

REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS IN VENEZUELA:

“THE CONTINUATION OF A POLICY OF PERSECUTION, INTIMIDATION, STIGMATIZATION AND HARASSMENT”



2022-2024



THE OBSERVATORY
for the Protection of
Human Rights Defenders



FIDH INTERNATIONAL
FEDERATION FOR
HUMAN RIGHTS

REPORT ON THE SITUATION OF HUMAN RIGHTS
DEFENDERS IN VENEZUELA:
**“THE CONTINUATION OF A POLICY OF PERSECUTION,
INTIMIDATION, STIGMATIZATION AND HARASSMENT”.**

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1. Presentation

This report aims to analyze the conditions of civic space in Venezuela, focusing on the limitations, attacks and acts of harassment and criminalization against human rights defenders and civil society organizations in Venezuela, that were registered by the Committee of Relatives and Victims of the Events of February and March 1989 (COFAVIC¹) in the period 2022 - 2024. By applying a methodology developed especially for monitoring aggressions against human rights defenders and organizations in Venezuela, it was possible to separate the aggressions directed against human rights defenders from those directed against Venezuelan civil society organizations (Civil Society Organizations (CSOs), trade unions or the media). The report includes the human rights violations that occurred during 2024 specifically in the context of the presidential elections for the period 2025-2031. The information presented for the election period was gathered from the media, civil society organizations and international organizations.

In the first section, two contextual milestones are identified in which human rights violations against human rights defenders and or-

ganizations take place. On the one hand, we find electoral contexts, particularly the annulment of the election in the state of Barinas, but mainly the presidential elections held on July 28th, 2024. On the other hand, the Report is framed in the context of demonstrations for the vindication of labor rights that took place in 2022 and during the first semester of 2023, particularly in the health and education sectors.



This report presents the data collected by COFAVIC in relation to the aggressions directed against human rights defenders and CSOs, as well as their criminalization. At the same time, through emblematic cases, we identify the violations of various human rights such as life, liberty, personal integrity, freedom of association and due process.

1. COFAVIC is a non-governmental organization based in Venezuela that carries out high-impact work focused on strengthening the Venezuelan justice system. It was founded and is managed by family members of victims of human rights violations, who have now become human rights defenders. It brings together the most extensive experience litigating Venezuelan cases before the Inter-American System for the Protection of Human Rights and other international protection bodies, is a co-founder of the most important human rights coalition in Venezuela, the Foro por la Vida. Since 2017, she has been a member of the SOS Torture Network of the World Organization Against Torture, which constitutes the most important coalition against torture in

the world that brings together more than 200 prestigious NGOs. Since 2006, it has a special unit to support human rights defenders. Its vision: To contribute to the formation of a more democratic society, where impunity is the exception and not the rule, and where human rights violations are not tolerated by the State or the society. Since its foundation, its work has focused on empowering people to strengthen the defense of their rights. With 35 years of uninterrupted work, COFAVIC is currently a national and international reference on the human rights situation in Venezuela. The organization is focused on protecting and promoting civil and political rights such as the right to life, personal integrity, personal liberty and due process.

Additionally, it identifies the policy of adopting and using a legal framework that imposes restrictions and obstacles for human rights defenders and CSOs, such as the adoption of the Law on International Cooperation, the approval of the Law for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations and the recent Bill against Fascism, Neo-Fascism and Similar Expressions. The report includes the State interventions in the Venezuelan Red Cross and in the Communist Party of Venezuela, as examples of reprisals against organizations for their cooperation with international organizations, among other legal frameworks, judicial and administrative acts, aimed at restricting the defense of human rights in the country.

The last chapter of this Report addresses the human rights violations committed in the context of the presidential elections held on July 28th, 2024, analyzing the period prior to the elections (first semester of 2024) and the events immediately and in the weeks following the elections. The information presented herein was retrieved from national and international civil society organizations, media, as well as international organizations, mainly the United Nations Independent International Fact-Finding Mission on Venezuela (Independent International Mission) and the Inter-American Commission on Human Rights (IACHR).

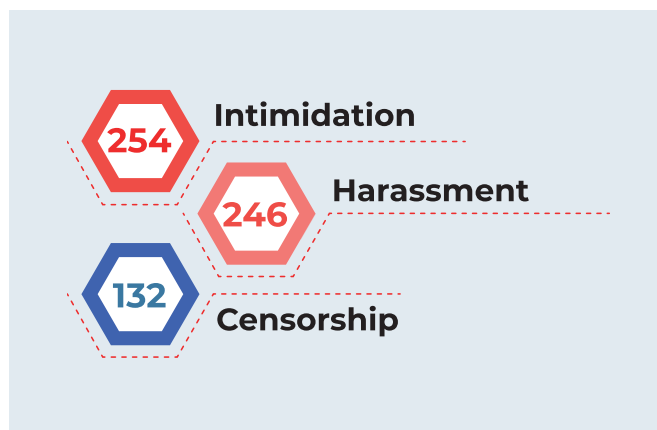
2. Analysis of the independent monitoring conducted by COFAVIC on the human rights situation during the period 2022-2023

Venezuelan civil society plays a fundamental role both in making visible the serious human rights crisis in the country, which results in the existence of a humanitarian crisis, and in accompanying victims in filing internal and international complaints before the mechanisms for the protection and promotion of human rights. However, this work is limited by policies aimed at reducing their participation in the community, pointing them out as internal enemies and “terrorists” who, allegedly, direct their activities to destabilize the functioning of the State.

In this regard, **individuals and organizations defending human rights** in Venezuela have been subject to multiple actions that have hindered and restricted their work in the country, it is so that, from 2018 to 2023, **2,435** alleged attacks against them were recorded through independent monitoring, classified into **39** types of attacks. All of them, aimed at persecuting, weakening and demobilizing individuals and non-profit social organizations engaged in the defense of human rights.

In a more recent period, that is 2022-2023, COFAVIC conducted a contextual information survey, which resulted in the identification and registration of **698** situations² in which members of civil society were victims of **1,367** attacks with evident patterns of criminalization, persecution and harassment. These attacks result in the violation of human rights of individuals and organizations that defend human rights.

