

Third Cycle of the Universal Periodic Review of Venezuela, to be held during the 40th session of the UPR Working Group

Human Rights Council

Report on Torture during the Third Cycle of the Periodic Review in Venezuela

Defiende Venezuela (DV). Founded in 2017. DV is an NGO registered in the United States and led by Génesis Dávila, which has been dedicated to the defense and promotion of human rights in Venezuela since 2017.

Un Mundo Sin Mordaza (UMSM). Founded in 2009. UMSM is an NGO registered in the United States and directed by Rodrigo Diamanti, dedicated to promoting human rights through art and culture since 2009.

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I. Executive Summary

1. This report gathers the observations and findings of the organisations that present it, Defiende Venezuela and Un Mundo Sin Mordaza, in relation to acts of torture and cruel, inhuman or degrading treatments or punishments committed in the Venezuelan territory, with the purpose of feeding the Third Cycle of the Universal Periodic Review of Venezuela. Thus, in the context, it can be seen how since the second cycle of the Universal Periodic Review of Venezuela, the acts of torture have increased exponentially due to the persecution, arbitrary detentions and torture as punishment for political dissidence. Therefore, when framing the recommendations, it is notorious that there is a severe deterioration of democratic institutions in Venezuela that has made it impossible to adopt the recommendations transmitted to Venezuela in the Second Cycle of the Universal Periodic Review, and therefore the State has not sanctioned or prevented acts of torture and cruel, inhuman or degrading treatments or punishments. Thus, 11 recommendations have been presented for the Venezuelan State to comply with.

II. Introduction

2. This report is the product of a collaboration between the following organizations:

Crimes Against Humanity Observatory

The Crimes Against Humanity Observatory is a joint project of Defiende Venezuela and Un Mundo Sin Mordaza, which, since 2019, has been dedicated to monitoring, documenting and denouncing Crimes Against Humanity in Venezuela.

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3. This Report is divided into V sections. It first analyses the context of the Venezuelan institutional crisis, with special reference on the democratic deterioration, lack of judicial independence and rupture of check and balances as guarantee of the rule of law, being the root causes of acts of torture and other inhumane acts committed in the Venezuelan territory. Following up with an analysis of these crimes during the Third Cycle of the Periodic Review of Venezuela by framing recommendations of the last two periodic reviews, and finally issuing a list of recommendations to be implemented.

4. The factual information on the Venezuelan context was mostly extracted from the highest reliable open sources. In this regard, the reports of the United Nations High Commissioner for Human Rights, the United Nations Independent Fact-Finding Mission to Venezuela, the Panel of Independent Experts of the Organisation of American States, the Inter-American Commission on Human Rights, and national and international non-governmental human rights organisations such as the Venezuelan Penal Forum and Amnesty International, were of particular value.

5. In conclusion, the present report allows us to assert the existence of elements that indicate the commission of crimes against humanity of torture and other inhumane acts at least from 2014, linked to the context of disproportionate use of force, related political violence in Venezuela and open systematic violence against dissidents. Thus, it is a useful and timely document to nourish the Third Cycle of the Periodic Review of Venezuela, to be held during the 40th session of the UPR Working Group of the Human Rights Council.

III. Context

6. The Venezuelan context changed dramatically since the last UPR, even though the institutional deterioration was examined in the report, the lack of judicial independence, deficient training of public officers and rupture of check and balances, all were determinants for torture to be significantly increased. The severe increase of the number of torture cases was not isolated, but accompanied by a proven pattern that makes torture systematic and endemic in Venezuela, configuring all the elements of Crimes against Humanity, including a direct attack against a civilian population.

