

CHAPTER IV VENEZUELA

I. INTRODUCTION

326. Having evaluated the human rights situation in Venezuela, the IACHR decided to include Venezuela in this Chapter because it considers that it falls under Article 59(6)(a)(i) of the IACHR's Rules of Procedure that came into force on August 1, 2013, which establishes as a criterion for the inclusion of a member state in this chapter the existence of "a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including: i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority...."

327. On January 12, 2015, the IACHR transmitted to the State a copy of the preliminary draft of this section of its 2014 Annual Report, pursuant to Article 59(10) of its Rules, and asked that it presented its observations within a month. The State did not respond.

328. The Commission has identified structural situations, such as changes in the law that create legal and administrative restrictions that affect the exercise and enjoyment of human rights in Venezuela. In its previous reports on Venezuela, the Commission has also repeatedly pointed out how the lack of independence and autonomy of the judiciary from political power is one of the weakest points of democracy in Venezuela. In the same vein, it has noted that this lack of independence has allowed the use of punitive power of the State to criminalize human rights defenders, penalize peaceful protest and prosecute political dissidents.

329. Regarding the right to freedom of expression, the Commission has identified that in Venezuela there is an absence of a climate of national tolerance to foster active participation and the exchange of ideas among diverse sectors of society, and various factors such as violence against journalists and the media in relation to their work, and the disqualifying statements by highly placed civil servants, all serve to create a restrictive scenario that dampens the exercise of freedom of expression as a condition of democracy rooted in pluralism and public debate. Furthermore, the Commission has pointed out the challenge to the very exercise of democracy in Venezuela constituted by the lack of mechanisms to access public information on the management of State organs as well as regarding figures that can serve to assess how human rights are being observed.

330. Furthermore, the high levels of impunity that is recorded in Venezuela, the serious situations of citizen security and violence in prisons, are also elements that the Commission has considered as a special affectation to the exercise of human rights to life and personal integrity of Venezuelans, among others.

331. As explained in this report, in a context in which serious acts of violence took place in Venezuela during protest occurred in early 2014, the situation recorded shows the persistence of a climate of hostility and intolerance against political dissidents and human rights defenders. Precisely, the situation of political intolerance in Venezuela has led to the weakening of democratic institutions and reprisals levied against dissenters have left certain sectors of society stripped of the means to protect their interests, to protest, to criticize, to propose, and to exercise their role as overseers of the democratic system. In this framework, the Commission also analyzes that by the end of 2014, was held in Venezuela, the process to renovate several positions in the Electoral and judiciary, and the respective selections were carried out without sufficient safeguards to ensure values such as pluralism and diversity, integral parts of democratic

models, as well as respect for the fundamental rights of individuals under the principles of equality and non-discrimination.

332. The IACHR's analysis is based on what it has observed of the general human rights situation over the course of the year, through the information it obtained during its hearings and the information available from other public sources, its petition and case system, and its precautionary measures. The Commission also drew upon information supplied by the State of Venezuela in response to requests concerning the general human rights situation. These requests were made by the IACHR in exercise of its authority under Article 18 of the Statute of the Commission.

333. The last Commission's visit to Venezuela took place in May 2002, following the institutional breakdown in April of that year. After that visit, the Commission published the *Report on the Situation of Human Rights in Venezuela* in December 2003, in which it made a number of recommendations. Since then, the Commission has been monitoring the status of implementation of those recommendations and compiling firsthand information on the current human rights situation in Venezuela. Accordingly, it has made a number of overtures to request the State's permission to conduct an observation visit. Thus far, the State has refused to allow the Commission to visit Venezuela, which not only affects the functions assigned to the Commission as one of the OAS' principal organs for the promotion and protection of human rights, but also seriously weakens the system of protection that the member States of the Organization themselves created.

334. On December 30, 2009, the Commission approved the report titled *Democracy and Human Rights in Venezuela*, in which it examined developments in the area of human rights in the State. Following up on that report, the Commission continued to examine the human rights situation in Venezuela in Chapter IV of its 2010, 2011 2012 and 2013 Annual Reports. In this section of its 2014 Annual Report, the Commission carries on its analysis of the general human rights situation in Venezuela.

335. Furthermore, the Commission has repeatedly stated that the position taken by Venezuela of not to accept or fulfill the decisions and recommendations of international human rights bodies, and in particular the organs of the Inter-American system, arguing that contravene national sovereignty, does not correspond to the applicable principles of international law.⁵³¹ The Commission considers that Venezuela registers a grave precedent in this area because the State has not substantially complied with the decisions of the Inter-American Court, and its organs of justice have come to declare the unenforceability of these decisions considering them contrary to the Constitution. This weakening in the protection of human rights of the people of Venezuela, was consolidated with the denunciation of the American Convention by the State, which became effective on September 10, 2013. As indicated below, this decision is a setback and Venezuelans have lost an instance for the protection of their rights and have fewer resources to defend themselves. As a member State of the OAS, Venezuela remains subject to the competence of the Commission and the obligations under the OAS Charter and the American Declaration of the Rights and Duties of Man (hereinafter "the Declaration").

336. The Commission also wishes to point out again that it is ever ready to engage in dialogue with the government, to discuss this Report's content and recommendations and to work with it to advance the cause of protecting the human rights of the people of Venezuela.

II. ANALYSIS OF THE SITUATION REGARDING CIVIL AND POLITICAL RIGHTS

A. Government actions to guarantee the right to life and personal integrity and democratic citizen security

337. The Commission has indicated on multiple occasions that States must take steps not only to protect their citizens from human rights violations committed by State agents, but also when the State is aware of acts of violence among private citizens, has the obligation to take reasonable steps to prevent and

⁵³¹ IACHR, *Democracy and human rights in Venezuela*, December 30, 2009, p. 1.161.

punish such acts. The Commission has also spoken about States' obligations in connection with the actions of non-state agents involved in organized crime, corruption, drug trafficking, etc.

338. The Commission has recognized that insecurity generated by crime and violence in the Americas is a problem that seriously affects the observance of human rights, and in this regard has issued a series of recommendations to the State to address this situation, calling for compliance with its obligations to respect and guarantee human rights and insisting that policies on citizen security be evaluated from this perspective.⁵³² The IACHR has thus underscored the importance of addressing citizen security and respect for human rights, and of taking effective steps to prevent, control and reduce crime and violence.⁵³³

339. As the Commission indicated in its December 2009 Report on Citizen Security, citizen security requires a strong police force to protect citizens; the strengthening of the administration of justice, with the elimination of corruption and impunity; and a prison system aimed at the genuine rehabilitation and social reintegration of prisoners.⁵³⁴ The IACHR has also indicated that public policies on citizen security should, *inter alia*, "be permanently subject to evaluation and accountability through internal and external control mechanisms, fostering transparency in the exercise of public office and implementing measures to deal with impunity and corruption."⁵³⁵ In addition, one of the main dimensions of state obligations "is linked to the judicial clarification of criminal conduct with the view to eliminating impunity and preventing the recurrence of violence."⁵³⁶

340. In light of the foregoing, the Venezuelan situation has been of particular interest to the IACHR, and its annual reports have followed up information provided by the State, civil society organizations, and other sources on the subject of citizen security as well as specific actions taken against the population by the State's civilian and military security forces. In particular, the Commission has monitored the serious situation evidenced by high rates of common crime and violence committed by state agents, the figures on impunity, as well as the State's response to the problems of violence and insecurity in the country.

341. The IACHR has also highlighted what civil society organizations have indicated about how difficult it is to obtain official statistics on the levels of violence in Venezuela, making it necessary to collect unofficial data on the subject.⁵³⁷

342. With respect to the homicide rate, the Commission notes that the final report published in 2014 by the World Health Organization (WHO) on the global status of violence prevention ranks Venezuela as having the second highest rate of homicides in the region.⁵³⁸ The IACHR notes that according to a report published in March 2014 by the United Nations Office on Drugs and Crime, and based on figures available as of 2012, the homicide rate in Venezuela was 53.7 per 100,000 population.⁵³⁹

343. Other statistics published by the Venezuelan authorities put this figure at 39 per 100,000 population. This figure comes from statements made by Minister Rodriguez Torres in December 2013, in which he also rejects figures published by the Venezuelan Observatory on Violence. In its final report of the

⁵³² IACHR. *Report on Citizen Security and Human Rights*, December 31, 2009, para. 35.

⁵³³ IACHR. *Democracy and Human Rights in Venezuela*, December 30, 2009, Chapter 6, para.672; IACHR. Press Release N°16/07. *IACHR calls upon States to reflect on the importance of public security*. March 15, 2007 and IACHR. *Annual Report 2008*. Chapter I: Introduction.

⁵³⁴ IACHR. *Report on Citizen Security and Human Rights*, December 31, 2009, Chapter I, para.2.

⁵³⁵ IACHR. *Report on Citizen Security and Human Rights*, December 31, 2009, Executive Summary, para. 8.

⁵³⁶ IACHR. *Report on Citizen Security and Human Rights*, December 31, 2009, para. 36.

⁵³⁷ IACHR. *Democracy and Human Rights in Venezuela*, December 30, 2009, para. 734.

⁵³⁸ United Nations, *WHO: países de América Latina y el Caribe tienen las tasas de homicidio más altas del mundo* [WHO: countries of Latin America and the Caribbean have the highest homicide rates in the world], December 10, 2014.

⁵³⁹ UNODC, *Global Study on Homicide 2013*. (United Nations publication, Sales No. 14.IV.1). Available at: http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

same year, this organization published that the homicide rate in Venezuela was 79 per 100.000 population,⁵⁴⁰ because during the period, approximately 24,765 violent deaths were reported.⁵⁴¹ According to this organization, “violent deaths in Venezuela represent 12% of mortality in general,”⁵⁴² and the impunity rate in homicide cases was 91%.⁵⁴³

344. In August 2014, Minister Rodríguez Torres reported again the figures given the previous December.⁵⁴⁴ In September, the Minister announced at a press conference that “76 out of every 100 homicides that are reported in the country take place during confrontations between criminal rings or sociopathic gangs and law enforcement.” He explained that the number of individuals who die is included in the official statistics and “are not directly attributable to a problem of security,” but instead involve “[...] differences between gangs that have developed a culture of violence, of firearms, and whose only solution to differences, they believe, is to kill each other.” He noted that 2014, “could close out” with a rate of 32 homicides per 100,000 population.⁵⁴⁵

345. In addition, during the hearings on the “General Human Rights Situation in Venezuela,” held in March and October 2014, the Commission received information on cases of alleged human rights violations that occurred during 2013 and 2014. According to the figures provided in 2013 by the organization COFAVIC, 802 alleged violations of the right to life, humane treatment, and personal freedom were documented in 23 of the country’s states. The organization expressed its concern because during the first quarter of 2013, an “increase of nearly 200% had been recorded in cases affecting the right to life, compared to the same period in the preceding year, which occurred at the same time as the country began to implement the “Safe Homeland Plan” policy on citizen security⁵⁴⁶.

346. For the period from January to September 2014, and using the same methodology, the organization documented a total of 892 cases, 823 of which involved violations of the right to life, 60 involved reports of alleged torture, cruel, inhuman or degrading treatment, 7 involved arbitrary detention, and 2

⁵⁴⁰ The official figure is mentioned in several press articles. See for example: El Universal, [Rodríguez Torres: Tasa de homicidios es de 39 por cada 100mil habitantes](#), [Rodríguez Torres: Homicide rate is 39 per 100,000 population], December 28, 2013. It must be noted that the Venezuelan State has requested the Commission, with respect to this issue, to “not continue to documenting through so-called reports appearing in the Venezuelan press such as the daily newspapers El Universal [...] the Venezuelan Observatory on Violence. Information received [in newspapers with restricted readership] by Cofavic, Accion Solidaria, Caritas, Los Teques, Vicariate’s Office for Human Rights of the Archdiocese of Caracas and Andres Bello Catholic University [...] Those Venezuelan and foreign NGOs are only interested in payment in dollars and expose all of the Commission members to making fools of themselves with their manipulated reports” (See: Observations of the Venezuelan State on the Draft Report on the general situation of human rights in Venezuela, for 2013. Note No. AGEV/000374 of December 20, 2013, pg. 74). Based on information gathered by the Secretariat, the institution in charge in Venezuela of “conducting studies on phenomena affecting Citizen Security,” and “gathering, sorting, processing, analyzing and comparing all qualitative data of the indicators of crime and violence [...]” among other ones, is the Venezuelan Observatory on Citizen Security, created in 2012 as an office of the Ministry of Interior Relations and Justice (See: [Gaceta Oficial No. 39.897](#), Official Gazette, April 3, 2012). However, as of the date of the drafting of this memo, no official information has been found on disaggregated statistics on crime rates in Venezuela, or is any information available about this topic on the official website of the Ministry ([www.mpprij.gob.ve/](#)). In this regard, the Venezuelan Observatory of Violence has noted that since December 2003, no statistics have been made available by the authorities in Venezuela on crime. See: El Universal, [Informe del Observatorio Venezolano de Violencia](#), [Report of the Venezuelan Observatory on Violence], December 26, 2013.

⁵⁴¹ Últimas Noticias, [OVV: 24.763 muertes violentas se registraron en 2013](#), [Venezuelan Observatory on Violence: 24,763 violent deaths reported in 2013], December 26, 2013; Venezuelan Observatory on Violence, [La violencia “macabra” alarma a Venezuela](#), [Violence: “macabre alarm for Venezuela”], August 23, 2014.

⁵⁴² El Universal, [Informe del Observatorio Venezolano de Violencia](#), [Report of the Venezuelan Observatory on Violence], December 26, 2013.

⁵⁴³ See: Panorama, [Observatorio Venezolano de Violencia: “Crímenes atroces son un mensaje a la sociedad](#), [Venezuelan Observatory on Violence: “Gruesome crimes are a message to society”], September 14, 2014.

⁵⁴⁴ VTV, [Rodríguez Torres destacó proyección positiva en reducción del delito: secuestro disminuyó 52.3%](#), [Rodríguez Torres stresses a positive projection on crime reduction: kidnappings drop 52.3%] August 18, 2014.

⁵⁴⁵ See: El Nacional, [Rodríguez Torres: 76 de cada 100 homicidios son por enfrentamientos entre criminales](#), [Rodríguez Torres: 76 of every 100 homicides are caused by confrontations between criminals] September 7, 2014.

⁵⁴⁶ Information received during the hearings on the *General Situation of Human Rights in Venezuela*, held during the 150th Regular Session. March 2014 and the 153rd Regular Session. October 2014.

involved alleged forced disappearances. The organization indicated that in 51% of cases there were complaints regarding actions taken by the Scientific, Penal, and Criminal Investigations Unit and that “youth living in urban slums represented...the group most affected by police repression and by the actions of so-called parapolic groups.”

347. The organization also indicated that a “structural situation of impunity” persists in the country in that, according to figures from the Office of the Attorney General, 98% of reported cases of human rights violations do not reach the trial phase.⁵⁴⁷ For its part, in its 2013 annual report the PROVEA organization recorded a total of 306 complaints received during that period related to violations of the right to humane treatment,⁵⁴⁸ including 78 cases of alleged torture.⁵⁴⁹ The United Nations Committee against Torture recently pointed out with regard to Venezuela that, according to the information provided by the State itself, out of a total of 31,096 complaints received by the Office of the Attorney General between 2011 and 2014, only 3.10% resulted in an indictment filed by that office.⁵⁵⁰

348. Furthermore, civil society organizations and political spokespersons have denounced that “a new crime modus operandi has been created in Venezuela which consists of dismembering and butchering persons.”⁵⁵¹ According to a note from the Venezuelan Observatory on Violence, this situation is consistent with at least three cases reported in Caracas from July to August 2014, in which the bodies of the murder victims had been found “cut up in pieces,” and in one of the cases, the body of a 20 year old woman had been found “in parts” in different points of the western side of the city.⁵⁵² Regarding this type of crime, authorities such as the Attorney General of the Republic have expressed their concern and stressed that we have been witnessing “[...] an onslaught of anti-values reflected in extreme and unusual violence of recent criminal

⁵⁴⁷ The statistics are calculated based on the figures provided in the 2013 annual report from the Office of the Attorney General. According to that report, during 2013, 8,196 cases reached the Office for the Protection of Fundamental Rights and were assigned to 60 Prosecutor’s Offices, which reported holding 2,011 preliminary hearings, conducting 117 trials, and seeking 85 arrest warrants. See: Ministerio Público, Despacho de la Fiscal General de la República. [2013 Annual Report](#). Submitted to the National Assembly in January 2014. For its part, in its May 2014 report the International Commission of Jurists also indicated that the rate of impunity in cases of human rights violations would be “nearly 98%.” International Commission of Jurists, [Strengthening the Rule of Law in Venezuela](#), May 2014, p. v.

⁵⁴⁸ As the report states, “analysis of the data collected on violation of this right is based on a review of five patterns of violation: torture; cruel, inhuman or degrading treatment; wounds; illegal searches, and threats.” PROVEA, [Situación de los derechos humanos en Venezuela](#), 2013 Annual Report, Caracas, May 5, 2014, p. 268.

⁵⁴⁹ This figure would represent an increase of 85.71% compared to the same period in the previous year, during which 42 cases were reported. The report states that most complaints refer to events occurring during detentions carried out by the Bolivarian National Guard in the context of demonstrations following the election of April 2013. In addition, statistics show that “national security forces appear in 76 of the 78 or 97.44% of cases. PROVEA, [Situación de los derechos humanos en Venezuela](#), 2013 Annual report. Caracas, May 5, 2014, p. 275.

⁵⁵⁰ United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014, p. 2.

⁵⁵¹ Primero Justicia, [En agosto 329 venezolanos han caído a manos del hampa](#), [‘In August, 329 Venezuelans lost their lives at the hands of criminals’], September 10, 2014.

⁵⁵² Venezuelan Observatory on Violence, [La violencia macabra alarma a Venezuela](#), [‘Macabre violence alarms Venezuela’], August 23, 2014. Also see: El Nacional, [Restos hallados eran de joven de 20 años](#), [‘Remains found were of 20 year old girl’], August 11, 2014; Panorama, Venezuelan Observatory on Violence: [“Crímenes atroces son un mensaje a la sociedad](#), [‘Gruesome crimes are a message to society’], September 14, 2014. According to a press clipping from El Nacional, from July to August 2014, four cases of persons being “butchered” or “dismembered” were reported. See: El Nacional, [Hallaron a hombre desmembrado en Charallave](#), [‘Dismembered man found in Charallave’], August 23, 2014. Additionally, the news portal of Globovisión published a story in July reporting as of that point in time, 13 cases of “butchered bodies” had been reported during the year. The information had been collected from a “hemerographic review.” See: Globovisión, [Al menos 13 cuerpos descuartizados se han hallado en 2014](#), [‘At least 13 butchered bodies found in 2014’], July 22, 2014. Similarly, a story published by the organization Conflicto Venezuela reports that in 2014 “15 cases of human butcherings” had been reported. See: Conflictove, [Impunidad promueve crímenes dantescos](#), [‘Impunity encourages Dante-esque crimes’], September 17, 2014.

acts.”⁵⁵³ The Minister of Interior, Justice and Peace, however, claimed that the cases reported in Caracas involve “cases of passion,” which are not “a citizen security problem [but] household problems.”⁵⁵⁴

349. In this highly violent context, the Inter-American Commission has also noted that legal reforms (several of which were approved through the exercise of enabling power) and institutional reforms adopted in recent years have assigned the Bolivian National Armed Forces (FANB) and specialized bodies created within the FANB like the Bolivarian National Militia and the Bolivarian Workers Militia the role of intervening in tasks related to the control of citizen security and the maintenance of domestic order.⁵⁵⁵ In this regard, civil society organizations have reported the existence of a process of “militarization of citizen security policies,”⁵⁵⁶ and that the country is moving toward “the design of a military state”⁵⁵⁷ in violation of the National Constitution itself and international standards in this area.

350. In its 2013 Annual Report, the Commission took into account the information pertaining to the plan known as the “Safe Homeland Plan” (*Plan Patria Segura*), which provides for the intervention of the Bolivarian National Armed Forces (FANB) in citizen security tasks.⁵⁵⁸ On this score, the Venezuelan State informed the IACHR that “[...] the participation of the Armed Forces occurs in Venezuela when the capacity of the police forces is surpassed as is the case in all countries of the world. Additionally, the Venezuelan Armed Forces are trained on human rights.”⁵⁵⁹

351. Available information for 2014 indicates that the “Safe Homeland” Plan continued to be implemented nationwide,⁵⁶⁰ and based on statements of the Minister of Interior, Justice and Peace, Miguel Rodríguez Torres, “more than one thousand quadrants of active intelligence patrols” have been deployed throughout the country. Based on figures provided by the Ministry, in the first twelve months it has been in effect (as of May 2014), “the kidnapping rate had decreased by 50%, the homicide rate by 17%, and bodily harm by 13% and rape by 12 percentage points.”⁵⁶¹ By August 2014, Minister Rodríguez Torres reported that the crime of kidnapping had dropped by 52.3% and homicide by 21.2%.⁵⁶²

⁵⁵³ Statements cited in different newspaper articles. See, for example: Últimas Noticias, [Fiscal llama a prender alarmas ante los crímenes atroces](#), [Prosecutor calls for sounding the alarm on gruesome crimes], September 10, 2014; Notitarde, [Fiscal ante crímenes: hemos observado con preocupación los antivalores](#), [Attorney General on crimes: we view anti-values with concern] September 9, 2014.

⁵⁵⁴ Statements cited in press reports. See, for example: El Nacional, [Rodríguez Torres: 76 de cada 100 homicidios son por enfrentamientos entre criminales](#), [Rodríguez Torres: 76 out of every 100 homicides are confrontations between criminals], September 7, 2014.

⁵⁵⁵ IACHR, *2011 Annual Report*, Chapter IV Venezuela, para. 411; IACHR, *2012 Annual Report*, Chapter IV Venezuela, para. 382; and IACHR, *2013 Annual Report*, Chapter IV Venezuela, paras. 474-475.

⁵⁵⁶ PROVEA, [ONG’s venezolanas entregarán informe ante el Comité contra la Tortura de la ONU](#), [Venezuelan NGOs will submit report to the UN Committee against Torture], November 4, 2014. See also IACHR, *2013 Annual Report*, Chapter IV Venezuela, para. 453.

⁵⁵⁷ See: Asociación Civil Control Ciudadano, [Venezuela avanza en el diseño de un estado militar que atenta contra la Constitución y socava libertades fundamentales](#), [Venezuela is moving toward the design of a military state that is contrary to the Constitution and undermines fundamental liberties] July 1, 2014.

⁵⁵⁸ IACHR, *2013 Annual Report*, Chapter IV Venezuela, paras. 451-455.

⁵⁵⁹ Observations of the Venezuelan State on the Draft Report on the General Situation of Human Rights in Venezuela for 2013. Note No. AGEV/000374 of December 20, 2013, pg. 75.

⁵⁶⁰ See: Bolivarian Communication and Information Service, [Delcy Rodríguez: Plan Patria Segura por el camino de Chávez](#), [Deley Rodríguez: Safe Homeland Plan the Chavez way], May 13, 2014; Bolivarian Communication and Information Service, [Plan Patria Segura se desplegó este viernes en las 20 parroquias más peligrosas del país](#), [Safe Homeland Plan rolled out this Friday in the 20 most dangerous parishes of the country], April 26, 2014.

⁵⁶¹ Bolivarian Communication and Information Service, [Plan Patria Segura cumple un año combatiendo criminalidad](#), [One year anniversary of the Safe Homeland Plan to combat crime], May 13, 2014; Bolivarian Communication and Information Service, [En 12 meses Plan Patria Segura ha reducido en 50% secuestros en el país](#), [In 12 months Safe Homeland Plan has reduced kidnappings in the country by 50%], May 12, 2014.

⁵⁶² Bolivarian Communication and Information Service, [Plan Patria Segura ha logrado la disminución sostenida de delitos en el país](#), [Safe Homeland Plan achieves steady decrease in crime in the country], August 18, 2014. Supplemental information has been gathered from press clippings, which cite for example unofficial records from the Scientific Criminal Investigation Corps (CICPC), according to which in the first two months of 2014, around 2,841 murders were reported throughout the nation, which is 265 fewer than in the same period the previous year. See: El Universal, [2,841 homicidios hubo en el país los primeros dos meses del año](#), [2,841 homicides

352. Over the course of 2014, reports have continued to come in on this issue, firstly regarding the operation of the Bolivarian Workers Militia created in 2013 for the “defense of national sovereignty,” and “strengthening the worker-military alliance of the Bolivarian National Armed Forces” with the “working class.”⁵⁶³ Based on available information, there is a registry of approximately six thousand workers signed up in the Workers Militia,⁵⁶⁴ and in April 2014, the President of the Republic promoted “to the rank of First Lieutenant of the Bolivarian National Militia (MNB) the members of the working class belonging to this force.”⁵⁶⁵ In 2014, President Nicolás Maduro also issued public appeals to continue to move forward in creating another institution known as “combatant corps,”⁵⁶⁶ defined as:

[...] Units made up of men or women citizens who work at public and private institutions, who voluntarily are registered, organized and trained by the General Command of the Bolivarian Militia in order to aid the Bolivarian National Armed Forces in the Integrated Defense of the Nation, ensuring the integrity and operational capacity of the institutions to which they belong.⁵⁶⁷

353. In this same vein, in the context of the demonstrations, which took place in the early months of 2014 (See *infra* II.B), the President of the Republic announced the creation of “People’s Anti-Coup Commandos,” whose function it would be “to review and counteract coup plotters and fascists” scheming against the government. In February, the National Anti-Coup Command was established and chaired by the President of the National Assembly, Diosdado Cabello.⁵⁶⁸ According to available information, said commandos were also made up of the so-called “Bolívar-Chavez Battle Units,” created within the United Socialist Party of Venezuela (PSUV).⁵⁶⁹ Additionally, in the context of the demonstrations, complaints were also brought against the actions of the “People’s Guard,” a component created in 2012 as part of the Bicentennial Contingent for Citizen Security.⁵⁷⁰

in the country in first two months of the year’, March 7, 2014. In May, new unofficial figures were released by the CICPC, according to which 4,680 homicides were reported in the first quarter of 2014 nationwide, which is 30% fewer than in the same period of the previous year. See: El Universal, [Hubo 4.680 homicidios en los primeros cuatro meses del año](#), [‘There were 4,680 homicides in the first four months of the year’], May 4, 2014.

⁵⁶³ See: IACHR, *2013 Annual Report*, Chapter IV Venezuela, para. 474.

⁵⁶⁴ According to figures provided by the President of the National United Bolivarian Construction Workers Federation, Marco Tulio Díaz. See: El Mundo, [6.000 inscritos de la central bolivariana en milicia obrera](#), [‘6,000 registered at Bolivarian central workers militia’], September 15, 2014.

⁵⁶⁵ Correo del Orinoco, [Clase obrera de la Milicia Nacional Bolivariana recibió ascenso a grado de Primer Teniente](#), [‘Working class of the Bolivarian National Militia receives promotion to rank of first lieutenant’], April 13, 2014.

⁵⁶⁶ Correo del Orinoco, [Clase obrera de la Milicia Nacional Bolivariana recibió ascenso a grado de Primer Teniente](#), [‘Working class of the Bolivarian National Militia receives promotion to rank of first lieutenant’], April 13, 2014. As of 2013, the Bolivarian National Militia reactivated this type of concept in public and private institutions, as provided in the amendment to the Organic Law of the Bolivarian Armed Forces. See: Venezuelan News Agencia, [Milicia reactiva creación de cuerpos combatientes en instituciones públicas y privadas](#), [‘Militias reactivate combatant corps in public and private institutions’], August 14, 2013. In August 2014, at the direction of the President of the Republic, the “combatant corps of the Bolivarian Labor Militia” were activated for example in the State of Anzoátegui. See: Noticiasdeaquí.net, [Activado en Anzoátegui cuerpos combatientes de la Milicia Bolivariana](#), [‘Combatant corps of Bolivarian Militia activated in Anzoátegui’], August 9, 2014.

⁵⁶⁷ Article 50. Organic Law of the Bolivarian Armed Forces. Published in [Gaceta Oficial No. 6.020](#), [Official Gazette] March 21, 2011.

⁵⁶⁸ See statements of the President of the Republic Nicolás Maduro at: <http://www.youtube.com/watch?v=vLnuhRXTSEc> Also see: Correo del Orinoco, [Este jueves se reunirá el Comando Nacional Antigolpe para derrotar al fascismo](#), [‘National Anti-coup Command to convene this Thursday to defeat fascism’], February 20, 2014.

⁵⁶⁹ See: AVN, [En Monagas comando popular antigolpe ayuda a mantener la paz ciudadana](#), [‘People’s anti-coup commando helps to keep citizen peace in Monagas’] February 25, 2014.

⁵⁷⁰ Published in [Gaceta Oficial No. 392.830](#) [Official Gazette] April 18, 2012.

354. In June 2014, the “Law of registration and enlistment for the integral defense of the nation,” was enacted, creating a mandatory military registration for persons 18 to 60 years old.⁵⁷¹ Organizations such as PROVEA have voiced their concern over enactment of this law, among other things, because the law punishes individuals, who fail to register. For example, they are disqualified from being hired at public or private agencies and are they able to obtain a driver’s license or university degree. According to this organization, “the law does not establish any option for conscientious objectors to be exempt from military service [...and] whoever does not do [it] may perform service of a civilian nature but under military command, which stands in stark contradiction with international standards regarding alternative service of a civilian nature.”⁵⁷²

355. According to available information, with enactment of said law, the “Special Brigade against actions of violence-generating groups” was also created by Presidential Decree, as a body under the Ministry of Interior Relations, Justice and Peace, and was put in charge of “coordinating, analyzing, evaluating, organizing, directing, executing, and gathering information and actions from all citizen security and intelligence bodies of the State and other public and private entities in order to neutralize and monitor activities that could be carried out by violence-generating groups [...]”⁵⁷³ Among other things, the Decree establishes a “reservation” clause, or a classified or “restricted” status of any information, fact or circumstance, which in performance of their duties [the Directorate of the Brigade] becomes aware of or is processed by this freestanding organ.”⁵⁷⁴

356. In this regard, the Commission notes that the United Nations Committee against Torture issued its report on Venezuela in November 2014, recommending that the State “amend legal and regulatory provisions and plans that authorize the military’s participation in the maintenance of public order, except in extraordinary situations” meriting that intervention such as states of emergency.⁵⁷⁵ Also, since 2010 the Commission has been monitoring the adoption of the so-called Enabling Laws that authorize the President of the Republic to issue decrees with the rank, value, and force of law in delegated areas.⁵⁷⁶ In this regard, the IACHR has considered the Enabling Law as an example of structural situations identified in Venezuela relating to changes in the law that entail legal and administrative restrictions that affect the exercise and enjoyment of human rights in Venezuela.⁵⁷⁷

357. In this regard, the IACHR notes with concern that in that same month of November, new laws were approved in this area through enabling powers, including reform of the Organic Law of the Bolivarian Armed Forces. According to information from official sources, the reform, *inter alia*, establish “the incorporation of the concept of civil-military union as the fundamental basis of defense of the Homeland.”⁵⁷⁸ In addition, reform of the Organic Law of Security of the Nation” was approved “as a step enabling public authorities, the organized population, and the agencies of communal government to establish a new model against terrorism and crime, in addition to defending the peace and integrity of the Homeland.” That reform

⁵⁷¹ Published in [Gaceta Oficial No. 40.440](#), [Official Gazette] June 25, 2014. The Law also created the “Register for Integrated Defense” defined as “[...] a public, permanent, free, automated and mandatory service, aimed at registering age eligible individuals and legal entities, as well as updating their personal information.” Article 35 of the Law.

⁵⁷² See: PROVEA, [Militarización del Estado y de la Sociedad en Venezuela](#), [‘Militarization of the State and Society in Venezuela’], September 9, 2014.

⁵⁷³ Presidential Decree No. 1.041. Published in [Gaceta Oficial No. 40.440](#), [Official Gazette] of June 25, 2014.

⁵⁷⁴ Article 8. Presidential Decree No. 1.041. Published in [Gaceta Oficial No. 40.440](#), June 25, 2014.

⁵⁷⁵ United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014, p. 5.

⁵⁷⁶ IACHR, *2012 Annual Report*. Chapter IV on Venezuela, para. 388; IACHR, *2011 Annual Report*. Chapter IV on Venezuela, para. 396; and IACHR, *2010 Annual Report*, Chapter IV on Venezuela, para. 816.

⁵⁷⁷ IACHR, *2012 Annual Report*, Chapter IV on Venezuela, para. 388; and IACHR, *2011 Annual Report*, Chapter IV on Venezuela, para. 396.

⁵⁷⁸ Ministerio del Poder Popular para la Comunicación y la información, [Período habilitante deja 56 leyes para la protección del pueblo](#), 22 de noviembre de 2014.

would also establish the creation of the “Popular System for the Defense of Peace.”⁵⁷⁹ In addition, a presidential decree approved the law on the “Regime for the revision, correction, rehabilitation, and restructuring of the police system and citizen security agencies.”⁵⁸⁰

358. In light of the available information, the Commission reiterates once again to the Venezuelan State that military training is not appropriate for controlling domestic security, so that fighting violence domestically must be the exclusive task of a properly trained police force that acts in strict compliance with human rights. The IACHR has expressed its concern that citizens receive military training and then reenter civilian life to cooperate in maintaining domestic order. The Inter-American Commission emphatically points out that military training is not appropriate for controlling domestic security, and that citizens who receive military training must not be used for internal defense, and neither should the role of society vis-à-vis national security be distorted.

359. In light of the panorama of citizen security in Venezuela, as well as considerations regarding the challenges posed from a human rights perspective and the response the State has been taking to address the situation, the IACHR feels that the actions implemented have been insufficient and, as it indicated in its 2009 Report on Democracy and Human Rights and in subsequent annual reports, this scenario presents a serious situation evidenced by high rates of common crime, violence committed by agents of the State, and impunity, which have an impact on the Venezuelan population’s enjoyment and exercise of their human rights.

B. Context of demonstrations and incidents connected to political rights, democracy and participation in public life

360. The Commission has stated that political rights, understood as being those that recognize and protect the right and the duty of every citizen to participate in his or her country’s political life, are by nature rights that serve to strengthen democracy and political pluralism.⁵⁸¹ The Inter-American Court, for its part, has written that effective exercise of political rights constitutes an end in itself and also a fundamental means that democratic societies possess to guarantee the other human rights established in the Convention.⁵⁸²

361. Similarly, in its 2009 report *Democracy and Human Rights in Venezuela*, and in its subsequent Annual Reports, the Commission expressed concern over information it had received suggesting a troubling tendency towards retaliatory measures against persons who made public their disagreement with government policies. This tendency, the Commission observed, affected both the opposition authorities and the citizens who exercised their right to express their disagreement with the policies put forth by the government.⁵⁸³

362. The Commission has also identified as a point of concern a substantial increase in stigmatizing and intimidating declarations by high-level spokespersons of the Government against different groups of civil society identified as being with the opposition, and which in the view of the Commission worsen the delicate climate of polarization, said to be furthered by reprisals against political dissent. Since its 2009 report on Venezuela, the IACHR has reiterated its concerns on how the expressions of political intolerance by the public authorities have sometimes been echoed among civil groups, some of which take

⁵⁷⁹ Ministerio del Poder Popular para la Comunicación y la información, [Período habilitante deja 56 leyes para la protección del pueblo](#), 22 de noviembre de 2014.

⁵⁸⁰ Publicadas en la [Gaceta Oficial No. 4.544](#) y [Gaceta Oficial Extraordinaria No. 6.156](#) de 19 de noviembre de 2014, según los Decretos 1.439, 1.472 y 1.473 de la Presidencia de la República, respectivamente.

⁵⁸¹ IACHR. *Report on Democracy and Human Rights in Venezuela*, December 30, 2009, Chapter II, para. 18.

⁵⁸² I/A Court H.R. *Case of Castañeda Gutman v. Mexico*. Judgment of August 6, 2008. Series C No. 184, para. 143.

⁵⁸³ IACHR. *Report on Democracy and Human Rights in Venezuela*, December 30, 2009, Chapter II, para. 95; IACHR, 2010 Annual Report, Chapter IV on Venezuela, para. 678.

them to the extreme and act at the margin of the law as violent groups to intimidate those who are considered enemies of the government's political program.⁵⁸⁴

363. In light of these considerations, in this chapter the Commission analyzes the serious incidents of violence recorded during the initial months of 2014 in Venezuela, in the context of demonstrations that took place in the city of Caracas and in various states.

364. On these facts, the IACHR issued two press releases expressing its concern over the complaints of alleged violations of the right to peaceful protest, to life and personal liberty of the demonstrators, freedom of association and freedom of expression, as well as acts of alleged political persecution.⁵⁸⁵

365. The IACHR is particularly concerned by complaints of alleged attacks by armed civilians against demonstrators in several of the country's cities. During the hearing on the general human rights situation held during the 150th session, civil society organizations stated that there were recurring complaints of acts of harassment and even "indiscriminate shooting" in areas where the protests were taking place, including residential areas. They indicated that in some cases these groups acted in conjunction with or allegedly with the acquiescence of members of the police and military. For its part, the Venezuelan State submitted very troubling information regarding the alleged presence of snipers on buildings who were allegedly shooting at civilians and military officers present at the demonstrations. The State reported that in at least two cases recorded in the State of Táchira two people died after being wounded by firearms shot from a moving vehicle.

366. In this context, six United Nations experts also made statements on the record⁵⁸⁶, expressing their deep concern over "[...] the complaints of numerous instances of arbitrary detention of demonstrators," reports that "some [of them] were allegedly beaten –and in some instances seriously tortured– by security forces, taken to military facilities, held in solitary confinement, and were denied access to legal assistance." On said occasion, the experts called upon the Venezuelan government to "promptly elucidate the complaints of arbitrary detention and excessive use of force and violence against demonstrators, journalists and media workers during the [...] wave of protests in the country."⁵⁸⁷ In addition, between February and April 2014 the United Nations Committee against Torture documented "a total of 437 attacks against demonstrators by pro-government armed groups" and indicated that "many of these attacks occurred with the complicity and acquiescence of law enforcement and continue to go unpunished."⁵⁸⁸

367. In IACHR releases and in releases of the United Nations Special Rapporteurs, an appeal was issued to the State to move forward on a process of dialogue to reach a peaceful solution to the situation with full respect for human rights.⁵⁸⁹

⁵⁸⁴ IACHR. *Report on Democracy and Human Rights in Venezuela*, December 30, 2009, para. 112.

⁵⁸⁵ See: IACHR, [IACHR manifiesta profunda preocupación por hechos de violencia en Venezuela y urge al Estado a garantizar una seguridad ciudadana democrática](#), [IACHR expresses deep concern over acts of violence in Venezuela and urges the State to ensure democratic citizen security], Washington DC., February 14, 2014; and IACHR, [IACHR manifiesta profunda preocupación por situación del derecho a la protesta pacífica, de asociación y libertad de expresión en Venezuela](#), [IACHR expresses deep concern over the situation with respect to the right to peaceful protest, freedom of association and freedom of expression in Venezuela], Washington DC., February 21, 2014.

⁵⁸⁶ The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, and the Special Rapporteur on the situation of human rights defenders.

⁵⁸⁷ Office of the High Commissioner for Human Rights, [Venezuela/Manifestaciones: Expertos de la ONU piden aclaración sobre supuestas detenciones arbitrarias y uso de violencia](#), [UN Experts ask for clarification on alleged arbitrary detentions and use of violence] March 6, 2014.

⁵⁸⁸ United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014, pp. 5-6.

⁵⁸⁹ See: IACHR, [IACHR concluye el 150 período de sesiones](#), [IACHR concludes 150th session, April 4, 2014; IACHR, [IACHR manifiesta profunda preocupación por situación del derecho a la protesta pacífica, de asociación y libertad de expresión en Venezuela](#),

368. Hereunder, the Commission offers a summary of the main incidents reported, based on the information gathered from several media accounts, statements of authorities and civil society organizations, as well as information directly provided to the IACHR.

369. According to available information, the first demonstrations took place on February 4 and 5; were originally convened by the student movement to protest the situation of insecurity; and were extended after incidents taking place in the State of Táchira, in which several students and two 16 and 17-year old adolescents were detained by Bolivarian National Guard (GNB) officers and the Bolivarian Intelligence Service (SEBIN), for allegedly causing damage to the official residence of the Governor of that state.⁵⁹⁰

370. In this context, the student movement publicly convened a nationwide demonstration on February 12, the date “Students’ Day” is celebrated in Venezuela.⁵⁹¹ In addition to this announcement to demonstrate, another call was issued by opposition leaders, including Leopoldo Lopez and the party of which he is the founder, Voluntad Popular, to hold “peoples’ assemblies’ in different cities of the country, so persons could express their opinion about “the solution” to the economic, political and social crisis in which these leaders claimed the country had fallen.”⁵⁹² Specifically, along with Deputy to the National Assembly Maria Corina Machado, Metropolitan Mayor Antonio Ledezma, and other opposition leaders, Mr. Lopez announced on January 23, 2014, a rally to be held on that same date of February 12, in the area of the Plaza Venezuela in Caracas.⁵⁹³ According to reports of several media companies and civil organizations, during his remarks to convene the march, Mr. Lopez said:

We raise our voice to say ‘enough,’ we are all victims, we are mocked. Let us not deceive ourselves. This February 12 the people must take to the street to join the young people for the sake of their future, for the sake of the future of this country (...) We have to understand it will not be easy, we must organize ourselves, we are beginning a stage to seek a way out. The constitution proposes several paths for us: renunciation, amendment, recall and constituent assembly.⁵⁹⁴

371. According to official figures, the demonstrations in Caracas on February 12 culminated in acts of violence with at least three persons dead from bullet wounds, several hurt and detained.⁵⁹⁵ Based on statements of the Attorney General of the Republic, the march arrived outside of the Ministry of Public Prosecution and turned violent as a result of actions of alleged “political operatives [who] joined the group of students [...] including hooded ones [...]”⁵⁹⁶

[‘IACHR expresses deep concern over acts of violence in Venezuela and urges the State to ensure democratic citizen security’], Washington DC., February 21, 2014; IACHR, [IACHR manifiesta profunda preocupación por hechos de violencia en Venezuela y urge al Estado a garantizar una seguridad ciudadana democrática](#), February 14, 2014; and Office of the High Commissioner for Human Rights, [Venezuela/Manifestaciones: Expertos de la ONU piden aclaración sobre supuestas detenciones arbitrarias y uso de violencia](#), March 6, 2014.

⁵⁹⁰ See: CIVILIS, Venezuela. Violations of human rights in the peaceful demonstrations of March. February 2014, pgs.1-2.

⁵⁹¹ CIVILIS, Venezuela. Violations of human rights in the peaceful demonstrations of March. February 2014, pgs.1-2.

⁵⁹² See: El Universal, [Sector de la oposición convoca a marcha para el 12 de febrero](#), [‘Opposition sector convenes march for February 12’], February 2, 2014.

⁵⁹³ CIVILIS, Venezuela. Violations of human rights in the peaceful demonstrations of March. February 2014, pg.1.

⁵⁹⁴ The transcript of these statements are published in the following press article: El Universal, [Sector de la oposición convoca a marcha para el 12 de febrero](#), [‘Sector of the opposition convenes march for February 12’], February 2, 2014. Also see: CIVILIS, Venezuela. Violations of human rights in the peaceful demonstrations of March. February 2014, pg.1.

⁵⁹⁵ Because of these acts, the IACHR issued a press release expressing its concern. IACHR. [IACHR manifiesta profunda preocupación por hechos de violencia en Venezuela y urge al Estado a garantizar una seguridad ciudadana democrática](#), [translation above] February 14, de 2014.

⁵⁹⁶ See: VTV, [Fiscal Ortega Díaz: Hechos registrados fueron consecuencia de grupos políticos](#), [‘Attorney General Ortega Diaz: crimes taking place were consequence of political groups’], February 12, 2014; Correo del Orinoco, [Fiscal Luisa Ortega Díaz confirma dos muertos y más de 20 heridos en protestas violentas](#), [‘Attorney General Luisa Ortega Diaz confirms two deaths and more than 20 wounded in violent protests’], February 12, 2014.

372. After the events of February 12, senior spokespersons of the Government issued statements condemning the violent actions and leveling accusations against opposition leaders for their alleged responsibility in the deaths that occurred. The example can be cited of the President of the National Assembly, Diosdado Cabello, who claimed about the events occurring in the country that the “right wing cowards” Leopoldo Lopez had not “faced Venezuelan justice after the violent incidents that he had encouraged in the country since February 12 [...]”⁵⁹⁷

373. Additionally, the Ministry of Interior and Peace, at a press conference on February 13, announce that after the first investigations, the conclusion could be drawn that the violence taking place in Caracas was a result of the fact that the students had been “without any doubt manipulated,” that “the student mobilization had been used to introduce infiltrated elements of a vanguard, coached, trained and prepared to generate acts of violence [...]”⁵⁹⁸ Over the next days, the Minister also denounced on his radio program called “A toda Vida Radio” that even though the demonstration of February 12 had been announced peacefully, opposition leaders Leopoldo López and María Corina Machado, among others, had brought in “violent groups trained to generate a violent vanguard that verges on ‘terrorism.’”⁵⁹⁹

374. The President of the Republic, Nicolas Maduro, as well, on a nationally television and radio broadcast of February 16, 2014, announced that there existed a “script made by those who give orders and pay for it” from the United States, and that the acts of violence were caused by “fascist gangs.” He denounced that “pressures” had been received from that country to defend “the rights of the right wing” of Venezuela and particularly in light of the potential arrest of Leopoldo Lopez. On this topic, he noted that: “I do not accept threats from anyone in this world [...] there will be no force that stops us the Bolivarians in doing justice [...]” He announced that the investigation into the deaths that occurred was “very advanced” and he questioned the actions of a supposed group of SEBIN officers who allegedly had not obeyed the order to return to barracks that had been issued that day.⁶⁰⁰ Days later, the President also publicly denounced that in Venezuela “a form of continual coup d’état was being applied [...] to fill the country with violence [...] and then justify [...] the call for foreign military intervention in the internal affairs of Venezuela, which is to lead the country to social, political and military chaos.” He also asserted that the leaders of the opposition should “call for halt to the violence that one of their own has encouraged. Because nobody is going to tell me that Leopoldo Lopez doesn’t have anything to do with the [Democratic Unity Table (MUD)]. No. He is one of theirs [...]”⁶⁰¹

375. According to publicly known information, during the night of February 12, the 16th Court of Control of the Metropolitan Area of Caracas issued arrest warrant No. 007-14, ordering the Bolivarian Intelligence Service to detain Leopoldo Lopez and execute a search warrant of his residence. The measure was granted after a request was filed by the Ministry of Public Prosecution and an investigation was opened against him for the crimes of association to commit a crime, incitement to commit a crime, public

⁵⁹⁷ See: El Universal, [Cabello: Maduro se quedará haciendo la Revolución Bolivariana](#), [‘Cabello: Maduro will stay to make the Bolivarian Revolution’], February 16, 2014; Correo del Orinoco, [Diosdado Cabello exhorta a Leopoldo López a dar la cara](#), [‘Diosdado Cabello urges Leopoldo Lopez to show his face’], February 15, 2014.

⁵⁹⁸ A partial transcript of these statements is quoted at: CIVILIS, Venezuela. Violations of human rights at peaceful protests in March’, February 2014, p. 3.

⁵⁹⁹ A partial transcript of these statements is quoted in the following newspaper story: Noticias24, [Espiral de violencia es parte de una campaña de los medios internacionales, aseguró Rodríguez Torres](#), [‘Spiral of violence is part of international media campaign, claimed Rodríguez Torres’], February 17, 2014.

⁶⁰⁰ See: El Universal, [Maduro asegura que desde EEUU demandan no arrestar a Leopoldo López](#), [‘Maduro claims that people are demanding from the US to not arrest Leopoldo Lopez’], February 16, 2014. Based on publicly known information, 8 SEBIN officers were also detained for one of the deaths that took place on February 12. See: El Nacional, [Acusan a funcionario del SEBIN por el asesinato de Bassil Dacosta](#), [‘SEBIN officer accused of the murder of Bassil Dacosta’], April 11, 2014. Currently, a trial is ongoing against seven officers who were conditionally released to reappear. See: El Carabobeño, [Siete funcionarios del caso Bassil Dacosta irán a juicio en libertad](#), [‘Seven officers of the Bassil Dacosta case will go to trial on release’], June 17, 2014.

⁶⁰¹ President Nicolás Maduro. Address in nationally broadcast television and radio address on February 19, 2014. Search link: <http://titularesdepremsa.com/index.php?target=133r3sungust03star1nf0rmdad03sm1d3r3ch0&id=15337#UwZPX3L0qTY>

intimidation, arson of a public building, destruction of public property, serious bodily harm, attempted aggravated intentional homicide executed for trivial and ignoble reasons and terrorism.⁶⁰²

376. Additionally, on February 17, 2014, alleged SEBIN officers appeared at the headquarters of the Voluntad Popular party in Caracas and violently conducted a raid and search without any court order.⁶⁰³ On February 18, Leopoldo Lopez was arrested by the Bolivarian National Guard, who transferred him in a military tank⁶⁰⁴ to a military jail (National Center of Military Detainees, known as “Ramo Verde”) in the outskirts of Caracas, in the company of the President of the National Assembly, Diosdado Cabello.⁶⁰⁵ On June 5, 2014, the charging document against Mr. Lopez Mendoza issued by the Ministry of Public Prosecution⁶⁰⁶ was admitted and trial proceedings were instituted. The court upheld the bail status of holding him in custody and it was ordered that he continued to be held at Ramo Verde jail facilities.

377. In addition, another four persons were linked to the criminal proceedings of Mr. Leopoldo Lopez, as the students who caused the destruction of property at the headquarters of the Ministry of Public Prosecution, supposedly under his influence. These persons were taken into custody on February 12 and subsequently, two of them were granted conditional release to report back every eight days to court. The other two young persons were held in custody at the Municipal police station in Chacao, Caracas.⁶⁰⁷ Court of Control 16 of Caracas ordered trial proceedings instituted against two of them as perpetrators of the crimes of incitement of the public, arson, destruction of property and gang activity. The other two persons were charged with incitement to commit a crime.⁶⁰⁸ As of the date of this report, the trial proceedings are ongoing, and in September 2014, the working group on arbitrary detention of the United Nations issued the Resolution No. 26/2014, in which they stated that the detention of M. López was arbitrary and recommended to the Venezuelan Government to immediately release him⁶⁰⁹.

378. In February 2014, member organizations of the Forum for Life and other Venezuelan organizations issued an “urgent action” due to the human rights situation in Venezuela, reporting that given the events occurring in that month the country was experiencing a “deterioration of the situation based on violence, disinformation, arbitrary detentions, and other serious human rights violations” and in this context decried “the deterioration of public institutions’ ability to effectively arbitrate the diversity of political positions existing in Venezuela.”⁶¹⁰

⁶⁰² The image of the arrest order was originally published by the daily newspaper El Universal on February 13, 2014. See: El Universal, [Ordenan al Sebin capturar a Leopoldo López](#), [‘SEBIN ordered to arrest Leopoldo Lopez’], February 13, 2014. The report was also disseminated over the social media. Initially, spokespersons of Voluntad Popular party claimed that Mr. Lopez had not been served notice of the arrest order. See: El Nacional, [Vecchio: No hemos visto orden de detención de López](#), [‘Vecchio: We have not seen Lopez’ arrest warrant’], February 13, 2014.

⁶⁰³ See: CIVILIS, Venezuela. Violations of human rights at peaceful protests in March’, February 2014, pg. 3; Últimas Noticias, [Allanan sede de Voluntad Popular en Centro Plaza](#), [‘Voluntad Popular headquarters in Centro Plaza raided’], February 17, 2014. As a result of these incidents, the IACHR also issued a statement in its press release of February 21, 2014 about Venezuela. Available at: <http://www.oas.org/es/IACHR/prensa/comunicados/2014/017.asp>

⁶⁰⁴ See: Últimas Noticias, [López se presentará en MIJ este martes](#), [‘Lopez will report to MIJ this Tuesday’], February 17, 2014; El Universal, [Leopoldo López se entrega a funcionarios de la GNB](#), [‘Leopoldo Lopez turns himself into GNB officials’], February 18, 2014.

⁶⁰⁵ See: National Assembly, [Diosdado Cabello acompaña a López para resguardar su vida](#), [‘Diosdado Cabello accompanies Lopez to protect his life’], February 18, 2014.

⁶⁰⁶ See in the section on the Office of the Rapporteur for Freedom of Expression (III.A.5) the analysis regarding the charges brought by the Ministry of Public Prosecution in this case.

⁶⁰⁷ Based on available information, it was Ángel González, Marco Coello, Christian Holdack and Demian Martín. The custody order was upheld for Marco Coello and Christian Holdack.

⁶⁰⁸ See: Correo del Orinoco, [Ministerio Público logró pase a juicio de Leopoldo López por hechos de violencia del 12 de febrero](#), [‘Public Prosecutor Ministry puts Leopoldo Lopez on trial for acts of violence on February 12’], June 5, 2014.

⁶⁰⁹ As of the date of the current memorandum, the resolution was available at: http://www.el-nacional.com/politica/Resolucion262014ohchrorg20141008113214_NACFIL20141008_0001.pdf

⁶¹⁰ PROVEA, [Organizaciones sociales y de DDHH de Venezuela difunden acción urgente ante situación del país](#), February 24, 2014.

379. In March 2014, the IACHR continued to receive information in the context of the demonstrations that were still going on at the time. In particular, at the end of the 150th Regular Session, the Commission noted that serious complaints continued to come in about infringements of the right to life, humane treatment and personal liberty, and information about alleged attacks by armed groups of civilians on the demonstrators. According to figures of the Office of the Attorney General of the Republic, as of March 28, 2014, thirty-seven persons had died and some 559 had been wounded. The information that was brought to the attention of the IACHR indicates that some of these deaths were attributed to alleged officers of the Bolivarian National Guard (GNB). In this regard, during the public hearing on the general situation of human rights, the Venezuelan State reported that the Office of the Attorney General and of the Ombudsman had opened investigations into the alleged excesses by the State security forces, and that at least 15 officers had been detained for alleged human rights violations.⁶¹¹

380. During the hearing, the Commission was also informed of criminal proceedings brought against opposition leaders as well as two mayors, in the municipalities of San Cristóbal and San Diego in the states of Táchira and Carabobo, respectively. In this regard, the participating organizations reported that both officials had been convicted and stripped of their positions based on a decision handed down by the Constitutional Chamber of the Supreme Court of Justice (TSJ), when ruling on an appeal for constitutional protection. In this regard, the Venezuelan State reported that the “opposition mayors [had promoted] violent demonstrations” and that the court’s decision had been issued after establishing that they had “flouted” an order from the TSJ that sought to protect the right to free passage, among other rights. It also reported that the National Electoral Council would convene elections in those municipalities.

381. With respect to detention of the demonstrators, the IACHR has been apprised of an alleged context of “mass detentions”⁶¹² and a high number of warrantless detentions, in which detainees were not brought before a judicial authority in a timely fashion, and were also prevented at first from having any contact with attorneys or family members.⁶¹³ The Commission also received information indicating that several detentions were conducted in a context of agents of the public security forces allegedly carrying out illegal and arbitrary raids in the search for persons, who were supposedly involved in the protests, and there were reports of the alleged practice of “generic charges” against people detained as a group without any individualized description of the conduct that would allegedly produce criminal liability.⁶¹⁴

382. Based on figures made public by the Attorney General of the Republic, from February 12 to April 23, 2014, around 2,626 detentions took place. According to available information, most of the persons detained were released, but with some conditions attached due to the criminal trial proceedings instituted against them, and in some cases full release was granted. In light of said information, on April 29, 2014, the Commission forwarded a request for information to the State regarding the situation of persons deprived of liberty, including the situation of adolescents, who had been detained, their location and conditions of detention.⁶¹⁵

383. On May 5, 2014, the Venezuelan State informed the IACHR that as of April 30, a total of 40 persons had been reported dead (32 civilians and 9 police and military officers), mostly from gunshot wounds, and that 785 persons had been hurt “in events related to the violent demonstrations,” 510 of which were civilians and 275 were police and military personnel. On said occasion, the State reported that the figure of persons detained was 2,730, of which 2,372 were adults and 358 were adolescents. It reported that only

⁶¹¹ See: IACHR, [IACHR concluye el 150 período de sesiones](#), [150th Session concludes’], April 4, 2014.

⁶¹² UCAB. Center for Human Rights. Report *License to protest*. Caracas, June 2014. Chapter VI, pg. 20.

⁶¹³ See: IACHR, Press Release 17/14. [IACHR manifiesta profunda preocupación por situación del derecho a la protesta pacífica, de asociación y libertad de expresión en Venezuela](#), [translation above], Washington, D.C., February 21, 2014.

⁶¹⁴ Information received during the hearing on the *General Situation of Human Rights in Venezuela*, held during the 150th Regular Session, March 2014.

⁶¹⁵ At this time, the detention of at least 23 persons in the city, including 10 adolescents, was known, according to figures provided by the Ministry of Interior, Justice and Peace, on April 26, 2014. See: AVN, [Detenidas 23 personas este sábado en Caracas involucradas en actos terroristas](#), [‘23 persons detained this Saturday in Caracas for involvement in acts of terrorism’], April 26, 2014.

197 of them remained deprived of liberty and that the Ministry of Public Prosecution had opened 142 investigations for “alleged violation of rights by police officers” (139 for “cruel treatment,” 2 cases of consummated homicide” and 1 case of torture). The State reported that as a result of these incidents, 17 officers were deprived of liberty, 3 were released conditionally and 5 had “outstanding arrest warrants issued against them.”⁶¹⁶ The State requested an additional extension from the IACHR of 8 days to provide further information.

384. Subsequently, in the early morning hours of May 8, it was reported that the demonstrators’ camp was evicted from different areas of the city of Caracas. According to figures released to the public by the Minister of Interior, Justice and Peace, a high number of Bolivarian National Guardsmen and members of the “Guard of the People” had conducted operations in different sites in the city where these “camps” were located and had arrested a total of 243 persons, including minors. According to statements of the Minister, all of the persons detained in this instance, were transferred to Regional Command Post 5 of the National Guard (CORE 5) to be booked and determine “which ones were involved in violent acts,” which ones should be released immediately, and those that must be brought before the courts.⁶¹⁷ According to reports by the Minister, the dismantling of the “camps” was carried out after conducting “intelligence, surveillance, observation and infiltration work and receiving complaints from residents of the area [where they were located] expressing concern over what was going on in the camps.”⁶¹⁸

385. As a result of these incidents, a statement was made by the UN High Commission for Human Rights expressing his concern over the information available regarding “the excessive use of force by the authorities in response to the protests.”⁶¹⁹

386. On May 9, 2014, the IACHR sent a communication to the State granting an extension of 8 days and asking it to provide information regarding these new incidents. As of the date of the drafting of this report, no response has been received from the State.

387. According to available information, on May 14, a new student march was convened in the municipality of Chacao of Caracas. Based on reports from the Center for Human Rights of the Andres Bello Catholic University (UCAB), “[...] after the march was over, a group of students moved away from the bulk of the marchers and blocked traffic [...] then they arrived in the headquarters of the Ministry of Tourism in Chacao, where they threw rocks and fireworks. In light of these incidents, a large group of a GNB motorcycle group reacted [...] where the rest of the students were, who had not participated in the barricading of the streets. The GNB managed to overpower and arrest a total of 105 young people, between both groups marching.”⁶²⁰

388. Figures gathered by national organizations indicate that from February to May 2014, there were 3,120 persons, who were detained. The information available reveals that most of the persons detained were only held for brief periods. Nonetheless, according to figures provided by the Office of the Attorney General of the Republic, as of June 2014, 174 persons continued to be held in detention and were being tried

⁶¹⁶ Response of the Bolivarian Republic of Venezuela to the request for information of the IACHR of April 29, 2014. Note AGEV/00094 of May 5, 2014.

⁶¹⁷ See: El Universal, [Desalojan “campamentos de la libertad” en Chacao y Baruta](#), [“Freedom Camps” cleared out in Chacao and Baruta], May 8, 2014; VTV,

⁶¹⁸ Statements available at: VTV, [Desalojo de campamentos reporta 243 detenidos la incautación de armas, drogas, dinero y explosivos](#), [‘Eviction of camps nets 243 detainees, seizure of weapons, drugs, money and explosives’], May 8, 2014; and VTV, [Desmontados los cuatro campamentos que mantenían los grupos violentos en Caracas](#), [‘Four camps maintained by the violent groups in Caracas taken down’], May 8, 2014.

⁶¹⁹ UN News Center, [Venezuela: la Alta Comisionada de la ONU preocupada por nuevos actos de violencia](#), [‘Venezuela: UN High Commissioner concerned over new acts of violence’], May 9, 2014.

