

AMNESTY INTERNATIONAL - PUBLIC STATEMENT

22 June 2023 Index: AMR 53/6910/2023

VENEZUELA: SURGE IN ARBITRARY DETENTIONS TO REPRESS DISSENT

In recent days people involved in hubs of social protest, Indigenous peoples and others have been subjected to human rights violations including the use of arbitrary detention to silence and repress those perceived as opposed to the government of Nicolas Maduro. The use of this repressive tactic should set alarms bells ringing among the international community and increase scrutiny and accountability.

CONSOLIDATED PRACTICE OF ARBITRARY DETENTION

Venezuelan civil society organizations estimate that about 300 people are currently detained for political reasons in Venezuela.¹ These organizations have recorded thousands of cases of people who have been subjected to short-term detention and are now subject to measures restricting their freedom, without being actually in the custody of the Venezuelan authorities. That is, they are banned from leaving the country or have to appear regularly before the courts. According to Foro Penal, there have been more than 15,700 politically motivated arbitrary detentions in Venezuela since 2014.²

Politically motivated arbitrary detentions in Venezuela have also achieved their aim of silencing those who report irregularities, injustices and corruption by Nicolás Maduro's government. This tactic aims to silence those who raise their voices to highlight government abuses and arbitrariness.

These types of detentions have been documented in relation to victims of human rights violations and their families, activists and human rights defenders – such as the Director of FundaRedes, Javier Tarazona³ – and anyone who criticizes government actions.

Civil society organizations, national and international, as well as international human rights protection mechanisms have documented and denounced politically motivated arbitrary detentions as part of a policy of repression. Such detentions, and other crimes under international law, have formed part of a widespread and systematic attack on the civilian population and should therefore be investigated as possible crimes against humanity.⁴

The same organizations have also documented and denounced the use of torture in the context of these politically motivated arbitrary detentions. Such is the case of Emirlendris Benítez, a woman who has been arbitrarily deprived of her liberty since August 2018, and who has reportedly been subjected to torture, which has also had significant consequences for her health.⁵

¹ Foro Penal, *Reporte sobre la represión en Venezuela, Marzo 2023*, [Report on represión in Venezuela, March 2023], 12 April 2023, foropenal.com/reportesobre-larepresion-en-venezuela-marzo-2023/ (Spanish only) and Justicia, Encuentro y Perdón, "JEPVZLA publica informe sobre balance de presos políticos en Venezuela" ["JEPVZLA publishes report on political prisoners in Venezuela"], 12 May 2023, www.jepvenezuela.com/2023/05/14/jepvzla-publica-informe-sobre-el-balance-de-presos-politicos-en-venezuela/ (Spanish only).

² Foro Penal, *Reporte sobre la represión en Venezuela, Marzo 2023*, 12 April 2023, foropenal.com/reportesobre-larepresion-en-venezuela-marzo-2023/ (Spanish only).

³ Amnesty International, "Venezuela: Further information: Free Venezuelan prisoner of conscience", 20 December 2021, <https://www.amnesty.org/en/documents/amr53/5121/2021/en/>

⁴ United Nations International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela, Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, (A/HRC/45/CRP.11), 15 September 2020, para. 2084.

⁵ Amnesty International, "Venezuela: Woman detainee needs vital health care: Emirlendris Benítez", (AMR 53/6668/2023), 11 April 2023, <https://www.amnesty.org/en/documents/amr53/6668/2023/en/>

REPRESSION OF SOCIAL PROTEST

As part of this practice, the Venezuelan authorities often use arbitrary detention to break up or dismantle hubs of social protest. These detentions can occur in the context of protests or target those who convene and organize them.