7. By civilian population we mean all those persons who are civilians, i.e., who are not active combatants in the State security forces or other armed forces.^[1] Thus, the concept of civilian population would also include all those persons who are active military non-combatants, ex-combatants and ex-members of resistance movements. The requirement of a State or organizational policy implies that the attack follows a regular pattern, that it is planned, direct and organised, and therefore does not respond to isolated and spontaneous acts of violence. However, it is not necessary for it to be a formalised policy, since its existence can be established from the pattern of acts of violence.^[2] The requirement of a State or organisational policy implies that the attack

follows a regular pattern, that it is planned, direct and organised, and therefore does not respond to isolated and spontaneous acts of violence.^[3]

8. Since 2014, a line of state conduct consisting in silencing the opposition of the Maduro government has existed in Venezuela. It has been carried out through the arbitrary detention of dissidents, disproportionate repression of public protest demonstrations through the use of the armed forces and paramilitary groups (colectivos), producing in many cases serious injuries and death of demonstrators, military dissidents (or persons perceived as such) and their families and friends, as well as they were subjected to imprisonment and torture, inhumane treatment and inhumane conditions of detention. All this in accordance with a state policy directly promoted by the highest governmental officers, with the purpose of annulling political dissidence and launching an attack against the civilian population.

9. It should be noted that 90% of the arrests during protests took place without a court order, being supposedly justified as a consequence of the commission of flagrant crimes. However, credible information shows the abusive use that the Venezuelan State has made of the legal figure of "flagrancy", under which arrests of persons perceived as political opponents have been implemented, even while they are carrying out daily activities that cannot be classified as criminal under any objective legal assessment.^[4] Likewise, multiple violations of due process of law have been reported for persons detained under these circumstances.

10. Moreover, according to Amnesty International, the arbitrary detention methods frequently employed in the context of political demonstrations have encouraged the perpetration of other serious human rights violations, such as ill-treatment, torture or enforced disappearances,^[5] but none of these crimes have been investigated or sanctioned. The OHCHR Office affirms that security forces also verbally abused them, including with insults of a sexual nature, and humiliated them. Some detainees were forced to strip naked and guards regularly threatened both men and women with sexual violence, including rape, and with death. Almost all detainees in this context were subjected to some form of mistreatment, amounting in many cases to torture.^[6] In this regard, according to the Venezuelan Attorney General's Office, only 72 complaints of torture related to 174 detentions in the context of demonstrations between 2017 and 2019 were reported.^[7]

11. The ill-treatment generally began from the moment of arrest, when the security forces frequently used excessive and unnecessary force, injuring - sometimes seriously - the detainees through blows, kicks and pepper spray.^[8] Once detained, the victims were subjected to various acts of torture and ill-treatment that took place especially in the detention centres of SEBIN and the Directorate of Military Counterintelligence (hereinafter "DGCIM") in Caracas, as well as in garrisons and other GNB facilities throughout the country. ^[9]

12. According to the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela's ("IIFFMV") Report, the arrests carried out by State security forces followed similar patterns, with some persons arrested by the DGCIM first passing through clandestine or unofficial places of detention, especially in the first hours or days following the arbitrary deprivation of liberty. During the transfers, most of the victims were reportedly blindfolded, or taken by indirect routes, possibly to confuse them about their whereabouts.^[10]

13. Torture, executed with the purpose of obtaining information and punishing participation in protest activities and the exercise of other human rights, was frequently exercised during interrogations; and included: blows with blunt objects such as sticks, bats, helmets, pliers and weapons all over the body, including the genitals; asphyxiation with tear gas, electrocution, subjection to stress positions for long periods of time; burns on the skin with cigarettes and gun barrels; torment with songs and slogans in favor of the government; sexual aggressions and threats against family members and loved ones.^[11] This can be seen in the case of Nixon Leal, subjected to an unjustified detention, imprisonment and subsequent abuses and torture by Venezuelan state security forces officials.^[12]

14. The IIFFMV also documented patterns of behavior in torture methods used by security forces on both men and women for political reasons, including: (i) stress positions called "crucifixion" (arms outstretched and handcuffed to tubes or bars) and "the octopus" (a metal belt with chains to immobilize the wrists and ankles); (ii) suffocation with plastic bags, chemicals or a bucket of water; (iii) beatings, sometimes with a stick or other blunt object; (iv) electric shocks to the genitals or other parts of the body; (v) death threats or threats of additional violence; (vi) threats of rape against the victim and/or family members; (vii) psychological torture, including sensory and sleep deprivation, constant lighting and extreme cold; and, (viii) forced nudity, including in rooms kept at extremely low temperatures.^[13]