⁶²⁰ UCAB. Center for Human Rights. Report *License to protest*. Caracas, June 2014. Chapter VI, pg. 24.

in criminal proceedings for acts linked to their detention while they were participating in the protests.⁶²¹ In addition, as of June, a total of 43 deaths were recorded and 878 people were wounded.⁶²²

389. The Commission has also been informed about alleged acts of torture and abuse against persons held in custody in the context of the demonstrations, and the alleged lack of adequate medical assistance.⁶²³ In this regard, organizations such as the Foro Penal (which provided legal assistance to several of the persons detained during the protests) have publicly denounced and provided the IACHR with information about the case of a young man who claimed before the judicial authorities to have been raped “with a rifle of the National Guard” after being detained for participating in the protests. Additionally, the organization gathered complaints of other allegations of torture and abuses such as “electric shocks” given to detainees.⁶²⁴ Likewise, the organization COFAVIC submitted information to the IACHR of instances in which rubber and lead bullets were fired at short range against the protesters, complaints of persons in custody that were forced to strip nude and were threatened to death, with hurting a family member or with being taken to the highly dangerous prisons, the use of toxic substances such as gasoline and pepper spray, electric shock, as well as threats of sexual violence, mainly against the women.⁶²⁵ In addition, the Commission was informed that detainees had been injured and had not been provided with adequate medical care, which made it difficult to document the alleged injuries in accordance with domestic legal procedures and international standards on the subject.⁶²⁶

390. In addition, civil society organizations have denounced that during the protests of February and May, there was an alleged:

[...] pattern of equally systematic acts of intimidation, harassment and assault against the inhabitants and residents of neighborhoods and developments, houses and buildings, the environs of which the protests were confined to and the access roads were blocked, as a consequence of the risk of being assaulted or detained for going out and demonstrating.

During the time that these attacks were executed, the areas were subjected to military control and to undeclared states of siege, as an excuse to crack down with extremely repressive and indiscriminate force. Groups of civilian assailants, who often acted in coordination and under the protection of military and police officers took part in these incidents, committing collective and multiple human rights violations through physical, psychological and material damage to the persons.⁶²⁷

⁶²¹ For the purposes of the drafting of this memo, the most up-to-date figures that have been brought to the attention of the United Nations High Commissioner for Human Rights have been taken into account. See: UNHCHR, Press UNHCHR: [sobre la situación en Venezuela](#), [‘Situation in Venezuela’], June 27, 2014.

⁶²² See: United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014, p. 5.

⁶²³ See: IACHR, [IACHR concluye el 150 período de sesiones](#), [‘IACHR concludes 150th session’], April 4, 2014.

⁶²⁴ The Foro Penal Venezolano has submitted several reports to the IACHR on this situation. Also see: El Nacional, [Estudiantes detenidos fueron torturados e incomunicados](#), [‘Detained students were tortured and held in solitary confinement’], February 14, 2014; Últimas Noticias, [Foro Penal denuncia torturas a estudiantes](#), [‘Foro Penal denounces torture of students’], February 17, 2014.

⁶²⁵ Information received during hearing on *General Situation of Human Rights in Venezuela*, during the 150th Regular Session. March 2014.

⁶²⁶ Information received during the hearing on the *General Situation of Human Rights in Venezuela*, held during the 150th Regular Session. March 2014. In addition, in the hearing held during the 153rd Regular Session in October 2014, the organization COFAVIC presented the report “Venezuela: Sentencias de silencio” referring to the “unwarranted delay in providing medical care” to detainees who endured alleged torture, cruel, inhuman, or degrading treatment. See: COFAVIC, Venezuela: Sentencias de silencio. [Report on the situation of human rights in Venezuela in the context of student protests in February-May 2014](#). October 2014, p. 24.

⁶²⁷ Report: Venezuela 2014. *Protests and Human Rights*. June 2014, pg. 94. Jointly written by the organizations Civilis Derechos Humanos, Espacio Público, Foro Penal Venezolano, Asociación Civil Justicia, Solidaridad y Paz (FUNPAZ) of the State of Lara, PROVEA, Inter-Institutional Human Rights Commission of the School of Legal and Political Sciences of the University of Zulia, Center for Human Rights of the UCAB [Andrés Bello Catholic University], Venezuelan Social Conflict Observatory and the Comité Paz y Vida por los derechos Humanos [Peace and Life Committee] of the State of Barinas. In a report published by Human Rights Watch on the demonstrations in Venezuela, the organization also denounced that in this context, the State security forces allowed the so-called “colectivos” [pro-

391. Lastly, in May 2014, senior spokespersons of the government publicly denounced the existence of an alleged plot of “conspiracy and hostility of the United States toward Venezuela.” In this context, the Minister of Interior and Justice and Peace, Rodríguez Torres, at a press conference claimed to have information about “alleged national and international plots of insurrection against the Government of Nicolas Maduro” and presented a list of the persons who were supposedly involved, which included student and opposition leaders⁶²⁸ such as Leopoldo López and his wife Lilian Tintori, David Smolansky (Mayor of the Municipality of El Hatillo), Diego Arria (former presidential primary candidate for Mesa de la Unidad Democrática party), Antonio Ledezma (Mayor of the Metropolitan District of Caracas), Gaby Arellano (student leader), María Corina Machado, Humberto Prado, among others.⁶²⁹

392. Likewise, the Mayor of the Municipality of Libertador, Jorge Rodríguez denounced the existence of an alleged assassination plot against President Nicolas Maduro, hatched by representatives of the opposition and Venezuelan businessmen with the support of the US Department of State and the US Ambassador in Colombia.” The Mayor presented at a press conference supposed emails addressed to María Corina Machado and Diego Arria, the content of which allegedly reveals a plot to “assassinate” the President, and also “[...] plots to attack public transportation units, education institution and other terrorist actions, which have been carried out in the country since this past February 12 in the context of the coup-staging plots.”⁶³⁰

393. Finally, the Commission again refers to the observations made by the United Nations Committee against Torture regarding Venezuela in November 2014, indicating that the official data provided by the Office of the Attorney General report the detention of 3,306 people between the months of February and June 2014 – including 400 adolescents - in the context of the demonstrations. The information analyzed by the Committee is consistent with that received by the IACHR and analyzed in this section, to the effect that many of these detentions were arbitrary and illegal, including the cases in which detentions were carried out “in residences close to where the demonstrations took place.” In addition, the Committee expressed “its alarm regarding concurrent reports of acts of torture and mistreatment of those arrested” in this context. The report states that, according to official data from the Office of the Attorney General, 185 investigations were initiated regarding “cruel treatment” although only five indictments were issued and two investigations were being conducted into allegations of torture.⁶³¹

394. In light of the foregoing considerations, the Commission feels that conditions in Venezuela during 2014 indicate a delicate situation of violence requiring the government’s authorities to respond in a manner consistent with its international obligations in the area of human rights, making it essential that there be sufficient guarantees to ensure that all sectors of the population, regardless of their political inclinations, are able to express themselves freely under conditions of equality and security.

395. The IACHR also notes that these events occurred in a context in which some Venezuelan authorities continued to make stigmatizing and disqualifying statements against different civil society groups identified as belonging to the opposition. In this regard, the Commission reiterates that expressions of political intolerance by public authorities are not only contrary to the full enjoyment of human rights but may also put a sector of the population in a position of greater risk and vulnerability to possible attacks of various

government mobs] to act in order to “attack demonstrators, journalists, students or persons considered as opposition to the government,” and in some instances there were reports of joint actions between the agents of the State and the “colectivos.” See: HRW, *Punished for protesting. Rights violations in Venezuela’s streets, detention centers and justice System*. May, 2014.

⁶²⁸ See: VTV, [Gobierno Bolivariano develó plan conspirativo de EE.UU contra Venezuela](#), [‘Bolivarian Government reveals conspiracy plot of US against Venezuela’], May 2, 2014.

⁶²⁹ The list is available at: UCAB [Andres Bello Catholic University]. Center for Human Rights. Report *Licence to protest*. Caracas, June 2014. Chapter VI, pg. 11.

⁶³⁰ TELESUR, [Al descubierto plan de magnicidio en Venezuela](#), [‘Assassination plot uncovered in Venezuela’], May 28, 2014.

⁶³¹ United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014, pp. 3-5.

kinds. The Commission also urges the State to create the appropriate conditions and mechanisms so that political rights can be effectively exercised in observance of the principle of equality and nondiscrimination.⁶³²

396. The IACHR vehemently rejects any measure that, by action or omission, promotes the repetition of reported incidents intended to censure the expression of critical opinions or that encourages confrontations among demonstrators, security agents, groups sympathetic to the government, those who are identified as belonging to the opposition, and anyone else involved. The Commission emphasizes in particular that in recent years the bodies of the inter-American system have noted that the acute climate of polarization in Venezuela requires stronger measures on the part of government officials at the highest levels to ensure that their actions and pronouncements help to create an environment of tolerance based on their position as guarantors of the people's fundamental rights.

397. In addition, as the IACHR has indicated, the State has the duty to conduct investigations *ex officio* in order to clarify the events that have occurred and to establish the guilty parties as applicable. Similarly, the Commission reiterates that given that the Judicial Branch's lack of independence and autonomy vis-à-vis the political powers is one of the weakest points identified in Venezuelan democracy, as analyzed in a later section, the State's alleged use of its punitive powers to criminalize human rights defenders and peaceful social protest and to criminally prosecute critics or political dissidents is a matter of enormous concern. The IACHR reiterates that the State must conduct judicial proceedings in a diligent and impartial manner and with adherence to due process guarantees.

C. State observance and guarantee of the exercise of freedom of expression⁶³³

398. As shown below, in 2014, the Commission and the Office of its Special Rapporteur for Freedom of Expression expressed concern at the deterioration in conditions for exercising freedom of expression in Venezuela, particularly in the context of the social protests and unrest seen in the country during the period covered by this report, including an increase in physical assaults, intimidation, and the arrests of journalists as they went about their work of reporting on the protests; the ongoing stigmatization by senior government officials of media outlets and journalists critical of them; institution of punitive proceedings and dismissals of broadcasters for coverage of news connected with complaints or comments on the situation in the country; the ongoing problem of the newsprint paper shortage; as well as the untimely closure CHECK of a television station and alleged blocking of access to on-line media outlets. The IACHR has noted with particular concern that in this climate opportunities for public debate have dwindled to the detriment of the right to free and independent expression in keeping with guarantees enshrined in international instruments to which Venezuela is a party.

Progress

399. The Office of the Special Rapporteur received information about the Ordinance on Transparency and Access to Public Information adopted by Arismendi Municipal Council in Nueva Esparta State on May 29. According to the information, the purpose of the ordinance is to facilitate applications for public information, encourage the proactive publication of information on public institutions' websites, and promote a culture of information. The text was presented by a non-governmental organization, the *Organización para la Prevención Nacional de la Corrupción* (Orpanac) and complements that municipality's Ordinance on Access to Public Archives.⁶³⁴

⁶³² IACHR, *2010 Annual Report*. Chapter IV on Venezuela, para. 684.

⁶³³ The Inter-American Commission tasked the Office of the Special Rapporteur for Freedom of Expression with preparation of this section of the report.

⁶³⁴ Espacio Público. June 3, 2014. [Aprueban ordenanza de Acceso a la Información en el municipio Arismendi de Nueva Esparta](#); Comuna Activa. 8 de octubre de 2014. [Revisarán ordenanza sobre transparencia para consejos comunales neoespartanos](#).

Freedom of Expression in the Context of the Protests

400. On February 4 students from Táchira state protested about the level of insecurity that existed at some educational institutions, in particular, in the aftermath of an attempted rape of a female student at the University of Los Andes. This demonstration resulted in the detention of at least two students⁶³⁵. In the days that followed, demonstrations demanding greater security, as well as the release of detained students, proliferated in other cities in the country⁶³⁶. For example, on February 6 a group of demonstrators in San Cristóbal in Táchira state attacked the residence of Governor José Vielma Mora;⁶³⁷ five young people were detained. On February 8-9 there were marches in other states demanding the release of those detained.⁶³⁸

401. On February 10, President Nicolás Maduro pointed the finger at regional television outlets, accusing them of being linked to violent plans to overthrow the government, which is why he had ordered the Ministry of People's Power for Communication and Information of the Republic and the telecommunications regulatory agency (Conatel) "to keep a close watch" on these media outlets. According to reports, the President stated that, "I ordered the Minister (Delcy Rodríguez) and Conatel to keep a close watch on regional television stations, TRT in Táchira specially, because it's linked to plans to overthrow the government. [...] I ordered the review of all their programming because they are behind a coup d'état." These warnings were motivated by the news coverage of protests and demands of students and citizens from Táchira regarding alleged government repression of demonstrations, deprivation of liberty, and the trial of students detained days before.⁶³⁹

402. On February 11, the Board of Social Responsibility in Radio and Television issued a statement highlighting that the media coverage of the violent incidents that had occurred in days prior might constitute a violation of the provisions of Article 27 of the Social Responsibility in Radio, Television, and Electronic Media Law, (known in Spanish as *Ley Resorte-Me*) which prohibits the dissemination of messages that "incite or promote hate and intolerance [...] cause unease amongst citizens, alter public order [...] [or] disregard legitimately established authorities."⁶⁴⁰ The statement went on to say that "the Board views as extremely serious that once again, under the guise of freedom of expression, fully guaranteed in our legal system, some actors from the radio electric spectrum are providing media coverage that could or might favor, as regards airtime, treatment, and language, the promotion of violence, and calls to wreak chaos on public life, as compared to the calls for dialogue, respect for the law, and peaceful conflict resolution."⁶⁴¹ The agency

⁶³⁵ La Nación. February 8, 2014. [Semana de protestas en Táchira](#); El Nacional. February 5, 2014. [Suspenden clases en ULA-Táchira por segundo día de protestas](#); El Universal. February 4, 2014. [Protestas en ULA Táchira dejan estudiantes detenidos y 6 policías heridos](#).

⁶³⁶ BBC Mundo. February 19, 2014. [Seis preguntas para entender las protestas en Venezuela](#); Infobae. February 16, 2014. [Las 10 claves para entender lo que sucede en Venezuela](#); El Espectador. February 20, 2014. [Táchira, donde todo comenzó](#).

⁶³⁷ Globovisión Noticias/Daily Motion. February 6, 2014. . [Primera dama del estado Táchira denuncia ataques contra la residencia del gobernador](#); La Patilla. February 6, 2014. [Vielma Mora acusa a Leopoldo López de estar detrás de los ataques vandálicos hacia su residencia](#); La Verdad. February 6, 2014. [Encapuchados atacan casa del gobernador del Táchira](#).

⁶³⁸ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); BBC Mundo. February 19, 2014. [Seis preguntas para entender las protestas en Venezuela](#); Infobae. February 16, 2014. [Las 10 claves para entender lo que sucede en Venezuela](#).

⁶³⁹ IPYS/+Sociedad Civil. Sin Fecha. [Represión y Silencio](#). Panorama. February 11, 2014. [Maduro: Aquí habrá mano de hierro para conspiradores y desestabilizadores](#); Últimas Noticias. February 10, 2014. [Maduro reactiva Plan Antigoalpe](#); Venezolana de Televisión (VTV/You Tube). Program 'Con el Mazo Dando'. Broadcast on February 10, 2014. Published February 11, 2014 by: sucreranda Hugo Chávez Venezuela. [Diosdado Cabello "Con el Mazo Dando" en VTV, en primer programa, y con el presidente Nicolás Maduro](#). [1:41:00 - 01:41:35]

⁶⁴⁰ Ministry of People's Power for Communication and Information. Venezuelan National Telecommunications Commission (Conatel). Ley de Responsabilidad Social en radio, televisión y medios electrónicos. [Gaceta Oficial No. 39.610](#) of February 2011.

⁶⁴¹ Venezuelan National Telecommunications Commission (Conatel). February 11, 2014. [Cobertura mediática de hechos de violencia podría violar artículo 27 de la Ley de Responsabilidad Social](#); Correo del Orinoco. February 11, 2014. [Cobertura mediática de hechos de violencia podría violar artículo 27 de la ley de responsabilidad social](#); 2001. February 11, 2014. [Conatel indicó que cobertura mediática de violencia en el país podría violar la Ley Resorte](#); Instituto Prensa y Sociedad (IPYS). February 12, 2014. [Caracas: CONATEL amenazó a medios que divulguen información sobre hechos de violencia en protestas](#).

urged all service providers to comply with the provisions of the *Ley Resorte-Me*, and added that violation or disregard of this law “was subject to clearly established penalties and punishments of which everyone was aware.”⁶⁴²

403. On Wednesday, February 12, the student movement organized a protest to support the students who had been arrested. At the same time, opposition figures organized a march to celebrate Victory Day, known as Youth Day, a patriotic Venezuelan holiday that commemorates a battle of the War of Independence. Marches took place in several cities in the country, but the one in Caracas took on special significance when at the end of a day that had unfolded peacefully, armed civilians and law enforcement surrounded the demonstrators; violence erupted, leaving three people dead, many injured, and dozens of individuals detained⁶⁴³.

404. The incident received limited coverage from television media outlets, possibly in response to the Board of Social Responsibility’s statement, which had highlighted that coverage provided by radio-electric and electronic media of the demonstrations and violent acts that had taken place in days prior might constitute a violation of the law⁶⁴⁴

405. From that day forth demonstrations were organized in different cities of the country. According to the Office of the Prosecutor General of the Republic, as of May 8, 41 people had died, 813 had been injured, and 19 military and police personnel had been deprived of their liberty for alleged violations of demonstrators’ human rights during the course of these protests.⁶⁴⁵ According to this Office, 121 individuals, among them students, were still detained as of March 20. The total number of individuals arrested up that point was 1854, of which 1529 had been released in keeping with alternative measures to imprisonment.⁶⁴⁶ According to information that the IACHR has been given, a significant number of these attacks and arrests have targeted demonstrators who were documenting acts of violence or police repression.⁶⁴⁷ These acts are said to have occurred in a context in which Venezuelan officials made public remarks stigmatizing and discrediting different civil society groups identified as belonging to the opposition⁶⁴⁸.

⁶⁴² Venezuelan National Telecommunications Commission (Conatel). February 11, 2014. [Cobertura mediática de hechos de violencia podría violar artículo 27 de la Ley de Responsabilidad Social](#); Correo del Orinoco. February 11, 2014. [Cobertura mediática de hechos de violencia podría violar artículo 27 de la ley de responsabilidad social](#); 2001. February 11, 2014. [Conatel indicó que cobertura mediática de violencia en el país podría violar la Ley Resorte](#); Instituto Prensa y Sociedad (IPYS). February 12, 2014. [Caracas: CONATEL amenazó a medios que divulguen información sobre hechos de violencia en protestas](#).

⁶⁴³ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); BBC Mundo. February 19, 2014. [Seis preguntas para entender las protestas en Venezuela](#); Infobae. February 16, 2014. [Las 10 claves para entender lo que sucede en Venezuela](#); El País. February 13, 2014. [Una protesta contra el Gobierno deja tres muertos a tiros en Venezuela](#); Últimas Noticias. February 13, 2014. [Protesta del 12 de febrero en 12 sucesos claves](#).

⁶⁴⁴ El País. February 13, 2014. [Una protesta contra el Gobierno deja tres muertos a tiros en Venezuela](#); Infobae. February 16, 2014. [Las 10 claves para entender lo que sucede en Venezuela](#); El Universo. March 2, 2014. [Censura en Venezuela se agrava con protestas](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); IACHR. 150 Period of Sessions. Hearing regarding the situation of freedom of expression and information in Venezuela. March 28, 2014. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/150/default.asp>; IACHR. February 21, 2014. [IACHR expresses deep concern over the situation with respect to the right to peaceful protest, freedom of association and freedom of expression in Venezuela](#).

⁶⁴⁵ Noticias 24. May 8, 2014. [19 funcionarios están detenidos por su presunta responsabilidad en la violación de DD HH](#); Globovisión. May 8, 2014. [Suben a 19 los funcionarios detenidos por presuntas violaciones a DDHH](#); Notimérica/Europa Press. 8 de mayo de 2014. [Venezuela.- La Fiscalía confirma 19 militares y policías detenidos por violaciones de los DDHH](#).

⁶⁴⁶ IACHR. 150th regular session. Hearing on the Situation of the Right to Freedom of Expression and Information in Venezuela. March 28, 2014. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/150/default.asp>; Voz de América. March 20, 2014. [Ascienden a 31 los muertos en Venezuela](#); La Tercera/EFE. March 20, 2014. [Fiscalía venezolana cifra en 31 los muertos en las protestas](#).

⁶⁴⁷ IACHR. 150th regular session, Hearing on the Situation of the Right to Freedom of Expression and Information in Venezuela. March 28, 2014. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/150/default.asp>.

⁶⁴⁸ IACHR. 150th regular session, March 28, 2014. Hearing on the Situation of the Right to Freedom of Expression and Information in Venezuela. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/150/default.asp>.

406. In this sense, the IACHR was concerned to learn the news of José Alejandro Márquez's death of on February 23. According to the information received, Márquez had died after being attacked in retaliation for having recorded images of the February 19th demonstrations in Caracas and for the purpose of taking away his cell phone, and thus preventing this material from being reproduced. According to reports, in the midst of the protests, Márquez had recorded on his cell phone the reaction of law enforcement opposite one of the barricades in the city. For this reason, and to prevent him from disseminating these images, an alleged Bolivarian National Guard (GNB) agent detained him and demanded he surrender his phone. To avoid doing so, Márquez had tried to flee, but fell and received a blow from one of the alleged GNB agents. These agents took the phone from him to prevent the images from being reproduced. Márquez was taken to the hospital where he remained in coma and was then declared to be brain dead until he died on February 23.⁶⁴⁹ The night of February 24, the President of the National Assembly, Diosdado Cabello, identified Márquez as a hired assassin who had been murdered "by his own colleagues [...] because he had not carried out the job they had tasked him with," which, according to Cabello, was to assassinate President Nicolás Maduro. During his speech, Cabello showed Facebook photos of Márquez which were purportedly proof that the young engineer had received paramilitary training abroad.⁶⁵⁰ In statements to *CNN en Español* Márquez's family denied Diosdado Cabello's assertion and clarified that the photos in which he was seen with weapons were from when Márquez was practicing a military simulation sport known as airsoft. The Venezuelan Airsoft Federation issued a statement denying the accusations against Márquez, specifying that although he was not registered with the Federation, "he was a hardworking Venezuelan youth who practiced a sporting activity which in no way has militaristic tendencies or vocation."⁶⁵¹ According to information received, seven GNB members are linked to Márquez's death. Officials of the Scientific, Criminal and Criminalistics' Investigations Corps (CICPC) have in their possession audiovisual footage of the attack, which has allowed for the perpetrators to be identified.⁶⁵²

407. The IACHR received information about assaults, intimidation, arrests, theft, confiscation and destruction of work related material of journalists and media workers as they did their reporting amid the protests. Among the cases registered⁶⁵³ are: Ángel Matute, radio producer and student of Social Communication at the Santa María University; Domingo Díaz, professor of that same University; and Arianna Bueno Avellaneda, press worker;⁶⁵⁴ Inti Rodríguez, media coordinator for Provea;⁶⁵⁵ Mariana Cadenas,

⁶⁴⁹ El Universal. February 23, 2014. [Falleció José Alejandro Márquez tras varios días en coma](#); El Comercio. February 23, 2014. [Venezuela: Murió hombre baleado por grabar represión policial](#); Infobae. February 24, 2014. [Venezuela: lo mataron por grabar la represión de militares](#); El Nacional. February 23, 2014. [Falleció hombre golpeado por la GNB en la Candelaria](#); La Verdad. February 24, 2014. [Fallece ingeniero perseguido por grabar a militares](#); El Diario de Caracas. February 23, 2014. [Murió José Alejandro Márquez tras haber sido presuntamente agredido por la GNB](#).

⁶⁵⁰ Venezolana de Televisión (VTV). Program 'Con el Mazo Dando'. Broadcast on February 24, 2014. Published February 25, 2014 by: Luigino Bracci Roa / YouTube. [Con el Mazo Dando, Diosdado Cabello y Jose Vielma Mora este 24 de febrero](#) [00:34:30 – 00:40:30]; Venezuela Al Día/Diario de Caracas. February 25, 2014. [Cabello denunció que manifestante asesinado Alejandro Márquez era un sicario](#); Panorama. February 25, 2014. [Cabello denunció que joven asesinado estaba "contratado como sicario del presidente"](#).

⁶⁵¹ CNN en Español. February 28, 2014. [En Conclusiones investigan la muerte de José Alejandro Márquez en Venezuela](#); El Universal. February 26, 2014. [Desmienten a Cabello y dicen que Márquez practicaba airsoft](#); Últimas Noticias. February 26, 2014. ["Queremos limpiar el nombre de Alejandro", dicen sus familiares](#).

⁶⁵² El Universal. February 25, 2014. [Vinculan a siete GNB con la muerte del ingeniero Márquez](#); Caracol Radio. February 25, 2014. [Miembros de Guardia Nacional Bolivariana vinculados en muerte de opositor](#).

⁶⁵³ A detailed account of these events can be found in the 2014 Annual Report of the Office of the Special Rapporteur for Freedom of Expression.

⁶⁵⁴ Instituto Prensa y Sociedad (IPYS) Venezuela. February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); Espacio Público. February 13, 2014. [Periodistas detenidos durante manifestaciones en Caracas](#); Globovisión Noticias/Daily Motion. February 13, 2014. [CNP denuncia periodistas detenidos tras hechos violentos en manifestación](#); La Verdad. February 13, 2014. [Revelan nombres de detenidos por hechos del 12F](#); Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 15, 2014. [Caracas: Tribunal prohíbe a tres periodistas concurrir a manifestaciones](#); "@ramirez_leo @ImJat no podemos participar en ningún tipo de manifestaciones" [we can't participate in any kind of demonstration"]; Twitter Account of Arianna Bueno @AriannaBueno. [February 16 2014 – 10:42 AM](#); La Patilla. February 14, 2014. [Juez acuerda libertad de detenidos políticos y les prohíbe concurrir a manifestaciones públicas](#); El Universal. February 14, 2014. [Liberan a 28 estudiantes y a tres periodistas detenidos el 12F](#); ABC. February 15, 2014. [Liberan a 28 estudiantes y a tres periodistas detenidos durante las protestas contra Maduro en Caracas](#).

correspondent for *Agence France-Presse (AFP)*;⁶⁵⁶ independent photojournalists Juan Camacho and Lewis Díaz;⁶⁵⁷ Alejandro Hernández and Fernando Prieto for *El Nacional*;⁶⁵⁸ Jilfredo Alejandro Barradas, a cameraman from the Office of Institutional Communication of the Office of Internal Security of Mérida state;⁶⁵⁹ Mayra Cienfuegos for *Venezolana de Televisión (VTV)*;⁶⁶⁰ Rafael Hernández, photojournalist for the magazine *Exceso*;⁶⁶¹ Lorena Arráiz, from the daily newspaper *El Universal* and correspondent for Instituto Prensa y Sociedad;⁶⁶² Colombian journalist Juan Pablo Bieri and a colleague from the channel *Red Más Noticias*;⁶⁶³ María Iginia Silva for *Globovisión*;⁶⁶⁴ Carlos Arturo Albino for *Globovisión*;⁶⁶⁵ Gabriel Osorio, photographer for *Orinoquiaphoto*;⁶⁶⁶ Maisdulín Younis and Clave Rangel from the daily newspaper *Correo del*

⁶⁵⁵ Instituto Prensa y Sociedad (IPYS) Venezuela. February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); El Nacional. February 13, 2014. [Provea denuncia que coordinador de medios fue "secuestrado y golpeado"](#); Provea. February 13, 2014. [Secuestrado y agredido Coordinador de Medios de Provea](#).

⁶⁵⁶ Instituto Prensa y Sociedad (IPYS) Venezuela. February 15, 2014. [Caracas: Corresponsales internacionales fueron agredidas y despojadas de cámara de video](#); El Mundo/Agence France-Presse. February 13, 2014. [AFP: Roban cámaras de agencias, sacan de cableras tv extranjera y detienen periodistas](#); Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); El Espectador/Agence France-Presse. February 12, 2014. [Oficialistas venezolanos agreden a periodistas de AFP](#).

⁶⁵⁷ Instituto Prensa y Sociedad (IPYS) Venezuela. February 13, 2014. [Caracas: Funcionarios policiales detuvieron a dos fotoperiodistas independientes](#); Globovisión Noticias/Daily Motion. February 13, 2014. [CNP denuncia periodistas detenidos tras hechos violentos en manifestación](#); La Verdad. February 13, 2014. [Revelan nombres de detenidos por hechos del 12F](#).

⁶⁵⁸ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); Committee to Protect Journalists (CPJ). February 20, 2014. [Periodistas que informan sobre las protestas en Venezuela son blanco de agresiones](#); El Nacional. February 16, 2014. [El tiempo de la censura](#).

⁶⁵⁹ Bolivarian Office of Internal Security of Mérida state. February 12, 2014. [Herido con arma de fuego camarógrafo de la OCI cuando cumplía con su trabajo](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); El Nacional. February 13, 2014. [Motorizados de colectivo hirieron a camarógrafo en Mérida](#); Comunicación Continua. February 12, 2014. [Fuerzas enfrentamientos entre manifestantes y Polimérica](#); Espacio Público. February 13, 2014. [Fotógrafo merideño herido de bala mientras cubría manifestaciones](#).

⁶⁶⁰ Venezolana de Televisión. February 13, 2014. [Presidente de Venezolana de Televisión denunció ataque de hordas fascistas al canal estatal \(+VIDEO\)](#); Espacio Público. February 14, 2014. [Sede de VTV atacada por encapuchados](#).

⁶⁶¹ Instituto Prensa y Sociedad (IPYS) Venezuela. February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); El Nacional. February 12, 2014. [Un profesor y dos fotógrafos detenidos en manifestaciones](#); La Patilla. February 13, 2014. [Liberado fotógrafo de la revista Exceso... Cicpc le quitó todo el material](#); "Gracias por el apoyo y la preocupación de todos, desde esta madrugada fui liberado de la sede del CICPC." ["Thanks to everyone's for their support and concern, I was released from CICPC headquarters in the early morning."] Rafael Hernández's Twitter account @sincepto. [February 13, 2014 - 12:57 PM](#); "En este momento en discusión con el CICPC para la recuperación de los equipos y el material registrado ayer". ["Currently in discussions with CICPC to recover equipment and material recorded yesterday."] Rafael Hernández's Twitter account @sincepto. [February 13, 2014 - 12:58 PM](#).

⁶⁶² Instituto Prensa y Sociedad (IPYS). February 12, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); Espacio Público. February 13, 2014. [Periodista Lorena Arráiz amenazada: "vamos por ti y los tuyos"](#); El Universal. February 13, 2014. [CNP denuncia amenaza a periodista del Táchira y a su familia](#); "Aparecieron héroes anónimos a amenazarme hasta de muerte. Cuentas creadas hoy. Prueben todas las tochadas de las cuales me acusan [Anonymous heroes appeared to threaten me even with death. Accounts created today. Prove all the silly things you're accusing me of]". Lorena Evelyn Arráiz's Twitter account @lorearraiz. [February 12, 2014 - 3:08 PM](#).

⁶⁶³ El Tiempo. February 27, 2014. [La pesadilla de Juan Pablo Bieri en Venezuela](#); Infobae. February 27, 2014. [El dramático relato de un periodista detenido en Venezuela](#); El Colombiano. February 16, 2014. [Periodistas colombianos fueron agredidos en Venezuela por la Guardia Nacional](#); Knight Center for Journalism in the Americas. February 28, 2014. [Venezuelan soldiers beat and detain Colombian journalists during protests](#).

⁶⁶⁴ Espacio Público. February 16, 2014. [Agresión contra periodista de Globovisión](#); Globovisión Noticias. February 16, 2014. [Agredieron a periodista de Globovisión durante protesta en Altamira](#); Su Noticiero. February 15, 2014. [Habla periodista de Globovisión agredida en Altamira. Vea detalles](#); El Nacional. February 17, 2014. [SNTP registra 20 periodistas agredidos en protestas](#).

⁶⁶⁵ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 20, 2014. [Caracas: Funcionarios de la Guardia Nacional Bolivariana amedrentaron a equipo reportero del canal de noticias Globovisión](#); El Nacional. February 16, 2014. ["Mostré mi credencial de fotógrafo y la Guardia Nacional me reprimió peor"](#).

⁶⁶⁶ El Nacional. February 16, 2014. ["Mostré mi credencial de fotógrafo y la Guardia Nacional me reprimió peor"](#); La República. February 17, 2014. [Venezuela: Fotógrafo denuncia agresiones físicas por la Guardia Nacional](#); Espacio Público. February 17, 2014. [Guardia Nacional Bolivariana agredió a fotógrafo](#); Clases de Periodismo/El Universal. February 17, 2014. [Venezuela: fotógrafo muestra agresiones que sufrió por parte de la Guardia Nacional](#).

Caroní;⁶⁶⁷ Diogelis Pocaterra and the photographer Wilmer González;⁶⁶⁸ Jesús Hernández, independent journalist;⁶⁶⁹ journalist Carlos Suniaga, together with cameraman José Medina and camera assistant Pedro Caña;⁶⁷⁰ Carla Ochoa from the daily newspaper *Primicia*;⁶⁷¹ Jesús Manuel Avendaño and Maikol Labrador of the community channel *Jaureguina TV*;⁶⁷² Eduardo Galindo, reporter for *Radio Fe y Alegría*;⁶⁷³ Miguel Cardoza of the daily newspaper *Visión Apureña* and correspondent for *El Universal*;⁶⁷⁴ Karl Penhaul and his reporting team from *CNN Internacional*;⁶⁷⁵ Oliver Fernández, journalist for the channel *Televen*;⁶⁷⁶ Jesús Olarte, cameraman for *Univisión*;⁶⁷⁷ and the citizen journalist Adrián Salas;⁶⁷⁸ José Manuel Luengo and Jesús Contreras of the daily newspaper *Panorama*;⁶⁷⁹ Elita Barroso from the daily newspaper *Primicia*;⁶⁸⁰ Oriana Faoro and María Ramírez Cabello from the daily newspaper *Correo del Caroní*;⁶⁸¹ a group of photojournalists from the daily newspaper *Sol de Margarita*;⁶⁸² María Alejandra Salas, and two Chilean correspondents;⁶⁸³ Leonervis Hernández, Rebeca Maricuto, and the photographer César Flores;⁶⁸⁴ Francisco León Martínez, from

⁶⁶⁷ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Instituto Prensa y Sociedad (IPYS). February 21, 2014. [Bolívar: Periodista del Correo del Caroní amenazada con arma larga](#); El Nacional. February 16, 2014. ["Mostré mi credencial de fotógrafo y la Guardia Nacional me reprimió peor"](#).

⁶⁶⁸ Espacio Público. February 20, 2014. [Reporteros del Correo del Caroní amenazados con armas de fuego](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 19, 2014. [Bolívar: Golpean a periodista del Correo del Caroní](#).

⁶⁶⁹ Espacio Público. February 19, 2014. ["Si me tomas fotos y me grabas, te doy un tiro"](#).

⁶⁷⁰ Espacio Público. February 19, 2014. ["Si me tomas fotos y me grabas, te doy un tiro"](#); Instituto Prensa y Sociedad (IPYS). February 19, 2014. [Bolívar: Corresponsal de Globovisión Carlos Suniaga y su equipo fueron agredidos "por oficialistas" en manifestación estudiantil](#).

⁶⁷¹ Espacio Público. February 22, 2014. [Cuatro días de agresiones a periodistas del Diario Primicia](#); Colegio Nacional de Periodistas. March 11, 2014. [CNP Ciudad Guayana y CRGV-Guayana exigen un alto a la agresiones](#).

⁶⁷² Espacio Público. February 19, 2014. [Agreden y roban a reporteros de TV comunitaria en Táchira](#).

⁶⁷³ Espacio Público. February 18, 2014. [Agreden a periodistas en San Fernando de Apure](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 19, 2014. [Apure: Periodista de Radio Fe y Alegría 104.7 FM fue agredido en presencia de funcionario policial durante protesta estudiantil](#); El Nacional. February 19, 2014. [Dos periodistas agredidos en Apure](#).

⁶⁷⁴ Espacio Público. February 18, 2014. [Agreden a periodistas en San Fernando de Apure](#); El Nacional. February 19, 2014. [Dos periodistas agredidos en Apure](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 21, 2014. [Apure: Corresponsal de El Universal fue agredido por manifestantes oficialistas mientras cubría protesta](#).

⁶⁷⁵ El Diario. February 19, 2014. [Asaltan reportero de CNN en medio de protestas en Venezuela](#); Espacio Público. February 19, 2014. [Roban cámaras a equipo de CNN](#); Noticias 24. February 21, 2014. [Maduro lamenta el robo al equipo de CNN en el país y dice que será repuesto el daño \(+video\)](#); El Clarín. February 18, 2014. [Roban equipo de CNN Internacional en El Valle](#).

⁶⁷⁶ Espacio Público. February 21, 2014. [Agredido periodista de Televen](#); Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 26, 2014. [Caracas: Canciller Elías Jaua agrede verbalmente a periodista de canal privado](#); Clases de Periodismo. February 25, 2014. [Periodista fue agredido verbalmente por canciller venezolano](#); YouTube. February 25, 2014. Published by Oliver Fernández. [ELIAS JAUA](#).

⁶⁷⁷ Espacio Público. February 20, 2014. [Herido con perdigones camarógrafo de Univisión](#); El Diario de Caracas. February 21, 2014. [Fotógrafo de Univisión es herido en protesta en Caracas](#).

⁶⁷⁸ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#).

⁶⁷⁹ Espacio Público. February 19, 2014. [Reporteros de Panorama agredidos por policías zulianos](#); La Verdad. February 20, 2014. [Policías atacan a periodistas](#); Colegio Nacional de Periodistas. February 19, 2014. [Periodistas zulianos reiteran su compromiso de informar](#).

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⁶⁸¹ Espacio Público. February 20, 2014. [Robadas y amenazadas periodistas en Ciudad Guayana](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 19, 2014. [Bolívar: 5 periodistas y 1 reportero amenazados en manifestación mientras cubrían protestas](#).

⁶⁸² Sol de Margarita. February 19, 2014. [Amenazan a reporteros gráficos que cubren manifestaciones](#); Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#).

⁶⁸³ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); "2:34 pm, GNB retiene a periodista María Alejandra Salas y 2 corresponsales chilenos en la AN (Pajaritos). Pedimos apoyo, ["2:34 pm, GNB holds journalist María Alejandra Salas and 2 Chilean correspondents in the AN (Pajaritos). We ask for support,"] @BiagioPileri." Sindicato Nacional de Trabajadores de la Prensa [National Press Workers' Union] (SNTTP) Twitter Account. [February 20, 2014 – 11:06 AM](#).

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Radio Fe y Alegría;⁶⁸⁵ Tim Pool, a producer and journalist of the international portal *Vice.com*;⁶⁸⁶ Luis Carlos Vélez, for *Noticias Caracol* and the daily newspaper *El Espectador*;⁶⁸⁷ Andrea Jiménez, audiovisual producer and journalist;⁶⁸⁸ the student Pier Di Silvestri;⁶⁸⁹ Wilfredo Farías, photographer of the daily newspaper *El Siglo*;⁶⁹⁰ María Fernanda García, social communicator and photographer;⁶⁹¹ Manuel Cardozo of the *Radial González Lovera*;⁶⁹² Gianfranco Di Giacomantonio, journalist for the Italian media outlet *Abruzzo 24*;⁶⁹³ Ronald Muñoz, journalist for *Venezolana de Televisión (VTV)*;⁶⁹⁴ Karelys Lovera from the daily newspaper *Visión Apureña*;⁶⁹⁵ Italian photographer Francesca Commissari, stringer for the daily newspaper *El Nacional*;⁶⁹⁶ Andrew Rosati, for *The Miami Herald*;⁶⁹⁷ Jesús Tovar, chief of photography of the daily newspaper *Avance*;⁶⁹⁸

⁶⁸⁵ Espacio Público. February 22, 2014. [Francisco León: “me apuntaron para darme un perdigonazo”](#); Instituto Prensa y Sociedad (IPYS). February 22, 2014. [Bolívar: Funcionario de la GN amenazó con detener a reportero para Radio Fe y Alegría 103.1 FM y lo apunto con un arma larga](#).

⁶⁸⁶ Espacio Público. February 24, 2014. [Periodista extranjero sale de Venezuela tras amenazas](#); La Patilla. February 23, 2014. [Periodista extranjero abandona Caracas tras recibir amenazas de muerte](#); “I’ve left Venezuela after receiving thousands of death threats. My friends are now being targeted as well.” Tim Pool’s official Twitter account @timcast. [February 22, 2014 – 5:26 PM](#); “Tenemos aquí a un mercenario mediático => @Timcast viene de USA a apoyar las guarimbas y la desestabilización ya paso por Ucrania. Alerta! [We have a media mercenary here => @Timcast comes from the USA to support the street clashes and destabilization he’s already been to the Ukraine. Watch out!]”. Mario Silva García’s Twitter account @LaHojillaenTV. [February 20, 2014 – 5:58 PM](#).

⁶⁸⁷ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Clases de Periodismo. February 24, 2014. [Venezuela: Guardia Nacional ataca de nuevo a la prensa](#); “En #Caracas también fuimos maltratados por GN. 6 hombres nos bajaron del auto a punta de fusil y preguntaron sobre de qué lado estábamos [In #Caracas we were also mistreated by GN. 6 men had us get out of the car at gunpoint and asked on what side we were]”. Luis Carlos Vélez’s official Twitter account @lcvelez. [February 23, 2014 – 8:40 AM](#); “Primera vez que un agente de migración me pregunta que dije en mis reportajes como condición para salir del país. Que lástima. #venezuela [First time an immigration officer asks me what I said in my news stories as a condition for leaving the country. What a shame. #venezuela]”. Luis Carlos Vélez’s official Twitter account @lcvelez. [February 22, 2014 – 2:34 PM](#).

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⁶⁹⁰ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); El Siglo. February 25, 2014. [Tensión, vandalismo y saqueo nocturno se vivió el lunes en Maracay](#).

⁶⁹¹ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 25, 2014. [Aragua: Locutora de radio fue detenida y liberada 12 horas después](#).

⁶⁹² Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); El Propio. February 24, 2014. [EFECTIVOS MILITARES AGREDEN Y DESTRUYEN EQUIPO DE PERIODISTA EN TÁCHIRA](#).

⁶⁹³ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Instituto Prensa y Sociedad (IPYS) Venezuela. March 1, 2014. [Aragua: Corresponsal de nacionalidad italiana fue detenido por más de 12 horas por funcionarios policiales mientras cubría protesta](#); Infobae. March 6, 2014. [El IPI le pidió a Maduro que frene sus amenazas a los medios](#); La Prensa. Undated. [Informar, un oficio difícil en Venezuela](#).

⁶⁹⁴ Ministry of People’s Power for Communication and Information. Bolivarian Government of Venezuela. February 25, 2014. [Grupos violentos agredieron al periodista Ronald Muñoz en Táchira](#); Venezolana de Televisión (VTV). February 25, 2014. [Grupos vandálicos agredieron al periodista Ronald Muñoz en Táchira](#); Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#).

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⁶⁹⁷ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Instituto Prensa y Sociedad (IPYS) Venezuela. March 2, 2014. [Caracas: Corresponsal de prensa estadounidense fue agredido por funcionarios de la Guardia Nacional Bolivariana](#); Al Jazeera. March 1, 2014. [Venezuelan activists urge more protests](#); Inquirer/AFP. March 1, 2014. [Foreigners detained as Venezuela protesters, security clash](#).

⁶⁹⁸ Espacio Público. March 5, 2014. [Jefe de fotografía de Diario Avance detenido por GNB](#); Instituto Prensa y Sociedad (IPYS) Venezuela. March 5, 2014. [Miranda: Funcionarios de la GNB detuvieron a dos reporteros gráficos mientras cubrían protesta](#).

Aura Marina Rodríguez and the photographer Juan Brito from *El Impulso*;⁶⁹⁹ Alexander Sánchez photojournalist for *El Informador*;⁷⁰⁰ journalist Amny Pérez Matos and the photojournalist Hugo Pachano from *La Prensa de Lara*;⁷⁰¹ Julio Materano, journalist for *El Universal*;⁷⁰² Adriana Núñez for *Televen*;⁷⁰³ Amberlys Hernández and the photojournalist Ana Lucía García *Nueva Prensa de Oriente*;⁷⁰⁴ Carlos Eduardo Martínez for *Televen*;⁷⁰⁵ David Rondón, correspondent of the daily newspaper *El Carabobeño*;⁷⁰⁶ Raíza Vargas and the reporting team of *D Televisión*;⁷⁰⁷ Javier Castillo, correspondent of *Miami Diario*;⁷⁰⁸ Esteninf Olivarez of *Globovisión*;⁷⁰⁹ Madelyn Palmar, correspondent of *Globovisión*;⁷¹⁰ Cristian Dubó from Chilean *Canal 13*;⁷¹¹

⁶⁹⁹ Espacio Público. March 6, 2014. [Cinco trabajadores de la prensa golpeados en Barquisimeto](#); El Mundo. March 5, 2014. [Cinco periodistas larenses fueron agredidos cuando cubrían protesta](#); El Impulso. March 5, 2014. [Lara: Grupos oficialistas agreden a reporteros de EL IMPULSO y otros medios impresos \(Fotos\)](#); Colegio Nacional de Periodistas. March 9, 2014. [SIP rechaza agresiones a trabajadores de la prensa en Venezuela](#); Noticias Venezuela. March 8, 2014. [Equipo de EL IMPULSO formaliza denuncia de agresión](#).

⁷⁰⁰ Contexto TMT/El Informador. March 6, 2014. [Agredidos reporteros gráficos y periodistas en Barquisimeto por afectos al oficialismo](#); Espacio Público. March 6, 2014. [Cinco trabajadores de la prensa golpeados en Barquisimeto](#); El Mundo. March 5, 2014. [Cinco periodistas larenses fueron agredidos cuando cubrían protesta](#); Noticias Diarias. March 6, 2014. [\(Lara\) Cinco periodistas denunciaron agresiones durante protesta](#).

⁷⁰¹ La Prensa. March 5, 2014. [Agredido equipo reporteril de LA PRENSA en el Edificio Nacional](#); Espacio Público. March 6, 2014. [Cinco trabajadores de la prensa golpeados en Barquisimeto](#); El Mundo. March 5, 2014. [Cinco periodistas larenses fueron agredidos cuando cubrían protesta](#); Contexto TMT/El Informador. March 6, 2014. [Agredidos reporteros gráficos y periodistas en Barquisimeto por afectos al oficialismo](#).

⁷⁰² El Universal. March 7, 2014. [Guardia Nacional impide realizar trabajo al periodista Julio Materano](#); Instituto Prensa y Sociedad (IPYS). March 13, 2014. [Caracas: Funcionarios de la Guardia Nacional Bolivariana impidieron a reportero de periódico privado cumplir sus funciones informativas](#); Espacio Público. March 11, 2014. [GNB impide que periodista de El Universal realice su trabajo](#).

⁷⁰³ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión. del 12F al 12M](#); “Por petición de un grupo de oficialistas, la microondas de Televen tuvo que retirarse de la avenida Andrés Bello [At the request of a group of government supporters, Televen’s microwave equipment had to be withdrawn from the Andrés Bello avenue]”. Adriana Núñez’s Twitter account @Adrita1983. [March 8, 2014 – 8:29 AM](#); “Afortunadamente solo fueron gritos. La GNB garantizó nuestra salida “en paz” y uno de los oficialistas dijo “Déjenlos. No queremos show [Fortunately they were only screams. The GNB guaranteed we would leave “peacefully” and one of the government supporters said “Let them go. We don’t want any show.]”. Adriana Núñez’s Twitter account @Adrita1983. [march 8, 2014 – 8:52 AM](#).

⁷⁰⁴ Espacio Público. March 11, 2014. [Motorizados agreden a periodistas y atacan vehículo de Nueva Prensa de Oriente](#); El Tiempo. March 11, 2014. [Suspendieron clases por dos días tras agresión a usemistas](#).

⁷⁰⁵ Instituto Prensa y Sociedad (IPYS). March 14, 2014. [Caracas: Presuntos funcionarios de seguridad del Estado apuntaron con armas de fuego a equipo reporteril de televisora privada](#); Espacio Público. March 24, 2014. Venezuela: January-March 2014. Difficult times for freedom of expression. Available at: Archive of the Special Rapporteurship for Freedom of Expression; “Un grupo uniformado portando armas largas nos abordó dentro de la sede de los bomberos de la UCV, salimos del sitio! [A group wearing uniforms and bearing rifles came up to us inside the headquarters of the UCV firemen, we left the place!]”. Carlos Eduardo Martínez’s Twitter account @cemartinezl. [March 12, 2014 – 1:05 PM](#); “Primero apuntaron a mi asistente preguntando quien era, luego a mi. Solo nos preguntaron quienes éramos y qué hacíamos en el lugar [First they aimed at my assistant asking him who he was, then at me. All they asked was who we were and what we were doing there]”. Carlos Eduardo Martínez’s Twitter account @cemartinezl. [March 12, 2014 – 1:08 PM](#).

⁷⁰⁶ Instituto Prensa y Sociedad (IPYS) Venezuela. March 14, 2014. [Caracas: Corresponsal de periódico regional fue herido de un botellazo en la cabeza mientras cubría protesta en la Universidad Central de Venezuela](#); “#12M Tras un mes cubriendo protestas en Caracas, en la UCV me llegó el primer botellazo en la cabeza... Esto sigue” [“#12M After a month covering protests in Caracas, in the UCV the first bottle hit me in the head... This continues”]. David A. Rondón’s Twitter account @davidrd87. [March 12, 2014 – 2:21 PM](#).

⁷⁰⁷ Espacio Público. March 24, 2014. Venezuela: Enero – Marzo 2014. Los trances de la libertad de expresión. Available at: Archive of the Special Rapporteurship for Freedom of Expression; Instituto Prensa y Sociedad (IPYS) Venezuela. March 12, 2014. [Caracas: Corresponsal de prensa extranjera fue despojado de su equipo de trabajo y agredido por simpatizantes oficialistas](#).

⁷⁰⁸ Instituto Prensa y Sociedad (IPYS) Venezuela. March 12, 2014. [Caracas: Corresponsal de prensa extranjera fue despojado de su equipo de trabajo y agredido por simpatizantes oficialistas](#); MiamiDiario. March 12, 2014. [Reportero de MiamiDiario fue agredido por simpatizantes del régimen de Maduro](#); Espacio Público. March 24, 2014. Venezuela: Enero – Marzo 2014. Los trances de la libertad de expresión. Available at: Archive of the Special Rapporteurship for Freedom of Expression.

⁷⁰⁹ Instituto Prensa y Sociedad (IPYS) Venezuela. March 14, 2014. [Caracas: Simpatizantes oficialistas acusaron de asesinatos a reporteros de televisora privada mientras cubrían manifestación](#); Espacio Público. March 24, 2014. Venezuela: Enero – Marzo 2014. Los trances de la libertad de expresión. Available at: Archive of the Special Rapporteurship for Freedom of Expression.

⁷¹⁰ “La Policía Regional dispara a todo lo que se mueve...fuimos apuntados y nos lanzaron piedras durante cobertura #Torresdelsaladillo” [“The regional police shoot at anything that moves...we were aimed at and they threw rock at us during coverage #Torresdelsaladillo”]. Madelyn Palmar’s Twitter account @Madepalmar. [March 12, 2014 – 12:01 PM](#). Espacio Público. March 24, 2014. Venezuela: Enero – Marzo 2014. Los trances de la libertad de expresión. Available at: Archive of the Special Rapporteurship for Freedom of Expression.

Carlos Suniaga, correspondent for *Globovisión*;⁷¹² Carlos Eduardo Ramírez, photojournalist for the daily newspaper *La Nación*;⁷¹³ Dayana Méndez and Luis Rodríguez for *Notitarde*;⁷¹⁴ Gabriela García, for *El Nacional*;⁷¹⁵ Israel Ruiz, independent journalist;⁷¹⁶ Jeanfreddy Gutiérrez and the photojournalist César Bracamonte, from the daily newspaper *El Periodiquito*;⁷¹⁷ Vicelyz Fadul independent journalist;⁷¹⁸ Nairobi Pinto for *Globovisión*;⁷¹⁹ Ludmila Vinogradoff for the Spanish newspaper *ABC* and David Maris, a

⁷¹¹ Espacio Público. March 18, 2014. [Camarógrafo chileno “me iban a desaparecer”](#); La Patilla. March 15, 2014. [GNB amenaza con “desaparecer” a periodista chileno \(Video\)](#); Emol. March 14, 2014. [Camarógrafo agredido en Venezuela: Policías dijeron que si no me iba “me harían desaparecer”](#); Colegio Nacional de Periodistas. March 18, 2014. [Camarógrafo chileno fue agredido en Altamira](#); Teletrece/YouTube. March 15, 2014. Publicado por Sindicato Nacional de Trabajadores de la Prensa. [GNB agrade a camarógrafo de Canal 13 de Chile \(14/03/2014\)](#).

⁷¹² Espacio Público. March 17, 2014. [Periodista Carlos Suniaga agredido por comandante de bomberos](#); Colegio Nacional de Periodistas. March 19, 2014. [Nuevamente el CNP Seccional Ciudad Guayana exige que cesen las agresiones contra los periodistas](#); El Diario de Caracas. March 17, 2014. [Presunto bombero agrade a corresponsal de Globovisión \(Fotos\)](#); La Patilla. March 17, 2014. [La agresión a periodista de Globovisión, resguardados por la Policía, que Globovisión no pasará](#); Informe 21/Correo del Caroní. March 18, 2014. [Jefe de Bomberos agrade a periodista de Globovisión Carlos Suniaga](#); YouTube. March 17, 2014. Publicado por reporterodc. [Salvaje agresión a periodista de Globovisión en Puerto Ordaz 17-03-14](#).

⁷¹³ Instituto Prensa y Sociedad (IPYS) Venezuela. March 19, 2014. [Táchira: Reportero gráfico fue herido mientras cubría manifestación](#); La Nación. March 19, 2014. [Herido reportero de Diario La Nación](#); Agencia Andina de Noticias. March 19, 2014. [“Rechazamos ataque a fotógrafo de diario La Nación”](#).

⁷¹⁴ Espacio Público. March 21, 2014. [Reportera de Notitarde fue herida y detenida por la GNB](#); Notitarde. March 21, 2014. [Periodista pasante de Notitarde fue liberada a las 3:30 a.m. de ayer](#); El Venezolano. March 21, 2014. [Con heridas de perdigones liberaron a periodista Dayana Méndez en Carabobo](#); El Nacional. March 21, 2014. [Vecinos denunciaron que grupos de motorizados saquearon en San Diego el jueves](#).

⁷¹⁵ Instituto Prensa y Sociedad (IPYS). March 20, 2014. [Caracas: Reportera multimedia de El Nacional recibió impacto de bomba lacrimógena en la cabeza mientras cubría manifestación](#); Colegio Nacional de Periodistas. March 20, 2014. [Periodista de El Nacional fue agredida en Ciudad Banesco](#); Espacio Público. March 24, 2014. Venezuela: January-March 2014. Difficult times for freedom of expression. Available at: Archive of the Special Rapporteurship for Freedom of Expression; El Propio. March 20, 2014. [HERIDA PERIODISTA DE EL NACIONAL EN CONCENTRACIÓN ESTUDIANTIL](#).

⁷¹⁶ Últimas Noticias. March 22, 2014. [GNB detiene a comunicador social en San Antonio de los Altos](#); El Universal. March 23, 2014. [General Noguera: periodista Israel Ruiz será liberado sin cargos en contra](#); El Nacional. March 23, 2014. [Periodista Israel Ruiz recibió libertad plena](#); Últimas Noticias. March 23, 2014. [En libertad periodista Israel Ruiz, detenido en San Antonio de los Altos](#); El Universal. March 23, 2014. [En libertad el periodista Israel Ruiz](#); Correo del Caroní. March 23, 2014. [Jefe de la GNB se compromete a respetar el trabajo de los periodistas](#).

⁷¹⁷ El Periodiquito. March 28, 2014. [CNP repudió amenazas contra periodistas de Arauca](#); Espacio Público. March 31, 2014. [Amenazan a reportero y fotógrafo del Periodiquito de Arauca](#).

⁷¹⁸ Espacio Público. April 2, 2014. [Le dan ultimátum a periodista por opinar en Twitter](#); Clases de Periodismo. April 2, 2014. [Venezuela: Periodista recibe “ultimátum” por críticas en Twitter](#); Venezuela Al Día. April 2, 2014. [Periodista recibe “ultimátum” en el estado Carabobo \(+Tuit +Foto\)](#); “DENUNCIO Este panfleto lo dejaron en mi vehículo. Es una amenaza en mi contra. Y yo respondo: Nunca seré complaciente [I REPORT: This leaflet was put in my car. It is a threat against me. And I reply: I will never compromise]”. Vicelyz Fadul’s Twitter account @Vicelyz. [April 2, 2014 – 1:38 PM](#); Instituto Prensa y Sociedad (IPYS). May 16, 2014. [Carabobo: Amenazan de muerte a madre y hermano de periodista venezolana](#); Espacio Público. May 16, 2014. [Amenazan de muerte a la mamá de una periodista en Carabobo](#); Clases de Periodismo. June 16, 2014. [Venezuela: Tiran piedras a vivienda de periodista](#); “#DENUNCIO #15] El ataque en mi contra xser Periodista NO complaciente. En el mensaje me aclaran q próxima serán BALAS [#I REPORT #15] The attack against me for being a journalist who will NOT compromise. In the message it explains that the next time it will be BULLETS]”. Vicelyz Fadul’s Twitter account @Vicelyz. [June 15, 2014 – 2:08 PM](#); Instituto Prensa y Sociedad. June 20, 2014. [Carabobo: periodista independiente recibe amenazas de muerte](#); Periodista Vicelyz Fadul acudió a Fiscalía y formalizó denuncia de amenaza de muerte”. Twitter account of Global Noticia @GlobalNoticiaVe. [June 17 2014 – 3:40 PM](#); Expresión libre. June 17, 2014. [Periodista formalizó denuncia de amenaza de muerte](#).

⁷¹⁹ Globovisión. April 6, 2014. [Secuestran a jefa de Corresponsalías de Globovisión en su residencia](#); El Universal. April 7, 2014. [Secuestran a jefa de Corresponsalías de Globovisión](#); Semana. April 7, 2014. [Esta es la periodista secuestrada en Venezuela](#); Clases de Periodismo. April 6, 2014. [Venezuela: Secuestran a jefa de corresponsales de Globovisión](#); El Universo/EFE. April 7, 2014. [Denuncian en Venezuela el secuestro de una periodista de Globovisión](#); Venezuela Al Día. April 6, 2014. [Encapuchados secuestraron a Nairobi Pinto, jefa de corresponsalía de Globovisión \(+Tuits\)](#); El Nacional. April 15, 2014. [Gaby Arellano: Desaparición de Nairobi fue una jugada miserable del G2 cubano](#); Infobae. 15 de abril de 2014. [Opositora venezolana acusó a Cuba por el secuestro de Nairobi Pinto](#); El Universal. April 15, 2014. [Arellano insiste en acusar a inteligencia cubana de secuestro a Pinto](#); “Convencida que su desaparición fue una jugada miserables del G2 cubano, para doblegar, intimidar, y amedrentar.”[“Convinced that her disappearance was a miserable play by the Cuban G2, to intimidate, crush, and frighten.”] Gabriela Arellano’s Twitter Account @GabyarellanoM13. [April 15, 2014 – 7:57 AM](#); El Nacional. May 6, 2014. [Nairobi Pinto saldrá del país](#); Infobae. May 6, 2014. [Después del secuestro, la periodista Nairobi Pinto saldrá de Venezuela](#); Venezuela Al Día. May 3, 2014. [Aseguran que Nairobi Pinto saldrá de Venezuela y será corresponsal de Globovisión en Canadá](#).

photographer;⁷²⁰ Gabriela González, free-lance journalist and Johana Álvarez, correspondent of the Mexican TV station *Cadena 3*;⁷²¹ Jonathan Manzano, photojournalist for the daily newspaper *Correo del Caroní*;⁷²² Pableysa Ostos from *Notidiario* and the Venezuelan Information Agency (Agencia Venezolana de Información—AVI);⁷²³ Gonzalo Ruiz, reporter and cameraman for *NTN24*;⁷²⁴ Antonio Posteraro, from *La Patilla.com*, and Andrés Rodríguez from *Diario de Los Andes*;⁷²⁵ photojournalists Pascuale Giorgio and Félix Santamaría;⁷²⁶ Anne Córdova, information director of the daily newspaper *El Oriental*;⁷²⁷ Víctor Almarza and Kevin Barrios, from the daily newspaper *El Carabobeño*; Ángel Sánchez from *Mundo Noticias*; Víctor Delgado from *Reporte Valencia*; José Alejandro Ces from *Global Noticias*; Javier García, a free-lance journalist;⁷²⁸ and Celina Carquez for *Contrapunto*.⁷²⁹

408. Around 9 p.m. on February 12, a group of individuals on motorcycles threw rocks at the headquarters of the National Telecommunications Commission (Conatel), the agency charged with regulating telecommunications in the country, causing damage to the facade and main entrance. According to the press release “in the aftermath of the bloody incidents of violence protagonized the night before by extremist members of the opposition in Caracas—which plunged three Venezuelan households into mourning and caused dozens of injuries, with both official and individual vehicles set on fire and considerable damage to parks and other public areas—a horde of motorcyclists stoned the ‘Current Headquarters’ of Conatel, destroying its main entrance, and hurling insults at the security guards around 9 p.m. yesterday, Wednesday, February 12.”⁷³⁰

⁷²⁰ El Venezolano/La Patilla. April 28, 2014. [Periodista del diario ABC fue retenida en la cárcel de Ramo Verde](#); Venezuela Al Día. April 30, 2014. [Conozca el caso del fotógrafo David Maris del diario ABC de España](#); ABC Blogs. May 3, 2014. [La ilegal confiscación de una cámara](#); Instituto Prensa y Sociedad (IPYS) Venezuela. June 2, 2014. [Caracas: Agentes de seguridad decomisaron cámara fotográfica a reportero de medio internacional](#); Espacio Público. May 29, 2014. [David Maris formaliza denuncia por retención de su cámara](#).

