

#### Venezuela's Compliance with the International Covenant on Civil and Political Rights Suggested List of Issues

#### **Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States.

#### **EXECUTIVE SUMMARY**

- 1. Venezuela has failed to uphold its obligations under the International Covenant on Civil and Political Rights (ICCPR). The Venezuelan State has engaged in practices of arbitrary detention and torture in contravention of its obligations enshrined under Articles 7, 9, and 11 of the ICCPR.
- 2. The Venezuelan judiciary lacks the autonomy and independence necessary to guarantee due process and fair trial rights. Members of political opposition groups are particularly vulnerable to unfair trials as part of the State's restriction and prosecution of political dissent. These actions constitute a violation of the rights of equal protection and due process under the law under Article 14 of the ICCPR.
- 3. The Venezuelan Government routinely restricts civic space in the country by developing legal frameworks that limit freedoms of expression and association. The government of Venezuela has banned and seized media broadcasts and allegedly has intimidated, harassed, threatened, and attacked journalists, human rights defenders, and other social activists.

### Venezuela fails to uphold its obligations under the International Covenant on Civil and Political Rights

- I. Venezuelan authorities fail to provide fair conditions of detention and pretrial detention (Concluding Observations paragraphs 12 and 13).
- 4. In its 2015 Concluding Observations, the Committee noted its concerns about prison conditions. It recommended that the State "Step up its efforts to improve conditions of detention in all places of deprivation of liberty, including by making sure that there is no overcrowding, and ensure that the dignity of those deprived of their liberty is respected in all such places in accordance with article 10 of the Covenant."
- 5. The Committee also took note that more than 60 percent of people detained in 2014 were in pretrial detention. The Committee recommended that the Government of Venezuela "take the necessary steps to ensure that pretrial detention is not the rule and that, in practice, priority is given to alternatives to that form of detention."
- 6. Political detainees are often held in the Bolivarian National Intelligence Service (SEBIN) headquarters at Plaza Venezuela or El Helicoide, where conditions are "inadequate, in some cases rising to the level of torture or cruel, inhuman or degrading treatment."<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 12.

<sup>&</sup>lt;sup>2</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 13.

<sup>&</sup>lt;sup>3</sup> Human Rights Council, *Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela*, (Sep. 25 2020), U.N. Doc. A/HRC/45/33, ¶ 54.

- 7. The State holds many individuals incommunicado and denies them visitors.<sup>4</sup> Individuals in detention also experience extreme temperatures.<sup>5</sup> One client of The Advocates reported that *colectivos* (paramilitary groups that support the Government) detained him in an extremely hot room for a long period of time after beating him. He was sweating and thirsty.<sup>6</sup>
- 8. The Inter-American Commission of Human Rights (IACHR) has also provided multiple precautionary messages regarding the multiple people in detention due to the unfair detention conditions and long pretrial detention people endure. For example, in the case of Noris Alberto Perozo Villanueva, the IACHR found the Venezuelan State failed to provide Villanueva with necessary medical evaluation and treatments.
- 9. Security forces and authorities continue to subject individuals during arrest to "beatings and humiliating treatment" and individuals in detention "to asphyxiation, electric shock, broken bones, being hung by their limbs, and being forced to spend hours on their knees." Specifically, the SEBIN and Military Counter-Intelligence General Directorate (DGCIM) use "increasingly violent methods of torture."
- 10. *Colectivos* kidnapped and detained one client of the Advocates at the National Venezuelan Police Agency's headquarters and held him for around eleven hours. *Colectivos* beat him with an encyclopedia while he was handcuffed. *Colectivos* then wrapped the client in foam and beat him with a wooden stick.<sup>11</sup>
- 11. Further, authorities practice a strategy of repression in which they kidnap or detain family members of those alleged to have committed crimes, in an attempt to force those targeted to come forward.<sup>12</sup>

http://www.oas.org/es/cidh/decisiones/mc/2021/res\_94-21\_mc\_600-15\_es.pdf; Inter-American Commission on Human Rights, Precautionary Measure, "José Humberto Hernández Rodríguez, Venezuela" Resolution No. 8/21, (Jan. 28 2021), accessed Aug. 7 2022, <a href="http://www.oas.org/es/cidh/decisiones/mc/2021/res\_8-21\_mc\_998-20\_ve\_es.pdf">http://www.oas.org/es/cidh/decisiones/mc/2021/res\_8-21\_mc\_998-20\_ve\_es.pdf</a>.

https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/.

<sup>&</sup>lt;sup>4</sup> Amnesty International, Amnesty International Report 2021/22: The State of the World's Human Rights, by Amnesty International (London: Amnesty International Ltd, 2022), 400. https://www.amnesty.org/en/documents/pol10/4870/2022/en/.

<sup>&</sup>lt;sup>5</sup> Human Rights Council, *Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela*, (Sep. 25 2020), U.N. Doc. A/HRC/45/33, ¶ 59; Human Rights Watch, "World Report 2022: Venezuela." https://www.hrw.org/world-report/2022/country-chapters/venezuela

<sup>&</sup>lt;sup>6</sup> Interviews are hereinafter referred to as "Interviews conducted by The Advocates (2017-2020)." Details have been removed to maintain confidentiality and to protect the identities of clients and their families.

<sup>&</sup>lt;sup>7</sup> Inter-American Commission on Human Rights, Precautionary Measure, "Ángel Omar Vivas Perdomo and family, Venezuela" Resolution No. 94/21, (Nov. 27 2021), accessed Aug. 7 2022,

<sup>&</sup>lt;sup>8</sup> Inter-American Commission on Human Rights, Precautionary Measure, "*Noris Alberto Perozo Villanueva respecto de Venezuela*". Resolution 38/2021 (Ap. 30, 2021), accessed Aug. 7, 2022, https://www.oas.org/es/cidh/decisiones/mc/2021/res\_38-21\_mc\_978-20\_ve\_es.pdf

<sup>&</sup>lt;sup>9</sup> U.S. Department of State, "2020 Country Reports on Human Rights Practices: Venezuela," accessed June 17, 2021, https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/venezuela/.

<sup>&</sup>lt;sup>10</sup> Amnesty International, "Venezuela 2020," accessed June 17, 2021,

<sup>&</sup>lt;sup>11</sup> Interviews conducted by The Advocates (2017-2020).

<sup>&</sup>lt;sup>12</sup> Amnesty International, Amnesty International Report 2021/22: The State of the World's Human Rights, by Amnesty International (London: Amnesty International Ltd, 2022), 399. https://www.amnesty.org/en/documents/pol10/4870/2022/en/.

12. Victims often do not report cases of torture and other ill-treatment because they fear reprisals.<sup>13</sup> Previously detained individuals and their families received death threats<sup>14</sup> and family members of "military personnel accused of plotting against the government" face detention and torture.<sup>15</sup> It is commonplace that authorities do not investigate allegations of torture even when visible signs of ill-treatment are present in court. Such allegations often fail to appear in court records, and proceedings in formal investigations fail to adequately progress.<sup>16</sup>

#### 13. Suggested questions relating to conditions of detention and pretrial detention:

- What measures is the State taking, if any, to ensure that detention conditions comply with the ICCPR, including the Article 7 prohibition of torture and other cruel, inhuman or degrading treatment or punishment; the Article 9 prohibition on arbitrary arrest and detention; and the Article 10 requirement that individuals in detention be treated with humanity and respect?
- In what ways is the State striving to ensure that all conditions of detention and pretrial detention comply with the Nelson Mandela Rules on the treatment of prisoners?
- What measures is the State taking to reduce the number of people in pretrial detention?
- What steps is the Government of Venezuela taking to eliminate incommunicado detention of individuals and granting individuals in detention visitation with family members and legal counsel?
- Will the State commit to prompt, independent, impartial, and thorough investigations of all allegations of torture and other cruel, inhuman or degrading treatment and punishment and any other violations of individuals' human rights while in detention?
- What measures are in place to prevent law enforcement from conducting arbitrary arrests and detention?
- What measures are in place to ensure that members of law enforcement comply with domestic legislation and international human rights standards regarding the rights of individuals in detention?

<sup>&</sup>lt;sup>13</sup> U.S. Department of State, "2020 Country Reports on Human Rights Practices: Venezuela," accessed June 17, 2021, https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/venezuela/.

<sup>&</sup>lt;sup>14</sup> U.S. Department of State, "2020 Country Reports on Human Rights Practices: Venezuela," accessed June 17, 2021, / https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/venezuela/.

<sup>&</sup>lt;sup>15</sup> Human Rights Watch, "World Report 2021 Venezuela," accessed June 17, 2021, https://www.hrw.org/world-report/2021/country-chapters/venezuela.

<sup>&</sup>lt;sup>16</sup> Amnesty International, Amnesty International Report 2021/22: The State of the World's Human Rights, by Amnesty International (London: Amnesty International Ltd, 2022), 399. https://www.amnesty.org/en/documents/pol10/4870/2022/en/.

- II. Venezuelan authorities engage in violations of human rights in the context of demonstrations and freedom of peaceful assembly and freedom of association (Concluding Observations paragraphs 14 and 20).
- 14. The Committee noted in its 2015 Concluding Observations reports of the State's alleged use of excessive and disproportionate force, arbitrary detention, torture, and ill-treatment of protesters. The Committee recommended that the State "prevent and eliminate the excessive use of force by law enforcement officials, especially during demonstrations; ... [r]edouble its efforts to effectively prevent acts of torture and ill-treatment and punish those responsible; [e]nsure that no one is detained arbitrarily and that all persons who are charged with an offence have access to a fair and impartial trial; [and e]nsure that, in the light of article 9 of the Covenant, persons deprived of their liberty enjoy all the fundamental legal safeguards from the very outset of their deprivation of liberty." <sup>17</sup>
- 15. The Committee also expressed its concern that following these reports of violations of protesters' human rights, only seven civil servants had been convicted for their roles in these violations. The Committee also recommended that the Government of Venezuela "Ensure that all human rights violations, including those that may have been committed by private individuals with the acquiescence of State officials, are investigated promptly, thoroughly, independently and impartially and that the perpetrators are brought to justice and, if found guilty, are punished in accordance with the gravity of their acts." <sup>18</sup>
- 16. Further, the Committee noted that there were reports of military personnel involvement during demonstrations and public gatherings. Thus, the Committee recommended that the State should use civilian authorities rather than military personnel to maintain public order.<sup>19</sup>
- 17. A number of laws and policies that restrict the right to freedom of peaceful assembly were noted by the Committee in its Concluding Observations. The Committee was concerned that there was confusion about whether demonstrators need to request authorization, in particular because of an April 24, 2014, decision in which the Constitutional Chamber of the Supreme Court held that organizers were obliged to exhaust the administrative procedure to receive authorization for public demonstrations. The Committee thus recommended that Venezuela "ensure that all individuals under its jurisdiction are able to fully enjoy their rights to freedom of peaceful assembly and freedom of association."
- 18. The government has targeted demonstrations and criminalized peaceful protest with harsh penalties. The government has used ambiguity in the law to violate this right, despite objections from human rights organizations.<sup>21</sup>

<sup>&</sup>lt;sup>17</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 14.

<sup>&</sup>lt;sup>18</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 14.

<sup>&</sup>lt;sup>19</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 14.

<sup>&</sup>lt;sup>20</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 20.

<sup>&</sup>lt;sup>21</sup>Inter-American Commission of Human Rights, "SRFOE condemns the increase of censorship in Venezuela and reaffirms its support and commitment to the full enjoyment of press freedom in the country". Press Release R169/22

- 19. *Colectivos* associated with the government are responsible for breaking up protests and penalizing demonstrators.<sup>22</sup> Government forces have "shot demonstrators at point-blank range with riot-control munitions, brutally beaten people who offered no resistance, and staged violent raids on apartment buildings."<sup>23</sup>
- 20. One client of The Advocates reported that her community was historically a hub of anti-Chavista opposition, and therefore faced an increased military presence and methods of suppression such as gas and bombs. She was violently arrested at a protest in Merida and accused of conspiracy during a period of unrest in January 2019.<sup>24</sup>
- 21. During the COVID-19 pandemic, government authorities used excessive force at 402 demonstrations that were protesting the lack of access to health care, low wages, and high food prices. <sup>25</sup>
- 22. Restriction to the right to peaceful assembly is part of the legal framework of the country. For example, the Constituent Assembly passed the Law Against Hatred<sup>26</sup> in 2017, which forbids political parties to promote intolerance and fascism and establishes harsh prison sentences for publishing messages that could be considered "messages of intolerance and hatred."<sup>27</sup>

## 23. Suggested questions relating to demonstrations, freedom of peaceful assembly, and freedom of association:

- What measures has the Venezuelan State adopted to respect and protect the right to legitimate and peaceful protest?
- What steps has the government of Venezuela taken to hold government and private actors accountable for violations of peaceful protesters' human rights?
- To what extent has the State reconciled domestic legislation with the ICCPR so as to not interfere with people's right to peaceful assembly?
- Please clarify whether protesters and demonstrators must first receive governmental permission to exercise their rights to freedom of peaceful assembly.

## III. The Venezuelan State lacks an independent judiciary and uses military courts in civilian contexts (Concluding Observations paragraphs 15 and 16).

24. The Committee took note of the lack of independence, impartiality, and autonomy within the Venezuelan judiciary. In particular, the Committee was concerned about the high number of

<sup>(</sup>July 29, 2022), accessed August 7, 2022,; U.S. Department of State, "2020 Country Reports on Human Rights Practices: Venezuela," accessed June 17, 2021, https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/venezuela/.

<sup>&</sup>lt;sup>22</sup> Human Rights Watch, "World Report 2021 Venezuela," accessed June 17, 2021, https://www.hrw.org/world-report/2021/country-chapters/venezuela.

<sup>&</sup>lt;sup>23</sup> Human Rights Watch, "World Report 2021 Venezuela," accessed June 17, 2021, https://www.hrw.org/world-report/2021/country-chapters/venezuela.

<sup>&</sup>lt;sup>24</sup> Interviews conducted by The Advocates (2017-2020).

<sup>&</sup>lt;sup>25</sup> Amnesty International, "Venezuela 2020," accessed June 17, 2021, https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/.

<sup>&</sup>lt;sup>26</sup> Officially called "The Constitutional Law Against Hatred, for Peaceful Coexistence and Tolerance."

<sup>&</sup>lt;sup>27</sup> Human Rights Watch, "World Report 2022: Venezuela." accessed June 17, 2021, https://www.hrw.org/world-report/2021/country-chapters/venezuela.https://www.hrw.org/world-report/2022/country-chapters/venezuela.

judges with provisional status, meaning that the government retains discretion in the judges' appointment and removal. Further, the Committee noted that judges who have ruled against the government have experienced negative repercussions. Thus, the Committee recommended that Venezuela "should take immediate steps to ensure and uphold the full autonomy, independence and impartiality of judges and prosecutors and guarantee that they are free to operate without pressure or interference of any kind" and to "remedy the provisional status of the majority of judges and prosecutors as soon as possible."<sup>28</sup>

- 25. Although Article 261 of the Constitution of the Bolivarian Republic of Venezuela stipulates that matters of crimes against humanity, criminal offences, and human rights violations are to be tried by civilian courts, the Committee noted in its 2015 Concluding Observations that the State had not provided information about reports of military courts trying civilians under certain circumstances. The Committee recommended that the Government of Venezuela should prohibit the use of military courts to try civilians.<sup>29</sup>
- 26. The government leverages the use of unfair trials in the repression and prosecution of political dissidents. Defendants often face trial under military jurisdiction or in "terrorism" courts, despite civilian status, and are commonly charged with treason. Courts lack independence from the government and face intrusion by other government officials, including from the executive branch and from judicial authorities themselves. Ties between the judiciary and other branches of government are intrinsic to Venezuela's political system. Since 2004, even Supreme Court justices have expressed resistance to the separation of powers.

#### 27. Suggested questions relating to independence of the judiciary and military courts:

- What steps is the Government of Venezuela taking to ensure due process and thorough and impartial investigations of allegations of violations of due process rights?
- What steps has the State Party taken to guarantee judicial independence and fair trials?

<sup>&</sup>lt;sup>28</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4. ¶ 15.

<sup>&</sup>lt;sup>29</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 16.

<sup>&</sup>lt;sup>30</sup> Amnesty International, *Amnesty International Report 2021/22: The State of the World's Human Rights* (London: Amnesty International Ltd, 2022), 32.

<sup>&</sup>lt;sup>31</sup> Amnesty International, *Amnesty International Report 2021/22: The State of the World's Human Right* (London: Amnesty International Ltd, 2022), 400 https://www.amnesty.org/en/documents/pol10/4870/2022/en/; Amnesty International, Foro Penal, and Centro Para Los Defensores Y La Justicia, *Venezuela: Calculated Repression* (London: Amnesty International Ltd, 2022), 28. https://www.amnesty.org/en/documents/amr53/5133/2022/en/
<sup>32</sup> Amnesty International, "Venezuela 2020," accessed June 17, 2021,

https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/; Amnesty International, Amnesty International Report 2021/22: The State of the World's Human Right (London: Amnesty International Ltd, 2022), 400 https://www.amnesty.org/en/documents/pol10/4870/2022/en/; Amnesty International, Foro Penal, and Centro Para Los Defensores Y La Justicia, Venezuela: Calculated Repression (London: Amnesty International Ltd, 2022), 26. https://www.amnesty.org/en/documents/amr53/5133/2022/en/

<sup>&</sup>lt;sup>33</sup> Human Rights Watch, "World Report 2021 Venezuela," accessed June 17, 2021, https://www.hrw.org/world-report/2021/country-chapters/venezuela.

