



VENEZUELA

“INTERNAL ENEMIES”

THE DEFENCE OF HUMAN RIGHTS
UNDER ATTACK



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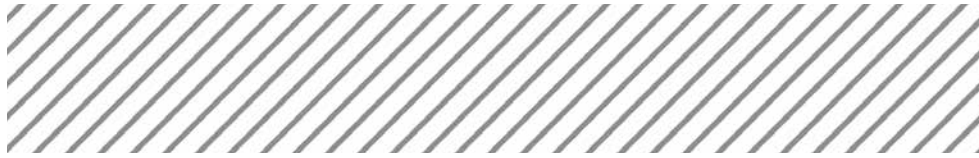
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EXECUTIVE SUMMARY

> FIGURES AND FINDINGS ON ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN 2018 AND 2019

For many years now international human rights organisations have expressed concern about the situation of human rights defenders and their organisations in Venezuela. This has included special rapporteurs from the United Nations and Inter-American human rights systems.

However, until now the situation of defenders in Venezuela had been insufficiently documented and no comprehensive analysis had been carried out to identify the main causes of vulnerability for defenders. All of this, despite the deteriorating context for human rights defenders in Venezuela and, therefore, for the shrinking civic space in Venezuela. The report aims at providing an analysis about this situation as well as to issue concrete recommendations to enable progress to be made in establishing effective guarantees for the right to defend human rights in the country. This joint report between two international organisations and three Venezuelan ones seeks to bridge this gap.

Our organisations have been able to document a total of 121 attacks against human rights defenders in Venezuela during the years 2018 and 2019, including 60 acts of defamation, 44 acts of harassment and stigmatisation, as well as 8 cases of arbitrary detention. The State is alleged to be the perpetrator of most of the attacks, either through its communication tools such as its Truth Mission (*Misión Verdad*) portal, which is responsible for 31% of the documented attacks, or the television program *Con el Mazo Dando*, responsible for 29% of the total attacks, or through the State Security Bodies, responsible for 14% of the attacks against human rights defenders.

Although the real figures will far exceed this number, the report systematises these attacks and details several patterns of repression used against human rights defenders in the country.

The defence of human rights within a political, humanitarian and human rights crisis

The widespread crisis in the country has resulted in a complex humanitarian emergency, leading to increased claims from the population for their human rights to be respected, including in situations where there is a shortage of essential products and services. The State security forces have also committed serious human rights

violations, including 10,971 cases of extrajudicial executions documented by COFAVIC between 2012 and 2019, which has led to the mobilisation of the victims' families. Within this context defenders whose condition came upon as a consequence of the context have emerged and taken a leadership role defending human rights in the country.

One of the factors that demonstrates this increase in demands for human rights is the surge in the number of protests in the country. The Venezuelan Observatory on Social Conflict (*Observatorio Venezolano de Conflictividad Social* - OVCS) has documented the existence of more than 76,000 protests between 2011 and 2019, a significant figure with the years 2014, 2017, 2018 and 2019 standing out as record periods for the sheer volume of civil protests. The systematic repression of protest has led to thousands of arbitrary detentions, more than four thousand people have been injured and there have been numerous cases of killings during protests: 42 in 2014, 163 in 2017, 14 in 2018 and 67 in 2019 according to OVCS data.

Beyond the criminalisation of social protest, the State response to the population's claims for their rights has been to create a hostile and adverse environment for human rights defence work through legal and factual measures under which every person who demands their rights is identified as an enemy of the State.

The harassment against Ana Rosario Contreras for her human rights defence work as President of the Federal District's College of Nurses (*Colegio de Enfermeras*) or the police's extrajudicial execution of the nephew of defender Ruth Pérez are clear examples of the risks faced by those who defend human rights. Even carrying out humanitarian work can lead to acts of harassment and intimidation as in the case of the NGO *Prepara Familia*.

> CAUSES OF VULNERABILITY FOR PEOPLE AND ORGANISATIONS THAT DEFEND HUMAN RIGHTS IN VENEZUELA

a) A restrictive legal framework for human rights defenders and their organisations

The first cause of vulnerability for human rights defenders in Venezuela is related to the existence of a restrictive legal framework for human rights defenders and their organisations. In recent years, the Venezuelan State, with the participation of the executive, legislative and judicial branches, has become a hostile environment for the defence of human rights through the restriction of rights such as freedom of association and effective legal protection.

Freedom of association is at risk, especially in the case of Venezuelan human rights defenders and their organisations.

On the one hand, legislation has been arbitrarily restricting the autonomy of NGOs. For example, in 2012, the Law on the Defence of Political Sovereignty and National Self-Determination was enacted, laying the foundations of a legal system

that enables sanctions against organisations that receive financial contributions or financial aid from individuals or foreign organisations. The same law also enables prosecutions and sanctions, including expulsion from the Venezuelan territory, against all foreign persons who “emit opinions that offend State institutions or their high-ranking officials” during activities carried out by local organisations.