In this sense, among the most recurrent attacks directed against human rights defenders and non-profit organizations in this period, the following were found:



The main perpetrator of these attacks is the State through its public institutions, security forces and other public officials, whose participation is identified in 78.1% of the attacks.

As mentioned, from the situations recorded, it was possible to distinguish between attacks committed against human rights defenders and civil society organizations.

2.1

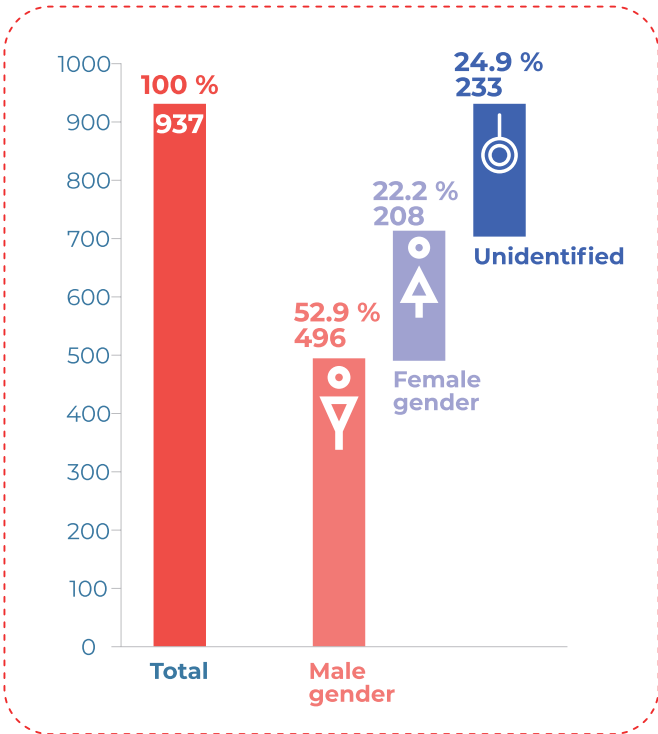
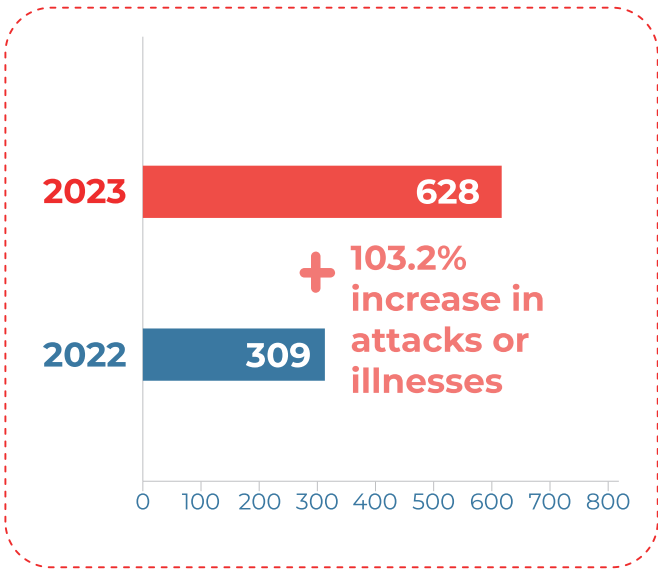
Attacks against human rights defenders

Of the 1,367 attacks registered by COFAVIC during 2022 and 2023, 937 were undertaken against individual human rights defenders, which represented 68.5% of the total number of attacks in that period.

During the year 2022, 309 attacks were reported (41.6%) and for the year 2023, 628 attacks (84.4%). This means an increase of 103.2% in the total number of attacks or affections directed against human rights defenders in Venezuela between these years.

Of the 937 attacks, it was possible to identify that 496 were directed against the male gender, which accounted for 52.9% of the total number of attacks recorded. 208 attacks were directed against females, representing 22.2%. In 233 cases, equivalent to 24.9%, it was not possible to identify the gender of the person whose rights were affected.

2. For the purposes of this report, situations shall be understood as the event or events in which one or more attacks occur against individuals or organizations when they are exercising their right to defend rights for themselves or others.



The main aggressions directed against human rights defenders in the period 2022- 2023 were intimidation (254), harassment (204), censorship (128), arbitrary detention (78), restriction of labor rights (76), defamation and stigmatization (40) and physical aggression (37), against journalists, trade unionists, indigenous leaders, political activists, teachers, health personnel, students, social leaders, religious leaders, lawyers, among others, when they were exercising their right to defend human rights.

- Journalists
- Trade unionists
- Indigenous leaders
- Political activists
- Teachers
- Health personnel
- Students
- Social leaders
- Religious leaders
- Lawyers

These aggressions translate into human rights violations, and the Report, based on the use of emblematic cases, identifies these violations. In this sense, violations of the right to life were recorded through the murders of the social leader José Gregorio Urbina and the Uwottuja indigenous leader, Virgilio Trujillo. Violations of the right to personal liberty

are exemplified by the arbitrary detentions of human rights defender Gabriel Blanco; teacher and defender María Fernanda Rodríguez and Wanda Cedeño, lawyer and human rights defender.

Regarding violations to personal integrity, the Report addresses the cases of Jhon Alvarez, a student leader subjected to acts of torture during his detention, and of Javier Tarazona, a human rights defender, accused of the crimes of "incitement to hatred" and "terrorism". In turn, the case of "detained union leaders" was identified as a violation of freedom of association, as well as the cases of the State interventions of the Venezuelan Red Cross and the Communist Party of Venezuela. Multiple and continuous violations of due process have also been identified, as exemplified by the case of the 5 members of "Azul Positivo", detained and subsequently imprisoned.

