

Mr Julio García Zerpa
Minister for Penitentiary Services
Bolivarian Republic of Venezuela

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**OPEN LETTER FROM INTERNATIONAL CIVIL SOCIETY ORGANIZATIONS
TO THE MINISTER FOR PENITENTIARY SERVICES OF VENEZUELA
REGARDING DETENTION CONDITIONS AND POSSIBLE
TORTURE AT 'RODEO I' PRISON**

Minister García Zerpa,

The international civil society organizations that sign this letter are writing to you to convey our deep concern about the conditions of confinement in the El Rodeo penitentiary center located in the state of Miranda, Venezuela, in particular its sector I ('Rodeo I').

According to the information we have received, the detention conditions in 'Rodeo I' are cruel, inhuman and degrading, and in some cases, could amount to torture. We recall that the prohibition of torture is a peremptory norm of international law, so **we demand that, as head of the prison system in Venezuela, you immediately comply with international obligations regarding the prevention of torture and those related to ensuring dignified conditions of detention in detention centers in Venezuela, particularly in 'Rodeo I'. Likewise, we demand that the integrity and life of all those detained in your custody be guaranteed, including those arbitrarily detained for political reasons and whose freedom we demand immediately and unconditionally.**

Firstly, it should be noted that numerous organizations that protect, monitor, and defend human rights have repeatedly denounced the situation of systematic and widespread human rights violations committed in Venezuela against those who are considered dissidents of the government. This policy of repression includes crimes under international law that would constitute crimes against humanity. Thus, the Office of the Prosecutor of the International Criminal Court has opened an investigation into crimes against humanity in Venezuela, specifically on the alleged crimes against humanity of arbitrary deprivation of liberty, torture, gender-based violence and persecution.¹

Just as the international community and civil society have denounced the policy of repression implemented by the Venezuelan authorities, they have also denounced the alarming

¹ International Criminal Court, Office of the Prosecutor, Prosecution request to resume the investigation into the situation in the Bolivarian Republic of Venezuela I pursuant to article 18(2), ICC document number: ICC-02/18, 1 November 2022, https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_06554.PDF, para. 102

conditions of detention in prisons and unauthorized detention centers in the country.² Although Article 10 of the International Covenant on Civil and Political Rights, to which the Venezuelan State is party, dictates that: "*All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,*" we have documented how the reality in Venezuelan prisons is far from fulfilling this obligation.³

Despite the Venezuelan state's obligations under international law, the undersigned organizations are gravely concerned by the information received on how prisons in Venezuela are characterized, in almost universal terms, by having serious deficiencies in structure, health, and security for persons deprived of liberty, as well as the lack of access to basic services such as water and food.⁴ In addition to the individuals deprived of liberty themselves, their relatives and other people close to them also suffer the consequences of these human rights violations. Of particular concern are also the arbitrary restrictions on medical care and treatment for persons who are detained, such as the critical case of Emirlendris Benítez, currently detained at the National Institute for Women's Guidance (INOF, for its Spanish acronym) and for whom, on numerous occasions, timely, adequate and reliable medical attention has been requested.⁵ **This generalized situation illustrates a situation of very high risk to the life and integrity of all the people detained in detention centers under your custody and responsibility.**

We recall that, due to the concerning prison conditions and the high risks to the life and personal integrity of those deprived of their liberty in Venezuela, several detention centers have been subject to precautionary measures from the Inter-American Commission on Human Rights and provisional measures from the Inter-American Court of Human Rights.⁶

Likewise, in addition to the concerns over the generalized conditions of detention of people deprived of liberty, for the organizations that sign this letter, the situation in 'Rodeo I' is acutely alarming. The organizations have received well-founded reports on the way in which **the prison authorities of 'Rodeo I' are intentionally subjecting people deprived of liberty in this center to particularly cruel and inhumane conditions, in order to intimidate or coerce them,**

² Venezuelan Observatory of Prisons, [original in Spanish] "In 2022, 55 prisoners died from hunger and lack of medical care in prisons," 23 March 2023, <https://oveprisiones.com/en-2022-55-presos-murieron-por-hambre-y-falta-de-atencion-medica-en-las-carceles/>; Amnesty International, Annual Report 2023/2024, Venezuela chapter, 24 April 2024, www.amnesty.org/en/location/americas/south-america/venezuela/report-venezuela/; Office of the United Nations High Commissioner for Human Rights (OHCHR), Situation of Human Rights in the Bolivarian Republic of Venezuela, UN Document Number A/HRC/50/59, 23 June 2022, www.ohchr.org/en/documents/country-reports/ahrc5059-situation-human-rights-bolivarian-republic-venezuela-report, para. 33

³ International Covenant on Civil and Political Rights, article 10, www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

⁴ Amnesty International, Venezuela: Annual Report 2023/2024, 24 April 2024, www.amnesty.org/en/location/americas/south-america/venezuela/report-venezuela/