Although NGOs’ right to finance is an integral part of the right to freedom of association according to international human rights standards, the Venezuelan authorities have repeatedly tried to establish limitations with the objective of economically suffocating NGOs. The latest threat in this regard occurred on 19 February 2020, in statements made by the President of the National Constituent Assembly, Mr. Diosdado Cabello.

Moreover, in practice, defenders have encountered limitations that severely affect their operations, especially in terms of recording or updating minutes from their meetings or appointing new members or authorities within their constituent documents. The refusal of public officials from Registry and Notary Offices to legally validate these documents creates havoc in the administration of human rights organisations, as they are exposed to a de facto illegalisation that could prevent them from operating in the country. Therefore, the NGOs face the risk of auditing procedures during which they could be accused of falsifying information or not complying with formalities related to registering, updating and legalising documentation.

The right to **effective legal protection** for victims of human rights violations in Venezuela has also been restricted. The reform of the Organic Criminal Procedure Code carried out in 2012 denies associations the ability to legally represent victims of human rights violations. Thus, the work of defenders and organisations that accompany victims in legal processes has been severely restricted, exposing the victims -particularly those of lesser means- in some cases to complete abandonment during the legal process and, in others, obliging them to use a public representative who is aligned with the State’s policies, thereby offering zero or counterproductive support.

Also of concern is the fact that currently the majority of judges are only provisionally holding their office or temporarily appointed to specific cases, which implies a clear risk for access to justice.

b) The National Security Doctrine: human rights defenders as the enemy

The starting point for the systematic criminalisation of the right to defend human rights has been the National Security Doctrine which has been progressively adopted by the Venezuelan State.

Within the framework of this Doctrine, the Venezuelan State has chosen to militarise internal security, justifying its actions with the supposed purpose of guaranteeing the security and stability of State powers. In Venezuela, non-governmental organisations, social leaders, indigenous leaders, humanitarian actors, journalists, researchers and, in general, defenders who report the conditions of precariousness

and humanitarian emergency in the country have been labelled as a threat, while people who demand, defend and promote human rights have been described as enemies that must be neutralised.

This report analyses the way in which different actors from government structures, ranging from high levels of public power, to security and intelligence agencies, as well as groups of pro-government armed civilians, have developed a complex system which uses surveillance, harassment, demonisation and reprisals, to instrumentalise the National Security Doctrine as a form of intimidation and deterrence against human rights defence work. A good example of this is the intimidation and threats by armed civilian groups against Manuel Mir, a community leader from the Parroquia 23 de Enero.

Using the security doctrine to justify the idea of a *destabilising enemy*, the Venezuelan State has implemented a series of laws that have contributed to restricting the working space for human rights defenders and organisations. The National Security Law, enacted in 2002, criminalises activities that could disturb the operations of a wide range of military, civilian, industrial and even communication facilities. The Law against Organised Crime and the Financing of Terrorism, enacted in 2005 and amended in 2012, ambiguously typifies the crimes of terrorism, financing of terrorism and organised crime, which has enabled the police and intelligence bodies to threaten organisations and defenders under the argument that they are applying this law. Finally, the Decrees of Exception and Economic Emergency issued in 2016, and irregularly renewed on multiple occasions, have ceased to be an exceptional instrument to become a permanent State policy. With the criteria of protecting sovereignty and peace in the Venezuelan territory, these laws have been modified or designed to control and limit the work of people who demand respect and guarantees for human rights.

c) Stigmatisation as a State policy

The stigmatisation of defenders has become an essential mechanism in Venezuela to discredit people and organisations that defend human rights and therefore decrease the impact of their work. Stigmatisation is at its highest in the national public media and on popular social networks in Venezuela. Frequently, harassment of defenders begins with accusations made by State officials, generally with high levels of power, who use defamation as a systematic tool. These stigmatising campaigns fuel a discourse of hate and discredit the defence of human rights and defenders themselves. The practice has become State policy.

These aggressive campaigns seek to consolidate the narrative of the internal enemy and transfer the responsibility for human rights abuses and the consequences of the complex humanitarian emergency to the work of defenders.

Within this context of stigmatization used as a systematic tool to limit the work of human rights defenders, a particular pattern of harassment has been identified in the cases of defenders who cooperate with international protection organisations, carry out advocacy work and report at an international level. The return to Venezu-

ela has become a high-risk situation for defenders who are exposed to harassment and intimidation. In some cases, the State media has even been used to publish the flight itineraries of the people targeted, which creates an obvious risk to their physical integrity. For example, there is a pattern of systematic attacks against Marco Antonio Ponce, General Coordinator of the OVCS, many of which are linked to his international work.