Thus, based on the analysis of the data collected and the selected cases, it was observed that among the alleged perpetrators of the attacks are the State security forces, public officials, public institutions, armed civilian groups, supporters of the governing party, pro-government media, anonymous accounts on social networks, political leaders and social leaders. To direct such attacks, these actors used different means such as: direct presence and surveillance; digital surveillance through social media and websites; in official television programs; internal circulars; subpoenas to appear before the prosecutor's office; judicial decisions; telephone calls; public statements; fines and other administrative sanctions; among others.

The data analyzed also showed that the states with the highest number of attacks against human rights defenders in the period 2022-2023 were: Bolívar (210), Yaracuy (181), Distrito Capital (161), Falcón (36), Táchira (32), Lara (31) and Mérida (31).



2.2 Attacks against civil society organizations

During the period 2022- 2023, 430 attacks against civil society organizations were registered, equivalent to 31.5% of the data collected. For the elaboration of the report, civil society organizations include human rights organizations, media, professional associations and labor unions.

In the course of 2022, 314 attacks were reported, equivalent to 50.4%; meanwhile during 2023, 116 were recorded, representing 15.6% of the total number of attacks. We note that in the first year of monitoring there was a greater number of attacks; however, in December

2024, a great aggression was registered: the approval of the Law on Control, Regularization, Operations and Financing of Non-Governmental and Related Organisation. This Law endangers the existence and directly affects non-profit civil society organizations, especially the ones that cooperate with international organizations.

The main attacks received by civil society organizations in the studied period were: administrative suspension of transmission of programs or radio coverage (99), closure of media outlets (86), defamation and stigmatization (58), harassment (42), attack on digital media (31), stigmatization due to international funding (24), threat of closure or confiscation of equipment (23) and restriction of the demand for rights (20).

Along the same lines, it was possible to observe that the highest incidence among the alleged perpetrators of the attacks were: public institutions (218), public officials (70), security forces (58), political leaders of the governing party (23), users of social networks (16), computer hackers (10) and other actors (10). This implies that the State is the perpetrator in **79.9%** of the registered cases.

The main means used to direct the attacks were: telephone calls (148), face-to-face action at the place where the attacks were reported (123), social networks (59), web pages (37), public statements (32) and radio or tv programs (19).

2.3

Restrictions on the right to defend human rights through the misuse of legal and administrative regulations

As part of a pattern of criminalization, persecution and curtailment of Venezuela's civic and democratic space implemented by the State, a legal system and institutional scaffolding has been activated which is used as a mechanism to direct reprisals against individuals and organizations defending human rights, because of their independent actions in the visibility and enforceability of human rights in the country. These include judicial decisions, administrative acts and the creation of laws that criminalize and hinder the defense of human rights, as well as social organization as a whole. This Report addresses the main administrative acts, judicial decisions and laws that have implied the reduction of civic and democratic space in Venezuela.

Among the administrative acts analyzed in the report, are the following:

Resolution of October 27th, 2020 regulating NGOs not domiciled in Venezuela.

This Resolution, issued by the Ministry of People's Power for Internal Relations, Justice and Peace (MPPRIJP) and the Ministry of People's Power for Foreign Affairs (MPPRE), restricts the recognition and operation of foreign organizations, creating the mandatory registration of such organizations before the Special Automated Registry of Non-Domiciled Non-Governmental Organizations (REGONG).

Circular dated November 20th, 2020 of the Superintendency of Banking Sector Institutions (SUDEBAN)

The Circular involves the monitoring of financial operations carried out specifically through non-governmental organizations to identify people or legal entities receiving or sending funds to NGOs that may be considered responsible for suspicious or unusual activities (money laundering, terrorist financing, etc.).

Administrative Ruling No. ONCDOFT-001 and 002

This administrative act establishes as an obligation for civil society organizations to register in the Unified Registry of Obligated Parties (RUSO) before the National Office Against Organized Crime and Financing of Terrorism (ONCDOFT).

The Report also analyzes three decisions of the Supreme Tribunal of Justice that have generated restrictive jurisprudence for the free and independent action of CSOs. These decisions seriously limit civil society in Venezuela based on their financing, nationality of their members and their form of organization, prohibiting them from receiving foreign funding.

Finally, we analyze laws and draft of laws that have been used (or are intended to be used, once approved) to restrict the Venezuelan civic and democratic space. This, with the purpose of imposing obstacles and restrictions to human rights organizations, as well as other regulatory instruments that have been used

to criminalize human rights defenders, seeking to inhibit these activities in the territory.

The projects and regulations analyzed in the report include:

International Cooperation Bill

This bill conditions access to international cooperation funds to policies and criteria "for such purposes" determined by the Executive Branch, which will also be empowered to unilaterally change the criteria for granting legal status to a civil society organization.

Law against Organized Crime and Financing of Terrorism (LODOFAT)

This normative instrument was enacted in 2005 and reformed in 2012. It ambiguously typifies the crimes of terrorism, financing of terrorism, association and organized crime. These felonies have been used by the organs of public power -including the State security forces- to threaten organizations and human rights defenders under the argument of the application of this Law.

Law for the Defense of Political Sovereignty and National Self-Determination

In 2010, the Law for the Defense of Political Sovereignty and National Self-Determination was enacted, which laid the foundations of a legal system that allows the sanctioning of organizations that receive international funding or economic aid from foreign people or organizations. It also prosecutes and sanc-

tions with expulsion from Venezuelan territory all foreign people who “issue opinions that offend the institutions of the State, its high officials” while participating in the activities carried out by local organizations³.

Law on Control, Regularization, Operations and Financing of Non-Governmental and Related Organisation

During the year 2023, the official party put forward the Bill of Law on Control, Regularization, Operations and Financing of Non-Governmental and Related Organization⁴, becoming Law by unanimous vote on August 15th, 2024.

On December 3, 2024, the Extraordinary Official Gazette N° 6,855 dated November 15th, 2024, was finally published, giving effect to the “ Law on Control, Regularization, Operations and Financing of Non-Governmental and Related Organization”.

This Law is viewed as one of the most serious attacks against Venezuelan organized civil society as it jeopardizes the existence of legally constituted organizations in Venezuela, by forcing them to submit to a new registration under penalty of arbitrary extinction of their legal personality and forbidding the organization to develop any activity, object of their mandate, in the country.

