

**Report for the Committee against Torture during its revision of the combined
3rd and 4th periodic reports submitted by the Bolivarian Republic of Venezuela
(53rd period of sessions, November 3-28, 2014)**

Coalition of non-governmental organisations, academic institutions and organised
civil society

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Presentation:

This shadow report was jointly written by the Civil Association Foundation for Justice, Solidarity and Peace (*Asociación Civil Fundación Justicia, Solidaridad y Paz - Funpaz*); the Civil Association for a Diverse Venezuela (*Asociación Civil Venezuela Diversa*); the Human Rights Program and the RedDes Project at the Lisandro Alvarado University; the Centre for Human Rights at the University of Margarita; the Human Rights Centre at the Metropolitan University; the “Padre Luis María Olaso” Centre for Peace and Human Rights (*Centro para la Paz y los Derechos Humanos “Padre Luis María Olaso”*) at the Central University of Venezuela; the Inter-Institutional Human Rights Commission in the Faculty of Law and Political Science at the University of Zulia, the School of Law at the Rafael Urdaneta University and the Human Rights Commission of the Zulia Bar Association; the Committee of Relatives of the Victims of the Events of February-March 1989 (*Comité de Familiares de las Víctimas de los Sucesos de Febrero-Marzo de 1989 - COFAVIC*), Nueva Esparta in Motion (*Nueva Esparta en Movimiento*); the Venezuelan Observatory for the Human Rights of Women (*Observatorio Venezolano de los Derechos Humanos de las Mujeres*); and the Human Rights Vicariate of the Archdiocese of Caracas (*Vicaría de Derechos Humanos de la Arquidiócesis de Caracas*); with the support and cooperation of the World Organisation Against Torture (OMCT). The report aims to provide additional information to the United Nations Committee against Torture on the implementation of Articles 1-16 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment in the Bolivarian Republic of Venezuela.

Despite the long list of recommendations addressed to the Venezuelan government¹, this report describes the ways in which torture continues to be committed by the security forces and perpetuated due to a lack of action on the part of the national authorities.



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I. Normative context (Arts. 1, 2 and 4 of the Convention against Torture)

1. Constitutional and normative framework

Article 46 of the Constitution of the Bolivarian Republic of Venezuela (hereinafter CBRV) enshrines the right of every person to have his or her physical, mental and moral integrity respected, and consequently prohibits torture and cruel, inhuman or degrading treatment; it also establishes the duty to respect the dignity and proper treatment of all persons deprived of liberty, whether convicted or under prosecution, and imposes the obligation to punish public officials who by virtue of their office, mistreat or cause physical or mental suffering, or instigate or tolerate this treatment.

Article 337 of the CBRV also “prohibits torture or incommunicado detention” during states of emergency, and obliges the State in insert 4.1, to approve legislation sanctioning torture within the first year from the date of installation of the National Assembly in Venezuela. This law eventually materialized 12 years after the fact in 2013 with the approval of the Special Law to Prevent and Punish Torture and other Cruel, Inhuman or Degrading Treatment² (hereinafter the Law Against Torture”).

The Venezuelan State ratified the Convention against Torture, Cruel, Inhuman and Degrading Treatment (hereinafter “the Convention” or “Convention against Torture”) in 1991 and also recognised the competence of the Committee against Torture under articles 21 and 22 of the Convention, however although the State did sign the Optional Protocol to the Convention in July 2011 during the Universal Periodic Review of Venezuela in the Human Rights Council, it has not complied with its declared “determined political will”³ to ratify said Protocol. The Venezuelan State’s ratification of the Convention gives it constitutional status, with direct and immediate application by national courts and other public law institutions as required by Article 23 of the CBRV.

The Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment, was enacted on July 22, 2013⁴, with the aim of regulating the prevention, criminalization and punishment of the crime of torture and other cruel, inhuman or degrading treatment, and of repairing damages caused to people who have been the victims of such acts.

The Law Against Torture defines the crime of torture in Article 17 as a deliberate offence committed when physical, mental or moral harm is caused to a person under the custody of a public official, however, the crime of torture does not apply if the person is not being held in custody; moreover, criminal liability depends on the total completion of the action. The law

identifies three crimes defined as ill-treatment with different punishments: the crime of cruel treatment, the crime of inhuman and degrading treatment, and physical and verbal abuse.

a) Norms which regulate the use of force to control demonstrations and public order

In accordance with Article 68 of the CBRV, *“Citizens have the right to demonstrate, peacefully and without weapons, subject to such requirements as may be established by law”*⁵. This provision is further developed in the Law on Political Parties, Public Meetings and Demonstrations (hereinafter the Law on Political Parties)⁶ in Articles 43⁷, 47⁸ and 49⁹. Nevertheless, the Constitutional Chamber of the Venezuelan Supreme Court of Justice has recently made a regressive judgment with regards to the right to demonstrate, by conditioning this right on the prior existence of State authorization, as follows: *“any assembly, demonstration or public meeting without the prior endorsement of an authorization by the respective competent authority, may result in the police and security forces, in order to maintain public order to ensure the right of transit and other constitutional rights [...] dispersing these concentrations with the use of the most appropriate mechanism to do so, under the provisions of the Constitution and national law”*¹⁰.

Article 68 of the Constitution also enshrines the prohibition of the *“use of firearms and toxic substances to control peaceful demonstrations”*, which was later established as a general provision of the Organic Law on Police Service and the National Police Force (hereinafter the National Police Law)¹¹ and was also outlined in Resolution 113 of the Ministry of Popular Power for Interior Relations and Justice (hereinafter the Ministry of Interior and Justice) on April 15, 2011¹², directed at the National Police¹³ the decentralised agency for public safety at the national level; and the State Police bodies¹⁴, in charge of prevention and crime control activities throughout the country.

Resolution 113 is further developed in the *Manual on the actions of police forces to ensure public order, social peace and peaceful coexistence in public meetings and demonstrations*¹⁵, which underpins the actions of police forces in relation to human life and dignity, stating that force must only be used as a last resort when all means of negotiation and persuasion have been exhausted and applied using the principles of legality, necessity and proportionality.

Furthermore, this provision is applicable to any security body which carries out police functions, in accordance with the provisions of Article 65 of the Law on National Police (Article 1 of Resolution 113). In this regard, Article 4.7 of the Organic Law of the Bolivarian National Armed Forces (hereinafter the Armed Forces Law)¹⁶ states that the Armed Forces are responsible for *“helping to preserve or restore internal order, in the face of serious social disruption”*. In the

specific case of the National Guard, Article 329 of the CBRV and 4.7 of the Law on the Armed Forces state that this body may lead military operations required for the defence and maintenance of the internal order of the country via specific, joint or combined operations, and that for this reason, its functions include carrying out activities using police measures in specific and routine tasks. Indeed, Venezuela's armed forces carry out public safety duties as part of the special measures taken by the National Executive to reduce the high rate of violence.

This creates concern among the organisations who are the authors of this report because, according to Article 332 of the CBRV: "*Public security organs are civilian in nature*", and so the involvement of military forces in public security actions should be exceptional, limited and subject to the strictest controls¹⁷. Indeed, warnings have been made at the regional level about the dangers of such action, as "*(...) States must restrict to the maximum extent the use of armed forces to control domestic disturbances, since they are trained to fight against enemies and not to protect and control civilians, a task that is typical of police forces*"¹⁸, and so it is "*advisable to avoid the intervention of the armed forces in internal security matters because it carries the risk of human rights violations*"¹⁹.

Recommendations:

- ***Ratify the Optional Protocol to the United Nations Convention against Torture, Cruel, Inhuman or Degrading Treatment or Punishment.***
- ***Amend the Law Against Torture so that it complies fully with international standards.***
- ***Guarantee the right to freedom of assembly without linking the peaceful enjoyment of this right to the need for prior authorization.***
- ***Guarantee that the law enforcement bodies and related agencies working on public safety have a strictly civilian and professional character at all levels, with a clear institutional and conceptual differentiation between crime prevention, criminal investigation and national defence.***

II. Investigation of the crimes of torture, cruel, inhuman and degrading treatment and the fight against impunity. Sanctions and remedies (Articles 12, 13 and 14 of the Convention against Torture)

1. Statistical references to impunity. Analysis of official data

In Venezuela crimes against human rights including extrajudicial executions, torture and other inhuman and degrading treatment have increased steadily and significantly, as shown by figures from non-governmental organisations and the few official public reports in existence. Since 2009 the format for most official reports from human rights bodies was modified, which has limited public information available on the subject and has increased the lack of institutional transparency, preventing effective access to information from key bodies, such as the Public Prosecution, the Ombudsman and the Office of Scientific, Penal and Criminal Investigations (*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas* - CICPC); this is the reason why there are no updated official figures and individual records on the commission of these crimes in recent years.

This lack of information also affects access to figures about all cases of torture and ill-treatment in Venezuela, added to the fact that most cases are not reported due to the lack of credibility afforded to the victims by the competent institutions and the fear of further reprisals. The Public Prosecutor's Office does not keep a publicly available national registry of reported cases of torture, inhuman, cruel and degrading treatment, and in existing reports, cases are not counted as torture, but instead as "injuries" or "abuse of authority"²⁰.

The serious impunity situation in Venezuela is revealed in the limited information available via the annual reports of institutions responsible for receiving complaints of human rights violations committed by State officials. As an example, during 2006-2010²¹ thirty thousand (30,000) cases of alleged human rights violations were recorded, 93% of them ended with a stay of proceedings²², or were dismissed²³ or archived²⁴. Only 7% ended with a formal indictment²⁵ and of this 7%, only 4% led to convictions, which is a violation of the right to a prompt and impartial response from the authorities and the right of victims to be guaranteed fair and adequate reparation.