d) Impunity as a widespread phenomenon

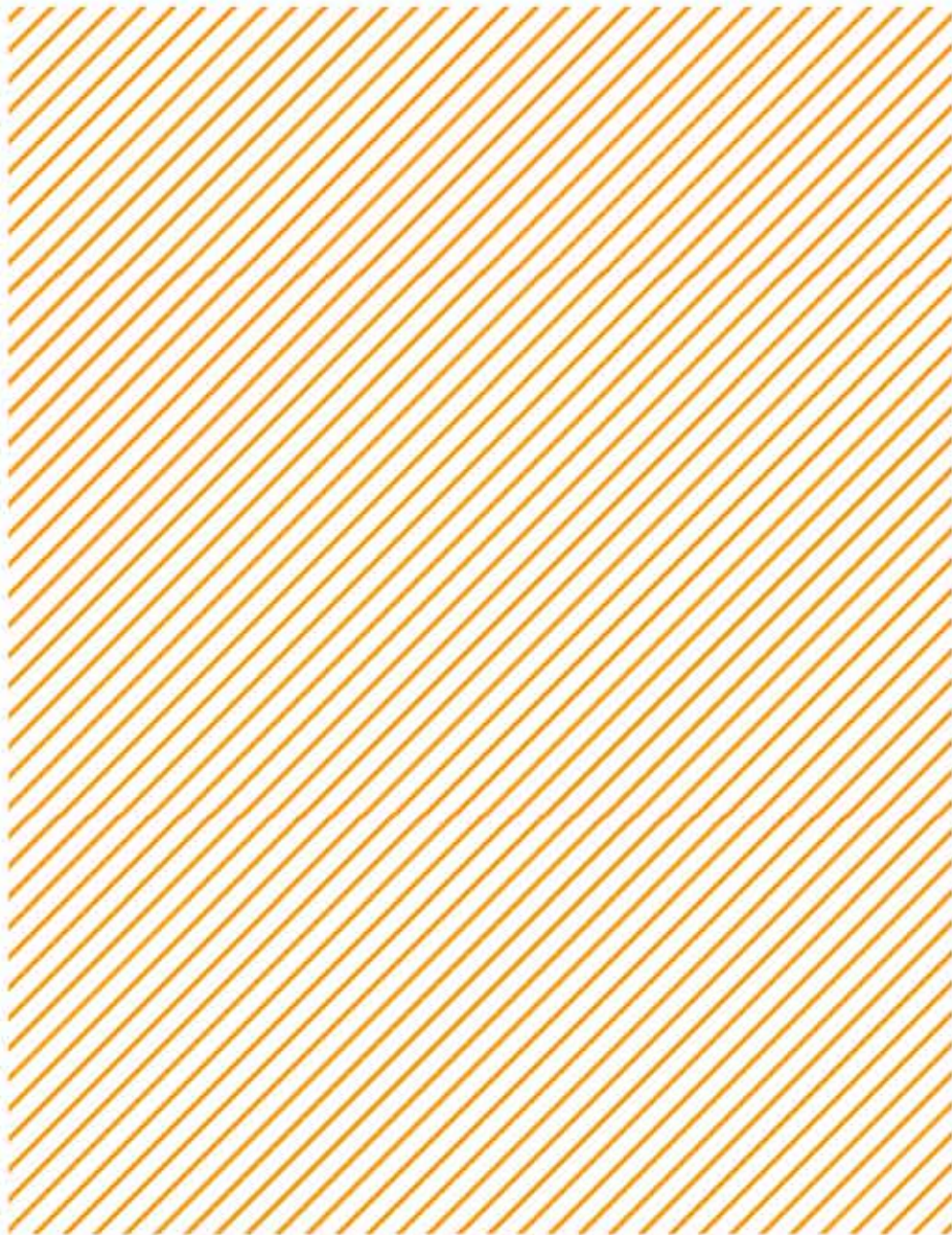
Impunity for human rights violations in Venezuela is systematic. Even in those cases where legal proceedings are initiated, they usually fail. Even official figures confirm this: the 2015 report from the Venezuelan Public Ministry, the last one to be made public, detailed 959 accusations against police officers for their alleged involvement in human rights violations, of which only 77 were heard in court.

However, the levels of impunity for human rights violations, including attacks against defenders, contrast alarmingly with patterns of prosecution against defenders. Indeed, defenders are promptly investigated and prosecuted according to patterns of persecution, criminalisation and harassment explained above. The arbitrary detention and legal harassment of Gregory Hinds and Geraldine Chacón as a reprisal for their human rights work, or that of the influential social communicator Luis Carlos Díaz, which are detailed in this report, perfectly exemplify these patterns.

e) Psychosocial impact on human rights defenders

All these control mechanisms and practices of harassment and stigmatisation, which have been perfected and systematised in recent years, have a high psychological cost. The treatment of defenders as criminals and enemies of the State not only leads to a hostile and adverse environment for their activities, but also facilitates and promotes a structure of violence that can affect their life and integrity in different environments, not always directly associated with their work.

In the personal sphere, Venezuelan defenders carry out their work within a complex humanitarian emergency and are therefore also affected by the precarious conditions in the country, which hinders their work. They are also defenceless, as there are no effective and timely mechanisms available to guarantee their personal integrity.



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