Currently the majority of protests (88% according to the Venezuelan Observatory of Social Conflict) involve people demanding economic, social and cultural rights, such as a decent standard of living and salaries for state employees, housing and basic services – such as electricity and access to drinking water, and pensions for older people, among other rights.⁶

In recent years, there has been a clear rise in arbitrary detentions of members of trade associations or trade unions. An example of this was the arrest of Rubén González, a trade unionist at Ferrominera del Orinoco,⁷ and also of the former head of the union at the Petróleos de Venezuela (PDVSA), Guillermo Zárraga, who has been arbitrarily detained since 2020 and faces charges of “terrorism” and whose state of health is a cause of serious concern.⁸

ATTACKS AGAINST SIDOR TRADE UNIONISTS

On 11 June 2023, workers at the public company Siderúrgica del Orinoco (SIDOR) protested to demand compliance with and improvement of the collective agreement in force between the workers and the company. As they were leaving the demonstration in the steel works, which had been peaceful, officials of the General Directorate of Military Counterintelligence (DGCIM) intercepted Leandro Azócar, Juan Cabrera and Daniel Romero, members of the United Steel Industry and Allied Workers Union (SUTISS).

While Juan Cabrera was released hours after his detention, local organizations informed Amnesty International that the whereabouts of Azócar and Romero remained unknown for eight days and so may have constituted enforced disappearances, until on 20 June 2023 the Ombudsperson’s Office informed them that they had been transferred to the capital, Caracas, and would be detained at the headquarters of the General Directorate of Military Counterintelligence (DGCIM) in Boleíta, in the capital Caracas, that is, more than 600 km away from the place where they were detained.

International organizations such as the UN Independent International Fact-Finding Mission on Venezuela (IIFFMV) have documented crimes under international law and human rights violations in this detention centre and have widely denounced the patterns of torture to which people who are transferred to this detention centre have been subjected. So far, the charges against Azócar and Romero remain unknown, given that their lawyers have been denied access to the detainees. Consistent reports have been received suggesting that they may have been brought before a court with special jurisdiction to deal with “terrorism”, where they were indicted for association to commit crimes and incitement to hatred, among other charges.

In addition to the seriousness of the detention and criminal proceedings facing Azócar and Romero, a labour court in Bolívar state – where SIDOR’s headquarters are located – has arbitrarily restricted the right to strike, to peaceful demonstration and to freedom of expression of 22 company workers.

After the Corporación Venezolana de Guayana lodged a writ of protection against the workers, the court ordered them to refrain from “any action using force or threats aimed at disturbing, suspending, hindering, interrupting or ceasing the activities of SIDOR”, as well as prohibiting them from “promoting conflict situations” and placing “posters, banners, graffiti, or any type of means of dissemination using any means of communication and/or communication networks that may incite hatred”, among other measures.⁹

These unlawful and arbitrary restrictions on the right to freedom of expression, to protest, to exercise the right to strike and to personal freedom, reflect the ongoing implementation of a policy of repression to silence any criticism of Nicolás Maduro’s government. Similarly, the use of judicial means to implement these repressive measures would appear to expose the lack of

⁶ Venezuelan Observatory of Social Conflict, *Conflictividad durante el primer trimestre de 2023* [Conflict during the first quarter of 2023] www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-durante-el-primer-trimestre-de-2023 (Spanish only).

⁷ Amnesty International, “Venezuela: Prisoner of conscience’s life at grave risk”, (AMR 53/1713/2020), 27 January 2020, <https://www.amnesty.org/en/documents/amr53/1713/2020/en/>

⁸ Amnesty International, “Venezuela: Arbitrary detainee dying from neglect”, (AMR 53/6845/2023), 31 May 2023, <https://www.amnesty.org/en/documents/amr53/6845/2023/en/>

⁹ Espacio público, Tribunal de Primera Instancia criminaliza la protesta de 22 trabajadores de Sidor [The Court of First Instance criminalizes the protest of 22 workers in Sidor], 14 June 2023, espaciopublico.org/tribunal-criminaliza-la-protesta-de-22-trabajadores-de-sidor/ (Spanish only).

judicial independence and, therefore, the urgent need for accountability in Venezuela led by international justice mechanisms, such as the International Criminal Court or universal jurisdiction by third states.

