code, art. 128.

¹⁰⁶⁰ Ibid.

¹⁰⁶¹ Organic Law against Organized Crime and Financing of Terrorism, art. 37.

¹⁰⁶² The “*comanditos*” are local groups of volunteers of the “ConVlza” campaign led by María Corina Machado and Edmundo González.

¹⁰⁶³ Interviews HHIV137 and HHIV142.

¹⁰⁶⁴ Interview HHIV145.

was detained at both locations. In addition, Carreño's lawyers attempted to file habeas corpus petition on two occasions, but they failed. According to this interpretation, from the moment of the initial appearance before court, there is a presumption that the detainee, in this case Carreño, is under the protection of the law.

807. A restrictive interpretation, however, does not consider that there was an enforced disappearance in this case, taking into account that Carreño was brought before the judge on the night of 3 August 2024, or on 4 August 2024 in the early hours of the morning, that is, within the legal time limit, i.e. within 48 hours of his detention. Therefore, Carreño was under the protection of the law, given that the State and its officials were in a position of guarantors of his rights, regardless of whether the authorities refused to provide information about his fate and whereabouts to his relatives.

Case 18: Maria Oropeza

Background

808. Maria Andreina Oropeza Camacho was the regional coordinator of the National Campaign Committee of the opposition presidential candidate Edmundo Gonzalez in Portuguesa State.¹⁰⁶⁵

809. On 3 August 2024, the authorities began referring to Operation Tun Tun, named after a popular Christmas song. On 5 August 2024, during a public event, President Nicolás Maduro mentioned it in a mocking tone, modifying the lyrics of the original song to say “don’t be a cry baby, you’re off to Tocarón” (*no seas llorón, vas pa’ Tocarón*),” alluding to the Aragua Penitentiary Centre, to which several persons detained in the post-electoral context were transferred.¹⁰⁶⁶

810. On 6 August 2024 at 6:30 p.m., María Oropeza posted a video on her social media, warning that the Government was executing Operation Tún Tún. In the video, Oropeza explained that this operation involved the persecution of political leaders, citizens who exercised their right to vote, and those who participated in peaceful demonstrations following the presidential election.¹⁰⁶⁷

Detention

811. Around 9:00 p.m. on 6 August 2024, a group of state security officials went to María Oropeza's home in Guanare, Portuguesa State. From the second floor of the building, Oropeza managed to record the officials attempting to force their way into her home and post it in real time on her Instagram account.¹⁰⁶⁸

812. In the images disseminated through social media and analyzed by the Mission, María Oropeza can be heard asking the persons who were trying to enter her home: “*Can you please tell me why you are entering my home*”, to which a woman answered her to come downstairs.¹⁰⁶⁹ Oropeza asked her if she had a search warrant, and the woman's response was that “a search warrant was not necessary”.¹⁰⁷⁰ The woman, in charge of the operation, identified herself as Commissioner González Zambrano. Oropeza reiterated her request to see the search warrant but received no response.

813. When they managed to break the access gate to the building, a female official entered, presumably Commissioner González Zambrano, followed by four other officials, all men. One of the officials wore a cap with the DGCIM insignia, another wore a vest, another had his face covered with a balaclava, and another had his face uncovered. The five officials walked up the stairs to the second floor where Oropeza was located. Moments later, after a

¹⁰⁶⁵ Document WWDC077 [Vente Venezuela report].

¹⁰⁶⁶ CNN, “Operación Tun Tun es la respuesta del oficialismo venezolano”, 8 August 2024. Available at: <https://cnnespanol.cnn.com/video/manifestantes-venezuela-operacion-tuntun-perspectivas-mexico-tv>.

¹⁰⁶⁷ Post on X by María Oropeza [@mariaoropeza94], 6 August 2024. Available at: <https://x.com/mariaoropeza94/status/1820965731455869108>.

¹⁰⁶⁸ Document WWDC085.

¹⁰⁶⁹ Document WWDC078.

¹⁰⁷⁰ Document WWDC080.

female voice was heard ordering Oropeza to “collaborate”, the transmission was interrupted.¹⁰⁷¹

Search for her whereabouts

814. On the same day, 6 August 2024, after Oropeza's arrest, her mother went to inquire about Oropeza's whereabouts at the SEBIN and DGCIM facilities in Guanare. At the DGCIM facilities, one of the officials told her that she was not there and to ask for her in the municipality of Araure, also in the state of Portuguesa.¹⁰⁷²

815. The next day, 7 August 2024, in the afternoon, a group of persons close to María Oropeza went to the División of Criminal Investigations (DIP) of the PNB in Araure. There, an official who identified herself as Commissioner González Zambrano —the same name as the person who claimed to be in charge of the arrest operation—¹⁰⁷³ told one of the persons that Oropeza was not there and that they she should “*remove everything from [social] media.*”¹⁰⁷⁴

816. That same day, the group of persons asked for Oropeza at the SEBIN facilities in Araure, where one of the officials indicated that “that detention” had not been carried out by them. Later, the group went to the DGCIM facilities in Araure, where the officials denied Oropeza's presence. The group also went to the Office of the Attorney General in Araure to file a complaint regarding Oropeza's disappearance. The complaint was not accepted, and the individuals were instructed to go to the Office of the Attorney General in Guanare to file it.¹⁰⁷⁵

817. On 8 August 2024, DGCIM posted a video on its social media about Operation Tún Tún,¹⁰⁷⁶ which includes footage of Oropeza's arrest and the search of her home. The video, edited by DGCIM itself, features music and horror movie images alongside scenes of the arrest and the search. It also includes footage of María Oropeza, including one where she is seen handcuffed and being led out of a small plane by DGCIM officials, and another where she is shown with her face covered, being led out of a truck, also handcuffed and escorted by DGCIM officials.¹⁰⁷⁷ The scene of her being transported by plane led Oropeza's family to conclude that she had been moved to Caracas, prompting them to search for her there.

