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Volker Türk
UN High Commissioner for Human Rights

January 26, 2023

Open letter to the UN High Commissioner for Human Rights, Volker Türk, in the context of his visit to Venezuela

RE: MAIN CONCERNS AND RECOMMENDATIONS REGARDING THE HUMAN RIGHTS SITUATION IN VENEZUELA

Dear Mr. Volker Türk,

In recent years, Amnesty International has been part of the collective effort by Venezuelan and international civil society organizations seeking to ensure that mechanisms of scrutiny and international justice relating to the serious human rights violations committed against the Venezuelan people remain in place and continue to operate. Some of these violations may amount to crimes against humanity, as established by the Office of the Prosecutor of the International Criminal Court, the UN International and Independent Fact-Finding Mission on Venezuela (the Fact-Finding Mission), as well as in our own research.

Although your Office has had a presence in the country since 2019, with a dual mandate of reporting on the human rights situation and providing technical cooperation, at Amnesty International, we remain concerned by Venezuelan authorities' ongoing implementation of a policy of repression against any form of dissent or criticism against the government, the rampant impunity for human rights violations and crimes under international law, as well as the continued deterioration in access to economic and social rights. Based on the above, we take this opportunity to suggest you take the following issues into consideration during your visit to the country:

- The closure of civic space and stigmatization of human rights defence

Venezuelan civil society, human rights defenders, activists, personnel providing humanitarian assistance and all those working to improve access to human rights in Venezuela in general, are carrying out their roles in an environment of constant threats, intimidation and attacks aimed at silencing them and quashing their criticisms. For years, Venezuelan authorities have used various administrative, judicial and propaganda mechanisms to impede their work, eroding civic space, access to justice and the independence of public institutions.

Recently, the possibility of the approval of a law to regulate and oversee international cooperation to non-governmental organizations has resurfaced, which for years has served as a threat against human rights defenders and humanitarian workers, the purpose of which is to arbitrarily control, supervise, intimidate and impede the work of non-governmental organizations in the country. We believe it is of the utmost priority that your Office intervenes to put a stop to this initiative because of the serious risk it would pose to human rights organizations, humanitarian organizations and victims and survivors of human rights violations whose work is essential for the defence and protection of fundamental rights in Venezuela.

- The release of politically motivated arbitrary detainees

Human rights organizations and your own Office have documented the use of arbitrary detention to silence criticism of the government of Nicolás Maduro.

According to a number of organizations in the country providing them with legal defence, there are currently around 300 people still arbitrarily detained for political reasons, and hundreds of people who have been detained in the past still face severe restrictions on their freedom, as they are subject to arbitrary criminal proceedings which lack judicial guarantees. The Government of Venezuela must end its policy of repression and systematic arbitrary detentions.

Of particular concern is the use of arbitrary detention against journalists, such as Roland Carreño, and human rights defenders, such as Javier Tarazona, coordinator of the non-governmental organization FUNDAREDES, who has been arbitrarily detained since 2 July 2021, in retaliation for his work defending human rights. Amnesty International reiterates its call for an immediate and unconditional end to their detentions and for their health and physical integrity to be protected while they remain in detention.

Such detentions are a serious violation of human rights, but they also send a message designed to discourage and intimidate other human rights defenders in Venezuela. Therefore, any attempt to move towards an improvement in the situation in Venezuela must encompass the release of politically motivated arbitrary detainees and, especially, human rights defenders.

- The strengthening of the presence of the Office of the High Commissioner for Human Rights and other international scrutiny mechanisms

Amnesty International has supported the Venezuelan human rights movement in seeking mechanisms for international scrutiny over the dire human rights situation in the country. It has supported calls for the establishment of specific mandates regarding your Office and the establishment of the Fact-Finding Mission, with a view to ensuring that both bodies can have a complementary impact on preventing human rights violations and increase the likelihood of accountability processes.

Amnesty International considers it essential that the presence of your Office in the field be strengthened, not only in regard to financial and human resources, but also with institutional support so that its reporting on the country has a real deterrent effect in preventing serious human rights violations and acts as protection for human rights defenders in the country.

Likewise, it is essential that the valuable work of technical assistance, monitoring and reporting that your Office has carried out for years, also maintains rigorous and public scrutiny over the Venezuelan state's progress or regression regarding the recommendations made in previous years; without this, the lack of follow-up on their implementation risks eroding the importance and credibility of its mandate.

To increase scrutiny and monitoring of Venezuela, it is also of utmost importance that relevant steps be taken to enable United Nations special procedures and rapporteurs to visit the country. As agreed with your predecessor, Michelle Bachelet, Venezuela had made a commitment of 10 in-situ visits in the coming years. However, it should be noted that not only have only three visits been made, but also none of the mechanisms that have obtained official invitations from Venezuela have mandates to monitor civil and political rights. We therefore consider it a priority that your Office reiterates a call to authorities to allow the Working Group on Arbitrary Detention, the Special Rapporteur on Torture, the Special Rapporteur on the Situation of Human Rights Defenders, and other mandates related to civil and political rights to visit the country in the near future.

Moreover, Amnesty International views the work carried out by the Fact-Finding Mission, established by the Human Rights Council in 2019 and whose mandate has been renewed until 2024, as a milestone. The organization urges your Office to ensure its efforts to document human rights violations are carried out in a complementary and coordinated manner with the Mission. The mandate of the Mission is to ensure accountability for serious human rights violations and it has established that there are reasonable grounds to believe that crimes against humanity have been committed in Venezuela, so the efforts of your Office to document the situation and provide technical cooperation to the Venezuelan government must – at least and in order to ensure consistency between both mandates-, consider the systematic and widespread nature of human rights violations and how they reflect a policy emanating from the highest levels of government.

In conclusion, Venezuelan authorities continue implementing a severe policy of repression that threatens to silence those people who are considered critical of the government of Nicolás Maduro, while, at the same time, the situation regarding access to economic and social rights is becoming more precarious by the day, forcing the Venezuelan people to demand their rights. The coexistence of these realities puts at risk and threatens those at the mercy of the authorities' arbitrariness.

As a consequence of the severe human rights crisis and complex humanitarian emergency, by the end of 2022, the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela estimated that 7.13 million Venezuelans have left the country, 84% seeking protection in 17 countries in Latin America and the Caribbean. Most of these people have faced various obstacles in accessing their right to seek asylum or receive international protection, often experiencing human rights violations, ranging from gender-based violence, lack of access to basic health and education services, to death and enforced disappearance.

The Office you head has a privileged role compared to other international bodies and, in our view, this must be used to advance the protection of victims and survivors seeking truth, justice, reparation and guarantees of non-repetition both in Venezuela and outside, as well to those who defend human rights in Venezuela.

Finally, Amnesty International calls on you and your Office to intervene to ensure that civic space is maintained; that human rights defenders are protected; that politically motivated arbitrary detainees and human rights defenders, such as prisoner of conscience Javier Tarazona, are released; and that trade union and workers' rights activists, as well as other social activists, who strongly demand their right to a decent salary and living conditions, are protected. It also urges you to advocate for the strengthening and opening up to international scrutiny through your Office's presence in the country; the effective invitation of special procedures and treaty bodies relevant to reports from civil society; and establish dialogue and feedback with the mandate of the Fact-Finding Mission.

Yours sincerely,



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