15. Moreover, the IIFFMV concluded that there are reasonable grounds to believe that the repetition of arbitrary detentions, forced disappearances of short duration, acts of torture and cruel, inhuman or degrading treatment, have similarities in the *modus operandi* and in the participation of different state institutions at different levels, and cannot constitute isolated or random acts.^[14]

16. On the other hand, detention conditions usually did not meet minimum humane conditions, often constituting cruel, inhuman or degrading treatment. Overcrowding in detention centres is worrying,^[15] to the point that detainees are often forced to sleep standing up. In general, the cells did not have toilets, forcing detainees to use plastic bags that accumulated in the cells, causing them to become infested with rodents and insects.^[16]

17. It has been indicated that the persons detained would not be notified of the charges of the detention until the moment of being taken to court days later. In many

cases, detainees have been held incommunicado until their presentation in court and have been transferred in the early hours of the morning and, without prior notice to other detention centres. Courts have frequently imposed formal requirements - such as the provision of sureties - for the granting of precautionary measures to detainees, thus prolonging detention unjustifiably. In addition, there have been cases in which custodial authorities have refused to comply with court orders for release without any legal justification.^{[17],[18]}

18. In this regard, the last Universal Periodic Review of Venezuela, countries such as the United States of America, Canada, Switzerland, United Kingdom, Australia, Germany, France, Slovakia, Israel and Belgium, struck their concern over the independence of the judiciary in Venezuela, recommending the country to: end the culture of impunity surrounding cases of reprisals against dissidents, attacks on human rights defenders and journalists, excessive use of force during peaceful demonstrations, abuses of power by state actors, the phenomenon known as "execution of criminals," and other serious human rights violations; ensure the independence of the judiciary and take all necessary measures to combat impunity; ensure transparency in the independent appointment of judges and prosecutors; increase institutional and material support for the justice system and end the provisional nature of the appointment of judges; and abolish the practice of using the judicial system to silence criticism of the Government; prioritise reforms of the police and judicial systems to prevent crimes, punish those responsible, and combat the culture of impunity.^[19]

19. Undoubtedly, a notable fact in Venezuela is the lack of independence of the judiciary, which is accompanied by a high degree of impunity, as stated in the IIFFMV Report, in the following terms:

"The judiciary has not acted as a check on the other agents of the State, perpetuating impunity for crimes committed. Most of the violations and crimes documented by the Mission have not resulted in thorough investigations, prosecutions and convictions of those allegedly responsible (...). There are reasonable grounds to believe that these omissions were affected by the lack of judicial independence".^[20]

20. Thus, impunity for crimes in Venezuela is associated with the lack of independence of the judiciary that does not lead to thorough investigations, prosecutions and convictions of those allegedly responsible, which results in a culture of blatant impunity for crimes associated with perceived threats to power for the Government.

21. On the other hand, the judiciary is not only conducive to impunity for crimes, but its members have participated, by action or omission, in the perpetration of serious human rights violations, especially in the case of criminal prosecution of those allegedly responsible for crimes committed against political opponents. The judicial system, despite having solid evidence to support the participation of the alleged perpetrator in the commission of the crime, co-opts the Executive branch by

committing irregularities in the investigations that do hinder prosecutions and convictions, especially when high-level authorities are involved.

22. In relation to the cases of torture and ill-treatment investigated and reviewed by the IIMFV, no one responsible has been convicted, although the authorities are aware of these facts, no information has been found to indicate that high-level authorities have taken steps to ensure that the responsible bodies give priority to the investigation of allegations of torture.

23. From the IIFFMV's findings, it is clear that the motivating factor for human rights violations and impunity for crimes are personal economic benefits, derived from State institutions that are directly associated with corruption,^[21] which has allowed government agents to maintain power and guarantee impunity.

24. Likewise, the IIFFMV has indicated that, "there are reasonable grounds to believe"^[22] that high-level political actors exert pressure on members of the judiciary to influence the outcome of cases, this political influence has increased to a greater extent between the years 2014 to 2020 - years in which Venezuelan political and social conflict has worsened - which compromises the independence of judges and prosecutors and with it, produces an increase in impunity for crimes.