3. Law for the Defense of Political Sovereignty and National Self-Determination. Official Gazette N° 6.013. Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-def-20220118133355.pdf>.

4. NA approves in first discussion Law to regulate NGOs. January 24th, 2023. Retrieved from: <https://www.asambleanacional.gob.ve/noticias/an-aprueba-en-primera-discusion-ley-para-regular-las-ong>

Bill against Fascism, Neo-Fascism and Similar Expressions

On April 2nd, 2024, the National Assembly approved in first discussion this Bill⁵. If approved, the State may arbitrarily classify people and organizations, media outlets or demonstrations and demonstrators as “fascists”, using an ambiguous and broadly discretionary definition. Thus, the Bill defines “fascism” as:

Ideological posture or expression based on motives of racial, ethnic, social or national superiority, which assumes violence as a method of political action, advocates the culture of death, denigrates democracy, its institutions and republican values and/or promotes the suppression of the rights and guarantees recognized in the Constitution in favor of certain sectors of society, for discriminatory reasons. Common to this position are racism, chauvinism, classism, moral conservatism, neoliberalism, misogyny and all kinds of phobia against human beings and their right to non-discrimination and diversity.

5. National Assembly. AN aprueba en primera discusión Proyecto de Ley contra el Fascismo. April 2nd, 2024. Retrieved from: <https://www.asambleanacional.gob.ve/noticias/an-aprueba-en-primera-discusion-proyecto-de-ley-contra-el-fascismo>

In addition, the Bill contemplates administrative sanctions such as dissolution of organizations, media or political parties, as well as legal disqualifications to hold public office.

For their part, various United Nations Special Procedures expressed deep concern about this Bill and identified "a high degree of defenselessness of citizens and specifically of human rights defenders, people collaborating with social organizations, journalists, lawyers"⁶ in face of constant stigmatization, coming from State agents.

3. Human rights violations in the context of the electoral process and social protests

During the period from January to October 2024, through its independent monitoring of the situation of human rights defenders in Venezuela, COFAVIC was able to document **363 attacks** directed against those who defend rights, of which **82.4%** corresponded to human rights defenders and **17.6%** against organized civil society organizations.

Among the main attacks recorded during the identified period, intimidation accounted for **22.9%** of the total number of attacks, followed by restriction of labor rights with **12.7%** and arbitrary detentions with **5.8%**. Thus, during the systematization of the data,

it was possible to identify that the main alleged perpetrator of the attacks is the State with **85.8% of the attacks**.

March (36.9%), August (16.3%) and January (10.2%) were the periods with the highest number of attacks. Also, during the months of August and September a considerable number of human rights defenders reported having their passports cancelled, without a judicial or administrative decision, preventing the exercise of the rights of freedom of movement, personal freedom, due process and nationality.

3.1

Human rights violations in the pre-electoral period

In the pre-electoral period, that is, in the first half of the year 2024, several human rights violations occurred in the context of the elections.

a) Violations of personal freedom

By arguing the dismantling of alleged conspiracies to overthrow the Government, between December 2023 and March 2024 the Venezuelan Government issued arrest warrants against opponents belonging to political parties, according to the Independent International Fact-Finding Mission, at least 48 people (39 men and 9 women) were detained arbitrarily⁷.

6. UN Special Procedures Communication, ref: AL VEN 7/2024. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29302>

7. A/HRC/57/CRP.5. Page 1.



VIOLATIONS IN THE PRE-ELECTORAL PERIOD



a) Violations of personal freedom



b) Violations of personal integrity



c) Infringement of due process and excessive use of criminal law



d) Infringement of the right to freedom of association and political rights



e) Infringement of the right to freedom of expression



Between September 2023 and July 2024, that is, before the beginning of the electoral process in Venezuela, the Fact-Finding Mission documented the detention of 2 human rights defenders (1 man and 1 woman)⁸; the issuance of an arrest warrant against another man, also a human rights defender⁹, as well as the request for arrest warrants against 2 human rights defenders in exile (1 man and 1 woman)¹⁰.

During the electoral campaign, that went from July 4th to July 25th, 2024, the Mission reported that “121 people (106 men and 15 women) were detained in the context of opposition campaign events”¹¹. These arrests extended to “owners, relatives or workers of companies simply for providing lodging, food, transportation and technical production services for opposition electoral events”¹². Most of the deprivations of liberty were of short term, for common crimes and without formal charges¹³.

b) Violations of personal integrity

In the months prior to the electoral process, the Fact-Finding Mission received several allegations of torture and ill-treatment. Of the cases it heard, it reasonably established that at least 7 persons were victims of torture during this period¹⁴. In addition, the Mission also

8. Op. cit. footnote 7. Paragraph 94.

9. Op. cit. footnote 7. Paragraph 95.

10. Op. cit. footnote 7. Paragraph 96.

11. Op. cit. footnote 7. Paragraph 51.

12. Op. cit. footnote 11. Paragraph 52.

13. Op. cit. footnote 11., page 10, paragraph 53.

14. Op. cit. footnote 7. Paragraph 141.

found evidence of sexual violence during detention and interrogation¹⁵.

c) Infringement of due process and excessive use of criminal law

Regarding the arrests of people opposing the current Venezuelan Government, or even those only perceived as such, in the pre-electoral period or during campaigns, the Fact-Finding Mission documented multiple serious violations to the due process of the people who were detained. Along with short-term enforced disappearances, in numerous cases people were detained without warrants, raiding the homes of the detainees, their families, union headquarters or political organizations¹⁶. In addition, the authorities prevented the detainee from appointing their own defense, imposing one provided by the State and that restricted information to the detainee and their relatives and "did not exercise an adequate technical defense"¹⁷.

Another practice that is commonly seen is the prevention of detainees from communicating with their defense, their family, people they trust or any other contact with the outside world¹⁸. The hearings were held without the presence of their defense, or with the public defense, without adequate publicity and sometimes late at night and in detention centers¹⁹. Finally, *habeas corpus* petitions or complaints made in the context of the deten-

tions were not received or were rejected without any processing²⁰.