818. On 9 August 2024, two persons close to María Oropeza went to inquire about her at El Helicoide, in Caracas. An official at this detention centre informed them that Oropeza was being held there.¹⁰⁷⁸

819. Between 10 and 15 August 2024, the detainee's relatives went to El Helicoide at least three times to ask if they could visit her or make contact. The officials responded that they should not harbour any illusions about being able to visit or call her as long as the protests continued, especially the one scheduled for Saturday, 17 August 2024. The officials also informed the relatives that they had not received orders to authorize visits to those recently detained.¹⁰⁷⁹

¹⁰⁷¹ Document WWDC085.

¹⁰⁷² Interviews WWIV096 and WWIV097; X post by Francisco Vergara E. [@fvergaraelias], 8 August 2024. Available at: <https://x.com/fvergaraelias/status/1821564956581540066>.

¹⁰⁷³ PNB Commissioner Deisy Zambrano García is the head of the Strategic Intelligence Division - DIE Portuguesa. X post by Dirección de Acciones Estratégicas y Tácticas [@cpndaet], 15 July 2024. Available at: <https://x.com/cpnbdaet/status/1812877111226405119>.

¹⁰⁷⁴ Interview WWIV096.

¹⁰⁷⁵ Interviews WWIV096 and WWIV097.

¹⁰⁷⁶ X post by Alex desnudo [@alexbaretv], 8 August 2024. Available at: <https://x.com/alexbaretv/status/1821630754176086487?s=46>.

¹⁰⁷⁷ Interview WWIV096; Infobae, “El escalofriante video con el que el régimen de maduro atemoriza a los venezolanos y se burla de la dirigente Maria Oropeza y de la Oposición”, 8 August 2024. Available at: <https://www.infobae.com/venezuela/2024/08/08/el-escalofriante-video-con-el-que-el-regimen-de-maduro-atemoriza-a-los-venezolanos-y-se-burla-de-la-dirigente-maria-oropeza-y-de-la-oposicion>.

¹⁰⁷⁸ Interviews WWIV096 and WWIV097.

¹⁰⁷⁹ Ibid.

820. On 10 August 2024, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favour of María Oropeza to protect her rights to life and personal integrity. The IACHR, which considers that Oropeza's situation meets the criteria of "seriousness, urgency, and irreparability," based its decision on the context it has been monitoring regarding the human rights situation in Venezuela in the framework of post-electoral repression.¹⁰⁸⁰

821. According to her testimony, a relative of Oropeza, accompanied by a lawyer, attempted to file a habeas corpus petition on 12 August 2024 at the Document Reception and Distribution Unit (URDD) of the Caracas Court of Justice. However, a URDD staff member did not accept the petition and informed the relative that approval from the head of the unit was required. The relative and the lawyer waited for approximately five hours for the head's approval but had to leave without receiving any official communication.¹⁰⁸¹

822. On 12 August 2024, the lawyer filed complaints of disappearance with the Human Rights Directorate of the Office of the Attorney General and the Office of the Ombudsman,¹⁰⁸² alleging that María Oropeza was being held in incommunicado detention and that her conditions of detention were unknown.¹⁰⁸³

823. At the time of finalizing this report, María Oropeza's family and lawyer had been unable to communicate with her and had no information about her conditions of detention.¹⁰⁸⁴

Conclusions

824. The Mission has reasonable grounds to believe that María Oropeza was arbitrarily detained on 6 August 2024, in Guanare, Portuguesa State, by DGCIM and PNB officials, who did not present an arrest warrant. In fact, one of the officials involved in the detention procedure, which forcibly entered the detainee's home at night, stated that "*a search warrant is not needed.*" The Mission considers that Oropeza's detention fits a previously identified pattern of arresting opposition figures or those perceived as such for exercising their right to freedom of expression. In Oropeza's case, the Mission notes that she was detained after posting a video on her social media alleging that the Government was conducting political persecution via Operation Tun Tun.

825. In addition, the authorities have not allowed Oropeza to be visited by family members or her attorneys, keeping her under incommunicado detention, breaching the provisions of domestic law, which provides that every indicted person has the right to communicate with his or her family members and trusted attorney.¹⁰⁸⁵ The Mission notes with concern that the authorities expressly indicated that this was a punitive measure of a political nature. At the time this report was finalized, the family had still been unable to communicate with Oropeza and had no information about her situation or the conditions of her detention.

826. At the time of submitting this report, neither the family nor their lawyers had obtained any evidence regarding whether Oropeza had or had not been presented before a control judge. In addition, the family attempted to file a habeas corpus petition with the URDD at the Caracas Court of Justice, but it was refused; they also attempted to file a complaint with the Office of the Attorney General, which was similarly not accepted. This case exemplifies the authorities' practice, following the July 28 presidential election of not only obstructing the normal functioning of the justice system, as previously investigated by the Mission,¹⁰⁸⁶ but also deliberately impeding it by refusing to accept the appeals and complaints from the relatives of the detainees, thereby rendering the legal protection mechanisms ineffective.

¹⁰⁸⁰ IACHR, María Andreina Oropeza Camacho regarding Venezuela, resolution 46/2024, precautionary measure No. 862-24, 10 August 2024.

¹⁰⁸¹ Interviews WWIV095 and WWIV096; X post by Omar Mora Tosta [@Omar_moratosta], 12 August 2024. Available at: https://x.com/Omar_moratosta/status/1823086734604968085.

¹⁰⁸² Interview WWIV095.

¹⁰⁸³ Document WWDC081.

¹⁰⁸⁴ Interviews WWIV096 and WWIV097.

¹⁰⁸⁵ Organic Code of Criminal Procedure, art. 127; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, General Assembly resolution 43/173, 9 December 1988, Principles 15, 16, 18(3) y 19.

¹⁰⁸⁶ Detailed Findings of the Mission 2021, A/HRC/48/CRP.5, paras. 244-246 y 253-255.

827. According to an expansive interpretation, as described in the chapter on enforced disappearances in this report, the Mission has reasonable grounds to believe that Oropeza was subjected to a short-term enforced disappearance, taking into account that her family did not obtain information on the whereabouts of the detainee for four days. During that period, her family and relatives searched for her in the facilities of DGCIM, SEBIN and PNB of Guanare and Araure. On the fifth day, they looked for her at El Helicoide in Caracas, where SEBIN officials finally informed that María Oropeza was detained in their facilities. The officials of DGCIM, SEBIN and PNB of Guanare and Araure have had to request information from their headquarters as to where Oropeza had been taken and provide this information to her relatives. As of the time this report was finalized, it is unknown whether she has been brought before a tribunal.