25. The IIFFMV's Report has also indicated that in the few cases in which sentences have been handed down, the responsibility of immediate superiors has not been guaranteed, only low-level personnel were involved and the responsibility did not include all crimes committed against the victims. With respect to officers higher in the chain of command, no investigations, proceedings or prosecutions have been found that include them. Even officials who have been identified as direct perpetrators of crimes and are subject to international sanctions have not been dismissed or disciplined.^[23]

26. Consequently, the lack of independence of the Venezuelan judiciary and the political pressure exerted on its members has perpetuated impunity for crimes committed in the territory; most violations and crimes are met with impunity and inaction by the responsible authorities instead of providing a fair, independent and impartial trial.

IV. Framing recommendations

27. Due to the absolute prohibition of torture in international law, acts that affect the right to personal integrity in a manner incompatible with internationally recognised human rights cannot be interpreted as legal sanctions. In this regard, according to Article 7 of the International Covenant on Civil and Political Rights: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Likewise, Article 2 of the United Nations Convention Against Torture provides that: "each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction."

28. The Constitution of Venezuela provides in Article 46, paragraph 1, that: "No person shall be subjected to punishment, torture or cruel, inhuman or degrading treatment". Similarly, Article 17 of the Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment, defines the crime of torture as follows:

"The public official who, in functions inherent to his or her position, injures a person in his or her custody; in his or her physical, psychological or moral integrity, or for any reason based on any type of discrimination, with the intention of intimidating, punishing or obtaining information or a confession, shall be punished with the penalty of fifteen to twenty-five years imprisonment and disqualification from the exercise of public office for a period equivalent to the sentence decreed."

29. As it can be seen from the national and international legal framework partially cited, applicable to the Venezuelan legal system, in no case may a legal sanction imply any type of corporal punishment or moral vexation. Therefore, there are regulations applicable to Venezuela, including domestic laws, which sanction this type of conduct. Nonetheless, the United Nations High Commissioner for Human Rights confirmed in its last report that she was not aware of any cases in which the provisions of the Special Law to Prevent and Punish Torture and Other Inhuman or Degrading Treatment, including article 33 which imposes criminal and administrative penalties for the introduction of statements or confessions obtained through torture or ill-treatment as evidence, has ever been implemented.^[24]

30. Therefore, after having denounced instances of torture or ill-treatment before the courts, detainees were returned to the custody of those allegedly responsible for the reported ill-treatment. In some cases, the alleged perpetrators would have been called to testify against the victims in the criminal processes against them, with no precautionary measures taken by judges or prosecutors to protect the alleged victims or address related due process concerns.^[25] Furthermore, the authorities have failed to conduct prompt, effective, thorough, independent, impartial and transparent investigations into credible allegations of torture and ill-treatment to bring the alleged perpetrators to justice and to provide reparations to victims. In particular, judicial authorities have often reversed the burden of proof by refusing to open investigations if the victims did not identify perpetrators.^[26]

31. This pattern shows that people who are subjected to torture, when they are presented before judges are not heard and there are no mechanisms to protect victims but rather send them back to the place where they have been tortured. Thus, the judicial branch is not efficiently sanctioning and procuring the eradication of torture, but rather remains unactive to protect the authorities behind these conducts, which strikes the need to take effective measures to restore the independence of the judicial system; ensure the impartiality of the Attorney-General's Office and the Ombudsman,^[27] and the implementation of a victim and witness protection programme, to safeguard the integrity of victims and witnesses, and ensure accountability for human rights

violations, as the United Nations High Commissioner of Human Rights recommends in her most recent report on Venezuela.^[28] We may add the need to also offer a rehabilitation program for torture victims and their right to reparation with a gender-sensitive approach, as well as guarantee their protection from intimidation and retaliation.^[29]

32. In addition, as it was recommended in the Third Cycle of the Periodic Review of Brazil^[30] and in the Third Cycle of the Periodic Review of Mexico,^[31] there is the need to undertake thorough, impartial, and timely investigations of all allegations of unlawful killings, abuses, torture and corruption involving the forces of law and order; and establish an independent complaints mechanism to investigate all allegations of torture, excessive use of force and collective punishment in all prison facilities as Portugal recommended in the Second Cycle of the Periodic Review of Uruguay.^[32]

