



## Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (16 September 2020)

### Annotated Table of Contents – A quick guide to the report

#### Chapter I (Introduction and Framework): pages 2-13

This short chapter covers the establishment and mandate of the Mission, lays out the **methodology and standard of proof** (page 3) used in its investigation as well as the **framework under International Human Rights Law** (page 5) and **International Criminal Law** (page 13) that form the analytical basis for the violations and crimes committed in Venezuela since 2014.

#### Chapter II (Background): pages 13-66

Chapter II establishes a **timeline of key events in Venezuela from 2014 until the present** (page 14), including growing dissent (page 14), deterioration of democratic institutions (page 17), the escalating political crisis (page 19), the disputed presidential election of 2018 (page 22), and President Nicolás Maduro's second term (page 24).

It gives a detailed description of **the institutional framework for the crisis in Venezuela** (page 27), including the limitations to the National Assembly, the creation of the National Constituent Assembly (page 30), the Executive's consolidation of power (page 33), as well as challenges to judicial independence (page 41). It also explains the **security framework** (page 43), including the composition and command structure of state security institutions, including the **military/armed forces** (page 47), **police forces** including CICPC and FAES (page 54), **state intelligence services** such as SEBIN and DGCIM (page 57), and **non-state armed groups**, including colectivos (page 59). And it gives details of Government reforms to **security plans and policies enacted since 2014** (page 61; table on page 43), under which the crimes and violations documented in the report were carried out.

#### Chapter III – Targeted Political Repression: pages 66-196

In 2014, the Venezuelan opposition movement intensified efforts to change the Government. Opposition has taken many forms since then, within political, civil and diplomatic circles. It has also involved elements within the Venezuelan military, who attempted forcefully to topple the Government. Facing threats of destabilization, the Venezuelan State apparatus responded with repressive tactics and measures.

The Mission identified various common elements to violations, with targets sometimes suffering a combination of elements. These included: (1) physical attacks or threats; (2) smear campaigns and stigmatization; (3) administrative retaliation (especially removing politicians, judges and prosecutors or civil servants from posts); (4) criminal prosecutions in judicial procedures not in compliance with due process standards; (5) arbitrary detentions, including in poor conditions and for prolonged periods of pre-trial detention; (6) ill-treatment/torture, including sexual and gender-based violence; (7) detention for periods in which their whereabouts were unknown; and (8) harassment and threats to family members or people close to the principal targets (page 66).

Chapter III details the **victim profiles** of those targeted by State intelligence agencies (page 66), **patterns of arrests and detentions, as well as torture and cruel, inhuman and degrading treatment**, of political opponents or critics of the Government by the intelligence agencies **SEBIN** (page 75) and **DGCIM** (page 83). It describes the **role played by the judiciary** in aiding violations, especially arbitrary detentions (page 91). It also includes **18 detailed cases** investigated by the Mission in this context, involving SEBIN (page 97) and DGCIM (page 164).

#### **Chapter IV – Security and Social Control Context: pages 197-287**

A number of human rights violations that the Mission was mandated to investigate took place within the context of security operations. The Mission investigated human rights violations and crimes falling within two main groups: (1) during large-scale joint police and military security operations called the Operations for People's Liberation (Operaciones de Liberación del Pueblo, OLP) and Operations for People's Humane Liberation (Operaciones de Liberación Humanista del Pueblo, OLHP), which took place from 2015-17; and (2) during the smaller scale, more targeted security operations usually involving one security force – FAES or CICPC.

Chapter IV includes background context on **violent deaths** (page 197) and **killings by security forces** (page 198; table on 200), as well as **state security policies** to address insecurity (page 201). It includes analysis of **the OLP and the OLHP** (page 203), including **detailed case studies of several of these operations** (page 211) as well as the **Barlovento massacre** carried out under a military plan (page 229).

It also details **other extrajudicial executions by the FAES and CICPC** (page 250), including **11 detailed case studies** (page 256), resulting in **18 extrajudicial executions**. The reader is encouraged to read these cases in the context of wider patterns of FAES and CICPC killings. As these cases reveal, FAES and CICPC usually kill victims in ones or twos or threes, during each operation, but the **vast number of operations helps explain Venezuela's violent death rates**, which even conservative estimates place at among the highest in the region.

#### **Chapter V – Violations in the context of protests: pages 288–370**

Between January 2014 and June 2020 an estimated 65,709 protests were held in Venezuela, according to the Venezuelan Observatory for Social Conflict. Although demonstrations occurred regularly across the country in each of the six years under review, they peaked at certain times, as did the measures put in place to counter them. The periods of particular intensity were February to April 2014, April to July 2017 and January to February 2019. The Capital District, Miranda, Lara, Táchira and Mérida were particularly affected. The Mission prioritized violations occurring during these peak periods and in these places and investigated **97 incidents** in which violations were committed in the contexts of protests.

Chapter V includes background information about the **legal framework for arbitrary detentions** (page 290), **regulation of police action in protests** (page 291) and **military intervention to maintain public order** (page 292; table on page 294). It analyses **patterns of violations during protests** (page 299) – including detentions and due process violations (page 301), torture and cruel, inhuman or degrading treatment (page 304) and killings (page 307). It includes **14 in-depth case studies** (page 313).

#### **Chapter VI – Gender analysis and sexual and gender-based violence: pages 370-382**

Traditional gender roles and stereotypes in Venezuelan society were reinforced during the perpetration of violence documented by the Mission.

Chapter VI includes a description of **how women and men were differently impacted by violations** in detention (page 370), by extrajudicial executions (page 373) and in repression during protests (page 376), as well as an analysis of the role of female officials in perpetrating violent acts (page 375). It also provides an **analysis of sexual violence** documented in the report, spanning 89 specific acts across 45 incidents (page 377), as well as **homophobic and sexist insults during violent acts** (page 379).

### **Chapter VII – Responsibility: pages 382–406**

The human rights violations and crimes outlined in the report give rise both to State responsibility and to individual criminal responsibility, either under domestic criminal law or international criminal law, or under both (page 382).

Chapter VII **analyses the various contributions made by individuals, institutions or entities to the commission of these violations and crimes**. This analysis is first broken down by context: **targeted political repression** (page 382, corresponding to Chapter III), **repression in a security and social control context** (page 389, corresponding to Chapter IV), and **violations in the context of protests** (page 399, corresponding to Chapter V). Each of these is further broken down into analysis of the **chain of command and communication, responsibility for violations and crimes, and the Mission’s findings** with regard to those specific contexts.

The chapter then deals with **potential individual criminal responsibility of key members of the current Government of Venezuela** (page 402) and finds reasonable grounds to believe they may be accountable for committing **crimes against humanity**, including murder, torture, rape, false imprisonment and, possibly, persecution. There are also more general findings regarding both State responsibility and individual criminal responsibility.

### **Chapter VIII – Recommendations – pages 407-411**

This final chapter concludes the report by outlining **65 specific actions Venezuelan State actors should take** (page 407) to halt the violations and crimes documented in the report and bring about accountability for the perpetrators and justice and redress for the victims, as well as to cooperate with international and regional mechanisms (page 411). It also provides **recommendations to the international community** (page 411).

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