- Under what circumstances are civilians tried in military courts and what steps has the State taken to prohibit the use of military courts to try civilians?
- What measures has Venezuela adopted to remedy the provisional status of judges and prosecutors?
- How is the State working toward greater separation of powers between the judicial and executive branches?

# IV. Venezuela harasses journalists, human rights defenders, lawyers, and members of the political opposition, in violation of their rights to freedom of expression (Concluding Observations paragraphs 17 and 19).

- 28. Due to reports of government officials intimidating, disparaging, threatening, and/or attacking human rights defenders, journalists, and lawyers because of their work, the Committee recommended that Venezuela "provide effective protection to journalists, human rights defenders, social activists and lawyers who are subjected to intimidation, threats and/or attacks because of the work they perform in monitoring and providing information on human rights issues and other matters of the public interest," to prohibit Government or public officials from preventing individuals in these professions from exercising any of their rights under the Covenant, and to "[e]nsure that all allegations concerning intimidation, threats and attacks are promptly, thoroughly, independently and impartially investigated and that the perpetrators are brought to justice and duly punished."<sup>34</sup>
- 29. In particular, the Committee was concerned about reports of laws and policies that negatively affected the exercise of the freedom of expression, including reports of the criminalization of statements that defame, offend, or fail to show respect to the President and senior government officials and the National Telecommunications Commissions' monitoring of media. The Committee also noted the population's lack of access to information in the public interest. The Committee thus recommended that the State ensure that its legislation restricting the exercise of the freedom of expression is in conformity with Article 19 of the Covenant and the Committee's general comment No. 34 (2011). It also recommended that the Government independently and impartially enforce any legislation on the freedom of expression; that it consider decriminalizing defamation and, in particular, not showing respect to senior government officials; removing imprisonment as a criminal penalty for failing to show respect to government officials; and ease access to information in the public interest.<sup>35</sup>
- 30. In its efforts to suppress any criticism, the government has criminalized any dissident speech, including the accurate reporting of COVID-19 statistics, as libel or slander.<sup>36</sup>

<sup>&</sup>lt;sup>34</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 17.

<sup>&</sup>lt;sup>35</sup> International Covenant on Civil and Political Rights, Concluding Observations on the fourth periodic report of the Bolivarian Republic of Venezuela (August 14, 2015), CCPR/C/VEN/CO/4, ¶ 19.

<sup>&</sup>lt;sup>36</sup> U.S. Department of State, "2020 Country Reports on Human Rights Practices: Venezuela," accessed June 17, 2021, https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/venezuela/.

- 31. *Colectivos* kidnapped one client of The Advocates for protesting the government, having already kidnapped and murdered his father-in-law. According to the client, *colectivos* are known to repress, kill, and threaten Venezuelans who are critical of the government.<sup>37</sup>
- 32. A client, who was an organizer of a pacifist group and a non-violent activist, reported that military police violently arrested her at a protest and detained her for two days in a military headquarters, where they tortured and interrogated her. <sup>38</sup>
- 33. Another client reported that the Venezuelan Government tracks where individuals live. Military police raided the client's home, searched her computer and personal belongings, and raped her. The client believes the police targeted her home because of her activism and political activities. The client fled Venezuela and learned that a military officer moved into her former apartment building.<sup>39</sup>
- 34. In July 2021, the State arbitrarily detained a member of the opposition party, Freddy Guevara, for over one month. He was subsequently released and permitted to participate in negotiations between the opposition and the State. His detention was an example of the government's sustained harassment of political opponents. The State-influenced media outlets also "stigmatize and attack" those in opposition to the government and human rights defenders. Further, there were 254 political prisoners in Venezuelan prisons in October 2021, many of whom the State has also barred from running for political office. 41
- 35. Venezuelan authorities have reportedly kidnapped and detained the relatives of individuals engaged in or perceived to be engaged in political opposition to entice these opponents to present themselves for arrest.<sup>42</sup>
- 36. Human rights defenders also experience harassment by State authorities. In July 2021, three human rights defenders associated with the organization *FundaRedes* went to police to report harassment by intelligence services after they had alleged that government officials had links to armed groups. Police detained the human rights defenders on charges of incitement to hatred, treason, and terrorism because of their published reports. Although two of the defenders were released on October 26, the organization's director remains in detention. The two defenders were also released "on the condition that they appear in court every eight days." 43

<sup>&</sup>lt;sup>37</sup> Interviews conducted by The Advocates (2017-2020).