33. It is important to notice that countries such as Chequia, Ghana, Estonia, Mexico, Switzerland, Paraguay Slovakia and France recommended in the Second Cycle of the Periodic Review of Argentina^[33] and Estonia in the Second Cycle of the Periodic Review of Ghana^[34] to take measures to establish the national mechanism for the prevention of torture and ensure its effective implementation. Hence, it is important to highlight that Venezuela does have an institutional national body called, the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment established by Article 11 of the Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment, which its main purpose is “the coordination, promotion, supervision and national control of national policies and plans for the prevention of torture and other cruel, inhuman or degrading treatment, as well as the monitoring of the rights of persons deprived of their liberty; it shall also ensure compliance with this Law, the guarantee of the right to physical, psychological and moral integrity, and the prohibition of torture and other cruel, inhuman or degrading treatment”, but it also remained inactive in a national level.

34. Consequently, this organ has not received, processed and followed up on complaints of torture and other cruel, inhuman or degrading treatment; reviewed the current legal system or drafted laws related to the protection of physical and mental integrity, human rights and the prevention of torture; conducted free visits to places of deprivation of liberty; promoted national plans for awareness-raising and training in human rights and the prevention of torture or even conducted meetings with those responsible and officials of the centres visited to maintain a constructive dialogue with the relevant authorities, and prepared reports reflecting the situations observed, in breach of all its functions and powers set forth in article 12 of the Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment. Thereby, it is important to implement the internal normative framework, since the laws that are in place but are not enforced.

35. Venezuelan institutions need to safeguard the dispositions contained in the Constitution, Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment; International Covenant on Civil and Political Rights; United

Nations Convention against Torture and American Convention of Human Rights, their quick and effective implementation. For this matter it is important to ensure the resources, thus providing independent institutional mechanisms, which can only be achieved through a holistic approach including a political-administrative independence, different sources of funding and organic independence.

36. Nonetheless, Venezuela still has not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as numerous countries struck on the last Cycle of the Periodic Review of Venezuela, which should be ratified as soon as possible to adequate the national framework to this international standards.^[35]

37. On another token, there is a need to prevent torture and ill-treatments instead of only having a reactive approach by only holding the responsables accountable. As countries like the United States has recommended in the Second Cycle of the Periodic Review of Argentina, there is the need to improve the treatment of prisoners by encouraging provinces to implement the national torture prevention mechanism, improving the training of police and prison officers, and ending overcrowding.^[36]

38. For this matter, it is important to implement training programs and workshops for military officers, police officers, prisons personnel, judges, and every other public authority which may be called to apply this law, in order to have the tools to comply with them. Training is needed to implement international standards, so these workshops should include good practices for interrogation, such as the Principles on Effective Interviewing for Investigations and Information Gathering, including the principles on foundations, practice, vulnerabilities, training, accountability and implementation^[37]; treatment of detainees and the detailed consequences of committing acts of ill-treatment and torture. There also needs to be a continuous dialogue with various social actors, including international bodies and civil society, to collect good practices for judicial reform to make this more effective and make police management transparent.

V. Recommendations

39. Take effective measures to restore institutional check and balances, especially by ensuring the independence of the judicial system and the impartiality of the Attorney-General's Office and the Ombudsman in order to fight against impunity on torture cases.

40. Implement a victim and witness protection programme, to safeguard the integrity of victims of torture and ensure accountability for crimes against humanity, offering the appropriate reparation and rehabilitation with a gender-sensitive approach, as well as guaranteeing their protection from intimidation and retaliation.

41. Create rehabilitation programs considering the psychological responses to torture and other ill-treatment in accordance to the Istanbul Protocol Handbook and all

other relevant international instruments.

42. Undertake thorough, impartial, and timely investigations of all allegations of torture and disproportionate use of force involving the security forces, and law and order agencies.

43. Implement transparent medical and psychological tests before, during and after every detention in order to safeguard physical & psychological evidence of every form of torture and other ill-treatment according to the Istanbul Protocol Handbook.