828. However, under a restrictive interpretation, this case is not considered to be an enforced disappearance, because DGCIM publicly acknowledged Oropeza's detention (through a video). This acknowledgment was made on 8 August 2024, a day and a half after the detention. According to this interpretation, the state's acknowledgment of a person's detention places he/she under the protection of the law, regardless of whether authorities have denied information about the person's whereabouts to their relatives.

Case 19: Williams Davila

829. Williams Daniel Dávila Barrios is an opposition politician, former Governor of the State of Mérida (1984-1986; 1996-2000), former member of the National Assembly (2011-2015; 2015-2020) and former member of the Mercosur Parliament. Currently, he is the Political Secretary of the National Executive Committee of the political party Democratic Action ("in resistance"). In 2023, as part of its investigations, the Mission documented the harassment and threats to which Dávila was subjected for his opposition political activity.¹⁰⁸⁷

Detention

830. According to several sources interviewed by the Mission, on 8 August 2024, at approximately 7:00 p.m., Williams Dávila was captured by unknown persons dressed in plain clothes on the street. The incident took place in the *Plaza de Los Palos Grandes*, Caracas, after participating in an activity for the release of those detained during the post-electoral crisis.¹⁰⁸⁸

831. In a video shared on social media showing Dávila's capture, four persons in plain clothes on two motorcycles, along with a truck without license plates, are seen leaving the scene.¹⁰⁸⁹ According to one of the sources, Dávila was beaten to force him into the truck.¹⁰⁹⁰

832. On the same day, 8 August 2024, different opposition political parties, institutions and NGOs denounced publicly Dávila's capture through social media.¹⁰⁹¹

¹⁰⁸⁷ Restrictions on civic and democratic space, A/HRC/54/CRP.8.

¹⁰⁸⁸ Interview with William Dávila, 14 August 2024 (HHIV143); Interviews HHIV146 and HHIV148.

See also Efecto Cocuyo, "Desconocidos armados y sin uniforme se llevan al dirigente Williams Dávila en Los Palos Grandes", 8 August 2024. Available at: <https://storage.googleapis.com/qurium/efectococuyo.com/politica-desconocidos-armados-y-sin-uniforme-se-llevan-al-dirigente-williams-davila-en-los-palos-grandes.html>; X post by PROVEA [@_Provea], 8 August 2024. Available at: https://x.com/_Provea/status/1821680738506592385; X post by Ángel Fuentes López [@angelfuentesl], 9 de agosto de 2024. Available at: <https://x.com/angelfuentesl/status/1821888778283241658>.

¹⁰⁸⁹ X post by Sergio Novelli [@SergioNovelliE], 8 August 2024. Available at: <https://x.com/SergioNovelliE/status/1821700964987937032>.

¹⁰⁹⁰ Interview HHIV148.

¹⁰⁹¹ X post by Acción Democrática [@Ademocratica], 8 August 2024. Available at: <https://x.com/ADemocratica/status/1821720799486599421>; X post by Unidad Venezuela [@unidadvenezuela], 8 August 2024. Available at: <https://x.com/unidadvenezuela/status/1821714504620634153>; X post by ODCA [@ODCA], 8 August 2024. Available at: <https://x.com/ODCA/status/1821717287637754154>; X post by Defiende Venezuela [@DefiendeVE], 8 August 2024. Available at: <https://x.com/DefiendeVE/status/1821699974222196866>; X post by Justicia, Encuentro y Perdón

Search for his whereabouts

833. The same day of Williams Dávila's detention, and the following day, 9 August 2024, his lawyers and family went to different offices and detention centres of the security and intelligence services in Caracas to find out his whereabouts, among them the facilities of SEBIN in El Helicoide, of the DGCIM in Boleíta and of the PNB in Maripérez. At all these locations, the officials either refused to provide any information or informed them that Dávila was not held at those places¹⁰⁹².

834. Through social media, Dávila's son also denounced his father's detention and disappearance to various media outlets in Spain and demanded that the Government provide proof of life.¹⁰⁹³ On 9 August 2024, the Government of Portugal, a country of which Dávila is also a national, issued a statement on his detention and urged the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela to secure his "immediate and unconditional release".¹⁰⁹⁴

835. On Saturday, 10 August 2024, Dávila's lawyers attempted to file a complaint for enforced disappearance with the Office of the Attorney General. The complaint was not accepted by the officials of the Office of the Attorney General under the argument that they were not receiving complaints on weekends.¹⁰⁹⁵ On Monday, 12 August 2024, the officials of the Office of the Attorney General, after waiting for some time and receiving "a superior order," and after photographing the lawyers, finally accepted the complaint. The officials informed the lawyers that they would need to wait 15 days to learn the result of the investigation.¹⁰⁹⁶

836. On the evening of 11 August 2024, the family went to El Helicoide again to deliver medicine, as Dávila, 73 years old, had undergone heart surgery in November 2023 and, therefore, needs daily treatment with anticoagulants and other medications.¹⁰⁹⁷ The SEBIN officials, without providing any information about Dávila's presence in the detention centre, simply accepted the medicines.¹⁰⁹⁸

837. On 14 August 2024, the relatives were unofficially informed that Dávila was hospitalized in the Hospital de Clínicas Caracas, in serious condition, with very high fever, a urinary infection and risk of septicemia.¹⁰⁹⁹ Family members were able to confirm that Dávila had been in that hospital since 13 August 2024 and that, until that day, he had been detained

[@JEPvzla], 8 August 2024. Available at: <https://x.com/JEPvzla/status/1821741555264241940>. See also Parlamento del MERCOSUR, Preocupación en el PARLASUR por la detención del Exparlamentario Williams Dávila en Venezuela, 9 August 2024. Available at: <https://www.parlamentomercosur.org/innovaportal/v/22486/1/secretaria/preocupacion-en-el-parlasur-por-la-detencion-del-exparlamentario-williams-davila-en-venezuela.html>; X post by Foro América Libre [@America_Libre1], 9 August 2024. Available at: https://x.com/America_Libre1/status/1821863152889237694.