⁵ Amnesty International, Venezuela: Further information: Venezuelan prisoner face critical neglect, 29 April 2024, www.amnesty.org/en/documents/amr53/7999/2024/en/

⁶ Interamerican Commission on Human Rights, Resolution 15/2020, Precautionary measure 23-20 'Arrest center and preventive detentions in Cabimas regarding Venezuela' [Centro de Arresto y Detenciones Preventivas de Cabimas respecto de Venezuela], 6 February 2020, www.oas.org/es/cidh/decisiones/pdf/2020/15-20mc23-20-ve.pdf; and Interamerican Court, Provisional measures with regard to Venezuela: Matters of certain Venezuelan prisons, 'El Rodeo I' and 'El Rodeo II' Capital Judicial Confinement Center, 6 September 2012, www.corteidh.or.cr/docs/medidas/rodeo_se_04_ing.pdf

because they are considered opponents or political dissidents. These events, which have been previously documented in other detention centers by the UN Independent International Fact-Finding Mission on Venezuela, could amount to acts of torture and violate international law.⁷

According to the information received, at least 45 men were transferred from different detention centers to 'Rodeo I' in a surprising, unfounded, and uncommunicated manner, between 20 February and 4 April 2024. According to the reports received, the arrest and detention of the 45 men would have a political motivation. Once transferred to 'Rodeo I', each detainee would be subjected to a so-called "reflection period," which consists of a prolonged period of 30 days of solitary confinement in inhumane conditions, in violation of the recommendations of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)⁸ and the standard established by the Inter-American Court of Human Rights⁹ and the UN Human Rights Committee.¹⁰ After prolonged periods of isolation, detainees in 'Rodeo I' are subjected to inhuman and degrading hygiene and health conditions, such as lack of toilet paper, receiving non-potable water through a hose, and sleeping on concrete beds without mattresses or blankets. In addition to this, during family visits, their loved ones are checked and hooded when entering the center; some have reportedly suffered decompensation due to the intimidating and oppressive conditions.

In addition, the conditions of detention, which involve cruel and inhuman treatment and possible torture, are compounded by systematic violations of the right to a fair trial and due process guarantees. All the reports received indicate, among other arbitrary and improper acts, that the detainees could only participate in the court hearings electronically, with prison officials present, but without the support of their legal defense.

In view of the above, we take this opportunity to recall the content of Article 1 of the Convention against Torture, to which the Venezuelan State is also party, and which clearly establishes that *"the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or*

⁷ United Nations Independent International Fact-Finding Mission on Venezuela, The government apparatus, its repressive mechanisms and restrictions on civic and democratic space, 18 September 2023, United Nations Document Number A/HRC/54/CRP.8, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session54/advance-versions/A_HRC_54_CRP.8_EN_0.pdf, para. 238

⁸ United Nations General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), 8 January 2016, UN document A/RES/70/175,

<https://documents.un.org/doc/undoc/gen/n15/443/41/pdf/n1544341.pdf?token=9YmkdLYa9pFWB5leV&fe=true>

⁹ Inter-American Court of Human Rights, Case of Velásquez Rodríguez v. Honduras. Bottom. Judgment of July 29, 1988. Case of Espinoza González v. Peru. Judgment of November 20, 2014. With respect to Venezuela, see: Case of Díaz Peña v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 26, 2012

¹⁰ Human Rights Committee, General Comment No. 20, Prohibition of torture or other cruel, inhuman or degrading treatment or punishment (art. 7), [www.ohchr.org/en/resources/educators/human-rights-education-training/general-comment-no-20-prohibition-torture-or-other-cruel-inhuman-or-degrading-treatment-or#:~:text=a%20General%20Comment%20No.,7\)%20\(1992\)%20%7C%20HCHR](http://www.ohchr.org/en/resources/educators/human-rights-education-training/general-comment-no-20-prohibition-torture-or-other-cruel-inhuman-or-degrading-treatment-or#:~:text=a%20General%20Comment%20No.,7)%20(1992)%20%7C%20HCHR)

*suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."*¹¹

Considering the particularly concerning situation in 'Rodeo I' and in line with the international obligations of the Venezuelan State, as well as the possible individual criminal responsibility of all those involved in such acts, we urge you to:

- Intervene to ensure the immediate and unconditional release all those arbitrarily detained for political reasons in detention centers in your custody.
- Guarantee the safety, health, and life of individuals deprived of their liberty in accordance with international standards, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), and the state's international obligations.
- Guarantee access to health, food, drinking water and other basic goods to people deprived of their liberty in your custody.

Sincerely,

Amnesty International
Center for Justice and International Law (CEJIL)
Due Process of Law Foundation (DPLF)
Global Centre for the Responsibility to Protect
International Service for Human Rights
Race and Equality
Robert F. Kennedy Human Rights
Washington Office on Latin America (WOLA)
World Organization Against Torture (OMCT)

¹¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 1, www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading