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VENEZUELA: ALARMING PERSECUTION OF CRITICAL AND DISSIDENT VOICES INTENSIFIES

In the build-up to the Venezuelan presidential elections on 28 July 2024, Amnesty International joins other voices in denouncing a surge in repressive policies from Nicolás Maduro's government.

In 2024, Venezuelan authorities have perpetrated numerous attacks on civic space and on people perceived as critical of the government; promoted legislative bills that undermine freedom of association and expression; performed arbitrary arrests; misused criminal law; violated due process and fair trial guarantees; and launched stigmatizing campaigns. The government has also released confessions of guilt from detainees that were obtained without mechanisms in place to protect them against torture.

The March 2024 update to the Human Rights Council of the UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela states that Venezuela is currently "witnessing a reactivation of the most violent form of repression by the authorities", and observes recurring patterns of human rights violations against real or perceived opponents, including human rights defenders who dare to criticize, denounce or protest government decisions or policies.¹

In addition to Rocío San Miguel, a well-known human rights defender who was arbitrarily detained in February and charged with terrorism, most people who have been arbitrarily imprisoned are involved in the electoral campaign of María Corina Machado, leader of the Vente Venezuela opposition party. She was elected as the candidate of the Plataforma Unitaria Democrática through an opposition primary election process in 2023 and was barred from holding public office, with no opportunity to exercise her right to defence.²

The European Union Election Observation Mission denounced the practice of barring opponents by administrative means prior to the 2021 regional elections, when the Comptroller General's Office used such procedures to bar 27 political opponents from running for office.³ However, in June 2023 the authorities publicly announced the decision to bar María Corina Machado. This decision was recently ratified by the Supreme Court of Justice, which on numerous occasions has been criticized for lacking independence from the executive branch and the ruling party of Nicolás Maduro's government.

DETENTIONS OF VENTE VENEZUELA ACTIVISTS

On 23 January, three regional heads of María Corina Machado's presidential campaign for the Vente Venezuela opposition party were arrested without a warrant: Guillermo López, the Vente Venezuela coordinator for the state of Trujillo; Luis Camacaro, the same party's coordinator for the state of Yaracuy; and Juan Freites, the coordinator for the state of Vargas. The three men are still being held at the El Helicoide detention centre of the Bolivarian National Intelligence Service (SEBIN) in Caracas. Their defence team says that their detentions can be considered enforced disappearance because the authorities denied repeated requests for information on their whereabouts from the detainees' relatives and attorneys. Only 27 days after the arrests were they able to obtain reliable information. Furthermore, their arraignment took place 28 days after they were detained, whereas the legal limit is 48 hours from arrest. At the arraignment, the court refused to allow the three men's trusted attorneys to defend them, forcing them to accept court-appointed counsel instead. The men were allegedly charged with terrorism.⁴

¹ OHCHR. Oral update from Sra Marta Valiñas. <https://www.ohchr.org/es/statements-and-speeches/2024/03/statement-marta-valinas-chair-independent-international-fact>

² Amnesty International. "Maduro government's latest assault on civic space shows policy of repression remains in effect". <https://www.amnesty.org/en/latest/news/2023/11/venezuela-maduro-assault-civic-space-repressive-policy/> See also: BBC. "Inhabilitan para ocupar cargos públicos por 15 años a María Corina Machado, una de las precandidatas presidenciales más populares de Venezuela". <https://www.bbc.com/mundo/articles/cw5g464g3xwo#:~:text=Es%20una%20de%20las%20%ADderes,un%20plazo%20de%2015%20a%C3%B1o%20s>

(Spanish only)

³ EU Election Observation Mission to Venezuela Regional and Municipal Elections 21 November 2021, Final Report, 21 November 2021, https://www.eods.eu/library/eu_eom_ven_2021_fr_en.pdf, p. 24.

⁴ Amnesty International interview with the legal defence team for the detainees.

Then on 8 March, Emill Brandt Ulloa, a Vente Venezuela regional campaign leader for the state of Barinas, was arrested without a warrant. On 9 March, the Office of the Attorney General stated that he had been arrested for participating in a "brawl, a violent street incident" in Barinas, during which he supposedly struck four female police and military officers on 15 January.⁵ The police reportedly issued a warrant for his arrest because of this alleged incident.⁶

Following his arrest, the authorities claimed that Emill Brandt Ulloa had confessed the alleged existence of a destabilization plan involving civilians and the military. They said he confirmed his involvement in the supposed plan, as well as the involvement of, among others, Dignora Hernández, Magallí Meda, Fernando Martínez Mótola, Antonio Ledezma, Henry Alviarez and Julio Borges.⁷ Emill Brandt's legal defence team has challenged this video, which was leaked and disseminated by the media.⁸ Amnesty International has evidence suggesting that this statement was obtained during Ulloa's incommunicado detention and enforced disappearance, a time when he had no access to legal defence. These circumstances significantly increase the risk that it was obtained by means of torture or other ill-treatment.

Likewise, Joe Villamizar, the Vente Venezuela political coordinator for the municipality of Girardot, in the state of Aragua, was intercepted by an unidentified vehicle on 18 March and taken to the SEBIN state headquarters.⁹ Sources indicate that he was brought before a court on 20 March and charged with possession of an explosive device and resisting authority.¹⁰ The Control Court ordered an alternative to imprisonment, although he was not released until eight days later. His defence team has asserted that while detained, he was allegedly mistreated so that he would record a video in which he accused party members of various crimes.¹¹

Then on 20 March came the arrests of two key members of Vente Venezuela: Dignora Hernández, Vente Venezuela's political secretary and a member of María Corina Machado's campaign team; and Henry Alviarez, the party's organizational and campaign command coordinator. According to their defence team, both are being held in El Helicoide. The Office of the Attorney General says that Emill Brandt Ulloa's so-called "confession" enabled them to arrest these two opposition leaders,¹² and issue warrants for the arrest of at least seven other people: Pedro Urruchurtu, Omar González, Humberto Villalobos, Claudia Macero, Fernando Martínez Mótola and Magallí Meda. All seven have ties to Vente Venezuela.¹³ Six of them are reportedly taking refuge in the Argentinian embassy in Caracas.¹⁴

Prior to these events, human rights defender Rocío San Miguel was arrested arbitrarily and for politically motivated reasons, and the Venezuelan authorities expelled staff from the Office of the United Nations High Commissioner for Human Rights (OHCHR) who were providing on-the-ground technical assistance.¹⁵

CURRENT BILLS FOR RESTRICTING CIVIC SPACE

Amidst this alarming intensification of the government's repressive policies, Amnesty International reiterates its concern about several bills working their way through the legislature that are designed to lend a veneer of legality to political persecution and the targeting of human rights defenders.

As Amnesty International has stated previously, one of its concerns is the Law for the Control, Regularization, Operations and Financing of Non-Governmental and Related Organizations. If passed, this law would establish strict controls that would require organizations to submit lists of members and staff and their assets, provide lists of donors and register financial transactions, or be closed down or even face criminal prosecution if they fail to comply.¹⁶ The National Assembly has not

⁵ Twitter. TarekWilliamSaab. <https://twitter.com/TarekWilliamSaab/status/1766557878519787796>

⁶ YouTube. BluRadio. <https://youtu.be/Rojq0aQBNJw?t=4545>

⁷ Twitter. MinisterioPublicoVen. <https://twitter.com/MinpublicoVEN/status/1772670913533624799> Also see: Facebook. VPI TV. <https://www.facebook.com/reel/3713471495588655>

⁸ TikTok. Globovision. <https://www.tiktok.com/@globovision.ve/video/7348586558389325061>

⁹ Twitter. VenteDDHH. <https://twitter.com/VenteDDHH/status/1770411335622299900>

¹⁰ Amnesty International interview with Joe Villamizar's legal defence team.

¹¹ Amnesty International interview with Joe Villamizar's legal defence team. See also: Twitter. VenteDDHH. See: <https://twitter.com/VenteDDHH/status/1771246474006773876>

¹² Twitter. AlbertoRodNews. <https://twitter.com/AlbertoRodNews/status/1770512052181696824?s=20>

¹³ Twitter. MinisterioPublicoVen. <https://twitter.com/MinpublicoVEN/status/1772670913533624799> Also see: Facebook. VPI TV. <https://www.facebook.com/reel/3713471495588655>

¹⁴ El País. "El Gobierno argentino acoge a seis opositores venezolanos en su Embajada de Caracas". <https://elpais.com/argentina/2024-03-27/el-gobierno-argentino-acoge-a-seis-opositores-venezolanos-en-su-embajada-de-caracas.html>