¹⁰⁹² Interview with William Dávila, 14 August 2024 (HHIV143); Interviews HHIV146 and HHIV148.

¹⁰⁹³ Post on X by William Dávila Vileri [@ieWilliamDavila], 9 August 2024. Available at: <https://x.com/ieWilliamDavila/status/1821806100020175210>; CNN, "Denuncian la detención de los líderes opositores venezolanos Williams Dávila y Américo De Grazia", 9 August 2024. Available at: <https://cnnespanol.cnn.com/2024/08/09/denuncian-detencion-de-lideres-opositores-williams-davila-y-americo-de-grazia-venezuela-orix>; X post from the account of Williams Dávila [@williamsdavila], 9 August 2024. Available at: <https://x.com/williamsdavila/status/1822133636717547900>.

¹⁰⁹⁴ Post on X by Negócios Estrangeiros PT [@nestrageiro_pt], 9 August 2024. Available at: https://x.com/nestrageiro_pt/status/1821970452761452867.

¹⁰⁹⁵ Interview HHIV146; Interview with William Dávila, 14 August 2024 (HHIV143).

¹⁰⁹⁶ Interview HHIV146; Document HHDC197 [Enforced disappearance complaint – Williams Dávila]; X post by Defiende Venezuela [@DefiendeVE], 12 August 2024. Available at: <https://x.com/DefiendeVE/status/1823015064292766197>.

¹⁰⁹⁷ Interview with William Dávila, 14 August 2024 (HHIV143); Interviews HHIV146 and HHIV148. See also X post from the account of Williams Dávila [@williamsdavila], 9 August 2024. Available at: <https://x.com/williamsdavila/status/1822133962971427151>.

¹⁰⁹⁸ Interview with William Dávila, 14 August 2024 (HHIV143); Interviews HHIV146 and HHIV148.

¹⁰⁹⁹ Ibid.; See also X post by William Dávila Valeri [@ieWilliamDavila], 14 August 2024. Available at: <https://x.com/ieWilliamDavila/status/1823697442845458677>.

in El Helicoide.¹¹⁰⁰ The relatives were informed that only Dávila's attending doctors were authorized to see him, and that at least two SEBIN officials were permanently stationed outside Dávila's room, entering it whenever the medical staff did.¹¹⁰¹

838. On 14 August 2024, the Inter-American Commission on Human Rights (IACHR) modified the precautionary measures in place in favour of Williams Dávila, initially granted on 6 September 2017.¹¹⁰² The IACHR requested the Government to adopt the necessary measures to guarantee Dávila's life, personal integrity and health, and to report on his whereabouts.¹¹⁰³

839. On 15 August 2024, Dávila's lawyers attempted to file a writ of habeas corpus with the Documents Reception and Distribution Unit (URDD) of the Supreme Court of Justice, located in the courthouse in Caracas. However, the writ was not received because the officials alleged that they were not authorized to accept complaints related to the “*guarimbas*”.¹¹⁰⁴

840. On 21 August 2024, the family, through their lawyers, filed a complaint with the Office of the Ombudsman regarding human rights violations against Williams Dávila, without receiving a response.¹¹⁰⁵

Appearance before a tribunal

841. On 15 August 2024, Dávila's lawyers met with Nelson Candamo, the public defender from Public Defence Office No. 65 assigned to represent Dávila. According to the lawyers, Candamo informed them that Dávila had been brought before the First Supervisory Court for Terrorism. The public defender did not provide further information about the time and place of the hearing, explaining that he would only share such details with Dávila's immediate family.¹¹⁰⁶

842. On 27 August 2024, the lawyers, accompanied by a close relative of Dávila, went to Candamo's office, but he refused to meet with them. After making them wait for at least four hours, the staff at the public defender's office only accepted Dávila's medical report.¹¹⁰⁷

Conclusion

843. Williams Dávila was captured on 8 August 2024, at 7 p.m. by individuals dressed in plain clothes on a street in Caracas. To date, it is unknown whether these individuals were affiliated with any state institution, and if so, whether they presented a corresponding arrest warrant. Furthermore, the Mission has no information indicating that Dávila was informed of the reasons for his detention. The Mission has reasonable grounds to believe that Dávila's detention was arbitrary, given that it aligns with a pattern identified by the Mission in detentions investigated after the presidential elections. This pattern involves the detention of opposition figures or those perceived as such by security forces that do not identify themselves, do not present an arrest warrant, and do not inform the detainee of the reasons for their arrest. Additionally, Dávila was a victim of serious due process violations, which further underscores the arbitrariness of his detention. He was not allowed to choose his own lawyer, was assigned a public defender, and his family and lawyers were not notified about his appearance before the tribunal. At the time of writing this report, his family and lawyers still did not know when the appearance before the tribunal took place or what charges were

¹¹⁰⁰ Interview with William Dávila, 14 August 2024 (HHIV143); Interview HHIV148; Document HHDC199 [Complaint to the Office of the Ombudsman].

¹¹⁰¹ Interview with William Dávila, 14 August 2024 (HHIV143); Interviews HHIV146 and HHIV148.

¹¹⁰² At the time, the IACHR's precautionary measures were issued in relation to threats, harassment and acts of violence against Dávila by alleged State officials and persons aligned with the Government. See IACHR, Williams Dávila regarding Venezuela, resolution 35/2017, precautionary measure No. 533-17, 6 September 2017.

¹¹⁰³ IACHR, Press Release N° 183/24: IACHR Reviews and Modifies Precautionary Measures Granted to Williams Dávila in Venezuela, 14 August 2024

¹¹⁰⁴ Interview HHIV146.

¹¹⁰⁵ Document HHDC199 [Complaint to the Office of the Ombudsman].

¹¹⁰⁶ Interview HHIV146; Document HHDC199 [Complaint to the Office of the Ombudsman] and HHDC201.

¹¹⁰⁷ Document HHDC202.

filed against Dávila. These actions align with a pattern of serious due process violations observed in all cases investigated by the Mission after 28 July 2024.

844. The Mission also notes that Dávila has been unable to communicate with his family, lawyers, or trusted persons from the time of his detention up until the writing of this report, and he has not been allowed to be visited in the hospital. Thus, Dávila has been under a regime of incommunicado detention for over a month, despite the fact that there is no legal basis in domestic law for holding a person in incommunicado detention. The Mission observes that these violations are not isolated incidents or procedural errors but are systematically committed in most detentions investigated by the Mission when it comes to opposition figures or those perceived as such.

845. The Mission also has reasonable grounds to believe that Dávila was subjected to a short-term enforced disappearance. Since the day of his capture, no one has been able to determine where he was taken, by whom, or under what conditions, despite his advanced age and fragile health. In the days following his capture, family members and lawyers searched for Dávila at various state security and intelligence agencies, including PNB, DGCIM, and SEBIN. SEBIN officials at El Helicoide, where he was held before being admitted to the hospital, refused to provide any information. Moreover, although Dávila's lawyers attempted to file a writ of habeas corpus, it was not even accepted. Additionally, the Mission notes that Dávila's family and lawyers have been unable to obtain any information about the presentation hearing or the charges against him. This is despite having tried to contact the public defender on at least two occasions, with no response regarding the date of the hearing.

VI. Crimes against humanity and the crime of persecution

846. In its 2020 and 2023 reports, the Mission indicated that many of the serious violations and crimes identified in those reports, which occurred between 2014 and 2021, could be characterised as the crimes against humanity of imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture and rape or any other form of sexual violence of comparable gravity.¹¹⁰⁸ In the 2020 report, the Mission also stated that some of the serious violations and crimes documented in that report could be characterised as the crimes of murder, enforced disappearance of persons¹¹⁰⁹ and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health.¹¹¹⁰ Referring to the contextual elements of the crimes, the Mission noted that it had reasonable grounds to believe that these violations and crimes were committed as part of a widespread and systematic attack directed against a civilian population, with knowledge of the attack; pursuant to or in furtherance of a State policy.¹¹¹¹

847. In relation to the attack directed against the civilian population, the Mission indicated that the acts related to the violations and crimes identified in its reports constituted a course of conduct involving a multiple commission of acts that were part of an overall flow of events. These acts were not isolated and were coordinated with each other.¹¹¹² On the requirement that the attack be directed against the civilian population, the Mission noted that the civilian population was the primary and not an incidental target of the attack.¹¹¹³

848. Regarding the State policy, in its first report, the Mission stated that the crimes identified in its investigation were committed in furtherance of two distinct State policies: a)

¹¹⁰⁸ Report 2020, A/HRC/45 CRP. 11, para. 2084, Report 2023, A/HRC/54 CRP. 8 para. 1547.

¹¹⁰⁹ The mission recalls that it only considered as a crime against humanity the enforced disappearance of persons whose whereabouts were (or remain) unknown, with the intention of removing them from the protection of the law for a prolonged period of time, in accordance with article 7(1)(i) and (2)(i) of the Rome Statute.

¹¹¹⁰ 2020 Report, A/HRC/45 CRP. 11, para. 2084

¹¹¹¹ *Ibid.*, para. 2086,

¹¹¹² *Ibid.*, para. 2088, International Criminal Court (ICC), *Prosecutor v. Bosco Ntaganda*, Judgment pursuant to Article 74, 8 July 2019, ICC-01/04-02/06-2359, para. 662-663, ICC, *Prosecutor v. Bemba*, Judgment pursuant to Article 74, 21 March 2016, ICC-01/05-01/08-3343, para. 149.

¹¹¹³ Detailed Findings of the Mission 2020, A/HRC/45 CRP. 11, para. 2088, ICC, *Prosecutor v. Bemba*, Judgment pursuant to Article 74", 21 March 2016, ICC-01/05-01/08-3343, para. 154.

a policy of silencing, discouraging and quashing opposition to the Government of President Maduro¹¹¹⁴ and b) a policy to combat crime.¹¹¹⁵

849. On the systematic and widespread nature of the attack, the Mission referred to the acts constituting crimes investigated, including acts of extrajudicial executions (54), acts of illegal imprisonment (112) and acts of torture and ill-treatment (95), which it considered to be indicative of wider patterns of conduct. In addition, the Mission took into account the period during which these acts took place (5 years), that they were committed throughout the territory and that they followed the same *modus operandi*. The Mission considered that all these factors indicated the systematic nature of the attack.¹¹¹⁶

850. Finally, the Mission considered that the crimes were committed "as part of"¹¹¹⁷ and "with knowledge of" the attack.¹¹¹⁸ Regarding the latter, the Mission noted that those who carried out the crimes were aware that the violence against political opponents, or persons perceived as such, was not spontaneous, but repeated and coordinated.¹¹¹⁹

851. The Mission has reasonable grounds to believe that some of the human rights violations investigated during the period covered by this report represent a continuation of the same course of conduct that the Mission characterised in previous reports as crimes against humanity, committed in implementation of a policy of silencing, discouraging and quashing opposition to the government of President Maduro. These violations constitute the crimes of imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture and rape or any other form of sexual violence of comparable gravity, as well as other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. Regarding the deaths committed in the context of the post-electoral demonstrations, at this stage, the Mission, does not have sufficient information to make a definitive determination regarding the perpetrators of these acts. It therefore defers to a later date its decision on the possible inclusion of these acts in its findings on crimes against humanity.

852. The patterns of behaviour of the State security forces in cases involving critics of the Government or real or perceived opponents (as described in this and previous Mission reports) demonstrate the systematic nature of the targeting of the civilian population. Furthermore, as documented by the Mission in its previous reports, judges and prosecutors have played an important role in the commission of violations and crimes against persons who are political opponents or perceived as critical to the Government.¹¹²⁰ In its 2021 report, the Mission concluded that it had reasonable grounds to believe that judges and prosecutors played a key role in the arbitrary detentions of male and female opponents of the Government, whether real or perceived, through the commission of multiple violations of due process, among others.¹¹²¹ Also, the massive scale of arbitrary detentions since the election on 28 July 2024,¹¹²² characterised by serious violations of due process, many of which occurred in previous periods,¹¹²³ demonstrates the widespread nature of this same attack. Indeed, in the cases documented (138) and investigated (12) during the post-election period, the Mission identified a pattern of serious violations of due process, as developed in this report.