<sup>&</sup>lt;sup>38</sup> Interviews conducted by The Advocates (2017-2020).

<sup>&</sup>lt;sup>39</sup> Interviews conducted by The Advocates (2017-2020).

<sup>&</sup>lt;sup>40</sup> Amnesty International, *Amnesty International Report 2021/22: The State of the World's Human Rights*, by Amnesty International (London: Amnesty International Ltd, 2022), 400. https://www.amnesty.org/en/documents/pol10/4870/2022/en/.

<sup>&</sup>lt;sup>41</sup> Human Rights Watch, "World Report 2022: Venezuela." https://www.hrw.org/world-report/2022/country-chapters/venezuela.

<sup>&</sup>lt;sup>42</sup> Amnesty International, *Amnesty International Report 2021/22: The State of the World's Human Rights*, by Amnesty International (London: Amnesty International Ltd, 2022), 399. https://www.amnesty.org/en/documents/pol10/4870/2022/en/.

<sup>&</sup>lt;sup>43</sup> Human Rights Watch, "World Report 2022: Venezuela." https://www.hrw.org/world-report/2022/country-chapters/venezuela.

- 37. The government of Venezuela has banned media broadcasts and fined a newspaper for allegedly defaming a government official. Journalists also face violence, with more than 290 reported attacks.<sup>44</sup>
- 38. Media broadcasts and newspapers are particularly targeted by this kind of repression.<sup>45</sup> In May 2022, the headquarters of the *El Nacional* were seized after the Supreme Tribunal ordered the newspapers to pay around thirteen million dollars in damages for alleged defamation to the government leader Diosdado Cabello.<sup>46</sup>
- 39. The Office of the Special Rapporteur for Freedom of Expression (SRFOE) of the Inter-American Commission on Human Rights (IACHR) has also reported severe restrictions to the right to freedom of expression and association in Venezuela. The SRFOE observed that female journalists in Venezuela are increasingly attacked, subject to "campaigns of harassment, bullying and stigmatization on social networks, the main effect of which is to silence them."
- 40. Suggested questions relating to intimidation, disparagement, threats and/or attacks against journalists, human rights defenders, and lawyers; arbitrary detention; and freedom of expression:
  - What steps has the government of Venezuela taken to create specific legislation ensuring freedom of expression, and preventing harassment and violence against government critics and members of opposition groups?
  - What measures has the government of Venezuela taken to guarantee the freedom of the press and prevent censorship?
  - What measures has the Venezuelan State adopted to protect journalists and media outlets from attacks in the exercise of their profession?
  - What measures are in place to prevent law enforcement from conducting arbitrary arrests and detention against human rights defenders, social activists, and anyone critical of the government?
  - What steps has the government of Venezuela taken to prevent and protect people from attacks and threats from private actors, such as armed civilians, militias, and armed gangs?

<sup>&</sup>lt;sup>44</sup> Amnesty International, *Amnesty International Report 2021/22: The State of the World's Human Rights*, by Amnesty International (London: Amnesty International Ltd, 2022), 30, 401. https://www.amnesty.org/en/documents/pol10/4870/2022/en/.

<sup>&</sup>lt;sup>45</sup> Human Rights Watch, "World Report 2022, Venezuela," accessed August 7, 2022, https://www.hrw.org/world-report/2022/country-chapters/venezuela#9e2664.

<sup>&</sup>lt;sup>46</sup> Amnesty International, Amnesty International Report 2021/22: The State of the World's Human Rights, by Amnesty International (London: Amnesty International Ltd, 2022), {PAGE}. https://www.amnesty.org/en/documents/pol10/4870/2022/en/.

<sup>&</sup>lt;sup>47</sup> Inter-American Commission on Human Rights, "SRFOE condemns the increase of censorship in Venezuela and reaffirms its support and commitment to the full enjoyment of press freedom in the country". Press Release R169/22 (July 29, 2022), accessed August 7, 2022,

https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1246&IID=1