⁷²¹ Instituto Prensa y Sociedad (IPYS). May 15, 2014. [Caracas: Funcionario de la GNB agredió a reporteras durante protesta](#); Espacio Público. May 15, 2014. [Periodistas denuncian las agresiones de la GNB](#); Reporteros Sin Fronteras (RSF). May 16, 2014. [EL EJÉRCITO VENEZOLANO DISPARA A TRES PERIODISTAS DURANTE UNA MANIFESTACIÓN](#); Notitarde May 16, 2014. [Denuncian disparos de militar contra periodistas en Caracas](#).

⁷²² Instituto Prensa y Sociedad (IPYS). May 15, 2014. [Caracas: Funcionario de la GNB agredió a reporteras durante protesta](#); Venezuela Al Día. May 14, 2014. [Periodistas fueron agredidos durante manifestaciones este 14 de mayo en Los Palos Grandes \(+Fotos\)](#).

⁷²³ Espacio Público. May 27, 2014. [GNB amenaza con meterle “un tiro” a una periodista en Bolívar](#); Instituto Prensa y Sociedad (IPYS). June 2, 2014. [Bolívar: Funcionarios de la Guardia Nacional Bolivariana amenazaron a reporteros](#); La Patilla. May 26, 2014. [GNB agrade y amenaza de muerte a periodista \(Foto del agresor\)](#); “#Guayana #26M Efectivo de la GNB se dirigió a mi persona y me dijo: “Quitate maldita perra o te metó un tiro” (Palabras textuales) [#Guayana #26M GNB trooper came up to me and said: “Get out of here you damn bitch or I’ll shoot you. (Word for word)]”. Pableysa Ostos’s Twitter account @PableOstos. [26 de mayo de 2014 – 2:22 PM](#).

⁷²⁴ NTN24/You Tube May 28, 2014. [Reportera de NTN24 describe ataque sufrido por parte de la Policía del Táchira](#); Venezuela Al Día. May 28, 2014. [Politéchira agredió a equipo de NTN24 durante protestas este 28M \(+Fotos\) \(+Video\)](#); Espacio Público. May 28, 2014. [Golpean al equipo de prensa de NTN24 en Táchira](#).

⁷²⁵ La Nación. May 29, 2014. [Agredidos periodistas de varios medios por funcionarios de Politéchira](#); El Nacional. May 28, 2014. [Agreden a grupo de periodistas en San Cristóbal](#); 2001. May 29, 2014. [Periodistas denuncian agresión durante protesta en Táchira](#).

⁷²⁶ Sindicato Nacional de Trabajadores de la Prensa (SNTP). June 5, 2014. [GNB hiere con más de 20 perdigones a dos reporteros gráficos en Lara](#); El Universal. June 5, 2014. [Reportan dos periodistas gráficos heridos con perdigones en Lara](#); El Nacional. June 5, 2014. [Denuncian que GNB hiere con perdigones a dos reporteros gráficos en Lara](#).

⁷²⁷ Espacio Público. June 12, 2014. [Intimidación a periodista del diario El Oriental](#); Instituto Prensa y Sociedad (IPYS). June 12, 2014. [Monagas: Estudiante agrede a jefa de información del diario El Oriental](#); Noticias Oriente 20. June 10, 2014. [Agreden a periodista de El Oriental en protesta](#); E7radio.com. June 12, 2014. [CNP Monagas rechaza agresión contra periodista de El Oriental durante protesta estudiantil](#).

⁷²⁸ Sindicato Nacional de Trabajadores de la Prensa (SNTP). June 13, 2014. [Cinco reporteros gráficos detenidos y dos heridos tras acción de GNB y PoliCarabobo](#); El Carabobeño. June 13, 2014. [Arremetida violenta en Palma Real: Al menos 18 heridos](#); Notitarde. June 12, 2014. [19 personas heridas durante enfrentamiento en Palma Real \(Fotos\)](#).

⁷²⁹ Instituto Prensa y Sociedad (IPYS). November 5, 2014. [Caracas: Periodista recibió amenazas a través de la red social Twitter](#); Espacio Público. November 4, 2014. [Periodista Celina Carquéz es amenazada vía Twitter](#).

⁷³⁰ Venezuelan National Telecommunications Commission (Conatel). February 13, 2014. [Horda de opositores motorizados atacó sede nacional de CONATEL](#); El Universal. February 13, 2014. [Denuncian ataques a VTV y Conatel](#); Instituto Prensa y Sociedad (IPYS) Venezuela. February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#).

409. On February 20 the headquarters of the daily newspaper *El Universal* was besieged by armed groups in the midst of a march by government supporters. The marchers stopped in front of the newspaper's facilities and yelled slogans, painted the façade, and launched rockets⁷³¹ (devices filled with gunpowder fired into the air where they explode).

410. On February 20, the journalist Eduardo Galindo had filed a complaint with the Superior Prosecution Service of San Fernando de Apure for threats and harassment he had received on Facebook by a user known as "El Maquiavelo" (Machiavelli). According to the information that was received, the user had identified Galindo and his colleague Miguel Cardoza as being responsible for paying students to protest.⁷³²

411. On February 21 the *CNN en Español* journalist and newscaster Patricia Janiot reported that she had been the victim of "harassment" in the airport of Caracas when she was about to return to the United States after the Venezuelan government had cancelled her permit to work as a journalist in the country. As Janiot recounted, when she had gone through the X-rays of the security check area, agents twice asked her to put her shoe back through on the belt. The journalist was held in the anti-narcotics office by security agents who deemed it necessary to review her shoe to look for drugs or explosives.⁷³³

412. According to the information that was received, on February 21, security forces had prevented the German journalist Marc Koch, correspondent for *Deutsche Welle DW*, a radio broadcasting service from Germany, to carry out his work as a reporter in Caracas. According to what was reported, these security forces had prevented him from entering a university center, had held him for an hour and then had forced him to delete the material he had recorded.⁷³⁴

413. On March 4 several photographers and journalists were assaulted by demonstrators while covering the protests that took place near the Plaza Altamira in the city of Caracas. According to reports, the photographer Cristian Hernández was attacked with a metal pipe, while Dagne Cobo and other journalists were attacked for defending their colleague. The reporters denounced this on Twitter. Cobo asserted on his Twitter profile that "AFP, EFE, Reuters, Cadena Capriles, Bloque Dearmas, ALL attacked by those who we have photographed during 3 weeks of protests."⁷³⁵ [sic]

414. On the night of March 10, a group of individuals set the facilities of *ULA FM 106.5*, on fire. *ULA FM 106*, the radio station for the University of Los Andes, is in the city of San Cristóbal, Táchira state. According to reports, unknown individuals threw incendiary devices at the radio station's facilities, which fanned a fire whose flames spread to the station's booth where the recording equipment was located. The incident did not cause any injuries as no personnel were there at the time. The Chancellor of the University, Mario Bonucci, requested a "serious investigation" into the situation.⁷³⁶

⁷³¹ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); *El Universal*. February 20, 2014. [Marcha de colectivos recorre la avenida Urdaneta](#).

⁷³² Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); *La Patilla*. February 24, 2014. [Periodistas apureños recibieron amenazas por redes sociales](#).

⁷³³ *El Universal*. February 21, 2014. [Janiot denunció "hostigamiento" por parte de las autoridades venezolanas](#); *Clases de Periodismo*. February 21, 2014. [Patricia Janiot revela que fue requisada "por drogas" en Venezuela](#); *CNN en Español*. February 21, 2014. [Gobierno de Venezuela revoca las credenciales a periodistas de CNN en Español](#); *El Comercio*. February 21, 2014. [Patricia Janiot sufrió "hostigamiento" al salir de Venezuela](#);

⁷³⁴ Instituto Prensa y Sociedad (IPYS). February 22, 2014. [Caracas: Cuerpos de seguridad del Estado venezolano impidieron a corresponsal de nacionalidad alemana cumplir con su labor informativa](#); Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#).

⁷³⁵ Dagne Cobo's Twitter account @kayoyando. [March 4, 2014 – 3:05 PM](#); 2001. March 4, 2014. [Agreden a fotoperiodistas durante manifestación en Altamira](#); Espacio Público. March 4, 2014. [Periodistas agredidos en Altamira](#).

⁷³⁶ Instituto Prensa y Sociedad (IPYS) Venezuela. March 13, 2014. [Táchira: Queman estación radial ULA FM 106.5 FM](#); *Prensa ULA*. March 11, 2014. [Rector Bonucci exige "investigación seria" sobre quema de ULA FM en Táchira](#); *El Informe*. March 11, 2014. [Grupos violentos queman emisora de radio ULA FM 106.5](#); *Prensa ULA*. March 11, 2014; [Así quedó la emisora 106.5 ULA FM en Táchira \(imágenes\)](#).

415. During the protests of March 10 in the state of Carabobo, the team of reporters of the daily newspaper *El Carabobeño* had been threatened and then verbally assaulted by a member of the National Bolivarian Guard (GNB).⁷³⁷

416. On March 15, the team of reporters from the opposition political party Voluntad Popular (People's Will) had received a death threat from individuals who had identified themselves as members of the National Liberation Movement – Tupamaros when the journalists were about to cover a peaceful demonstration organized by that party. As reported, the reporters had been accused of being far rightwing killers and employees and had forced them to leave the place. The journalists pointed out that, with them, there was a Portuguese reporter and the journalist Ingrid Bravo, from *FM Center*, who had been verbally attacked because they used bullet-proof vests and gas masks.⁷³⁸

417. The Commission learned that, on March 22, members of the Bolivarian National Guard (GNB) had searched the apartment of Mildred Manrique, journalist for the daily newspaper *2001*, and then she had been arrested after they had found in the apartment articles such as a helmet, a gas mask, and a bullet-proof vest, which had been identified by one of the officers as “terrorism.” As reported by Manrique, when she reached her apartment, she found that the door had been forced open and that the officers of the GNB were on the verge of entering to look for persons allegedly being hidden there, but the apartment was empty. Once inside, the officers found the articles that they pointed out constituted “terrorism” and had taken them along with other electronic devices belonging the journalist such as her computer, tablets, and some photographs. They had also asked her to come with them to the police station as a witness. After two and half hours there, the journalist had been released. Manrique had also pointed out that she not only used the articles found in her apartment to cover protests but also because of the proximity of her residence to Plaza Altamira, which is the place with the highest number of demonstrations, and as she lives with a person with disabilities, she needed to use these articles constantly.⁷³⁹ The Committee to Protect Journalists (CPJ), in a blog about the safety of journalists, pointed out that journalists in Venezuela should consider using a bullet-proof vest when providing news coverage.⁷⁴⁰ According to what was reported, the journalist Mildred Manrique had already been threatened, assaulted and harassed on previous occasions by the National Bolivarian Guard (GNB) and the National Bolivarian Police when she was providing coverage of the protests in Plaza Altamira, Caracas, although she had identified herself as a journalist.⁷⁴¹

418. According to the information that was received, on March 23, a group of journalists, photographers, cameramen and communication staff had demonstrated in front of the General Command Headquarters of the National Bolivarian Guard (GNB) of Caracas to protest the aggression that journalists had

⁷³⁷ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Notitarde. March 10, 2014. [CNP Carabobo denunciará ante Fiscalía agresiones de la GNB contra periodistas](#); Diario Contraste. March 10, 2014. [Ageden a equipo reporteril del Diario El Carabobeño](#); El Propio. March 10, 2014. [CORONEL DE LA GNB ATACA A PERIODISTAS DE EL CARABOBEÑO DURANTE PROTESTAS](#).

⁷³⁸ Instituto Prensa y Sociedad (IPYS). March 18, 2014. [Caracas: Simpatizantes oficialistas amenazaron de muerte a equipo reporteril de Voluntad Popular](#); Espacio Público. March 24, 2014. Venezuela: January-March 2014. Difficult times for freedom of expression. Available at: Archive of the Special Rapporteurship for Freedom of Expression.

⁷³⁹ El Universal. March 22, 2014. [Detenida periodista del diario 2001 en allanamiento en Altamira](#); Instituto Prensa y Sociedad (IPYS). March 22, 2014. [Caracas: Funcionarios de la GNB detuvieron a periodista, allanaron su residencia y presuntamente la acusaron por tener equipo de protección para cobertura de protestas](#); CNN en Español. March 23, 2014. [La detención de Mildred Manrique](#); Clases de Periodismo. March 22, 2014. [Alerta: Denuncian detención de periodista en Venezuela](#); Últimas Noticias. March 22, 2014. [Fotos | Así quedó la casa de la periodista Mildred Manrique tras allanamiento de la GNB](#); Venezuela Al Día. March 22, 2014. [Así arremetieron contra vivienda de la periodista Mildred Manrique en Altamira \(+Fotos\)](#); CNN en Español. March 23, 2014. [Mildred Manrique: “Estoy tranquila porque voy a seguir informando”](#); “Estoy libre y bien gracias a Dios. Gracias a todas las personas que estuvieron pendiente de mi y por el apoyo brindado [I am free and well, thank God. Thank you to all the persons who were concerned about me and for their support]. #23 12:33am”. Mildred Manrique’s Twitter account @milmanrique. [March 22, 2014 – 10:03 PM](#).

⁷⁴⁰ Committee to Protect Journalists (CPJ). February 21, 2014. [Body armor must match threat in Venezuela and Ukraine](#); Knight Center for Journalism in the Americas. March 5, 2014. [Journalists covering Venezuelan protests should consider using body armor: CPJ](#).

⁷⁴¹ CNN en Español. March 23, 2014. [La detención de Mildred Manrique](#); Espacio Público. February 20, 2014. [GN amenaza y agrede a reportera de 2001](#); Instituto Prensa y Sociedad (IPYS). February 19, 2014. [Caracas: Cuerpos de seguridad del Estado amenazaron a reportera de diario de circulación nacional](#).

sustained during their coverage of the demonstrations that had taken place in the country since February. The journalists had then come together, after the arrest of the journalists Mildred Manrique and Israel Ruiz. The group had met with General Manuel Quevedo and Commander Justo Noguera, who received from the National Press Workers Union (Sindicato Nacional de los Trabajadores de la Prensa—SNTP) information that, to date, 74 cases of journalists assaulted by the GNB had been filed. In addition, the officers recognized that there may have been excessive reactions and pledged to minimize violence against journalists and had assured them that there is a nationwide ban on arresting journalists.⁷⁴²

419. On March 29, the headquarters of the state television station *Venezolana de Televisión (VTV)* had been attacked for the third time in the state of Táchira very early in the morning. According to information received, unidentified persons had tried to set fire to the station's headquarters and had used firearms to shoot the station's facilities.⁷⁴³ Venezuela's Minister of Communication, Delcy Rodríguez, reported on her Twitter account that "violent people from the opposition" were responsible for the attack.⁷⁴⁴

420. The Office of the Special Rapporteur was informed about the pre-trial detention of five persons allegedly for having filmed military personnel arriving at the airport in the city of San Cristóbal, in the state of Táchira, on March 31. According to what was reported, these persons had been travelling through the Santo Domingo airport, which shares a landing field with the Buenaventura Viva Guerrero Air Force Base, and had been filming military transport aircraft landing with uniformed personnel. The military personnel were allegedly part of the contingent that had arrived to help in the operations of removing the barricades and reestablishing law and order in the state. Along with them, another 15 persons who had presumably been checking on the protests and barricades had also been arrested.⁷⁴⁵

421. The car of the daily newspaper *Primicia* had been hit by a mortar during coverage of a clash between protesters and the National Bolivarian Guard (GNB) in Puerto Ordaz, in the state of Bolívar. This incident, which allegedly took place on June 12, had not led to any injuries for either the journalist or the photojournalist who were in the car.⁷⁴⁶

422. On June 20 in Caracas, the National Bolivarian Guard (GNB) had prevented coverage of a protest by the party Voluntad Popular in front of the offices of the Prosecution Service when they were calling for the release of their comrade Rosmit Mantilla. While the leaders were making a statement for the media, the officers had pushed and removed the journalists, cameramen and photographers from the place with their shields.⁷⁴⁷

⁷⁴² Colegio Nacional de Periodistas. March 24, 2014. [Periodistas protestan contra agresiones militares al gremio](#); El Nacional. March 23, 2014. [SNTP denuncia 74 agresiones de la GNB a periodistas](#); Infobae. March 23, 2014. [Venezuela: 74 periodistas fueron agredidos durante las protestas](#); CNP Zulia. March 24, 2014. [Guardia Nacional prohibirá detención a periodistas que cubran manifestaciones](#); La Tercera. March 24, 2014. [Militares venezolanos admiten excesos contra periodistas en protestas](#).

⁷⁴³ El Universal. March 29, 2014. [Atacaron sede de VTV en Táchira](#); Espacio Público. April 1, 2014. [Por tercera vez atacan sede de VTV en Táchira](#); El Diario de Caracas. March 29, 2014. [Denunciaron ataque contra sede de VTV en el estado Táchira \(Fotos\)](#); Telesur. March 29, 2014. [Cámaras de vídeo captaron el ataque a sede de televisora estatal venezolana](#).

⁷⁴⁴ Ministerio del Poder Popular para la Comunicación y la Información. March 29, 2014. [Delcy Rodríguez denuncia ataque contra sede de VTV en San Cristóbal](#); Telesur. March 29, 2014. [Cámaras de vídeo captaron el ataque a sede de televisora estatal venezolana](#). "Opositores violentos atacan sede de VTV en San Cristóbal en la madrugada!Tendrá algo qué decir CNP?[Violent persons from the opposition assault VTV headquarters in San Cristóbal before dawn! Does CNP have anything to say about that?]" Delcy Rodríguez Twitter account @DrodriguezVen [11:34 AM - 29 Mar 2014](#)

⁷⁴⁵ El Nacional. April 1, 2014. [Cinco detenidos en Táchira por grabar a militares](#); Espacio Público. April 1, 2014. [Detienen a cinco personas en Táchira por grabar a militares](#); NTN24. April 1, 2014. [Cinco personas fueron detenidas de manera preventiva en Táchira por grabar a militares](#).

⁷⁴⁶ Primicia. June 12, 2014. [Mortero alcanza vehículo de PRIMICIA](#); Espacio Público. June 13, 2014. [Atacan a la prensa en Bolívar](#).

⁷⁴⁷ Espacio Público. June 20, 2014. [GNB intimidada a periodistas durante protestas en el MP](#); La Patilla. June 20, 2014. [GNB agredió a periodistas en la Fiscalía #20J \(Fotos\)](#); El Propio. June 20, 2014. [CON EMPUJONES GNB IMPIDE EL PASO DE PERIODISTAS A CUBRIR PROTESTA EN LA FISCALÍA](#).

423. The National Press Workers Union (SNTP) expressed its repudiation of the questioning of at least four journalists by the criminal investigation police (CICPC) with the apparent aim of getting the reporters to reveal their information sources. The journalists were reportedly questioned about information published by the media outlets where they work and on their personal Twitter accounts. The SNTP denounced the case of the journalist Deivis Ramírez, who was allegedly questioned on March 11 in connection with acts of violence that occurred in Los Ruices, Sucre Municipality. Other cases included those of the reporters of the newspaper *La Región de Los Teques*, Daniel Murolo and Ronald Gil, who were sought newspaper's offices and taken away as witnesses. They were reportedly questioned for four hours apparently with the purpose of obtaining the sources that supplied information about the murder of Adriana Urquiola, a sign language interpreter at *Venevisión*, a television channel. Journalist Altigracia Anzola was reportedly questioned twice in connection with the same matter on April 1.⁷⁴⁸

424. The IACHR received information that the speaker of legislature of Carabobo State (CLBEC), Flor García, asked the Office of the Attorney General to issue a summons for the journalist Charito Rojas about information published on the Twitter account on March 12. According to information provided to the Commission, the journalist had tweeted information about a minor who had supposedly been killed by a group of motorcycle riders shooting in an urbanization in Valencia Municipality. The journalist had cited as her source a woman doctor, who had preferred to remain anonymous for reasons of safety. According to García, the journalist should provide statements to the competent agencies about the source of her information.⁷⁴⁹

425. The IACHR was made aware of the constant use of stigmatizing rhetoric against any media outlet whose journalistic coverage might be at odds with the government's interests during the protests. In some cases, such discourse was followed up by administrative measures designed to restrict the coverage of the protests by these media organizations. According to reports, the most frequent allegations were that these outlets were supposedly in league with alleged coup plotters or smear campaigns against the Venezuelan Government.⁷⁵⁰

426. In this regard, according to information received by the IACHR, on February 12, the signal of the international news station *NTN24*, headquartered in Colombia, was removed from the companies that provide pay cable television services throughout the country. According to a press release issued by the executives and information directors of the news station, the signal had been removed when information was transmitted about incidents of violence recorded in the country during a protest march organized by students from various universities in the framework of the celebration of Youth Day. The press release had been issued after learning that the Directorate for Social Responsibility in Radio and Television, a body attached to the National Telecommunication Commission (CONATEL), had issued a resolution that ordered removing the Colombian station's signal from television programmers while they were reporting on incidents of violence taking place on Wednesday, February 12.⁷⁵¹

⁷⁴⁸ El Universal. April 1, 2014. [Aseguran que Cicpc pretende obtener fuentes informativas de periodistas](#); El Nacional. April 1, 2014. [SNTP rechaza interrogatorios del Cicpc a periodistas](#); Espacio Público. April 1, 2014. [SNTP aboga por el resguardo de las fuentes informativas](#).

⁷⁴⁹ Noticias 24. March 14, 2014. [Flor García exhortó al Ministerio Público citar a periodista Charito Rojas](#); Espacio Público. March 21, 2014. [Periodista Charito Rojas denuncia persecución en su contra](#); Espacio Público. March 24, 2014 Venezuela: Enero – Marzo 2014. Los trances de la libertad de expresión. Available at: Archive of the Office of the Special Rapporteur.

⁷⁵⁰ CNN México. February 22, 2014. [En busca de la verdad en Venezuela](#); El Universal. April 13, 2014. [La verdadera amenaza contra la democracia venezolana](#); El Venezolano. February 14, 2014. [Ministra acusa a medios internacionales de "vender falsa realidad" sobre Venezuela](#).

⁷⁵¹ NTN24. Press Release. February 12, 2014. [NTN24, Canal Internacional de Noticias en Español, censurado en Venezuela](#); Instituto Prensa y Sociedad (IPYS). February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); El Universal. February 13, 2014. [Señal del canal NTN24 fue sacada de la parrilla de cable](#); El Tiempo. February 13, 2014. [Sacan del aire al canal colombiano NTN24 en Venezuela](#); Diario de Caracas. February 12, 2014. [Sacan del aire al canal internacional NTN24 en Venezuela](#); El Espectador. February 12, 2014. [NTN24 denuncia censura en Venezuela](#).

427. On February 13, the country's President, Nicolás Maduro, stated on a national broadcast that removing the signal of *NTN24* from companies providing pay cable radio and television services had been “a decision taken by the State,” arguing that it was inciting unrest. “I am going to defend the right to tranquility of Venezuela and no one is going to come from abroad to try to disrupt Venezuela's psychological climate,” said the Head of State.⁷⁵² The Director General of CONATEL, William Castillo, in an interview with the station *Telesur*, had said that “the grounds for this decision was to prevent a situation like the one that occurred here in April 2002, when a unprecedented coup d'état was organized in Venezuela, orchestrated by the media, where images were assembled and coverage was provided in time and language was used to promote intolerance, hate, terror and an emotional climate that was destructive of peaceful coexistence.”⁷⁵³ Afterwards, on February 17, Castillo had assured that the decision to suspend station's signal was aimed at protecting the country's sovereignty: “no country in the world would accept having an international station, claiming to defend the freedom of expression of its owners, developing a political viewpoint from its editorial perspective—especially if it is evident it has the intention of doing harm to Venezuela and not respecting the Venezuelan people—attack our country from another country. That is not something we will accept.”⁷⁵⁴

428. On February 13, the country's president, Nicolás Maduro, accused *Agence France Presse* (*AFP*), an international news agency, of “leading the manipulation” against the Venezuelan people. According to reports, president Maduro urged the Minister for Communication and Information, Delcy Rodríguez, to take “steps and make things quite clear to the *AFP* correspondents in Venezuela and to the management and owners of that international news agency.”⁷⁵⁵

429. The channel *CNN en Español* was the butt of several accusations and criticism from president Nicolás Maduro and other government officials for its coverage of the demonstrations. On February 14, the Venezuelan Minister of Foreign Affairs, Elías Jaua, said that “the Venezuelan people are again facing a fascist assault” led by the international news media. “The whole world's propaganda machine has united as a single force to attack Venezuela, led by the main international news channels, such as *CNN* and others,” said foreign minister Jaua, who also accused the international media of distorting information.⁷⁵⁶

430. On February 20, in a nationwide broadcast, President Nicolás Maduro had announced the possible expulsion of the team of the station *CNN en Español*. “*CNN* will leave Venezuela, enough war propaganda! [...] if they do not change their course, then out of Venezuela!” said the Head of State, while accusing them of inciting incidents of violence that were recorded in demonstrations over the past few days.⁷⁵⁷ According to what was reported, after these statements, state television media had motivated

⁷⁵² ABC/ EFE. February 14, 2014. [Maduro confirma salida de NTN24 del aire por una decisión de Estado](#); El Universal. February 13, 2014. [Maduro: Sacar del aire a NTN24 fue una decisión de Estado](#); NTN24. July 1, 2014. [Maduro arremete contra medios internacionales y asegura que cierre de NTN24 fue una “decisión de Estado”](#);

⁷⁵³ National Telecommunication Commission of Venezuela (Conatel). February 14, 2014. [William Castillo: “No permitiremos que se use el espectro radioeléctrico para otro golpe de Estado.”](#)

⁷⁵⁴ National Telecommunication Commission of Venezuela (Conatel). February 17, 2014. [William Castillo: El espectro radioeléctrico no es propiedad privada](#); IPYS/+Sociedad Civil. Undated. [Represión y Silencio](#).

⁷⁵⁵ National Address by President Nicolás Maduro. Aired on February 13, 2014. Published February 14, 2014 by: sucreranda Hugo Chávez Venezuela/YouTube. [Presidente Nicolás Maduro. Cadena Nacional, 13 de febrero, 2014. Venezuela](#) [00:21:00 – 00:22:00]; Instituto Prensa y Sociedad (IPYS) Venezuela. February 16, 2014. [Venezuela: entre el 11 y el 15 de febrero sucedieron 25 casos de violaciones a las libertades informativas](#); El Universal. February 13, 2014. [Maduro: Sacar del aire a NTN24 fue una decisión de Estado](#); Infobae. February 13, 2014. [Nicolás Maduro arremetió contra los medios de comunicación](#); El País/AFP-ANSA-EFE. 15 February 2014. [Maduro habla de intento de golpe](#).

⁷⁵⁶ Correo del Orinoco. February 14, 2014. [Aparato propagandístico del imperio y del fascismo también será derrotado](#); DW/DPA-EFE. February 14, 2014. [Acusa Jaua a medios de “atacar a Venezuela”](#); El Colombiano/EFE. February 14, 2014. [Gobierno venezolano acusa a medios internacionales de tergiversar la realidad](#); El Comercio/AFP-EFE-DPA. February 15, 2014. [Caracas sigue en conmoción y el Régimen acusa a los medios](#).

⁷⁵⁷ National Address by President Nicolás Maduro. Aired on February 20, 2014. Published February 21, 2014 by: sucreranda Hugo Chávez Venezuela/YouTube. [Presidente Nicolás Maduro. Cadena Nacional con los trabajadores del Metro de Caracas. Venezuela](#) [00:07:30 – 00:08:50]; Perú 21. February 20, 2014. [Venezuela: Nicolás Maduro amenaza con sacar del aire a CNN en su país](#); La Prensa. February 20, 2014. [Nicolás Maduro amenaza con expulsar de Venezuela a la cadena CNN](#); Infobae. February 20, 2014. [Maduro contra CNN: “Vamos a sacarlos de Venezuela”](#).

government supporters to join the Twitter tag #FueraCNNdeVenezuela, which allegedly had been supported by government leaders and the Bolivarian Information and Communication System (Sistema Bolivariano de Información y Comunicación—SIBCI).⁷⁵⁸ According to the information that was received, on February 20, Francisco Pérez, Deputy Minister of the People's Power Ministry for Information and Communication (Ministerio del Poder Popular para la Información y Comunicación—MINCI) had notified the reporters of *CNN en Español* Patricia Janiot, journalist and news anchor; Magdalena Cabral, producer; Rafael Romo, correspondent for *CNN International*; and Osmary Hernández, correspondent, that their work permit in the country had been cancelled.⁷⁵⁹ On February 22, correspondents Osmary Hernández and a cameragrapher obtained permits to work again in the country.⁷⁶⁰ On October 16, while on another visit to the country, Janiot revealed that MINCI had denied her application for a work permit to report on the situation in the country.⁷⁶¹

431. In this context, on February 21, the ombudsperson, Gabriela Ramirez, said that “CNN could be guilty of war propaganda.”⁷⁶² The pro-government mayor of Caracas, Jorge Rodríguez, reportedly said that “CNN is doing exactly what Hutu radio did when they called the Tutsis cockroaches in Rwanda.”⁷⁶³ On February 23, President Nicolás Maduro again made accusations against *CNN en Español* and criticized its broadcasting of images of the violence in the country. “What [CNN] wants is for Venezuela to be set on fire and destroyed [...] to destroy the motherland to take our oil,” said the premier.⁷⁶⁴

432. On February 25, President Nicolás Maduro, in a nationwide broadcast, had proposed the possibility of replacing the signal of the station *CNN en Español* by a new state station *Zum TV*, which the Head of State had identified as “the television of Venezuelan youth.” According to the information that was received, the Head of State had said: “It occurs to me, I was thinking, I don't know, Delcy (Rodríguez, People's Power Minister for Information and Communication), since there are proceedings against *CNN* for illegal practices of sponsoring violence and terrorism, it occurs to me that we can replace *CNN* by the station *TV Zum*, which is a true station of peace.” He had added that, with this change “you will replace a station of terrorist violence that wishes to bring civil war to Venezuela and justify foreign intervention by lying about Venezuela and rather we provide the world with a peace-loving television station like *TV Zum*.”⁷⁶⁵

⁷⁵⁸ Bolivarian Communication and Informatoin System. Venezolana de Televisión (VTV). February 21, 2014. [Venezolanos posicionan la etiqueta #FueraCNNdeVenezuela en rechazo a la manipulación mediática](#); El País. February 21, 2014. [Aumenta la persecución política en Venezuela tras las protestas](#); IPYS/+Sociedad Civil. [Represión y Silencio](#).

⁷⁵⁹ CNN en Español. February 21, 2014. [Gobierno de Venezuela revoca las credenciales a periodistas de CNN en Español](#); El Universal. February 21, 2014. [CNP afirma que Gobierno despojó de credenciales a reportera de CNN](#); BBC Mundo. February 21, 2014. [Venezuela: retiran permiso de trabajo a Patricia Janiot y equipo de CNN](#); Instituto Prensa y Sociedad (IPYS). February 22, 2014. [Caracas: Gobierno venezolano revocó credenciales a reporteros de CNN en Español](#).

⁷⁶⁰ La Verdad. Undated. [Gobierno devuelve credenciales a periodistas de CNN en Venezuela](#); La Tercera/EFE. February 23, 2014. [Gobierno reactivó credenciales a periodistas de CNN en Venezuela](#); Los Andes. February 22, 2014. [Venezuela reactivó las credenciales de los periodistas de CNN](#); Infobae. February 23, 2014. [Maduro dio marcha atrás y reactivó las credenciales de CNN](#).

⁷⁶¹ Últimas Noticias. October 16, 2014. [Patricia Janiot dice que le negaron credenciales de trabajo](#); Runrun.es. October 16, 2014. [Por tercera vez el Gobierno niega credenciales a periodistas de CNN](#); Instituto Prensa y Sociedad (IPYS). October 21, 2014. [Caracas: Por tercera vez en 2014 niegan credenciales a reporteros de CNN en Español](#); El Nacional. October 16, 2014. [Patricia Janiot: "Aquí hay muchas cosas para contar"](#).

⁷⁶² El País. February 21, 2014. [El Gobierno de Maduro redobla el acoso a los medios de comunicación](#); La Razón. February 22, 2014. [Maduro expulsa a 4 periodistas de CNN](#); Periodista Digital. February 22, 2014. [Maduro expulsa a la CNN e investiga si sectores de su Gobierno conspiran contra él](#).

⁷⁶³ El País. February 21, 2014. [El Gobierno de Maduro redobla el acoso a los medios de comunicación](#); Periodista Digital. February 22, 2014. [Maduro expulsa a la CNN e investiga si sectores de su Gobierno conspiran contra él](#).

⁷⁶⁴ Ministry of People's Power for Communication and Information, Bolivarian Government of Venezuela. February 23, 2014. [Se están acabando y extinguendo los grupos violentos](#); Vanguardia/DPA. February 24, 2014. [Protestas estimulan el odio para mi asesinato: Maduro](#).

⁷⁶⁵ Instituto Prensa y Sociedad (IPYS). February 26, 2014. [Caracas: Presidente de la República anunció que señal del canal Zum TV posiblemente sustituya el canal CNN en Español](#); El Universal. February 25, 2014. [Maduro: Se me ocurre sacar a CNN y poner en su lugar a ZUM TV](#); Miami Diario. February 25, 2014. [Maduro vuelve a amenazar a CNN: Vamos a sustituirlo por Zum TV](#); Panorama. February 26, 2014. [Maduro plantea la posibilidad de sustituir CNN por el nuevo canal ZUM TV](#); Bolivarian Communication and Information System. National Broadcast Telecommunicators for Peace and Life. Broadcast on February 25, 2014. Posted on February 26, 2014 by: sucreranda Hugo Chávez Venezuela/YouTube. [Nicolás Maduro. Marcha de Telecomunicadores y CANTV Venezuela, 25 de febrero, 2014](#). [02:07:10 forward]

433. In an address to the Organization of American States (OAS), Venezuela's ambassador to that entity Roy Chaderton accused a number of international media organizations of involvement in smear campaigns. In his speech the ambassador said that these slurs were made "through a coordinated media dictatorship, with CNN at its head." He also named other media outlets, including *Clarín* (Argentina), *El Universo* (Ecuador), the Washington Post (United States) and *El País* (Spain). He also mentioned the Colombian international channel *NTN24*, whose journalists he branded "warmongers, arsonists, and in cahoots with ex-president Álvaro Uribe."⁷⁶⁶ Speaking at the United Nations, the Venezuelan Minister of Foreign Affairs, Elías Jaua, denounced international and domestic media outlets for waging a "psychological war" against the country with the aim of "toppling" the government of president Nicolás Maduro.⁷⁶⁷

434. The People's Power Minister for Communication and Information, Delcy Rodríguez, had requested on March 27 that the daily newspaper of the state of Aragua, *El Aragüeño*, be investigated for alleged calls to conspiracy using encrypted messages. According to what was reported, the official had posted the claim on her Twitter account, writing: "Daily newspaper El Aragüeño sends encrypted messages involving conspiracy and violence in its crossword puzzles! We have requested an investigation."⁷⁶⁸ In its own Twitter account, the daily newspaper had posted a series of tweets pointing out, among other issues, that it felt it was not advisable to respond to the claim made by the Minister using social networks and had added that "[t]he doors of this media company are open for any investigation that the Government might wish to conduct..."⁷⁶⁹

435. On March 8, after an interview for CNN with journalist Christiane Amanpour aired on the previous day, president Maduro again attacked *CNN en Español*, saying that it was part of "the nest of vipers in Miami" and that they have it in for Venezuela.⁷⁷⁰

436. On March 8, president Maduro made accusations against Deivis Ramírez, a journalist of *El Universal* newspaper and contributor to *Caracol Radio*, based on information published by the journalists on his Twitter account. Ramírez reportedly published an account of the death of a motorcyclist during a protest that differed from the official version. According to the journalist, he was murdered by a national guardsman. President Maduro publicly stated that this was a criminal falsehood. "The first to leak the false—I would say criminal—version was Deivis Ramírez, a journalist with El Universal newspaper. We are verifying if he is the owner of the Twitter account that put out a version that is criminal, criminal!" said the premier. The journalist

⁷⁶⁶ Alba TV. February 20, 2014. [Roy Chaderton en la OEA: "Estamos hablando de una patología de Estado: la adicción a la guerra"](#); Notitarde. February 19, 2014. [Roy Chaderton denuncia ante la OEA campaña de medios internacionales contra Venezuela](#); Miami Diario. February 19, 2014. [Chaderton: En Venezuela hay una dictadura mediática encabezada por CNN](#); Infonews. February 19, 2014. [Venezuela denunció intromisión de EE.UU. ante la CELAC y la OEA](#); Venezolana de Televisión/YouTube. February 19, 2014. Published by Luigino Bracci Roa. [FULL VIDEO: Roy Chaderton en la OEA repudia ataques del fascismo contra Venezuela](#). [13:42 / 16:26 / 18:34].

⁷⁶⁷ Sistema Bolivariano de Comunicación e Información. March 4, 2014. [Jaua: Venezuela es víctima de una campaña internacional mediática](#); Caracol Radio/EFE. March 3, 2014. [Jaua acusa a los medios de imponer una "guerra psicológica" contra su país](#); Noticias 24. March 3, 2014. [Venezuela denuncia ante la ONU "laboratorios mediáticos" y acciones para "derrocar" el Gobierno](#); Notimérica/Europa Press. March 3, 2014. [Jaua denuncia ante la ONU manipulaciones de los medios](#); PSUV. March 3, 2014. [Jaua denuncia ante la ONU guerra psicológica de medios internacionales contra Venezuela](#).

⁷⁶⁸ Venezolana de Televisión (VTV). March 27, 2014. [Ministra de Comunicación solicita investigar a diario El Aragüeño por enviar mensajes vinculados a conspiración \(+Tuit\)](#); El Universal. March 28, 2014. [Investigarán al diario El Aragüeño por "mensajes cifrados"](#); Correo del Orinoco. March 27, 2014. [Ministra Rodríguez solicita investigar diario El Aragüeño por enviar mensajes violentos cifrados en crucigramas](#); Cuenta de Twitter de Delcy Rodríguez @Drodriguez. [March 27, 2014 - 12:03 PM](#).

⁷⁶⁹ "Las puertas de este medio comunicación están abiertas para cualquier investigación que tenga a bien iniciar el Gobierno Nacional...". ["the doors of the media outlet are open for any investigation that national authorities may want to initiate"] Twitter account of El Aragüeño @ElAragueno. [March 27 2014 - 12:05 PM](#); Últimas Noticias. March 28, 2014. ["El Araqueño" respondió por los "mensajes cifrados en crucigramas"](#); Instituto Prensa y Sociedad (IPYS). March 27, 2014. [Caracas: Ministra de Comunicación e Información pide que se investigue a diario regional por la publicación de mensajes cifrados en crucigramas](#).

⁷⁷⁰ Noticias al día y a la hora. March 9, 2014. [Maduro declaró que la entrevistadora de CNN le montó una trampa](#); La Estrella de Panamá. March 9, 2014. [Maduro dice que CNN le montó una trampa en entrevista con Amanpour](#).

reportedly expressed concerns about the reaction of government supporters who might endanger his life.⁷⁷¹ According to information received, days later Ramirez was called to testify as a witness to the violent events on which he had reported.⁷⁷²

437. At a press conference on March 14, president Maduro said that Fernando del Rincón, a journalist with *CNN en Español*, was inciting violent protests in the country. The premier reportedly said that the journalist "was encouraging" the "*guarimbas*" (a slang term for demonstrators who block roads using rubble and other objects). The president also said that the journalist was practicing "war journalism" and said that he had sent him a message saying that "if he crosses the line by breaking international rules, he will have to leave the country. I am about to go over what he has done today." The premier also said that Del Rincón was a "violent," "psychotic" man hired to do "any dirty work," alluding to an alleged domestic-violence complaint against the journalist.⁷⁷³ In the wake of those remarks, the Minister for Communication and Information, Delcy Rodríguez, accused the journalist of being a "woman beater" (*golpeador de mujeres*) on her Twitter account.⁷⁷⁴ The journalist arrived in the country on May 22 to cover the municipal elections in San Cristobal but the Ministry for Communication and Information (Minci) denied him a work permit. No reasons were offered for the decision.⁷⁷⁵

438. As reported to the IACHR, on March 17, the station *Globovisión* had put an end to its more than decade-long partnership with RCN Televisión, the group owning the station *NTN24*. According to what was reported, the journalists and teams had been given one week to evacuate the headquarters of *Globovisión*.⁷⁷⁶ In a press release, the station *NTN24* stated that it would continue its news activities from Venezuela.⁷⁷⁷ At the date of the present report, the station continues to be blocked from the companies that provide pay cable television services throughout the country.

439. The National Telecommunication Commission (CONATEL) had ordered the suspension of the radio program 'Plomo parejo' directed by the independent producer Iván Ballesteros as of May 8, "for alleged violations of the Law on Social Responsibility on radio, television and electronic media." As reported to the IACHR, the Board of Social Responsibility had requested CONATEL to file punitive administrative proceedings after it had received a petition from various user organizations to investigate the program and its director for allegedly breaching some of the articles of the aforementioned law because they considered that the messages that were transmitted in this forum were aimed at "fueling collective anger and manipulating users receiving said messages." The Board also requested CONATEL to extend the punitive

⁷⁷¹ Caracol Radio. March 8, 2014. [Presidente Nicolás Maduro arremete contra colaborador de Caracol Radio](#); Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); Venezolana de Televisión/YouTube. March 8, 2014. Published by the National Press Workers Union (SNTP). [Nicolás Maduro agrade a periodista Devis Ramírez \(7/03/2014\)](#).

⁷⁷² Venezuela Al Día. March 10, 2014. [Periodista Devis Ramírez es citado en calidad de testigo por caso Los Ruices 6M](#); El País. March 11, 2014. [El periódico progresista 'TalCual', en el punto del mira del chavismo](#).

⁷⁷³ Agencia Venezolana de Noticias (AVN). March 14, 2014. [Maduro denuncia que periodistas de medios internacionales alientan y promueven guarimbas](#); Últimas Noticias. March 14, 2014. [Maduro acusa a Fernando del Rincón de alentar las guarimbas](#); Alba Ciudad. March 14, 2014. [Maduro: El periodista Fernando del Rincón alienta y promueve protestas violentas \(+Video y fotos\)](#).

⁷⁷⁴ Venezuela Al Día. March 15, 2014. [Ministra de Comunicación acusa a Fernando del Rincón de "golpeador de mujeres"](#); "Golpeador de mujeres, Fernando del Rincón, tiene la única virtud de hacer de la estulticia el guión de un programa!". Delcy Rodríguez's Twitter account @Drodriguez. [March 14, 2014 – 8:09 p.m.](#)

⁷⁷⁵ Últimas Noticias. May 23, 2014. [Minci negó permiso de trabajo a Fernando del Rincón](#); Espacio Público. May 23, 2014. [Minci niega permiso para cobertura periodística a Fernando del Rincón](#); Panorama. May 23, 2014. [Niegan permiso al periodista Fernando del Rincón para cubrir elecciones en San Cristóbal](#).

⁷⁷⁶ "Directiva de Globovisión da por terminada alianza con @NTN24 y RCN TV. Dan 7 días para retirar equipos y personal de su sede en Caracas [Board of Directors of Globovisión terminates partnership with @NTN24 and RCN TV. Gives 7 days to withdraw equipment and staff from its headquarters in Caracas.]" Cuenta de Twitter de Carlos E. Sánchez's Twitter account @CESANCHEZM. [March 17, 2014 – 1:18 PM](#); La Patilla. March 17, 2014. [Globovisión rompe alianza con NTN24 y RCN](#); El Nacional. March 19, 2014. [NTN24 continuará informando desde Venezuela](#); Knight Center for Journalism in the Americas. March 20, 2014. [Venezuelan media group Globovisión breaks off alliance of more than a decade with Colombian network](#); Martí Noticias. March 19, 2014. [Globovisión rompe alianza con cadenas colombianas RCN y NTN24](#).

⁷⁷⁷ NTN24. March 18, 2014. [Comunicado de prensa de NTN24 sobre suspensión de alianza entre Globovisión y RCN Televisión](#).

administrative proceedings against the station *RCR 750 AM* in charge of broadcasting the program.⁷⁷⁸ Article 27, one of those mentioned, forbids “the broadcasting of messages that incite or promote hate and intolerance [...] foster unrest among the citizenry and disrupt public law and order [...] that fail to recognize legitimately established authorities.”⁷⁷⁹

440. At a meeting with community based and private media on June 1, the governor of the State of Mérida, Alexis Ramírez, admitted that in 2013 he had used “his power as governor” to get the National Telecommunications Commission (CONATEL) to remove the journalist Horacio Contreras from his position as director of the radio station *Studio 102.7 FM*. The matter apparently originated in April 2013, when during a wave of protests in different parts of the country, including that state, the journalist had called upon the public official a number of times, reminding him of his duty to ensure public safety. The office of the governor had threatened to open an administrative proceeding before Conatel, so the radio station decided to relieve the journalist of his duties and reassign him to the production of its news program. The journalist was also sued by the public official for defamation—the case is still open—and received threats in the wake of the incident.⁷⁸⁰

441. On July 9, the National Telecommunication Commission (CONATEL) shut down the radio station *Omega 104.9 FM* which operated in Socopó, in the state of Barinas. Officials of the Commission had arrived at the station with members of the National Bolivarian Guard (GNB) and had proceeded to shut it down, arguing that the station did not have the “operating license” granted by the Commission. According to what was reported, in the municipality there are 10 radio stations that do not hold the “operating license” but they are nevertheless running. The radio station is owned by Nikzal Azkoul, leader of the opposition party Voluntad Popular⁷⁸¹.

442. On August 16, the National Telecommunication Commission (CONATEL) announced that it had filed punitive administrative proceedings against the radio operator Radio Caracas Radio C.A. (750 AM) and had ordered that the program ‘Entre tú y yo con Nitu’ (Between you and me and with Nitu), directed by the journalist Nitu Pérez, be taken off the air. The proceedings had been filed for alleged violations of provisions in articles 27 and 29 of the Law on Social Responsibility in Radio, Television and Electronic Media, the RESORTE Law, which forbids, by any broadcasting media, transmitting any messages that might incite or foster hate and intolerance for political reasons, foster unrest among the citizenry or disrupt public law and order and fail to recognize legitimately established authorities. In the review of the radio program conducted between February and August, there were statements made calling President Nicolás Maduro a “killer, criminal, dictator and drug dealer.” The order to shut down the program would begin on August 16 and for the time required to conduct the administrative proceedings.⁷⁸²

⁷⁷⁸ National Telecommunication Commission (CONATEL). May 7, 2014. [Conatel inicia investigación y dicta medida cautelar de suspensión del programa radial “Plomo pareja”](#); Venezolana de Televisión (VTV). May 7, 2014. [Conatel inició investigación por propaganda de guerra y dictó medida cautelar de suspensión del programa radial de RCR \(+Video\)](#); Espacio Público. May 8, 2014. [Conatel suspende programa radial Plomo pareja](#); Instituto Prensa y Sociedad (IPYS). May 8, 2014. [Caracas: CONATEL inicio procedimiento administrativo contra Productor Nacional Independiente y ordenó suspensión de programa radial](#).

⁷⁷⁹ People’s Power Ministry for Communication and Information. National Telecommunication Commission of Venezuela (CONATEL). *Ley de Responsabilidad Social en radio, televisión y medios electrónicos*. [Gaceta Oficial No. 39.610](#). February 7, 2011.

⁷⁸⁰ Espacio Público. June 2, 2014. [Gobernador de Mérida admite que ordenó destituir al periodista Horacio Contreras](#); Actualidad y Gente. June 1, 2014. [Gobernador de Mérida reconoció que solicitó la destitución del periodista Horacio Contreras](#); CIDH. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II: Evaluation of the State of Freedom of Expression in the Hemisphere. OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Par. 886.

⁷⁸¹ El Universal. July 10, 2014. [Conatel cerró emisora de dirigente opositor en Socopó](#); Espacio Público. July 10, 2014. [Conatel cierra estación de radio en Barinas](#); Instituto Prensa y Sociedad (IPYS). July 9, 2014. [Barinas: Conatel cierra emisora Omega 104.9 FM](#).

⁷⁸² National Telecommunication Commission (CONATEL). August 16, 2014. [Conatel inicia investigación a RCR y suspende temporalmente programa “Entre tú y yo con Nitu”](#); Committee to Protect Journalists (CPJ). August 19, 2014. [Gobierno venezolano suspende a programa de radio crítico](#); Infobae/AP. August 16, 2014. [El chavismo censuró el programa de una periodista opositora](#).

443. On August 19, the National Telecommunication Commission (CONATEL) had suspended the signal of the radio station *Sensacional 94.7 FM* of the state of Barinas presumably because its concession had expired. CONATEL's officials had arrived with public law and order forces. The owner assured that she had requested renewal of the concession, but that CONATEL had presumably not responded, and therefore she felt that the decision to suspend the radio was a "political decision" as a result of her editorial perspective. A new radio station, called *Radio Popular*, had started operating immediately thereafter.⁷⁸³

444. The IACHR received information about alleged blocking of access to and live transmission by On-line media. Indeed, the IACHR was informed that the website of the international news station *NTN24* had been blocked on February 12. According to what was reported, it was not possible to have access to its website in Venezuelan territory.⁷⁸⁴ On February 17, the Director General of CONATEL, William Castillo, had assured that the website of *NTN24* was blocked and that, until this station stops its attempts to actively support destabilization, the situation will continue as until now.⁷⁸⁵ On September 18, the station had released a press release informing that, on September 16, its website portal had been blocked again in the country. This time the blocking had a wider reach and included all media's domains. Access from Venezuela to the station's entire network of portals, its applications and its live streaming signal would be disabled. *NTN24* had also said that the blocking had come from within the network of Venezuela's state communication enterprise CANTV [*Compañía Anónima Nacional de Teléfonos de Venezuela*] and that it had been extended to other operators.⁷⁸⁶ In a press release, Colombia's Ministry of Foreign Affairs had pointed out that it hoped that the problems with the station's signal "were due to technical failures and not, as presented by the executives of this media group, because of censorship blocking the technology." Also, the Ministry requested the Venezuelan Government "to reexamine the decision taken the past month of February to suspend the station's signal transmitted by cable operators."⁷⁸⁷ On that same day, *RCN Radio* had announced that its engineers were able to determine that CANTV "had blocked IP addresses, domain names and DNS records of all the portals of the RCN Radio news system."⁷⁸⁸ On the afternoon of October 21, the website was unlocked⁷⁸⁹.

445. On March 15, *almomento360.com*, a news website announced that its live webcast of the protests in Plaza Francia de Altamira in Caracas for a month had been taken down for "reasons beyond its control." The webcast was reportedly taken off the Lifestyle & Business section after alleged cyber attacks, blockages of the website's URL, and a partial blockage that had prevented it from uploading news normally since March 13. The website also said that its users reported that they were unable to see the webcast at their

⁷⁸³ El Universal. August 19, 2014. [Conatel sacó del aire a radio Sensacional 94.7 FM en Barinas](#); Comité para la Protección de los Periodistas (CPJ). August 20, 2014. [Autoridades venezolanas suspenden señal de radioemisora](#); 2001. August 19, 2014. [Conatel cierra dos emisoras en Barinas](#).

⁷⁸⁴ La República. February 12, 2014. [Venezuela saca del aire a NTN24 y lo bloquea en Internet](#); Semana. February 12, 2014. [NTN24 bloqueado en Venezuela](#); TN. February 19, 2014. [NTN24 denunció censura de su página web](#); Espacio Público. March 24, 2014. Internet in Venezuela: Freedom of Expression and its Threats. Available at: Archive of the Special Rapporteurship for Freedom of Expression.

⁷⁸⁵ National Telecommunication Commission of Venezuela (CONATEL). February 17, 2014. [William Castillo: El espectro radioeléctrico no es propiedad privada](#); IPYS/+Sociedad Civil. Undated. [Represión y Silencio](#); Últimas Noticias. February 18, 2014. [Conatel: Web de NTN24 seguirá bloqueada hasta que deje de desestabilizar](#); El Mundo. February 17, 2014. [Conatel: Web de NTN24 seguirá bloqueada hasta que deje de desestabilizar](#).

⁷⁸⁶ IACHR. Special Rapporteurship for Freedom of Expression. September 22, 2014. [Comunicado de Prensa R 107/14. Relatoría Especial manifiesta su preocupación por la situación de la libertad de expresión en Venezuela](#); NTN24. September 18, 2014. [COMUNICADO: NTN24 censurado en Venezuela, ahora en Internet](#).

⁷⁸⁷ Ministry of Foreign Affairs of the Republic of Colombia. September 18, 2014. [Comunicado de prensa del Ministerio de Relaciones Exteriores sobre los problemas de señal que ha tenido el portal web del canal NTN 24](#).

⁷⁸⁸ IACHR. Special Rapporteurship for Freedom of Expression. September 22, 2014. [Comunicado de Prensa R 107/14. Relatoría Especial manifiesta su preocupación por la situación de la libertad de expresión en Venezuela](#); RCN Radio. September 19, 2014. [Siguen quejas de lectores por bloqueo de portales de RCN en Venezuela](#); Noticias RCN. September 18, 2014. [Problemas en Venezuela para acceder a portales de RCN](#).

⁷⁸⁹ Espacio Público. October 22, 2014. [Portal de NTN24 fue desbloqueado](#); Noticiero Digital. October 21, 2014. [Desbloqueado el portal de NTN24](#); Informe21.com/Colegio Nacional de Periodistas. October 23, 2014. [CNP: El portal web de NTN24 fue desbloqueado](#).

homes or only received it intermittently. The website announced that it would make a complaint to the appropriate entities and that it had provided its users with another link to the webcast.⁷⁹⁰

446. Also, the Inter-American Commission learned that the Twitter social network had been partially blocked in Venezuela on February 13, preventing images from being seen, after many users posted messages about student protests in various cities of the country. On February 14, Nu Wexler, spokesperson for the company Twitter Inc., had confirmed to international media that the blocking affecting the images on the social network could have been carried out by the Venezuelan government.⁷⁹¹ According to its report, it did not know if the blocking had affected other Internet providers apart from the state enterprise National Telephone Company of Venezuela (Compañía Anónima Nacional de Teléfonos de Venezuela—CANTV), which has most of the country's stationary Internet subscribers.⁷⁹² CANTV had issued a press release on February 14, where it denied any responsibility for the breakdown that occurred on Twitter.⁷⁹³ According to what was reported, that day the Director of the National Telecommunication Commission (CONATEL), William Castillo, had complained on his Twitter account that some of Venezuela's government websites were being attacked from various countries and he pointed out that various links "from which public sites are attacked were blocked."⁷⁹⁴

447. In this context, from February 19 to 21, residents of Táchira state reported generalized blackouts in CANTV's online service. There was reportedly no official response regarding the downed platform.⁷⁹⁵ On February 24, the state governor, José Gregorio Vielma Mora, reportedly denied any restriction of Internet access for the entity.⁷⁹⁶ For its part, on February 21, Conatel denied any violation of communications rights in the country and dismissed information posted on Twitter as false. "It is worth remembering that as a space for the free circulation of information and opinions, these networks have been awash in recent days with disinformation, doctored photographs, altered videos and a series of events that amount to a communications attack."⁷⁹⁷

448. On December 2, 2014, the Political Administrative Chamber of the Supreme Court of Justice (TSJ) declared inadmissible an action filed by the nongovernmental organization Espacio Público against the Ministry of People's Power for University Education, Science and Technology "for the lack of a timely and

⁷⁹⁰ La Patilla/Almomento360. March 15, 2014. [Por transmitir en vivo protestas en Altamira el portal @almomento360 sufre bloqueo parcial](#); Espacio Público. March 24, 2014 Venezuela: Enero - Marzo 2014. Los trances de la libertad de expresión. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

⁷⁹¹ BBC Mundo. February 15, 2014. [Twitter confirma bloqueo de imágenes en Venezuela](#); Bloomberg. February 15, 2014. [Venezuelans Blocked on Twitter as Opposition Protests Mount](#); El Universal. February 14, 2014. [Bloomberg confirma que Gobierno venezolano bloqueó imágenes de Twitter](#); Knight Center for Journalism in the Americas. February 26, 2014. [Twitter confirma que imágenes de protestas en Venezuela están siendo bloqueadas](#).

⁷⁹² El Universal. February 14, 2014. [Bloomberg confirma que Gobierno venezolano bloqueó imágenes de Twitter](#); Bloomberg. February 15, 2014. [Venezuelans Blocked on Twitter as Opposition Protests Mount](#)

⁷⁹³ El Universal. February 14, 2014. [Bloomberg confirma que Gobierno venezolano bloqueó imágenes de Twitter](#); El Mundo. February 14. [Cantv asegura no estar involucrada en bloqueo de imágenes en Twitter](#); El Siglo. February 14. [Cantv desmiente que esté involucrada en fallas de Twitter](#); Bloomberg. February 15, 2014. [Venezuelans Blocked on Twitter as Opposition Protests Mount](#); Knight Center for Journalism in the Americas. February 26, 2014. [Twitter confirma que imágenes de protestas en Venezuela están siendo bloqueadas](#).

⁷⁹⁴ El Universal. February 14, 2014. [Bloomberg confirma que Gobierno venezolano bloqueó imágenes de Twitter](#); El Mundo. February 14, 2014. [Castillo: Bloqueo de enlaces se debe a ataque de páginas oficiales](#).

⁷⁹⁵ IPYS/+Sociedad Civil. Undated. [Represión y Silencio](#); El Nacional. February 21, 2014. [Táchira amanece sin Internet por segundo día](#); El Comercio. February 20, 2014. [Venezuela: Táchira ya está militarizada y sin Internet](#); Espacio Público. March 24, 2014 Internet en Venezuela: la libertad de expresión y sus amenazas. Available at: Archive of the Office of the Special Rapporteur.

⁷⁹⁶ IPYS/+Sociedad Civil. Undated. [Represión y Silencio](#); El Universal. February 24, 2014. [Vielma Mora califica como "un exceso inaceptable" militarización en Táchira](#).

⁷⁹⁷ National Telecommunications Commission of Venezuela (Conatel). February 21, 2014. ["En Venezuela no hay violación de derechos comunicacionales"](#).

adequate response to the request for information made on March 13, 2014, and reiterated on June 26 and August 1, 2014, related to the existence of embargos and restrictions on communication purportedly issued by that Ministerial Office to certain Internet service providers” during the protests that took place in Venezuela.⁷⁹⁸ In this respect, the Chamber considered that the plaintiff did not explain “where the control sought to be exercised was directed, nor which actions taken by the Administration, according to it, would entail a possible infraction or irregularity affecting the individual or collective interests of the citizens.” It also affirmed that in the request one notes that the plaintiff did not specify “the use it would make of the information requested [and for these] reasons it is not considered that said requirement has been satisfied.” In the view of the Chamber, “petitions such as those in the instant matter, where an effort is made to collect information on the activity that the State will carry out ... in respect of the development of the telecommunications and information technology sector, which are tied to the national security of the State, constitute an attack on the effectiveness and efficiency that should prevail in the exercise of the public administration and governmental authority in general, since while every person has the right to direct petitions to any public agency and to receive a response in timely fashion, in response to such generic requests the Administration would have to devote time and human resources to give explanations concerning the wide array of activities that must be carried out in benefit of the community at large, a situation that would hinder and unnecessarily overburden the system for the administration of justice in response to the suggestions of such failures to act.”