During 2011, the annual report of the Public Prosecutor's Office to the National Assembly²⁶, stated that they had received eight thousand eight hundred and thirteen (8,813) cases of alleged human rights violations, of which ninety-seven (97%) were dismissed or archived and a formal charge was made in only three percent (3%) of these cases. This pattern of impunity continued throughout 2012²⁷ and 2013²⁸, when eight thousand two hundred and twenty-seven (8,227) and eight thousand one hundred and ninety-six (8,196) new cases were recorded by the

Department for the Protection of Fundamental Rights (*Dirección de Protección de Derechos Fundamentales*). By 2013, there were sixty (60) prosecutors in the Public Prosecutor's Office assigned with carrying out criminal investigations related to human rights violations²⁹.

With regard to cases of torture and cruel, inhuman and degrading treatment which allegedly occurred during student protests taking place between February and June 2014, the Public Prosecution Service stated in a special report³⁰ that the Department for the Protection of Fundamental Rights had initiated one hundred and eighty-nine (189) investigations of rights infringement, of which two (2) cases are currently being investigated for murder, two (2) for torture and one hundred and eighty-five (185) for cruel treatment³¹. The report also mentioned that eight hundred and seventy-three (873) people had been injured; namely five hundred and ninety-five (595) civilians and two hundred and seventy-eight (278) public officials; in addition to forty-two (42) people killed; namely thirty-two (32) civilians and ten (10) public officials.

In terms of investigation, it was reported that thirty (30) final decisions had been made relating to one hundred and eighty nine (189) open investigations. Of the final decisions, twenty-two (22) were dismissals, six (6) led to formal charges and two (2) cases were archived, which means that in eighty-two percent (82%) of cases, the investigation process was not continued³².

Despite the fact that the Public Prosecutor's Office acknowledged the existence of forty-two (42) people who had been killed, they only reported two (2) open investigations for murder without specifying the procedural status of the case and without determining whether the remaining forty (40) cases involved the commission of a criminal offence or a violation of the right to life committed by officials from State security bodies.

According to a special report from the Public Prosecutor's Office, thirteen (13) officers were imprisoned pending trial for these offences, five (5) officials were granted bail and required to present themselves every 30 days in court and two (2) cases are pending arrest warrants³³.

The investigation initiated for the one hundred and eighty-five (185) cases of cruel treatment led to five (5) individual charges for ten (10) officials, twenty-two (22) case dismissals and two (2) archived cases. There is no official information on the two torture cases under investigation. The publicly available information shows that investigations are being conducted within the ordinary criminal justice system.

2. Application of the Istanbul Protocol

According to publicly-available information and declarations from the competent authorities responsible for criminal investigation, it is believed that to date, the authorities have not implemented the Istanbul Protocol in any of the cases in this report, for the documentation of alleged torture, cruel, inhuman and degrading treatment.

In many cases, forensic medical examinations to document wounds and injuries suffered by the victims were performed several days or even weeks after the events. Some of the statements from the alleged victims, which are purported to have been extracted while under torture, were included in criminal proceedings without the objection of the Public Prosecutor's Office or the judicial bodies acting in these cases³⁴.

When receiving complaints, the bodies responsible for criminal investigation did not ensure the confidentiality and independence of the reporting system, or the protection of the victim from possible retaliations. In a landmark case in which sexual violation with a rifle was reported, the head of the Public Prosecutor's Office addressed the issue using the following terms: *"It is not true that a rifle was inserted into the anus (...) It is not true that this event occurred, according to the medical-legal examination. After all the tests were carried out it is proven that the statement is not true"*³⁵, *"Do you think that a person who has been raped, that is, has had the tip of a rifle inserted into their anus could sit in this hearing during this presentation? It is disagreeable to talk about this, but we must do it, because much of what is said about Venezuela internationally is false (...) and that is how the Venezuelan State has been attacked at the national and international level"*³⁶.

The lack of implementation of the standards established in the Protocol and other instruments leads to the improper documentation of cases, a lack of registration and identification of attacks, physical and psychological effects, and a real inability to effectively investigate and punish those held to be allegedly responsible, making victims' access to justice and reparations unfeasible, and making the victims invisible.

The following emblematic case which occurred in Miranda State highlights delays in medical attention:

The case of Luis Alberto Gutiérrez Prieto, Miranda State, Venezuela

On 19-02-2014, at approximately 7:00pm, young Gutierrez was taking some pictures during a demonstration in the city of Teques in Miranda State. The National Guard was allegedly using tear gas and had started chasing demonstrators, so Luis Alberto Gutiérrez ran for shelter but was intercepted by an unidentified armed civilian group who prevented him from continuing, and he

was arrested along with 43 people by presumed members of the National Guard. He reported that while in custody he was physically and psychologically abused. He states that he was kicked in the face with a regulation uniform boot by alleged members of the National Guard, which caused him severe fractures to the face in the region of his forehead, on the left side of his nose and eye socket. In addition to this injury, Luis Pietro reports having received a sharp blow to the neck.

He was held at the Maria Ochoa Pedro Morales (PMON) Military Academy in Teques, until the early hours of the next day 20-02-2014, when he was taken at approximately 3:00am by soldiers to the Victorino Santaella City Hospital in Teques, Miranda State, to receive attention for his injuries. Once in the hospital grounds, the soldiers allegedly threatened the medical staff ordering them not to contact the relatives of the wounded young man. After this he was meant to be transferred to the Miguel Pérez Carreño Hospital in Caracas, but this was not respected by the troops and they transferred him back to the PMON allegedly under death threat. Despite being seriously wounded he was allegedly left outside for several hours before being transferred to the "El Paso" Clinic in Miranda State, where he was treated by medical staff from the institution and given an emergency operation, while being heavily guarded by at least 6 soldiers with rifles³⁷.

3. Patterns of impunity in investigations

The Venezuelan State has a duty to investigate allegations of torture and cruel, inhuman or degrading treatment. The obligation to investigate is mandatory and *"cannot be disregarded or conditioned by domestic acts or legal provisions of any nature"*³⁸.

The Attorney General of the Bolivarian Republic of Venezuela addressed the issue of impunity in 2009, stating that the underlying cause as to why human rights violations remain unpunished *"lies in the fact that investigations are being conducted by the police agencies themselves"*³⁹. The Public Prosecutor has stated that when we are faced with events that involve the infringement of fundamental rights, those responsible for the investigation are often officials from different state security bodies who, in many cases, are investigators with vast experience in detecting, locating and collecting items leading to a conviction. Such a situation *"is an obstacle to the investigation conducted by the Public Prosecutor"*, as it facilitates the obstruction of the proceedings and protects those responsible⁴⁰.

Among the mechanisms of impunity that often occur simultaneously and systematically in most cases of human rights violations, the following should be mentioned by way of example: i) in the police force: the existence of "elite groups", impunity in cases of corruption, criminalization of the victim, tendency to view violations as "isolated cases"⁴¹; ii) in the Office of Scientific, Penal and Criminal Investigations (*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas - CICPC*), the criminal investigation body: cooperation with officials allegedly involved,

modification of police records, lack of resources leading to delays in investigations; discrepancies between the contents of the forensic medical examination and the versions of family members⁴²; iii) in the Judiciary: persistence in Venezuela's justice administration of a high number of temporary judges and prosecutors⁴³, a situation that has a negative impact on the rights of victims in criminal proceedings related to human rights violations.

Added to this are new practices and mechanisms of impunity related to the expansion of so-called death squads and the participation of armed civilian groups. Among the new practices are: i) changes to the crime scene where the incident occurred, moving the victim to a different place with subsequent stripping of clothes and accessories; placing weapons and psychotropic substances in the place where the crime took place or at the victim's home⁴⁴; ii) the use of elements to conceal the identity of the officer, and in some cases the use of unmarked vehicles or taxis⁴⁵; iii) threats and harassment of relatives and witnesses after they have made complaints⁴⁶. All of these hinder, or even prevent prosecutors' investigation work.

The case of the Barrios family in Aragua State is an emblematic case of retaliations reported by victims, families and witnesses of human rights violations. This family has continued to be harassed after suffering the violent death of ten members since 1998⁴⁷.

Recommendations:

- ***Include in legislation and policing protocols the application of investigation mechanisms and guidelines for cases of alleged torture, cruel, inhuman and degrading treatment and extralegal arbitrary or summary killings.***
- ***Guarantee prompt, thorough and impartial investigations into all cases where it is alleged that torture, cruel, inhuman or degrading treatment occurred, leading to the identification, prosecution and punishment of those responsible. Ensure the adequate protection of victims and the suspension of the officers involved from their duties according to domestic and international law.***
- ***Remove barriers that facilitate impunity including the concealment of the identity of law enforcement officers, the criminalization and trivialization of victims and the modification of police reports.***
- ***Adopt and ensure that the remedies and the right to fair and adequate compensation, including comprehensive care programs aimed at promoting comprehensive rehabilitation, bringing the legal framework and institutional practice in line with the standards established in Article 14 of the Convention against Torture and in line with General Comment No. 3 of the Committee against Torture.***

III. Torture and cruel, inhuman and degrading treatment as a pattern in the conduct of the State security forces (Articles 10, 11, 16 of the Convention against Torture)

1. In cases of alleged extrajudicial killings by State security forces

According to figures from the National Statistics Institute (*Instituto Nacional de Estadística - INE*), in 2009, nineteen thousand one hundred and thirty-three (19,133) murders were recorded in Venezuela, placing the country's homicide rate at seventy-five (75) per 100,000 inhabitants⁴⁸. Of all the homicides registered, 79.48% were committed with firearms, 81.13% of those killed were male and 18.87% female; and 44.12% were aged between 25 and 44 years. The INE document adds that most of the victims belonged to the poorest sectors of society⁴⁹.

The National Government, through the "Great Venezuelan Mission to all Life!" (*Gran Misión ¡A toda Vida! Venezuela*)⁵⁰, reported that the murder rate in 2011 stood at 50 per 100,000 inhabitants⁵¹ and on March 1, 2013, the Minister of Interior and Justice reported that in 2012 16,000 people had been killed in the country⁵². In contrast, monitoring activities conducted by civil society indicate a progressive increase in figures related to violence. According to the Venezuelan Observatory on Violence (*Observatorio Venezolano de Violencia*), 2013 closed with an estimated 24,763 violent deaths in the country, representing a rate of 79 deaths per 100,000⁵³, one of the highest rates in the world. According to this study, violent deaths in Venezuela represent 12% of overall mortality rates, with young men the main victims, creating a demographic distortion in the country. In Venezuela, 53% more men are dying than women; young men of working age⁵⁴.

The Ministry of Home Affairs, Justice and Peace reported that out of every 100 homicides occurring in Venezuela, seventy-six (76) are the result of gang wars and clashes between gangs and security forces⁵⁵. The United Nations Office on Drugs and Crime Global Study on Homicide⁵⁶, published in 2013, ranked Venezuela as the second country in the region with the highest murder rate after Honduras with the rate for 2012 standing at 53.7 per 100,000 inhabitants, while Caracas, the capital, was particularly highlighted with a homicide rate of 122 per 100,000 inhabitants. Venezuela is the only country in the region whose murder rate has steadily risen since 1995 while the general trend has been for the rate to be maintained or to decrease⁵⁷.

The Human Rights Ombudsman has stated that extrajudicial killings are committed "*as a police mechanism to ensure security [...] via which the death penalty has been unofficially established through the use by police agencies, of mechanisms of violence that violate the fundamental right to life and the principles of justice, solidarity and respect for the human being*"⁵⁸.

In 2008, the Ombudsman noted that a total of one hundred and thirty four (134) complaints were made concerning the arbitrary deprivation of life, all following a pattern of extrajudicial killing⁵⁹. According to the Ombudsman, the organs allegedly most responsible were the State police forces in different regions, which had a total of sixty-five (65) complaints against them (representing 48.51% of the total, or almost half); followed by the Office of Scientific, Penal and Criminal Investigations (CICPC) with thirty-two (32) complaints (23.88%) and the municipal police forces, with seventeen (17) complaints (12.69%)⁶⁰.

In 2009, the Attorney General stated that crimes against human rights “*are in the majority attributed to police officers*”⁶¹. Between 2000 and 2008, the Public Prosecution had in its files 8,350 cases of extrajudicial executions committed by this sector, with an average of 1,044 cases per year. The sheer scale of these figures, coupled with lobbying undertaken by the victims’ families organized into committees, as well as advocacy carried out by Venezuelan human rights NGOs at the national and international level (OAS/UN), has led to various State agencies increasingly recognizing the problem. However, this public recognition has not translated into a significant reduction in the impunity which has prevailed in these cases during the past 10 years. It is believed that the three elements that favour the existence of a pattern of impunity identified in 2001 by the Ombudsman, still apply today: i) the police discourse that these crimes occurred during attacks is accepted, even by citizens themselves; ii) the media treatment of these practices as “*an effective tool to combat high crime rates*”; and iii) society’s lack of knowledge of their rights and guarantees as well as the means to defend them⁶².

Between January to December 2013, COFAVIC documented eight hundred and two (802) cases of alleged violations of the right to life in 23 states. The figure reached five hundred and forty-one (541) cases between January to June 2014. The first six months already account for more than half of the cases which occurred last year⁶³, and we must add to this data describing an increase in political violence, shown dramatically by the substantial increase in the criminalization of public protest⁶⁴.

2. As a way of repressing social protest

In the social protests that have occurred in the country, it has been found that the police and / or military forces have consistently used repressive practices incompatible with legislation on human rights and the proportional and differential use of force; establishing a widespread pattern used to repress social protest that can be described as torture, cruel, inhuman or degrading treatment⁶⁵.

In February 2014, social protests took place in a number of cities across the country, which were mostly peaceful, and where repressive actions were used by the police, the military and even civilian armed groups⁶⁶ who allegedly acted with the acquiescence of State institutions⁶⁷.

The use of excessive force by security forces in charge of public order and the use of prohibited weapons and ammunition against people peacefully demonstrating, has also been a constant in several cities in Venezuela. This pattern has been used: 1) to suppress mass protest demonstrations, 2) To make arrests or apprehensions and 3) during detention or imprisonment⁶⁸.

a) Excessive use of force and arbitrary detentions during social protest

Complaints have been made about alleged arbitrary detentions and indiscriminate use of force by state security forces. For example, in February 2014, multiple complaints were received from people who claimed to have been victims of illegitimate detention, without an arrest warrant and without the formal requirements related to the *flagrante delicto* commission of a crime⁶⁹.

The victims of these events reported that they had been arrested were near to the scene of the protests, and in some cases that the arrest was made after an illegal raid on their home from where they were arbitrarily and violently taken without the requirements established by law having been met.

One recurring pattern in the arrests was shown by the use of a similar discourse by the authorities to justify detentions. Testimonies of victims or their lawyers concluded that various records relating to different students who were arrested on various dates and in different parts of the city contained very similar wording, as if it were some kind of pattern, a kind of fabricated record⁷⁰.

CANTV Case, Barquisimeto, Lara State

It has been reported that people who had no responsibility in the events, were linked to alleged damages to the facilities of National Venezuelan Telephone Company (Compania Anonima Telefonos de Venezuela Nacional - CANTV), premises in Avenida Lara and Avenida Venezuela in Barquisimeto, Lara State. Particularly in the case of the Avenida Venezuela CANTV, Mr. Moisés Ríos, Jesús Escalante and Wilson Vásquez were deprived of liberty on February 21, 2014, although their responsibility in burning vehicles within CANTV facilities was not proven. In this case there is evidence, videos and photographs, confirmed by Funpaz⁷¹ in which it can be verified that all these people were arrested at three locations by police officers and then taken to the headquarters of the Avenida Venezuela CANTV to incriminate them for the damages. These three people were detained for over 45 days at the military installations of the 354 Military Police

Brigade at Fort Terepaima in Barquisimeto, where after pressure from civil society in Lara State, the student movement in the area, various NGOs and a number of political actors (Members of the Legislative Council of Lara State) they were released on probation and ordered to report to the police every 30 days before the trial stage began. Currently these three (3) citizens are waiting for the dismissal of the case at the request of the Public Prosecutor's Office⁷².

Moreover, most of the arrests were made by members of the National Guard⁷³ and regional police forces from the states involved. However, when carrying out the arrests, the officials did not properly identify themselves, nor were the detainees able to verify their name or rank as the bulletproof jackets used by these officials covered their identification insignia. Venezuelan Law requires every official carrying out police functions to bear the official uniform of the security body to which they belong during the exercise of their duties, with insignia, equipment and identification documents visibly proving them to be officials and to properly identify themselves at the request of citizens⁷⁴.

The victims of arbitrary detention reported that after being apprehended they were moved from one place to another in civilian vehicles for several hours, *“and then left in some military or police facility”⁷⁵*. Another irregularity relating to arrest consisted of failure to provide information on the reasons for the detention and denial of the right of detainees to communicate with their families, lawyers or trusted friends. In many cases, information about their arrest and place of detention was denied to relatives and lawyers during the first 8-14 hours after the fact. Similarly, during the time spent in detention, before being brought before the court, they were denied access to lawyers to prove their status, conditions of detention and to read the police reports to enable them to know the reasons for their arrest⁷⁶.

Regularly, detainees were brought before the preliminary proceedings courts within 48 hours as required by Article 44.1 of the Venezuelan Constitution, but the hearings were held late in the afternoon or even at night and in the early morning, so that people were often detained for 48 hours or more⁷⁷. In cases where bail was required as a precautionary measure to replace a custodial sentence, the detention could be extended for several days⁷⁸.

In many cases, attorneys only had access to the detainees once they were brought before the preliminary proceedings courts at the onset of their hearing⁷⁹. Added to this, given the nature of the facilities in these courts, lawyers were unable to hold private conversations with each of their clients before the hearing⁸⁰. These circumstances allow us to infer that the detainees and their lawyers had neither the time nor the adequate physical space for the proper exercise of the right to defence.

Regarding the crimes, in most cases detainees were charged with three to four different types of crimes, regardless, in some cases, that the facts of their arrest clearly demonstrated that they could not have committed any of the offences they were charged with⁸¹. The offences included: Public Incitement (Article 285 of the Penal Code), Resisting the Authorities (Article 296 of the Penal Code), Conspiracy (Article 286 of the Penal Code), Obstruction of a National Public Road (Article 357 of the Penal Code), Criminal Association (Article 37 of the Law against Organized Crime and Terrorist Financing) Violent Damage to Property (Article 474 of the Penal Code). The Law against Organized Crime and Terrorist Financing was also applied, as in the case of Hotel Venetur in Nueva Esparta State⁸².

There have been recurrent and systematic reports of alleged acts of torture, cruel, inhuman or degrading treatment by both the National Guard and the Police Forces at the time of arrest, during transport and at the detention centre itself⁸³. Lawyers and human rights defenders who assisted victims requested on repeated occasions that the injuries and mistreatment of the detainees be recorded. Nevertheless, the trial judges often refused⁸⁴. They also repeatedly reported that the courts did not allow or agree to detainees being transferred for medical examination⁸⁵. Another irregularity used was subjecting guarantors for bail to verification by the courts, who often refused offers of bail, thereby delaying for several days the release of some detainees suffering from injury, with the result that after 3, 4 or 5 days, physical evidence of abuse was lost⁸⁶.

In general, the excessive use of police force and repression used by the security forces in Venezuela during student protests in 2014 and in April 2013, violated not only the right to demonstrate, but also constitutional rights to physical, mental and moral integrity, inviolability of the home, and even property as the destruction of belongings such as cell phones, jewellery and money belonging to people in detention was a common practice used by the security bodies in cities across the country⁸⁷.

The authors of this report are also highly concerned about numerous testimonies, reports and complaints we have received about the improper and indiscriminate use of rubber bullets, tear gas and water cannons, at short range or in enclosed or residential spaces⁸⁸, allegedly with the aim not only of dispersing demonstrations, avoiding closing roads or as punishment to lift barricades, but for the purpose of causing physical harm to the protesters, without first negotiating or engaging in dialogue with them⁸⁹.