¹¹¹⁴ In its 2023 report, the Mission stated that the acts committed by the Government to close civic and democratic space in the country contributed to this state policy. See Restrictions on civic and democratic space, A/HRC/54 CRP. 8 para. 1554.

¹¹¹⁵ Detailed Findings of the Mission 2020, A/HRC/45 CRP. 11, para. 2088

¹¹¹⁶ *Ibid.*, para. 2090.

¹¹¹⁷ ICC, *Prosecutor v. Bosco Ntaganda*, Judgement pursuant to Article 74", 8 July 2019, ICC-01/04-02/06-2359, para. 696.

¹¹¹⁸ ICC, Elements of Crimes, Introduction to Article 7, para. 2; *Prosecutor v. Bosco Ntaganda*, Judgement pursuant to Article 74", 8 July 2019, ICC-01/04-02/06-2359, para. 1170.

¹¹¹⁹ Detailed Findings of the Mission 2020, A/HRC/45 CRP. 11, para. 2091.

¹¹²⁰ Detailed Findings of the Mission 2021, A/HRC/48 CRP. 5, para. 469.

¹¹²¹ *Ibid.*, paras. 475-483.

¹¹²² According to figures provided by several sources, including official ones, the authorities carried out more than 2,200 arrests in the post-electoral period. See *infra*, Chap. IV.B.

¹¹²³ See Restrictions on civic and democratic space, A/HRC/54 CRP. 8, Chap. IV, para. 207-222, 969-980. See also the Mission's report accompanying the present conference room paper: A/HRC/57/57, paras. 42-55.

Furthermore, the statements by President Maduro and other senior government representatives, as well as by the Attorney General, mentioned in this report, express the State policy of silencing critical or dissenting voices, as described above.

853. In its 2020 report, the Mission affirmed that some of the conduct described in that report as crimes against humanity could also constitute the crime against humanity of persecution.¹¹²⁴ As set out below, the Mission has reasonable grounds to believe that the crime against humanity of persecution on political grounds, as defined in Article 7(1)(h) of the Rome Statute, has been committed during the period covered by the Mission's mandate.¹¹²⁵

854. For international criminal law there are two categories of conducts that may constitute the crime of persecution.¹¹²⁶ First, those that already meet the elements of other prohibited acts constituting crimes against humanity, for example, those conducts that are regulated in Article 7(1) of the Rome Statute.¹¹²⁷ Second, those conducts that do not constitute any other prohibited acts of crimes against humanity, but refer to the deprivation of fundamental rights, which may include various political, social and economic rights,¹¹²⁸ as illustrated by international jurisprudence. According to such jurisprudence, this second category includes a multiplicity of rights, among others, the right to private property,¹¹²⁹ freedom of movement, the right to education and the right not to be held in slavery.¹¹³⁰ International courts have also considered that violations of the right to participate in public affairs, as well as violations of the right to freedom of expression, association and assembly,¹¹³¹ previously documented by the Mission,¹¹³² may also fall into this second category.

855. However, not any violation of a fundamental right can amount to a crime of persecution. It is necessary that the violations reach a threshold of gravity equivalent to that of the prohibited acts constituting crimes against humanity.¹¹³³ Therefore, in assessing whether a violation(s) of a fundamental right(s) constitutes an intentional and severe deprivation of fundamental rights, it is crucial to analyse each individual case, considering its context, as well as its "cumulative effect".¹¹³⁴ Furthermore, the number of fundamental rights involved as well as the nature of the violation must be taken into consideration.¹¹³⁵

856. The Mission considers that, in the Bolivarian Republic of Venezuela, the crime of persecution on political grounds is made up of a series of conducts, some of which constitute in themselves crimes against humanity (such as imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape or any other form of sexual violence of comparable gravity, and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health) and other which are deprivations of fundamental rights (such as the right to

¹¹²⁴ Detailed Findings of the Mission 2020, A/HRC/45 CRP. 11, paras. 2084 (English version) and 2085 (Spanish version).

¹¹²⁵ According to the Human Rights Council resolution 42/25, which established the Mission, the mandate of the Mission covers violations and crimes committed in the Bolivarian Republic of Venezuela since 2014. The resolutions that have renewed the mandate (45/20 and 51/29) have extended the timeframe of the mandate from 2014 to 2024.

¹¹²⁶ ICTY, *Prosecutor v. Zoran Kupreškić et al.*, Case No. IT-95-16-A, Judgement of 23 October 2001, paras. 616-617; ICC, *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed ad Mahmoud*, Judgement pursuant to Article 74", ICC-01/12-01/18-2594, para. 1202 [hereinafter "*Prosecutor v. Al Hasan*"].

¹¹²⁷ *Ibid.*, para. 1201.

¹¹²⁸ *Ibid.*

¹¹²⁹ ICC, *Prosecutor v. Dominic Ongwen*, Trial Judgment, 4 February 2021, ICC-02/04-01/15, para. 2733.

¹¹³⁰ *Prosecutor v. Al Hasan*, para. 1201.

¹¹³¹ *Ibid.*

¹¹³² Restrictions on civic and democratic space, A/HRC/54 CRP. 8, Chap. IV, paras. 666 et seq.

¹¹³³ ICTY, *Prosecutor v. Zoran Kupreškić et al.*, Case No. IT-95-16-A, Judgement of 23 October 2001, para. 621.

¹¹³⁴ See ICC, *Prosecutor v. Al Hasan*, "Judgment pursuant to Article 74", para. 1205, Extraordinary Chamber in the Courts of Cambodia (ECCC), *Prosecutor v. Kaing Guek Eav alias Duch*, Case No. 001/18-07-2007-ECCC/SG, Judgment of 3 February 2012 (hereinafter "*Duch* (Appeal)"), Appeal Judgment), paras. 257-259.