449. During the hearing on the ‘Situation of the Right to Freedom of Expression and Access to Information in Venezuela’, held in the course of the 150th regular session of the IACHR on March 28, 2014,⁷⁹⁹ the Commission was concerned by information that it received regarding an alleged pattern of stigmatization, arrests, intimidation, harassment, and theft of items belonging to journalists and other media workers as they attempted to cover the protests that took place in several of the country’s states from February 2014 onward. According to information from civil society organizations involved, 116 journalists were “brutally assaulted” and 23 press workers “unlawfully detained” in February and March in Venezuela by officials and members of the security forces in Venezuela while they were covering the protests. The organizations also reported harsh repression of “citizen journalists” or so-called “info-activism” during protests. According to interviews conducted by participating organizations, during the protests “the objects most withheld, destroyed, and sometimes stolen were cellular telephones with a camera,” in order to censor any images of police brutality. They reported that this kind of violence resulted in the death of at least one individual and that these attacks remained unpunished. They also said that in the context of the demonstrations, civil society organizations documented around 500 websites that were blocked to prevent Venezuelan web users from accessing them, such as the case of NTN24.com. They also informed that during the demonstrations there was reported blocking of images on Twitter as well as reduced Internet connectivity and capacity, undermining net neutrality guarantees in Venezuela. These measures were reportedly taken “without any kind of formal proceeding” and there are apparently no mechanisms to obtain information about what is happening. Finally, they said that these acts occurred amid self-censorship by the broadcast media, which were unable to report openly on the demonstrations for fear of reprisals by the regulator Conatel.

450. For its part, the State explained that they were not peaceful demonstrations but rioting that affected 18 of 335 municipalities in the Republic of Venezuela. It said that “a peaceful demonstration does not seek to destroy buildings such as that of the Office of the Attorney General, does not torch vehicles or set fire to and destroy 16 universities; please! Those are neither peaceful nor student demonstrations, but the actions of hired killers. These demonstrations consist of a group of hooded criminals cutting off access to neighborhoods belonging to the middle class, thereby capturing the entire urbanized zone; they do not allow them to leave, receive medical assistance, or take their children to school.” According to the State, of the people detained in the demonstrations, “barely 30 percent were students; almost 90 percent of the demonstrators detained for acts of violence were released after a few hours, with a number who were found

⁷⁹⁸ Supreme Court of Justice. Political-Administrative Chamber. Judgment of December 2, 2014. EXP. No. 2014-1142. Available at: <http://www.tsj.gov.ve/decisiones/spa/diciembre/172301-01636-31214-2014-2014-1142.HTML>

⁷⁹⁹ IACHR. 150th regular session, March 28, 2014. Hearing on the Situation of the Right to Freedom of Expression and Information in Venezuela. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/150/default.asp>; CIDH. April 4, 2014. [Press Release 35/14. IACHR Wraps Up its 150th Session](#); IACHR. May 13, 2014. [Report on the 150th Session of the IACHR](#).

to be illegally in possession of weapons –prohibited in Venezuela – destroying property, or repeat offenders remaining in detention.” It reported that in this context, websites of ministries and government agencies were hacked. It also said that lines of communication in the country were blocked as a result of “an act of sabotage a few days earlier [in which] a power station was set on fire.”

451. In the Joint declaration on violence against journalists and media workers in the context of protests, adopted on 2013, it is appointed that in the context of demonstrations and situations of social unrest, the work of journalists and media workers, as well as the free flow of information “is essential to keeping the public informed of the events. At the same time, it plays an important role in reporting on the conduct of the State [...] preventing the disproportionate use of force and the abuse of authority”.⁸⁰⁰ For this reason, authorities must afford them the highest degree of protection in order for them to perform their duties. Accordingly, authorities have the duty to ensure that journalists and media workers reporting on public demonstrations are not arrested, threatened, assaulted, or limited in any manner in their rights as a result of practicing their profession. The State must not prohibit or criminalize live broadcasts of events, and must abstain from imposing measures that regulate or limit the free circulation of information.⁸⁰¹ Journalist shall not be called as witnesses by the courts and authorities must respect the right to keep their sources. Likewise, their work materials and tools must not be destroyed or confiscated.⁸⁰² Authorities must adopt a public statement that enhances the prevention of violence against journalist, condemning energetically aggressions, investigating such occurrences and punishing the perpetrators, as foreseen in the principle 9 of the Declaration of Principles on Freedom of Expression of the IACHR.⁸⁰³ Commission reiterates that authority’s intolerant political expressions do not only contravene human rights full enjoyment, but also may put a society sector in a more vulnerable and risk position due to potential attacks of diverse nature. It is also especially relevant in these contexts that authorities have special protocols to protect media in social conflict circumstances and instruct security agencies about the role of media in a democratic society.⁸⁰⁴

452. Also, in the context of demonstrations and situations of social unrest, the strictest international standards on freedom of expression must be observed by the States so that the full enjoyment to freedom of expression is guaranteed without unlawful interventions to journalist, media and society as a whole, accordingly to the 2nd Principle of the Declaration of Principles on Freedom of Expression.⁸⁰⁵ This is particularly important when there are complaints about blocking websites and applications that transmit data over the Internet. According to the net neutrality principle there “[s]hould be no discrimination in the treatment of Internet data and traffic, based on the device, content, author, origin and/or destination of the

⁸⁰⁰ United Nations (UN) Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights. September 13th, 2013. [Joint declaration on violence against journalists and media workers in the context of protests.](#)

⁸⁰¹ United Nations (UN) Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights. September 13th, 2013. [Joint declaration on violence against journalists and media workers in the context of protests.](#)

⁸⁰² United Nations (UN) Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights. September 13th, 2013. [Joint declaration on violence against journalists and media workers in the context of protests.](#)

⁸⁰³ [Principle 9 of the Declaration of principles of the IACHR](#): “[t]he murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation.”

⁸⁰⁴ United Nations (UN) Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights. September 13th, 2013. [Joint declaration on violence against journalists and media workers in the context of protests.](#)

⁸⁰⁵ [Principle 2 of the Declaration of Principles on Freedom of Expression](#): “[e]very person has the right to seek, receive and impart information and opinions freely under terms set forth in Article 13 of the American Convention on Human Rights. All people should be afforded equal opportunities to receive, seek and impart information by any means of communication without any discrimination for reasons of race, color, sex, language, religion, political or other opinions, national or social origin, economic status, birth or any other social condition.”

content, service or application.” This is a necessary condition for exercising freedom of expression on the Internet pursuant to the terms of Article 13 of the American Convention.⁸⁰⁶

453. In a press release dated February 21, the Inter-American Commission on Human Rights (IACHR) expressed its concern about the right to peaceful protest, freedom of association, and freedom of expression in Venezuela. On that occasion, the IACHR noted that criminal proceedings had been filed against Leopoldo López, the leader of the opposition party *Voluntad Popular*, noting that he had been deprived of his liberty after high-level government spokespersons publically blamed him for the events that occurred during the demonstrations on Wednesday, February 12. The Commission reiterated that the alleged use of the State’s punitive power to criminalize human rights defenders and peaceful social protest and to criminally prosecute critics or political dissidents was deeply disturbing.⁸⁰⁷

454. According to reports received, on April 4, 2014, the Office of the Public Prosecutor presented an indictment against Leopoldo López to the Sixteenth First Instance Court with duties for supervising rights in Caracas, which charged the opposition leader of committing the crimes of “abetting the crime of arson,” “abetting the crime of damages [to public property],” and “perpetrating the crime of public intimidation [*sic*],” all of which are provided for in the Venezuelan Criminal Code, and for the crime of “conspiracy,” punishable under Article 37 of the organized crime and terrorist financing act.⁸⁰⁸

455. According to the Office of the Public Prosecutor, the indictment seeks to demonstrate how Leopoldo López through the media “made calls for violence, disregard for legitimate authorities, and disobedience to the law,” which resulted in an attack on the headquarters of the Office of the Public Prosecutor and seven cars by a group of people, as well as the destruction of the Plaza de Parque Carabobo. The indictment indicates that these people “acted individually, but incited by the speeches” of the opposition leader. The Office of the Public Prosecutor states that these incidents “were carried out as a result of the persuasion and inducement” of Leopoldo López, who “exercised a strong influence, not only in the mindset, but also in the potential actions of his audience.”⁸⁰⁹

456. In the indictment, the Office of the Public Prosecutor alleges that Leopoldo López had a “clear strategy” to “use conventional and alternative social media” to lend vehemence to his speech’s “violent content,” specifically mentioning: (i) the press conference of January 23, 2014, in which “he intensified his rhetoric and launched an aggressive public campaign against the President of the Republic and government institutions,” making accusations about corruption and stating that “it was necessary to take to the streets to conquer democracy”; (ii) calls through social networks for people to demonstrate, especially from his official Twitter account, which, according to the Office of the Public Prosecutor, constitute “subliminal messages” to incite people “to remain in the street”; (iii) an interview conducted on the news channel *CNN en Español* on February 11, 2014, in which he repeated his call to “conquer democracy” with the aim of “spreading the idea amongst his followers that only the street could bring about change”; and (iv) the speech given near the Plaza Venezuela in Caracas on February 12, which the Office of the Public Prosecutor deems in its brief to be

⁸⁰⁶ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter IV (Freedom of Expression and the Internet) OEA/Ser.L/V/II.149 Doc.50. December 31, 2013. Para. 25. United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, Organization of American States (OAS) Special Rapporteur on Freedom of Expression and African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 1st, 2011. [Joint Declaration on Freedom of Expression and the Internet](#). Point 5 (a).

⁸⁰⁷ Inter-American Commission on Human Rights (IACHR). February 21, 2014. Press Release No. 17/14 [IACHR expresses deep concern over the situation with respect to the right to peaceful protest, freedom of association and freedom of expression in Venezuela](#)

⁸⁰⁸ Office of the Public Prosecutor. Indictment against Leopoldo López. Case N°C-16-17936-2014. Available at: http://cdn.eluniversal.com//2014/06/02/ACUSACION_LEOPOLDO.pdf

⁸⁰⁹ Office of the Public Prosecutor. Indictment against Leopoldo López. Case N°C-16-17936-2014. Págs. 2, 3 and 5. Available at: http://cdn.eluniversal.com//2014/06/02/ACUSACION_LEOPOLDO.pdf

violent, given that his slogan was “*la salida*” [“a way out”] in order to “bring about a complete and in-depth change of those who lead the national government.”⁸¹⁰

457. Furthermore, the Office of the Public Prosecutor submitted as evidence a “Report on Discourse Analysis,” written by an expert in linguistics, and prepared specifically based on four videos taken from the YouTube website, consisting of statements, interviews, and speeches by Leopoldo López on January 23, 2014, February 10, 2014, February 12, 2014, and February 13, 2014. In the report, the expert underscores “the rhetorical strength” of Leopoldo López as a political leader, which leads to “his audience feeling encouraged to follow up with actions, based on what he has told them they should do, although he does not clearly explain it to them.” In this regard, the expert indicates that the Leopoldo López’s speeches prior to February 12, 2014, “were able to prepare his followers so that they would activate what he called #LaSalida.” [“#A way out”] This resulted in his followers acting “to activate *una salida*, which in the context of the constitution, sought to have the people rise up to take to the streets to reject the constitutional government of Nicolás Maduro and bring it to an end in an other than peaceful manner.”⁸¹¹ In this regard, concludes the expert:

In the speeches analyzed, the citizen Leopoldo López, as a political leader of a sector of the Venezuelan population, did not establish exact guidelines on the characteristics of the protests that would take place. This was, without a doubt, a trigger that contributed to angering his followers due to the current political polarization that exists in Venezuela. For me, what occurred on the afternoon of February 12, 2014 opposite the Office of the Prosecutor of the Bolivarian Republic of Venezuela, shows that incitement by a political leader to fight in the streets to put an end to a constitutional government, can cause erratic, desperate, and in all likelihood, violent acts.⁸¹²

458. Based on this discourse analysis report, the Office of the Public Prosecutor concluded that, although Leopoldo López had not directly participated in the crimes of arson and [property] damage, he had incited and induced “demonstrators to carry out an attack on the headquarters of the Office of the Public Prosecutor, and against the property of the Venezuelan State,” inasmuch as he had given public speeches in which he had called for “disregarding the legitimately established authority and going against the leaders of government, which undoubtedly exercised a significant psychological influence on a group of individuals who had acted, incited by [his] speeches⁸¹³.”

459. With regard to the crime of public incitement, the Office of the Public Prosecutor concluded that, through his speeches and statements on social networks, Leopoldo López had engaged in “generic incitement,” which “prompted his follower to take to the streets to disregard laws, the government, and State institutions.” It added that this assertion was made “with reference to his presentation of an anti-democratic, inefficient, corrupt government, [that was] extremely repressive, and allied with drug traffickers,” and that, moreover, it constituted a call “for hate among Venezuelans⁸¹⁴.”

460. Finally, with regard to the crime of conspiracy, the Office of the Public Prosecutor concluded that it is “impossible to think that a sole individual organized and planned these events.” In this regard, it highlighted that the indictment shows that Leopoldo López “has an organizational structure for mobilization and logistics,” which includes the political party known as *Voluntad Popular*, activists and social

⁸¹⁰ Office of the Public Prosecutor. Indictment against Leopoldo López. Case N°C-16-17936-2014. Págs. 3, 4 and 31. Available at: http://cdn.eluniversal.com/2014/06/02/ACUSACION_LEOPOLDO.pdf

⁸¹¹ Office of the Public Prosecutor. Indictment against Leopoldo López. Case N°C-16-17936-2014. Págs. 108-135. Available at: http://cdn.eluniversal.com/2014/06/02/ACUSACION_LEOPOLDO.pdf

⁸¹² Office of the Public Prosecutor. Indictment against Leopoldo López. Case N°C-16-17936-2014. Págs. 133-135. Available at: http://cdn.eluniversal.com/2014/06/02/ACUSACION_LEOPOLDO.pdf

⁸¹³ Office of the Public Prosecutor. Indictment against Leopoldo López. Case N°C-16-17936-2014. Pág. 181. Available at: http://cdn.eluniversal.com/2014/06/02/ACUSACION_LEOPOLDO.pdf

⁸¹⁴ Office of the Public Prosecutor. Indictment against Leopoldo López. Case N°C-16-17936-2014. Pág. 181. Available at: http://cdn.eluniversal.com/2014/06/02/ACUSACION_LEOPOLDO.pdf

communication advisors, social networks, specialists in discourse, “whose main goal is to put an end to the power of the President of the Republic.”⁸¹⁵

461. Pursuant to a decision dated June 5, 2014, the Court admitted the indictment of Mr. Leopoldo López Mendoza and ordered that proceedings go forward for trial. Furthermore, the court upheld the measure depriving him of his liberty.⁸¹⁶

462. According to the information available, on March 25, the President of the National Assembly agreed to strip opposition legislator María Corina Machado of her seat in that Assembly after she attempted to appear before the Permanent Council of the Organization of American States (OAS), with the alternate accreditation of the Republic of Panama⁸¹⁷ for the purpose of providing information about “the reality of what is happening in Venezuela ... the brutal repression that [took] place during those moments in the streets of Venezuela.”⁸¹⁸ On April 21, Machado filed an *amparo* motion against this decision. On May 9, the Constitutional Chamber of the Supreme Court of Justice declared the action “inadmissible *in limine litis*” and considered that “on accepting the alternate representation of another country ... without requesting authorization from the President of the National Assembly and without it having granted it to her, she lost, by operation of law or *ipso iure*, the legislative office she had held. One infers from that circumstance that the conduct of the former legislator does not require any subsequent legal act with respect to her other than the action of the Venezuelan State in defense of the Constitution and implementation of the provisions contained therein.”⁸¹⁹ Later, on December 3, the Public Ministry accused María Corina Machado of the crime of conspiracy, established at Article 132 of the Criminal Code, according to which “anyone who, within or outside the national territory, conspires to destroy the republican political form that the national has given itself shall be punished by eight to 16 years in prison. The same penalty shall apply to a Venezuelan who requests foreign intervention in the internal politics of Venezuela, or who requests foreign assistance to disturb the peace of the Republic or who, before a foreign country’s officials, or for publications made in the foreign press, incites civil war in the Republic or defames its President or commits an outrage against the diplomatic representative or consular officials of Venezuela, because of the official duties, in the country where such conduct occurred.”⁸²⁰ As of the conclusion of this report, the Public Ministry’s indictment of Machado stood and she had not been reinstated in her position.

463. The IACHR notes that Inter-American case law and doctrine on this matter⁸²¹ provides that the imposition of penalties for abusing freedom of expression in keeping with the charge of inciting violence (understood as inciting commission of crimes, breach of public order or national security) is to be based on current, reliable, objective and strong evidence that the person was not simply expressing an opinion (no matter how harsh, unjust, or disturbing it may be), rather that the person had the clear intention of committing a crime and there was a current, real, and effective likelihood that he could achieve these objectives. Were this not to be the case, this would mean opening up the possibility of punishing opinions, and any States would be empowered to suppress any critical thought or statement about authorities which, as would be the case with anarchism or opinions that are radically opposed to the established order, questions even the very existence of the established institutions.

⁸¹⁵ Office of the Public Prosecutor. Indictment against Leopoldo López. Case N°C-16-17936-2014. Pág. 190. Available at: http://cdn.eluniversal.com//2014/06/02/ACUSACION_LEOPOLDO.pdf

⁸¹⁶ VTV. June 5, 2014. [Leopoldo López y otros violentos irán a juicio por sucesos del 12 de febrero](#); *TelesurTV*. June 5, 2014. [Opositor venezolano irá a juicio por violencia golpista](#); El Mundo. June 5, 2014. [Venezuela: Leopoldo López queda preso e irá a juicio](#).

⁸¹⁷ Panorama. March 24, 2014. [Cabello: "Por violar la Constitución, María Corina Machado dejó de ser diputada"](#); Panorama. March 24, 2014. [Psvv sobre María Corina Machado: "Nadie la está destituyendo, ella sola se salió" de la AN](#);

⁸¹⁸ YouTube. March 21, 2014. [Press Conference of María Corina Machado from the OAS](#).

⁸¹⁹ Constitutional Chamber of the Supreme Court of Justice. Decision of May 9, 2014. [Case No. 14-0383](#).

⁸²⁰ Office of the Prosecutor. December 3, 2014. [Ministerio Público imputó por conspiración a María Corina Machado. La investigación preliminar arroja que se pretendía alterar la paz de la Nación](#).

⁸²¹ IACHR. [2009 Annual Report. Report of the Special Rapporteurship for Freedom of Expression](#). Chapter III (Inter-American Legal Framework of the Right to Freedom of Expression). OEA/Ser.L/V/II. Doc. 51. December 30, 2009. Paragraph 59.

464. Furthermore, Inter-American case law and doctrine opinion has stipulated that laws establishing limitations on freedom of expression are to be drawn up in the clearest and most exact terms possible, inasmuch as the legal framework must provide legal certainty to citizens.⁸²² This requirement takes on even greater importance when it is a question of limitations imposed on freedom of expression by criminal law. In this regard, the Inter-American Court of Human Rights has indicated that these kinds of limitations must also meet the strict requirements of the principle of legality, in keeping with Article 9 of the American Convention on Human Rights: “If such restriction or limitations are under criminal law, it is important to observe the strict requirements characteristic of the criminal codification to satisfy the principle of legality.”⁸²³ The foregoing reveals itself in the need “use strict and unequivocal terms, clearly restricting any punishable behaviors,”⁸²⁴ which implies “a clear definition of the incriminatory behavior, setting its elements, and defining the behaviors that are not punishable or the illicit behaviors that can be punishable with non-criminal measures.”⁸²⁵

Access to public information, officials and public places

465. On May 2, the Constitutional Division of the Supreme Court of Justice (TSJ) refused a petition for constitutional relief (amparo) filed on May 31, 2013, by the journalist Marieugenia “Maru” Morales Pinto of El Nacional newspaper against the Speaker of the National Assembly, Diosdado Cabello, and the then-Director of Communication and Information of that entity, Ricardo Durán, in order that she be permitted to enter the National Assembly. The journalist lodged the petition for amparo after alleging a violation of her constitutional rights to equality before the law, freedom of expression and communication, and work, as she was prohibited entry from May 21 to May 28, 2013. According to the judgment of the TSJ, Morales said that the prohibition could have to do with an article published on May 7, titled “*Nuevas Restricciones a la prensa*” (New Press Restrictions) in which the journalist denounced alleged restrictions on the circulation of journalists in the National Assembly, in response to which Durán evidently called her a “political operator of the right to hinder the communication work of the National Assembly.” The Supreme Court ruled the petition inadmissible arguing “improper joinder of claims,” specifying that the respondent government officials held different positions, inasmuch as Diosdado Cabello was considered a senior state official of constitutional rank, while Ricardo Durán did not hold such a rank nor was he in the senior state official category. “[I]t would be for this Division to take cognizance at single instance of the petition for amparo filed against citizen Diosdado Cabello, but not against citizen Ricardo Durán for whom the petition, according to Article 7 of the Organic Law on Protection of Constitutional Rights and Guarantees, bearing in mind that the alleged wrongdoing is imputed to a government official who is not in the senior category, should be heard by a Superior Court for Contentious Administrative Matters in and for the Capital Region.”⁸²⁶

466. On August 5, the Political and Administrative Division of the Supreme Court of Justice ruled “inadmissible an action in respect of failure to act [*recurso de abstencion*] brought against the Minister of Popular Power for Health for failure to respond in a timely and adequate manner to a request for information made on October 22, 2012, and reiterated on December 26, 2012, and February 6, 2013.” Civil society

⁸²² IACHR. [2009 Annual Report. Report of the Special Rapporteurship for Freedom of Expression](#). Chapter III (Inter-American Legal Framework of the Right to Freedom of Expression). OEA/Ser.L/V/II. Doc. 51. December 30, 2009. Paragraph 70.

⁸²³ I/A Court HR., *Case of Usón Ramírez v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2009. Series C No. 207, paragraph 55.

⁸²⁴ I/A Court HR., *Case of Usón Ramírez v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2009. Series C No. 207, paragraph 55.

⁸²⁵ I/A Court HR., *Case of Usón Ramírez v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2009. Series C No. 207, paragraph 55.

⁸²⁶ Supreme Court of Justice. May 2, 2014. [Case No. 13-0508](#); El Nacional. May 8, 2014. [TSJ niega protección a periodistas de fuente parlamentaria](#); Instituto Prensa y Sociedad (IPYS) Venezuela. May 9, 2014. [Caracas: Sala Constitucional declaró inadmisibles acciones de amparo interpuestas por periodista contra Diosdado Cabello y ex director de Comunicación e Información de la Asamblea Nacional por limitación de acceso a la AN en 2013](#); Noticiero Digital. May 9, 2014. [TSJ declara inadmisibles acciones contra Diosdado Cabello por “inepta acumulación de pretensiones”](#); Monitoreo Ciudadano/YouTube. July 18, 2013. [Periodista Maru Morales realata como limitan acceso a la Asamblea Nacional](#).

organizations such as *Espacio Público*, *Transparencia Venezuela*, *Acción Solidaria*, *Programa Venezolana de Educación-Acción en Derechos Humanos* (Provea) brought the action on May 21, 2013, after they failed to receive a response regarding recommendations made by the Office of the Comptroller General of the Republic concerning alleged irregularities in the distribution, warehousing, and storage of certain medicines from Cuba. In his decision, the Supreme Court of justice found that petitions such as this one, “intended to obtain information about the activity or proposed activity of the State in order to achieve one of its objectives [...] undermine the effectiveness and efficiency that must prevail in the public administration and the government as a whole, since, although everyone is entitled to present petitions to any government agency and receive a timely response, nevertheless, that right may not be abused or exercised in such a way as to prevent the administration’s activities from functioning normally, as it would then have to devote time and human resources to such general requests in order to provide an explanation about the broad range of activities it has to perform for the benefit of the community at large, and moreover the presentation of actions in respect of failure to act would needlessly burden the justice administration system. The Supreme Court also said that information of the kind requested “may be found in the annual reports presented by ministers to the National Assembly.” The decision also determined that, in the absence of a law on access to information, “the petitioner must expressly state the reasons for requesting the information and show that what they are requesting is commensurate with the use for which it is intended.”⁸²⁷

467. Principle 4 of the Declaration of Principles states that “[a]ccess to information held by the state is a fundamental right of every individual. States have the obligation to guarantee the full exercise of this right. This principle allows only exceptional limitations that must be previously established by law in case of a real and imminent danger that threatens national security in democratic societies”.

Stigmatizing statements

468. In a press release from the Ministry of People's Power for Communication and Information (Minci) dated May 25, the head of that entity, Delcy Rodríguez, attacked the Spanish newspaper *ABC* and its Caracas correspondent, Ludmila Vinogradoff. The matter had to do with the publication of an article explaining the reticence about divulging the death certificate of former President Hugo Chavez. The official said that “*ABC* has a history of over 100 years in the service of fascism, attacking any revolutionary deed ... The new generations must be warned about this lackey of the far right and *ABC* must be publicly repudiated today and whenever it again attacks Venezuela.” In reference to the journalist, the press release said that “she has a reputation for soap-opera journalism and saying blatant lies about the Bolivarian Revolution.”⁸²⁸

469. On June 11, the governor of the State of Carabobo and national coordinator of political and electoral strategy of the United Socialist Party of Venezuela (PSUV), Francisco Ameliach, speaking on his radio show, denounced that the director of the newspaper *Notitarde*, Laurentzi Odriozola, was a possible suspect in an alleged murder plot. During the show, the official broadcast an audio recording of Odriozola purportedly saying that a person should be killed. The official said that he would present the evidence to the Office of the Attorney General. The newspaper's employees issued a release rejecting the accusations and saying that what had happened to the director “looks like yet more pressure from the government clearly designed to intimidate and muzzle the free and independent media, typical of totalitarian regimes.”⁸²⁹ On June 16, the

⁸²⁷ Supreme Court of Justice. [Case No. No 2013-0869](#). August 5, 2014; *Espacio Público*. August 7, 2014. [TSJ: preguntar entorpece la labor del Ministerio para la Salud](#); Provea. August 8, 2014. [Caso Medicinas Vencidas: Para el TSJ lo primero son los intereses del gobierno, luego los derechos de la gente](#); El Universal. August 16, 2014. [TSJ elimina Contraloría Social](#).

⁸²⁸ Ministry of People's Power for Communication and Information. May 25, 2014. [Minci repudia nuevo ataque del diario español ABC](#); *Espacio Público*. May 29, 2014. [Delcy Rodríguez hostiga verbalmente a periodista de ABC](#); *ABC*. May 29, 2014. [Maduro rechaza la información de ABC sobre el día en que murió Chávez](#).

⁸²⁹ El Universal. June 12, 2014. [Ameliach denuncia a director de Notitarde de intentar homicidio](#); RunRun.es. June 12, 2014. [Ameliach denunció a director de Notitarde de intento de homicidio](#); *Espacio Público*. June 13, 2014. [Ameliach amenaza con hostigar judicialmente al director de Notitarde](#); *Notitarde*. June 11, 2014. [Ameliach intenta censurar y amedrentar acusando al Director de Notitarde](#).

newspaper's workers marched through the streets of Valencia in support of their director and freedom of expression.⁸³⁰

470. On July 27, President Nicolás Maduro attacked the owners of the newspapers *El Nacional* and *2001* after they published information concerning the case of retired Major General Hugo Carvajal, who had been investigated, arrested, and then released in Aruba. The premier said that *El Nacional*, a “fascist newspaper of the far right, printed barefaced lies” and that its chairman uses and destroys “that legacy of all Venezuelans [the newspaper *El Nacional*] that Miguel Otero Silva bequeathed us and that he is bent on destroying his work because he does not represent it or have even one iota of the moral, intellectual, and ethical values” of its founder. The president also referred to the “media oligarchy” and added “where will the owner of Bloque de Armas put today’s Sunday edition of *2001* after publishing a brazen lie about a Venezuelan.”⁸³¹

471. On August 3, the Minister of Popular Power for Tourism, Andrés Izarra, made disparaging remarks on Twitter about the news editor of *El Universal* newspaper, Elides Rojas. In various tweets he wrote that the journalist “is a tremendous bootlicker. He wags his tail at each new master,” “He does not quit because he’s too busy taking bribes to censor himself,” and “he only does anything if it’s for money.” The journalists replied, “I am not going to resign because others want me to. Much less at the request of one of the band of thieves. Ask the owners to fire me.”⁸³²

472. In a housing inauguration ceremony and in a national address broadcast on radio and television on September 18, president Nicolás Maduro accused the media outlets who reported on the deaths that occurred at Maracay Central Hospital, including *CNN en Español*, *El Nuevo Herald*, *NTN24*, and others, of “psychological terrorism” and “media terrorism,” among other expressions. The premier referred to *CNN En Español* as “a hive of untruths and psychological warfare and nonsense about the country”; he called *NTN24* “a trash television station” and *El Nuevo Herald* the “repository of all the lies about Venezuela.” President Maduro called on the organs of justice to take new and bigger national and international steps against those media outlets and to act firmly and severely in “punishing” everyone responsible and “prosecuting terrorism.”⁸³³

473. On October 22, President Nicolás Maduro accused the news agency Reuters of having “declared a campaign to destroy Venezuela” because of its coverage of different issues in the country, among them the deaths at Maracay Central Hospital. “I denounce the Reuters news agency because it is does harm

⁸³⁰ Notitarde. June 16, 2014. [Trabajadores de Notitarde marcharon en apoyo a su Director](#); Diario Contraste. June 16, 2014. [Trabajadores de Notitarde marchan en defensa de la libertad de expresión \(Fotos\)](#); Espacio Público. June 17, 2014. [Trabajadores del diario Notitarde se movilizaron en apoyo a su Director](#).

⁸³¹ La Patilla. July 27, 2014. [Maduro arremete contra los diarios El Nacional y 2001 \(Video\)](#); Clases de Periodismo. July 31, 2014. [Venezuela: Maduro arremete contra El Nacional](#); Noticiero Digital. July 28, 2014. [Maduro: El Nacional “quedó en ridículo” tras liberación de Carvajal](#); Instituto Prensa y Sociedad (IPYS) Venezuela. August 4, 2014. [Caracas: Autoridades venezolanas criticaron cobertura informativa por caso de corrupción](#).

⁸³² National Press Workers Union (SNTP). August 3, 2014. [Ministro Izarra arremete contra periodista Elides Rojas](#); La Patilla. August 3, 2014. [Elides Rojas y Andrés Izarra encienden el Twitter](#); Últimas Noticias. August 3, 2014. [Director de El Universal a Izarra: “Pídele a los dueños que me boten”](#); “Reportan que @ejrl no renuncia porque tiene tremendo bozal de arepa”. Andrés Izarra’s official Twitter account @IzarraDeVerdad. [August 3, 2014 – 9:39 a.m.](#); “Reportan que @ejrl es tremendo arrastrado. Le mueve la colita a cada nuevo amo”. Andrés Izarra’s official Twitter account @IzarraDeVerdad. [August 3, 2014 – 9:40 a.m.](#); “@IzarraDeVerdad / Si el chavismo compró El Universal la tienes más fácil. Habla con los compinches y me botas”. Elides J Rojas L’s Twitter account @ejrl. [August 3, 2014 – 10:47 a.m.](#)

⁸³³ Ministry of People’s Power of the Office of the Presidency and Oversight on the Governmental Administration. Undated. [VENEZUELA RESPONDERÁ JUDICIALMENTE A CAMPAÑA MEDIÁTICA CONTRA EL SISTEMA DE SALUD](#); CIDH. Office of the Special Rapporteur for Freedom of Expression. September 22, 2014. [Press release R 107/14. Office of the Special Rapporteur Expresses Concern over the Situation of the Freedom of Expression in Venezuela](#); Panorama. September 18, 2014. [Maduro: CNN, Uribe, NTN24 y el Miami Herald están al frente de campaña contra Venezuela](#); Semana. September 18, 2014. [Maduro la emprende contra NTN24, CNN y Miami Herald](#); El Universal. September 18, 2014. [Maduro pidió investigar a quienes alertaron sobre virus en Aragua](#); El Tiempo. September 19, 2014. [Nicolás Maduro relanza ofensiva contra medios de comunicación](#); TeleSur. September 18, 2014. [Venezuela tomará acciones judiciales contra promotores de guerra psicológica](#); Diario Panorama/ YouTube. September 18, 2014. [Maduro denuncia a CNN, NTN24 y el Nuevo Herald de campaña sucia](#).

with all its international wires, which go out, reach the hands of experts, create alarm.” The president made a call to unite “the country's forces” against these campaigns.⁸³⁴

474. On October 30, president Nicolás Maduro says that the Bolivarian National Armed Forces (FANB) were victims of attacks by the press following the publication of two cartoons alluding to a 45-percent pay rise for members of the armed forces that had been agreed upon days earlier. The president referred to the newspaper *El Carabobeño*, which he described as “a newspaper of the decadent oligarchy of Valencia” and said that “[its owners] I repudiate, I reject them as bandits” and he demanded that they “learn to respect the dignity of the” FANB. He also mentioned a cartoon by Roberto Weil that showed an obese military officer with his pockets stuffed with banknotes, contrasted with small, poor people. About him, he said “that he does the bidding of the worst, darkest groups and factions that hate our country,” adding that “he is being investigated by the Office of the Attorney General” for allegedly having “announced that there were going to be funerals in the National Assembly two weeks before the murder” of assemblyman Robert Serra. The cartoon depicted a funeral of rats and had been associated with the murder of deputy Serra, for which he had been dismissed from the newspaper *Últimas Noticias*.⁸³⁵

475. According to information received by the IACHR, the speaker of the National Assembly, Diosdado Cabello, makes comments discrediting press workers, members of civil society organizations, and supporters of the opposition on his program *Con El Mazo Dando*, which is broadcast by the *Venezolana de Televisión* channel. Thus, for example, in June he mentioned the last names of a number of journalists who he claims benefited from publicity in return for saying positive things about a mayor.⁸³⁶ On July 31, he said that he would support possible legal action against Sofía Neder and Hernán Lugo Galicia, journalists with *El Nacional* newspaper, following the publication of an article to do with the case of Hugo Carvajal, a retired Major General of the Bolivarian National Armed Forces, who was investigated, arrested, and subsequently released in Aruba. The newspaper described him as “irresponsible as usual.”⁸³⁷ He again referred to Lugo Galicia on September 25, when he referred to the apparent dismissals from *El Nacional*, saying “Oh dear, Hernán Lugo, so much adulation and now you are going to get the boot [...] they say that Hernán Lugo is one of those who will be leaving. You’re out!”⁸³⁸ On October 30, he read a text in which he mentioned members of different Venezuelan NGOs and the journalist Laura Weffer as attending a meeting at Columbia University Institute of Human Rights in the United States to plan “the human rights actions that the NGOs would take

⁸³⁴ Agencia Venezolana de Noticias (AVN). October 22, 2014. [Presidente Maduro denuncia campaña de agencia Reuters contra Venezuela](#) y [Maduro denuncia campaña de agencia Reuters contra Venezuela](#) (VIDEO); Espacio Público. October 23, 2014. [Maduro arremete contra Reuters y medios internacionales](#); El Estímulo. October 22, 2014. [Maduro enfila sus baterías contra agencia Reuters](#).

⁸³⁵ Radio Nacional de Venezuela (RNV). October 30, 2014. [Presidente Maduro insta a diario El Carabobeño a respetar dignidad de la FANB \(AUDIO\)](#); Diario de las Américas/EFE. November 2, 2014. [Las últimas caricaturas que enfurecieron a Nicolás Maduro](#); Instituto Prensa y Sociedad (IPYS) Venezuela. November 3, 2014. [Caracas: Presidente de la República señaló de bandidos a directivos de impreo regional](#); La Patilla. October 30, 2014. [Maduro repudia caricaturas contra la Fanb: Están descompuestos](#).

⁸³⁶ National Press Workers Union (SNTP). October 28, 2014. *Venezuela: Funcionarios hostigan a periodistas, generando censura e inhibiendo el debate público* [Venezuela: Government officials found journalists causing censorship and inhibiting public debate]. Document presented in the framework of the 153rd regular session of the IACHR. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression; Venezolana de Televisión/YouTube. Published on October 20 by the National Press Workers Union (SNTP). [Diosdado Cabello contra periodistas](#).

⁸³⁷ Instituto Prensa y Sociedad (IPYS) Venezuela. August 4, 2014. [Caracas: Autoridades venezolanas criticaron cobertura informativa por caso de corrupción](#); Espacio Público. August 1, 2014. [Cabello amenaza a periodistas del diario El Nacional](#); Últimas Noticias. August 1, 2014. [Sntp rechaza amenazas de Cabello contra periodistas](#); El Diario de Caracas. August 5, 2014. [CNP rechazó amenazas de Diosdado Cabello contra periodistas](#); Diario Contraste. August 1, 2014. [Diosdado Cabello amenaza a periodistas de El Nacional por caso Carvajal \(Video\)](#).

⁸³⁸ Venezolana de Televisión/YouTube. September 26, 2014. Published by the National Press Workers Union. [Diosdado Cabello contra periodista Hernán Lugo Galicia: ¡Estás hotado!](#); Colegio Nacional de Periodistas (CNP). September 29, 2014. [Diosdado Cabello ataca nuevamente al periodista Hernán Lugo Galicia](#). The IACHR was also made aware that the speaker of the National Assembly, Diosdado Cabello, made references to Carla Angola and Patricia Poleo on August 14; to Nelson Bocaranda on September 4; to Jurate Rosales on September 11; to Carmen Sofía Alonso on September 25; to David Pérez Hansen on October 9; and to the journalists Daniel Palacios, Rubén Machaén, Herculía Garnica and Ibéyise Pacheco on October 20. National Press Workers Union (SNTP). October 28, 2014. *Venezuela: Funcionarios hostigan a periodistas, generando censura e inhibiendo el debate público* [Venezuela: Government officials found journalists causing censorship and inhibiting public debate]. Document presented in the framework of the 153rd regular session of the IACHR. Available at: Archive of the Office of the Special Rapporteur.

against the Bolivarian government in 2015. That is to say, the plans are more unfounded accusations, more lies in the press, more lobbying to pressure other organizations and right-wing governments, more travel, more expense, more money from the imperialists for the NGOs, among the measures to get the conspirator Leopoldo López released.” Cabello called one of the members of these organizations a “gangster of the first order.” The journalist said that she did not belong to any NGOs and that she had not been invited to any event but that if she was, “that is no crime, even if they want to make it look like one.”⁸³⁹ On November 9, Cabello read out information supplied by a “helpful patriot” which alleged that the NGO Espacio Público was denouncing the human rights situation in the country with “hidden interests” and identified its director as “a friend of the fugitives of Venezuelan justice.” Cabello also read other texts sent in by people that criticized the work of persons belonging to other organizations, such as the journalist Mariengracia Chirinos.⁸⁴⁰ The following week, Cabello read out new information in which he said that “the NGO Espacio Público is holding meetings with the Twitter users detained by the *guarimbas* (demonstrators) and representatives of Human Rights Watch. They are advised by someone called Luis de León, who in reality is the fugitive Diego Arria, who is a good friend and cohort of the executive director of Espacio Público, Carlos Correa.”⁸⁴¹

476. On November 20, the director of the National Telecommunications Commission, (CONATEL) William Castillo, accused *El Nacional* on Twitter of waging “psychological warfare” following publications by the paper concerning measures adopted by the government against the “economic war.” The official apparently said that the work of the paper “is to breed anxiety among the citizenry, spreading fear and panic.”⁸⁴²

477. The Office of the Special Rapporteur reiterates the importance of creating a climate of respect and tolerance for all ideas and opinions. The Office of the Special Rapporteur recalls that diversity, pluralism, and respect for the dissemination of all ideas and opinions are essential conditions for the proper functioning of any democratic society. Accordingly, the authorities must contribute decisively to the building of a climate of tolerance and respect in which all people can express their thoughts and opinions without fear of being attacked, punished, or stigmatized for doing so. In addition, the State’s duty to create the conditions for all ideas and opinions to be freely disseminated includes the obligation to properly investigate and punish those who use violence to silence journalists or the media.⁸⁴³ The Office of the Special Rapporteur additionally recalls that freedom of expression must be guaranteed not only with respect to the dissemination of ideas and information that are received favorably or considered inoffensive or indifferent but also in cases of speech that is offensive, shocking, unsettling, unpleasant, or disturbing to the State or to any segment of the population.⁸⁴⁴

⁸³⁹ Instituto Prensa y Sociedad (IPYS) Venezuela. November 3, 2014. [Caracas: Presidente del parlamento acusa a periodista y activistas de gestar planes contra el gobierno](#); Politikomreal.com. November 2, 2014. [Diosdado Cabello arremetió contra la periodista Laura Weffer](#); Venezolana de Televisión/YouTube. October 30, 2014. Published by Noticias Venezuela. [Mazazos de Cabello parte 2](#). [00:01:50 – 00:03:10]

⁸⁴⁰ Espacio Público. November 7, 2014. [Diosdado Cabello hostiga a ONG Espacio Público](#); Instituto Prensa y Sociedad (IPYS) Venezuela. November 11, 2014. [Caracas: Presidente del Parlamento intimidó a periodista, ONG y activistas de DD HH](#); Venezolana de Televisión/YouTube. November 6, 2014. Published by Noticias Venezuela. [Mazazos Cabello 06 11 14 parte 2](#).

⁸⁴¹ Espacio Público. November 13, 2014. [Diosdado Cabello hostiga a Espacio Público por segunda vez](#); Noticias 24. November 12, 2014. [En videos: los Mazazos de Diosdado Cabello](#). VIDEO 2 [00:08:02]

⁸⁴² Ministry of Popular Power for Communication and Information, November 20, 2014. [William Castillo denuncia guerra psicológica del diario El Nacional \(+Tuits\)](#); Correo del Orinoco. November 20, 2014. [William Castillo denuncia guerra psicológica del diario El Nacional](#); “El Nacional titula q consumidores corren desesperads [sic] a comprar curda ante medidas tributarias y profetiza #EfectoDaka”. William Castillo B’s Twitter account @planwac. [November 20, 2014 – 4:54 a.m.](#); “La pobre clase media, enloquecida x los medios, no sabe si debe correr a comprar comida, gasolina, electrodomésticos o caña #LaMediática”. William Castillo B’s Twitter account @planwac. [November 20, 2014 – 5:00 a.m.](#)

⁸⁴³ IACHR. [Annual Report 2010. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 206-207; IACHR. [Annual Report 2011. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 69. December 30, 2011. Para. 156 and 206.

⁸⁴⁴ IACHR. [Annual Report 2009. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Inter-American Legal Framework of the Right to Freedom of Expression). OEA/Ser.L/V/II. Doc. 51. December 30, 2009. Para. 32.

478. The Office of the Special Rapporteur additionally recalls that public servants have the duty to ensure that their statements do not infringe upon the rights of those who contribute to the public discourse through the expression and dissemination of their thoughts, such as journalists, media outlets, and human rights organizations. They must bear in mind the context in which they express themselves, in order to ensure that their expressions are not, in the words of the Court, “forms of direct or indirect interference or harmful pressure on the rights of those who seek to contribute [to] public deliberation through the expression and [dissemination] of their thoughts.”⁸⁴⁵

Subsequent liabilities

479. On March 6, the Judge of the 29th Supervising Court in and for Caracas, Bárbara César Siero, admitted a criminal lawsuit brought by the Speaker of the National Assembly, Diosdado Cabello, against the director, board of directors, and a columnist of the newspaper *TalCual*, in which he claimed to be a victim of “aggravated defamation” on the part of the newspaper and one of its columnists. The suit was brought against the newspaper’s directors Teodoro Petkoff, Manuel Puyana, Francisco Layrisse and Juan Antonio Golía, as well as the columnist Carlos Genatios. The judge also issued precautionary measures against the accused, prohibiting them from leaving the country and ordering them to report in person to the court once a week. The suit reportedly originated from an article by Genatios in which he attributed to Diosdado Cabello the words “if you don’t like insecurity, leave,” which the parliamentarian denies. If the court rules against the newspaper and the columnist, the accused could face up to four years in prison and millions in fines.⁸⁴⁶ At the date of this writing, the proceedings were ongoing.

480. On October 15, the Civil Cassation Division of the Supreme Court of Justice ordered *El Nacional* and the journalists Herculía Garnica and Ibeyise Pacheco to pay a total of 4.5 million bolívares (approximately US\$714,000) in moral damages to a medical doctor. The Supreme Court refused the cassation appeals lodged by the accused against a judgment returned on May 15, 2013, by the First Superior Court for Civil, Mercantile, and Traffic-Related Matters of the Judicial District of Metropolitan Caracas. The case originated from articles published in 1991 claiming malpractice on the part of the doctor, which he regarded as a campaign to sully his good name and honor. The Supreme Court also ordered the paper’s owner, C.A. Editora El Nacional, to enable the doctor to exercise his right of reply by publishing five comunicués of the doctor’s choosing on the front page of one of the publishing company’s media outlets, at no cost.⁸⁴⁷

481. Principle 10 of the IACHR’s Declaration of Principles establishes that, “[p]rivacy laws should not inhibit or restrict investigation and dissemination of information of public interest. The protection of a person’s reputation should only be guaranteed through civil sanctions in those cases in which the person offended is a public official, a public person or a private person who has voluntarily become involved in matters of public interest. In addition, in these cases, it must be proven that in disseminating the news, the social communicator had the specific intent to inflict harm, was fully aware that false news was disseminated, or acted with gross negligence in efforts to determine the truth or falsity of such news.” Also, principle 11 of the Declaration establishes that, “[p]ublic officials are subject to greater scrutiny by society. Laws that penalize offensive expressions directed at public officials, generally known as ‘desacato laws,’ restrict freedom of expression and the right to information”.

482. Between August 22 and October 15, at least seven people were arrested after expressing their opinions on Twitter and taken to the offices of the Bolivarian National Intelligence Service (Sebin). Inés

⁸⁴⁵ I/A Court H.R. *Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of January 28, 2009. Series C No. 194. Para. 139; I/A Court H.R. *Case of Perozo et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of January 28, 2009. Series C No. 195. Para. 151.

⁸⁴⁶ *TalCual*. March 6, 2014. [La censura, bien gracias](#); El País. March 11, 2014. [El periódico progresista 'TalCual', en el punto del mira del chavismo](#); El Tiempo. March 10, 2014. [Director de diario venezolano TalCual denuncia presesión de gobierno](#).

⁸⁴⁷ Supreme Court of Justice. [Case No. No. AA20-C-2013-000639](#). October 15, 2014; Venezolana de Televisión (VTV). October 16, 2014. [TSJ: Diario El Nacional y dos de sus periodistas deberán pagar indemnización de Bs.4.500.000 a médico por daño moral](#); Instituto Prensa y Sociedad (IPYS) Venezuela. October 23, 2014. [Caracas: Sentencia del TSJ obliga a dos periodistas y diario de circulación nacional pagar indemnización](#).

Margarita González received a summons from the Office of the Attorney General after posting a tweet about the death of the governing party deputy Robert Serra. In her presentation, the 13th Court prosecutor charged her with the offenses of public incitement, violent affront, and insulting a government official, for which she has been in detention since October 8. Six other individuals were arrested after the Speaker of the National Assembly, Diosdado Cabello, accused them on his show *Con El Mazo Dando* of sending “threatening and mocking messages in connection with the murders of Robert Serra and María Herrera.” The criminal authorities said that the Twitter users were being detained for alleged messages of “public incitement.” According to reports, Ginette Hernández, a humanities student was arrested and charged with computer fraud and spreading public panic and fear for allegedly posting a tweet in which she predicted the death of deputy Serra. Lessy Marcano, Hernández’s putative uncle, is accused of the same crimes and using the same account. Leonel Sánchez Camero is under investigation for allegedly hacking the Twitter accounts of Jacqueline Faría, Minister of Communications; Gabriela del Mar Ramírez, the Ombudsperson; and deputy Eduardo Lima. Víctor Ugas was detained for circulating images of deputy Serra’s corpse. Abrahan [sic] David Muñoz, an engineering student, was detained for making comments about the death of deputy Serra. Muñoz has since been released. Daniely Benítez, a humanities student, was arrested for alleged association with the account in which the death of deputy Serra was predicted; however, she has been released because of no proof of any connection to the account.⁸⁴⁸

483. The IACHR notes that Inter-American case law and doctrine on this matter⁸⁴⁹ provides that the imposition of penalties for abusing freedom of expression in keeping with the charge of inciting violence (understood as inciting commission of crimes, breach of public order or national security) is to be based on current, reliable, objective and strong evidence that the person was not simply expressing an opinion (no matter how harsh, unjust, or disturbing it may be), rather that the person had the clear intention of committing a crime and there was a current, real, and effective likelihood that he could achieve these objectives. Were this not to be the case, this would mean opening up the possibility of punishing opinions, and any States would be empowered to suppress any critical thought or statement about authorities which, as would be the case with anarchism or opinions that are radically opposed to the established order, questions even the very existence of the established institutions.

484. Furthermore, Inter-American case law and scholarly legal opinion has stipulated that laws establishing limitations on freedom of expression are to be drawn up in the clearest and most exact terms possible, inasmuch as the legal framework must provide legal certainty to citizens.⁸⁵⁰ This requirement takes on even greater importance when it is a question of limitations imposed on freedom of expression by criminal law. In this regard, the Inter-American Court of Human Rights has indicated that these kinds of limitations must also meet the strict requirements of the principle of legality, in keeping with Article 9 of the American Convention on Human Rights: “If such restriction or limitations are under criminal law, it is important to observe the strict requirements characteristic of the criminal codification to satisfy the principle of legality.”⁸⁵¹ The foregoing reveals itself in the need “use strict and unequivocal terms, clearly restricting any punishable behaviors,”⁸⁵² which implies “a clear definition of the incriminatory behavior, setting its elements,

⁸⁴⁸ Instituto Prensa y Sociedad (IPYS) Venezuela. October 28, 2014. [Venezuela: 7 twitteros fueron detenidos por agentes de seguridad del Estado](#); RunRun.es. October 17, 2014. [Presos por tuitear: ¿Quiénes son en realidad los tuiteros detenidos en el Sebin?](#); TalCual. October 22, 2014. [Detenidos por un tuit](#); El Venezolano Houston. October 18, 2014. [En Venezuela detienen a seis "tuiteros" por mensajes "ofensivos" contra el Gobierno](#); Espacio Público. October 17, 2014. [Detienen a administradora de la cuenta @Hipolita](#).

⁸⁴⁹ IACHR. [2009 Annual Report. Report of the Special Rapporteurship for Freedom of Expression](#). Chapter III (Inter-American Legal Framework of the Right to Freedom of Expression). OEA/Ser.L/V/II. Doc. 51. December 30, 2009. Paragraph 59.

⁸⁵⁰ IACHR. [2009 Annual Report. Report of the Special Rapporteurship for Freedom of Expression](#). Chapter III (Inter-American Legal Framework of the Right to Freedom of Expression). OEA/Ser.L/V/II. Doc. 51. December 30, 2009. Paragraph 70.

⁸⁵¹ I/A Court HR., *Case of Usón Ramírez v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2009. Series C No. 207. Paragraph 55.

⁸⁵² I/A Court HR., *Case of Usón Ramírez v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2009. Series C No. 207. Paragraph 55.

and defining the behaviors that are not punishable or the illicit behaviors that can be punishable with non-criminal measures.”⁸⁵³

Newsprint shortage

485. The Commission was informed that as a result of the newsprint shortage apparently caused by the procedure necessary to request foreign exchange for importing it, at least 10 regional newspapers had ceased circulation and another 31 media outlets had had to publish editions with fewer pages.⁸⁵⁴

486. Since August 2013, the following newspapers have temporarily or permanently stopped circulating: *Caribe and La Hora* (Nueva Esparta State), *Versión Final* (Zulia State), *Los Llanos* (Barinas State), *Diario de Sucre* (Sucre State), *Antorcha* (Anzoátegui State), *El Sol de Maturín* (Monagas State), *El Guayanés* and *El Expreso* (Bolívar State), and *Primera Hora* in Caracas.⁸⁵⁵

487. On January 15, 2014, Carlos Carmona, the chairman of C.A. El Impulso, which owns the regional newspaper *El Impulso*, announced that he had been authorized to purchase foreign exchange to buy newsprint paper. However, the newspaper had been compelled to submit another order for paper because the authorization had arrived too late and the ship had sailed before the newspaper could make the order.⁸⁵⁶

488. On January 29, the Central Bank of Venezuela issued Notice Of Convocation No. 16-2014 Special Foreign Exchange Auction for Legal Persons, which was intended, among others, for the paper industry.⁸⁵⁷ On February 4, the Central Bank suspended the auction, saying that "this decision is due to a series of anomalies and rules violations found in the comprehensive review of the purchase orders submitted."⁸⁵⁸

489. The last edition of the daily *Notidiario* in the State of Delta Amacuro (East) was released on February 10. The paper had already reduced the number of pages per edition and its print run.⁸⁵⁹

490. On February 11, journalists, media workers, representatives of the National Press Workers Union (SNP), members of the National Association of Journalists (CNP), and civil society organizations marched on the headquarters of the National Center for Foreign Trade (Cencoex) in Caracas to demand the

⁸⁵³ I/A Court HR., *Case of Usón Ramírez v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2009. Series C No. 207. Paragraph 55.

⁸⁵⁴ IACHR. 150th regular session. Hearing on the Situation of the Right to Freedom of Expression and Information in Venezuela. March 28, 2014. Available for consultation at: <http://www.oas.org/en/iachr/sessions/docs/Calendario-150-audiencias-en.pdf>; Espacio Público. March 24, 2014. *Periódicos sin materia prima*. Available at: Archive of the Office of the Special Rapporteur.

⁸⁵⁵ Espacio Público. March 24, 2014. *Periódicos sin materia prima*. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression; Infobae. February 12, 2014. [La falta de papel lleva al cierre a cinco diarios en Venezuela](#); Colegio Nacional de Periodistas, April 2, 2014. [Crisis de diarios venezolanos continúa empeorando](#); Emol. 8 de mayo de 2014. [La prensa venezolana en cuenta regresiva](#); El Impulso. March 6, 2014. [Diario Primera Hora deja de circular por falta de papel #SinPapelNOhayperiodico](#).

⁸⁵⁶ El Nacional. January 15, 2014. [Pese a la aprobación de divisas El Impulso aún no podrá adquirir papel](#); El Impulso. January 16, 2014. [Carlos Carmona: Aprobación de Cadivi es un gran alivio](#); Instituto Prensa y Sociedad (IPYS) Venezuela. January 17, 2014. [Escasez de papel periódico pone en riesgo derecho a la libertad de expresión e información en Venezuela](#); Últimas Noticias. January 15, 2014. [Cadivi le aprobó divisas al diario El Impulso](#).

⁸⁵⁷ Central Bank of Venezuela. [NOTICE OF CONVOCATION N° 16-2014. SPECIAL FOREIGN EXCHANGE AUCTION FOR LEGAL PERSONS SICAD](#). January 29, 2014.

⁸⁵⁸ Central Bank of Venezuela. 04/02/2014: Aviso sobre la convocatoria SICAD N°16-2014. Subasta Especial de divisas Personas Jurídicas. February 4, 2014. Available at: <http://www.bcv.org.ve/c5/sicad/c9/tme01.asp>; El Nacional, February 5, 2014. [Suspendieron subasta Sicad por anomalías en órdenes](#); 2001. February 4, 2014. [BCV suspende décima sexta subasta del Sicad por "falta de cumplimiento de normas exigidas"](#); El Tiempo. February 5, 2014. [Banco Central suspendió última subasta del Sicad](#); La Verdad/AVN. February 4, 2014. [BCV suspende subasta para el sector papel](#).

⁸⁵⁹ Infobae. February 12, 2014. [La falta de papel lleva al cierre a cinco diarios en Venezuela](#); El Universal. February 9, 2014. [Notidiario en Delta Amacuro deja de circular por falta de papel](#); Diario Informe. February 10, 2014. [Este lunes deja de circular Notidiario de Delta Amacuro](#).

allocation of foreign exchange to buy newsprint paper in order to avert the closure of more media outlets. The journalists shouted slogans such as “No Paper, No Jobs.”⁸⁶⁰

491. On March 7, the free daily *Primera Hora* went out of circulation after nine years of existence due to a lack of paper. The newspaper, belonging to C.A. Editora Nacional, which also publishes the daily *El Nacional*, ceased circulation in order to save paper for *El Nacional*.⁸⁶¹ On March 20, the magazine *EME de mujer*, also owned by C.A. Editora Nacional, stopped distribution because of the delay in the approval of foreign exchange for buying printing paper. The magazine announced the decision on social media such as Facebook and Twitter with the message, “Don’t cry girls. We’ll be back!” (*¡No lloren chicas, volveremos!*).⁸⁶² *El Nacional* announced that on January 30, the Central Bank of Venezuela had turned down its application to take part in the auctions of the Supplementary Foreign Exchange Administration System (Sicad) to buy newsprint paper. The paper said it had not been offered any reasons for the denial of its application, even though the auction was open to legal persons in newsprint-related sectors.⁸⁶³

492. On March 19, Cadena Capriles, the group that publishes the newspapers *Últimas Noticias*; *El Mundo Economía y Negocias*; *Negocias*, and *Líder* announced that it had enough paper reserves for another six months. Executives at the organization said that it had not been authorized to buy dollars since October 2013, so it had been forced to make cuts: 20% in numbers of pages and 15% in print runs.⁸⁶⁴

493. On March 31, Project ‘*Todos Somos Venezuela*’ (We Are All Venezuela), promoted by the Colombian Association of Newspaper Publishers and Information Media (Andiarios), announced that “52 tons of paper were shipped” for the Venezuelan newspapers *El Nacional*, *El Impulso*, and *El Nuevo País*. Three Colombian journalists, from the Colombian papers *Colprensa*, *El Colombiano* and *El Tiempo*, accompanied the shipment from Zulia to Barquisimeto, and from there to Caracas. Reporters with *El Impulso*, *El Nacional* and *Regional de Zulia*, in Venezuela, also traveled with the shipment.⁸⁶⁵ On April 2, the Bolivarian National Guard (GNB) detained the first of the trucks carrying the paper at the border for a number of hours before refusing it entry to the country. The truck spent the night at the border and on April 3 the formalities to enter Venezuela resumed.⁸⁶⁶ By the end of the day the shipment had been let in and was taken to the village of Guarero, Zulia State, where the official procedures began for the paper’s nationalization.⁸⁶⁷ On April 9, Andiarios announced that the customs procedures for the nationalization of the 52 tons of paper had been completed as normal, which meant that on April 10 the paper was able to go from Guarero to Barquisimeto in

⁸⁶⁰ CNN en Español. February 11, 2014. [Medios impresos de Venezuela exigen divisas para comprar papel periódico](#); Colegio Nacional de Periodistas. February 12, 2014. [Marcha de periodistas presentó obstrucción policial](#); La Verdad. February 11, 2014. [Periodistas marchan hasta Cadivi por falta de papel](#); Venezuela Al Día. February 11, 2014. [Periodistas protestan ante sede del Cencoex por falta de papel periódico \(+ Fotos\)](#); Excelsior. February 11, 2014. [Exigen periodistas papel periódico en Venezuela](#); Notitarde/Globovisión. March 11, 2014. [Periodistas exigen divisas para la compra de papel periódico](#); Infobae. February 11, 2014. [Venezuela: marcha de periodistas exige a Maduro que permita comprar papel periódico](#); La Patilla. February 11, 2014. [Trabajadores de la prensa exigen divisas para papel \(Fotos\)](#).

⁸⁶¹ Espacio Público. March 7, 2014. [Primera Hora deja de circular por falta de papel prensa](#); National College of Journalists. March 6, 2014. [Diario Primera Hora deja de circular por falta de papel](#); El Impulso. March 6, 2014. [Diario Primera Hora deja de circular por falta de papel #SinPapelNOhayperiodico](#).

⁸⁶² Espacio Público. March 20, 2014. [Revista EME de mujer dejó de circular](#); Clases de Periodismo. March 21, 2014. [Venezuela: Revista deja de circular por falta de papel](#).

⁸⁶³ El Nacional. January 31, 2014. [Rechazan solicitud de dólares para el Sicad](#); La Prensa. February 3, 2014. [Niegan divisas a 'El Nacional'](#); La Verdad. February 1, 2014. [Rechazan solicitud de El Nacional para ir a subasta del Sicad](#); La Nación. February 1, 2014. [Rechazaron solicitud de El Nacional para ir a subasta](#).