¹⁵ Amnesty International. "The government's escalating repression and attempts at evading scrutiny face resounding condemnation from international civil society." <https://www.amnesty.org/en/latest/press-release/2024/02/venezuela-the-governments-escalating-repression-and-attempts-at-evading-scrutiny-face-resounding-condemnation-from-international-civil-society/>

¹⁶ Amnesty International. "Urgent Action". <https://www.amnesty.org/en/documents/amr53/7602/2024/en/>

published the report from the second debate about the bill, which contains the results of the public commenting process and which apparently lays out possible amendments that remove most of the current bill's regressive measures and rules against the right to association. Another concern is the proposed International Cooperation Law, which is also currently before the legislature. This law would create new obstacles for the work of human rights defenders.¹⁷

Additionally, the Law against Fascism, Neo-Fascism and Similar Expressions, which received preliminary approval on 2 April after the first reading, specifically would criminalize the leaders of the 2014, 2017 and 2019 protests, as well as members of the 2015 National Assembly, in which the opposition had a majority, and other perceived opponents of Nicolás Maduro's government.¹⁸

This bill defines fascism in a broad and highly ambiguous terms that include "racism, chauvinism, classism, moral conservatism, neoliberalism, misogyny and all kinds of anti-human phobias".¹⁹ Amnesty International considers the bill's definition to be extremely vague and broad, which violates international human rights standards. Furthermore, Amnesty International is concerned that this law's main objective is to hinder political opponents and human rights defenders, rather than to counter hate speech prohibited under international law, because any dissenting action could be considered fascist or neo-fascist under this bill's definition.²⁰

The bill also contains sections expressly designed to limit freedom of expression and information, the right of peaceful assembly and association, as well as the right to defend human rights. It also promotes the disqualification of perceived opponents from holding public office.

The bill stipulates prison sentences for simply exercising the right to freedom of expression and association. Specifically, it establishes eight to 12 years' imprisonment for those who "denigrate democracy, its institutions and republican values" or "advocate the elimination of rights and guarantees (...)", as well as six to ten years' imprisonment for those who "promote the formation of organizations that glorify, advocate or base themselves on fascism, neo-fascism and similar expressions", or for those who "call or organize public meetings or demonstrations with the aim of promoting or advocating fascism, neo-fascism and similar expressions".²¹

The proposed law would give the Office of the Attorney General new powers to prosecute such acts, once again with the intention of masking the unlawfulness of the government's political persecution and repressive misuse of criminal law.²²

CONCLUSIONS AND RECOMMENDATIONS

Since the start of the year, and in the build-up to the Venezuelan presidential elections on 28 July 2024, Nicolás Maduro's government has escalated its repressive policies against different forms of dissidence. It has primarily used two tactics to do so: first, punishing anyone part of the Vente Venezuela party, an opposition party within the Plataforma Unitaria Democrática coalition; and second, announcing legislative measures – such as the proposed Law against Fascism, Neo-Fascism and Similar Expressions – to persecute perceived opponents.

¹⁷ IACHR. "IACHR and Its Special Rapporteurship for Freedom of Expression Urge Venezuela to Not Pass International Cooperation Bill".

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2022/130.asp

¹⁸ The text states: "This is in view of the acts of violence that the country experienced in 2014, 2015, 2017; as well as the serious consequences for the country's economy, sovereignty and territorial integrity, which were compromised by extremist factors that took over the Venezuelan parliament in 2015 to strip Venezuela of its resources and destabilize it from within. And finally, in view of the international situation, the peace and stability of which are threatened by neo-fascist expressions festering in centres of power serving the interests of the Global North!". Twitter. DelcyRodriguezV.

<https://twitter.com/delcyrodriguez/status/1771966858805084607>. See also National Assembly. Deputy Jorge Rodríguez: "Ley contra el Fascismo es necesaria para debatir con la oposición". <https://www.asambleanacional.gob.ve/noticias/diputado-jorge-rodriguez-ley-contra-el-fascismo-es-necesaria-para-debatir-con-la-oposicion>

¹⁹ The bill defines fascism as an "ideological stance or expression for reasons of racial, ethnic, social or national superiority that accepts violence as a method of political action; exalts a culture of death; denigrates democracy, its institutions and republican values; and/or encourages a suppression of the rights and guarantees established in the Constitution in order to favour certain sectors of society, for discriminatory reasons. Common features of this stance are racism, chauvinism, classism, moral conservatism, neo-liberalism, misogyny and all kinds of phobias against human beings and their right to non-discrimination and diversity" and "neo-fascism and similar expressions", such as "any ideological stance or expression, regardless of its name, that reproduces in whole or in part the bases, principles, aims, methods and characteristics of fascism".