Another pattern that characterized the conduct of the security forces in Venezuela, especially during the protests in 2014, was the excessive use of police force in certain areas, mostly residential, with unprecedented cases of raids on residences and residential complexes in

Venezuela, accompanied in many cases by the destruction of property⁹⁰. The Interagency Commission on Human Rights in Zulia State reported serious cases such as that of the *Torres de El Saladillo* in Maracaibo, Zulia State⁹¹.

Testimonial, photographic and audiovisual evidence related to the above raids shows attacks on people, widespread arrests, excessive and illegal use of weapons against people in their homes, widespread attacks against residents' property and infrastructure areas in residential complexes, especially to parked cars, and also the presence of unidentified civilians working alongside Venezuelan State security officials⁹².

The following case is an example of the criminalization of protest with alleged use of arbitrary arrest:

The case of Johnny Alvarado, Valencia, Miranda State

Mr. Alvarado was allegedly attacked simultaneously by at least six members of the National Guard, who shot him multiple times at close range in his left hand and elbow, causing the loss of muscle tissue. He also was hit in the back by a projectile shot at close range causing a deep wound with tissue loss; his treating physicians at the time found the remains of a rubber bullet fired from a shotgun. The trigger for the assault, according to the testimony of the victim's mother, was that the young man had been identified as a participant in demonstrations being held in the State against the National Electoral Council⁹³.

Moreover, the authors of this report are concerned about a recurring pattern in different cities, the use of tear gas up to twelve (12) years out of date, and the indiscriminate use at short distance of teargas and rubber bullets⁹⁴. The security forces have failed to present accountability reports on the methods of control used in each of the demonstrations they suppressed, or on the officers and troops acting in these events, as required under the general principle of accountability and access to public information established in Articles 141 and 143 of the CBRV⁹⁵ and provisions 25 and 26 of the Rules on the performance of the police in public meetings and demonstrations⁹⁶.

b) Civilian Armed Groups

The participation of plainclothes individuals used to repress actions against demonstrators was an equally evident pattern in cities across the country. These individuals were unidentified and travelled mostly on bikes or in vans, acting with the alleged acquiescence of the police officers and military personnel present⁹⁷.

It is important to establish a strong position in relation to the alleged involvement of armed civilian groups in some of the violence in cities across the country, which further aggravates the complexity of the current situation. We express our deep concern about the use of restricted ammunition by armed civilian groups, since only the Venezuelan State may possess and use weapons of war⁹⁸ as established by Article 324 of the Constitution⁹⁹.

Recommendations:

- *Conduct a comprehensive review of current practices used to maintain law and order, including the training and deployment of officials in charge of law enforcement operations for crowd control and rules on the use of force and firearms, so that these practices fall in line with requirements to respect and protect human rights; adopting measures to control the actions of all members of the security forces to prevent abuses from occurring due to the overuse and misuse of force and firearms; and applying the appropriate criminal and disciplinary regime.*
- *Design and implement effective strategies for disarmament and control by the State of any irregular armed group as a necessary condition for social cohesion and the fight against insecurity in the country.*

3. Effects on Specific Groups

a) Women

Venezuelan organisations and institutions working on human rights have repeatedly expressed concern about the significant rise in human rights violations. Some of these crimes correspond to a worsening of general violence in Venezuela, which is increasingly affecting women and girls¹⁰⁰.

Violence against Women

In practice, there is no access to justice for Venezuelan women for certain kinds of human rights violations and breaches of the law, which keeps them in a state of emotional and physical vulnerability and puts them at risk of continuing to be victims of all forms of violence. One example of this is the poor implementation of protection and security measures when women report crimes against them, due to a lack of training of officials who receive these reports, persistent cultural prejudices against women who denounce crime and scarce resources to enforce these measures. Another factor is the persistent use of mediation processes to settle disputes even though the use of these processes has been abolished; or the filing of psychological reports on victims when receiving their complaints. Likewise, there is no regulation or legal protocol to unify the procedures used to care for the victims and manage

their case, nor has a National Plan for Prevention of and Attention to Violence Against Women been developed, with the active participation of independent NGOs¹⁰¹.

Impunity prevails in ninety-six percent (96%) of cases filed before the Public Prosecutor's Office; according to the Alternative Report on Violence against Women in Venezuela, produced by the Venezuelan Observatory for the Human Rights of Women (*Observatorio Venezolano de los Derechos Humanos de las Mujeres*) in 2010, of "58,421 cases handled in 2008 alone, just two thousand one hundred and sixty-five (2,165) were taken before the competent courts"¹⁰², which means that long delays in procedural times continue, both in the investigative stage and during the administrative proceedings, which leads to a high percentage of cases being dismissed. There has also been a progressive increase in femicide, the ultimate expression of violence against women, since 2009, rising from 1.5 to 2.5 percentage points, according to COFAVIC¹⁰³. More recently, the same NGO conducted an investigation in 18 states into the murders of women between January and October 2013. As part of this study, four hundred and fifty-two (452) cases were reported of deaths presumed to have occurred due to general violence and gender-based violence; of which, sixty-two percent (62%) were caused by firearms and fifteen percent (15%) by knives; four (4) out of every ten (10) cases took place in the street and three (3) inside the person's residence. The results of the study indicate that sixty-four percent (64%) of the victims were between 18 and 40 years old and a significant number of fourteen percent (14%) were females (64 cases).

The annual report of the Public Prosecutor in 2013 indicated that a total of seventy-one thousand eight hundred and twelve (71,812) crimes of gender-based violence against women have been filed, representing thirty-three percent (0.33%) of the overall figures from the Prosecutor's Office. Sixty-seven (67) of these cases were under criminal investigation, eight thousand and eighty-three (8,083) were being indicted by the courts, two thousand three hundred and thirty-three (2,333) were being indicted by prosecutors, five hundred and seventeen (517) were under trial, and four fifty-four (454) had led to arrest warrants.

During the first half of 2014, the Public Prosecutor has confirmed that it has processed sixty (60) cases of femicide, of which forty-two (42) are under investigation, fourteen (14) are at the intermediate stage of the proceedings and only four (4) are under trial. As reported by the Deputy-Director for the Defence of Women in the Attorney General's Office, there are sixty-seven (67) specialized prosecutors to handle cases of violence against women across the country. In Caracas, two prosecutors specialise in the intermediate phase and trial stage of criminal cases and a further two have national jurisdiction to deal with more complex cases of gender-based violence.

On August 14, 2014, Femicide was incorporated into the Organic Law on the Right of Women to a Life Free from Violence. Also incorporated were the aggravating circumstances that constitute this violence, the recognition of private medical certificates and the possibility of bringing one's own case when the Prosecutor's Office fails to do so in the legally required time frame. However, this reform has not yet entered into force; it has not been enacted by the National Executive and published in Official Gazette.

Another factor that limits the possibility of developing public policies for the care and prevention of violence against women is the lack of accurate and reliable statistics on the prevalence and incidence of violence against women in the country. Even though the law provides for the establishment of at least one women's refuge in each state, there are currently only three in existence, situated in Aragua, Miranda and the capital.

The crime of trafficking in women and girls and their exploitation through prostitution

According to reports by the Venezuelan Observatory for the Human Rights of Women¹⁰⁴, there is no systematic and reliable information compiled by the State on trafficking and prostitution of women and girls; nor public policies for their prevention and attention.

The Ministry of Health continues to identify female sex workers with a "pink card" in order to "control prostitution" thereby discriminating against this group of people¹⁰⁵. The Association of Women for Wellbeing and Mutual Assistance (*Asociación de Mujeres por el Bienestar y Asistencia Recíproca Amber*) has been requesting since 1995 that this practice be eliminated without obtaining a positive response¹⁰⁶.

The Office for Crime Prevention in the Ministry of the Interior, Justice and Peace produced a National Action Plan to Prevent, Suppress and Punish Trafficking in Persons, which was presented in 2007 as a Bill before the National Assembly and has yet to be approved. For its part, the Office of Scientific, Penal and Criminal Investigations (*Cuerpo de Investigaciones Científicas Penales y Criminalísticas - CICPC*) opened an Office on Trafficking in Persons, designating prosecutors from the Public Prosecutor's Office with national jurisdiction in this matter. However, their activities and data are unknown because these are not provided to civil society or private investigators. There are no campaigns in the country for the prevention and care of victims of trafficking; nor are any actions being taken to reduce the demand for prostitution.

Torture, inhuman and degrading treatment against women during arrests in the first half of 2014 and the April 2013 protests

During the repression of social protests in the April 2013 post-electoral context and the first half of 2014, women were affected by alleged acts of violence showing different patterns from the repression used against men, in some cases specifically related to their gender. In particular, it was reported that women officers and soldiers from the Venezuelan National Guard assaulted female protesters. Patterns of abuse related to gender can also be identified in some cases in which women were not arrested but suffered abuse during public demonstrations, either because they were participating in them or because they happened to be passing by¹⁰⁷.

The recurrent use of death threats was documented, as was the use of guns as a means of intimidation. Practices included firing rubber bullets at point blank or close range, throwing protesters against the pavement¹⁰⁸ or counting bullets in front of detainees as if to refer that they were going to be shot¹⁰⁹. Cases were also documented in which detainees were not separated by gender, and in which women shared cells with people arrested for criminal offences who hurled insults at them, including expressions of a sexual nature¹¹⁰.

In one alleged case, a female soldier, after having neutralized the detainee, bit her on the arm and insulted her womanhood, hitting her severely about the head and pulling her hair, while another officer pointed a rifle at her head¹¹¹.

Female detainees were regularly held in small spaces, and had their physiological needs neglected by being denied supplies for washing, toilet paper and sanitary pads, regardless of their gender-specific needs. In relation to the neglect of specific needs during detention, the International Committee of the Red Cross has established that the State must ensure that sanitary conditions (in detention centres) are adequate to maintain the health and hygiene of prisoners, allowing them regular access to toilets and allowing them to bathe and wash their clothes regularly¹¹².

The women's testimonies collected by the non-governmental organisations who have written this report, include recurring reports that the women were threatened with rape and with being obliged to perform oral sex on officers who were holding them in custody. In other cases women reported having been subjected to forced nudity while officers referred to their physical form or body shape¹¹³. In cases from Lara State, it was reported that members of the National Guard randomly and violently cut detainees' hair then cleaned their boots with the off cuts¹¹⁴.

We would also like to highlight our concern in cases where it is alleged that officers carried out vaginal and anal inspections with their fingers, practices which constitute sexual violation as established by the Inter-American Commission and the Court of Human Rights, and which in turn constitute torture because of the effects on the victim. Thus, in many cases finger vaginal

examinations were performed under the excuse of searching detainees, in the course of which obscene expressions were used, in treatment that violated the detainees' personal dignity¹¹⁵.

When women prisoners made reference to their family, officials allegedly threatened them that they would be killed and that their children would grow up on their own or face needs that they could not help them with, causing severe psychological and emotional distress¹¹⁶.

b) Children and adolescents

Figures from the non-governmental organisation CECODAP¹¹⁷ highlight the impact of violence on children and adolescents which has increased sixfold since 1992, and note that the majority of deaths among adolescents aged 12 to 17 years were due to violent causes. According to the NGO, seventy-five (75%) of violent deaths of boys occur in urban areas and are caused by firearms¹¹⁸.

Young people in urban neighbourhoods are most affected by police repression and by the actions of so-called vigilantes. This is confirmed by information provided by the Venezuelan State in its report to the independent expert of the United Nations Secretariat in May 2005, which stated that according to statistics from the Human Rights Ombudsman's Office, *"41% of victims of extrajudicial killings associated with control of public safety (crime) are between 15 and 20 years old"*¹¹⁹. In 2008, the Ombudsman said that: *"Most of the victims were in the 18-28 age group (42.54% of the total); followed by victims between 12 and 17 years old (19.40%)"*¹²⁰.

During the demonstrations in Venezuela, specifically in February 2014, violence and violations of the human rights of children and adolescents were also reported. During these events, the authorities reacted by carrying out mass arrests, with excessive use of force contrary to national legislation and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The Centre for Human Rights at the Universidad Metropolitana is currently working on 15 juvenile cases and all of them are related to violations of their personal integrity while under arrest. These violations consisted of children being beaten, both at the time of the arrest itself and during transfer to detention centres, with the officers' helmets, with their regulation truncheons and with bare hands; also, threats and insults to minors were reported in all cases.

To date there is no information about the initiation or possible outcomes of investigations or sanctions on the officials responsible for these violations.

c) Lesbian, Gay, Bisexual, Trans and Intersex Persons

The definition of torture includes the prohibition of “discrimination of any kind” including discrimination based on sexual orientation¹²¹, or gender identity and expression¹²². In Venezuela Lesbian, Gay, Bisexual, Trans and Intersex persons are dehumanized by cruel, inhuman and degrading treatment, which is generally not reflected in official statistics kept by State institutions. There is no precise data available due to the lack of complaints made by victims, caused by fears of being re-victimized and mistrust in the justice system.

i) *Hate crimes and acts of discrimination (LGBTI)*

Police officers and members of the National Guard have been systematically identified by victims as perpetrators of violence against LGBTI persons, including through disproportionate use of force and violation of the physical, mental and moral integrity of LGBTI persons who work within the security forces, those who attempt to use police services or those being held in detention.

There are an increasing number of reports of arbitrary arrests and illegal raids, with the aim of arresting LGBTI groups, who are treated with excessive violence by the State security forces, including threats and demeaning and discriminatory language. For example, in October 2009, officers of the Caracas Police during a joint procedure with officials from the National Guard and the Ministry of Popular Power for the Interior and Justice arrested 19 gays and lesbians in Villaflores Street in the El Recreo district of the capital city Caracas; 11 of these people were teenagers. Most were stripped of their belongings, cell phones and IDs, subjected to inhuman and degrading verbal abuse related to their sexual orientation, and physically beaten¹²³.

The case of Avenida Libertador, Caracas.

In October 2012, officers from the Office of Scientific, Penal and Criminal Investigations (CICPC) arbitrarily detained 23 Trans women in Libertador Avenue, Caracas, using excessive force and intimidation with firearms, and transferred them to the CICPC facilities in Paraíso allegedly to question them in relation to the murder of a man which occurred in early September. Four of the detainees: Dixon Hidalgo (Alejandra), Daniel Díaz (Danielis), Juan Basanta (Barbara) and Ender Veliz were subjected to electric shock torture, suffered physical abuse to different parts of the body and face, and verbal abuse related to their sexual orientation and gender identity, when they refused to provide information about the case to CICPC officials and protested in the facilities about the way in which the rest of their companions were being treated at the police station. To date there has been no official response as to whether investigations have been initiated¹²⁴.

In May 2013, members of the National Guard attacked a group of trans women in Libertador Avenue resulting in one woman suffering a bullet wound to her foot.

In response to this pattern of attacks against LGBTI people which are prohibited by the Convention against Torture and other standards, the State security agencies have not included specific training programs on sexual orientation, gender identity and expression to eradicate such conduct, the perpetrators are not punished, and there is no reparation for the victims.

The Venezuela Diversa civil association has registered from 2008 to 2013, 17 murders of trans people and gay people in the city of Caracas and in the states of Vargas and Miranda, all in degrading conditions with signs of torture, the victims having been subjected to multiple stab wounds, blows with blunt instruments to the head and bullet wounds in different parts of the body¹²⁵.

Such cases have gone unpunished due to the failure of justice administrators and criminal investigation bodies, who have dismissed these cases considering the victims to be people who violate decency and good manners because of their lifestyle, the type of work they do, their socioeconomic status, and because they pose a threat to family life and the stability of children¹²⁶.

Degrading treatment in health centres, schools and prisons

In healthcare establishments, LGBTI people are subjected to psychological abuse, distress, humiliation and discrimination when they require healthcare in general and especially when they go for treatment and prevention of HIV and AIDS.

In public and private education at all levels, people who define themselves as LGBTI or those who are perceived as such, are often the victims of teasing, harassment, physical punishment and degrading treatment by other students and even teachers, situations which lead to students dropping out of school due to a lack of plans, programs and actions aimed to punish and eradicate such acts¹²⁷.

In October 2012, in the municipality of Francisco Linares Alcántara in Aragua State, Angello Alfredo Prado Perdomo¹²⁸, an 18 year-old gay man, was doused with gasoline and set on fire, causing third-degree burns to thirty percent (30%) of his body, which occurred after he was bullied and harassed at secondary school where he was studying for his final exams.

In prisons, LGBTI individuals and groups are subjected to psychological, physical and sexual attack, while held together with the general Venezuelan prison population. They also suffer poor prison conditions and lack of provision of basic services, the use of excessive force by security forces and prison guards, high rates of prison violence and a lack of effective control by the authorities.

Imprisoning trans women with men disregards their identities and causes a high level of emotional distress and acute anxiety, which may amount to torture. As for gay and bisexual men, they suffer from macho and sexist stereotyping in which they are regarded as weak (effeminate) and willing to consent to any sexual contact with other men. In the case of lesbian and bisexual women, the risk of sexual violence and abuse originates from prison officials themselves or other women detainees.

d) Human rights defenders

During the period from January 2010 to September 2014, conditions for the work of human rights defenders in Venezuela deteriorated significantly. The Venezuelan State has breached its obligations by failing to provide the necessary means for human rights defenders to conduct their activities freely; by failing to protect them when they are threatened in order to prevent attacks on their life and integrity; by imposing obstacles to their work and by failing to seriously and effectively investigate violations committed against them and thereby fighting impunity¹²⁹.

In 2004, one of the moments in which political polarization in Venezuelan society reached its peak, the attitude of the Venezuelan State changed with respect to NGOs and human rights defenders. It changed from neutralizing the human rights sector by adopting a defensive strategy against criticism, to the adoption of a clear policy of confrontation and public discrediting, which has had serious consequences. There is clear and public evidence of this shift, as the highest State authorities have not only denied responsibility for violations of human rights during their tenure, as did other governments in the past, but have also made serious public allegations against both NGOs and human rights defenders, most notably that of “treason” for receiving finance from international cooperation, specifically from the United States. Also, for the first time in Venezuela's democratic history, there have been assassinations and extrajudicial executions of human rights defenders¹³⁰.

Figures between 2010 and March 2014 show 208 cases of attacks on human rights defenders, including several violations of defenders' rights. Seventy-one (71) cases involved NGOs, human rights defenders and members of victims' committees; one hundred and seventeen (117) involved labour rights advocates, and twenty (20) were carried out against defenders of land rights.

State officials are held responsible for a high percentage of assaults and obstacles faced by human rights defenders, even though the State has the primary responsibility to ensure their protection. The rest of the attacks are the responsibility of individuals who identify themselves as supporters of the national government. We note with grave concern the prevailing impunity in most cases, even though the authorities have full knowledge of the facts.

Human rights defenders working on the promotion and enforcement of the rights of LGBTI people in Venezuela are subjected to threats, harassment, arbitrary detention, abuse and - in extreme cases - physical violence by State officials and / or social groups who support the government, and by other individuals¹³¹.

One emblematic case showing the vulnerability of human rights defenders is that of Mijaíl Martínez in Barquisimeto, Lara State¹³².

Recommendations

- ***Adopt legislative, administrative, judicial or other measures to strengthen the prohibition of torture practices related to gender, sexual orientation, gender identity and expression, in health services, public and private schools, prisons and in public life.***
- ***Establish mechanisms for the statistical recording of violence against specific groups with public data disaggregated by age, gender, number of complaints received, investigations conducted, protection mechanisms applied, suspects and sanctions applied.***
- ***Provide protection to human rights defenders, promoting legislation that favours freedom of association and guarantees the work of human rights defenders and non-governmental organisations, as well as conducting investigations to prosecute and punish those responsible for actions that violate their human rights because of their work in defence of human rights.***

¹ Conclusions and recommendations of the Committee against Torture. 29th period of Sessions. November 11 to 22, 2002. CAT/C/CR/29/2.

² *Ley Especial para Prevenir y Sancionar la Tortura y otros Tratos Crueles, Inhumanos o Degradantes*. Official Gazette of the Bolivarian Republic of Venezuela N° 40,212 of July 22, 2013. <http://www.tsj.gov.ve/gaceta/julio/2272013/2272013-3747.pdf#page=2> – in Spanish

³ Combined third and fourth periodic reports of States parties due in 2004. Bolivarian Republic of Venezuela September 11, 2012. Para. 37.

⁴ *Ley Especial para Prevenir y Sancionar la Tortura y otros Tratos Crueles, Inhumanos o Degradantes*. Official Gazette of the Bolivarian Republic of Venezuela N° 40,212 of July 22, 2013. <http://www.tsj.gov.ve/gaceta/julio/2272013/2272013-3747.pdf#page=2> – in Spanish

⁵ Constitution of the Bolivarian Republic of Venezuela. Extraordinary Official Gazette of the Bolivarian Republic of Venezuela No. 5,908 of February 19, 2009

⁶ *Ley de Partidos Políticos, Reuniones Públicas y Manifestaciones*. Official Gazette of the Bolivarian Republic of Venezuela, N° 6,013, of December 23, 2010. http://www.tsj.gov.ve/gaceta_ext/diciembre/23122010/E-23122010-3043.pdf#page=1 –in Spanish

⁷ *43 Ley de Partidos Políticos, Reuniones Públicas y Manifestaciones*

⁸ *47 Ley de Partidos Políticos, Reuniones Públicas y Manifestaciones*

⁹ *49 Ley de Partidos Políticos, Reuniones Públicas y Manifestaciones*

¹⁰ Supreme Court. Constitutional Chamber. Judgment No. 276, of April 24, 2014. Magistrate: Arcadio Delgado Rosales, Exp. N°14-0277, <http://www.tsj.gov.ve/decisiones/scon/abril/163222-276-24414-2014-14-0277.HTML> - in Spanish

¹¹ *Ley Orgánica del Servicio de Policía y del Cuerpo de Policía Nacional*. Extraordinary Official Gazette of the Bolivarian Republic of Venezuela. No. 5,880, of April 9, 2008 (Articles 37 and 43) http://www.tsj.gov.ve/gaceta_ext/abril/090408/090408-5880-01.html - in Spanish

¹² *Resolución 113 del Ministerio del Poder Popular para Relaciones Interiores y Justicia*. Official Gazette of the Bolivarian Republic of Venezuela, No. 39,658, of April 18, 2011. <http://www.tsj.gov.ve/gaceta/abril/1842011/1842011-3120.pdf#page=1> - in Spanish

¹³ The Bolivarian National Police force is a “public safety agency, with administrative and functional dependency on the Ministry of Popular Power responsible for public safety”. *Ley Orgánica del Servicio de Policía y del Cuerpo de Policía Nacional Bolivariana*. Article 35.

¹⁴ “The State police forces are public safety agencies or bodies responsible for undertaking the Police Service in their territorial area and whose remit is primarily oriented toward preventive activities and crime control, with strict adherence to the principles and guidelines established in this Law, its regulations and the guidelines and directives issued by the police governing body”. *Ley Orgánica del Servicio de Policía y del Cuerpo de Policía Nacional Bolivariana*. Article 42.

¹⁵ *Manual de actuación de los cuerpos de policía para garantizar el orden público, la paz social y la convivencia ciudadana en reuniones públicas y manifestaciones*. Published in February 2012 by the General Police Council under the Ministry of Popular Power for Interior Relations and Justice. See: <http://www.consejopolicia.gob.ve/index.php/component/joomdoc/mientras/manual-de-actuacion-de-los-cuerpos-de-policia-para-garantizar-el-orden-publico-la-paz-social-y-la-convivencia-ciudadana-en-reuniones-publicas-y-manifestaciones/download> - in Spanish

¹⁶ *Ley Orgánica de la Fuerza Armada Nacional Bolivariana*. Extraordinary Official Gazette of the Bolivarian Republic of Venezuela. No. 6,020, of March 21, 2011. http://www.tsj.gov.ve/gaceta_ext/marzo/2132011/E-2132011-3099.pdf#page=1 – in Spanish

¹⁷ IACtHR, Case of Montero Aranguren and others (Retén de Catia) vs. Venezuela. Sentence of July 5, 2006, Series C No. 150, para 78.

¹⁸ Ibid.

¹⁹ Inter-American Commission on Human Rights. Report on Citizen Security and Human Rights. 2007, P. 43. <https://www.oas.org/en/iachr/docs/pdf/CitizenSec.pdf>

²⁰ Ministry of Interior and Justice. Report and Accounts 2010. Available in Digital format: <http://www.derechos.org/pw/wp-content/uploads/MEMORIA-COMPLETA-13-03-2011-Interior-y-justicia2.pdf> - in Spanish

²¹ Public Prosecutor’s Office. Annual Reports. <http://www.ministeriopublico.gob.ve/web/guest/informe-anual> - in Spanish

²² Stay of Proceedings (*Sobreseimiento*) is a Concluding Act of the Preparatory Phase of criminal proceedings. It is appropriate when the events did not take place or cannot be attributed to the accused, the events were not typical or criminal action has been exhausted. Article 300 of the Criminal Procedure Code.

²³ Dismissal (*Desestimación*) is appropriate if the act is not of a criminal nature or the case is clearly closed, or there is a legal impediment to the development of the proceedings. Article 283 of the Criminal Procedure Code.

²⁴ Archiving cases is a Concluding Act in the Preparatory Phase of the criminal process. It is appropriate when the outcome of the investigation is insufficient to indict. Article 297 of the Criminal Procedure Code.

²⁵ Indictment is a Concluding Act of the Preparatory Phase of the criminal process. It applies when the Public Prosecutor's Office believes that research provides serious grounds for the public prosecution of the accused. Article 308 of the Criminal Procedure Code.

²⁶ Public Prosecutor's Office. Annual Report 2011. http://www.mp.gob.ve/c/document_library/get_file?uuid=c9efb1a0-93db-4320-8c9f-be4d1a49397b&groupId=10136 – in Spanish

²⁷ Public Prosecutor's Office. Annual Report 2012. http://www.mp.gob.ve/c/document_library/get_file?uuid=75bdeff7-d8fc-461f-b24b-bb24ec8a3019&groupId=10136 – in Spanish

²⁸ Public Prosecutor's Office. Annual Report 2013. http://www.mp.gob.ve/c/document_library/get_file?uuid=017b714e-2c2c-4f03-9de6-0e73c72840bc&groupId=10136 – in Spanish

²⁹ Ibid.

³⁰ Public Prosecutor's Office. Report on Results of Violent demonstrations from February to June 2014. June 11, 2014. http://www.mp.gob.ve/c/document_library/get_file?uuid=fe445f9f-62cf-43a2-8c35-89c93f9cdf56&groupId=10136 – in Spanish

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo, Zulia State (Venezuela). Available in Digital Format at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – in Spanish. See also: COFAVIC: Venezuela: Judgments of Silence. Report on the human rights situation in Venezuela in the context of student protests in February 2014. Annex "B" www.cofavic.org – in Spanish.

³⁵ Agencia Venezolana de Noticias. *Fiscalía determinó que no hubo caso de violación en Carabobo*. <http://www.avn.info.ve/contenido/fiscal%3%ADa-determin%C3%B3-que-no-hubo-caso-violaci%C3%B3n-carabobo>

³⁶ Diario el Universal. *Perseguiremos a policías que incurrieron en excesos*. <http://www.eluniversal.com/nacional-y-politica/140225/fiscal-perseguiremos-a-policias-que-incurrieron-en-excesos>.

³⁷ Information provided by the victim to the Centre for Human Rights at the Universidad Metropolitana. See also: COFAVIC: Venezuela: Judgments of Silence. Report on the human rights situation in Venezuela in the context of student protests in February 2014. Annex "B" www.cofavic.org – in Spanish.

³⁸ IACtHR, Series C, Sentence No. 164 of May 11, 2007, Case of Bueno Alves vs. Argentina, Para. 90.

³⁹ Attorney General's Office. Luisa Ortega Díaz, Impunity: Social Impact, Reflection Sessions. The fight against impunity and to ensure justice and peace for the peoples of Latin America, Publication of the Public Ministry of the Bolivarian Republic of Venezuela, page 21. Available in electronic format at: http://www.ministeriopublico.gob.ve/revista/revista_VI/Default.html - in Spanish (last visited on September 24, 2014).

⁴⁰ Ibid.

⁴¹ Ombudsman, Annual Report 2003. Pp. 57 and 58. <http://www.defensoria.gob.ve/dp/index.php/publicaciones/informes-anales/1399-informe-anual-2003>. - in Spanish [last visited on October 9, 2014].

⁴² IACtHR. Case of Uzcátegui and others vs. Venezuela. Merits and Reparations. Sentence of September 3, 2012 Series C No. 249, paras 37, 136 and 137. http://www.corteidh.or.cr/docs/casos/articulos/seriec_249_ing.pdf

⁴³ IACHR. Annual Report 2005. OEA/Ser.L/V/II.124. February 27, 2006, para. 292-295. Available at: <http://www.cidh.org/annualrep/2005eng/toc.htm> (last visited on September 24, 2014)

⁴⁴ Ombudsman, Annual Report 2003. Pp. 57 and 58. <http://www.defensoria.gob.ve/dp/index.php/publicaciones/informes-anales/1399-informe-anual-2003>. - in Spanish [last visited on October 9, 2014]. See also: Human Rights Watch. Punished for

Protesting: Rights Violations in Venezuela's Streets, Detention Centres, and Justice System. Pp. 27 and 35. <http://www.hrw.org/reports/2014/05/05/punished-protesting-0>. See also: IACtHR. Case of Uzcátegui and others vs. Venezuela. Merits and Reparations. Sentence of September 3, 2012 Series C No. 249, para 78. http://www.corteidh.or.cr/docs/casos/articulos/seriec_249_ing.pdf.