¹¹³⁵ *Prosecutor v. Al Hasan*, para. 1205.

participate in public affairs and the rights of freedom of expression, association and assembly). All these conducts violate the rights to liberty and security of person, to personal integrity, to due process, to be treated with humanity and with respect for the inherent dignity of the human person, as well as the right to be equal before the law and to equal protection of the law without discrimination. Taken together, all these deprivations of rights reach the threshold of gravity required under international criminal law to constitute the crime against humanity of persecution. All the deprivations of fundamental rights described above have been documented by the Mission in its previous reports and in the present one; in particular, the Mission refers to its previous report of September 2023 regarding violations of freedom of expression, association and assembly, as well as the right to participate in public affairs.

857. The Mission also considers that all these violations are part of the aforementioned State policy of silencing, discouraging and quashing opposition to the Government, taking into account that they share similar elements: they are committed through the same *modus operandi*, by the same perpetrators (State institutions, State security forces and groups of armed civilians who support the Government) and against the same victims, i.e. opponents of the Government, whether real or perceived, or persons who are critical of the Government. Moreover, the high number of violations committed after 28 July 2024, in respect of a wide range of rights, as well as the nature of these violations, confirm that they constitute an intentional and serious deprivation of fundamental rights in violation of international law.

858. The conducts described were directed against the victims because of their identity as a group or collectivity,¹¹³⁶ defined by their opinions or positions critical of the Government (as a political entity), and because they were perceived by the Government as persons opposed to its decisions and actions.¹¹³⁷ In some cases, the collectivity even included affiliates, sympathisers,¹¹³⁸ as well as close family members¹¹³⁹ of opponents of the Government, whether real or perceived.

859. This collectivity of victims was discriminated against on political grounds.¹¹⁴⁰ This includes persons who have a different political ideology and oppose the Government's. It also includes persons who have no specific political convictions or even no political convictions at all, but who are perceived as obstacles or threats to the implementation of the Government's political agenda.¹¹⁴¹ In other words, it is the perpetrator's definition of the "political enemy" that leads to their persecution.¹¹⁴²

860. As documented by the Mission during its mandate, opponents of the Government, whether real or perceived, and persons who merely express an opinion critical of the Government or different from the Government's position (as was recently the case with persons who only had a reference to the political opposition on their mobile phones), have

¹¹³⁶ Rome Statute, Article 7 (2) (g), Elements of Crimes, Article 7(1) (h) (2). According to these instruments, the attack takes place because of the identity of a group or collectivity, or is directed against the group or collectivity as such.

¹¹³⁷ Regarding the definition of group or collectivity, in the *Ongwen* case, the ICC indicated that, in assessing the alleged status of a protected group, the particular political, social and cultural context are relevant, as also are the objective factors relevant to the discriminatory ground alleged, and the subjective perception of belonging of both the perpetrator and the victim. However, while it must be demonstrated that the perpetrator targeted certain individuals, a group or a collectivity, based on one of the prohibited grounds, it is not necessary that all victims of the crime of persecution be shown to be members, sympathisers, allies or otherwise related to the protected group. ICC, *Prosecutor v. Dominic Ongwen*, Trial Judgment, 4 February 2021, ICC-02/04-01/15, para. 2736.

¹¹³⁸ See chap. III, sect. B *above*, in relation to the arrests of persons who provided services to the opposition in the campaign. Cf. ECCC, Extraordinary Chamber in the Courts of Cambodia, *Prosecutor v. Kaing Guek Eav alias Duch*, 3 February 2012 [hereinafter "*Duch*"], para. 272.

¹¹³⁹ See for example Case 4: Four Military Personnel (Operation White Armband) and Case 9: Rocío San Miguel and related persons. See also Cf. ECCC, *Duch* (Appeal), para. 273.

¹¹⁴⁰ Rome Statute, Article 7 (1) (h), Elements of Crimes, Article 7(1) (h) (3)

¹¹⁴¹ ECCC, *Prosecutor v. Nuon & Khieu*, Case No. 002/19-09-2007-ECCC/SC, 26 November 2016, Appeal Judgment, para. 669; ICC, *Prosecutor v. F.K. M.U.M Kenyatta*, Confirmation of Charges, 23 January 2012, para. 144.

¹¹⁴² ECCC, Extraordinary Chamber in the Courts of Cambodia, *Duch*, para 275.

been subjected to multiple serious violations of their rights. This situation is part of the continuation of the state's policy of silencing, discouraging and quashing the opposition.

861. As required by the crime against humanity of persecution,¹¹⁴³ these conducts were carried out with a discriminatory intent. According to international criminal law, discriminatory intent consists of a severe attack on fundamental rights with the aim of excluding a person from society on discriminatory grounds,¹¹⁴⁴ as well as causing him or her harm because of his or her membership of a specific group.¹¹⁴⁵ Discriminatory grounds are prohibited by international law. They are those on the basis of which one person, whose situation is identical to that of another, is treated differently.¹¹⁴⁶ In this case we are dealing with the discrimination of a collectivity based on political grounds: the fundamental rights of persons who are opponents of the Government, whether real or perceived, as well as of persons who are critical of the government, are seriously and intentionally violated because of their actions and/or opinions which express precisely that criticism of the government's actions and/or omissions.

862. International jurisprudence establishes that although discriminatory intent cannot be inferred directly from the general discriminatory nature of the attack, characterized as a crime against humanity, it can be inferred from the context of the attack so long as, in light of the facts of the case, the circumstances surrounding the commission of the crime substantiate the existence of such intent.¹¹⁴⁷ In this regard, the Mission has documented, within the timeframe of its mandate, a series of circumstances which, according to these parameters, allow to infer discriminatory intent. For example, the Mission has identified patterns of conduct in which the authorities act selectively against victims, in particular in the choice of persons to be detained, as well as in the way they are detained¹¹⁴⁸ and treated during detention.¹¹⁴⁹ Such conduct is carried out against opponents of the Government, whether real or perceived, as well as against those who simply express a critical view of the Government, as opposed to the rest of the population. Another example of circumstances useful for inferring discriminatory intent are the statements made by high-ranking state officials, including President Maduro, the current Minister of Interior, Justice and Peace, Diosdado Cabello, and the Attorney General, Tarek Saab. Those statements are directed against persons belonging to the targeted collectivity.¹¹⁵⁰

863. The Mission concludes that it has reasonable grounds to believe that the conduct amounting to the crime against humanity of persecution on political grounds was committed in connection with the crimes of imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape or any other form of sexual violence of comparable gravity and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health. As mentioned above, with regard to the deaths occurred in the context of the most recent protests, the Mission does not have sufficient information to make a definitive determination on the possibility of the commission of a crime against humanity of persecution. However, both in relation to these deaths, as well as the deaths that occurred in the context of the protests (previously documented by the Mission), there are clear indications that they were committed against the same collectivity and on the same political grounds mentioned in the previous

¹¹⁴³ ICTR, *Prosecutor v. Jean Paul Akayesu*, Appeal Judgment, 1 June 2001, para. 468.