Many of these arrests were followed by criminal charges, in an excessive use of criminal law and through a legal framework that allows the Government to criminalize opponents. According to the Independent International Mission:

Those detained during the period preceding the presidential elections were charged primarily with the crimes of "conspiracy" (20 defendants), "association" (19 defendants), "treason" (14 defendants) and "attempted homicide" (11 defendants). In addition, at least 27 of the detainees were under the jurisdiction of courts with competence in cases related to crimes associated with terrorism with jurisdiction at the national level. Of these, 85% of cases were heard by the Second Terrorism Court.²¹

d) Infringement of the right to freedom of association and political rights

In the context of the right of association, the Independent International Mission identified that during the electoral campaign period "the authorities detained and sanctioned dozens of people who participated, provided

15. Op. cit. footnote 7. Paragraph 153.

16. Op. cit. footnote 7. Paragraph 113.

17. Op. cit. footnote 7. Paragraph 115.

18. Op. cit. footnote 7. Paragraph 127.

19. Op. cit. footnote 7. Paragraph 130.

20. Op. cit. footnote 7. Paragraph 116.

21. Op. cit. footnote 7. Paragraph 119.

logistical support or publicized on social networks the events of the “Mesa de la Unidad Democrática”.²²

e) Infringement of the right to freedom of expression

Otro Another right that was violated in the electoral context is the right to freedom of expression. The Institute of Press and Society (IPYS) reported 79 attacks on the independent press after the presidential elections of July 28th, 2024: “intimidations and stigmatizing public speeches were the most recurrent aggressions, four media workers were detained, three of whom remain imprisoned and 11 foreign special envoys were deported from Venezuela since July 25th. Documented violations include physical or verbal aggressions (30); acts of stigmatizing speech (18); detentions (7); censorship measures (7); internet restrictions (7); administrative restrictions (6); acts of judicial harassment (3) and restrictions on access to information (1)”.²³

These events were accompanied by public speeches and official statements inciting to violence in case of losing the elections. In this sense, the atmosphere prior to the electoral process continued with the practice of intimidating positions critical of the Government whether to the media, journalists, political opponents, or users of social media, thus violating the right to freedom of expression of individuals and society.

22. Op. cit. footnote 11. Paragraph 22.

23. IPYS Venezuela’s assessment of the post-electoral context of July 28th, 2024. Digital version: <https://ipysvenezuela.org/alerta/balancede-ipysve-79-ataques-a-la-prensa-independiente-despues-de-las-presidenciales-del-28j/>

30

Verbal aggressions



18

Acts of stigmatizing speech



7

Detentions



7

Censorship measures



7

Internet restrictions



6

Administrative restrictions



3

Acts of judicial harassment



1

Restrictions on access to information



3.2

Human rights violations in the post-electoral period

On Sunday, July 28th, 2024, the election day took place. On July 29th, the National Electoral Council declared candidate Nicolás Maduro as the winner of the electoral process.

Between July 29th and 30th, several social protests were registered in Venezuelan territory where the presence of armed civilians who support the regime, called “colectivos”, was observed. The Mission documented that

the first of the fatal episodes occurred on the night of July 28th, in the municipality of Guásimos, State of Táchira, in the vicinity of a voting center. On July 29th, another 20 fatal incidents occurred, constituting the day with the highest number of fatalities. On July 30th, four more violent episodes took place.

The repression continued in the weeks following the elections through the so-called "Operation Tun-tun", which consists of arbitrarily detaining perceived opponents inside their homes, often without observing due process. In this context, multiple human rights violations were committed by the security forces and other Venezuelan State institutions.

Among these violations are:

a) Violation of the right to life

According to the Fact-Finding Mission, between July 28th and 31st, 2024, during the protests following the official announcement of the election result, 25 deaths of demonstrators, bystanders and a military officer were recorded. All the victims were male; 24 were caused by firearms and one more by a beating. Twenty-four victims were civilians, and one was from the Bolivarian National Guard. Of these, 12 were 24 years old or younger and 2 were children, aged 15 and 17²⁴. According to the IACHR, most of the victims came from popular areas of the country²⁵.

24. Op. cit. footnote 7. Paragraph 580.

25. Press Release No. 184/24: IACHR and RELE condemn state terrorism practices in Venezuela, August 15th, 2024. Retrieved from: <https://www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2024/184.asp>.



VIOLATIONS IN THE POST-ELECTORAL PERIOD



Violation of the right to life



Infringement of the right to personal liberty



Infringement of the right to personal integrity



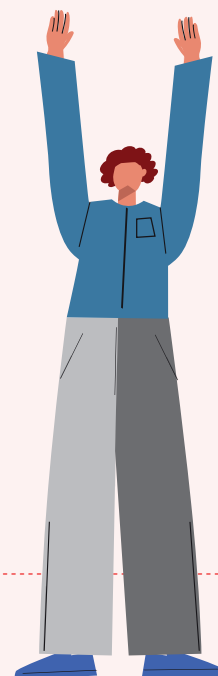
Infringement of the right to due process and excessive use of criminal law



Violation of the right to freedom of expression



Infringement of the identity and freedom of transit



The deaths occurred in 10 of Venezuela's 24 territorial entities: 8 in Caracas and 7 in Aragua²⁶. The remaining cases occurred in the states of Bolívar, Carabobo, Lara, Miranda, Táchira, Yaracuy and Zulia²⁷.