REPRESSION AS A MEANS OF SOCIAL CONTROL

The use of arbitrary detentions as a tactic has also had the function of intimidating entire communities with the aim of silencing their demands and maintaining a social order where the authorities can act with impunity.

This repressive pattern has been observed, in particular, in cases of Indigenous peoples, who, due to their way of life, form of organization or exercise of self-determination, are perceived as obstacles to the lawful or unlawful actions of state authorities. An example of this was the Kumarakapay massacre in Bolívar state in 2019 that culminated in the deaths of seven people, allegedly by army officials, and the detention of more than 50 people, as well as the forced displacement of dozens of people towards Boa Vista, in Brazil.¹⁰

DETENTIONS AND ATTACKS AGAINST YUKPA PEOPLE IN ZULIA STATE

On 16 June 2023, in Perijá, Zulia state on the border with Colombia, the Bolivarian National Guard (GNB) attacked and detained at least seven members of the the Yukpa people, traders by profession, who were protesting and asking that the government of Nicolás Maduro comply with previously agreed commitments regarding access to rights for the Yukpa people, the reason for their seeking to travel to the capital, Caracas. Video material was accessed showing injured people, allegedly in the context of this intervention, the reasons for which remain unknown; the media also reported that military officials had destroyed handicrafts made by these people that were to be sold in Caracas. Amnesty International received information on three of the individuals – Zenaída Romero, Alfonso Romero and Francisco (Francisquito) Romero – who were reportedly detained and charged by the authorities, but their whereabouts remain unknown, which could constitute enforced disappearance.¹¹

These facts must be investigated and clarified by the Venezuelan authorities and, if violations of the rights to freedom, physical integrity and due process are confirmed, these rights must be restored and reparation made immediately, adapting state actions to the Indigenous nature of the people affected.

CONCLUSIONS AND RECOMMENDATIONS

In recent months and after attempts by some states in the region to normalize diplomatic relations with the government of Nicolás Maduro in the region, Amnesty International stresses that the mechanisms and methods used to repress people who think differently from the authorities or who stand in the way of abuses by the authorities, persist.

In this regard, the organization maintains and reminds the international community of the urgent need for impartial and independent accountability mechanisms that seek to end impunity for these and other serious human rights violations in Venezuela, as the only mechanism to move towards their non-repetition.

It therefore recommends that the international community:

- Support the action of the Independent International Fact-Finding Mission on Venezuela established by the Human Rights Council (IIFFMV) of the United Nations;
- Request that the government of Nicolás Maduro to allow the IIFFMV access to the country to carry out their mandate from the Human Rights Council and extend an invitation and/or accept requests aimed at enabling special procedures rapporteurships and United Nations treaty bodies to visit the country to fulfil their mandates;
- Demand that the government of Nicolás Maduro immediately cease the use of arbitrary detentions to repress the population and release all those detained for political reasons in Venezuela, including: Emirlendris Benítez, Guillermo

¹⁰ Provea, "A un año de los sucesos de Kumarakapay | Ocho indígenas han sido asesinados por policías y militares en protestas realizadas entre 2017 y 2019" ["One year after the events of Kumarakapay | Eight indigenous people have been killed by police and military in protests held between 2017 and 2019"], 23 February 2020, provea.org/actualidad/ocho-indigenas-han-sido-asesinados-por-policias-y-militares-en-protestas-realizadas-entre-2017-y-2019/ (Spanish only).

¹¹ El Nacional, "Error! Hyperlink reference not valid." (Spanish only).

Zárraga, Javier Tarazona, Leandro Azócar, Daniel Romero, Zenaida Romero, Alfonso Romero and Francisco (Francisquito) Romero, among others; and

- Activate mechanisms of universal jurisdiction to investigate and, where appropriate, prosecute those suspected of criminal responsibility for crimes against humanity;

To the Office of the Prosecutor of the International Criminal Court:

- Promptly resume the investigation set out in Venezuela I and ensure that the facts described in this statement be included as part of this.