⁸⁶⁴ Espacio Público. March 20, 2014. [Cadena Capriles tiene papel para seis meses](#); Producto. March 19, 2014. [¿Cuánto papel tiene la Cadena Capriles?](#); National College of Journalists. March 21, 2014. [Para 6 meses confirma Cadena Capriles su existencia en papel](#).

⁸⁶⁵ El Nacional. April 1, 2014. [Diarios colombianos enviarán papel a El Nacional, El Impulso y El Nuevo País](#); El Universal. March 31, 2014. [De Cartagena salen 52 toneladas de papel para diarios venezolanos](#); Instituto Prensa y Sociedad (IPYS) Venezuela. April 1, 2014. [Diarios colombianos enviarán papel a El Nacional, El Impulso y El Nuevo País](#).

⁸⁶⁶ Últimas Noticias. April 2, 2014. [No permiten paso de papel periódico enviado de Colombia para diarios venezolanos](#); El Colombiano. April 2, 2014. [La entrega de papel está en manos de las autoridades venezolanas](#).

⁸⁶⁷ El País. April 7, 2014. [Tensión en la frontera por una carga de papel periódico](#).

Lara State and Caracas.⁸⁶⁸ On April 10, the rolls of paper were delivered to *El Impulso* in Barquisimeto and *El Nacional* and *El Nuevo País* in Caracas.⁸⁶⁹ On May 21, Andiaros announced a new loan of 62 tons of paper for *El Impulso* that was supposed to arrive that week.⁸⁷⁰

494. On May 5, *El Universal* declared itself “in an emergency” owing to a lack of newsprint paper caused by a delay in the authorization of a foreign exchange purchase by the National Center for Foreign Trade (Cencoex), which prevented a shipment of paper belonging to the newspaper from being nationalized. Faced with this situation, the paper had reduced the size of its edition, “leaving parts of its usual sections accessible only on the web and other platforms.”⁸⁷¹ On May 9, the newspaper again announced that it was awaiting permission to nationalize 600 tons of paper that was in the port of La Guaira. It said that it only had enough stocks to publish “until between the 15th and 18th of the month.”⁸⁷²

495. On May 31, 84 newspapers in cities in the country's interior requested a “private interview” with the Speaker of the National Assembly, Diosdado Cabello, in order to obtain assistance in resolving “the stifling problems with the supply of paper, printing plates, and other essential items for these newspapers.” The request was made by a communiqué put out by the Venezuelan Chamber of Newspapers, having “exhausted the regular channels to the executive branch.” The paper said that once, “knowing all the facts,” the situation was resolved, they would be able to “work in piece, without anxiety” about future. In their communiqué, the newspapers said that these newspapers employed “more workers than all of the Caracas newspapers” and had a print run of “more than 2.5 million copies.”⁸⁷³

496. The director of *El Nacional*, Miguel Henrique Otero, announced on June 5 that they would run out of paper at the end of July. It is.⁸⁷⁴ In July, in other statements, the businessman said that they had enough paper to see them to the end of October thanks to a donation from foreign media outlets.⁸⁷⁵

497. On June 13 the Constitutional Division of the Supreme Court of Justice ruled inadmissible an action for constitutional relief (*amparo*) brought by representatives of the Christian Social Party (Copei) over the foreign exchange purchase process for buying newsprint paper, alleging violation of the guarantee of the right to freedom of the press, expression, and information. The judicial remedy was presented on February 6 against the Vice President for Economic and Financial Matters of the Council of Ministers and Minister of People's Power for Oil and Mining, Rafael Ramírez; the Ministers of People's Power for Planning, Jorge Giordani; Economy, Finance and State-owned Banks, Rodolfo Marco Torres; and Trade, Dante Rafael Rivas; the President of the Central Bank of Venezuela (BCV), Nelson Merentes; and the President of the National Center for Foreign Trade and the Foreign Exchange Administration Commission (Cadivi), Alejandro Fleming.

⁸⁶⁸ El Universal. April 9, 2014. [Papel para diarios pasa la aduana y se entregará en próximos días](#); KienyKe. April 9, 2014. [Autorizado por gobierno venezolano el papel periódico enviado desde Colombia](#).

⁸⁶⁹ El Tiempo. April 11, 2014. [‘El Impulso’ y ‘El Nacional’ ya recibieron papel de medios colombianos](#); Noticias Terra. April 11, 2014. [Periódicos venezolanos reciben papel de Colombia](#); El Colombiano. April 11, 2014. [Diario venezolano El Impulso recibe primeras toneladas de papel](#); La Prensa. April 11, 2014. [Diarios venezolanos reciben papel enviado por Andiaros](#).

⁸⁷⁰ Colombian Association of Newspaper Publishers and Information Media (Andiaros). May 21, 2014. [Nuevo préstamo de papel a El Impulso llega a Barquisimeto](#); El Colombiano/EFE. May 21, 2014. [Andiaros hace nuevo envío de papel al periódico El Impulso en Venezuela](#); El Universal/Colprensa. May 23, 2014. [Andiaros hizo nuevo préstamo de papel a un diario de Venezuela](#).

⁸⁷¹ El Universal. May 5, 2014. [El Universal se declara en emergencia por falta de papel](#); El Universo/AP. May 5, 2014. [El Universal de Venezuela se declara en emergencia por falta de papel importado](#); ABC/EP. May 6, 2014. [El periódico ‘El Universal’ de Venezuela se declara en «emergencia» por falta de papel](#).

⁸⁷² El Universal. May 9, 2014. [El Universal espera permiso para retirar papel de la aduana](#);

⁸⁷³ El Mundo. May 31, 2014. [84 periódicos solicitaron reunión “urgente” con Diosdado Cabello](#); Venezuela Al Día. May 31, 2014. [Dueños de periódicos piden reunión urgente con Diosdado Cabello](#); El Nuevo Herald/EFE. May 31, 2014. [Periódicos de Venezuela claman por ayuda ante falta de papel](#); La Patilla. June 2, 2014. [Cámara Venezolana de Periódicos pide reunión con Diosdado Cabello](#); Espacio Público. June 3, 2014. [Cámara Venezolana de Periódicos pide reunión con Diosdado Cabello](#); Espacio Público.

⁸⁷⁴ El Tiempo. June 5, 2014. [“Tenemos papel hasta fin de julio”: Miguel Henrique Otero](#); El Nacional. June 5, 2014. [Miguel H. Otero: “Tenemos papel hasta fin de julio”](#).

⁸⁷⁵ Instituto Prensa y Sociedad (IPYS) Venezuela. July 9, 2014. [Caracas: Diario El Nacional tiene papel hasta el mes de octubre](#); Su Noticiero. July 9, 2014. [El Nacional tiene papel hasta finales del año por colaboración de cinco medios extranjeros](#).

The petition states that "since we are in the presence of the threat of a direct and immediate violation of the Constitution, we request that it be declared that the control of the foreign exchange policy that impedes access to foreign exchange causes the guarantee of freedom of the press and, therefore, the Venezuelan people's right to freedom of expression, information, and the press to be suspended and creates a *de facto* state of emergency." And also, that "as a consequence of the foregoing declaration, the executive branch be ordered to review the foreign exchange system in order to to allow an alternate official control mechanism for the purchase of foreign currency." In its ruling, the Division found that "it is not clear that the economic policies on foreign exchange matters being implemented by the national executive branch through the competent agencies, in coordination with the Central Bank of Venezuela, undermine or threaten to undermine the right to freedom of expression that this division has so often protected in its various decisions on the subject."⁸⁷⁶

498. In September, *El Impulso* in Barquisimeto, Lara State, announced that it would temporarily cease circulation on September 15.⁸⁷⁷ On September 12, the country's oldest newspaper announced the purchase of enough rolls of newsprint to remain in circulation for another week.⁸⁷⁸ In November the newspaper was still in circulation. On September 14, the Minister of Communications and Information, Delcy Rodríguez, reported on her Twitter account that the government had "guaranteed the provision of the paper needed for publication by the newspaper"⁸⁷⁹.

499. On October 1, *TalCual* announced that as of October 2 it would cut its page count to a third during the week and by half at the weekends. In its editorial the paper announced that the Últimas Noticias group had told it that for technical reasons it would not continue to print and distribute the paper. According to *TalCual* the new company responsible for that task had enough paper to last until October 23.⁸⁸⁰

500. During the hearing on the 'Situation of the Right to Freedom of Expression and Access to Information in Venezuela', held in the course of the 150th regular session of the IACHR on March 28, 2014,⁸⁸¹ the Commission heard with concern information on the persisting newsprint paper shortage problem and its effects on press freedom in Venezuela. According to the civil society organizations that took part in the hearing, the Venezuelan State is arbitrarily using the regular mechanisms for approval and purchase of dollars for paper imports to benefit certain media outlets according to their editorial stance. According to the information provided, as results of this practice around 10 media outlets have gone out of circulation and several others have had to reduce their page count. The paper shortage has also resulted in workers at the newspapers affected being laid off.

⁸⁷⁶ Supreme Court of Justice. *GMGA. Case No. 14-0112*. June 13, 2014; Venezolana de Televisión. June 17, 2014. [TSJ rechazó amparo de Copei contra el Gobierno por supuesta negativa en entrega de divisas para papel periódico](#); El Universal. June 17, 2014. [TSJ rechaza ordenarle al Gobierno dar dólares a diarios para importar papel](#); Instituto Prensa y Sociedad (IPYS) Venezuela. June 23, 2014. [Caracas: Poder judicial declaró inadmisibile amparo interpuesto por dificultades en la adquisición del papel periódico](#); El Carabobeño. June 18, 2014. [TSJ rechazó amparo para liquidar divisas a medios impresos](#).

⁸⁷⁷ *El Impulso*. September 10, 2014. [Editorial: #ELIMPULSO interrumpe su circulación](#); El Nacional. September 9, 2014. [El Impulso circulará hasta el domingo](#); Televen. September 10, 2014. [Diario El Impulso dejará de circular](#); El Tiempo. September 10, 2014. [El diario más antiguo de Venezuela anuncia que saldrá de circulación](#); Infobae. September 10, 2014. [Por la escasez de papel, cierra un diario histórico de Venezuela](#); El Nuevo Herald/AFP. September 10, 2014. [Falta de papel sacará de circulación a diario decano de la prensa venezolana](#).

⁸⁷⁸ El Nacional. September 12, 2014. [Diario El Impulso tiene papel para circular una semana más](#); El Tiempo. September 12, 2014. [Diario 'El Impulso' de Venezuela consigue papel para una semana más](#);

⁸⁷⁹ Venezolana de Televisión (VTV). September 14, 2014. [Gobierno Nacional ha garantizado suministro de papel al diario El Impulso](#); Globovisión. September 14, 2014. [El Impulso tiene "garantizado" el suministro de papel](#).

⁸⁸⁰ *TalCual*. October 1, 2014. [El asedio](#); Noticiero Digital. October 1, 2014. [La Verdad: TalCual podría dejar de circular en 22 días](#); Notihoy. October 1, 2014. [Diario Tal Cual reduce sus páginas por falta de papel y se muda de imprenta](#); Espacio Público. October 1, 2014. [Tal Cual: menos páginas y hasta el 23 de octubre](#).

⁸⁸¹ IACHR. 150th regular session, March 28, 2014. Hearing on the Situation of the Right to Freedom of Expression and Information in Venezuela. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/150/default.asp>; CIDH. April 4, 2014. [Press Release 35/14. IACHR Wraps Up its 150th Session](#); IACHR. May 13, 2014. [Report on the 150th Session of the IACHR](#).

501. In that regard, the State said that in Venezuela there are many newspapers that “come and go” and that there were a number of newspapers with labor problems that “want to get rid of employees by claiming that they have economic difficulties.” It added that many paper importers began to speculate with the commodity, “in order to resell it to other newspapers at genuinely usurious prices and that, in that sense, there might be a paper shortage, but what can the State do to prevent capitalism from being capitalism? What can the State do to stop paper importing companies that have taken advantage of the situation from making a great profit at the expense of the smaller media outlets?”

502. Principle 13 of the Declaration of Principles stipulates: “[t]he exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans, the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law.”

Censorship of journalistic material, journalist dismissals and resignations

503. According to information received by the IACHR, tens of journalists were left out of work following the sale of a number of media outlets. These individuals have been dismissed or forced to resign, on occasion, after government officials have made public statements criticizing their work. Other persons have resigned over alleged cases of management censorship of journalistic material. Some incidents have prompted workers at these media outlets to issue public statements or hold protests. The following are some of the reported cases.

504. On February 13, 96 journalists of Cadena Capriles, a group that publishes the newspapers *Últimas Noticias*; *El Mundo, Economía y Negocios*; and *Líder* issued a public communiqué alleging that *Últimas Noticias* had omitted information gathered by the journalists on the acts of violence that occurred in Caracas on February 12. The newspaper had reportedly changed the front page of the February 13 edition at the last minute, replacing information on the people killed on February 12 as the main headline, with statements by president Nicolás Maduro denouncing a supposed *coup d'état* against him. The journalists who signed the communiqué wrote: “We, the undersigned journalists of Cadena Capriles, wish publicly to distance ourselves from the editorial position that has been imposed by the owners of this company, who have not even had the courage to show their faces to their employees.” According to the reporters, the front-page switch was an example of the changes that had occurred in Cadena Capriles since its sale in October 2013 to Latam Media Holding, a business group whose editorial stance would seem to coincide with the Venezuelan government's. According to the journalists, the new version “ignored the killings; turned a blind eye to the arrests and disappearances.” This was the second such communiqué by journalists of the Cadena Capriles group. The first came in November 2013, when the journalist Omar Lugo, then director of *El Mundo, Economía y Negocios*, was terminated for refusing to alter the newspaper's editorial position and limiting its coverage of economic issues.⁸⁸²

505. David De Matteis, a Globovisión journalist, was fired on February 26 after the publication of a number of tweets concerning president Nicolás Maduro. According to the journalist, the Minister of People's Power for Communication and Information, Delcy Rodríguez, had disapproved of a number of comments that he had written while covering a press conference on February 21 and, therefore, had put pressure on the

⁸⁸² Instituto Prensa y Sociedad (IPYS) Venezuela. 15 February 2014. [Caracas: Periodistas de Cadena Capriles denunciaron omisión informativo en diario Últimas Noticias](#); Espacio Público. February 14, 2014. [Periodistas de Cadena Capriles “condenan línea editorial que invisibilizó a las víctimas” del 12 de febrero](#); El Diario de Caracas. February 14, 2014. [Periodistas Cadena Capriles: Nos quieren convertir en diario del Gobierno](#); Espacio Público. November 25, 2013. [Trabajadores de Cadena Capriles preocupados por despido de Omar Lugo](#).

channel to let him go. De Matteis said that the channel had admonished him and a few days later told him that it would be dispensing with his services.⁸⁸³

506. On March 17, the investigation chief of Cadena Capriles, Tamoá Calzadilla, resigned from the publishing group a day after an apparent censorship by the board of directors, which decided not to publish in one of its newspapers (*Últimas Noticias*) an investigative piece by the journalist Laura Weffer on the protests in Plaza Altamira in the Municipality of Chacao, Caracas. The report, evidently intended for publication on Sunday, March 16, included interviews with students and citizens leading the protests, as well as members of the Bolivarian National Guard (GNB). Following the resignation, the group's journalists held a meeting to decide what steps to take and began a protest in their offices by hanging signs on their desks that read "Journalism First." The supposedly censored piece was reportedly published by the National Press Workers Union (SNTP).⁸⁸⁴

507. The *Globovisión* correspondents for Zulia State, Jesús González and Madelyn Palmar, and for Lara State, Doricer Alvarado, resigned after the technical staff in those cities were dismissed. The correspondents also said that they had been victims of censorship after the channel was sold or that irregularities had occurred when reports on the protests were aired.⁸⁸⁵

508. The journalist Shirley Varnagy had resigned from the station *Globovisión* on April 30, after this media outlet had allegedly censored part of the interview that the journalist had conducted with the Peruvian winner of the Nobel Prize for Literature, Mario Vargas Llosa. As reported by the journalist, her decision to resign had been taken after noticing that, during the broadcasting of the interview, certain parts of it had been censored, especially the question on his point of view about former President Hugo Chávez. The journalist had also said that, since the interview on April 24, the station had set obstacles to broadcasting the interview. The journalist and other media had published the entire interview.⁸⁸⁶

509. On April 2, Reimy Chávez Perche, a presenter and journalist at Noticias Globovisión, tendered his resignation during a live broadcast, citing "reasons beyond my control and differences of opinion." During the commercial break and before the news broadcast had finished, security guards removed him from the premises and prevented him from entering the management's offices to formally tender his resignation. The journalist said that he had not been physically mistreated.⁸⁸⁷ Subsequently, Vanessa Ugueto, a journalist and producer at the station, was dismissed for allegedly posting a tweet expressing her solidarity

⁸⁸³ Espacio Público. March 13, 2014. [Informe: Los trances de la libertad de expresión, del 12F al 12M](#); *Últimas Noticias*. February 26, 2014. [David De Matteis fue despedido de Globovisión](#); *El Tiempo*. February 27, 2014. [Despiden de Globovisión al periodista David de Matteis por tuits sobre Maduro](#).

⁸⁸⁴ National College of Journalists (CNP). March 17, 2014. [Renuncia Jefa de Investigación de Últimas Noticias por censura](#); Knight Center for Journalism in the Americas. March 18, 2014. [Venezuelan news outlet's chief of investigations resigns after story gets censored](#); *El Tiempo*. March 17, 2014. [Periodistas de la Cadena Capriles protestaron en contra de la censura](#); *Venezuela Al Día*. March 17, 2014. [Renunció Jefa de Investigación de Cadena Capriles Tamoá Calzadilla \(+ Tuits\)](#).

⁸⁸⁵ Espacio Público. March 31, 2014. [Renuncian tres periodistas a Globovisión por censura](#); *La Verdad*. March 28, 2014. [Periodistas de Globovisión renuncian en solidaridad con técnicos despedidos](#); *Últimas Noticias*. March 28, 2014. [Más renuncias en Globovisión tras despidos de técnicos](#); *Venezuela Al Día*. March 28, 2014. [Renuncian corresponsales de Globovisión en Lara y Zulia tras despido de técnicos](#).

⁸⁸⁶ Instituto Prensa y Sociedad (IPYS). May 3, 2014. [Caracas: Periodista Shirley Varnagy renunció a Globovisión por razones informativas](#); *El País*. May 1, 2014. [El canal venezolano Globovisión censura una entrevista con Vargas Llosa](#); Perú 21. May 1, 2014. [Mario Vargas Llosa: La entrevista al Nobel que Globovisión censuró \[Video\]](#); *La Patilla*. April 30, 2014. [Esta es la entrevista a Vargas Llosa censurada por Globovisión](#); "Ayer no transmitieron la entrevista completa que hice a Vargas Llosa. No haré silencio en mi espacio, hasta hoy trabajé en @globovision. [Yesterday they did not broadcast the full interview I did with Vargas Llosa. I will not be kept silent on my forum, until today I worked in @globovision.]" Shirley Varnagy Twitter account @ShirleyVarnagy. [30 de abril de 2014 – 6:13 PM](#).

⁸⁸⁷ National Press Workers Union (SNTP). April 2, 2014. [Periodista es desalojado de Globovisión tras anunciar en vivo su renuncia](#) (VIDEO); *El Nacional*. April 2, 2014. [Periodista Reimy Chávez renuncia a Globovisión en vivo](#); *Última Hora*. April 3, 2014. [En plena transmisión periodista venezolano renuncia a Globovisión](#); *El Diario de Caracas*. April 2, 2014. [Extraoficial: Periodista Reimy Chávez fue desalojado de Globovisión](#).

with Chávez Perche and the correspondents who had resigned during the preceding days over alleged censorship at the station.⁸⁸⁸

510. On May 30, the journalist Lisseth Boon, from the daily newspaper *Últimas Noticias*, had reported on her Twitter account that, before resigning from the newspaper, she had written a story that had been censored. In her story entitled ‘La canasta alimentaria se compra en más de 3 días (It takes more than three days to buy the basket to meet a family’s basic food needs,’ the journalist had explained how difficult it was for families to buy the basic list of foods established by the National Statistics Institute (Instituto Nacional de Estadísticas—INE). This piece of journalism had been scheduled for publication three weeks after the announcement, but to date it has not been published. This is the second story presumably censored by this daily newspaper.⁸⁸⁹

511. On May 8, Juan Carlos Figueroa, a political reporter for the daily *Últimas Noticias*, resigned his position, possibly over alleged censorship at the paper. The news was released by the journalist on his Twitter account, in which he wrote, “The censorship at @Unoticias is undeniable. My colleagues go into battle every day. Today was my last. Be strong.”⁸⁹⁰

512. On May 26, the board of the *Últimas Noticias* group dismissed the journalists Erys Wilf Alvarado and Jován Pulgarín, apparently for reasons to do with news coverage. The former was managing director of the group's only newspaper, while the latter was director of *Líder*, a sports paper owned by the group. According to Pulgarín, he was informed by the board that they disapproved of the sports paper's coverage of the South American Beach Games and, therefore, were dispensing with his services. The group's photojournalism and audiovisual director, Carmen Riera, reportedly resigned in repudiation of what she regarded as an arbitrary dismissal for reasons of news coverage. Following the dismissal, the employees gathered at a meeting where they were informed of the situation.⁸⁹¹ The previous day, president Maduro had expressed his disapproval with the media's coverage of the games on his Twitter account.⁸⁹²

513. The National Press Workers Union (SNTP) denounce the dismissal of four journalists from El Nacional newspaper According to the SNTP, using the need to restructure the newspaper as a pretext, Ronna Risque, the chief of politics, events and regions; and the coordinators Raquel Seijas, Luis Martínez and Eliberth Edardo were offered double severances in return for signing letters of resignation. According to the SNTP the offer was also made to 40 other journalists.⁸⁹³

⁸⁸⁸ National Press Workers Union (SNTP). April 6, 2014. [Despiden a periodista de Globovisión tras solidarizarse con colegas que renunciaron por censura](#); “SOLIDARIA con @ReimyChavez , lo que le hicieron es una BAJEZA”. Vanessa Ugueto's Twitter account @vuguetto. [April 2, 2014 – 5:38 p.m.](#)

⁸⁸⁹ Espacio Público. June 2, 2014. [Últimas Noticias censura trabajo sobre escasez y canasta alimentaria](#); “Este es el reportaje que @UNoticias no ha querido publicar desde hace 3 semanas. Sobre escasez e inflación. [This is the story that UNoticias has not wanted to published for three weeks. About shortages and inflation.]” Lisseth Boon’s Twitter account @boonbar. [30 de mayo de 2014 – 9:35 AM.](#)

⁸⁹⁰ Espacio Público. May 9, 2014 [Censura obliga a Juan Carlos Figueroa a renunciar a Últimas Noticias](#); Noticiero Digital. May 8, 2014 [Renuncia segundo periodista de Últimas Noticias por “censura”](#); Juan Carlos Figueroa’s Twitter account @JuanCFigueroa. [May 8, 2014 – 2:32 p.m.](#); “La censura en @unoticias intenta, incluso, minimizar al chavismo crítico. Eso no es periodismo.” Juan Carlos Figueroa’s Twitter account @JuanCFigueroa. [May 8, 2014 – 3:46 p.m.](#)

⁸⁹¹ Instituto Prensa y Sociedad (IPYS) Venezuela. May 27, 2014. [Caracas: Dos periodistas fueron despedidos de Grupo Últimas Noticias por razones informativas](#); El Venezolano. May 26, 2014. [Despedidos dos directores de la Cadena Capriles: suman 32 personas que se han retirado tras su venta](#); SuNoticiero.com. May 26, 2014. [Despiden a periodistas de Últimas Noticias por no estar alineados a la visión de la directiva](#); La Patilla. May 26, 2014. [Periodistas de ÚN mantienen asamblea por compañeros despedidos \(Foto + tuits\)](#).

⁸⁹² “La Guerra Mediática contra nuestro pueblo continúa, todos los medios silencian la Gran Victoria de nuestra Juventud en los Juegos Suramericanos”. Nicolás Maduro’s official Twitter account @NicolasMaduro. [May 25, 2014 – 9:36 a.m.](#); Instituto Prensa y Sociedad (IPYS) Venezuela. May 27, 2014. [Caracas: Dos periodistas fueron despedidos de Grupo Últimas Noticias por razones informativas](#); SuNoticiero.com. May 26, 2014. [Despiden a periodistas de Últimas Noticias por no estar alineados a la visión de la directiva](#); La Patilla. May 26, 2014. [Tras comentario de Maduro despiden al director del diario Líder](#).

⁸⁹³ Espacio Público. May 28, 2014. [Despedidos cuatro periodistas del diario El Nacional](#); Clases de Periodismo. May 29, 2014. [Venezuela: denuncian que El Nacional obliga a periodistas a renunciar](#); Sindicato Nacional de Trabajadores de la Prensa. May 28, 2014. [Diario El Nacional despide injustificadamente a 4 periodistas y obliga a renunciar a 40 más](#).

514. On June 9, executives of the media group Últimas Noticias had withdrawn the weekly column written by the economist and university professor José Guerra from its daily newspaper *Últimas Noticias*. As reported by the columnist, they had called to advise him that, as a result of executive orders, he would not write again, but that the decision would be transmitted to him formally in the next few days. The columnist used to critically address specific situations of Venezuela's economy and it seems that his last two columns had been especially critical.⁸⁹⁴

515. On June 10, executives of the private station *Televen* had ordered that Luis Chataing's political opinion and humor program, 'Chataing TV,' be taken off the air. According to the information that was received, the journalist had been preparing for that night's program when they had announced that decision, which included not broadcasting the program that day. According to the journalist, it involved "pressure" from outside the station, forcing it to take this decision, which he had heard about weeks before.⁸⁹⁵

516. Hecmiry Lugo, a journalist with the *Dat TV* channel, announced that she was quitting the channel on July 10 after she was forbidden to interview María Corina Machado, an opposition leader. The journalist had apparently wanted to interview Machado for the program *Dos visiones, Un país* (Two Visions, One Country) which goes out on Sunday evenings, to which the channel had thrown up a lot of obstacles. Later she learned that there were orders from the channel that the interview should not go ahead and after a meeting with representatives of the channel she was informed that she had already been replaced. "They practically told me to get out," she said.⁸⁹⁶

517. Articles in the *Más Vida* section of *Últimas Noticias* were allegedly censored or had information changed on at least three occasions in July. That section, which reports on problems in communities, was one of the most affected in the newspaper. According to information provided to the IACHR, the journalists that work on that section were invited to resign.⁸⁹⁷

518. The IACHR received information about the departure from *El Universal* newspaper of at least 26 op-ed writers after denouncing censorship by the newspapers new management. According to the information, some of the writers had decided to stop writing for the newspaper after they refused to publish their pieces or they were prohibited from talking about a particular issue.⁸⁹⁸ On August 5, the paper reported in an editorial that over the previous days there had "been a series of problems" in that section connected with "introduction of new rules on the treatment of articles" as well as with "returning to the style manual." Therefore, it said that the paper had decided not to publish those articles which, it said, "are not in keeping with the well-established and known code of ethics."⁸⁹⁹ The sale of *El Universal* to the Spanish group Epalisticia for €90 million (approximately US\$123 million) was made official on July 4. At 105 years old, the newspaper is one of the country's oldest and among the last opposition media outlets in Venezuela. Its new president, Jesús Abreu Anselmi, allegedly announced that he would not alter the paper's editorial position,

⁸⁹⁴ Espacio Público. June 6, 2014. [José Guerra fue censurado en Últimas Noticias](#); Instituto Prensa y Sociedad (IPYS). July 4, 2014. [Caracas: Retiraron columna de opinión de economista en diario Últimas Noticias](#).

⁸⁹⁵ El Universal. June 10, 2014. [Televen sacó del aire el programa de Luis Chataing](#); Últimas Noticias. June 10, 2014. [Televen cancela programa de Luis Chataing](#); Espacio Público. June 11, 2014. [Censuran a Chataing en Televen](#); Instituto Prensa y Sociedad (IPYS). June 19, 2014. [Caracas: Sacan del aire programa humorístico por presiones gubernamentales](#).

⁸⁹⁶ Notitarde. July 10, 2014. [Impiden a Hecmiry Lugo realizar entrevista a María Corina Machado en Dat TV](#); Últimas Noticias. July 10, 2014. [Periodista de DatTV renuncia por censura](#); "ANUNCIO que hasta hoy trabajé en Dat Televisión.Me prohibieron entrevistar a @MariaCorinaYA.. 2pm asumiré posición en Unión Radio 105.3FM". Hecmiry Lugo's Twitter account @hecmirylugo. [July 10, 2014 - 10:58 a.m.](#)

⁸⁹⁷ Espacio Público. July 18, 2014. [Censura en la redacción de Últimas Noticias](#); Colegio Nacional de Periodistas (CNP). September 2, 2014 [Denuncian nuevo caso de censura en Últimas Noticias](#); CIDH. 153rd regular session, October 28, 2014. Situation of the Right to Freedom of Expression and Information in Venezuela. Document prepared by the NGO Espacio Público, the Catholic University's Andrés Bello Human Rights Center, National Union of Press Workers. Available at: Archive of the Office of the Special Rapporteur.

⁸⁹⁸ CNN en Español. August 4, 2014. [Columnistas de opinión de El Universal de Venezuela denuncian censura](#) (VIDEOS); Infobae. August 5, 2014. [Indignación en Venezuela por el despido de 26 periodistas críticos en el diario El Universal](#); Excelsior/AP. August 6, 2014. [Diario 'El Universal' de Venezuela veta a 26 articulistas](#).

⁸⁹⁹ El Universal. August 5, 2014. [A nuestros lectores](#).

that no one would lose their job, and that the company had no links to the government⁹⁰⁰. May 2013 saw the sale of *Globovisión*, while the *Últimas Noticias* group was sold in October.⁹⁰¹

519. On August 15, Ramsés Siverio, *El Universal's* correspondent in Bolívar state, said that he had been censored by the newspaper it had apparently decided not to publish a piece on a protest staged by workers at Siderúrgica del Orinoco 'Alfredo Maneiro' (Sidor), a steel mill, on August 14. The article had apparently been removed without explanation as the edition went to press and replaced with a piece written by Agencia Venezolana de Noticias (AVN).⁹⁰² In response to this incident, the newspaper's employees issued a communiqué on August 17 expressing their "concern at the changes in the guidelines set down for carrying out our work, following the much-publicized change of ownership," which "culminated" with the suppression of that article.⁹⁰³

520. On September 17, the cartoonist Rayma Suprani was dismissed by the newspaper *El Universal* allegedly for publishing a cartoon illustrating the state of the country's health sector, using the signature of the deceased ex-president, Hugo Chávez, as part of the cartoon. Suprani, who worked at the newspaper for 19 years, announced the news via her Twitter account.⁹⁰⁴ The newspaper's journalists reportedly issued a communiqué in which they stated their decision to defend "the avenues for keeping the country informed, despite the growing restrictions and censorship."⁹⁰⁵ On August 3, the cartoonist complained that she had been the victim of censorship by the newspaper *El Universal* after the cartoon that she had drawn for that day's edition was not published. One of her cartoons from the archive was published in its place. In the allegedly censored cartoon, Suprani had apparently drawn the heroes of the independence movements of Colombia and Venezuela, Francisco José de Paula Santander and Simón Bolívar, respectively, under the title "Greater Colombia" (*La Gran Colombia*), and below, two figures in Charles Chaplin garb with the faces of the current Venezuelan president, Nicolás Maduro, and his Colombian counterpart, Juan Manuel Santos, under the title "The Great Comedy" (*La Gran Comedia*). The newspaper tweeted that the journalist had been told that it would be "disrespectful to depict Santos with a pig's face. She had agreed to the change of cartoon."⁹⁰⁶ In its 2013 annual report, the Office of the Special Rapporteur recorded reports of death threats,

⁹⁰⁰ Espacio Público. July 7, 2014. [Se concreta venta del diario El Universal](#); ABC. July 8, 2014. [Fantasmagórica compra del diario opositor venezolano «El Universal»](#); Instituto Prensa y Sociedad (IPYS) Venezuela. July 4, 2014. [Caracas: Se concreta la venta del tercer medio de comunicación privado en los últimos 14 meses](#); El Colombiano/EFE. July 4, 2014. [Venden el diario venezolano El Universal a una empresa española](#).

⁹⁰¹ IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 916; Espacio Público. July 7, 2014. [Se concreta venta del diario El Universal](#); Instituto Prensa y Sociedad (IPYS) Venezuela. July 4, 2014. [Caracas: Se concreta la venta del tercer medio de comunicación privado en los últimos 14 meses](#); *Últimas Noticias*. 25 de octubre de 2013. [Se concretó venta de la Cadena Capriles](#).

⁹⁰² Instituto Prensa y Sociedad (IPYS) Venezuela. August 18, 2014. [Bolívar: Corresponsal denunció censura en diario de circulación nacional](#).

⁹⁰³ Instituto Prensa y Sociedad (IPYS) Venezuela. August 17, 2014. [Comunicado: Trabajadores de El Universal ante caso Sidor](#); La Patilla. August 17, 2014. [Trabajadores de El Universal repudian censura](#).

⁹⁰⁴ IACHR. Office of the Special Rapporteur for Freedom of Expression. September 22, 2014. [Press release R 107/14. Office of the Special Rapporteur Expresses Concern over the Situation of the Freedom of Expression in Venezuela](#); Instituto Prensa y Sociedad (IPYS) Venezuela. September 18, 2014. [Caracas: Despidieron a caricaturista por la publicación de una denuncia gráfica contra el sistema de salud](#); El Carabobeño. September 17, 2014. [El Universal despide a caricaturista Rayma](#); El Tiempo. September 18, 2014. [La caricatura por la que despidieron a Rayma de El Universal](#); El País. September 22, 2014. [Despedida una caricaturista por una viñeta que alude a Chávez](#); "Hoy se me notifica mi despido de el Universal por esta caricatura y por mi postura incómoda ante la denuncia gráfica". Rayma Suprani's Twitter account @raymacaricatura. [September 17, 2014 – 5:04 p.m.](#)

⁹⁰⁵ National Press Workers Union (SNTP). September 18, 2014. [Comunicado: La Redacción de El Universal ante el despido de la caricaturista Rayma Suprani](#); La Patilla. September 18, 2014. [Periodistas de El Universal emiten comunicado contra el despido de Rayma](#).

⁹⁰⁶ Instituto Prensa y Sociedad (IPYS) Venezuela. August 4, 2014. [Caracas: Periodista y caricaturista venezolana denunció censura en diario privado](#); CNN En Español. August 5, 2014. [Columnistas de opinión de El Universal de Venezuela denuncian censura \(VIDEO\)](#); "Esta es la caricatura que me fue censurada hoy en el universal ... Favor RT gracias". Rayma Suprani's Twitter account @raymacaricatura. [August 3, 2014 – 12:43 a.m.](#) "Aclaratoria: A Rayma se le había dicho ayer que era irrespetuoso poner a Santos con cara de cochino. Había aceptado el cambio de caricatura". Official Twitter account of the newspaper El Universal @ElUniversal. [August 3, 2014 – 8:05 a.m.](#)

insults, and denigrating remarks leveled at Suprani. It also took note of an announced lawsuit against the cartoonist by a government official.⁹⁰⁷

521. On October 1, security guards at Grupo Últimas Noticias attempted forcibly to evict journalist Odell López, a political writer at *Últimas Noticias*, after he refused to resign on September 30, despite being requested to do so by the paper's human resources department. In the journalist's view, the request was connected with support that he had expressed via Twitter for an *El Nacional* journalist, who had been harassed by the speaker of the National Assembly, Diosdado Cabello, on his television show *Con El Mazo Dando*.⁹⁰⁸ On October 2, the journalist filed a complaint with the prosecutor's office, alleging assault the day before and harassment in the workplace.⁹⁰⁹ In August, the journalist claimed censorship on the part of the newspaper's director after a report on Venezuela's sovereignty dispute over Guayana Esequiba (the territory it claims from Guyana) was not published.⁹¹⁰ On November 10, the reporter announced his resignation from *FM Center*, a syndicate of radio stations, after executives put pressure on him to leave following the episode at the offices of Grupo Últimas Noticias. According to the journalist, since that incident, despite continuing to report for *FM Center*, he had been kept off the air without being offered an explanation. His stories were read out by someone else.⁹¹¹

522. On October 6, the Últimas Noticias group dismissed cartoonist Roberto Weil, a contributor to *Dominical*, *Últimas Noticias*' Sunday supplement, because one of his cartoons had allegedly annoyed members of the governing party.⁹¹² The cartoon, published on social networks on October 5 after the newspaper decided to withdraw it from the publication, showed the funeral of a rat, which had been interpreted as alluding to the murder of Robert Serra on October 1. Following its publication, Weil had been verbally abused on social media by government officials and other individuals, including the governor of Aragua, state Tareck El Aissami, who called him "contemptible," "trash," and "fascist," among other insults and. Furthermore, the presidential commissioner for the revolutionary transformation of Greater Caracas, Ernesto Villegas, said that "it would be appropriate to investigate how the photographed copy got out and what 'inspired' the artist to draw this 15 days ago."⁹¹³ Weil said that he had submitted the cartoon 15 days earlier, which was the normal procedure for earlier publications. The magazine issued a communiqué saying that the magazine was usually

⁹⁰⁷ IACHR. [Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II: Evaluation of the State of Freedom of Expression in the Hemisphere. OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Pars. 829 and 882.

⁹⁰⁸ National Press Workers Union (SNTP). October 1, 2014. [Grupo Últimas Noticias intenta desalojar por la fuerza al periodista Odell López](#); Instituto Prensa y Sociedad (IPYS) Venezuela. October 6, 2014. [Caracas: Intentaron desalojar a periodista de instalaciones de grupo mediático luego de que se negara a renunciar](#); El Propio. October 1, 2014. [INTENTAN DESALOJAR A LA FUERZA A PERIODISTA DEL DIARIO ÚLTIMAS NOTICIAS, ODELL LÓPEZ](#).

⁹⁰⁹ Mundo24. Undated. [Odell López denuncia al diario Últimas Noticias por acoso laboral](#); La Patilla. October 2, 2014. [Periodista Odell López denuncia a Últimas Noticias por acoso laboral](#); Caraota Digital. October 2, 2014. [FOTOS: Odell López denuncia al diario Últimas Noticias por acoso laboral](#).

⁹¹⁰ Espacio Público. August 8, 2014. [Últimas Noticias censura trabajo del periodista Odell López](#); Instituto Prensa y Sociedad (IPYS) Venezuela. August 16, 2014. [Caracas: Director de medio impreso censuró reportaje por razones políticas](#).

⁹¹¹ Instituto Prensa y Sociedad (IPYS) Venezuela. November 13, 2014. [Caracas: Periodista renunció a circuito radial por presiones de la directiva](#); Espacio Público. November 11, 2014. [Odell López renunció FM Center por presiones](#).

⁹¹² Espacio Público. October 6, 2014. [Weil es despedido de la Revista Dominical](#); La Patilla. October 6, 2014. [Despiden a Weil del Grupo Últimas Noticias tras confusión con caricatura](#); El Nacional. October 6, 2014. [Aseguran que el caricaturista Roberto Weil fue despedido](#); Runrun.es. October 6, 2014. [Grupo Últimas Noticias despide a caricaturista Roberto Weil](#).

⁹¹³ Instituto Prensa y Sociedad (IPYS) Venezuela. October 5, 2014. [Caracas: Voceros del gobierno acusaron a Weil de "fascista" por caricatura que no circuló](#); National Press Workers Union (SNTP). October 5, 2014. [Funcionarios del gobierno insultan al caricaturista Roberto Weil](#); Correo del Caroní. October 6, 2014. [Voceros del Gobierno insultan a Weil por caricatura](#); "Eres un miserable hijo de puta" @WEIL_caricatura: no me hago eco de comentarios malintencionados sobre una tragedia". Tareck El Aissami's official Twitter account @TareckPSUV. [October 5, 2014 - 10:07 a.m.](#); "Basura es lo que eres. FASCISTA. Respeta al pueblo" @WEIL_caricatura: no me hago eco de comentarios malintencionados sobre una tragedia.". Tareck El Aissami's official Twitter account @TareckPSUV. [October 5, 2014 - 10:08 a.m.](#); Ernesto Villegas P.'s official Twitter account @VillegasPoljakE. [October 5, 2014 - 7:08 a.m.](#)

printed two weeks prior to its distribution. The magazine had not been distributed in some cities, while in others it had been circulated without the cartoon.⁹¹⁴

523. An article by journalist Eligio Rojas that was supposed to be published in the October 15 edition of *Últimas Noticias* was not published without explanation. The piece reported that a suspect in the murder of deputy Robert Serra and his assistant was wounded and in intensive care.⁹¹⁵ An interview by Fabiana Ortega with Patricia Janiot, also a journalist with *CNN en Español* was also removed. The interview was pulled from the print version but remained available on line. The incident occurred after the Ministry of Popular Power for Communication and Information refused permission for Janiot and her team to work in the country.⁹¹⁶

524. On November 11, Carmen Rosa Gómez, chief of *El Universal* newspaper's economics section, and Roberto Deniz, one of the reporters in that section, announced their resignation over alleged pressure from the newspaper's management to censor information. According to Gómez, there had been changes in the paper's coverage of these issues that would result in the alteration of headlines and information, or the non-publication of certain news without notice. Gomez had complained in writing about different incidents on three occasions, the last of them on November 10. Having not received a response, she tendered her resignation. In the case of Deniz, a title and summary of an article had been changed in October, while his last piece, in which one of his sources warned of a profound economic crisis, was removed.⁹¹⁷

525. During the hearing on the 'Situation of the Right to Freedom of Expression and Access to Information in Venezuela', held in the framework of the 153rd regular session of the IACHR,⁹¹⁸ The organizations that took part said that the sale of media outlets to new owners –whose identity remains unknown– had led to the exit of large numbers of employees, who had either been dismissed or forced to resign. They said that in the case of *Globovisión*, following the change of ownership, information and opinion columns had been done away with and at least 60 television workers had been either dismissed or forced to resign. Many of these instances occurred in the context of the demonstrations of February 12 earlier this year. In the case of *Grupo Últimas Noticias*, they said that after it was bought out, persons with ties to the government and members of the United Socialist Party of Venezuela had been appointed to key posts in the group. They said that in this context, the workers had denounced an escalation of acts that violated the practice of their profession, including censorship of their writings and mistreatment by the owners, resulting in the departure of at least 51 journalists. Meanwhile, the newspaper's investigation unit has also been disbanded. As to the purchase of the newspaper *El Universal* by a group of Spanish owners, they said that "one of the first decisions of the new management was to restructure the op-ed sections. The company let go 40 article writers who were critical of the government." The State, for its part, said that Venezuelan law does not prohibit the sale of media outlets and that the government could not block transactions of this type. It emphatically affirmed that "the State can have no part in that and it does not set these media outlets'

⁹¹⁴ Instituto Prensa y Sociedad (IPYS) Venezuela. October 5, 2014. [Caracas: Voceros del gobierno acusaron a Weil de "fascista" por caricatura que no circuló](#); National Press Workers Union (SNTP). October 5, 2014. [Funcionarios del gobierno insultan al caricaturista Roberto Weil](#); Revista Dominical. October 5, 2014. [La revista Dominical a la opinión pública](#).

⁹¹⁵ National Press Workers Union (SNTP). October 17, 2014. [Dos nuevos casos de censura en Últimas Noticias](#); La Patilla. October 15, 2014. [Así censuró Últimas Noticias un suceso sobre el caso Serra \(fotodetalles\)](#); Informe21.com/Colegio Nacional de Periodistas. October 15, 2014. [CNP: Últimas Noticias censuró artículo sobre muerte de Robert Serra](#).

⁹¹⁶ National Press Workers Union (SNTP). October 17, 2014. [Dos nuevos casos de censura en Últimas Noticias](#); La Patilla. October 16, 2014. [Últimas Noticias censura entrevista de periodista Patricia Janiot](#).

⁹¹⁷ Instituto Prensa y Sociedad (IPYS) Venezuela. November 13, 2014. [Caracas: Periodistas renuncian a diario de circulación nacional por razones informativas](#); Espacio Público. November 12, 2014. [Periodistas de El Universal renuncian por censura](#); La Patilla. November 12, 2014. [Nuevo caso de censura: Renuncian dos periodistas más a El Universal](#); Informe21.com. November 12, 2014. [Renuncian dos periodistas del área económica de El Universal](#); "Hasta hoy dirigi la sección de Economía de El Universal, orgullosa de haber contado con excelentes profesionales haciendo periodismo". Carmen Rosa Gómez's Twitter account @crgomezp. [November 11, 2014 - 4:50 p.m.](#); "Hasta hoy trabajé en El Universal. Gracias por sus mensajes. Ojalá vengan tiempos mejores para los que allí quedan y para el periodismo". Roberto Deniz's Twitter account @robertodeniz. [November 11, 2014 - 5:18 p.m.](#)

⁹¹⁸ IACHR. 153rd regular session, October 28, 2014. Hearing on the Situation of the Right to Freedom of Expression and Access to Information in Venezuela. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/153/default.asp>; IACHR. December 29, 2014. [Report on the 153rd Session of the IACHR](#).

communication policy.” In that connection, the representative of the State showed critical headlines by the country's main newspapers and affirmed that “no newspaper has been closed down” in Venezuela. He explained that, on the contrary, owing to the importance of private sector advertising, in Venezuela media content continues to be favorable to the business sector opposed to the socialist project.

526. Principle 13 of the Declaration of Principles stipulates: “[t]he exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans, the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law.”

Presidential broad casts

527. The IACHR learned that during 2014, the Government of Venezuela maintained the practice of using radio and television broadcasts to issue official messages. According to information provided to the Commission since the start of the protests the Venezuelan government has broadcast tens of obligatory programs on radio and television. According to the *Cadenómetro* project, which is implemented by *Monitoreo Ciudadano*, an NGO, and keeps statistics on those programs, 25 national addresses were broadcast between February 12 and March 16, 2014, taking up more than 42 hours of airtime, at an average of one hour, 20 minutes a day.⁹¹⁹ According to the *Cadenómetro* project, which is implemented by *Monitoreo Ciudadano*, an NGO, and keeps statistics on those programs, 31 national addresses were broadcast between February 12 and March 24, 2014, taking up more than 45 hours of airtime, at an average of one hour, 20 minutes a day. According to this organization, from January to April 2014 it was not possible to monitor the airtime of at least 50 national addresses.⁹²⁰

528. Instituto Prensa y Sociedad (IPYS) mentioned that, based on its monitoring from January 1 to September 30, the government had made 319 national addresses. This amounted to a total of 8,460 minutes of programming, equivalent to six days of unbroken broadcasting.⁹²¹ The purpose of many of these national addresses was to censor specific news items. It cited as an example of the national address of the night of February 12, when president Nicolás Maduro celebrated the civic-military parade to commemorate the bicentenary of the battle of victory and Youth Day. Meanwhile protests were being held in different cities that resulted in three people killed. Those events were not broadcast by the private, state, or community media. According to the study, during national addresses it is usual to hear references to business groups, trade unions, and business owners waging an “economic war.” The study also said that they are used to discredit and attack those considered critical of the government, including political leaders, dissidents, foreign government officials and embassies, representatives of opposition parties, and the media. Expressions such as “psychological warfare,” “sowing fear and anxiety,” and “economic war” have been recurring themes. According to the IPYS study, journalists and editorial opinions in the media have been discredited, attacked, and threatened with legal action during national addresses. They are constantly accused of manipulating information, of being behind conspiracies against the State, and, in particular, of censoring information; hence the need for the national addresses.⁹²²

529. The report said that the frequency of national addresses peaked in February and March, when the unrest and protests were at their worst. During those months, 45 national addresses were broadcast on radio and television in which language was used that discredited the right to peaceful protest.⁹²³ Thus, for example, on March 5, president Maduro apparently egged on supporters of the government party

⁹¹⁹ Monitoreo Ciudadano. Proyecto Cadenómetro. [Contador de horas de Nicolás Maduro en Cadena Nacional de Radio y Televisión.](#)

⁹²⁰ Espacio Público. March 24, 2014 Periódicos sin materia prima. Available at: Archive of the Office of the Special Rapporteur.

⁹²¹ Instituto Prensa y Sociedad (IPYS). November 2014. [Venezuela, un país en cadena.](#)

⁹²² Instituto Prensa y Sociedad (IPYS). November 2014. [Venezuela, un país en cadena.](#)

⁹²³ Instituto Prensa y Sociedad (IPYS). November 2014. [Venezuela, un país en cadena.](#)

against the demonstrators, saying that they should carry out the orders of former president Hugo Chávez that “any flame lit, we snuff out.”⁹²⁴ Days later, the president clarified that he had been speaking to a “people of peace,” that he meant “any flame lit, we snuff out with heart and mind, with reasons, with empathy, with the truth, as is only proper.”⁹²⁵

530. The Office of the Special Rapporteur has recognized the authority of the President of the Republic and high-ranking government officials to use the media for purposes of informing the public of prevailing matters of public interest; nevertheless, the exercise of this power is not absolute. The information that governments convey to the public through the presidential broadcasts must be strictly necessary to meet the urgent need for information on issues that are clearly and genuinely in the public interest, and for the length of time strictly necessary for the conveyance of that information. In this respect, both the IACHR and its Office of the Special Rapporteur,⁹²⁶ as well as some national bodies of States party to the American Convention, applying international standards, have indicated that “not just any information justifies the interruption by the President of the Republic of regularly scheduled programming. Rather, it must be information that could be of interest to the masses by informing them of facts that could be of public significance and that are truly necessary for real citizen participation in public life.”⁹²⁷ Additionally, the principle 5 of the IACHR’s Declaration of Principles states that: “[p]rior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression”.

531. Public servants must also bear in mind that they have a position as guarantors of the fundamental rights of individuals; as such, their statements cannot deny those rights.⁹²⁸ This special duty of care is heightened particularly in situations involving social conflict, breaches of the peace, or social or political polarization, precisely because of the risks such situations might pose for specific individuals or groups at a given time.⁹²⁹ The Inter-American Court has also held that situations of risk can be exacerbated if they are “[the subject of government speeches] that may [provoke], suggest actions, or be interpreted by public officials or sectors of the society as instructions, instigations, or any form of authorization or support for the commission of acts that may put at risk or violate the life, personal safety, or other rights of people who exercise [...] freedom of expression.”⁹³⁰

Other relevant situations

532. On March 11, president Nicolás Maduro launched his weekly radio show *En contacto con Maduro* [In Touch with Maduro], which will air every Tuesday at 7 p.m. or “on any other day that we also wake up with a desire to communicate with each other in this way” and sometimes “it will be worthwhile

⁹²⁴ Diario Primicia/YouTube. March 5, 2014. [Maduro: Candelita que se prende, candelita que apagamos \(PRIMICIA – Primero y Mejor\)](#).

⁹²⁵ Noticias Venezuela/YouTube. March 8, 2014. [“Candelita que se prende, candelita que se apaga con el alma”](#).

⁹²⁶ IACHR. [Report on the Situation of Human Rights in Venezuela](#). Chapter VI (Right to Freedom of Expression and Thought). OEA/Ser.L/V/II.118. Doc. 4 rev. 1. October 24, 2003. Para. 487.

⁹²⁷ IACHR. [Annual Report 2011. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 69. December 30, 2011. Para. 199; IACHR. [Annual Report 2010. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 226; IACHR. [Declaration of Principles on Freedom of Expression](#). Principle 5.

⁹²⁸ I/A Court H.R. *Case of Apitz-Barbera et al. (“First Court of Administrative Disputes”) v. Venezuela. Preliminary Objection, Merits, Reparations and Costs*. Judgment of August 5, 2008. Series C No. 182. Para. 131.

⁹²⁹ I/A Court H.R. *Case of Perozo et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of January 28, 2009. Series C No. 195. Para. 151.

⁹³⁰ I/A Court H.R. *Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of January 28, 2009. Series C No. 194. Para. 143.

doing it on television" simultaneously. The premier said that it would be an interactive program and would also be transmitted by every available means, including social media "so that the truth about Venezuela can make itself heard."⁹³¹ On his first program, the premier criticized the national and international press whose owners belonged to the "rancid media oligarchy that wages communicational terrorism against Venezuela" and he defended the need for this program in spite of having access to the media through their channels, because of the program's interactive nature and because it will be accessible to anyone who is not in Venezuela.⁹³²

533. On May 7, officials of the Bolivarian National Intelligence Service (Sebin) detained the president of the human rights NGO *Un Mundo sin Mordaza* (An Unmuzzled World), Rodrigo Diamanti, at Maiquetía Airport near Caracas. The incident was reported by members of the NGO and other individuals on social media, saying that the arrest was made without a warrant.⁹³³ The arrest was carried out following statements made by the Minister of the Interior, Miguel Rodríguez Torres, that Diamanti had allegedly financed and supported the protests against the government of president Nicolás Maduro.⁹³⁴ Some days before, on May 1, the offices of that NGO and of *Humano Libre* were raided by alleged Sebin officials who, after searching the premises detained a young man who was guarding the place.⁹³⁵ Diamanti was held until the night of May 9, when the 27th Supervising Court in and for Caracas ordered his release under precautionary measures and prohibited him to leave the country. The Office of the Attorney General charged him with offenses under the Criminal Code: obstruction of a public thoroughfare and possession of explosive devices (which had allegedly been found in the raid on the NGO's offices).⁹³⁶

534. The IACHR learned of an increase in the number of state-owned mass media outlets. On April 12, 2013, President Nicolás Maduro and executive vice president Jorge Arreaza launched the country's first digital television station: *ConCienciaTv*. The channel is devoted to specific issues and broadcasts programs on science, technology and innovation. It was created "because of the need to create new communication platforms from which to broadcast up-to-date content consistent with the ethical principles of our Bolivarian revolution."⁹³⁷ On December 28 the premier launched the first national Bolivarian armed forces Channel (*TV FANB*) which he described as "a military revolution, a communications revolution." The channel received an

⁹³¹ Venezolana de Televisión (VTV). March 11, 2014. [En Contacto con Maduro inicia ciclo de una nueva forma de comunicación \(+Video\)](#); ABC/AFP. March 12, 2014. ['En contacto con Maduro' sustituye a 'Aló presidente'](#); El Periódico/EFE. March 12, 2014. [Venezuela, del 'Aló presidente' de Chávez a 'En contacto con Maduro'](#); Univisión Noticias. March 11, 2014. [El presidente de Venezuela estrenó el programa "En contacto con Maduro"](#).

⁹³² Knight Center for Journalism in the Americas March 12, 2014. [Venezuelan president launches radio program "In contact with Maduro"](#); March 11, 2014. ["En contacto con Maduro", el nuevo programa de radio y TV que lanzó el presidente de Venezuela](#); Venezolana de Televisión (VTV)/ YouTube. Aired on March 11 and published on March 12 by Luigino Bracci Roa. [Nicolás Maduro realiza su primer programa de radio "En Contacto con Maduro"](#) [01:13:42 / 01:53:20]

⁹³³ El Universal. May 7, 2014. ["Un Mundo Sin Mordaza" denuncia detención de su presidente](#); 2001. May 7, 2014. [Presidente de "Un Mundo Sin Mordaza" fue detenido por el Sebin](#); La Patilla. May 7, 2014. [Sebin detiene a Rodrigo Diamanti presidente de Un Mundo Sin Mordaza \(tuits\)](#); Instituto Prensa y Sociedad (IPYS) Venezuela. May 9, 2014 [Caracas: Activista por la libertad de expresión ha permanecido detenido por 48 horas sin orden de captura](#).

⁹³⁴ Instituto Prensa y Sociedad (IPYS) Venezuela. May 9, 2014 [Caracas: Activista por la libertad de expresión ha permanecido detenido por 48 horas sin orden de captura](#); El Universal. May 8, 2014. [Human Rights Foundation condenó detenciones de estudiantes y activistas](#); El País. May 2, 2014. [Venezuela insiste en acusar a Estados Unidos por supuesto plan conspirativo](#).

⁹³⁵ Instituto Prensa y Sociedad (IPYS) Venezuela. May 9, 2014 [Caracas: Activista por la libertad de expresión ha permanecido detenido por 48 horas sin orden de captura](#); El Universal. May 1, 2014 [Sebin allanó sede de las ONG "Un Mundo Sin Mordaza" y "Humano y Libre"](#); Últimas Noticias. May 1, 2014 [Sebin allanó sede de las ONG "Un mundo sin mordaza" y "Humano y libre"](#); Informe21.com. May 1, 2014 [Sebin allanó sede de las ONG Un Mundo Sin Mordaza y Humano Libre](#).

⁹³⁶ El Nacional. May 9, 2014 [Liberado Rodrigo Diamanti con medidas cautelares](#); 2001. Undated. [Rodrigo Diamanti recibió libertad condicional](#); Noticias 24. May 9, 2014. [Imputan a Rodrigo Diamanti por tenencia de bombas molotov: no podrá salir del país](#).

⁹³⁷ Ministry of People's Power for Science, Technology, and Innovation. ConCienciaTv. Undated. [ConCienciaTv, canal de ciencia, tecnología e innovación](#); Venezolana de Televisión (VTV). Undated. [Vicepde. Arreaza encabezará lanzamiento de TV ConCiencia \(+Video\)](#); Venezolana de Televisión (VTV). Undated. [TV ConCiencia pone al aire el cambio de paradigmas en la televisión \(+Videos\)](#).

investment of 54 million bolívares (approximately US\$8,500,000).⁹³⁸ During a national address on February 25, president Maduro launched *Zum TV*, which he described as “the channel for Venezuelan youth.”⁹³⁹ That same day, the premier announced the creation of 400 recording studios with the aim of “democratizing radio in Venezuela” following the official inauguration of *Radio Favela* situated in the El Valle sector in Caracas.⁹⁴⁰ During this national address the premier also announced the creation of other channels, such as *TV Comunas* and *TV Obrera*. “We are launching *Zum TV*. Very soon we will be launching television for the working classes, *TV Obrera*, and very soon we will launch *TV Comunas*. This is the birth of the new television of the 21st century in Venezuela,” he said.⁹⁴¹

535. On March 11, President Nicolás Maduro launched the magazine *Venezuela se respeta*, whose purpose is to tell the world the truth about the ongoing *coup d'état* denounced by the government. “In here we have everything that has happened in Venezuela over the past weeks, with photographs, all the truth about the supposed protests; we are going to produce a special documentary in every language and broadcast it to the whole world and disseminate it by all the means at our disposal. They have sought to threaten democracy. In here we show you the whole truth,” said the president.⁹⁴²

D. Guarantees for judicial independence, due process of law, and effective access to Justice

536. The Commission has been monitoring the situation of independence and impartiality of the Judiciary in Venezuela. Accordingly, in its 2009 report *Democracy and Human Rights in Venezuela* and its subsequent Annual Reports, the IACHR has expressed concern over abridgment of these guarantees, particularly, the high number of judges and prosecutors with temporary status subject to arbitrary removal from their positions and the alleged failure to follow the procedures established under the law and Constitution in the process of designation and removal thereof.

537. Likewise, both the IACHR and the Inter-American Court have ruled in individual cases on the effects of a lack of guarantees of rights and freedoms in the process of transition of the Judicial Branch, which began in Venezuela with the adoption of the 1999 Constitution.⁹⁴³ The Court and the Commission have examined how the transition process led to a high percentage of judges with temporary, being subjected to

⁹³⁸ Venezolana de Televisión (VTV). December 28, 2013. [Presidente Maduro inauguró TV FANB \(+Videos\)](#); Agencia Venezolana de Noticias (AVN). December 28, 2013. [Sale al aire la señal de TV FANB](#); El Impulso. December 14, 2014. [Canal de las FAN saldrá al aire en señal abierta](#).

⁹³⁹ Ministry of People's Power for Communication and Information (Minci) 25 February 2014. [Al aire canal juvenil ZUM TV](#); Agencia Venezolana de Noticias (AVN). 25 February 2014. [Presidente Maduro inauguró canal de la juventud venezolana Zum TV](#); Noticias 24. February 25, 2014. [Inauguran Zum TV. el canal “de la juventud venezolana”](#).

⁹⁴⁰ Ministry of People's Power for Communication and Information (Minci) 25 February 2014. [Al aire canal juvenil ZUM TV](#); Ministry of People's Power for the Social Process of Labor. February 26, 2014. [Estudio de Audio inaugurado en “El 70” se suma a formación a través de Proyectos del Inces](#); Ministry of People's Power for Youth. 25 February 2014. [Este año serán inaugurados 400 estudios de grabación en todo el país](#).