⁴⁵ Ombudsman, Annual Report 2003. Pp. 57 and 58. <http://www.defensoria.gob.ve/dp/index.php/publicaciones/informes-anales/1399-informe-anual-2003>. - in Spanish [last visited on October 9, 2014]

⁴⁶ Ibid.

⁴⁷ Information provided by Ms. Eloisa Barrios to COFAVIC. See also: Amnesty International Urgent Action: Police threaten and intimidate the Barrios family. <http://www.amnesty.org/en/library/info/AMR53/019/2014/en>

⁴⁸ National Institute of Statistics. National Survey on Victimization and Perception of Public Safety, 2009. Available in digital format at: <http://infovenezuela.org/encuesta-INE-inseguridad.pdf> - In Spanish

⁴⁹ Ibid

⁵⁰ Libro de la Gran Misión ¡A Toda Vida! Venezuela. P. 27. Available online at: http://www.misionatodavidavenezuela.gob.ve/index.php?option=com_content&view=article&id=51&Itemid=179 – in Spanish

⁵¹ Ibid.

⁵² Amnesty International. Press Release: Ten members of a family killed in Venezuela while the authorities fail to investigate <http://www.amnesty.org/en/news/ten-members-venezuelan-family-killed-authorities-fail-investigate-2013-05-22>. See also: Address by the Minister of Interior and Justice, Nestor Reverol in the speech made at the first national meeting of the “Gran Misión A Toda Vida Venezuela” (according to its website, the “Gran Misión A Toda Vida Venezuela” is a “comprehensive State policy, which aims to reduce crime related situations, road accidents, disasters or emergencies, so that all Venezuelan people can enjoy their rights in peace”, see: <http://www.misionatodavidavenezuela.gob.ve/quienes-somos> - in Spanish) quoted in: Últimas Noticias. “Venezuela registró 16.000 homicidios en 2012, según Reverol”. March 1, 2013, available at: <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/venezuela-registro-16-000-homicidios-en-2012-segun.aspx> - in Spanish

⁵³ Venezuelan Observatory on Violence. Annual Report 2013. Summary Available online: <http://observatoriodeviolencia.org.ve/ws/informe-del-ovv-diciembre-2013-2/> - in Spanish

⁵⁴ Ibid.

⁵⁵ Diario El Universal. *Ministro de Interior y Justicia: "No nos enorgullecen las cifras de homicidios, pero se han reducido"*. Last visited 14-10-2014. <http://www.eluniversal.com/nacional-y-politica/140907/no-nos-enorgullecen-las-cifras-de-homicidios-pero-se-han-reducido> - in Spanish

⁵⁶ United Nations Office on Drugs and Crime. Global Study on Homicide, 2013. http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

⁵⁷ Ibid.

⁵⁸ Notitarde. *Defensoría registra 239 denuncias por ejecuciones extrajudiciales en el 2001*. Last visited 14-10-2014. <http://historico.notitarde.com/2001/10/16/valencia/valencia1.html> - in Spanish

⁵⁹ Ombudsman, Venezuela. Annual Report 2008. P 206. Available online: <http://www.defensoria.gob.ve/dp/index.php/publicaciones/informes-anales/1404-informe-anual-2008> - in Spanish

⁶⁰ Ibid.

⁶¹ Revista del Ministerio Público Año II, No. III, *La lucha contra la Impunidad como garantía de Justicia y la Paz para los Pueblos de Iberoamérica*. Artículo “Unidades criminalísticas investigarán a funcionarios que vulneren derechos humanos”, P 31. Available online at: http://www.ministeriopublico.gob.ve/revista/revista_II/Default.html (last visited on February 2, 2011).

⁶² Ombudsman, Annual Report 2001. Chapter 7. Section 7.1.3. Available online: <http://www.defensoria.gob.ve/dp/index.php/publicaciones/informes-anales/1397-informe-anual-2001> - In Spanish

⁶³ COFAVIC presents balance on Human Rights in IACHR hearings: <http://www.cofavic.org/cofavic-presenta-balance-sobre-ddhh-en-audiencias-cidh/> - *in Spanish*

⁶⁴ The Venezuelan Observatory on Social Conflict recorded in the first half of 2014 at least 6,369 protests. An average of 35 took place daily across the country. <http://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-el-primer-semester-de-2014> - *in Spanish*

⁶⁵ Amnesty International report 2012. The State of the World's Human Rights. Pages 363-365. See also COFAVIC: Report on the human rights situation in Venezuela in the post-election context of April 2013. Available online: http://issuu.com/ddhhcofavic/docs/informe_sobre_situacion_ddhh_en_vz# - *in Spanish*

⁶⁶ Human Rights Watch. Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System. Pp. 14 - 17. <http://www.hrw.org/reports/2014/05/05/punished-protesting-0>.

⁶⁷ International Crisis Group Latin America Bulletin No. 38: Violence and Politics in Venezuela, August 17, 2011. See also: Preliminary Report on the Situation of Human Rights in the context of the protest. February 12 - 12 April 2014. Page 142. Maracaibo Zulia (Venezuela), Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> - *in Spanish*

⁶⁸ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> - *in Spanish*. See also: FUNPAZ. Situation of human rights in the Lara state from February 12 to October 7, 2014, balance of the right to peaceful demonstration and performance of state security bodies. Annex A - *in Spanish*. See also: Amnesty International. "Venezuela: Human rights at risk amid protests". <http://www.amnesty.org/en/library/info/AMR53/009/2014/en>. See also: COFAVIC: Venezuela: Judgments of Silence. Report human rights situation in Venezuela in the context of student protests February 2014 marked Annex "B" www.cofavic.org - *in Spanish*

⁶⁹ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). P. 15. Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> - *in Spanish*.

⁷⁰ *Ibid.*

⁷¹ FUNPAZ. Situation of human rights in the Lara state from February 12 to October 7, 2014, balance of the right to peaceful demonstration and performance of state security bodies. Annex A - *in Spanish*

⁷² Human Rights Watch. Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System. Pp. 22. <http://www.hrw.org/reports/2014/05/05/punished-protesting-0>

⁷³ In accordance with Article 328 of the Constitution of the Bolivarian Republic of Venezuela, the National Guard, along with the Army, Navy and Air Force, make up the National Armed Forces.

⁷⁴ *Ley de Partidos Políticos, Reuniones Públicas y Manifestaciones*. Art. 66. Official Gazette of the Bolivarian Republic of Venezuela, N° 6.013, of December 2010. http://www.tsj.gov.ve/gaceta_ext/diciembre/23122010/E-23122010-3043.pdf#page=1 - *in Spanish*

⁷⁵ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). P. 18 Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> - *in Spanish*.

⁷⁶ *Ibid.* P 20.

⁷⁷ Amnesty International. "Venezuela: Human rights at risk amid protests". <http://www.amnesty.org/en/library/info/AMR53/009/2014/en>.

⁷⁸ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). P. 21. Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – *in Spanish*.

⁷⁹ *Ibid.* P. 22.

⁸⁰ Amnesty International. “Venezuela: Human rights at risk amid protests”. <http://www.amnesty.org/en/library/info/AMR53/009/2014/en>

⁸¹ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). P. 23. Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – *in Spanish*. See also COFAVIC: Report on the human rights situation in Venezuela in the post-election context of April 2013. Available online: http://issuu.com/ddhhcofavic/docs/informe_sobre_situacion_ddhh_en_vz# – *in Spanish*

⁸² The case of the protest near the Hotel Venetur in Nueva Esparta State is emblematic of the criminalization of protest, where the Organic Law against Organized Crime and Terrorist Financing was applied as a tool to intimidate and restrict the right to express dissent - accusing seven people of instigating the public, resisting arrest, conspiracy and incitement to crime – in addition mistreatment was reported (beatings, insults, assaults) of citizens who were arrested, tried and sent to an extremely dangerous prison located in Anzoategui State called Puente Ayala Prison. Information provided by the organization Nueva Esparta en Movimiento. See also: Periódico El Universal, 04/02/14 “*Envían a prisión a ciudadanos que protestaron el domingo contra equipo cubano de béisbol en Margarita*”. <http://www.eluniversal.com/nacional-y-politica/140204/por-presunta-agresion-a-delegacion-cubana-de-beisbol-hay-siete-detenid>. See also YouTube Video testimonies of victims of arrests compiled by Nueva Esparta en Movimiento <http://www.youtube.com/watch?v=pNxqZbs-ylc>.

⁸³ Amnesty International. “Venezuela: Human rights at risk amid protests”. <http://www.amnesty.org/en/library/info/AMR53/009/2014/en>

⁸⁴ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). P. 31. Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – *in Spanish*.

⁸⁵ Amnesty International. “Venezuela: Human rights at risk amid protests”. P.10 <http://www.amnesty.org/en/library/info/AMR53/009/2014/en>. See also COFAVIC: Report on the human rights situation in Venezuela in the post-election context of April 2013. Available online: http://issuu.com/ddhhcofavic/docs/informe_sobre_situacion_ddhh_en_vz# – *in Spanish*

⁸⁶ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). P. 36. Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – *in Spanish*.

⁸⁷ Human Rights Watch. Punished for Protesting: Rights Violations in Venezuela’s Streets, Detention Centers, and Justice System. Declaration of Moisés Guanchez Gengis Pinto, Luis Alberto Gutiérrez Prieto, Pp. 59 and 69. <http://www.hrw.org/reports/2014/05/05/punished-protesting-0> See also COFAVIC: Report on the human rights situation in Venezuela in the post-election context of April 2013. Available online: http://issuu.com/ddhhcofavic/docs/informe_sobre_situacion_ddhh_en_vz# – *in Spanish*

⁸⁸ Amnesty International. “Venezuela: Human rights at risk amid protests”. P. 6-7 <http://www.amnesty.org/en/library/info/AMR53/009/2014/en> See Also COFAVIC: Judgments of Silence. Report human rights situation in Venezuela in the context of student protests February 2014 marked Annex "B" www.cofavic.org – *in Spanish*

⁸⁹ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). P. 51. Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – *in Spanish*.