The Special Follow-up Mechanism for Venezuela (MESEVE) of the IACHR documented 23 deaths in the context of the demonstrations that occurred between July 28th and 30th, 10 were attributable to State forces (8 of them to the Bolivarian National Armed Forces and 2 to police); 6 deaths were attributed to "colectivos" and 2 deaths were attributable to mixed actions between State and private groups; in 5 cases there was no information on those responsible²⁸. As a response to these deaths, the Venezuelan Attorney General attributed all of them to opposition groups called "comanditos" and denied having any information regarding the excessive use of force by State officials²⁹.

b) Infringement of the right to personal liberty

There is no accurate number of people detained in the Venezuelan post-electoral context. The highest and most worrisome figure is the one provided by the Government, which as of August 6th, reached 2,229 people detained, referred to as "terrorists" by President Madu-

ro³⁰. For its part, the IACHR registered 1,542 detentions from July 28th to August 24th³¹.

The Fact-Finding Mission and the IACHR have identified that, at the beginning, the arrests were carried out on a massive scale during the protests or at the end of them³², mostly against young people from popular neighborhoods³³. Selective arrests have also been recorded against members of political parties and groups, journalists and human rights defenders³⁴; as well as people who participated in the protests or expressed their opinion questioning the election results on social media³⁵.

For its part, the Fact-Finding Mission documented the detention of 66 people belonging to opposing organizations and political parties; 6 human rights defenders and activists (between August 2nd and 4th alone); 10 journalists and communication workers; 15 indigenous peoples, these with excessive use of force and insults³⁶ and at least 150 minors under 18 years of age (122 boys and 28 girls); some of them charged with crimes of incitement to hatred or terrorism³⁷.

26. Op. cit. footnote 7. Paragraph 673.

27. Human Rights Watch. Venezuela: Brutal repression against demonstrators and voters. September 4th, 2024. Retrieved from: <https://www.hrw.org/es/news/2024/09/03/venezuela-brutal-repression-contra-manifestantes-y-votantes>

28. Op. cit. footnote 25.

29. Op. cit. footnote 7. Paragraph 551.

30. Op. cit. footnote 7. Paragraphs 523 and 533; Press Release: The Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela demands an end to repression and full investigations, following the presidential election. August 12th, 2024. Retrieved from: <https://www.ohchr.org/es/press-releases/2024/08/venezuela-fact-finding-mission-calls-end-repression-thorough-investigations>. As well as: YouTube video, Nicolás Maduro [@NicolasMaduroM], "Nicolás Maduro | Gran Marcha de los Abuelos y Abuelas" [Nicolás Maduro | Great March of Grandfathers and Grandmothers], August 6, 2024. Available at: <https://www.youtube.com/watch?v=rbQ3hyTBcl> [min 32:16].

31. IACHR. Venezuela: Grave human rights violations in the electoral context. OEA/Ser.L/V/II. Doc. 253/24. December 27th, 2024.

32. Op. cit. footnote 7. Paragraph 587.

33. Op. cit. footnote 25.

34. Op. cit. footnote 11. Paragraph 16 and Op. cit. footnote 7. Paragraph 593.

35. Op. cit. footnote 30 and Op. cit. footnote 25.

36. Op. cit. footnote 7. Paragraphs 594, 596, 599, 606 and 607.

37. Op. cit. footnote 7. Paragraph 609.

According to the Fact-Finding Mission, the detentions that took place between July 29th and August 24th, one third were carried out by the Bolivarian National Guard; another third by the Bolivarian National Police and finally by mixed commissions of security forces and the State's intelligence and counterintelligence agencies³⁸.

c) Infringement of the right to personal integrity

Due to the recent nature of these human rights violations, as well as the generalized climate of terror that inhibits the reporting of human rights violations, both within Venezuela and before international bodies, there is no accurate data available regarding acts of torture and other cruel, inhuman or degrading treatment that occurred in the post-electoral period³⁹.

Despite the difficulties in obtaining information, there is knowledge of excessive use of force by security forces when making arrests during demonstrations, as well as other ill-treatment in detention centers⁴⁰ and acts of sexual or gender-based violence against persons in the custody of the State that mainly affected women⁴¹. In that regard, the Independent International Mission has investiga-

ted acts of sexual and gender-based violence, and these have included: threats of rape and acts of sexual violence, including groping of breasts, buttocks and genitals, forced nudity in front of custodians and other detainees of the opposite sex, sometimes with the obligation to perform physical exercises, invasive searches, sexual exploitation and coercive transactional sex, sexist insults and denial of sexual and reproductive rights⁴².

Likewise, the IACHR recorded complaints from mothers of several adolescents deprived of liberty with allegations of torture and ill-treatment, such as beatings and threats with disproportionate prison sentences, used as methods of coercion⁴³.

d) Infringement of the right to due process and excessive use of criminal law

The criminal proceedings of the hundreds of detentions that took place since July 29th, 2024 have been plagued by violations of due process of law. In most cases the arrests were carried out without a court order and without informing the reason for the detention⁴⁴. At the same time, on many occasions the 48-hour period established in Venezuelan legislation for the presentation of detained persons before a judicial authority (24 hours in the case of minors) was not respected⁴⁵.

38. Op. cit. footnote 7. Paragraph 650.

39. Op. cit. footnote 11. Paragraph 10.

40. Op. cit. footnote 7. Paragraph 541.

41. Op. cit. footnote 7. Despite the Mission's difficulties in gaining access to victims, witnesses and other information related to acts of sexual violence, "in the period after 28 July, the Mission was able to investigate 11 cases involving 19 victims of sexual and gender-based violence (one man, 13 women - including one older woman - and five girls) in eight States of the country. The Mission found reasonable grounds to believe that, in four of these cases, acts constituting SGBV occurred".

42. Op. cit. footnote 7. Paragraph 716.

43. Op. cit. footnote 31.

44. Op. cit. footnote 7. Page 2.

45. Op. cit. footnote 7. Paragraph 692.

It has also been documented that detainees were unable to communicate with their relatives or lawyers to inform them that they had been arrested, where they were and in what situation they were⁴⁶.

As mentioned above, detainees are recurrently prevented from appointing their own legal defense⁴⁷, which hinders the right of individuals to have an effective technical defense⁴⁸. The Independent International Mission has reported that public defenders do not fulfill their obligation to diligently defend those represented either due to “lack of means, fear of reprisals or disinterest⁴⁹”.