⁹⁴¹ Venezolana de Televisión. 25 February 2014. [Por la juventud y por la paz, nació ZUM TV \(+Video\)](#); Bolivarian Communication and Information System. National address: Broadcasters for Peace and Life. Transmitted on February 25, 2014. Published on February 26, 2014, by: sucreranda Hugo Chávez Venezuela/YouTube. [Nicolás Maduro. Marcha de Telecomunicadores y CANTV Venezuela, 25 de febrero, 2014](#). [02:09:19]

⁹⁴² Informe21.com/Radio Mundial. March 11, 2014. [Lanzada oficialmente revista “Venezuela se respeta”](#); “Lanzada oficialmente revista “Venezuela se respeta” (+Audio) <http://goo.gl/oYdbWE> #MaduroPazYPatria”. Twitter account YVKE Mundial @YVKE_MUNDIAL. [March 10, 2014, 1:22 PM](#).

⁹⁴³ In the transition process to the 1999 Constitution, the National Constituent Assembly instituted a “process of restructuring of the Judiciary,” in the context of which the “Decree of Reorganization of all organs of the Government” was issued on August 12, 1999. The Constituent Assembly also declared the Judiciary “in emergency and reorganization.” Said Decree established that “all judicial positions must be filled through an open competitive examination process; it removed the lifetime appointment status provided for under the law for all serving judges; and added that these judges could take part in the competitive examination process that would be announced to cover their positions [...]”. See: Application before the IA Ct of HR, Case of Mercedes Chocrón Chocrón, November 25, 2009 pars. 31-32.

proceedings for removal from office, which was incompatible with the American Convention.⁹⁴⁴ In the case of *Reverón Trujillo*, the Inter-American Court held that judges with removable and temporary status in Venezuela “[...] have no stability in their position, are appointed discretionarily and may be removed without undergoing any pre-established proceeding [...]”⁹⁴⁵ Additionally, the IACHR has held that in this context of transition, the Judicial Commission of the TSJ⁹⁴⁶ has been ordering the removal of hundreds of judges for more than a decade, and has exercised this power at its own discretion and without providing for the minimal guarantees required by the Convention.⁹⁴⁷

538. In turn, the Office of the United Nations Special Rapporteur for the independence of judges and attorneys has reiterated its concern over the high number of judges and prosecutors with temporary and removable status in Venezuela, finding that they are “subject to a number of mechanisms of political interference, which affect their independence,” in particular in view of the fact that their removal is “absolutely discretionary; without any grounds, proceeding or effective judicial remedy.”⁹⁴⁸ Likewise, in the framework of the Universal Periodic Review, the Working Group on Venezuela of the UN Human Rights Council, recommended that the State adopt the necessary measures to ensure the independence of the judiciary, in particular, with respect to establishing clear and transparent procedures for the appointment of judges and prosecutors, and to “do away with the temporary removable nature of the appointment of judges.”⁹⁴⁹ These recommendations were rejected by the Venezuelan State.⁹⁵⁰

539. In June 2014, Gabriela Knaul, Special Rapporteur on the Independence of Judges, Lawyers and Court Officials issued statements expressing her concern over “interference of the government in the judiciary and the increase in incidents that violate the human rights of Venezuelan judges and prosecutors.” At a public side event to a meeting of the UN Human Rights Council, the Rapporteur noted that she had received “countless complaints regarding the lack of independence of judges and prosecutors,” and asserted that one of the central issues is “the lack of career judges, and the fact that most judges have short-term appointments,” which “weakens the judicial system.”⁹⁵¹ These statements were publicly rejected by the

⁹⁴⁴ Specifically, the Commission has filed applications against the Venezuelan State before the IA Ct. of HR for three cases pertaining to temporary status and/or removability from office of judges and prosecutors. See Application of the IACHR to the Inter-American Court of Human Rights, Case of Ana María Ruggeri Cova, Perkins Rocha Contreras and Juan Carlos Apitz (“First Court of Administrative Matters”), November 29, 2006; Application of the IACHR to the Inter-American Court of Human Rights, Case of María Cristina Reverón Trujillo, November 9, 2007; and Application of the IACHR to the Inter-American Court of Human Rights, Case of Mercedes Chocrón Chocrón, November 25, 2009.

⁹⁴⁵ IA Ct. of HR, *Case of Reverón Trujillo v. Venezuela*, Preliminary Objections, Merits and Reparations, Judgment June 30, 2009. Series C, No. 197, par. 106.

⁹⁴⁶ The Plenary Chamber of the Supreme Court of Justice (TSJ), in exercising the powers granted to it under Article 267 of the Venezuelan Constitution, issued the Regulation on the Management, Governance and Administration of the Judicial Branch of Government (published in Official Gazette of the Bolivarian Republic of Venezuela No. 37.014 dated 15/08/2000), which created both the Executive Directorate of Judgeships and, as an auxiliary body, the Judicial Commission. The Judicial Commission of the TSJ [Supreme Court of Justice] is in charge of appointing judge designees with temporary and removable status –in order to fill open slots of judgeships in the Judiciary– and remove these same judges, when there are no grounds for disciplinary action, without any proceeding under due process of the law.

⁹⁴⁷ Final written observations of the IACHR to the Inter-American Court in the case of Mercedes Chocrón Chocrón v. Venezuela, March 24, 2011, par. 9.

⁹⁴⁸ OHCHR, *“Preocupante la situación de la justicia en Venezuela”, advierte experto de la ONU*, [“‘Troubling situation of justice in Venezuela,’ warns UN expert”], July 30, 2009.

⁹⁴⁹ Recommendations 96.14-96.20. Report of the Working Group on the Universal Periodic Review, Bolivarian Republic of Venezuela [Venezuela \(República Bolivariana de\)](#), December 7, 2011.

⁹⁵⁰ In this regard, the State claimed “8. Non-acceptance of recommendations 96.13-96.14-96.15-96.16-96.17-96.18-96.19-96.20-96.21-96.22-96.24, is based on the consideration that these recommendations interfere with our national sovereignty, autonomy, independence and self-determination, inalienable rights of the Venezuelan State, but additionally our Judiciary acts in making many important adjudicatory decisions, which are aimed at applying ‘just law’ in their notable and momentous advancement [...]” Report of the Working Group on the Universal Periodic Review, Venezuela [Bolivarian Republic of], [Opiniones sobre las conclusiones y/o recomendaciones, compromisos voluntarios y respuestas presentadas por el Estado examinado](#), [“Opinions on the conclusions and/or recommendations, voluntary commitments and responses submitted by the State under review”], February 16, 2012.

⁹⁵¹ Statements published in press articles. Based on available information, the statements were given in the context of the event titled “Strengthening the Rule of Law in Venezuela,” which was held as a parallel event to the 26th meeting of the United Nations

Attorney General of the Republic of Venezuela, who noted she was “alarmed at the lack of information of the rapporteur,” and that she should be sent information on “the courses that have begun at the Ministry to make prosecutors [positions] secure.”⁹⁵²

540. More recently, the United Nations Committee against Torture indicated that it is “seriously concerned about the judicial branch’s lack of independence of the executive branch.” In addition, the Committee expressed concern because “judges have no guarantee of stability in their positions, given that 62% of judges are provisional appointees and can be freely appointed and removed.” In this respect, it recommended that the State “adopt urgent measures to ensure the full independence and irremovability of judges in accordance with international standards in this area” and “eliminate the provisional nature of appointment to the judiciary and guarantee the stability and independence of current provisional judges.”⁹⁵³

541. In light of the foregoing, it must be noted that the Commission has followed up in its Annual Reports on available statistics regarding the number of judges and prosecutors on temporary, subject to arbitrary removal and actual removals approved by the Judicial Commission of the TSJ. In its 2012 Annual Report, the IACHR indicated that out of a total of 2002 courts with 2,950 judges, only 775 had full permanent judgeships⁹⁵⁴ and the rest of the judges were assigned to temporary, pro tempore or interim or special substitute positions and a higher number had a status subject to arbitrary removal.⁹⁵⁵

542. In its 2013 Annual Report, the IACHR noted that this situation had continued and it specifically examined the available information on appointments and removals that the Judicial Commission of the TSJ continued to make, without first instituting any disciplinary proceedings, despite the fact that Judicial Discipline Courts were installed in 2011.⁹⁵⁶ The Commission stressed that based on close examination of a sample record of appointments made by the Judicial Commission in the period of December 2012 to March 2013, it appeared that none of these appointments were for permanent lifetime judgeships.⁹⁵⁷ Based on information received during the hearing on the “General Situation of Human Rights in Venezuela” in March 2014, a total of 774 judges were appointed without permanent judgeship status in 2013⁹⁵⁸.

543. Based on available information in the Supreme Court of Justice Internet Portal and periodical publications of the Executive Directorate of Judgeships,⁹⁵⁹ in 2014, the Judicial Commission of the TSJ has continued to make decisions on appointments of judges in the different courts of the country, almost all of whom are with removable status or are appointed on a temporary basis, as a roving position and/or as an interim judge to hear a specific case. In most of these instances, the appointments are still for reasons of transfers, substitutions and/or the creation of new courts or to cover openings in other judicial functions.⁹⁶⁰

Human Rights Council, in Brussels (Belgium) See: El Universal, [ONU “preocupada” por falta de independencia judicial en Venezuela](#), [“UN ‘concerned’ over lack of judicial independence in Venezuela”] June 11, 2014; and El Nacional, [ONU “preocupada” por falta de independencia de jueces y fiscales en Venezuela](#), [“UN ‘concerned’ over lack of independence of judges and prosecutors in Venezuela”] June 11, 2014.

⁹⁵² Telesur, [Fiscal general de Venezuela rechaza declaraciones de relatora de la ONU](#), [“Attorney General of Venezuela rejects statement of UN Rapporteur”], June 13, 2014.

⁹⁵³ United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014, p. 7.

⁹⁵⁴ Based on information provided by the State, for 2012, 43% of Venezuelan judges hold lifetime appointments. Observation of the Venezuelan State to the Draft Report on the General Situation of Human Rights in the Bolivarian Republic of Venezuela for 2012 (AGEV/000039) February 22, 2013.

⁹⁵⁵ IACHR, *2012 Annual Report*. Chapter IV Venezuela, par. 476.

⁹⁵⁶ IACHR, *2012 Annual Report*. Chapter IV Venezuela, par. 639.

⁹⁵⁷ IACHR, *2012 Annual Report*. Chapter IV Venezuela, par. 641.

⁹⁵⁸ Information received during the hearings on the *General Situation of Human Rights in Venezuela*, held during the 150th Regular Session. March 2014.

⁹⁵⁹ Supreme Court of Justice http://www.tsj.gov.ve/designaciones/designaciones_lista.asp

⁹⁶⁰ The same situation was confirmed by the Commission in its 2013 Annual Report. See: IACHR, 2013 Annual Report, Chapter IV Venezuela, pars. 639-641.

544. In concrete terms, based on close examination of the information available for 2014 thus far,⁹⁶¹ the Judicial Commission has decided on the designation, transfer and appointment of around 1,111 judges from the whole country, of which 22 are full fledged judges with lifetime appointments,⁹⁶² and are mostly transfers approved on different grounds (16 of the total of 22).

545. Likewise, it is noted that out of the aforementioned total number, 271 of the appointments are for temporary status judges, 191 are appointments to interim positions to hear specific cases, and 79 of the judgeships are to removable non permanent positions, which include appointments stemming from the creation of a new court, resignation of another judge, substitutions and from change of status from temporary to removable judges of the “special community justices of the peace.”⁹⁶³ Specifically, as of August 2014, the Chief Justice of the TSJ has appointed a total of “18 removable and alternate justices of the peace, whose nominations were put forward by the communities themselves [...]”⁹⁶⁴

546. Moreover, in follow-up to information that the IACHR has been monitoring on the total number of judges holding non-permanent positions in Venezuela, the information available indicates that as of 2014, the situation has not changed substantially from that of 2012 and 2013. As an example, we can cite that in the jurisdiction of the Metropolitan Area of Caracas, the Special Chambers with exclusive competence to hear cases of crimes linked to terrorism are totally made up of judges with temporary status.⁹⁶⁵ According to data gathered by the International Commission of Jurists in 2013, the percentage of judges without lifetime appointments to judgeship is higher than 80%.⁹⁶⁶

547. In its 2013 annual report, the IACHR also took into consideration available information on the training of attorneys through the “Judicial management program” and the appointment in 2012 of judges with temporary removable status, who would subsequently have to take part in a competitive examination process for a position.⁹⁶⁷ Based on press clippings of the TSJ, in January and May 2014, a group of 19 male and 21 woman judges, from different judicial districts of the country were sworn in.⁹⁶⁸ However, no information was available on whether or not these appointments were from the competitive examination process and whether or not these officials were secure in their positions.⁹⁶⁹ The IACHR notes that one of the

⁹⁶¹ The examination of the sample was conducted in February, March, May, June, July and August. No information was available for January and April. Most recent query was September 17, 2014.

⁹⁶² The rest of the positions involve the appointment of judges on temporary, removable, roving and interim status to hear specific cases.

⁹⁶³ Published in Official Gazette No. 39913 of May 2, 2012. Said Law establishes in the third transitory provision that:

Until such time as the local territorial entities hold elections to choose community justices of the peace, as provided by this Law, they [the justices of the peace] shall be appointed with temporary status by the Judicial Commission of the Supreme Court of Justice, for a period that shall not exceed two years, and they shall be nominated by the bodies and organizations of the People or on their own initiative. Citizens appointed temporarily may not run again for the period immediately following their term as community justice of the peace.

Available at: http://www.cne.gov.ve/onpc/web/documentos/Leyes/Ley_Organica_de_la_Jurisdiccion_Especial_de_la_Justicia_de_Paz_Comunal.pdf

⁹⁶⁴ TSJ, *Cada día se incrementa la igualdad en la administración de justicia*, [‘Equality in the administration of justice increases day by day’], August 1, 2014.

⁹⁶⁵ Available at: <http://caracas.tsj.gov.ve/#>

⁹⁶⁶ International Commission of Jurists, *Fortaleciendo el Estado de Derecho en Venezuela*, [Strengthening the Rule of Law in Venezuela] May 2014, pg. 2.

⁹⁶⁷ IACHR, *2013 Annual Report*, Chapter IV Venezuela, par. 643.

⁹⁶⁸ TSJ, *Presidenta del TSJ juramentó a grupo de juezas y jueces para seguir fortaleciendo el Poder Judicial*, [‘Chief Justice of the TSJ swore in a group of judges to continue strengthening the Judiciary’] January 29, 2014; and TSJ, *Presidenta del TSJ juramenta a juezas y jueces para seguir fortaleciendo el Poder Judicial*, [‘Chief Justice of the TSJ swore in judges to continue to strengthen the Judiciary’], May 7, 2014.

⁹⁶⁹ In that regard, the International Commission of Jurists indicated in its 2014 Report that, according to the information collected during its visit to Venezuela, no open competitive examinations for judgeships or promotions have been held since 2003. See:

recommendations made in the said report of the UN Committee against Torture, is that the State organize “as speedily as possible public competitions for admission to the judiciary, carried out by independent authorities [...]”.⁹⁷⁰

548. As for the situation of government attorneys of the Office of the Public Prosecutor, in its 2013 Report the IACHR also analyzed the situation of temporary status of a high number of federal prosecuting attorneys working at the national, state and municipal levels, and at the Offices of the Solicitor General accredited to appear before Plenary Chamber and the Constitutional, Cassation, Political and Administrative and Electoral Chambers of the Supreme Court of Justice, and before the Administrative Courts, who all have temporary status and are subject to arbitrary removal.⁹⁷¹ Based on available information on the official webpage of the Ministry of the Public Prosecutor, as of 2014, this situation has not changed substantially and, for example, national prosecutors’ offices continue to be made up of at least one prosecuting attorney with temporary status and subject to arbitrary removal, and one or more prosecuting attorneys has auxiliary status.⁹⁷² Based on available information, and according to the announcement published in Official Gazette No. 40.410 of May 13, 2014,⁹⁷³ the Office of the Public Prosecutor announced the “III Public Competitive Examination for accreditation to enter the prosecutorial career to fill 15 positions as prosecuting attorney for the Metropolitan Area of Caracas,” under the direction of the National Prosecutorial Training Academy (Escuela Nacional de Fiscales).⁹⁷⁴ As of the date of the drafting of this report, the process was at the stage of publication of the “results of the written exam evaluation and opening to social oversight,” in which only 2 candidates participated.⁹⁷⁵

549. Another issue about which the Commission continued to receive information over 2014 is linked to obstacles in the practice of law in Venezuela, which also affect judicial independence in the country. Based on information gathered by the International Commission of Jurists, these aspects allegedly pertain to “favoritism by the government in appointing attorneys, who are graduates of State universities, to positions in the judiciary;”⁹⁷⁶ “ongoing weakening of bar associations, which advocate on behalf of issues relating to the administration of justice;” and “improper interference of the judiciary in the choice of members of executive committees and disciplinary tribunals of the associations.”⁹⁷⁷

550. With regard the alleged interference of other institutions of the State in the judiciary, PROVEA have denounced that most of the decisions of the Supreme Court of Justice “have stayed away from

International Commission of Jurists, [Fortaleciendo el Estado de Derecho en Venezuela](#), [‘Strengthening the Rule of Law in Venezuela’], May 2014, pg. 16

⁹⁷⁰ United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014, p. 7.

⁹⁷¹ IACHR, *2013 Annual Report*, Chapter IV Venezuela, par. 647.

⁹⁷² Available at: <http://act2.mp.gob.ve/>

⁹⁷³ Available at: http://escueladefiscales.mp.gob.ve/userfiles/file/III_CONCURSO/GACETA.pdf

⁹⁷⁴ Announcement available at: http://escueladefiscales.mp.gob.ve/userfiles/file/III_CONCURSO/CONVOCATORIA_PRENSA.pdf Based on available information, in the other two previous competitive examination rounds, only four new prosecutors were approved for appointment. See: International Commission of Jurists, [Fortaleciendo el Estado de Derecho en Venezuela](#), May 2014, pg. 4. It must be noted that, in its 2009 Report *Democracy and Human Rights*, the Commission emphasized that “[...] the Rules for Evaluations and Public Competitions for Entry into and Promotion within the Judicial Career have fallen into disuse, since no competitions have been organized and all appointments since 2002 have been made without any sort of oversight or procedure.” IACHR. *Report Democracy and Human Rights in Venezuela*, December 30, 2009, Chapter III, par. 204.

⁹⁷⁵ Results available at: <http://escueladefiscales.mp.gob.ve/userfiles/file/16-09%20Concurso%20escuela.pdf> Last query of September 17, 2014.

⁹⁷⁶ For example, in its 2013 Annual Report, the Commission took into account that official announcements on the appointment of judicial officials said only graduates of the Bolivarian University of Venezuela, created by the Government in 2005. IACHR, 2013 Annual Report. Chapter IV Venezuela, par. 643.

⁹⁷⁷ International Commission of Jurists, [Fortaleciendo el Estado de Derecho en Venezuela](#), [Strengthening Rule of Law in Venezuela], May 2014, pg. 4.

placing limits on the exercise of public authorities, thus undermining its role as the guarantor of the rights of citizens vis-à-vis these authorities and as an institutional counterbalance.”⁹⁷⁸ Based on a study conducted by the organization for the 2013 term, of the total number of appeals filed against the President of the Republic, the National Assembly (AN), the Office of the Comptroller General of the Republic (CGR), the National Electoral Council (CNE), the Office of the Attorney General of the Republic (FGR) and the Office of the Ombudsman, “only in 5.55% of the decisions of the TSJ, did this court grant the appeals, and not one appeal was granted in cases against the President of the Republic, AN, FGR and the Office of the Ombudsman.”⁹⁷⁹

551. Likewise, the organization has denounced that the decisions of the TSJ mostly “favor the positions of the government,”⁹⁸⁰ and that certain proceedings or statements of high-level officials also reflect the alleged interference of the Executive Branch in the Judiciary.⁹⁸¹ One notable example is that, in her speech to open the 2014 judicial term, the Chief Justice of the TSJ announced that “[...] the first steps” are being taken “for the adaptation of this institution to the extent of submission and vision consistent with the postulates of the Constitution, to the 2013-2019 Patria [‘Fatherland’] Plan.”⁹⁸²

552. In addition, during the 153rd Regular Session, the Commission held a hearing on the situation of judicial independence in Venezuela, during which the organization Un Estado de Derecho presented the results of a research study analyzing the decisions handed down by three of the chambers that make up the Supreme Court of Justice during the period 2005-2013.⁹⁸³ With respect to the Constitutional Chamber, the report concluded that an exhaustive review of a total of 20,798 rulings during the period under study indicated that “only 9% ruled on matters related to the direct or abstract control of government powers” and within that group of decisions only 7% involved decisions that declared the petitioners’ claims admissible or partially admissible, whereas 47% of the cases declared the actions or appeals inadmissible.

553. The report emphasizes that none of the decisions adopted by the Chamber has declared admissible an appeal for constitutional protection against the President of the Republic nor has any action taken by the government between the years 2005 and 2013 been invalidated, despite the fact that during that period there have been “numerous regulatory actions based on enabling laws.” Using the same methodology, the report concludes that based on the actions of the Chamber for Political and Administrative Matters (SPA) in recent years “public officials in Venezuela are without the effective control and limitation of the administrative courts,” in that not one of the total number of decisions analyzed has “questioned the government’s decisions in sectors qualified as strategic or in the national interest,” or ordered “reparations for damages and injuries” due to “actions or events directly attributable to the President of the Republic or that represent the direct execution of one of such actions.” As regards the Electoral Chamber (SE) of the TSJ, the report concludes that over a period of nine years, in only 12 of 42 cases were individuals’ claims against “acts, actions, of omissions of the Electoral Power” declared admissible and when these decisions are

⁹⁷⁸ PROVEA, [Situación de los derechos humanos en Venezuela](#), [Human Rights Situation in Venezuela], Annual Report January-December 2012, Caracas, April 18, 2013, pg. 300.

⁹⁷⁹ PROVEA, [Situación de los derechos humanos en Venezuela](#), [Human Rights Situation in Venezuela], Annual Report 2013, Caracas, May 5, 2014, pg. 343.

⁹⁸⁰ PROVEA, [Situación de los derechos humanos en Venezuela](#), [Human Rights Situation in Venezuela], Annual Report 2013, Caracas, May 5, 2014, pg. 341.

⁹⁸¹ PROVEA, [Situación de los derechos humanos en Venezuela](#), [Human Rights Situation in Venezuela], Annual Report 2013, Caracas, May 5, 2014, pg. 342.

⁹⁸² See statements in: El Universal, [Gutiérrez: TSJ inició proceso para adaptarse al Plan de la Patria](#), [Gutiérrez: TSJ launches process to adapt to Patria Plan] January 24, 2014. The 2013-2019 Patria Plan” is another name for the “Second Socialist Plan for Economic and Social Development of the Nation,” which pursues “the transition to 21st Century Bolivarian socialism.” Given to the National Assembly by President Nicolás Maduro, on September 28, 2013. Available at: http://www.asambleanacional.gob.ve/uploads/botones/bot_90998c61a54764da3be94c3715079a7e74416eba.pdf

⁹⁸³ The study performs “a quantitative analysis of the decisions handed down by the TSJ, in the three chambers or sections that directly control the branches of government, namely the Constitutional Chamber (SC), the Political and Administrative Chamber (SPA), and the Electoral Chamber (SE), between the years 2005 and 2013; [and] a qualitative analysis, or analysis of the criteria established by these TSJ chambers on subjects of political or electoral importance for the government.” Un Estado de Derecho. Situation of the judicial independence of Venezuela. October 28, 2014. Received during the hearing on this subject conducted during the 153rd Regular Session.

classified “according to whether they benefited government parties or opposition parties, it appears that 88.88% benefited the former, i.e., in eight out of nine decisions handed down by the SE regarding a dispute between the two groups, the beneficiary was the government group.”

554. During the hearing before the IACHR, the Venezuelan State rejected the content of the report, questioning that it was based on a numerical analysis of the decisions of the TSJ. In this regard, the State asserted that judges’ decisions were based on the provisions established in the legal framework, and indicated that the research presented did not constitute evidence to the contrary⁹⁸⁴.

555. In this regard, the IACHR notes that regarding the study’s quantitative analysis regarding the principles and interpretations adopted by these decisions of the TSJ, the report concludes that in recent years the actions of the judicial branch have affected “democratic principles, freedom of association and social rights, political participation and suffrage and freedom of information, expression, and thought” in that most of the issues that have arisen in the “political life of the country” during this period and to which a response was provided by the TSJ, particularly the SC, were resolved “in a manner consistent with the national government’s position [...] regarding that discussion.” In that context, the report emphasizes that since reform of the Organic Law of the TSJ in 2004, which increased the full court from 20 to 32 judges, the magistrates on the TSJ have been selected by a simple majority vote of the National Assembly, which consists of pro-government representatives.

556. In its annual reports, the IACHR has continued to follow up on the information regarding the designation of judges to the Supreme Court of Justice⁹⁸⁵, and notes that in 2014, the National Assembly began the process of selecting 11 TSJ magistrates⁹⁸⁶ and three members of the National Electoral Council whose terms have been expired since April 2013.⁹⁸⁷ According to the available information, the Judicial and Electoral Nominations Committees were formed in April 2014 and their members were exclusively representatives aligned with the United Socialist Party of Venezuela (PSUV).⁹⁸⁸ By early December 2014, the Electoral Nominations Committee had defined the preliminary list of applicants for membership on the CNE, which could still be challenged, and 49.6% were people belonging to the PSUV.⁹⁸⁹ By the same date, the Judicial Nominations Committee had preselected 80 candidates to replace the 12 TSJ magistrates whose terms have expired.⁹⁹⁰

557. The appointment of judges of the Supreme Court was held on December 28, 2014. The information available indicates that after three sessions in which the required qualified majority was not

⁹⁸⁴ Information received during the hearing on the *Situation of Judicial Independence in Venezuela*, held during the 153th Regular Session. October 2014.

⁹⁸⁵ IACHR, *2013 Annual Report*, Chapter IV Venezuela, p. 651.

⁹⁸⁶ AVN, [Asamblea Nacional acelera proceso de selección de nuevos magistrados al TSJ](#) [National Assembly speeds up process of selecting new magistrates to the TSJ] August 19, 2014; VTV, [Conformada Comisión para designar autoridades del TSJ y el CNE](#) [Commission formed to appoint authorities of the TSJ and CNE], April 2, 2014.

⁹⁸⁷ According to a decision of the Constitutional Chamber of the TSJ handed down in June 2014, these people will remain in their positions in that “[...] even though the terms of some members of the electoral body as well as their respective alternates have expired, paralysis in the exercise of a public function essential to democracy cannot be allowed, and the decision is thus based on the principle of administrative continuity.” In this way, the Chamber determined that they would continue in their positions until the National Assembly appointed new authorities. See: TSJ, [Recortes del CNE con el período vencido ejercerán sus funciones hasta que la AN designe a nuevas autoridades del Poder Electoral](#) [CNE members with expired terms will continue in their positions until the NA appoints new elections officials], June 9, 2014.

⁹⁸⁸ El Nacional, [MUD pedirá que mediador supervise renovación del CNE](#), [MUD will ask mediator to supervise renewal of CNE] April 3, 2014. See also: VTV, [Instalado el Comité de Postulaciones electorales](#), [Electoral Nominations Committee Installed] October 22, 2014; and El Universal, [Asamblea Nacional juramentó al Comité de Postulaciones Judiciales](#), [National Assembly swore in the Judicial Nominations Committee], October 7, 2014.

⁹⁸⁹ See: El Nacional, [Mitad de preseleccionados para el CNE son del PSUV](#) [Half of those preselected for the CNE belong to the PSUV], December 12, 2014.

⁹⁹⁰ El Nacional, [Comité de Postulaciones Judiciales preseleccionó 80 aspirantes a magistrados del TSJ](#) [Judicial Nominations Committee preselected 80 candidates for TSJ magistrates], December 12, 2014.

reached, for lack of consensus with the fraction of deputies of the *Mesa Democrática de la Unidad* (MUD), the election was made with the simple majority vote of the National Assembly, composed of the bench of the United Socialist Party of Venezuela (PSUV).⁹⁹¹ In view of this, the deputies of opposition "saved their vote".⁹⁹²

558. According to the procedure and the provisions of the Organic Law of the Supreme Court, the election was made this way since this legislation allows it, if after four plenary sessions convened by the Assembly for that purpose, the majority of two thirds parts of favorable votes, does not reach consensus.⁹⁹³ In this regard, in its 2009 country report on Venezuela, the Commission took into account that this possibility was included in the aforementioned Organic Law enacted in 2004 by the National Assembly, also with the approval of a simple majority of the members of the ruling party. The Commission noted that this possibility "eliminated the requirement for broad political consensus for the election of judges",⁹⁹⁴ and that in general, the rules established in the Organic Law of the Supreme Court regarding these procedures designation, lacked "adequate forecast prevent other branches of government may affect the independence of the tribunal, or little circumstantial majorities decide the composition without consultation with society through a broad and transparent debate."⁹⁹⁵

559. In relation to the appointment of members of the National Electoral Council, on December 26, 2014, the Constitutional Chamber of the TSJ decided a request filed by the President of the National Assembly, for the "ommission" of the legislature, in appointing the members of the CNE, since the Parliament had failed to achieve the majority required by the Constitution (two thirds), when voting the report submitted by the Electoral Nominations Committee. In view of this, the Constitutional Chamber proceeded with the appointment of three directors (including two who ere reelected in their positions), and 6 alternates⁹⁹⁶. In this regard, civil society organizations criticized the appointment of such authorities by the Constitutional Chamber, based on complaints about the lack of independence of judges of the TSJ and due to the fact that two of the members who where renovated in their positions have participated in previous elections were it was denounced the existence of "electoral advantage" in favor of the ruling party.⁹⁹⁷

560. In light of the above, the Commission reiterates the State of Venezuela that the consolidation of democracy requires the participation of all social sectors in the pollital, social, economic and cultural life of the nation.⁹⁹⁸ Precisely, the need to carry on the renewal process of public authorities under the values of pluralism and participation, has been proposed as a key point to overcome the climate of political polarization in the country, as was raised during the dialogue process initiated in early 2014, with the intervention of the Union of South American Nations (UNASUR).⁹⁹⁹

Removal and persecution of judges in retaliation for their judicial decisions

561. In its 2009 *Report on Democracy and Human Rights in Venezuela*, the Commission examined the situation of various judges who were removed from the bench after adopting decisions that affected the

⁹⁹¹ Asamblea Nacional, [AN designó nuevos magistrados al TSJ](#), 28 de diciembre de 2014; El Universal, [Mayoría del PSUV designó a 16 magistrados del TSJ](#), December 29, 2014.

⁹⁹² El Universal, [Chavistas designaron a los nuevos magistrados del TSJ](#), December 28, 2014.

⁹⁹³ See: IACHR. *Democracy and Human Rights in Venezuela*, December 30, 2009, p. 195.

⁹⁹⁴ IACHR. *Democracy and Human Rights in Venezuela*, December 30, 2009, p. 198.

⁹⁹⁵ IACHR. *Democracy and Human Rights in Venezuela*, December 30, 2009, p. 198.

⁹⁹⁶ TSJ, Constitutional Chamber. [Judgment No. 18629](#). File No. 14-1343, December 26, 2014.

⁹⁹⁷ Statement of the organizations Ciudadanía Activa, Compromiso Ciudadano, Grupo La Colina and Súmate. See: El Nacional, [ONG rechazan designación de Lucenas y de Oblitas](#), December 29, 2014.

⁹⁹⁸ IACHR, *Democracy and Human Rights in Venezuela*. December 30, 2009, p. 1.158.

⁹⁹⁹ See: El Nacional, [Unasur se moviliza para levantar el diálogo en Venezuela](#), May 18, 2014.

government's interests. Available public information indicated political interference in the decision to remove them.¹⁰⁰⁰ In addition, the IACHR has given follow-up this situation in its annual reports.

562. In this regard, the Commission has continued to monitor the situation of the 31st Judge of Control of the Metropolitan Area of Caracas, María Lourdes Afiuni, has been monitored¹⁰⁰¹; she has been under house arrest since February 2011.¹⁰⁰² The Commission has consistently held that the case of Judge Afiuni “sends a strong signal to Venezuelan society and to the remaining judges that the judicial branch is not free to adopt decisions contrary to the interests of the government, since by doing so they run the risk of being removed from their positions, prosecuted and being subjected to sanctions.”¹⁰⁰³ The Commission also notes that in its latest report on Venezuela, the United Nations Committee against Torture expressed serious concern regarding the case of Judge Afiuni, particularly given the information available on the alleged sexual assault which she suffered during her detention at the hands of a State agent, incidents that are not being investigated by the authorities. In this regard, the Committee indicated that the State must guarantee a “fair and independent trial of Judge Afiuni” and must “investigate *ex officio* and promptly, exhaustively, and impartially” the complaint of alleged sexual assault.¹⁰⁰⁴

563. In the 2013 Annual Report, the Commission noted that during that year a trial court had granted Judge Afiuni a conditional release based on a request from the Office of the Attorney General that she be subjected to less serious measures. In addition, the IACHR indicated that five years after the process began there was still no final decision in the criminal proceedings against her for the crimes of abuse of authority, ordinary corruption, and promoting evasion.¹⁰⁰⁵ The Commission emphasizes that in October 2013, after various procedural actions had been carried out, the trial was interrupted because the prosecutors from the Office of the Attorney General were not present at one of the hearings, cancelling all the procedural actions.¹⁰⁰⁶

564. In 2014, the criminal trial against Judge Afiuni was at a standstill.¹⁰⁰⁷ November 12 was set as the date to begin the trial, which means she will have been awaiting trial then for 10 months, as the her defense attorney argued.¹⁰⁰⁸ Also, the attorney for the judge noted that the conditions of release to report to the court every 30 days, the ban on leaving the country, the ban on speaking to the national and international

¹⁰⁰⁰ IACHR. *Democracy and Human Rights in Venezuela*, December 30, 2009, Chapter III, para. 285–301.

¹⁰⁰¹ Judge Afiuni was arrested on December 10, 2009, after making a decision to replace the measure depriving citizen Eligio Cedeño of liberty by a less burdensome precautionary measure. The decision was based on the Organic Code of Criminal Procedure, which establishes a maximum of two years for pre-trial detention; and on Opinion No. 10/2009 (Venezuela) issued by the Working Group on Arbitrary Detention of the Human Rights Council on September 1, 2009, which declared the detention of Mr. Cedeño as arbitrary, based on its length. The next day, in a broadcast that all radio and television were required to air, the then-President of the Republic Hugo Chávez characterized Judge Afiuni as a “bandit,” demanded she be dealt with “harshly,” and asked that she be given the maximum sentence of 30 years in prison. See: IACHR, Annual Report 2012, Chapter IV on Venezuela, paras. 485-486.

¹⁰⁰² On January 11, 2010, the IACHR granted precautionary measures on her behalf after receiving information on her situation while she was deprived of liberty at the facility known as the Instituto Nacional de Orientación Femenina (INOF). On November 30, 2010, the Commission asked the Inter-American Court to issue provisional measures on her behalf. Those measures were ordered by the President of the Court on December 10, 2010. On March 2, 2011, the I/A Court H.R. decided to lift the measures after receiving information on a judicial order that ordered Ms. Afiuni's house arrest. See: IACHR, Annual Report 2012, Chapter IV on Venezuela, paras. 486-488.

¹⁰⁰³ IACHR. *Democracy and Human Rights in Venezuela*, December 30, 2009, Chapter III, para. 301.

¹⁰⁰⁴ United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014, p. 7.

¹⁰⁰⁵ See: IACHR, *2013 Annual Report*. Chapter IV on Venezuela, para. 658.

¹⁰⁰⁶ See: International Commission of Jurists, *Strengthening the Rule of Law in Venezuela*, May 2014, p. 24. Available at: <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2014/06/VENEZUELA-Informe-A4-elec.pdf>

¹⁰⁰⁷ See: International Commission of Jurists, *Strengthening the Rule of Law in Venezuela*, May 2014, p. 24. Available at: <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2014/06/VENEZUELA-Informe-A4-elec.pdf>

¹⁰⁰⁸ El Universal, [Aplazado juicio contra Afiuni porque Tribunal no despachó](#), November 12, 2014.

media and writing in the social media remained in force.¹⁰⁰⁹ According to the information published by the judge's attorney, on December 10, 2014, the trial court hearing the case ordered another suspension of the proceeding.¹⁰¹⁰

565. Additionally, since December 2009, Mrs. Afiuni has been suspended from her position as a tenured judge without pay. Based on the investigations that were opened following her suspension, the Office of the Inspector General of the Courts filed two disciplinary actions against her before the Judicial Disciplinary Tribunal.¹⁰¹¹ By 2014, this disciplinary proceeding was in the trial phase, after being suspended several times, most recently on November 11, 2014, the date on which a new hearing was scheduled for January 22, 2014.¹⁰¹²

566. On another front, the Commission has followed situations in which there has been denunciation of the prosecution of judges associated with cases politically sensitive against the State, for example, the case of the attorney José Amalio Graterol, attorney of the judge María Lourdes Afiuni, who was sentenced in 2012 to 6 months of prison, for "obstruction of justice"¹⁰¹³. The information available for 2014 shows that M. Graterol would still be waiting for the determination of the method of compliance of his sentence.¹⁰¹⁴

III. ANALYSIS OF THE SITUATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

567. The Commission has monitored the situation of economic, social and cultural rights in Venezuela, with special attention to the social programs carried out by the Government, called "Missions," to address issues such as food crises, older adults, poverty and social security, unemployment, indigenous peoples, children and adolescents, education, and housing.¹⁰¹⁵ The IACHR has recognized and valued the gains made in this area through social policies and measures along these lines, and has recognized that the priority the State has accorded this area is fundamental for ensuring the population a dignified life, and is an important basis for maintaining democratic stability.

568. In its 2009 report *Democracy and Human Rights in Venezuela* the IACHR analyzed the legal framework for the protection of economic, social and cultural rights taking special account of indicators of poverty, education, and health, in light of the Convention, the Protocol of San Salvador, and the Inter-American Democratic Charter.¹⁰¹⁶ In its 2012 Annual Report the IACHR noted the information offered by the State to the United Nations on the humanistic alternative development model that has made Venezuela the least unequal country in Latin America, according to the Economic Commission on Latin America and the Caribbean (ECLAC).¹⁰¹⁷ With those antecedents, the IACHR has monitored the situation of economic, social,

¹⁰⁰⁹ El Universal, *Juicio contra Afiuni inicia el próximo 12 de noviembre*, ["Trial against Afiuni begins this November 12"], September 9, 2014. Available at: <http://www.eluniversal.com/nacional-y-politica/140909/juicio-contra-afiuni-inicia-el-proximo-12-de-noviembre>

¹⁰¹⁰ El Universal, *Juicio de Afiuni fue suspendido por cuarta vez*, [Afiuni trial suspended for the fourth time], December 10, 2014.

¹⁰¹¹ International Commission of Jurists, *Strengthening the Rule of Law in Venezuela*, May 2014. Available at: <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2014/06/VENEZUELA-Informe-A4-elec.pdf>

¹⁰¹² See: El Universal, *Defensa asegura que la juez Afiuni está anulada profesionalmente*, [Defense asserts that Judge Afiuni is professionally ruined], December 10, 2014.

¹⁰¹³ See: IACHR, *2012 Annual Report*, Chapter IV on Venezuela, paras. 490-492.

¹⁰¹⁴ International Commission of Jurists, *Strengthening the Rule of Law in Venezuela*, May 2014. Available at: <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2014/06/VENEZUELA-Informe-A4-elec.pdf>

¹⁰¹⁵ The Government has explained that "the strategy of financing social policy is aimed at settling the social debt and achieving social inclusion on a massive and accelerated basis by implementing Social Missions whose main objective is to meet the needs of the social groups living in poverty in the areas of health, food, education, housing, social security, work, social development and participation, culture and social communication, science and technology." See: Government of Venezuela, Misiones. Available at: <http://www.gobiernoenlinea.gob.ve/home/misiones.dot>

¹⁰¹⁶ IACHR, *Democracy and Human Rights in Venezuela*, December 30, 2009, Ch. VII, paras. 953-956.

¹⁰¹⁷ IACHR, *2012 Annual Report*. Chapter IV on Venezuela, para. 511.

and cultural rights in Venezuela through the information published in official media and other sources of information, mainly publications of civil society organizations and other media.

569. In general terms, the Commission reiterates that in recent years the Venezuelan State has made significant efforts to achieve the Millennium Development Goals, particularly in terms of eradicating extreme poverty, reducing the number of people suffering from malnutrition (which earned Venezuela recognition from the United Nations Food and Agricultural Organization – FAO – in 2012¹⁰¹⁸), achieving school age literacy, reducing infant mortality, and other areas.¹⁰¹⁹ According to official information, between 1998 and 2012, the State increased social investment in the education, social security, and health sectors, the priority being to improve access to social goods and services and to implement policies ensuring a satisfactory level of coverage in the areas of interest for the Millennium Goals.¹⁰²⁰

570. The Commission recognizes that the State continues to be committed to moving ahead with new strategies allowing for the consolidation of greater social investment and economic development.¹⁰²¹ However, with regard to monitoring during 2014, the IACHR notes certain challenges in the development of some social programs. For example, the organization PROVEA has pointed to “deterioration and stagnation” in the “Gran Misión Vivienda Venezuela” and “Barrio Adentro Mission” programs. In addition, according to figures from the National Statistics Institute, in 2013 the extreme poverty rate went from 7.1% in the second half of 2012 to 9.8% in the second half of 2013.¹⁰²² In this regard, PROVEA states that this situation is related to various factors such as “interruption in the supply of basic services,” “scarcity of food and personal use products,” and other problems.¹⁰²³

571. The Commission also notes that between 2013 and 2014 a total of 56 decree-laws were adopted,¹⁰²⁴ including amendments introduced in laws already in effect by the President of the Republic, based on the Enabling Law enacted in November 2013, allowing him to legislate on various matters, including in the area of the national economy.¹⁰²⁵ As stated by the President and Vice President, the purpose of these measures is “to generate stability, security, and social justice,” to move forward with the “transformation of the Venezuelan economy,”¹⁰²⁶ and to advance in the “economic war waged by capitalist sectors.”¹⁰²⁷ In this

¹⁰¹⁸ See: IACHR, *2013 Annual Report*. Chapter IV on Venezuela, para. 115.

¹⁰¹⁹ For example, in recent years through the “Robinson Mission” literacy of 1.756.000 people had been achieved, the schooling rate would have raised to 77% in primary school, 93% in secondary education, and 76% in higher education. See: Vice President of the Bolivarian Republic of Venezuela, [Venezuela turns on alerts on the brain drain in the Ibero-American Summit XXIV](#), December 9, 2014.

¹⁰²⁰ See: National Statistics Institute, [Cumpliendo las metas del milenio](#). [Achieving the millennium goals], 2012, pp. 25-26. See also: El Universal, [Arreaza: Inversión social desde 1999 es de 623.058 millones de dólares](#), [Arreaza: Social investment since 1999 amounts to 623.058 billion dollars] February 25, 2014; and Ministry of Popular Power for Youth, [Gobierno Bolivariano ha destinado 64% de renta petrolera a inversión social](#), [Bolivarian government has allocated 64% of oil revenue to social investment], February 25, 2014.

¹⁰²¹ See: Ministry of Popular Power for Communication and Information, [En el 2015 junto al pueblo se consolidará el desarrollo económico](#), [In 2015 economic development will be consolidated together with the people], December 15, 2014.

¹⁰²² Figures available on the official website of the National Statistics Institute of the Ministry of Popular Power for Planning: <http://www.ine.gov.ve/>

¹⁰²³ See: PROVEA, [Venezuela: la crisis económica no puede convertirse en una crisis de derechos humanos](#), [Venezuela: the economic crisis cannot become a human rights crisis], December 10, 2014.

¹⁰²⁴ In the month of November 2014 alone, the President of the Republic approved 28 decree-laws on economic matters, including: the Comprehensive Regionalization Law for the Social and Productive Development of the Homeland, Reform of the Foreign Investments Law, the Antimonopoly Law, the Law Reserving to the State gold exploration activities and related activities, Reform of the Fair Prices Law, the Antimonopoly Law, Law for the National Agrifood System, and Reform of the Organic Tourism Law. See: Telesur, [A fondo: Nueva etapa contra la guerra económica en Venezuela](#), [At bottom: New phase against the economic war in Venezuela], November 19, 2014; and Ministry of Popular Power for the Economy, Finances, and Public Banking, [Aprobadas 28 leyes habilitantes contra la guerra económica](#), [Approval of 28 enabling laws against the economic war], November 19, 2014.

¹⁰²⁵ See: IACHR, *2013 Annual Report*. Chapter IV on Venezuela, para. 517.

¹⁰²⁶ See: Office of the Vice President of the Republic, [56 leyes ponen a temblar a la burguesía](#), [56 laws make the bourgeoisie nervous], November 20, 2014.

context, the President of the Republic has also maintained that in 2015 it will be necessary to “launch a final offensive to resolve fundamental problems and delays in economic processes.”¹⁰²⁸

572. In its 2013 Annual Report, the Commission took into account the concern expressed by civil society organizations regarding enactment of the aforementioned Enabling Law, particularly because it granted “powers to the president to legislate on sanctions and crimes that are legally reserved to the Congress.”¹⁰²⁹ In this regard and following the approval of new decree-laws in November 2014, organizations such as Civil Association Citizen Control pointed out that this group of measures under the “concept of economic war” would be reflected in a “permanent state of emergency” that would restrict constitutional guarantees and encroach on certain rights such as equality before the law, due process, the right of access to information, among others.¹⁰³⁰ In addition, the organization PROVEA has complained that the measures to be implemented by the State in the economic arena would produce setbacks in the “social advances” achieved in earlier years, and has insisted that “the authorities should open up all democratic opportunities for listening to and channeling the citizens’ demands [...]”¹⁰³¹ In general, the organization maintains that in the last year “the poorest sectors of the population” have been affected by this situation and that in this context the State must guarantee “the realization of the population’s economic, social, and cultural rights.”¹⁰³²

573. In its 2013 Annual Report, the Commission also identified the situation with respect to the right to health in Venezuela as a point of particular concern. In this sense, the IACHR took into account the information available in a number of complaints regarding the lack of resources necessary to address the high demand for health services by the population, as well as measures taken by the State to confront this situation.¹⁰³³

574. In this regard, the Commission recognizes that the State has implemented a series of measures to guarantee Venezuela’s inhabitants access to health, for example by creating the “Health General Staff.”¹⁰³⁴ Also, in May 2014, the Health Staff of the Capital District¹⁰³⁵ was installed as one of several measures taken to create a Single Health System, with the proposal for the different connected institutions to replicate this “space of coordination” throughout the entire country, in order to “conduct a more accurate and detailed analysis in each entity,” according to information provided by the Coordinating Body of the newly created organ.¹⁰³⁶

575. According to statements of the Minister of Health in early 2014, the creation of the “Health Staff” in 2013 has been an important achievement in moving forward in the “integration of a single public health care system.” The Minister reported that another one of the initiatives adopted during 2013 by means of the programs known as “micro-missions” also has contributed to “strengthening 11 hospitals,” the performing of “8,000 elective surgeries,” and to defining a “methodology “[...for] hospital agency [of]

¹⁰²⁷ See: Telesur, [Nicolás Maduro firma 28 nuevas leyes para la economía de Venezuela](#), [Nicolas Maduro signs 28 new laws for Venezuela’s economy], November 18, 2014.

¹⁰²⁸ See: Telesur, [Nicolás Maduro firma 28 nuevas leyes para la economía de Venezuela](#), [Nicolas Maduro signs 28 new laws for Venezuela’s economy], November 18, 2014.

¹⁰²⁹ See: IACHR, *2013 Annual Report*. Chapter IV on Venezuela, para. 518.

¹⁰³⁰ Communiqué from the Civil Association Citizen Control. Text in: El Nacional, [Urgen al TSJ declarar “nulas” las leyes dictadas por la Habilitante](#) [Urging the TSJ to declare “invalid” laws enacted based on the Enabling Law], November 20, 2014.

¹⁰³¹ PROVEA, [Provea cumple 26 años en medio de medidas económicas que afectan el disfrute de los derechos sociales](#), [PROVEA completes 26 years amid economic measures affecting the enjoyment of social rights], October 15, 2014.

¹⁰³² PROVEA, [Venezuela: la crisis económica no puede convertirse en una crisis de derechos humanos](#), [Venezuela: the economic crisis cannot become a human rights crisis], December 10, 2014.

¹⁰³³ IACHR, *2013 Annual Report*. Chapter IV Venezuela, par. 670.

¹⁰³⁴ See: IACHR, *2013 Annual Report*. Chapter IV on Venezuela, para. 674.

¹⁰³⁵ In August 2013, the President of the Republic announced the creation of the “Health Staff,” defined as a senior level team of the government to coordinate all health policy. See: IACHR, *2013 Annual Report*. Chapter IV Venezuela, par. 674.

¹⁰³⁶ See: Ministry of Health, [Conformado Estado Mayo de Salud de Caracas](#), [‘Health Staff of Caracas Set Up’], May 2, 2014.

2014.”¹⁰³⁷ With regard to supply of medicines, in August 2014, the Minister announced that a study was being conducted “to determine the real failures in the area of medications” and that there should be availability again and the “usual supply in all sectors” in the short term.¹⁰³⁸ In addition, the “Health General Staff” is working on a “medications and inputs supply and production plan” and a “Public Health System hospital maintenance plan.”¹⁰³⁹

576. Without limiting the foregoing, the information gathered in press articles, public statements of the physicians’ professional association in Venezuela and public officials, as well as reports of civil society, indicate that in 2014, the situation in this area continues to be of concern. For example, in April 2014, the Venezuelan Association of Clinics and Hospitals issued a press release denouncing the crisis of “operational capacity” faced by 208 health care institutions in the country, mainly for “erratic supply” or “scarcity” of medical inputs and issued a warning at the time about the “serious crisis” that the health care system is facing.¹⁰⁴⁰

577. The following August, several public statements and denunciations were issued on the alleged lack of health care supplies. Accordingly, the same Venezuelan Association of Clinics and Hospitals made a public plea to the National Executive Branch of Government to declare a “health emergency in the sector in light of the worsening of the scarcity and the erratic supply of medical inputs, medicines, surgical materials, medical equipment and spare parts [...]”¹⁰⁴¹ Likewise, the President of the Venezuelan Association of Medical Distributors (AVEDEM) announced that there would be a “technical shutdown” in the sector due to “preclusion from importing further materials or repairing existing materials.” He claimed that around 50% of all medical equipment in the country, such as “anesthesia machines, mechanical breathing equipment, MRI machines, X-ray machines,” among other things, were “paralyzed” due to a “lack of spare parts.”¹⁰⁴² AVEDEM denounced that the situation is further aggravated by the debt “of almost 350 million dollars to foreign suppliers and manufacturers” stemming from the delay and lack of liquidity of foreign exchange caused by the respective regulatory entity.¹⁰⁴³ Additionally, the President of the Venezuelan Medical Federation decried that “97% of hospitals throughout the country only have 2%, 3% and 4% of the supplies they need”¹⁰⁴⁴, and the Pharmaceutical Federation of Venezuela would have registered, in 2014, an alleged shortage of medications by 60% in the region of the capital, and by 70% in the interior of the country¹⁰⁴⁵.

¹⁰³⁷ See statements at: Ministry for Communication and Information, [Francisco Armada: Estado Mayor de Salud y micromisiones fueron dos de los logros más importantes del 2013](#), [‘Francisco Armada: Health Staff and micromissions were two important achievements of 2013’], January 17, 2014.

¹⁰³⁸ Statements cited in a number of press articles. See as an example: Últimas Noticias, [Ministro Armada espera que se retome disponibilidad de medicinas](#), [‘Minister Armada expects medicines to become available again’], August 18, 2014; Notitarde, [Armada espera que en “cortísimo plazo” se retome disponibilidad de medicinas](#), [‘Armada expects that in “very short term” medicines will be available again’], August 18, 2014.

¹⁰³⁹ Office of the Vice President of the Republic, [Estado Mayor de Salud trabaja plan de acción para el 2015](#), [Health General Staff working on action plan for 2015], December 3, 2014.

¹⁰⁴⁰ Complete release available at: <http://www.eluniversal.com/nacional-y-politica/140424/comunicado-de-la-avch>

¹⁰⁴¹ Statements of the President of the Association of Clinics and Hospitals of Venezuela gathered in press clippings. See for example: El Universal, [Solicitan declarar el sistema de salud en “emergencia”](#), [‘Call for declaring a health ‘emergency’], August 20, 2014. In September 2014, statements were also issued by one of the members of the Association, retracting the denunciations of the scarcity of medical inputs. See: El Nacional, [Asociación de Clínicas y Hospitales: Escasez de insumos médicos es de casi 60%](#), [‘Association of Clinics and Hospitals: medical input scarcity is almost 60%’] September 11, 2014.

¹⁰⁴² See: El Carabobeño, [Avedem declaró este miércoles que el sector está en “cierre técnico”](#), [‘Avedem declared this Wednesday that the sector is in “technical shut down”’], August 27, 2014.

¹⁰⁴³ See: El Universal, [Proveedores alertan que la falta de insumos médicos es total](#), [‘Suppliers warn that lack of medical supplies is total’] August 12, 2014.

¹⁰⁴⁴ Statements in: El Universal, [Federación Médica: 97% de hospitales tienen entre 2% y 4% de insumos](#), [‘Medical Federation: 97% of hospitals have from 2% to 4% of supplies’] August 22, 2014.

¹⁰⁴⁵ El Universal, [Escasez de medicamentos llega a 60% en la capital según Federación Farmacéutica](#), October 10, 2014.

578. Similarly, organizations such as PROVEA have decried “significant levels of backsliding in the right to health in Venezuela because of widespread conditions of deterioration of most public health facilities of the country,” together with the “scenario of scarcity of medicine and inadequacy of supplies at medical facilities [...]”.¹⁰⁴⁶

579. Likewise, in April 2014, several organizations, which have come together in the “Social Alliance for Health,”¹⁰⁴⁷ filed a petition with the Office of the Ombudsman for it to intervene in the public health system situation, contending that the authorities are not adopting measures to “responsibly overcome the seriousness of the difficulties that public health poses,” and that it is not taking “corrective measures with due urgency and transparency” in order to address a number of issues that have been identified, such as: i) “severe shortage of supplies and medicines;” ii) “closing of public and private laboratories;” iii) “overcrowding at hospitals and the suspension of services due to a shortage of beds, the lack of surgical equipment and the precariousness of the infrastructure;” iv) “ongoing loss of health care professionals and workers because of the deterioration and hostility at the work place and violations of labor rights;” v) “widespread technical and budgetary deficiencies in all health programs;” and vi) “discretionary allocation and distribution of public resources in the area of health.”¹⁰⁴⁸

580. The petitioning organizations noted that, in response, the Office of the Ombudsman agreed to begin to conduct a number of visits and tours of different hospital facilities, as well as “a process of dialogue and meetings between social organizations” and other authorities such as the Office of the Comptroller General of the Republic, the Ministry of Health and the Venezuelan Institute of Social Security. Subsequently, they charged that said “commitment” and “process of engagement” had been disrupted by statements made by the Ombudswoman, Gabriela Ramírez, to the effect that she regarded as “absolutely disproportionate” the requests of the social sectors to declare the health sector in “humanitarian emergency.”¹⁰⁴⁹

581. Additionally, in August 2014, the Chamber for Political and Administrative Matters of the Supreme Court of Justice denied a motion to find in breach of duty (*recurso de abstención*) brought by the organizations Espacio Público, Transparencia Venezuela, Acción Solidaria and PROVEA, against the Ministry of Health “on the grounds of it failing to provide a timely and adequate response” to a petition submitted in 2012 (which was re-filed on at least two occasions) requesting information on “implementation of the recommendations made by the Office of the Comptroller General of the Republic as to a number of irregularities existing in the importation, distribution and preservation of medications from Cuba, regarding

¹⁰⁴⁶ PROVEA, [Derecho a la salud: Reconocer la crisis no basta, es urgente avanzar en una solución](#), [‘Right to health: not enough to just recognize the crisis, it is urgent to move forward to resolve it’] August 28, 2014. In its 2013 Annual Report, the organization wrote “an 84% rise –as compared to the previous period- in the number of situations of impediments to provision of public health services inasmuch as 1,976 complaints were received.”

¹⁰⁴⁷ Made up of “Acción Ciudadana contra el Sida (ACCSI) [‘Citizen Action against AIDS’], Acción Solidaria (ACSOL), Coalición de Organizaciones por el Derecho a la Salud y la Vida (CODEVIDA) [Coalition of Right to Health and Life Organizations], Convite Asociación Civil (CONVITE AC), Comando Intersindical de Trabajadores de la Salud [‘Inter-Union Workers’ Commando for Health’], Corriente Clasista, Unitaria, Revolucionaria y Autónoma (C-Cura), Médicos por la Salud [‘Doctors for Health’], Observatorio Venezolano de la Salud [‘Venezuelan Health Observatory’], Positivos en Colectivo, PROVEA, Red de Sociedades Científicas Médicas de Venezuela (RSCMV) [‘Network of Medical Scientific Societies of Venezuela’], Red Defendamos la Epidemiología Nacional [‘Let us defend epidemiology’ National Network’], Transparencia Venezuela, Carlos Walter (Former Minister of Health), José Félix Oletta López (Former Minister of Health).” See complete document at: <http://transparencia.org.ve/wp-content/uploads/2014/04/Carta-DPUEBLO-Salud-07.04.2014.pdf>

¹⁰⁴⁸ PROVEA, [Alianza Social por la Salud solicitó a la Defensora intervenir ante la crisis del sector salud](#), [‘Social Alliance for Health calls on Ombudswoman to intervene in light of crisis in health sector’], April 7, 2014. The petitions were filed in the Office of the Ombudsman at a meeting of the petitioning organizations and the Executive Director of said office. See: Office of the Ombudsman, [Defensoría del Pueblo recibió documento de la Alianza por la Salud](#), [‘Office of the Ombudsman receives document from Alliance for Health’], April 7, 2014.

¹⁰⁴⁹ See statements of the Ombudswoman in: El Universal, [“Es desproporcionada petición de emergencia humanitaria en el sector salud”](#), [‘Request for humanitarian emergency declaration in health care sector is disproportionate’], August 20, 2014. Regarding the position of the organizations making up the “Social Alliance for Health,” on this topic see: PROVEA, [Derecho a la salud: Reconocer la crisis no basta, es urgente avanzar en una solución](#), [‘Right to health: recognizing the crisis is not enough, it is urgent to move forward to resolve it’], August 28, 2014.

the arrival of expired medicines or just non-arrival of medicines in the country [...],” based on information published in the accountability statements of the Office of the Comptroller in 2010 and 2011.¹⁰⁵⁰

582. The position of the Chamber for Political and Administrative Matters in denying the motion was based, among other aspects, on the following reasoning:

In the view of this Chamber, petitions such as the ones before us, in which information is sought on the activity the State is executing or is going to execute for the achievement of one of its purposes, which is, obtaining medicines to ensure the health of the population, undermines the effectiveness and efficiency that must prevail in the exercise of Public Administration, and the Government in general, because even though every person has the right to address petitions to any public agency and to receive a timely response, nonetheless, the exercise of that right can not be abusive in such a way that it hinders the normal course of functioning of administrative activity, which in response to this type of generic request, would have to devote time and human resources in order to provide an explanation on the wide range of activities that it is supposed to carry out for the sake of the greater good, [which is] a situation that would hamper and overburden the system of administration of justice also needlessly, in response to claims of breach of duty.¹⁰⁵¹

583. Once the decision was announced, the organizations filing the judicial action denounced that it amounted to regression in the area of access to public information, also infringing upon other rights such as the right to health, taking into account “the serious problem of medicines existing in Venezuela and since it is impossible to obtain sufficient information on this.”¹⁰⁵²

584. The information available also indicates that during 2014, due to the economic crisis Venezuela is going through, there is an increasing scarcity of essential consumer goods, as well as distortions in the exchange market and stagnating employment.¹⁰⁵³

585. According to information from April 2014 received by the Commission, the scarcity of goods increased by 9.4% over 12 months.¹⁰⁵⁴ This scarcity affected all basic products, i.e., oils, butter, flour, milk, eggs, sugar, salt, and spices, as well as cleaning products.¹⁰⁵⁵ The most critical situation involved corn oil, where scarcity increased from 63.8% in 2013 to 100% in March 2014, while sugar went from 73.7% to 90% over the same period, according to information received by the Commission.¹⁰⁵⁶

586. The IACHR notes with concern the announcement in September 2014 regarding the introduction of mandatory fingerprinting systems in supermarkets in order to address the problem of food scarcity, which could have adverse effects on the right to privacy.¹⁰⁵⁷ In addition, the information available indicates that weekly amounts would be set on the food, personal care, and home hygiene products that could

¹⁰⁵⁰ See: Espacio Público, [Organizaciones de DDHH demandan a Ministerio de Salud por irregularidades en medicinas importadas](#), [‘Human Rights organizations file suit against the Ministry of Health for irregularities in imported medicines.’] March 19, 2012.