⁹⁰ COFAVIC: Judgments of Silence. Report human rights situation in Venezuela in the context of student protests February 2014 marked Annex "B" www.cofavic.org – in Spanish

⁹¹ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). P. 51. Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – in Spanish

⁹² Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – in Spanish See also: COFAVIC: Judgments of Silence. Report human rights situation in Venezuela in the context of student protests February 2014 marked Annex "B" www.cofavic.org – in Spanish.

⁹³ COFAVIC: Report on the human rights situation in Venezuela in the post-election context of April 2013. Available online: http://issuu.com/ddhhcofavic/docs/informe_sobre_situacion_ddhh_en_vz – in Spanish

⁹⁴ Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. Maracaibo Zulia (Venezuela). Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> – in Spanish.

⁹⁵ Citizens have the right to be informed in a timely and truthful manner by the Public Administration on the status of its actions in matters in which they have a direct interest, and to know the final decisions to be taken on these matters. They must also have access to administrative files and records, subject to the limits acceptable in a democratic society in matters relating to internal and external security, criminal investigation and the intimacy of private life, in accordance with the law regulating the classification of confidential or secret documents. No censorship shall be permitted to public officials or public servants to report on matters under their responsibility.

⁹⁶ Standards for the performance of police forces in their various territorial political spheres to ensure public order, social peace and peaceful coexistence in public meetings and demonstrations. Official Gazette of the Bolivarian Republic of Venezuela No. 39,658 of April 18, 2011. Available online: <http://www.tsj.gov.ve/gaceta/abril/1842011/1842011-3120.pdf#page=1> – in Spanish

⁹⁷ Human Rights Watch. Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System. P. 95. <http://www.hrw.org/reports/2014/05/05/punished-protesting-0>.

⁹⁸ *Adquisición, registro y control de armamento, municiones, equipos y accesorios para los cuerpos de policía y órganos de seguridad ciudadana que prestan el servicio de policía.* Official Gazette of the Bolivarian Republic of Venezuela No. 39,251 of 27-08-2009. Available online: <http://www.tsj.gov.ve/gaceta/agosto/2782009/2782009.pdf#page=7> – in Spanish

⁹⁹ Article 324 of the Constitution establishes that: "Only government can own and use weapons of war, those which exist, are manufactured or imported into the country, will become the property of the Republic without compensation or proceedings. The National Armed Forces shall be the competent institution to regulate and control, according to the respective law the manufacture, import, export, storage, transit, registration, monitoring, inspection, trade, possession and use of other weapons, ammunition and explosives".

¹⁰⁰ Venezuelan Observatory for the Human Rights of Women. Alternative report on the list of issues and questions raised by the CEDAW committee with regards to the combined seventh and eighth periodic reports of the Bolivarian Republic Of Venezuela (CEDAW/C/VEN/7-8). <http://observatorioddhnmujeres.org/documentos/informe%20alternativo.htm> – in Spanish

¹⁰¹ Venezuelan Observatory for the Human Rights of Women. Report on the Bolivarian Republic of Venezuela-Twelfth Session of the UPR-October 2011 (period 2007-2010). <http://www.derechos.org/pw/wp-content/uploads/SITUACIONDELOSDERECHOSHUMANOSDELAMUJERESENVENEZUELA.docEPU1.doc.pdf> - in Spanish

¹⁰² Ibid.

¹⁰³ COFAVIC. Bulletin on Citizen Security and Human Rights: Women in Venezuela. http://issuu.com/ddhhcofavic/docs/data_mujeres/1 - in Spanish

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- ¹⁰⁴ Venezuelan Observatory for the Human Rights of Women. Documents: <http://observatorioddhhmujeres.org/documentos/documentos.htm> - *in Spanish*
- ¹⁰⁵ Venezuelan Observatory for the Human Rights of Women. Working Paper: Prostitution and trafficking in women and girls: a global problem. <http://observatorioddhhmujeres.org/modulos/prostitucion%20e-a-3.htm> - *in Spanish*
- ¹⁰⁶ Venezuelan Observatory for the Human Rights of Women. Alternative report on the list of issues and questions raised by the CEDAW committee combined seventh and eighth periodic reports of the Bolivarian Republic Of Venezuela (CEDAW/C/VEN/7-8). <http://observatorioddhhmujeres.org/documentos/informe%20alternativo.htm> - *in Spanish*
- ¹⁰⁷ COFAVIC: Report on the human rights situation in Venezuela in the post-election context of April 2013. Available online: http://issuu.com/ddhhcofavic/docs/informe_sobre_situacion_ddhh_en_vz# - *in Spanish*.
- ¹⁰⁸ Amnesty International. "Venezuela: Human rights at risk amid protests". P.10. <http://www.amnesty.org/en/library/info/AMR53/009/2014/en>
- ¹⁰⁹ COFAVIC: Judgments of Silence. Report human rights situation in Venezuela in the context of student protests February 2014 marked Annex "B" www.cofavic.org - *in Spanish*.
- ¹¹⁰ Ibid.
- ¹¹¹ Amnesty International. "Venezuela: Human rights at risk amid protests". Case of Marvinia Jiménez P. 6-7 <http://www.amnesty.org/en/library/info/AMR53/009/2014/en>
- ¹¹² COFAVIC: Report on the human rights situation in Venezuela in the post-election context of April 2013. P. 31. Available online: http://issuu.com/ddhhcofavic/docs/informe_sobre_situacion_ddhh_en_vz# - *in Spanish*. COFAVIC: Judgments of Silence. Report human rights situation in Venezuela in the context of student protests February 2014 marked Annex "B" www.cofavic.org - *in Spanish*
- ¹¹³ COFAVIC: Report on the human rights situation in Venezuela in the post-election context of April 2013. Available online: http://issuu.com/ddhhcofavic/docs/informe_sobre_situacion_ddhh_en_vz# - *in Spanish* See also: Inter-Institutional Commission on Human Rights of the Faculty of Legal Policy at the University of Zulia, School of Law, Universidad Rafael Urdaneta and Commission on Human Rights of the Zulia Bar. Preliminary Report on the Situation of Human Rights in the context of the protest. February 12th - April 12th 2014. P.33. Maracaibo Zulia (Venezuela). Available online at: <https://docs.google.com/folderview?id=0B8r6TL2ePMjnMmZybnhNZIBQNTg&usp=gmail> - *in Spanish*.
- ¹¹⁴ FUNPAZ. Situation of human rights in the Lara state from February 12 to October 7, 2014, balance of the right to peaceful demonstration and performance of state security bodies. Annex A - *in Spanish*. See also: COFAVIC: Judgments of Silence. Report human rights situation in Venezuela in the context of student protests February 2014 marked Annex "B" www.cofavic.org - *in Spanish*
- ¹¹⁵ COFAVIC: Judgments of Silence. Report human rights situation in Venezuela in the context of student protests February 2014 marked Annex "B" www.cofavic.org - *in Spanish*
- ¹¹⁶ Ibid.
- ¹¹⁷ CECODAP is a Venezuelan organization that since 1984, works to promote and defend the human rights of children and adolescents with a special emphasis on building peaceful coexistence via the public participation of children and adolescents, families, schools and society.
- ¹¹⁸ CECODAP. Report "Impact of violence on children and adolescents. Venezuelan context". 2013. Presentation available online: http://www.cecodap.org.ve/descargables/derechosNNA/El_Impacto_de_la_Violencia_en_NNA_Presentacion.pdf - *in Spanish*
- ¹¹⁹ Report of the Bolivarian Republic of Venezuela to the Independent Expert of the Secretary of the United Nations. Questionnaire: Study on Violence against Children and Adolescents. May 2005. Page 56. Available online: <http://www.ohchr.org/Documents/HRBodies/CRC/StudyViolenceChildren/Responses/Venezuela.pdf> - *in Spanish*
- ¹²⁰ Ombudsman. Annual Report 2008. Persistent violations of the right to life. Page 206. Available online: <http://www.defensoria.gob.ve/dp/index.php/publicaciones/informes-anales/1404-informe-anual-2008> - *in Spanish*.
- ¹²¹ Yogykarta Principles: on the application of international human rights law in relation to sexual orientation and gender identity (March 2007), p.6, available at: <http://www.yogykartaprinciples.org/>

¹²² The Gay & Lesbian Alliance Against Defamation (GLAAD), Media Reference Guide 7 and supra nota 16 p. 8 (8va. edition, May (2010)

¹²³ IGLHRC: International Gays and Lesbian Human Rights Commission: Condemn arrests of LGBT people in Caracas: <http://iglhrc.org/content/venezuela-condemn-arrests-lgbt-caracas>

¹²⁴ Asociación Civil Venezuela Diversa. Arbitrary detention of trans women by the CICPC: <http://venezueladiversaac.blogspot.com/2012/10/detencion-arbitraria-de-mujeres-trans.html> - *in Spanish*

¹²⁵ Information provided by the Asociación Civil Venezuela Diversa.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Coalición Venezolana de Organizaciones LGBTI. PRESS RELEASE AGAINST ACTS OF HOMOPHOBIA IN THE CITY OF FRANCISCO LINARES ALCÁNTARA ARAGUA STATE. Available online: <http://venezueladiversaac.blogspot.com/2012/11/coalicion-venezolana-de-organizaciones.html> - *in Spanish*

¹²⁹ Information provided by the Vicaría de Derechos Humanos de la Arquidiócesis de Caracas.

¹³⁰ Ibid.

¹³¹ Information provided by the Asociación Civil Venezuela Diversa.

¹³² Information provided by Víctor Martínez to COFAVIC in October 2014. See also: Amnesty International. Urgent Action. <http://www.amnesty.org/en/library/asset/AMR53/008/2010/en/01be25e2-4620-4843-9e73-8e39fe3e7b5f/amr530082010en.html>