²⁰ Últimas noticias. "Proyecto de Ley contra el Fascismo". <https://ultimasnoticias.com.ve/wp-content/uploads/2024/04/Proyecto-de-Ley-contra-el-Fascismo-020424.pdf>

²¹ Últimas noticias. "Proyecto de Ley contra el Fascismo". <https://ultimasnoticias.com.ve/wp-content/uploads/2024/04/Proyecto-de-Ley-contra-el-Fascismo-020424.pdf>

²² OHCHR. Oral update from Sra Marta Valiñas. <https://www.ohchr.org/es/statements-and-speeches/2024/03/statement-marta-valinas-chair-independent-international-fact>

National and international civil society organizations, including Amnesty International, as well as international human rights protection mechanisms and the Office of the Prosecutor of the International Criminal Court, have all documented and denounced politically motivated persecution, short-term enforced disappearances, politically motivated arbitrary arrests, and politically motivated misuse of criminal law, a lack of judicial safeguards and the use of torture and other ill-treatment during detention as part of a policy of repression that takes on different forms and levels of intensity according to the political circumstances at any given time.²³ These arbitrary detentions and other crimes under international law have been part of a widespread and systematic attack on civilians, mainly for political reasons, leading to a consensus that such acts could be considered crimes against humanity.

Under international criminal law and international human rights law, there is no statute of limitations on these crimes, and perpetrators must be held to account before a competent and impartial court, with due process guarantees.

Amnesty International thus calls for the following action:

INTERNATIONAL COMMUNITY:

1. Demand that Nicolás Maduro's government immediately cease to use arbitrary detentions to repress the population and immediately and unconditionally release anyone who is arbitrarily detained for political reasons in Venezuela, including Emirlendris Benítez, María Auxiliadora Delgado, Juan Carlos Marrufo, Robert Franco, Darío Estrada, Javier Tarazona, Rocío San Miguel, and Vente Venezuela party members Guillermo López, Luis Camacaro, Juan Freitas, Emill Brandt Ulloa, Dignora Hernández and Henry Alviarez.
2. Demand that Nicolás Maduro's government protect and refrain from arresting: Joe Villamizar, Pedro Urruchurtu, Omar González, Humberto Villalobos, Claudia Macero, Fernando Martínez Mótola and Magallí Meda.
3. Continue to support the work of the International Independent Fact-Finding Mission on Venezuela established by the UN Human Rights Council and demand that the government allow it to enter the country to fulfil its mandate;
4. Request that the Nicolás Maduro government extend an invitation to visit the country to UN Special Procedures and/or accept their requests to visit;
5. Remain watchful, express concern and demonstrate support for Venezuelan civil society organizations, including with regards to bills that excessively restrict civic space and threaten the right to defend human rights, the right to association and freedom of expression.

NICOLÁS MADURO'S GOVERNMENT:

1. Immediately and unconditionally release everyone who is arbitrarily detained for political reasons, including human rights defenders such as Rocío San Miguel and Javier Tarazona;
2. Immediately end the policy of repression against political opponents or those who criticize Nicolás Maduro's government, and refrain from carrying out further arbitrary arrests, enforced disappearances or acts of torture and other cruel, inhuman or degrading treatment or punishment;
3. Retract and refrain from passing bills that threaten human rights – including the right of association and freedom of expression – such as the proposed Law against Fascism, Neo-Fascism and Similar Expressions and the current proposed Law on the Control, Regularization, Operations and Financing of Non-Governmental and Related Organizations and the International Cooperation Law;
4. Collaborate with international scrutiny and accountability mechanisms, including the International Independent Fact-Finding Mission on Venezuela and UN Human Rights Council special procedures such as the Working Group on Arbitrary Detention and the Special Rapporteur on the Situation of Human Rights Defenders, and accept the scrutiny and technical advice of the Office of the UN High Commissioner for Human Rights, including its effective presence in the country with guarantees of protection.

²³ Amnesty International. *Life Detained* report. <https://www.amnesty.org/en/documents/amr53/7077/2023/en/>