¹⁰⁵¹ TSJ [Supreme Court of Justice], Chamber for Political-Administrative Matters. [Sentencia No. 1177](#), [‘Judgment No. 1177’], August 5, 2014.

¹⁰⁵² Espacio Público, [TSJ: Preguntar entorpece la labor del Ministerio para la Salud](#), [‘TSJ: Just asking hampers the job of the Ministry of health’], August 7, 2014.

¹⁰⁵³ PROVEA, Venezuela: [Boletín Internacional Sobre Derechos Humanos](#). July-August 2014,.

¹⁰⁵⁴ El Universal, [En 12 meses se aceleró la escasez de alimentos básicos](#), April 29, 2014,

¹⁰⁵⁵ El País, [Ingenio para la escasez en Venezuela](#), November 27, 2014.

¹⁰⁵⁶ El Universal, [En 12 meses se aceleró la escasez de alimentos básicos](#), April 29, 2014,

¹⁰⁵⁷ BBC News, [Venezuela plans to introduce supermarket fingerprinting](#). September 11, 2014.

be purchased, while only those older than 12 years old with an identification card would be able to buy basic basket, personal care, and home hygiene products.¹⁰⁵⁸

587. Regarding the right to housing, the IACHR recognizes that although significant amounts have been injected for constructing homes in Venezuela, there are also difficulties related to inputs such as cements and aggregates needed to increase home building in the country.¹⁰⁵⁹

IV. COMPLIANCE WITH THE DECISIONS OF THE IACHR

588. On September 10, 2012, the Secretary General of the OAS received the formal notice of denunciation of the American Convention by the Bolivarian Republic of Venezuela.¹⁰⁶⁰ In a note dated September 6, 2012, from the Ministry of Foreign Affairs to the OAS Secretary General, the Venezuelan Foreign Ministry communicated to the Secretary General:

the sovereign decision of the Bolivarian Republic of Venezuela to denounce the American Convention on Human Rights. Therefore, in keeping with the provisions of Article 78 thereof, I would greatly appreciate it if you would consider this note a Notice of Denunciation, so that, at the conclusion of the term established in that article, its international effects and the competence of its organs--the Inter-American Commission on Human Rights as well as the Inter-American Court of Human Rights--shall cease insofar as our country is concerned.¹⁰⁶¹

589. On September 10, 2013, Venezuela's denunciation of the American Convention became effective. In several occasions, the Commission has expressed its deep concern about the effects of the decision on the country's inhabitants. It has also reiterated that, despite the denunciation, the Venezuelan State, as a member state of the OAS, will continue to be subject to the Commission's jurisdiction and be bound by the obligations established in the OAS Charter and the American Declaration.¹⁰⁶²

590. Similarly, the Commission reiterates that human rights violations that took place in Venezuela during the time in which the country was a State Party to the American Convention are subject to the Court's jurisdiction, in accordance with the obligations established in the treaty. Venezuela ratified the American Convention on June 23, 1977, and its denunciation will enter into force on September 10, 2013. Therefore, any petitions the Inter-American Commission may receive after September 10, 2013, that allege human rights violations that took place before that date will be processed based on the State's obligations under the American Convention and subject to consideration by the Inter-American Court.¹⁰⁶³

591. In a recent report published on Venezuela by the United Nations Committee against Torture, that body urged the State to reconsider the possibility of withdrawing its renunciation of the Convention.¹⁰⁶⁴ The Commission regrets that, despite its own repeated pleas as well as pleas from other international bodies,¹⁰⁶⁵ international organizations,¹⁰⁶⁶ and from Venezuelan civil society¹⁰⁶⁷ to reconsider the decision to renounce the Convention, the Venezuelan State has not reversed that decision.

¹⁰⁵⁸ La Nación, [Solo mayores de 12 años con cédula podrán comprar](#). October 22, 2014.

¹⁰⁵⁹ El Universal, [Este año invertirán en la Misión Vivienda Bs 66 millardos](#). 30 de abril, 2014.

¹⁰⁶⁰ Organization of American States, News Center. Press release of September 10, 2012. Available at: http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-307/12

¹⁰⁶¹ Ministry of Foreign Affairs, Note No. 980125 of September 6, 2012.

¹⁰⁶² IACHR, IACHR Regrets Decision of Venezuela to Denounce the American Convention on Human Rights. Washington, D.C., September 12, 2012.

¹⁰⁶³ IACHR, *2012 Annual Report*. Chapter IV on Venezuela, para. 524.

¹⁰⁶⁴ United Nations. Committee against Torture. [Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela](#). Unedited advance version. November 2014.

¹⁰⁶⁵ See also: OACNUDH. [Pillay urges Venezuela to reconsider withdrawal from American Convention on Human Rights](#), September 11, 2012; Derechos.org, [Oficina de la Alta Comisionada de la ONU para los derechos humanos reiteró su preocupación por el](#)

592. The IACHR is profoundly concerned about the setback that this decision represents in terms of the common objective that the OAS Member States have set for themselves, namely to advance the universalization of the inter-American system of human rights, in addition to the fact that Venezuela's inhabitants have lost an entity dedicated to the protection of their human rights.

V. SITUATION OF GROUPS OR COLECTIVITIES IN SITUATIONS OF VULNERABILITY

A. Indigenous Peoples

593. The Inter-American Commission on Human Rights notes that the Bolivarian Republic of Venezuela is the Latin American country with the largest reserves of oil and gas.¹⁰⁶⁸ In addition, it has other natural energy and mineral resources, namely: coal, aluminum, iron, bauxite, phosphate, copper, coltan, gold, and diamonds. Exporting these resources is vital to the country's economy.¹⁰⁶⁹ In addition, the exploration and extraction of natural resources is being carried out on the ancestral lands of indigenous peoples and communities.

594. In Venezuela, 2.8% of the population belongs to one of the 51 original indigenous peoples, concentrated in 6% of the 355 municipalities, while 3.5% of the population is recognized as Afro-descendant or black and dispersed throughout 80% of the municipalities. The indigenous population is found distributed throughout the country, and eight Venezuelan states have the highest concentration of native communities: Amazonas, Anzoátegui, Apure, Bolívar, Delta Amacuro, Monagas, Sucre, and Zulia. Of the 51 indigenous peoples, the ones that stand out as having the largest number of members are as follows: Wayúu/Guajiro (57.1%); Warao (6.7%); Kariña (4.7%); Pemón (4.1%); Jivi/Guajibó (3.3%); Kumanagoto (2.9%); and Añu/Paraujano (2.9%). The Wayúu represent more than half of Venezuela's indigenous peoples, and 97.9% reside in the state of Zulia.¹⁰⁷⁰

595. The IACHR welcomes the efforts made by the Bolivarian Republic of Venezuela in adopting various legislative measures on behalf of the indigenous peoples and communities, highlighting, for example: The Organic Law on Indigenous Peoples and Communities (2005); the Law on Indigenous Languages (2008); the Indigenous Craftsman Law (2009); the Law on the Cultural Heritage of the Indigenous Peoples and Communities (2009); the Organic Law against Racial Discrimination (2011); and the creation of the Ministry of Popular Power for Indigenous Peoples (2007).¹⁰⁷¹ In that context, in order to combat existing racial and

abandono de Venezuela de la Convención Interamericana de Derechos Humanos, September 10, 2013; UNOG, *Committee on Elimination of Racial Discrimination considers report of Venezuela*, August 16, 2013.

¹⁰⁶⁶ See, among others: Amnesty International. Public Declaration. *Venezuela's break with regional human rights court 'an affront to victims.'* September 12, 2012; CEJIL, *Denuncia de Convención Americana sobre Derechos Humanos por Venezuela debilita protección de los derechos fundamentales de sus ciudadanos/as*, September 9, 2013; FIDH, *La FIDH condena la denuncia de la Convención Americana sobre derechos humanos por parte de Venezuela*, September 10, 2013; International Commission of Jurists, *Fortaleciendo el Estado de Derecho en Venezuela*, [‘Strengthening the Rule of Law in Venezuela’] May, 014, p. iv.

¹⁰⁶⁷ Foro por la Vida. *Los derechos humanos no tienen vencimiento*. September 10, 2013. See also: El Universal, *Cofavic: Es criminal dejar sin opciones de justicia a las víctimas*, September 10, 2013.

¹⁰⁶⁸ See: CEPAL-UNASUR. *Recursos Naturales en UNASUR-Situación y tendencias para una agenda de desarrollo regional*. Hugo Altomonte; Jean Acquatella; Andrés Arroyo; Andrei Jouravlev; Jeannette Lardé and; René Salgado. LC/L.3627. Prologue, p. 7. May, 2013.

¹⁰⁶⁹ Report on mining activities in Venezuela. *Executive report on mining in Venezuela to be presented to the UN Special Rapporteur on the right to freedom of peaceful assembly and association, Maina Kiai as well as other other instances of international environmental of human rights protection system, regional organizations and human rights defenders of indigenous peoples and environment*. Laboratorio de paz. S.f. p. 1. Report available in Spanish at: <http://laboratoriosdepaz.org/>

¹⁰⁷⁰ According to the results of the XIV National Population and Housing Census, conducted in 2011 and published by the National Statistics Institute (INE) in 2013; cited: Laboratorio de Paz. *Diagnóstico sobre el Derecho a la Asociación Indígena en Venezuela*. (Research conducted during the period October 2013 to February 2014). p. 3.

¹⁰⁷¹ According to United Nations, the Bolivarian Republic of Venezuela has taken various legislative measures regarding indigenous peoples. See. UN, International Convention on the Elimination of All Forms of Racial Discrimination. *Concluding observations on the combined 19th to 21th periodic reports of the Bolivarian Republic of Venezuela*, adopted by the Committee at its 83th session (12-30 August 2013). CERD/C/VEN/CO/19-21. Distr. General. September 23, 2013. Intro.

structural discrimination, the State has been implementing social development programs and plans that have included indigenous and Afro-descendant peoples.¹⁰⁷²

596. The Commission notes that as an expression of a multiethnic and multicultural society, the power of the indigenous peoples to administer justice is established in Article 260 of the Constitution, which granted judicial functions to the legitimate authorities of the indigenous peoples, to implement courts within their habitat affecting only their members, in accordance with their own standards and procedures, provided they are not contrary to the Constitution, the law, or public order.¹⁰⁷³

597. The Inter-American Commission notes that in matters of land and natural resources, the Venezuelan State has assigned importance to the indigenous peoples' participation and their right to be consulted. Venezuela has also installed two prosecutor's offices specializing in indigenous matters at the national level, harmonizing the special indigenous jurisdiction with the regular criminal jurisdiction. In that context, the Judicial Branch has issued various decisions referring to indigenous peoples and communities on the subject of special indigenous jurisdiction.¹⁰⁷⁴

598. The Commission notes that the Ministry of Popular Power for the Indigenous Peoples (MPPPI) has various projects on behalf of indigenous women, one of which provides immediate and continuous care to the population in a situation of extreme vulnerability located within the national territory.¹⁰⁷⁵ In addition, a total of 31 projects have been financed targeting indigenous women, most of which involve social and productive development, such as sowing crops and handcrafts, benefiting a total of 2,172 indigenous women.¹⁰⁷⁶

599. The most recent national census (2011) indicates that the country has a demographic bonus involving 66.6% of the economically active population between the ages of 15 and 64, which is relevant for the design of inclusive public policies that encourage productive investment, promote applied and technical education, and expand opportunities, particularly for youths and women.¹⁰⁷⁷

600. In the context of the economic plan and development projects promoted by the State, projects are being implemented to explore and exploit natural resources in the charge of transnationals and located in the ancestral lands of indigenous peoples. In this context, their territories and natural resources are being affected by plundering and pollution.¹⁰⁷⁸ Despite regulations, the IACHR is concerned about the lack of

¹⁰⁷² UN, International Convention on the Elimination of All Forms of Racial Discrimination. [Concluding observations on the combined 19th to 21th periodic reports of the Bolivarian Republic of Venezuela](#), adopted by the Committee at its 83th session (12-30 August 2013). CERD/C/VEN/CO/19-21. Distr. General. September 23, 2013. para. 7.

¹⁰⁷³ UN, Convention on the Elimination of All Forms of Discrimination against Women, [List of issues and questions in relation to the combined 7th and 8th periodic reports of the Bolivarian Republic of Venezuela](#), CEDAW/C/VEN/Q/7-8/Add.1. Distr. General. June 24, 2014, para. 106.

¹⁰⁷⁴ UN, Convention on the Elimination of All Forms of Discrimination against Women, [List of issues and questions in relation to the combined 7th and 8th periodic reports of the Bolivarian Republic of Venezuela](#), CEDAW/C/VEN/Q/7-8/Add.1. Distr. General. June 24, 2014, paras. 106-108.

¹⁰⁷⁵ "In Venezuela, according to the last census conducted by the National Institute of Statistics in 2011, the population of indigenous women is estimated to be 359,016, representing 49.5 per cent of the total indigenous population (2.7 per cent of the country)." UN, Convention on the Elimination of All Forms of Discrimination against Women, [List of issues and questions in relation to the combined 7th and 8th periodic reports of the Bolivarian Republic of Venezuela](#), CEDAW/C/VEN/Q/7-8/Add.1. Distr. General. June 24, 2014, para. 104.

¹⁰⁷⁶ UN, Convention on the Elimination of All Forms of Discrimination against Women, [List of issues and questions in relation to the combined 7th and 8th periodic reports of the Bolivarian Republic of Venezuela](#), CEDAW/C/VEN/Q/7-8/Add.1. Distr. General. June 24, 2014, para. 105.

¹⁰⁷⁷ See: ONU. Executive Board of the United Nations Development Programme and of the United Nations Population Fund and the United Nations Office for Project Services, [Draft country document for Venezuela](#) (2015-2019). DP/DCP/VEN/2. Distr. General. April 30, 2014. para. 5.

¹⁰⁷⁸ Report on mining activities in Venezuela. *Executive report on mining in Venezuela to be presented to the UN Special Rapporteur on the right to freedom of peaceful assembly and association, Maina Kiai as well as other instances of international*

information regarding monitoring and supervision to guarantee full respect for the rights to free, prior, and informed consultation, self-determination, and participation.¹⁰⁷⁹ In addition, the IACHR is concerned regarding the lack of recognition, demarcation, and titling of the lands of indigenous peoples and communities.

601. Illegal mining on ancestral lands is endangering the life and integrity of the indigenous peoples, producing a context of violence given the failure to demarcate their lands.¹⁰⁸⁰ In this context and due to the militarization of the territory, indigenous peoples are being subjected to outrages and mistreatment by the army.¹⁰⁸¹

602. The information available indicates that in the state of Zulia there are currently problems of human rights violations as a result of the militarization of the territory.¹⁰⁸² During 2014, indigenous organizations have reported the presence of military forces that are not bringing the benefits promised to the population. On the contrary, they are generating conditions displacing the communities in order to construct port and road infrastructures intended for extractive activities.¹⁰⁸³

603. The Yanomami people are at risk due to the presence of and assaults by illegal miners in the area.¹⁰⁸⁴ The Yukpa people are also enduring serious incidents of violence, in which there have been confrontations between indigenous peoples and those occupying lands in the area due to the failure to demarcate the land.¹⁰⁸⁵ Some of the IACHR's concerns involve the State's need to: i) ensure respect for and recognition of the indigenous peoples' traditional systems of justice in accordance with international human rights standards; ii) redouble its efforts to ensure the full participation of indigenous persons, particularly

environmental of human rights protection system, regional organizations and human rights defenders of indigenous peoples and environment. Laboratorio de paz .S.f. p. 1. Report available in Spanish at: <http://laboratoriosdepaz.org/>

¹⁰⁷⁹ UN- International Convention on the Elimination of All Forms of Racial Discrimination. [Concluding observations on the combined nineteenth to twenty-first periodic report of the Bolivarian Republic of Venezuela](#) adopted by the Committee at its eighty-third sesión (12-30 August 2013). CERD/C/VEN/CO/19-21. Distr. General. 23 September 2013. para. 19.

¹⁰⁸⁰ UN- International Convention on the Elimination of All Forms of Racial Discrimination. [Concluding observations on the combined nineteenth to twenty-first periodic report of the Bolivarian Republic of Venezuela](#) adopted by the Committee at its eighty-third sesión (12-30 August 2013). CERD/C/VEN/CO/19-21. Distr. General. 23 September 2013. para. 16-17.

¹⁰⁸¹ Report on mining activities in Venezuela. *Executive report on mining in Venezuela to be presented to the UN Special Rapporteur on the right to freedom of peaceful assembly and association, Maina Kiai as well as other other instances of international environmental of human rights protection system, regional organizations and human rights defenders of indigenous peoples and environment.* Laboratorio de paz .S.f. pp. 3-4. Report available in Spanish at: <http://laboratoriosdepaz.org/>

¹⁰⁸² According to the information, in December 2010, the Government announced the creation of 10 military districts to ensure the comprehensive defense of the nation. The first, located in the Venezuelan Guajira, was activated to address the situation of crisis caused by the heavy rains that caused flooding in the Wayuu territory. See: Report on mining activities in Venezuela. *Executive report on mining in Venezuela to be presented to the UN Special Rapporteur on the right to freedom of peaceful assembly and association, Maina Kiai as well as other other instances of international environmental of human rights protection system, regional organizations and human rights defenders of indigenous peoples and environment.* Laboratorio de paz .S.f. pp. 3-4. Report available in Spanish at: <http://laboratoriosdepaz.org/>

¹⁰⁸³ En In this context, a Wayuu indigenous leader would have stated to peace laboratory: "the State is not ruling for one reason: Pararu, which is part of a deep water port that will make it cheaper for transportation and shipment of coal" See: Report on mining activities in Venezuela. *Executive report on mining in Venezuela to be presented to the UN Special Rapporteur on the right to freedom of peaceful assembly and association, Maina Kiai as well as other other instances of international environmental of human rights protection system, regional organizations and human rights defenders of indigenous peoples and environment.* Laboratorio de paz .S.f. pp. 3-4. Report available in Spanish at: <http://laboratoriosdepaz.org/>

¹⁰⁸⁴ UN, International Convention on the Elimination of All Forms of Racial Discrimination. [Concluding observations on the combined nineteenth to twenty-first periodic report of the Bolivarian Republic of Venezuela](#) adopted by the Committee at its eighty-third sesión (12-30 August 2013). CERD/C/VEN/CO/19-21. Distr. General. 23 September 2013. para. 16.

¹⁰⁸⁵ UN, International Convention on the Elimination of All Forms of Racial Discrimination. [Concluding observations on the combined nineteenth to twenty-first periodic report of the Bolivarian Republic of Venezuela](#) adopted by the Committee at its eighty-third sesión (12-30 August 2013). CERD/C/VEN/CO/19-21. Distr. General. 23 September 2013. para. 17.

women, in all decision-making institutions; and iii) put an end to structural and historical discrimination against indigenous peoples.¹⁰⁸⁶

604. Information in the public domain indicates that the native peoples located along the banks of the middle and lower Orinoco, corresponding to indigenous communities in the states of Bolívar and Delta Amacuro, are suffering from environmental pollution due to mining activities and waste produced by companies operating in Ciudad Guayana. The information indicates that the La Salle Foundation had established the presence of mercury in the Caura River due to the irrational exploitation of mining in the area and chemical wastes discharged, contaminating the sources of the rivers and streams that form the natural habitat of the area's indigenous inhabitants.¹⁰⁸⁷

605. The information at hand indicates that in response to the government's plan for controlling contraband, the territory of the Wayúu people is being militarized. In that context, its inhabitants are enduring a climate of criminalization, discrimination, harassment, and attacks by State agents.¹⁰⁸⁸ According to the information, indigenous organizations and organizations defending the human rights of the peoples of communities of La Guajira have filed complaints with the Office of the Attorney General and the Office of the Ombudsman in response to physical and verbal assaults on indigenous women by State officials.¹⁰⁸⁹

B. Persons deprived of liberty

606. The situation of persons deprived of liberty in Venezuela continues to be one of the worst on the continent, due to the violence created by the activity of criminal gangs operating inside the prisons; weapons trafficking, including weapons of war and explosives, in which the National Guard is involved; the impunity that leaves most criminal acts committed in prisons unpunished, particularly crimes committed by criminal gang leaders (the so-called "pranes" or what are officially called "negative leaders"); and the general lack of effective government control inside penal centers. The Commission has appreciated the information provided by the State on various occasions regarding efforts to address this situation. However, the information received by the IACHR regarding prisons in Venezuela indicates that the policies adopted continue to be insufficient to guarantee the rights of persons deprived of liberty and particularly to prevent the continued occurrence of violent incidents inside Venezuelan prisons, which have caused alarming numbers of deaths and injuries among inmates in recent years.

607. In this context, during 2014, the Commission continued to receive troubling information regarding the situation of prisons centers in Venezuela. During the 150th Regular Session in March, the IACHR held a hearing on this topic in which it was informed about high rates of overcrowding among the prison population. According to the Venezuelan Prison Observatory (OVP), the number of persons deprived of liberty amounted to 53,566, while installed capacity allows for about 16,189 in the entire country, and more than 60% of detainees are awaiting trial. For its part, the Venezuelan State said it continues its efforts towards the "social transformation of the prison population," noting the measures implemented in the área of health care and assistance, elimination of violence and overcrowding in prisons. It stressed that the authorities are moving ahead with a process to expand facilities and create new ones and that the number of places has increased by 25,000 over the last two years.

608. In this regard, the Commission notes that according to a report issued in 2014 by the United Nations Committee against Torture on Venezuela, that body expressed its concern over the "significant discrepancy" between the figures provided by the State and figures in the reports received by other

¹⁰⁸⁶ UN, International Convention on the Elimination of All Forms of Racial Discrimination. [Concluding observations on the combined nineteenth to twenty-first periodic report of the Bolivarian Republic of Venezuela](#) adopted by the Committee at its eighty-third sesión (12-30 August 2013). CERD/C/VEN/CO/19-21. Distr. General. 23 September 2013, paras. 18, 19, 20.

¹⁰⁸⁷ Laboratorio de Paz. "[Waraos, Yekuana y Sanemá son víctimas de contaminación masiva](#)". Melquíades Ávila/ Radio Fe and Alegría Noticias. November 14, 2014.

¹⁰⁸⁸ Laboratorio de Paz. [Opinión: Doble discriminación](#). Rafael Uzcátegui. October 28, 2014.

¹⁰⁸⁹ laboratorio de Paz. [Opinión: En la piel del Wayuú](#). Lexys Rendón. October 27, 2014.

organizations. In this respect. The Committee urged the State to publish “official data broken down by place of detention regarding accommodation capacity, including police checkpoints, compared to the actual criminal population.”¹⁰⁹⁰ As the Commission has stated on previous occasions, the situation of overcrowding in Venezuelan prisons is one of the major problems facing persons deprived of liberty in that country.¹⁰⁹¹ Thus, it feels that the State should intensify its efforts to address this situation and guarantee the principles of transparency and accountability in the design of policies and programs in the area of prisons.

609. The information available also indicates that during 2014 there were several protests at various detention centers related to claims made by persons deprived of liberty seeking access to health services and medical care. In this regard, the Venezuelan Prison Observatory has reported that “most detention centers do not provide medical care twenty-four hours a day, nor do they have the necessary equipment and personnel.” According to that organization, many inmates continue to suffer from “dermatological, gastrointestinal, and respiratory diseases” and inmates with HIV-AIDS frequently do not have access to appropriate medical treatment. It was also reported that during the first half of 2014 there were “ten hunger strikes and one blood strike” in several of the country’s prison centers, where the primary complaints related to “appalling conditions of detention” and the “health situation.”¹⁰⁹²

610. The Commission was also informed that there are continued complaints about violent situations due to the activity of criminal gangs operating in the prisons, weapons trafficking (including weapons of war and explosives), and the alleged involvement of state agents, among others.¹⁰⁹³ The Venezuelan State reported at the hearing that the authorities have implemented various actions such as “regular and special searches” to eliminate “violence within prisons.” However, the information that the Commission has monitored during the period under review indicates that serious situations of violence persist within prisons and there are reports that search procedures are sometimes accompanied by an alleged disproportionate use of force, mistreatment of inmates, and other abuses. In addition, the Commission has expressed concern because measures such as transferring inmates to other detention centers can lead to overcrowding in the other prisons and produce new situations of tension among inmates.¹⁰⁹⁴ The OVP also reported that “during the first half of 2014, most injuries and deaths were caused by firearms.”¹⁰⁹⁵

611. In this context, the Commission received with profound concern information regarding the death in November 2014 of more than 40 inmates at the “David Vilorio” Central Western Regional Prison, formerly called the Uribana Prison, in the state of Lara. According to the information received, on November 24 and 25, inmates at that prison staged a series of protests, including a hunger strike, apparently due to their mistreatment by prison authorities. On November 25, the authorities began a mass transfer of inmates to other prisons and tried to control the situation by sending the National Guard into the prison. On the following day, the authorities publicly reported that a number of inmates had overdosed, apparently by ingesting a combination of drugs. According to updated figures provided by the Minister of Prison Affairs, the total number of deaths amounted to 48 people.¹⁰⁹⁶ Based on these events, the Commission issued a press release in which it urged the Venezuelan State to investigate the facts and take the measures necessary to prevent a recurrence.¹⁰⁹⁷

¹⁰⁹⁰ United Nations. Committee against Torture. *Concluding observations on the third and fourth periodic reports of the Bolivarian Republic of Venezuela*. Unedited advance version. November 2014, p. 18.

¹⁰⁹¹ IACHR, *Democracy and Human Rights in Venezuela*, 30 December 2009, para. 44.

¹⁰⁹² Information submitted by the Venezuelan Prisons Observatory before the IACHR. August, 2014.

¹⁰⁹³ See: IACHR, *Informe sobre el 150 Período Ordinario de Sesiones de la IACHR*, 13 de mayo de 2014.

¹⁰⁹⁴ IACHR, *2013 Annual Report*. Chapter IV on Venezuela, para. 149.

¹⁰⁹⁵ Information submitted by the Venezuelan Observatory of prisons before the IACHR. August 2014. According to a report issued by the same organization, between January and June 2014, there would have been a total of 150 people dead and 110 injured in the correctional facilities nationwide. See: Observatorio Venezolano de Prisiones, *Bi-Annual Report*. January to June, 2014.

¹⁰⁹⁶ See: Panorama, *Ministra Varela confirmó que 48 reos murieron por intoxicación en cárcel de Uribana*, 11 de diciembre de 2014; and El Nacional, *Varela: Son 48 los fallecidos por intoxicación en Uribana*, December 10, 2014.

¹⁰⁹⁷ IACHR, *IACHR regrets deaths due to reported drug overdose in jail of Venezuela*, December 11, 2014.

612. The Commission observes that at present there are eight prisons in respect of which there are provisional measures in place issued by the Inter-American Court of Human Rights: the Internado Judicial de Monagas “La Pica,” by Order of February 9, 2006; the Centro Penitenciario Región Capital Yare I and Yare II, by Order of March 30, 2006; the Internado Judicial Capital El Rodeo I and Rodeo II, by Order of February 8, 2008; the Centro Penitenciario de la Región Centro Occidental, Uribana Prison, by Order of February 2, 2007; the Centro Penitenciario de Aragua “Tocorón Prison,” by Order of November 14, 2010; the Internado Judicial de Ciudad Bolívar “Vista Hermosa,” by Order May 15, 2011; and the Centro Penitenciario de la Región Andina (CEPRA), by Order of September 6, 2012.

613. In this context, the Inter-American Commission considers it urgent for the Venezuelan State to adopt the measures necessary to tackle the causes of the high levels of violence in the prisons. In that regard, it reiterates emphatically that the State must investigate and punish those persons, including civilian and military authorities, who participate in the trafficking of arms in the prisons. It is also essential to implement all those measures aimed to prevent violence. In addition, it has been found that another of the reasons behind the continuing outbreaks of violence and tension in the Venezuelan prisons is the procedural backlog and the high levels of persons detained awaiting trial, with the consequences in terms of overcrowding, which is a reality which, despite some palliative measures attempted by the Government (e.g. the “Plan Cayapa”), has yet to be resolved substantially.

614. Similarly, the Venezuelan State should undertake immediate, exhaustive, and impartial investigations into the different violent incidents that have recently occurred in the country’s prisons, so as to identify the persons responsible and impose the corresponding sanctions on them, including administrative and disciplinary sanctions, as a preventive mechanism to impede the recurrence of new violent incidents.

C. Rights of lesbian, gay, bisexual, trans and intersex persons (LGBTI)

615. The IACHR recognizes the work done by the Venezuelan State, primarily through the Office of the Ombudsman, to defend and promote the rights of Venezuela’s LGBTI population. In this regard, the IACHR notes in particular the efforts of the Office of the Ombudsman to (a) “recognize the LGBTTI population as being in a vulnerable situation;” (b) hear complaints in cases where rights have been violated based on sexual orientation and gender identity; (c) diagnose with the participation of those affected the human rights situation of the LGBTTI population; (d) train Office of the Ombudsman staff and those responsible for enforcing the law regarding the human rights of the LGBTTI population; (e) undertake activities to promote and disseminate the human rights of the LGBTTI population; and (f) propose judicial and legislative actions for the benefit of the LGBTTI population.¹⁰⁹⁸ The IACHR also notes the public announcements issued by Ombudswoman Gabriela Ramírez on two occasions, first in 2010 and later in 2013¹⁰⁹⁹ regarding the creation of a Special Office of the Ombudsman to address the needs of LGBTI persons. However, the Commission has received information that this Special Office of the Ombudsman has not been created as yet and nothing has been reported to explain why it has not been created.¹¹⁰⁰ Similarly, the IACHR notes that the State conducted the “Homophobia in Institutions” forum for public servants, which was organized by the Office of the Ombudsman for the state of Bolívar.¹¹⁰¹

616. However, during this period, the IACHR has continued to receive troubling information regarding acts of violence against LGBTI persons, particularly murders, primarily involving trans women,

¹⁰⁹⁸ Answer from the Bolivarian Republic of Venezuela to the questionnaire of the IACHR on the situation of violence against LGBTI people, AGEV/000373, December 20, 2013, received by the IACHR on December 26, 2013.

¹⁰⁹⁹ Site of the President Nicolas Maduro, “[Crearán Defensoría Especial para la Diversidad Sexual](#)”, August 29, 2013.

¹¹⁰⁰ Orbita Gay, “[Hace un año Gabriela Ramírez prometió por segunda vez creación de Defensoría Especial para la Diversidad Sexual](#)”, November 21, 2014.

¹¹⁰¹ Ombudsman’s Office, “[DDP forma a servidoras y servidores públicos en materia de Sexo-Género Diversidad](#)”, November 6, 2014.

alleged situations of abuse by the police, improper restrictions on freedom of expression, and arbitrary detention of those defending the rights of the LGBTI population.

Situation of Violence

617. In its monitoring work, the IACHR has demonstrated its concern that at least five trans women and one gay man were murdered over the period from July 2013 to January 2014.¹¹⁰² In addition, over a period of 15 months (between January 1, 2013 and March 31, 2014), the IACHR, through the Rapporteurship on the Rights of LGBTI Persons, closely monitored various sources regarding the situation of violence, particularly murders and other serious attacks on the integrity of LGBT persons in the Americas, during violent incidents apparently linked to real or perceived sexual orientation or gender identity. Thus, according to this record of violence prepared by the IACHR,¹¹⁰³ two gay men and 19 trans women were murdered in Venezuela, presumably in connection with their real or perceived gender identity. The murders of trans women occurred in different Venezuelan states: Zulia (6), Aragua (3), Lara (3), Vargas (2), Mérida (1), Cojedes (1), Anzoátegui (1), Nueva Esparta (1), and Carabobo (1). In most of these cases, the bodies of trans women were found in public areas and showed wounds caused by firearms. The IACHR is concerned about the disproportionate impact of this violence on young trans women. According to the information gathered by the IACHR, 73% of the trans women murdered in Venezuela during this 15-month period were under the age of 34.

618. In addition, according to a study of print media conducted in 13 Venezuelan states, there were 99 hate crimes based on sexual orientation, gender identity, and gender expression between January 2009 and August 2013.¹¹⁰⁴ The IACHR was informed that there was a 55.56% increase in murders motivated by sexual orientation, gender identity, and gender expression up to that point in 2013 (from January to August 2013) compared to the preceding year.¹¹⁰⁵ In addition, a total of 53 threats and attacks against LGBT persons occurred in Venezuela between January 2009 and August 2013.¹¹⁰⁶

Alleged situation of abuse by the police

619. During 2014, the IACHR continued to receive information regarding alleged instances of police abuse, which were a concern for the IACHR during 2012 and 2013.¹¹⁰⁷ The Commission continues to receive information regarding instances of verbal violence and threats made by the Police of Caracas and the Bolivarian National Guard (*Guardia del Pueblo*), who allegedly hamper the work of local activists who monitor and promote human rights and seek to prevent sexually transmitted HIV infections among trans women who are sex workers on the Avenida Libertador and surrounding areas in the capital city of Caracas.¹¹⁰⁸

¹¹⁰² IACHR, [IACHR expresses concern about violence and discrimination against LGTBI persons, particularly youth, in the Americas](#), August 15, 2013; IACHR, [IACHR Expresses Concern about Mob Attacks, Police Abuse and other Forms of Violence against LGTBI Persons](#), October 24, 2013, IACHR, [IACHR Expresses Concern about Attacks against LGBTI Persons and other Forms of Violence and Restrictions against LGBTI Organizations in the Americas](#), February 27, 2014.

¹¹⁰³ See: IACHR, [IACHR Expresses Concern over Pervasiveness of Violence against LGBTI Persons and Lack of Data Collection by OAS Member States](#), December 17, 2014.

¹¹⁰⁴ Acción Ciudadana Contra el SIDA (ACCSI), ["Informe Venezuela 2013. Resultados Preliminares "Crímenes de odio por Orientación sexual, Identidad de género y Expresión de género en la noticia de los Medios de Comunicación y Organizaciones de la Sociedad Civil"](#), Revisión Hemerográfica Enero 2009 a agosto 2013, p. 5.

¹¹⁰⁵ ACCSI and UNAF, "La discriminación y la impunidad no son iguales ante la ley [Discrimination and impunity are not equal before the law]," 2014, p. 16

¹¹⁰⁶ ACCSI and UNAF, "La discriminación y la impunidad no son iguales ante la ley [Discrimination and impunity are not equal before the law]," 2014, p. 18

¹¹⁰⁷ IACHR, *2012 Annual Report*, Chapter IV on Venezuela, párrs. 171-173, and *2013 Annual Report*, Chapter IV on Venezuela, para. 258.

¹¹⁰⁸ Communication of the organization LGBTI Venezuela Diversa sent to the LGBTI Rapporteurship of the IACHR, July 29, 2014. On file with the team of the Executive Secretariat that supports the LGBTI Rapporteurship.

620. According to a report prepared by the ACCSI organization regarding alleged acts of aggression committed by state agents, 56.9% of the attacks and threats are carried out by police officers and 19.6% of the attacks are committed by senior officers in decision-making positions and political leaders.¹¹⁰⁹

Freedom of expression and the situation of LGBTI rights defenders

621. In addition, the organization Venezuela Diversa expressed concern regarding freedom of expression and rights of LGBTI persons, maintaining that “the public expression of LGBTI concerns and requirements often faces violent opposition and willful ignorance on the part of other social groups, primarily religious and dogmatic organizations, and conservative and progressive party leaders.”¹¹¹⁰ Thus, this organization alleges that the Venezuelan State “although it presents our country with a progressive social and legal context, continues to be very backward with regard to explicit protection against all forms of discrimination based on sexual orientation, gender identity, and gender expression.” They also stated that “the State-regulated private communications media constantly and with the highest degree of impunity ridicule, trivialize, and promote discrimination against LGBTI persons in many of their programs.”¹¹¹¹

622. Regarding LGBTI rights defenders, the Commission has received information regarding reprisals allegedly carried out by government agents, alleged threats, and a specific situation involving the improper detention of a human rights defender.

623. In this regard, the IACHR was informed that on July 17, 2014 Yonatan Matheus and Wendell Oviedo, representatives of the organization Venezuela Diversa, were robbed and threatened with death due to their work reporting situations of violence and discrimination against trans persons in Caracas.¹¹¹²

624. In addition, based on the press release issued by the Inter-American Commission regarding the murder of the trans woman Lulu in 2012 and the comments included by the IACHR in Chapter IV of its 2013 Annual Report, Matheus y Oviedo complained of reprisals against them by the government and that the organization was being considered subversive.¹¹¹³ The purpose was to delegitimize the work of promoting and defending the human rights of LGBTI persons and groups and shut down the ability to articulate and demand rights from the State and its institutions. The IACHR also received information that Matheus and Oviedo initially found it difficult to obtain government authorization to conduct a walk against homophobia but ultimately did obtain it.¹¹¹⁴

625. In addition, the IACHR received troubling information regarding the case of Rosmit Mantilla, LGBTI rights defender and founder of the Pro-Inclusion Movement of Voluntad Popular (opposition party) and defender of the gender diverse community, who was arbitrarily detained on May 2, 2014.¹¹¹⁵ It notes the information that a “cooperating patriot” informed the government that Mantilla was committing crimes that could affect the stability of government institutions. During her court appearance, Rosmit Mantilla was accused of instigation and public intimidation; obstructing roadways; setting fires in public and private

¹¹⁰⁹ ACCSI, [“Informe Venezuela 2013. Resultados Preliminares “Crímenes de odio por Orientación sexual, Identidad de género y Expresión de género en la noticia de los Medios de Comunicación y Organizaciones de la Sociedad Civil”](#), Hemerographic review from January 2009 to August 2013, p. 36.

¹¹¹⁰ Venezuela Diversa, [“Libertad de expresión de las personas LGBTI en Venezuela”](#), May 5, 2014.

¹¹¹¹ Venezuela Diversa, [“Libertad de expresión de las personas LGBTI en Venezuela”](#), May 5, 2014.

¹¹¹² Communication of the organization LGBTI Venezuela Diversa sent to the LGBTI Rapporteurship of the IACHR, July 29, 2014.

¹¹¹³ Communication of the organization LGBTI Venezuela Diversa sent to the LGBTI Rapporteurship of the IACHR, July 29, 2014.

¹¹¹⁴ Venezuela Diversa, [“Alcaldes de Libertador y Chacao violan la Constitución Nacional al negar y obstaculizar el derecho a la manifestación pacífica de la ONG Venezuela Diversa”](#), May 5, 2014.

¹¹¹⁵ Communication sent from national organizations to the IACHR Rapporteurship on June 24, 2014. See also: Voluntad Popular, [“Exhortamos a juez Lucía Suárez a otorgar libertad a Rosmit Mantilla ante irregularidades contenidas en el expediente”](#), June 20, 2014, and El Universal, [“Voluntad Popular exige la liberación del dirigente Rosmit Mantilla”](#), June 20, 2014.

buildings; violent damages, and criminal association. The information submitted indicates that no evidence was presented in her case, and that the prosecutor was unable to indicate when Mantilla committed the crimes of which she was accused. According to publicly available information, as of December 4, 2013, human rights defender Rosmit Mantilla continues to be detained.

Legislation

626. The Commission has received criticism that Venezuela does not have a special law requiring the State to guarantee and protect LGBTI persons' right to equality and non-discrimination nor does it have any public strategic plans, programs, and services designed to respond to their needs and requirements.¹¹¹⁶ In addition, no progress has been made in terms of legislation or policies and practices to prosecute acts of violence.¹¹¹⁷

627. The IACHR notes the popular initiative that gathered more than 20,000 signatures and brought the Igualitarian Civil Marriage bill before the National Assembly.¹¹¹⁸ In this context, several Venezuelan LGBTI non-governmental organizations have made public a letter with questions for the National Assembly delegates in order to ascertain their opinions and positions regarding subjects such as same sex marriage, joint adoption by same sex partners, recognition of joint paternity and maternity, a gender identity law, and a law to punish hate crimes based on sexual orientation, gender identity and/or gender expression.¹¹¹⁹

628. Finally, civil society emphasizes that so far Venezuela has not produced any initiative designed to change the legal status of LGBTI persons. In 2011, Acción Solidaria (ACSOL) maintained that the draft Organic Law on Gender Equality and Equity eliminated all mention of sexual orientation and gender identity. In addition, according to the information provided, reforms to the Organic Civil Registration Law have not accepted proposals to recognize LGBTI persons' right to identity and partners' rights. The Law on the Health Subsystem of the Social Security Law expressly excluded public coverage for sex changes; the Organic Law on Protection of Children and Adolescents limited adoption to parents of different genders or heterosexuals; and the Organic Law on Education eliminated references included in the original draft regarding education against discrimination based on sexual orientation and gender identity.¹¹²⁰

D. Women's rights

629. The Commission has monitored the situation of women's rights in Venezuela and has highlighted progress made in legislative matters such as the adoption in 2007 of the Organic Law on the Right of Women to a Life Free of Violence.¹¹²¹ In this regard, the Commission notes that reform of the Organic Law on the Right of Women to a Life Free of Violence was enacted on November 25, 2014, and includes a definition of the crime of "femicide" with penalties ranging from 25 to 30 years in prison.¹¹²²

630. It also takes into account the adoption of other measures such as the "Mama Rosa" Plan for Gender Equality and Equity, for the period 2013-2019, which considers as its "strategic objective in the social

¹¹¹⁶ ACCSI and UNAF, "La discriminación y la impunidad no son iguales ante la ley [Discrimination and impunity are not equal before the law]", 2014, p. 5.

¹¹¹⁷ ACCSI and UNAF, "La discriminación y la impunidad no son iguales ante la ley [Discrimination and impunity are not equal before the law]", 2014, p. 6.

¹¹¹⁸ AVN, "[Asamblea Nacional evaluará legalización de matrimonio civil entre parejas del mismo sexo](#)", January 31, 2014.

¹¹¹⁹ UNAF, "[Consulta a Diputados de la Asamblea Nacional venezolana](#)", June 30, 2014.

¹¹²⁰ ACSOL, "[El Derecho a la No Discriminación por VIH en Venezuela](#)", 2011, p. 116.

¹¹²¹ IACHR, 2013 Annual Report, Chapter IV on Venezuela, para. 713.

¹¹²² See: El Nacional, "[Firman ley que establece como delito el femicidio](#)", November 25, 2014; VTV, "[Jefe de Estado firmó la Ley Orgánica del Derecho de las Mujeres a una vida libre de violencia](#)", November 25, 2014.

dimension” “eliminating expressions of gender violence”¹¹²³ and creating the “neighborhood mothers” mission as a social program to provide “monetary economic support” for women, and the “Women’s Bank” that has given rural women access to this policy that provides for “approval of loans for food production and processing” in “areas that are difficult to access” in 18 of the country’s states.¹¹²⁴ In this regard, the IACHR notes that organizations like the Venezuelan Observatory on Women’s Rights has indicated that the implementation of these provisions and plans lacks sufficient “financial, political, and administrative” resources to ensure their proper operation, and only organizations aligned with the government were invited to participate in their design and planning.¹¹²⁵

631. The Commission also recognizes a series of measures adopted by the Office of the Attorney General of Venezuela on the subject of access to justice, for example, the development of a “Protocol of Comprehensive Attention for Defense of Women,” which was also distributed to other authorities such as the Ministry of the Interior, Justice, and Peace and the Ministry of Popular Power for Women and Gender Equality, as well as the development of the “Plan to Strengthen Investigation in the Area of Women’s Defense,” related primarily to monitoring cases in this phase of the criminal process.¹¹²⁶

632. Without prejudice to the foregoing, during the 153rd Regular Session, the Commission was informed that high rates of impunity continue in this area.¹¹²⁷ In this respect, civil society organizations reported that, according to the management report of the Office of the Attorney General for the year 2013, during that year 71,812 new complaints were received regarding alleged violence against women, and that only 517 of these cases handled by the Office for the Defense of Women had reached the trial phase.¹¹²⁸

633. Similarly, the Commission notes that the UN Committee on the Elimination of Discrimination against Women (CEDAW) noted that many women in Venezuela do not have effective access to justice.¹¹²⁹ The Venezuelan Observatory of the Human Rights of Women further described how women face undue delays and re-victimization, due in part to the fact that judges and court officials are not adequately trained on violence against women.¹¹³⁰

634. CEDAW expressed its deep concern over the widespread and continual rise in violence against women, linked to the persistence of the patriarchal attitudes and stereotypes against women.¹¹³¹ For example, the State continues to use “sexist verbal abuse and gender discrimination towards female figures of the opposition even in grotesque terms.”¹¹³² As a result, there has been an increase in incidents of gender

¹¹²³ See: Género con Clase, [Informe complementario para presentar ante la CEDAW](#), October 21, 2014, pág. 6.

¹¹²⁴ Corriente Revolucionaria Bolívar y Zamora, [Contribución a la presentación del 7mo y 8vo informe de la República Bolivariana de Venezuela ante la CEDAW](#), October 21, 2014, p. 4.

¹¹²⁵ Venezuelan Observatory for Human Rights of Women, [Alternative Report of the List of Questions and Answers Formulated by the CEDAW Committee, Pretaining to the 7th and 8th Combined Periodic Reports of the Bolivarian Republic of Venezuela](#), August 15, 2014.

¹¹²⁶ See: Public Ministry. [2013 Annual Report](#), pp. 82-83.

¹¹²⁷ See also: Venezuelan Observatory for Human Rights of Women, [Alternative Report of the List of Questions and Answers Formulated by the CEDAW Committee, Pretaining to the 7th and 8th Combined Periodic Reports of the Bolivarian Republic of Venezuela](#), August 15, 2014.

¹¹²⁸ Information received during the hearing on General Situation of Human Rights in Venezuela, held during the regular session 153. See Also: Public Ministry. [2013 Annual Report](#), pp. 28 and 81.

¹¹²⁹ CEDAW, [Concluding observations on the combined seventh and eighth periodic reports of Venezuela](#), CEDAW/C/VEN/CO/7-8, November 7, 2014, paras. 10 and 18(c)

¹¹³⁰ Venezuelan Observatory for Human Rights of Women, [Alternative Report of the List of Questions and Answers Formulated by the CEDAW Committee, Pretaining to the 7th and 8th Combined Periodic Reports of the Bolivarian Republic of Venezuela](#), August 15, 2014.

¹¹³¹ CEDAW, [Concluding observations on the combined seventh and eighth periodic reports of Venezuela](#), CEDAW/C/VEN/CO/7-8, November 7, 2014, paras. 16-18.

¹¹³² Venezuelan Observatory for Human Rights of Women, [Alternative Report of the List of Questions and Answers Formulated by the CEDAW Committee, Pretaining to the 7th and 8th Combined Periodic Reports of the Bolivarian Republic of Venezuela](#), August 15, 2014.

violence and murder perpetrated by police officers.¹¹³³ Moreover, women who are deprived of liberty are housed in 1 female prison and 15 annexes, with few if any protections for their human rights.¹¹³⁴ While violence against women in Venezuela takes many forms, CEDAW highlighted the prevalence of trafficking and sexual exploitation of women and girls, especially in border and tourist areas of the country.¹¹³⁵

635. The Commission recognizes the information reported by CEDAW that women are not fully represented in the State's political life, with only 5 out of 31 ministries headed by women and with women's representation in the National Assembly below the regional and world averages.¹¹³⁶ Additionally, CEDAW describes the high maternal mortality rates; high rates of teen pregnancy; limited access to contraceptives, even in emergency situations; the restrictive abortion law forcing women to resort to unsafe abortions; and, the shortage of antiretroviral treatment for women living with HIV/AIDS.¹¹³⁷

E. Situation of Afro-descendant persons

636. The Commission has monitored various institutional and policy measures adopted by the Venezuelan State in the area of preventing and eradicating racial discrimination in the country. Thus, the IACHR has recognized that the enactment of the Organic Law against Racial Discrimination in 2011 established a series of institutional mechanisms such as creation of the National Institute against Racial Discrimination (Incodir) as the body responsible for enforcing public policies in this area.¹¹³⁸

637. In this regard, the Commission notes that the "First International Congress on Racial Discrimination was held in Venezuela in July 2014, with the participation of authorities from Incodir, the Office of the Ombudsman, and expert representatives from other countries such as Argentina, Brazil, and France, as well as others.¹¹³⁹ As reported by Incodir's President, the event included special programming in four of the country's states (Zulia, Sucre, Trujillo y Carabobo), in addition to the capital region, and made it possible to create working groups for discussion and preparation of analytical documents on preventing and eradicating racial discrimination.¹¹⁴⁰

638. The IACHR emphasizes that the Congress approved a declaration acknowledging "the debt owed to groups of people who have historically been the victims of racial discrimination in Venezuelan society," and based on the Law against Racial Discrimination, approval was won for the "development and implementation" of a "National Plan for the Prevention and Eradication of Racial Discrimination, Xenophobia, and other related forms of intolerance with the goal of achieving a just and egalitarian society based on peace."¹¹⁴¹ The Declaration also establishes the creation of a "Fund for the Prevention and Eradication of Racial Discrimination" as well as the adoption of policies, actions, and strategies for promoting respect for ethnic diversity, equality, social justice, and inclusion. The document also mentions processes of "reparations for Afro-descendant populations" promoted by the State as part of the commitments assumed within the framework of the "Durban Action Plan."

¹¹³³ Venezuelan Observatory for Human Rights of Women, *Alternative Report of the List of Questions and Answers Formulated by the CEDAW Committee, Pertaining to the 7th and 8th Combined Periodic Reports of the Bolivarian Republic of Venezuela*, August 15, 2014.

¹¹³⁴ Venezuelan Observatory for Human Rights of Women, *Alternative Report of the List of Questions and Answers Formulated by the CEDAW Committee, Pertaining to the 7th and 8th Combined Periodic Reports of the Bolivarian Republic of Venezuela*, August 15, 2014.

¹¹³⁵ CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Venezuela*, CEDAW/C/VEN/CO/7-8, November 7, 2014, para. 20.

¹¹³⁶ CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Venezuela*, CEDAW/C/VEN/CO/7-8, November 7, 2014, para. 22.

¹¹³⁷ CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Venezuela*, CEDAW/C/VEN/CO/7-8, November 7, 2014, para. 30.

¹¹³⁸ IACHR, 2013 Annual Report. Chapter IV on Venezuela, paras. 723-724.

¹¹³⁹ INCODIR, [Declaración 1º Congreso Internacional sobre Discriminación Racial](#), July 18, 2014.

¹¹⁴⁰ Telesur, [Venezuela diserta sobre discriminación racial](#), July 17, 2014.

¹¹⁴¹ INCODIR, [Declaración 1º Congreso Internacional sobre Discriminación Racial](#), July 18, 2014.

639. The Commission recognizes these initiatives promoted by Incodir and appreciates the creation of the National Plan being designed as an institutional platform in the area of preventing and eradicating racial discrimination in Venezuela. The Commission has no additional information on the scope and plan of work agreed upon for its elaboration and implementation, and in that sense considers it important that the responsible authorities ensure access to official, public, and updated information on that process, as well as the participation of the various sectors of civil society. This is based on observations made by the IACHR on earlier occasions regarding the limited information available on actions taken by Incodir in the area of its jurisdiction, as well as its discussions with the Presidential Commission specializing in these matters that was created in 2005.¹¹⁴²

640. The IACHR also takes into account the statements made by the United Nations Committee for the Elimination of Racial Discrimination (CERD) in its concluding observations on the reports submitted by Venezuela in 2013, with respect to the lack of updated and complete statistical information on “the composition of the population, with a breakdown of socioeconomic indicators” and “the impact and results that social inclusion measures have had on the living conditions of indigenous peoples and the Afro-descendant population.” In that regard, the CERD urged the State to take into account the results of the Population and Housing Census conducted in Venezuela in 2011 in developing policies and programs on inclusion and social development, including preparation of indicators and “results measurement methods” making it possible to “evaluate the sustainability, scope, and impact” of those policies.¹¹⁴³

F. Context of human displacement

641. In 2013, there were around 1,170,000 foreigners living in Venezuela. Most of the foreigners living in Venezuela are from Colombia, many of which are forced to migrate to Venezuela as a consequence of the violence resulting from the armed conflict.¹¹⁴⁴ Conversely, around 630,000 persons born in Venezuela were living in other countries in 2013.¹¹⁴⁵

642. With respect to persons in need of international protection, according to the United Nations High Commissioner for Refugees (UNHCR), in 2013 in Venezuela, there were 4,340 refugees, 1,073 asylum applicants, whose cases were pending a ruling, and 200,000 additional persons in similar situations to that of refugees or to persons in need of international protection,¹¹⁴⁶ bringing the total number of all categories to 205,413 persons.¹¹⁴⁷ According to the National Refugee Commission (CONARE), in 2013, 1,300 new applications for asylum were received, of which 99% are Colombian nationals. The remaining 1% are from outside the continent, basically persons from Asia and Africa.¹¹⁴⁸ The State of Táchira, which borders with Colombia, hosts the highest number of people from this population.

¹¹⁴² IACHR, 2013 Annual Report. Chapter IV on Venezuela, para. 724.

¹¹⁴³ UN, International Convention on the Elimination of All Forms of Racial Discrimination. [Concluding observations on the combined nineteenth to twenty-first periodic report of the Bolivarian Republic of Venezuela adopted by the Committee at its eighty-third session \(12-30 August 2013\)](#). CERD/C/VEN/CO/19-21. Distr. General. 23 September 2013. Para. 10.

¹¹⁴⁴ In this regard, see, IACHR, *Truth, justice and reparation: Fourth report on the situation of human rights in Colombia*. OEA/Ser.L/V/II. Doc. 49/13. Approved on December 31, 2013, pars. 543 and 555-556.

¹¹⁴⁵ UN Department of Economic and Social Affairs, Population Division, *International Migration 2013 Wallchart*, www.unmigration.org.

¹¹⁴⁶ According to UNHCR, this category is by nature descriptive and includes groups of persons, who are outside of their countries of origin and who face similar safety risk as those faced by refugees, but whose status as refugees, for practical or other reasons, has not been established.

¹¹⁴⁷ UNHCR, *Global Trends 2013*, Table 1 – Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by country/territory of asylum, end-2013 (June 20, 2014).

¹¹⁴⁸ CNR, 2013 *Management Report*. December 2013.

Refugees, asylum applications and other persons in need of international protection in Venezuela

As of late 2013

Refugees	4,340
Persons in situation similar to refugees	200,000
Asylum applicants (pending cases)	1,073
Total	205,413

Source: UNHCR, Global Trends 2013, Table 1 – Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by country/territory of asylum, end-2013 (June 20, 2014).

643. Conversely, by late 2013, there were 8,395 refugees and 1,153 asylum applicants, whose cases were pending a ruling, all of Venezuelan origin in other countries of the world, for a total of 9,548 persons.¹¹⁴⁹

Refugees and asylum applicants of Venezuelan origin

Late 2013

Refugees	8,395
Asylum applicants (cases pending)	1,153
Total	9,548

Source: UNHCR, Global Trends 2013, Table 1 – Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by country/territory of asylum, end-2013 (June 20, 2014).

644. An absence of public policies or the failure to effectively implement existing policies further exacerbates the situation of vulnerability of asylum seekers and refugees in Venezuela.¹¹⁵⁰ As for the situation of asylum seekers, persons in a situation similar to that of refugees and full-fledged refugees, the Commission has received information that identifies challenges or voids of protection with regard to limitations on access to the procedure for deciding the status of refugee, discretionary powers in handing over the provisional document to asylum applicants, as well as to reconsideration of their application.

645. With respect to officials deployed to border posts, the information we have indicates that they disregard or do not provide information on international protection and the possibility of persons in need of international protection to apply for recognition of refugee status.

646. As of mid 2013, in some instances, access to the procedure for recognition of refugee status is being limited, without providing any grounds for such decisions. In this regard, the Norwegian Refugee Council has maintained that the low rate of recognition of refugee status is troubling in light of the number of applications received and the length of response time to these applications.¹¹⁵¹

647. On this score, even though the Organic Law of Refugees and Asylum Seekers (LORA) establishes that CONARE has a period of 90 calendar days to rule on an application for refugee status, it currently takes an average of two years for this process to be completed. Over this time, the asylum

¹¹⁴⁹ UNHCR, Global Trends 2013, Table 1 – Refugees, asylum-seekers, internally displaced persons (IDPs), returnees (refugees and IDPs), stateless persons, and others of concern to UNHCR by country/territory of asylum, end-2013 (June 20, 2014).

¹¹⁵⁰ Jesuit Refugee Service, *Venezuela-Colombia Border region. "Children, Adolescents and Young People: the future demands a better present."* 2013, pg. 35.

¹¹⁵¹ Norwegian Refugee Council, *Diagnostic assessment of the situation of the Colombian population in need of international protection in the State of Táchira (Colombian-Venezuelan Border)*. UKAID, 2013, pg. 3.

applicants, who many times are undocumented, are at risk of deportation, are subject to extortion by members of the public security forces or to violation of the principle of non-refoulement.

648. The lack of legal and legitimate documents to gain access to and enjoy their rights on Venezuelan territory poses one of the major problems for asylum seekers and refugees.¹¹⁵² Reports have also been received of limitations attached to the provisional document issued to asylum seekers, with consequences to effective exercise of their human rights.¹¹⁵³ Given that there is no single national provisional document, but rather it varies greatly throughout the country as to its features: it is made of paper; it has no built in security mechanism, which makes it very informal in the eyes of the authorities and it can easily be forged. Therefore, the security forces of the State, who are posted in border areas, barely recognize the validity of the provisional identity document provided to persons, who are engaged in the process of applying for asylum.¹¹⁵⁴ Consequently, persons are exposed to being treated as migrants with irregular status and their right to free movement through Venezuelan territory is curtailed.

649. In addition to this, the Commission has received reports on the fact that family members are all granted the same unique number on their documents, which poses a number of obstacles when individually following certain processes and procedures such as for education, jobs, opening bank accounts and/or tax purposes.¹¹⁵⁵

650. On top of the difficulty faced by asylum seekers to gain access to their case files, there have also been reports of cases where the notifications denying recognition of their refugee status are not properly reasoned, that is, no grounds are given for the decision. This poses obstacles for asylum applicants to appeal these decisions and prepare a motion for reconsideration with all of the necessary factual evidence and information to be able to do so.

651. Even though there is an option to appeal by means of judicial proceedings in administrative courts after exhausting administrative remedies, a number of obstacles stand in the way of access thereto for asylum applicants, such as the fact that it is an expensive process, it requires ongoing legal representation and the judges are not adequately educated in the law of refugees, which poses risks of misinterpretation of relevant provisions of the law and in the decision they may render as a result.

652. With respect to asylum seekers' and refugees' effective enjoyment of economic, social and cultural rights, information as been received about a number of limitations impeding exercise of these rights, such as access to basic services and to the social missions of the State (government social programs), especially, with regard to the right to health and to nourishment.¹¹⁵⁶ As was pointed out earlier, the challenges associated with the provisional document that is granted to asylum applicants, as well as the identification document that is granted to refugees, places limitations and obstacles to effective enjoyment of rights such as the right to education, health, social security, food, work and decent housing.

653. As for the right to work, the provisional document granted to asylum seekers does not allow them to hold formal employment, inasmuch as these individuals are not qualified under the law to enter into a formal employment contract or register with the social security administration or gain access to the housing savings fund system. This means that these people are compelled to work in informal sectors of the economy or request third parties to receive their wages or salaries for them in exchange for payment of a percentage

¹¹⁵² Jesuit Refugee Service, *Venezuela-Colombia Border region. "Children, Adolescents and Young People: the future demands a better present."* 2013, pg. 35.

¹¹⁵³ PROVEA, Annual Report 2013, pg. XXX.

¹¹⁵⁴ Jesuit Refugee Service, *Venezuela-Colombia Border region. "Children, Adolescents and Young People: the future demands a better present."* 2013, pg. 35.

¹¹⁵⁵ Information received by the Rapporteur on the Rights of Migrants. September 2014.

¹¹⁵⁶ Information received by the Rapporteur on the Rights of Migrants. September 2014.

thereof. Similarly, reports indicate that the Venezuelan identity card for non-residents that is granted to refugees poses difficulties for entry into the social security system and the housing savings fund system.¹¹⁵⁷

654. Furthermore, information is available about limitations on entry into the university system by asylum seekers, given that universities require Venezuelan identity cards to be shown to gain admittance.¹¹⁵⁸

655. As far as the right to health is concerned, asylum seekers and refugees experience the same difficulties as nationals to gain access to and receive health care. It is frequently claimed that they are told to go and get their health care in Colombia, which in the case of persons in need of international protection is impossible, given the risks they would be exposed to in the event of returning to their country of origin.¹¹⁵⁹

656. Refugee status applicants and refugees usually live in poor communities. In addition to this, we have also received reports on limitations faced by these persons in gaining access to housing, both as renters and under the national plans for decent housing, such as the Housing Mission, because they do not have the required Venezuelan national ID card.¹¹⁶⁰ The most serious situation is endured by asylum seekers, and persons with minor children, when attempting to rent housing, which is linked to living in hazardous conditions or homelessness.