44. Establish an independent complaints mechanism to investigate all allegations of torture, excessive use of force and collective punishment in all prison facilities.

45. Safeguard every provision preventing and prohibiting torture and cruel and inhumane treatments, and ensure their quick and effective implementation.

46. Adopt adequate measures to promote transparency regarding investigations of alleged crimes of torture, in order to secure accountability, as well as the exercise of the right to access of information and participation of victims, human rights NGOs and civil society in general.

46. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

47. Implement training programmes and workshops for military officers, police officers, prisons personnel, judges, and every other public authority which may be called upon to apply the law, according to the internationally accepted standards, focusing on non-coercive methods as an effective suite of techniques that can be successfully applied following the Principles on Effective Interviewing for Investigations and Information Gatherings, by trained personnel.

48. Improve the treatment of prisoners by reforming the prisons system as deemed appropriate to implement the national torture prevention mechanism, improving the training of police and prison officers, and ending overcrowding of inmates.

VI. Final Notes

Defiende Venezuela (DV). Founded in 2017. The organization is a pro-bono non-governmental organisation advocating the promotion and protection of human rights in Venezuela, which it achieves by representing victims of human rights violations at the international level, especially before: the Inter-American Commission of Human Rights, the Universal Human Rights System, and the International Criminal Court. In three years, the organisation has grown into a team of lawyers representing over 200 victims –ranging from patients with untreated diseases, victims of torture, and to some of the most influential

opposition leaders. It has also trained over 300 defenders on how to document and file cases internationally, thus increasing civil society's commitment and enabling other professionals to become agents of social change.

Un Mundo Sin Mordaza (UMSM). The NGO Un Mundo Sin Mordaza (UMSM). Founded in 2009. The organization's mission is to promote and empower citizens in the field of human rights through art and culture as spaces for expression. Currently, UMSM continues to raise awareness of human rights through various activities such as art contests, documentation of human rights violations, especially freedom of expression, and training of civil society members in human rights activism and non-violent struggle. In terms of outreach, UMSM has activists and volunteers in 16 states of Venezuela, at the international level it is present in 35 of the most important cities in America, Europe, Asia and Oceania. Finally, in terms of communication outreach, our multi-platform communication campaigns reach at least 700,000 people monthly, and we currently have approximately 680,000 followers in the main social networks.

[Word count: 4,546]

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[2] ICTY, The Prosecutor v. Blaskic, Judgment, March 3, 2000, Case No. IT-95-14, para. 254.

[3] ICC, Situation in the Central African Republic in the case of the prosecutor v. Jean Pierre Bemba Gombo, Pre-Trial Chamber II, June 15, 2009, Case No. ICC-01/05-01/08. para. 81; ICC, Situation in the democratic Republic of the Congo in the case of the Prosecutor v. Germain Katanga, Trial Chamber II, March 7, 2014, Case No. ICC-01/04-01/07, para. 1124.

[4] Amnistía Internacional, Venezuela: Silencio a la fuerza: Detenciones arbitrarias por motivos políticos en Venezuela. April 26, 2017. Available at: <https://www.amnesty.org/download/Documents/AMR5360142017ENGLISH.PDF>, pp. 7 y 8. IACHR, Informe de País Venezuela, Situación de derechos humanos en Venezuela, December 31, 2017. Available at: <http://www.oas.org/es/cidh/informes/pdfs/Venezuela2018-es.pdf>, para. 239. OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, Geneva, August, 2017. Available at: https://www.ohchr.org/Documents/Countries/VE/HCReportVenezuela_1April-31July2017_EN.pdf, pp. 20 y 21. OAS, Informe de la Secretaría General de la Organización de los Estados Americanos y del Panel de Expertos Internacionales Independientes sobre la Posible Comisión de Crímenes de Lesa Humanidad en Venezuela, Washington D.C, May 29, 2018. Available at: <http://www.oas.org/documents/spa/press/Informe-Panel-Independiente-Venezuela-ES.pdf>, p. 185.

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[8] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, Geneva, Agosto 2017. Available at: https://www.ohchr.org/Documents/Countries/VE/HCReportVenezuela_1April-31July2017_EN.pdf, p. 18.