In those cases in which individuals manage to appoint their own legal representation, they face obstacles and difficulties in accessing the accusation files, sometimes only with short time before the hearings, and in other cases, it has even been recorded that there are no files in the system⁵⁰. In addition, in the case of indigenous peoples, they did not have interpretation or intercultural processes⁵¹.

Other violations of due process have also been documented during the hearings. In the post-electoral period, hearings were held with multiple accused persons, without an adequate individualization of their participation in the alleged criminal acts. In addition, the hearings were held in detention centers, du-

ring the night, telematic and of short duration, before courts of the special jurisdiction of terrorism in Caracas (although the events took place elsewhere)⁵², with difficulties to address the judges and without being public⁵³.

The crimes charged by the Venezuelan Public Prosecutor’s Office include incitement to hatred, terrorism, conspiracy, treason, criminal association, resistance to authority, obstruction of streets or roads and disobedience of the laws⁵⁴, without an evidentiary basis to support it or applied in a disproportionate manner⁵⁵. The IACHR and its RELE have pointed out that these offenses are “drafted in an ambiguous and broad manner that, in addition to having excessively high penalties, threaten the exercise of freedom of expression and seek to generate a paralyzing effect due to fear of prosecution”⁵⁶.

e) Violation of the right to freedom of expression

The RELE of the IACHR has registered an escalation in the attacks on freedom of expression. According to the Rapporteurship, “since July 28th, approximately 108 cases of violations of freedom of expression have been registered, including the arbitrary detention of journalists and press workers under unfounded accusations of “incitement to hatred” and “terrorism”, the cancellation of passports,

46. Op. cit. footnote 7. Paragraph 689.
47. Op. cit. footnote 7. Paragraph 697.
48. Op. cit. footnote 7. Paragraph 701.
49. Op. cit. footnote 7. Paragraph 702.
50. Op. cit. footnote 7. Paragraph 703.
51. Op. cit. footnote 25.

52. Op. cit. footnote 7. Paragraph 704.
53. Op. cit. footnote 7. Paragraph 707.
54. Op. cit. footnote 25.
55. Op. cit. footnote 30.
56. Op. cit. footnote 25.

the closure of media outlets, the confiscation of equipment and the deportation of international press personnel"⁵⁷.

It has also identified that the Venezuelan Government "has intensified repression in the digital sphere"; it has used technology to "profile, monitor and intimidate opponents and critical voices". It highlights the use of the "VenApp" an application supposedly intended for the management of public services, which was reconfigured to include the possibility of snitching on people opposed to the regime. The categories used for flagging include: "suspicious activities", "fascist guarimba", "disinformation" and "public disorder". RELE has also received information on detentions and random searches in the street to check the content of cell phones.

The Venezuelan State has also boycotted⁵⁸ websites, social media and instant messaging platforms; it also has used video surveillance and patrolling drones.

f) Infringement of the identity and freedom of transit

The Venezuelan government's practice of annulling passports of human rights defenders, journalists and members of the opposition became more severe as of July 28th. The number of Venezuelan passports that

have been unilaterally annulled by the Government is not known with certainty, however, civil society organizations have independently documented at least 62 cases: 10 of human rights defenders, among these is the case of Yendri Velásquez, human rights defender of the LGBTIQ+ community; 40 of people who developed electoral observation activities and 12 journalists, whose passports have been canceled. For its part, the IACHR has learned of 40 cancelled passports⁵⁹.

3.3

Widespread terror and persecution

The deaths, the almost two thousand arrests, the persecution and repression of the Venezuelan Government against people who oppose or are perceived as such, are part of a policy of silencing any critical voice towards the regime. This, through the creation of an environment of generalized terror that inhibits political participation, the exercise of free speech, the defense of human rights or the critical production of information by journalists and communicators, as well as the denunciation of abuses and violations of human rights, reducing the civic and democratic space of Venezuelan civil society.

In addition to the human rights violations described above, the State sought to polarize society, asking its sympathizers to inform on their neighbors, encouraging a climate of social distrust and fear of the expression of any opinion that could be seen as contrary or critical of the State, to frighten and intimidate

57. Op. cit. footnote 25.

58. Among the blocked websites is the portal "resultadosconvzla.com", created by the opposition to publish the electoral records. For RELE, this information is of public interest, so it must be safeguarded because it is transcendental for the protection of the political rights of Venezuelans.

59. Op. cit. footnote 31.

the Venezuelan population⁶⁰. With the same objective, the Government also publicized searches and arrests of people⁶¹.

In this regard, the **International Independent Mission:**

It has reasonable grounds to believe that the conduct constituting the crime against humanity of politically motivated persecution was committed in connection with the crimes of imprisonment or severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape or any other form of sexual violence of comparable gravity and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health⁶².

This context of persecution, terror and intimidation carried out intentionally, as part of a State policy, aimed at violently eradicating the opposition, generates serious psychological suffering in Venezuelan society, which impacts their daily lives and the exercise of their rights. In this sense, the State is subjecting its population to a torturing environment, from a collective and individual experience to condition the behavior of the population through terror and fear of being subjected to human rights violations, like many others, thus inhi-

60. Op. cit. footnote 25.

61. Op. cit. footnote 7. Paragraph 664.

62. Op. cit. footnote 7. Paragraph 863.

biting political participation and freedom of expression of Venezuelans.

4. Conclusions

The analysis of the results of the independent monitoring carried out in the period January 2022-2023, allowed us to elucidate the context of criminalization, persecution and systematic restriction of rights against individuals and non-profit organizations of civil society that carry out activities in defense of human rights in Venezuela. At the same time it gave rise to the recording of specific information on the types of attacks that are used to affect the exercise of the defense of human rights. In this sense, being the latter a fundamental guarantee, linked to freedom of association, the Venezuelan State is obliged to recognize and respect it, under the premise that it constitutes a right in itself within the context of human rights.

The detailed recording of the data, using newspaper sources, social media and direct documentation of cases, made it possible to compile information from the 24 states of the country, providing a space for the analysis of the general situation of human rights defenders and organizations in Venezuela, as well as to observe the behavior of the alleged perpetrators of the attacks in states other than the capital region.