¹¹⁴⁴ ICTY, *Prosecutor v. Kupreškić*, Trial Judgment, 12 January 2000, para. 621.

¹¹⁴⁵ ICTY, *Prosecutor v. Milorad Krnojelac*, Appeal Judgment, 17 September 2003, para. 201. In this case the court ruled on discriminatory intent towards non-Serb detainees, who were subjected to ill-treatment, as opposed to the treatment of Serb detainees.

¹¹⁴⁶ Some define the principle of equality as that one requiring that objectively equal fact patterns be treated equally, but also that objectively unequal fact patterns be treated unequally. On the principle of equality before the law, *UN International Covenant on Civil and Political Rights Nowak's CCPR Commentary*, 3rd revised edition William A. Schabas (N.P. Engel Publisher, 3rd ed. 2019), p. 746.

¹¹⁴⁷ ICTY, *Prosecutor v. Đorđević*, Appeal Judgment, 27 January 2014, para. 886.

¹¹⁴⁸ See *supra*, chap. III section B and chap. IV section B

¹¹⁴⁹ See for example the analysis of detention conditions in Rodeo I detention centre, *supra*, chap. III, section D.

¹¹⁵⁰ See, for example, the Mission's analysis of statements by President Maduro and other senior government officials in the context leading up to the post-election protests that led to 25 deaths, chap. See also ICTY, *Prosecutor v. Radovan Karadžić*, Trial Judgment, 24 March 2016, para. 2515.

paragraphs. Therefore, they should be investigated by the judicial authorities under the hypothesis of being part of the crime of persecution.

VII. Conclusions

864. Since October 2023, in the lead up to an electoral year, the State began to reactivate its machinery of repression to carry out actions aimed at disarticulating and demobilizing the organized political opposition. The serious human rights violations detailed in the present conference room paper were the result of the conscious and premeditated functioning of this machinery. Following the presidential election of 28 July 2024, the authorities intensified and accelerated the harshest and most violent form of repression in order to silence political opponents or persons perceived as such. The repression by State and private actors with the acquiescence of the State, which continues today, has resulted in a generalized climate of fear among the population.

865. As the result of its investigations, the Mission reached reasonable grounds to believe that arbitrary deprivations of life, arbitrary detentions, short-term forced disappearances, acts of torture and cruel, inhuman or degrading treatment, as well as sexual and gender-based violence have occurred. Although they are just a sample of a much larger universe, the cases investigated and documented by the Mission included in the present conference room paper illustrate the way in which the State's machinery of repression has operated and continues to do so.

866. The serious human rights violations and crimes were not isolated events and involved a wide range of institutional actors. Statements by high-ranking State authorities, notably after 28 July 2024, prompted repression and contributed to generate a climate of hostility and violence.

867. The security forces were massively involved in the perpetration of violations and crimes, mainly arbitrary detentions; excessive use of force to repress protests, sometimes in collaboration with civilian armed groups; cruel, inhuman or degrading treatment; as well as sexual and gender-based violence. Most of these acts were carried out by the civilian (SEBIN) and military (DGCIM) intelligence services as well as by PNB and GNB. After 28 July 2024, the role of GNB, PNB and state police forces increased, with at least 60 percent of the detentions attributed to those forces.

868. Along with the security forces, the branches and institutions of the State showed their alignment with the Executive to the detriment of the independent and impartial exercise of their constitutional mandates, contributing to the commission of serious violations and crimes. This includes, in particular, the National Electoral Council, responsible for conducting the electoral process, which, according to the United Nations Panel of Electoral Experts, "failed to comply with basic measures of transparency and integrity".¹¹⁵¹ The National Assembly continued to be instrumental in passing new laws contrary to human rights and restrictive of civic and democratic space. The justice system, including both the Supreme Court of Justice - the governing body of the Judiciary - and the Office of the Attorney General, continued to operate with lack of independence and impartiality and were subjected to the dictates of the executive branch.¹¹⁵²

869. The profile of the victims of repression was increasingly broader. This profile not only included political leaders and civil society actors but, after the elections, also included the general public, targeted for simply demonstrating their disagreement with the positions of the Government or with the results of the presidential election as announced by authorities.

870. All these elements led the Mission to conclude, with reasonable grounds to believe, that some of the human rights violations and crimes investigated during the

¹¹⁵¹ United Nations Panel of Experts, Preliminary Report: Venezuelan Presidential Election of July 28, 2024, para. 13.

¹¹⁵² The role of judicial actors was discussed in the Mission's 2020 report, A/HRC/48/69.

reporting period are a continuation of the same line of conduct that the Mission characterized in previous reports as crimes against humanity. Those conducts occurred as part of the same widespread and systematic attack against the civilian population, in support or furtherance of a State policy to silence, discourage, and stifle opposition to the Government of President Maduro.

871. Taking into consideration the course of conduct related State policy, as well as the profile of the victims and the public statements of high-level representatives of the State, the Mission has reasonable grounds to believe that the crime of persecution on political grounds has been committed in the Bolivarian Republic of Venezuela during the time frame of its mandate. In reaching this conclusion, the Mission considered the serious human rights violations and crimes that were documented and investigated in the present and previous reports of the Mission, as well as other violations committed in connection with them.

872. In its report to the Human Rights Council, the Mission formulated a series of recommendations to the Bolivarian Republic of Venezuela and the international community regarding actions that should be taken to address the serious human rights violations and crimes investigated by the Mission, with the aim of holding accountable those responsible, and securing justice for victims.