[9] *Ibidem*: p. 19. IACHR, Informe de País Venezuela, Situación de derechos humanos en Venezuela, December 31, 2017. Available at: <http://www.oas.org/es/cidh/informes/pdfs/Venezuela2018-es.pdf>, parr. 246. Human Rights y Foro Penal, Arremetida contra opositores; Brutalidad, tortura y persecución política en Venezuela, November 2017. Available at: https://www.hrw.org/sites/default/files/report_pdf/venezuela/1117sp_web.pdf, p. 27.

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[12] OHCHR. Opiniones adoptadas por el Grupo de Trabajo sobre la Detención Arbitraria en su 73.º período de sesiones (31 agosto a 4 de septiembre de 2015). A/HRC/WGAD/2015. September 28, 2015. Available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%202015%2026_Venezuela_Delgado%20y%20al._AUV.pdf; IFFMV, First Report, September 2020, para. 1731: Based on the facts above, the Mission has reasonable grounds to believe that arbitrary arrest and detention, as well as torture and cruel, inhuman or degrading treatment were committed against C1AA002 (man), C1AA003 (woman), C1AA026 (woman), Sairam Rivas, Nixon Leal and Gerardo Carrero and others. GNB personnel from Regional Command No. 5 at El Tazón were involved. General Manuel Quevedo, Regional Commander No. 5 and Interior Minister Rodríguez Torres were at the site and in command, during the arrests and detentions.

[13] Human Rights Council, Conclusiones detalladas de la Misión Internacional Independiente de Determinación de los Hechos sobre la República Bolivariana de Venezuela. A/HRC/45/CRP.11. September 15, 2020. Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf, para. 285.

[14] *Ibidem*. para. 262.

[15] OAS, Informe de la Secretaría General de la Organización de los Estados Americanos y del Panel de Expertos Internacionales Independientes sobre la Posible Comisión de Crímenes de Lesa Humanidad en Venezuela, Washington D.C, May 29, 2018. Available at: <http://www.oas.org/documents/spa/press/Informe-Panel-Independiente-Venezuela-ES.pdf>, pp. 198 - 199.

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[17] *Ibidem*: p. 197.

[18] IACHR, Informe de País Venezuela, Situación de derechos humanos en Venezuela, December 31, 2017. Available at: <http://www.oas.org/es/cidh/informes/pdfs/Venezuela2018-es.pdf>, para. 240. OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, Geneva, August, 2017. Available at: https://www.ohchr.org/Documents/Countries/VE/HCReportVenezuela_1April-31July2017_EN.pdf, p. 21.

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[21] *Ibidem*, para. 116.

[22] *Ibidem*, para. 2011.

[23] *Ibidem*, paras. 2001, 2002 y 2025.

[24] OHCHR. Situation of human rights in the Bolivarian Republic of Venezuela. Report of the United Nations High Commissioner for Human Rights. A/HRC/47/55. 16 June 2021. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/150/55/PDF/G2115055.pdf?OpenElement> para.16.

[25] *Ibidem*. para.16.

[26] OHCHR, Human rights in the Bolivarian Republic of Venezuela, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, July 5, 2019. Available at: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Documents/A_HRC_41_18.docx&ved=2ahUKEwjQu6fbsezjAhUaBGMBHd-HDSIQFjAAegQIBRAB&usq=AOvVaw0m3sYu_ifVfl3DEB7w2V9N&cshid=1565033852969, para.43 .

[27] OHCHR, Human rights in the Bolivarian Republic of Venezuela, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, July 5, 2019. Available at: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Documents/A_HRC_41_18.docx&ved=2ahUKEwjQu6fbsezjAhUaBGMBHd-HDSIQFjAAegQIBRAB&usq=AOvVaw0m3sYu_ifVfl3DEB7w2V9N&cshid=1565033852969, para. 81.j.

[28] *Ibidem*. para.84.h.

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[HDSIQFjAAegQIBRAB&usg=AOvVaw0m3sYu_ifVfl3DEB7w2V9N&cshid=1565033852969](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/194/18/PDF/G1719418.pdf?OpenElement), para. 81.k.

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