Likewise, it was possible to discriminate the specific patterns that are directed against human rights defenders, individually consi-

dered, organizations or civil society groups. This is because for each of them, the State, as the main perpetrator, directs specific actions to restrict the work they perform within the most vulnerable sectors and the country.

The disproportionate use of public force and the use of public power if the institutions to carry out attacks against the integrity and personal freedom of human rights defenders was observed, as part of a practice in which exemplary punishments are used, leaving in evidence affectations that can be considered torture, cruel, inhuman and degrading treatment, and that in practice restrict and disarticulate the work that civil society carries out in the country.

These same situations occurred in the post-electoral context, as State institutions, during the protests, persecuted human rights defenders, as well as people who participated in them or who publicly expressed their opinion, in defense of their political and electoral rights. This demonstrates the continuation of a policy of politically motivated persecution against the civilian population that opposes the Government or those who are perceived as such.

The research allowed us to examine the legal provisions in force and the bills under discussion, with the purpose of analyzing the scope and implications of the establishment of a restrictive regulatory framework, with the result that it constitutes a permanent attack against the organizational structures of Venezuelan civil society, particularly NGOs, since they are required to have a double regis-

tration, under penalty of illegalization of their organizational structure, under the premise that, when they exercise their right of association and with it, accessing international financing, they are linked to the illegal activities of money laundering and financing of terrorism.

Thus, defamation and stigmatization campaigns against them continue, through digital media, public speeches and other means, with the aim of discrediting the work they carry out in the communities they impact with their work.

In addition, the violence and persecution in the post-electoral context made it possible to observe the generation of a generalized climate of terror in the Venezuelan population, the purpose of which is to inhibit and eradicate any opposition, dissidence or criticism of the Venezuelan Government and its senior officials.

Finally, it is essential to reiterate the importance of the work of defending human rights, especially in the Venezuelan context, given the complex humanitarian and human rights crisis, where it is essential that the State guarantees their effective exercise and adopts progressive actions that allow the development of the work and activities carried out by civil society in Venezuela.

5. Recommendations

As a result of the analysis carried out, we insist in expressing our concern for the indiscriminate use of persecution, criminalization and harassment mechanisms by the Venezuelan State, through official statements, use of public institutions, administrative sanctions contained in restrictive legal provisions, disproportionate use of public force, among others, to discredit the work carried out by organized civil society in Venezuela and inhibit its work in society. In this sense we urge the Venezuelan State to:

1 Immediately cease all acts of criminalization, intimidation, harassment, disqualification and aggression against individuals and non-profit organizations of civil society. Likewise, that investigations and sanctions be ensured for those responsible for such attacks, whether they are state or paraestatal actors.

2 Immediately cease all acts of criminalization, intimidation, harassment, disqualification and aggression against people protesting and demonstrating in defense of their rights, within the framework of the recent electoral process. Likewise, due process must be guaranteed for those detained and effective and objective investigations must be promoted to determine the responsibility of individuals and institutions for the human rights violations committed after the July 28th, 2024 elections.

3 Cease the practice of arbitrary annulment of passports used against human rights defenders, journalists, or civil society activists, as well as guaranteeing a safe and enabling environment for the defense of human rights.

4 To welcome and follow up on the recommendations issued by different human rights protection mechanisms such as the IACHR, in particular, those issued in its report on Comprehensive Policies for the Protection of Human Rights Defenders, published on December 29, 2017, as well as in its most recent report related to serious human rights violations in the electoral context, published in December 2024. Likewise, to the recommendations of the Human Rights Committee, the Committee Against Torture and the Universal Periodic Review to implement effective mechanisms for the protection of human rights defenders in Venezuela.

5 Take all necessary measures to ensure that State officials and other public figures refrain from making statements that stigmatize the legitimate work of human rights defenders who are part of civil society and are dedicated to denouncing, accompanying, making visible and assisting the most vulnerable communities in the country.

6 Put an end to all types of practical restrictions on the right to freedom of association, with the non-implementation and potential repeal of the Law for the Control, Regularization, Performance and Financing of Non-Governmental Organizations and the inclusion of clear guidelines for the updating and legalization of documentation of associations by public officials of the Autonomous Service of Registries and Notaries (SAREN), as well as the establishment of sanctions against officials who impose arbitrary restrictions.

7 Withdraw the Bill against Fascism, Neo-Fascism and Similar Expressions and eliminate from public discourse the equating of any form of opposition or dissent as "fascism".

8 The State must take a leading role in combating hate speech and violence, especially against groups that may be more vulnerable, by promoting tolerance and non-discrimination within their communities and building constructive relationships.

9 Welcome the CFATF recommendations that the excessive focus on the non-profit sector and the measures being sought to be implemented are not considered, in the view of the assessment team, to be justified on the basis of CFATF standards. The inclusion of several registers, which pla-

ces an additional burden on non-profit civil society organizations, particularly those with no risk, is unjustified. Therefore, registries and resolutions that insist on disproportionate monitoring of these organizations in the country should be eliminated.

10 Develop and adopt a protocol for the protection of human rights defenders and investigation of crimes and other conducts committed against them, incorporating their work into investigations as key information and motive for the attacks and crimes committed against them.

11 Adopt the corresponding public policies that guarantee the exercise of the right to defend rights within Venezuelan territory, in accordance with international standards and recommendations, as well as those provided by Venezuelan civil society.

OMCT

SOS-Torture Network

Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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Establishing the facts- Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

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Training and exchanges – FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies – FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

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THE OBSERVATORY
for the Protection of
Human Rights Defenders

The Observatory is an action programme based on the belief that strengthened cooperation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- » International missions of investigation and solidarity;
- » A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- » The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- » Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;

- » Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

This system, called Emergency Line, can be reached through:

✉ alert@observatoryfordefenders.org

☎ OMCT TEL: + 41 22 809 49 39

☎ FIDH TEL: + 33 1 43 55 25 18