G. Children and adolescents

Violence

657. The Commission emphasizes that in the context of the previously mentioned demonstrations that occurred during the early months of 2014, the effects fell preponderantly on Venezuelan children and adolescents¹¹⁶¹ who actively participated in the protests.¹¹⁶² The Commission notes with concern that many of the significant number of adolescents who were detained continue to suffer some form of restriction on their freedom.¹¹⁶³ In that situation, a particular concern is the lack of data broken down by age for purposes of identifying the effects on children and adolescents of this situation of conflict. According to the records of civil society organizations, of the total number of children and adolescents detained during these incidents up to November 2014, 72 are deprived of liberty, 166 are free but subject to precautionary measures, 42 were granted a full release, 62 were released without appearing, and ten cases remain to be verified.¹¹⁶⁴

658. The United Nations Committee on the Rights of the Child, in its concluding observations on Venezuela adopted in September 2014, emphasized its concern regarding the arbitrary detention and harassment of children and the failure to protect them, calling on the State to effectively guarantee the right

¹¹⁵⁷ Information received by the Rapporteur on the Rights of Migrants. September 2014.

¹¹⁵⁸ Information received by the Rapporteur on the Rights of Migrants. September 2014.

¹¹⁵⁹ Information received by the Rapporteur on the Rights of Migrants. September 2014.

¹¹⁶⁰ Information received by the Rapporteur on the Rights of Migrants. September 2014.

¹¹⁶¹ See "Tendencias de conflictividad: protestas aumentan 400% en febrero", March 6, 2014: <http://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/tendencias-de-conflictividad-protestas-aumentan-400-en-febrero>

¹¹⁶² REDHNA, Statement dated April 2014, regarding the situation of violence in Caracas and other cities registered in February 2014. "Lo que ocurre también nos afecta [What is happening is also affecting us]," Voices and opinions of children and adolescents.

¹¹⁶³ See: El Venezolano, "[Menores detenidos en Chacao fueron trasladados al Consejo de Protección](#)", May 15, 2014; See also: El Universal, "[Dejaron en libertad plena a otros 101 jóvenes por protestar](#)", August 19, 2014.

¹¹⁶⁴ See: Foro Penal Venezolano, <http://foropenal.com/>; See also: Alternative Report to the Third and Fourth combined periodic reports to be submitted by the Bolivarian Republic of Venezuela before the UN Committee against Torture, Period 2002 to 2012 and update February-June 2014, UN News Center, Committee against Torture analyze the situation of Venezuela, October 30, 2014.

of children and adolescents to participate in demonstrations and properly protect their right to freedom of expression and assembly.¹¹⁶⁵

659. According to UNICEF, Venezuela is the country with the third highest homicide rate among children and adolescents, with 20 homicides for every 100,000 children and adolescents up to the age of 19.¹¹⁶⁶ In that respect, in the report of the United Nations Children's Fund, that international organization reports that homicide rates increase from 1.2 per 100,000 among children under the age of 10 to 39 per 100,000 among adolescents between the ages of 10 and 19. It also points out the existence of gender-based differences in homicide rates, with a rate of 74 per 100,000 among adolescent males compared to 3 per 100,000 among adolescent females. According to investigations conducted by the organization CECODAP and the Ministry of Health yearbooks, the number of children and adolescents who were murdered in the country tripled between 1997 and 2010.¹¹⁶⁷ In this regard, the Committee on the Rights of the Child has stated that the mortality rate among adolescents between the ages of 15 and 17 continues to be very high, although there was some reduction in 2013. Above all, the international organization has indicated its concern regarding the impunity surrounding the extrajudicial killings of children and has urged the State to implement the measures necessary to protect the life, survival, and development of children, prevent murders including those caused by armed gangs, ban the provision of weapons to minors, and address the causes of violence.¹¹⁶⁸

660. In particular, the Commission has been informed that the risk to the life of adolescents due to violence in urban centers continues. According to the data provided by the 2011 Mortality Yearbook, published in August 2014 by the Ministry of Health, the states with the highest homicide rates among children and adolescents are Carabobo, Aragua, Yaracuy, Distrito Capital, Miranda, and Vargas,¹¹⁶⁹ where the largest urban populations are concentrated.¹¹⁷⁰ According to a statistical report prepared by the organization CECODAP based on monitoring the media and figures from the MPPS Mortality Yearbook, during the first half of 2014 there were 2,813 cases of violence against children and adolescents in the country, and 455 of these cases are homicides, representing an increase of 16% over the same period in 2013. In addition, according to the same report, 75% of the murders of children and adolescents are reported in social settings associated with confrontations.¹¹⁷¹ This reveals the urgent need to implement adequate measures to ensure effective disarmament to prevent violence, and to strengthen the system of protection in order to properly care for victims and their families.¹¹⁷²

Institutional structures guaranteeing the rights of children and adolescents

661. Venezuela has been recognized by various international organizations for advances made in education and health over the last 15 years, specifically in the areas of child nutrition and universal primary education, efforts to combat HIV, malaria, and other diseases, and work done to promote gender equality and other areas of progress.¹¹⁷³ Nonetheless, although the State has various institutions to provide social care for

¹¹⁶⁵ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its 67th session, 1-19 September 2014, CRC/C/VEN/3-5, para. 39.

¹¹⁶⁶ United Nations Children's Fund (UNICEF), Report Hidden in Plain Sight. See also: Ultimas Noticias, [Unicef: Venezuela es el tercer país con mayor tasa de homicidio de niños](#), September 7, 2014.

¹¹⁶⁷ See: El Universal, [48 niños y adolescentes han sido asesinados en Caracas en 2014](#), June 1, 2014.

¹¹⁶⁸ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its 67th session, 1-19 September 2014, CRC/C/VEN/3-5, para. 32-33.

¹¹⁶⁹ Ministry of Popular Power for Health, Yearbook on Mortality 2011, published January 2014.

¹¹⁷⁰ According to estimates from the National Institute of Statistics from 2010, based on the 2001 National Census.

¹¹⁷¹ See: El Universal, [En el primer semestre han asesinado 455 adolescentes](#), November 19, 2014.

¹¹⁷² Committee on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations on the initial report of Venezuela adopted by the Committee at its 67th session, 19 September 2014, para. 37.

¹¹⁷³ Country report, ["Cumpliendo las Metas del Milenio"](#), Venezuela 2010, Reports Millenium Development Goals; See also: Telesur, ["Unicef resalta avances en materia de salud y educación en Venezuela"](#), May 9, 2014.

its child and adolescent population, the Commission agrees with the repeated observations made by the Committee on the Rights of the Child regarding the urgent need for those institutions to integrate the system to protect and guarantee the rights of children and adolescents, and to ensure that the institutional framework has been allocated a sustainable and sufficient budget, with an adequate impact on the various divisions and agencies, which is necessary for the effective implementations of the system in all its dimensions and mechanisms as well for its evaluation and transparency.¹¹⁷⁴ It also notes the need to strengthen the participation of children and adolescents in the various parts of the system and in daily public life.

662. In this respect, the aforementioned Committee has noted that certain minority groups of children and adolescents still do not have guaranteed access to an adequate education, which particularly affects those belonging to indigenous and Afro-descendant peoples, refugee children and asylum seekers, as well as those living in rural areas. It has also received troubling information regarding high rates of adolescent mothers with children who do not attend formal education and the installation of programs directed by military institutions in the country's primary and secondary education programs.¹¹⁷⁵

663. Similarly, the Commission agrees with the Committee on the Rights of the Child in expressing its concern regarding some deficiencies in access to public health for children and adolescents in some health institutions. The IACHR has received information indicating the failure to guarantee an adequate supply of all medications and inputs necessary to meet the needs of all public health centers in all regions of the country.¹¹⁷⁶ In this respect, it emphasizes the need for qualified personnel, adequate hospital infrastructure and resources in the national health system, as well as the collection of data regarding specific problems, particularly with reference to maternal health care and early childhood care, in order to effectively prevent the causes of mortality affecting them and provide quality care to all children and adolescents.¹¹⁷⁷

664. The Commission also notes with concern the particularly high rates of pregnancies among adolescents, indicating that 25% of pregnancies occur among adolescents and youths between the ages of 15 and 19, meaning that 101 out of every 100,000 adolescent women are pregnant, the highest figure in the region.¹¹⁷⁸ The consequences of adolescent pregnancies include health problems, school dropouts, and job problems among adolescents, and the situation is made even worse by the many deaths due to maternity. The United Nations Population Fund has emphasized that "adolescent pregnancy is generally the result of the lack of opportunities and the result of social, cultural, and economic pressures in the environment where adolescent girls live" and it has noted that the figures are even higher among adolescents with limited

¹¹⁷⁴ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its 67th session, 1-19 September 2014, CRC/C/VEN/3-5, para. 15 -16; ver también Comité de los Derechos del Niño, 46^º Período de Sesiones, Observaciones Finales, Informe Presentado por Venezuela (República Bolivariana de), 17 de octubre de 2007, CRC/C/VEN/CO/2, para. 13, 18. Ver también <http://www.ijrcenter.org/2014/09/22/committee-on-the-rights-of-the-child-discusses-the-impact-of-digital-media-and-reviews-croatia-fiji-hungary-morocco-singapore-and-venezuela-during-its-67th-session/>

¹¹⁷⁵ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its 67th session, 1-19 September 2014, CRC/C/VEN/3-5, para. 64; ver también Committee on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations on the initial report of Venezuela, para. 22; además, Comité de los Derechos del Niño, 46^º Período de Sesiones, Observaciones Finales, Informe Presentado por Venezuela (República Bolivariana de), 17 de octubre de 2007, CRC/C/VEN/CO/2, para. 22-23.

¹¹⁷⁶ REDH/NA, Statement dated April 2014, regarding the situation of violence in Caracas and other cities registered in February 2014. "Lo que ocurre también nos afecta [What is happening is also affecting us]," Voices and opinions of children and adolescents.

¹¹⁷⁷ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its 67th session, 1-19 September 2014, CRC/C/VEN/3-5, para. 64; ver también Comité de los Derechos del Niño, 46^º Período de Sesiones, Observaciones Finales, Informe Presentado por Venezuela (República Bolivariana de), 17 de octubre de 2007, CRC/C/VEN/CO/2, para. 3-5.

¹¹⁷⁸ See: Publication of the Central Council of Scientific and Humanistic Studies, Central University of Venezuela, "[Día mundial de la prevención del embarazo no planificado en adolescentes](#)", September 25, 2014; See also: El Universal, "[En Venezuela, 25 de cada 100 embarazadas son adolescentes](#)" September 29, 2014.

resources.¹¹⁷⁹ In this respect, the Commission has repeatedly emphasized the need for preventive health coverage for all adolescent women.

Situations exploiting children and adolescents

665. Other particularly troubling situations are those noted by the Committee on the Rights of the Child related to the increase in and the scope of abuse and sexual exploitation of children. Particular note has been made of the impunity of the victimizers and the lack of reliable official data that could identify the extent of these problems.¹¹⁸⁰ In this respect, the available figures indicate a clear increase in cases of sexual violence in 2013; in the capital city alone there were 452 reports of rape and sexual abuse and 85% of the cases of sexual abuse involve children and adolescents. However, in 2012, there were only three convictions on charges of rape.¹¹⁸¹

666. In addition the level of physical violence against children and adolescents in family and school settings as well as in public spaces and on the Internet continues to be a particular concern.¹¹⁸² Also with respect to these problems, in its recent concluding observations the Committee on the Rights of the Child noted the absence of disaggregated and specific data on the scope of their impact on the child and adolescent population. The Commission agrees with the Committee in emphasizing the need to promote alternative, non-violent forms of discipline in all state agencies, through preventive, educational, and other types of measures in order to effectively implement the explicit and absolute legal prohibition on corporal punishment in all areas of government.¹¹⁸³ In addition, the IACHR has underscored the importance of identifying the various forms and manifestations of violence in educational settings and other public areas and on the Internet, in order to implement the tools needed to care for affected children and adolescents and prevent all types of violence.

667. According to information obtained from research conducted in ten Latin American countries, Venezuela ranks second among countries producing sexual content and child pornography.¹¹⁸⁴ In addition, the Committee on the Rights of the Child notes that it has received information on the situation of sexual exploitation of children and adolescents in tourism centers in Venezuela, and the failure to take the measures needed to protect children and adolescents against these violations in the State's plans to expand the tourism sector.¹¹⁸⁵ In this respect, the Committee has noted that the State of Venezuela has not taken all the appropriate measures necessary to identify and eliminate both the causes and the perilous situations that could lead to the sale of children, child prostitution, and the use of children in pornography. It notes above all the existence of discriminatory practices and attitudes in the country, as well as gender-based violence, with a negative effect on children and adolescents. This needs to be evaluated in the prevention and care programs implemented in order to develop effective strategies to strengthen the protection of the rights of children and

¹¹⁷⁹ UNFPA - Fondo de Población de las Naciones Unidas, Boletín Informativo Nro. 140, 26 de setiembre de 2014; ver también Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its 67th session, 1-19 September 2014, CRC/C/VEN/3-5, para. 56; Ver también Estudio de Bayer HealthCare de 2011; y Tribuna del Investigador, Vol. 13, 2012, "Maltrato de Niños en Venezuela", por Dr. José Francisco.

¹¹⁸⁰ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its 67th session, 1-19 September 2014, CRC/C/VEN/3-5, para. 42.

¹¹⁸¹ See: Prensa Libre, "[Reportados 317 casos de violación en 2013](#)", March 18, 2013.

¹¹⁸² See: Alternative Report to the Third, Fourth and Fifth Report of the Venezuelan State to the Committee on Rights of the Child Network for Human Rights of Children and Adolescents, Bolivarian Republic of Venezuela (REDHNNNA) October 2013. See also: Últimas Noticias, "[Video! El acoso escolar se viraliza en la web](#)", October 6, 2013; El Falconiano, "[El maltrato infantil no se media, se castiga PENALMENTE](#)," December 11, 2013.

¹¹⁸³ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its 67th session, 1-19 September 2014, CRC/C/VEN/3-5, para. 45.

¹¹⁸⁴ Public Ministry, Bolivarian Republic of Venezuela, publication: "Danger child pornography on the net", Text by Lusvioleth Delfin; See also: Report "Downloading Child Pornographic material on line in Uruguay, 2011-2012", published by the Catholic University of Uruguay.

¹¹⁸⁵ Committee on the Rights of the Child, Optional Protocol on the sale of children, child prostitution and child pornography, Concluding observations on the initial report of Venezuela, adopted by the Committee at its 67th session, 19 September 2014, para. 25.

adolescents and to eliminate any potential violation of their rights. In addition, the Commission affirms the need for explicit prohibition in the country's legislation of all forms and aspects of the sale of children and child prostitution and use of children in pornography and consequently the investigation and punishment of all perpetrators responsible for these serious violations.¹¹⁸⁶

668. The Commission agrees with the Committee on the Rights of the Child and acknowledges the positive developments in the area of the criminal system for adolescents achieved in the recent reform of the Organic Law for the Protection of Children and Adolescents, for the purpose of strengthening the rights and guarantees for children and adolescents through a policy of minimal penal intervention that is essentially rights-based. Above all, it notes positively that the State has increased the minimum age of criminal responsibility from 12 to 14 years of age. However, the Commission notes various issues of concern with respect to juvenile justice noted by the Committee, particularly with respect to the law increasing the maximum term of imprisonment from five to ten years, which is not in compliance with international standards.¹¹⁸⁷

669. The situation involving the recruitment of children and adolescents for the armed forces continues to be a particular concern. First, current national legislation does not explicitly prohibit all forms of violation of the rights of children and adolescents through their recruitment and use in armed groups. In addition, the Commission notes the Committee's observations regarding the lack of adequate investigation relating to the victimization of children and adolescents by paramilitary groups on the country's borders, which is necessary for developing and implementing assistance and reintegration programs for children victimized by these practices.¹¹⁸⁸

H. Situation of human rights defenders

670. During 2014 the Commission continued to receive information on the situation of human rights defenders in Venezuela. This information identifies issues related to threats and harassment against human rights defenders, assassinations and attacks on union leaders, continued judicial proceedings against justice operators, and the persistence of a dismissive environment, which means that the work of human rights defenders is carried out in an atmosphere of hostility.

671. According to a report presented to the United Nations Committee against Torture by a coalition of non-governmental organizations, academic institutions, and organized civil society, 208 cases of attacks on human rights defenders were documented between 2010 and March 2014. Of these cases, 71 were directed against NGOs, human rights defenders, and victims committee members, 117 were directed against labor rights defenders, and 20 were directed against those defending the right to land.¹¹⁸⁹

672. The Commission calls on the Venezuelan State to adopt all measures necessary to guarantee the right to life, humane treatment, and security of human rights defenders. The Commission reiterates that

¹¹⁸⁶ Committee on the Rights of the Child, Optional Protocol on the sale of children, child prostitution and child pornography, Concluding observations on the initial report of Venezuela, adopted by the Committee at its 67th session, 19 September 2014, para. 21,27.

¹¹⁸⁷ Committee on the Rights of the Child, Optional Protocol on the sale of children, child prostitution and child pornography, Concluding observations on the initial report of Venezuela, adopted by the Committee at its 67th session, 19 September 2014, para. 74. See also: "Parlamento Sancionó Ley de Reforma Parcial de LOPNNA" [Parliament approves Law on Partial Reform of LOPNNA] published on August 14, 2014, <http://www.asambleanacional.gob.ve/noticia/show/id/84400>; published in Panorama, "Menores de edad enfrentarán penas de hasta 10 años de cárcel por homicidio." [Minors face terms of up to 10 years in prison for murder], August 14, 2014 <http://m.panorama.com.ve/not.php?id=123983&width=1024>; General Observation 10, Committee on the Rights of the Child, United Nations, 2007.

¹¹⁸⁸ Committee on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations on the initial report of Venezuela adopted by the Committee at its sixty-seventh session, 19 September 2014, para. 26, 32.

¹¹⁸⁹ Coalition of NGO's, academic institutions and civil society organizations, [Report to the Committee against Torture regarding the review of the 3rd and 4th combined periodic reports of the Bolivarian Republic of Venezuela](#) (53rd sessions, 3-28 November, 2014) October 2014.

acts of violence and other attacks on human rights defenders not only affect the rights proper to any human being, but also undermine the fundamental role they play in society and add to the vulnerability of all those persons on whose behalf they are working. It also recalls that actions against the life of a human rights defender may also entail a violation of freedom of association when such acts are motivated by the legitimate exercise of that freedom by the victim, i.e., activities defending and promoting human rights.¹¹⁹⁰ In this regard, the Inter-American Court has opined that “the execution of a trade union leader [...] not only restricts the freedom of association of an individual, but also the right and freedom of a determined group to associate freely, without fear.”¹¹⁹¹ Presented below are some examples of situations about which the IACHR has received information and that are particularly troubling.

Union leaders

673. The Commission has continued to receive troubling information regarding the assassination of trade union leaders in Venezuela. According to a balance sheet on violence in the labor union environment prepared by the Venezuelan Observatory of Social Conflict (OVCS) and ConflictOVE, during the first half of 2014, 28 workers and labor leaders were murdered, primarily in the construction sector.¹¹⁹² It also indicated that on average five union leaders or workers are killed every month. Although it states that many of these killings are the result of criminal group actions and unrelated to union struggles and demands, the IACHR has pointed out that the State has the obligation to open up lines of investigation to determine whether those actions were committed due to the defense activity in which the victims were engaged. In addition, the Commission has indicated that the fact that the sources of the attacks are not state agents does not relieve the State of its duty to meet its obligations to protect the life and personal integrity of union leaders.¹¹⁹³

674. Information has also been received regarding a series of attacks and detentions of union workers and leaders in the context of demonstrations demanding their labor rights. In this regard, the organization PROVEA has stated that between 2002 and 2014, 150 trade unionists and approximately 3,000 workers have been put on trial for protesting.¹¹⁹⁴ Thus, for example, a protest was held on August 11, 2014 at the gates of the Siderúrgica del Orinoco (SIDOR) company and was violently broken up by the National Guard using tear gas and pellets. According to publicly known information, the worker William Castillo was wounded by pellets and Johan Pérez received wounds to the chest and face.¹¹⁹⁵ In addition, according to the available information various leaders of the Single Union of Workers of the Steel and Similar Industries (Sutiss) were detained, including Leonardo Azócar, Labor Claims Secretary, and Joaquín Salazar, Trade Union Training Secretary.¹¹⁹⁶ In addition, 19 workers were detained on August 12, 2014 in the vicinity of the 8th Regional Command and were later released.¹¹⁹⁷

675. In addition, in the context of labor demands, it was learned that on February 3, 2014, ten trade union leaders in the oil industry were detained by the Bolivarian National Guard while they were

¹¹⁹⁰ IACHR, [Segundo Informe sobre la situación de las defensoras y defensores de derechos humanos en las Américas](#), párras, 26 y 27.

¹¹⁹¹ I/A Court H.R., Case of Huilca Tecse v. Peru. Merits, Reparations and Costs, Judgment of Marc 3, 2005. Series c No. 121, para. 69.

¹¹⁹² Observatorio Venezolano de Conflictividad Social, [Venezuela: violencia en el entorno laboral-sindical e impunidad. Informe del primer semestre 2014](#), August 4, 2014.

¹¹⁹³ IACHR, [Second Report on the Situation of Human Rights in the Americas](#), OEA/Ser.L/V/II. Doc. 66. 31 December 2011, para. 268.

¹¹⁹⁴ PROVEA, [Provea rechaza la criminalización de la protesta y advierte sobre la institucionalización de la mentalidad represiva en la acción de gobierno](#), February 7, 2014. See also: El Nacional, [MUD y ONG se unen contra el “auge represivo” oficial](#), February 8, 2014.

¹¹⁹⁵ El Tiempo, [Dos heridos durante manifestación en Sidor](#), August 11, 2014; See also: NTN24, [Continúa la cruda represión: al menos dos trabajadores de Sidor fueron heridos en protestas](#), August 11, 2014; Noticiero Venevisión, [Dos trabajadores de Sidor resultaron heridos tras protesta por nuevo contrato colectivo en Bolívar](#), August 11, 2011.

¹¹⁹⁶ El Nacional, [Denuncian que dos dirigentes de Sutiss fueron detenidos](#), August 11, 2014; See also: Correo del Orinoco, [Dos trabajadores de Sidor resultaron heridos en protestas por contrato colectivo](#), August 12, 2014.

¹¹⁹⁷ El Tiempo, [Sidoristas se enfrentaron hoy a la GNB](#), August 12, 2014.

protesting at the main gate of the Puerto La Cruz refinery in the state of Anzoátegui, demanding that the collective bargaining contract be signed. The detainees included the General Secretary of the Single Federation of Oil Workers of Venezuela (FUTPV), José Bodas, and Sinupetrol managers, Moisés Párica, William Párica, and David Párica. Also detained were the union leader, Bladimir Carvajal; plant operators, Endy Torres, Jesús Girado, and Emiro Millán; prevention delegate, Leonardo Ugarte; and engineer Rafael Pereira. The oil workers had been protesting peacefully with placards and shouting slogans and for this reason they were detained and allegedly beaten by the Bolivarian National Guard.¹¹⁹⁸

676. The coordinator of the union movement of the Unión Nacional de Trabajadores (ÚNETE), Marcela Máspero, denounced that these actions were connected to testimony given on previous dates to the Commission of the International Labor Organization.¹¹⁹⁹ After their detention, the union leaders and members were accused of alleged crimes of resisting authority and promotion of the suspension of work, as provided under Articles 218 and 193 of the Venezuelan Criminal Code.¹²⁰⁰ Control Court No. 4 of the State of Anzoátegui, released them under the condition of reporting to court every 30 days and prohibited the group from holding meetings and demonstrations at any facilities of the oil industry, as well as from obstructing traffic on roadways.¹²⁰¹

677. The Commission has also continued to receive information on the alleged criminalization of activities carried out by union leaders. In this regard, the Organic Law of Security of the Nation has become one of the main obstacles faced by union leaders. Specifically, Articles 47 and 48 of this law provide for the creation of security zones at the gates of factories and public institutions, whereby holding protests therein is precluded. On this topic, the organization Control Ciudadano noted that said security zones encompass some 30% of the national territory.¹²⁰² Cited as an example was the fact that the Secretary General of the Federation of Workers of the Venezuelan State oil company PDVSA, along with nine other workers, were detained in Puerto la Cruz, State of Anzoátegui, for handing out fliers at the doors of the PDVSA refinery. The workers had been requesting talks on a collective bargaining agreement. They were subsequently released and were issued a precautionary measure by Court of Control No. 5 of the State of Anzoátegui under which they were banned from leading or holding any protests at any PDVSA facilities, and they were required to report to the court every thirty days.¹²⁰³

678. Additionally, according to public information, eight workers of the joint venture CIVETCHI, C.A, located in the State of Carabobo, were convicted and sentenced to a 5-year jail term after attempting to organize a union. The workers were denouncing a number of abuses and violations and the precarious working conditions they faced and, therefore, decided to unionize. Nonetheless, in April 2013, after the

¹¹⁹⁸ El Nacional, *Denuncian maltrato de la GNB a petroleros*, February 3, 2014; See also: El Universal, *Petroleros detenidos en protesta laboral enfrentarán juicio*, February 5, 2014.

¹¹⁹⁹ El Universal, *Marcela Máspero advirtió que les imputará por agavillamiento, terrorismo, asociación para delinquir y violación a las instalaciones petroleras*, [‘Marcela Máspero warned that charges will be filed for gang activity, terrorism, association to commit a crime and breaking into oil facilities’], February 4, 2014. Available at: <http://www.eluniversal.com/economia/140204/sindicalistas-petroleros-detenido-fueron-trasladados-a-tribunales>

¹²⁰⁰ El Tiempo, *10 trabajadores petroleros salieron libres bajo presentación*, [‘10 oil workers were released on personal recognizance to reappear periodically’], February 5, 2014. Available at: <http://eltiempo.com/locales/regionales/medida/10-trabajadores-petroleros-salieron-libres-bajo-presentacion/124984>; Also see: El Mundo, *Petroleros salieron libres bajo régimen de presentación*, [‘Oil workers were released conditionally’], February 5, 2014. Available at: <http://www.elmundo.com/noticias/actualidad/judicial/petroleros-salieron-libres-bajo-regimen-de-present.aspx>

¹²⁰¹ El Tiempo, *10 trabajadores petroleros salieron libres bajo presentación*, [‘10 oil workers were released on personal recognizance’], February 5, 2014. Available at: <http://eltiempo.com/locales/regionales/medida/10-trabajadores-petroleros-salieron-libres-bajo-presentacion/124984>

¹²⁰² El Nacional, *MUD y ONG se unen contra el “auge represivo” oficial*, [‘MUD and NGO unite against “height of government crackdown”’], February 8, 2014. Available at: http://www.el-nacional.com/politica/MUD-ONG-unen-represivo-oficial_0_351565167.html

¹²⁰³ PROVEA, *Provea rechaza la criminalización de la protesta y advierte sobre la institucionalización de la mentalidad represiva en la acción de gobierno*, [‘Provea rejects criminalization of protest and warns about institutionalization of the repressive mentality in government action’], February 7, 2014. Available at: <http://www.derechos.org/ve/2014/02/07/provea-rechaza-la-criminalizacion-de-la-protesta-y-advierte-sobre-la-institucionalizacion-de-la-mentalidad-represiva-en-la-accion-de-gobierno/>

board of directors of the company came out against the initiative, officers of the Bolivarian Intelligence Service (SEBIN) arrested the eight workers charging them with extortion and association to commit a crime.¹²⁰⁴ It was also learned that on April 24, 2014, full release was ordered for Mr. Ruben Gonzalez, the Secretary General of the workers' union of the iron ore mining company (SINTRAFERROMINERA), who had served 17 months of a seven-year prison term.¹²⁰⁵

679. Additionally, the Commission received information about a number of protests, which took place in Guyana, State of Bolivar, led by SIDOR workers and the leadership of the Single Union of Workers of the Steel and Similar Industries (Sutiss), who were demonstrating for a collective bargaining agreement to be signed that had expired more than four years earlier. In this context, the workers held several protests in July and August 2014 to assert their labor rights, as well as to rebuke a number of statements made by senior Venezuelan government officials against the workers.¹²⁰⁶ Based on public information, it is known that the President of the National Assembly, Diosdado Cabello, proclaimed that the government would not negotiate with the "union mafia," as well as announcing that "anyone who blocks a road will be held responsible. A criminal investigation with all of the consequences [will be launched] because that is a criminal offense. No where does it say that streets can be blocked when their demands are from a mafia union, it does not appear anywhere."¹²⁰⁷ These statements were also made over the Twitter account of the Regional Command Post 8 (CORE 8) of the Bolivarian National Guard @GNBCORE8, where photographs and remarks were disseminated branding the Sidor workers as "mafia unions" and accusing them of strangling the people and organizing hit-and-run violent, tire-burning roadblocks (*guarimbas*) to "torture the people."¹²⁰⁸

680. The IACHR recalls that the activity of defending human rights is made difficult when human rights defenders are prevented from meeting and demonstrating publicly, in that the right of assembly is a fundamental tool for the work of defending human rights and essential for political and social expression critical of the authorities' activities, as well as for establishing positions and actions plans on human rights.¹²⁰⁹ It also reiterates that States have the duty to prevent human rights defenders from being publicly incriminated for alleged crimes that have not been legally established, in view of the presumption of innocence, which should not be violated through statements stigmatizing defenders as criminals.¹²¹⁰ In this

¹²⁰⁴ PROVEA, *Criminalizados por luchar, presos por defender derechos. El caso CIVETCHI*, ['Criminalized for standing up for themselves, jailed for defending rights'], January 13, 2014. Available at: <http://www.derechos.org/ve/2014/01/13/criminalizados-por-luchar-presos-por-defender-derechos-el-caso-civetchi/>

¹²⁰⁵ PROVEA, *Derrotada la injusticia, derrotada la criminalización de la protesta: Libertad plena para Rubén González*, ['Injustice defeated, criminalization of protest defeated'], April 23, 2014. Available at: <http://www.derechos.org/ve/2014/04/23/derrotada-la-injusticia-derrotada-la-criminalizacion-de-la-protesta-libertad-plena-para-ruben-gonzalez/>; Also see: Últimas Noticias, Tribunal dicta libertad plena para sindicalista Rubén González, ['Court issues full release for union leader Rubén González'], July 23, 2014. Available at: <http://www.ultimasnoticias.com/ve/noticias/actualidad/politica/tribunal-dicta-libertad-plena-para-sindicalista-ru.aspx>

¹²⁰⁶ Correo del Caroní, *Dirigentes sindicales de Sidor repudian el "cinismo" de Cabello*, ['Union leaders of SIDOR rebuke Cabello's "cynicism"'], July 24, 2014. Available at: <http://www.correodelcaroni.com/index.php/laboral/item/17145-dirigencia-sindical-de-sidor-repudia-arremetida-irresponsable-de-cabello>; Also see: NTN24, *Trabajadores de Sidor rechazan las polémicas declaraciones de Diosdado Cabello*, ['Sidor workers reject controversial statements of Diosdado Cabello'], July 23, 2014. Available at: <http://www.canalntn24.com/noticia/trabajadores-de-sidor-rechazan-las-polemicas-declaraciones-de-diosdado-cabello-19878>

¹²⁰⁷ El Nacional, *Cabello: No vamos a permitir más cierres de vías en Bolívar*, ['Cabello: We are not going to allow further blockage to roads in Bolívar'], July 23, 2014. Available at: http://www.el-nacional.com/economia/Cabello-vamos-permitir-cierres-Bolivar_0_451154923.html; Also see: Venezolana de Televisión, *Diosdado Cabello denuncia a mafias sindicales que entorpecen labor de Sidor*, ['Diosdado Cabello denounces union mafias, who hinder work of Sidor'], July 23, 2014. Available at: <http://www.vtv.gob.ve/articulos/2014/07/23/diosdado-cabello-denuncia-a-mafias-sindicales-que-entorpecen-labor-de-sidor-video-3267.html>

¹²⁰⁸ PROVEA, *Desde la cuenta twitter del CORE 8, el General Luis Arrayago criminaliza a los sindicalistas de SIDOR*, ['In the CORE 8 Twitter account, General Luis Arrayago criminalizes SIDOR union leaders'], July 26, 2014. Available at: <http://www.derechos.org/ve/2014/07/26/desde-la-cuenta-twitter-del-core-8-el-general-luis-arrayago-incita-al-odio-contra-sindicalistas-de-sidor/>

¹²⁰⁹ IACHR, *Second Report on the Situation of Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 66. 31 December 2011, para. 129.

¹²¹⁰ IACHR, *Second Report on the Situation of Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 66. 31 December 2011. See: Chapter IV. Recommendation No. 13.

regard, the IACHR has stated that “public officials must refrain from making statements that stigmatize human rights defenders or that suggest that human rights organizations act improperly or illegally, merely because of engaging in their work to promote and protect human rights.”¹²¹¹

Assaults, threats, harassment and criminalization

681. The Commission continued to receive reports of assaults and threats against human rights defenders. One report was that on February 12, 2014, the media coordinator of the human rights NGO Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA), Inti Rodríguez, was abducted allegedly by officials of the Bolivarian Intelligence Service (SEBIN) and Parapolice Groups (vigilantes) of western Caracas.¹²¹² Based on the reports, Mr. Rodríguez was transferred in a district located in the west area of the city (district “23 de enero”), where he was beaten and interrogated by a group of approximately 20 persons. After being held for two hours, his belongings were taken away from him and he was released. Mr. Rodríguez was also threatened with death by his abductors, if he filed any complaint about the crimes.¹²¹³

682. It was reported that on April 22, 2014, Mr. Marcelo Crovato, attorney of the organization Foro Penal Venezolano (FPV), was detained while assisting families whose residences were raided.¹²¹⁴ As a result of his detention, Prosecuting Attorney 59 of the Metropolitan Area of Caracas brought charges against him for incitement to commit a crime, obstruction of a public roadway and possession of implements of arson.¹²¹⁵ Currently, Mr. Crovato is confined at the prison facilities of Yare III and as of the present date has not had a preliminary hearing on the criminal proceeding brought against him, as it was postponed on two occasions.¹²¹⁶ According to information provided by the Foro Penal Venezolano, Mr. Crovato has skin cancer, has lost 20 kilos and has only been allowed a family visit once a month. On September 3, the court authorized him to receive medical treatment from a specialist, but according to the report, his transfer for this purpose has not been allowed yet.

683. The IACHR also received information regarding attacks on Luis Uzcátegui, founder of the Committee for the Defense of Victims Families’ Human Rights of Falcon State (Comité Pro Defensa de los Derechos Humanos Familiares Víctimas del estado Falcón - COPRODEH) and currently a member of the Committee for the Defense of Victims of Human Rights Violations (Comité Pro Defensa de Víctimas de Violaciones de Derechos Humanos - COPROVIDH) and a beneficiary of provisional measures granted by the Inter-American Court.¹²¹⁷ In this regard, it was reported that on October 17, 2014 the human rights defender

¹²¹¹ IACHR, *Second Report on the Situation of Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 66. 31 December 2011, para. 124.

¹²¹² El Nacional, *Provea denuncia que coordinador de medios fue “secuestrado y golpeado”*, [‘Provea denounces media coordinator was “kidnapped and beaten”’] February 13, 2014. Available at: http://www.el-nacional.com/politica/Provea-denuncia-coordinador-secuestrado-golpeado_0_355164506.html

¹²¹³ PROVEA, *Secuestrado y agredido Coordinador de Medios de Provea*, [‘Provea media coordinator abducted and assaulted’], February 13, 2014. Available at: <http://www.derechos.org/ve/2014/02/13/secuestrado-y-agredido-coordinador-de-medios-de-provea/>

¹²¹⁴ En Universal, *Abogado defensor de familia investigada también quedó preso*, [‘Defense attorney of family under investigation also taken into custody’], April 27, 2014. Available at: <http://www.eluniversal.com/caracas/140427/abogado-defensor-de-familia-investigada-tambien-queda-preso>

¹²¹⁵ Una Ventana a la Libertad, *Una Ventana a la Libertad deplora acusación fiscal contra el abogado Marcelo Crovato*, detenido ejerciendo su profesión [‘Una Ventana a la Libertad condemns indictment by prosecutor against attorney Marcelo Crovato, arrested while practicing his profession’], June 10, 2014. Available at: <http://www.ventanaalalibertad.com/2014/06/una-ventana-la-libertad-deplora.html>. Also see: El Nacional, *Una Ventana a la Libertad deplora acusación contra el abogado Marcelo Crovato*, [‘Una Ventana a la Libertad condemns charges against attorney Marcelo Crovato’], June 10, 2014. Available at: http://www.el-nacional.com/sociedad/Ventana-Libertad-acusacion-Marcelo-Crovato_0_425357601.html; Agente encubierto incriminó a abogado del Foro Penal [‘Undercover agent incriminates attorney of Foro Penal’], May 6, 2014. Available at: http://www.el-nacional.com/politica/Agente-encubierto-incrimino-Foro-Penal_0_403759855.html

¹²¹⁶ NTN 24, *Foro Penal desmiente supuesta intoxicación del abogado preso en Yare III*, [‘Foro Penal denies alleged intoxication of attorney imprisoned at Yare III’], August 9, 2014. Available at: <http://www.ntn24.com/noticia/abogado-del-foro-penal-preso-en-yare-iii-esta-intoxicado-por-comer-mortadela-descompuesta-21731>

¹²¹⁷ I/A Court H.R., *Matter of Luis Uzcátegui regarding Venezuela*. Orders of the Inter-American Court of Human Rights of November 27, 2002; February 20, 2003; December 2, 2003; May 4, 2004; January 27, 2009.

was intercepted by a group of people, two of whom were identified by their Falcon State Police uniforms, and two of whom were civilians, who beat and threatened him. The attackers left him with serious injuries, including a right infraorbital hematoma and trauma to his face, neck, and back. Uzcátegui reported the event to the Scientific, Penal, and Criminal Investigations Unit (CICPC). However, the alleged attackers appeared at the CICPC and intervened so that Uzcátegui would be held at police headquarters. The human rights defender was detained for approximately nine hours. During his detention, he was allegedly beaten, verbally attacked, and threatened by the officials who were guarding him. These events were reported to the Office of the Attorney General of Falcon State and the Office of the Ombudsman.¹²¹⁸

684. Additionally, in the context of the protests that have been unfolding in Venezuela since February 2014, the Commission received information on a number of detentions, acts of harassment and smear campaigns against several civil society organizations that provide legal assistance to persons taken into custody during the protests.

685. On this topic, based on information provided by Foro Penal Venezolano, three officials of the Directorate of Military Intelligence went to the home of Luis Armando Betancourt, FPV attorney, who had represented pro bono several of the students detained in the protests. Additionally, Attorney Liliana Cuza was detained for a short time when she arrived in the headquarters of the National Guard where the detained students were being held. The attorney was forced to leave the premises and was denied permission to visit the detainees. Also, Attorney Tamara Sujú, coordinator of international affairs of FPV, was summoned by SEBIN to give a statement on a case in which she was allegedly not involved. The attorney received this summons one day after submitting a report on the human rights situation in the context of the protests.¹²¹⁹

686. In addition, various regional level FPV attorneys were harassed or threatened. For example, Celia Dao, Coordinator for the state of Zulia, was taken to SEBIN headquarters by officials of that body who interrogated her regarding the activities of the FPV and its directors. In addition, Omar Ernesto Silva Martínez reported that since September he has received threatening calls allegedly related to his work as the private defender of the student, Lorent Saleh, of the organization Operación Libertad [Operation Liberty], who is currently being held at SEBIN headquarters and tried for the alleged crimes of “release of misinformation,” “threatening the public order,” and “improper issuance of false certification.”¹²²⁰ This organization had a staff of approximately 200 attorneys throughout the country, with coordinating offices in every state and 1,200 human rights activists, who provided legal assistance in more than 2,500 cases of persons detained for protesting.

687. It also came to our attention that on May 7, the President of the organization “Un Mundo sin Mordaza” [‘A gagless world’], Rodrigo Diamanti was detained by SEBIN officers at the airport of Maiquetía, as he was heading to present a human rights report outside the country.¹²²¹ This organization also worked on cases of detained persons and persons allegedly tortured in the context of the protests throughout the country. Mr. Diamanti was held in detention for three days and was then released.¹²²² Additionally, the main

¹²¹⁸ COFAVIC, *Amenaza contra Luis Uzcátegui, defensor de derechos humanos en Falcón*, November 13, 2014; Amnesty International, *Cuatro personas, entre ellas policías, atacan a un defensor*, November 3, 2014.

¹²¹⁹ El Nacional, *Advierten que amedrentan a activistas de derechos humanos*, June 13, 2014.

¹²²⁰ PROVEA, *Amnistía Internacional lanza Acción Urgente por el abogado venezolano Omar Silva*, November 4, 2014; Amnesty International, *Abogado amenazado y bajo vigilancia*, October 24, 2014.

¹²²¹ UNIVISIÓN, *Arrestan a Rodrigo Diamanti, creador de la campaña ‘SOS Venezuela’*, [‘Rodrigo Diamanti, creator of the “SOS Venezuela” Campaign arrested’], May 8, 2014. Available at: <http://noticias.univision.com/article/1947049/2014-05-08/america-latina/venezuela/arrestan-a-rodrigo-diamanti-creador-de-la-campana-sos-venezuela>; Also see: NTN24, *Sebin detiene al Presidente de Un Mundo sin Mordaza Rodrigo Diamanti y lo lleva al Helicoide*. [‘Sebin arrests president of Un Mundo sin Mordaza Rodrigo Diamanti and takes him to Helicoide (intelligence agency headquarters).’], Available at: <http://www.ntn24.com/noticia/sebin-detiene-al-presidente-de-un-mundo-sin-mordaza-rodrigo-diamanti-y-lo-lleva-al-helicoide-12941>

¹²²² Venezuela: a las rejas? Rodrigo Diamanti #cnnespañol. [‘Venezuela behind bars? Rodrigo Diamanti’], Available at: <https://www.youtube.com/watch?v=kKs4ibP7mUw>

office of the organization was raided in the early morning hours that day by SEBIN officers, who searched its equipment.¹²²³

688. The IACHR also received information on the situation of Luis Rafael Escobar Ugas. This human rights defender remained in prison for 15 months after being detained in March 19, 2013 in the city of Barcelona in the state of Anzoátegui, allegedly for having participated in a social protest along with a group of citizens seeking adequate housing and accused of “resisting authority” and “illegal occupation.” According to reports, Escobar Ugas, who in recent years has been denouncing acts of torture and extortion on the part of the local police, was hung by his wrists and beaten by the police during his first night in custody.¹²²⁴ During the months he remained imprisoned he engaged in a hunger strike demanding procedural rights and on another occasion he sewed his lips in response to being assaulted by one of the prison directors.¹²²⁵ He was finally released in September 2014 after completing half his sentence.¹²²⁶ He was recently detained by officials of the Scientific, Penal, and Criminal Investigations Unit (CICPC) in the city of Caracas because some arrest warrants against him were still in effect even though both the Enforcement Court of Barcelona and the Twenty-Fourth Court of the Judicial Circuit of the Metropolitan Area of Caracas had ordered rescission of the warrants. He was allegedly informed he would have to wait six months before he would be removed from the Investigation Unit’s database.¹²²⁷

689. The IACHR recalls that based on the duty to guarantee human rights, States are required to reasonably prevent threats, assaults, and harassment against human rights defenders as well as to seriously investigate the facts that are presented to it. The Commission reiterates that the activity of defending human rights can only be carried out freely when those engaged in that activity are not the victims of threats or other acts of harassment. In addition, the State has the duty to take the measures necessary to keep unfounded criminal investigations or judicial complaints from being filed against defenders, the effect of which is to discourage their efforts as well as halt their work in defense of human rights given that their time, resources, and energies must be dedicated to their own defense.

690. Also, in 2014, information continued to be received as well about threats and harassment against the Venezuelan Prison Observatory (OVP), an organization that worked in the area of penitentiary facilities. The organization has been the target of several statements to discredit it over the years by senior government officials, such as the Minister of Penitentiaries and the Minister of Foreign Relations; smear campaigns through the official government media; direct threats and intimidation against members of the organization and their family members, as well as alleged intrusion into their email accounts.¹²²⁸ On February 13, 2014, Humberto Prado, the Director of OVP once again was the target of a smear campaign by the Minister of the Interior, Justice and Peace, Miguel Rodríguez Torres. He was accused of being part of a conspiracy designed to stage a coup d’état and of receiving international funding to destabilize Venezuelan prisons.¹²²⁹ It must be noted that Mr. Humberto Prado is a beneficiary of provisional measures of protection granted by the Inter-American Court of Human Rights under a decision of February 24, 2009.¹²³⁰

¹²²³ El Universal, *Sebin allanó sede de las ONG "Un Mundo Sin Mordaza" y "Humano y Libre"*, [‘Sebin raided main office of NGO “Un Mundo Sin Mordaza” and “Humano y Libre”], May 1, 2014. Available at: <http://www.eluniversal.com/nacional-y-politica/140501/sebin-allano-sede-de-las-ong-un-mundo-sin-mordaza-y-humano-y-libre>

¹²²⁴ Amnesty International, [Venezuela: Activist Tortured in police cell: Luis Rafael Escobar Ugas](#), September 13, 2013; CONFLICTOVE, [Acción Urgente por el activista Escobar Ugas, torturado en un calabozo policial en Anzoátegui](#), September 16, 2013; Código Venezuela, [Acción Urgente para activista venezolano Escobar Ugas torturado en un calabozo policial](#), September 19, 2013.

¹²²⁵ PROVEA, [Activista de DDHH Luis Ugas arribó a 11 días en huelga de hambre exigiendo beneficios procesales](#), April 22, 2014.

¹²²⁶ Amnesty International, [Informe sobre Venezuela al Comité Contra la Tortura de la ONU](#), 2014, p. 21.

¹²²⁷ PROVEA, [Luis Escobar Ugas activista de derechos humanos denuncia hostigamiento policial](#), October 14, 2014.

¹²²⁸ Information provided by Humberto Prado, Director of the Venezuelan Prison Observatory, to the Office of the Rapporteur on Persons Deprived of Liberty in 2013.

¹²²⁹ FIDH, *Venezuela: Nuevos actos de difamación acontecidos contra el Sr. Humberto Prado Sifontes, Coordinador General del OVP, así como el arresto arbitrario y malos tratos contra el Sr. Inti Rodríguez, Coordinador a PROVEA*, [‘Venezuela: new acts of defamation against Mr. Humberto Prado Sifontes, General Coordinator of OVP, as well as arbitrary arrest and abuse of Mr. Inti Rodríguez,

691. Subsequently, on May 2, the Minister of Interior, Justice and Peace, at a press conference broadcast on radio and television, allegedly accused Mr. Humberto Prado, Director of OVP, Rocio San Miguel, President of Control Ciudadano and beneficiary of precautionary measures granted by the Commission,¹²³¹ as well as Gonzalo Himiob and Tamara Suju, attorneys of FPV, of being plotters of an alleged insurrection scheme and conspiracy against the government.¹²³² In response to these statements, human rights organizations demand respect for the work they do.¹²³³

692. On May 12, the President of the National Assembly, Diosdado Cabello, in a program aired on the State television channel VTV called “With the hammer in hand” accused 14 people of being conspirators who would be subjected to Venezuelan justice.¹²³⁴ Among the accused, he pointed to Alfredo Romero, Director of the FPV. It was also reported that during the program aired on November 6, 2014, the President of the National Assembly issued statements against organizations appearing at hearings before the United Nations Committee against Torture, including OVP Director, Humberto Prado, and the General Coordinator of PROVEA, Marino Alvarado. He also stated that the NGO Espacio Público “is one of the 12 NGOs that with hidden agendas promote complaints of torture and cruel treatment against the Venezuelan government.” He then referred to the NGO’s Director, Carlos Correa, as a “friend of fugitives from Venezuelan justice.”¹²³⁵

693. Additionally, there were reports of the statements of congressman (deputy to the National Assembly) for the United Socialist Party of Venezuela Henry Ventura, against the organization StopVIH in the context of the discussion of the Law for the Promotion and Protection of the Right to Equality of Persons living with HIV or AIDS and their Family Members. The deputy stated that said organization should be the subject of investigation because of the increase in HIV in the country.¹²³⁶ The deputy also accused the organization of sowing unrest by releasing figures of mortality, maintaining a terrorist attitude and being funded by the US government.¹²³⁷ The organization has been decrying the short supply of antiretroviral drugs to treat HIV infection and of reagents in order to perform special tests to monitor and control the epidemic that is taking place in the country. Additionally, according to public information, in the news page forum of

Coordinator of PROVEA], February 18, 2014. Available at: <http://www.fidh.org/es/americas/Venezuela.639/14696-venezuela-nuevos-actos-de-difamacion-acontecidos-contra-el-sr-humberto>

¹²³⁰ IA Ct. of HR. Matter of Rodeo I and Rodeo II Capital Judicial Confinement Center Venezuela. Order of the Inter-American Court of Human Rights of November 24, 2009. In this regard, the Inter-American Court decided: To order the State to adopt the measures necessary to protect the life and personal integrity of Mr. Humberto Prado”. Available at: http://www.corteidh.or.cr/docs/medidas/rodeo_se_03.pdf

¹²³¹ IACHR, Precautionary Measure No. 349/11 – Rocio San Miguel, Venezuela granted on January 18, 2012. Available at: <http://www.oas.org/es/IACHR/decisiones/cautelares.asp>

¹²³² Venezuelan News Agency, *Ultraderecha venezolana ejecuta plan de sedición violenta con apoyo de Estados Unidos*, [‘Venezuelan far right wing executes plan of violent sedition with support of United States’], May 2, 2014. Available at: <http://www.avn.info.ve/contenido/ultraderecha-venezolana-ejecuta-plan-sedici%C3%B3n-violenta-apoyo-estados-unidos>; Also see PROVEA, *ONG, víctimas y organizaciones sociales, rechazaron la criminalización de los defensores de Derechos Humanos*, [‘NGO, victims and social organizations reject criminalization of human rights defenders’], May 6, 2014. Available at: <http://www.derechos.org.ve/2014/05/06/ong-victimas-y-organizaciones-sociales-rechazaron-la-criminalizacion-de-los-defensores-de-derechos-humanos/>

¹²³³ El Universal, *Defensores de derechos humanos exigen al gobierno que se respete su trabajo*, May 6, 2014.

¹²³⁴ El Universal, *Diosdado Cabello señala a 14 venezolanos como conspiradores*, May 13, 2014; See also: Agencia Carabobeña de Noticias, *Cabello acusa a 14 venezolanos de conspiradores*, May 13, 2014.

¹²³⁵ PROVEA, *Diosdado Cabello hostiga a ONG Espacio Público*, November 7, 2014; *Diosdado Cabello hostiga a Coordinador General de Provea*, November 7, 2014.

¹²³⁶ StopVIH, *StopVIH rechaza acusaciones del diputado a la AN Henry Ventura*, [StopVIH rejects charges of National Assemblyman Henry Ventura’], July 9, 2014. Available at: <http://www.stopvih.org/noticias/stopvih-rechaza-acusaciones-del-diputado-a-la-an-henry-ventura/>

¹²³⁷ El Sol de Margarita, *Stop VIH rechaza las acusaciones en su contra*, [‘StopVIH rejects charges against it’], July 10, 2014. Available at: <http://www.elsoldemargarita.com.ve/posts/post/id:135402/Stop-VIH-rechaza-las-acusaciones-en-su-contr>

Reporte Confidencial, a series of threats and public attacks were published against Jonathan Rodriguez, the president of the organization StopVIH.¹²³⁸

694. The Commission reiterates that statements made by representatives of the State against a backdrop of polarization or social conflict could send the message that acts of violence intended to silence defenders enjoy the acquiescence of the government, especially when those statements are made by the highest authorities of the State.¹²³⁹

695. On another front, on April 24, 2014, the Constitutional Chamber of the Supreme Court of Justice, in ruling on a motion for interpretation of Article 68 of the Constitution of the Bolivarian Republic of Venezuela and Articles 41, 43, 44, 46 and 50 of the Law of Political Parties, Public Meetings and Demonstrations of 2010, held that it is mandatory for all citizens to “exhaust the administrative procedure of authorization before the first tier civil authority of the appropriate jurisdiction, to thus be able to exercise properly their constitutional right to peaceful demonstration.” It also ruled that failing to fulfill the foregoing requirement “absolutely limits the right to peaceful demonstration, thus impeding the holding of any type of meeting or demonstration.”¹²⁴⁰

696. The Constitutional Chamber held that a lack of authorization to exercise the right to peaceful demonstration could give rise to the police and security forces dispersing the demonstration. Moreover, it ruled, in the event of holding demonstrations when the authorization has been denied or changing the pre-authorized conditions of time, manner and location, could lead to criminal liability for committing the crime of contempt of authority provided for in the Criminal Code. The IACHR sent a request for information to the State under Article 18 of the IACHR Statute. In response, the State claimed that the decision of the first tier civil authority can be appealed and that in the event of non-compliance with the decision, the Ministry of Public Prosecution would open an investigation in order to determine criminal liability of the organizers for committing the offence of contempt of authority provided for under Article 483 of the Criminal Code.

697. In this regard, the Commission recalls that peaceful social protests, as a manifestation of the rights of assembly and freedom of expression, is a fundamental tool for the work of defending human rights, essential for political and social expression critical of the authorities’ activities, as well as for establishing positions and action plans with respect to human rights. The Commission has stated that without the full enjoyment of this right, it could be difficult to engage in the defense of human rights¹²⁴¹ and, consequently, States are required to ensure that no defender is prevented from meeting or publicly expressing himself in a peaceful manner.¹²⁴²

698. Protecting the right of assembly entails not only the State’s duty not to arbitrarily interfere in the exercise thereof but also the obligation to adopt, under certain circumstances, positive measures to ensure that exercise. With regard to public spaces, the IACHR has stated that the requirement established in some laws regarding prior notice to the authorities on holding a social protest is compatible with the right of assembly, when its purpose is to inform and allow the authorities to take measures to facilitate the exercise of the right without significantly disturbing the normal activities of the rest of the community,¹²⁴³ as well as to

¹²³⁸ PROVEA, *Organización StopVIH denuncia hostigamiento en su contra*, [“Organization StopVIH denounces harassment against it”], April 10, 2014. Available at: <http://www.derechos.org/ve/2014/04/10/organizacion-stopvih-denuncia-hostigamiento-en-su-contra/>

¹²³⁹ IACHR, *Second Report on the Situation of Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 66. 31 December 2011, para 321.

¹²⁴⁰ Supreme Court of Justice of Venezuela. Constitutional Chamber, Judgment No. 276 of April 24, 2014. Available at: <http://www.tsj.gov.ve/decisiones/scon/abril/163222-276-24414-2014-14-0277.HTML>

¹²⁴¹ IACHR, *Second Report on the Situation of Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 66. 31 December 2011, para. 129.

¹²⁴² IACHR, *Second Report on the Situation of Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 66. 31 December 2011, para. 129.

¹²⁴³ IACHR, *Second Report on the Situation of Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 66. 31 December 2011, para. 137.

allow the State to take the measures necessary to provide adequate protection for the participants.¹²⁴⁴ However, the Commission has stated that the requirement of advance notice must not be confused with the requirement of prior authorization granted as a matter of discretion to limit this right, even when it comes to public spaces.¹²⁴⁵

VI. RECOMMENDATIONS

699. Based on the foregoing analysis and, in particular, the monitoring conducted by the IACHR of the human rights situation, the Commission makes the following recommendations to the State of Venezuela:

Citizen Security

- Take comprehensive measures to ensure citizen security, especially with regard to the homicide rate;
- Train the public servants entrusted with the task of maintaining public order on the topic of protection and respect for human rights;
- Define how the members of the armed forces are to be involved in public order operations, which are under the jurisdiction of the police and, when they are involved in exceptional circumstances, have them be subordinate to civilian authority.

Administration of Justice

- Effectively guarantee the separation and independence of the branches of government and, in particular, adopt urgent measures to ensure the independence of the judicial branch, by strengthening the procedures for appointing and removing judges and prosecutors, affirming their job stability and eliminating the provisional status in which the large majority of judges and prosecutors find themselves.
- Adopt the necessary measures to protect the life and personal integrity of all persons, and the specific measures needed to protect journalists, human rights defenders, members of organized labor, persons who participate in public demonstrations, persons deprived of their liberty, children and adolescents, indigenous peoples, afro descendants and the LGBTI community. Also, strengthen judicial institutions' capacity to combat impunity in cases of violence and to ensure that investigations into acts of violence are conducted effectively and with due diligence.

Political rights

- Guarantee the full exercise of political rights to all individuals, irrespective of their positions on government policies, and adopt the measures necessary to promote tolerance and pluralism in the exercise of political rights.
- Refrain from taking reprisals or using the punitive power of the State to intimidate or sanction individuals based on their political opinions, and guarantee the plurality of opportunities and arenas for democratic activity, including respect for gatherings and protests held in exercise of the right of assembly and peaceful protest.
- Promote a climate of tolerance that encourages and is conducive to the active participation of and an exchange of ideas among the various sectors of society, and design institutions that promote rather than inhibit or thwart public discourse.
- From the highest levels of government, continue to publicly condemn acts of violence against social communicators, communications media, human rights defenders, unionists, and political dissidents, with the aim of preventing actions that foment these crimes and of

¹²⁴⁴ IACHR, *Democracia y Derechos Humanos en Venezuela*, 2009, para. 142.

¹²⁴⁵ IACHR, [Segundo Informe sobre la situación de las defensoras y defensores de derechos humanos en las Américas](#), 2011, para.

avoiding continued cultivation of a climate of stigmatization towards those who maintain a stance critical of government actions

Freedom of Expression

- Adopt appropriate mechanisms to prevent violence against members of the media, both under normal situations and in the context of public demonstrations, including public condemnation of any act of aggression, instruction and training of civil servants, especially of police or security forces, and, if necessary, the issuance of codes of conduct or guidelines concerning that right.
- Give journalists the utmost guarantees against being detained, threatened, or attacked for exercising their profession in the context of a public demonstration. Their materials and the tools of their trade should be neither destroyed nor confiscated. Nor should they be summoned as witnesses by institutions of justice; and the authorities should respect their right not to disclose their sources of information. The state should protect the transmission by domestic and foreign media outlets of live coverage of demonstrations and public actions and should abide by their duty not to take measures to regulate or curtail the free circulation of information in such contexts.
- Remove all disproportionate or discriminatory restrictions that prevent radio and television operators, in any modality, from fully carrying out their assigned commercial, social, or public missions. License or frequency assignment processes should be open, public, and transparent, under clear, pre-established rules, to prevent the assignment, withdrawal, or nonrenewal of frequencies or licenses for discriminatory or arbitrary reasons. To that end, the assignment and regulation process should be guided by a technical body independent of the government, which should have autonomy from short-term political pressures, be subject to all guarantees of due process, and be placed under judicial control.
- Promote the amendment of ambiguous or imprecise criminal laws that curtail freedom of expression in a disproportionate manner, such as those designed to protect the honor of ideas or institutions, or those designed to protect national security or the peace, so as to eliminate the use of criminal proceedings to inhibit free democratic debate on matters of public interest and the full exercise of political rights. Also, promote the repeal of *desacato* (contempt) laws, whatever their form, because such laws are contrary to inter-American standards and restrict public debate, an essential element of a functioning democracy.
- Adopt laws on public access to information, in keeping with inter-American standards, so as to give all persons the tools to effectively monitor government operations, public administration, and the control of corruption, which are essential to the democratic process.
- Refrain from exerting direct or indirect pressure to silence the reporting work of media members, in keeping with principle 13 of the Declaration of Principles on Freedom of Expression.

Human Rights Defenders

- Ensure conditions so that human rights and labor rights defenders can freely do their job, and refrain from any action and from adopting any legislation that restricts or hampers their work.

Persons Deprived of Liberty

- Urgently adopt the measures necessary to correct the procedural delays and the high percentage of persons deprived of liberty without a final verdict, thereby avoiding the excessive, unnecessary and disproportionate reliance on preventive detention or detention pending trial. Also, take measures to reduce prison overcrowding and improve detention conditions so that they are in line with international standards in this area, while taking particular care to ensure safety inside prisons, effective control of weapons inside prisons,

proper segregation of the inmate population to conform to the categories and criteria established in the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, and to prohibit prisons from holding more prisoners than they have space for.

- Immediately adopt the measures necessary to confront the causes of violence in the prisons, in particular by investigating and punishing those persons involved in arms trafficking in the prisons. In addition, implement all those measures aimed to prevent violence. And conduct immediate, exhaustive, and impartial investigations into the different acts of violence that have recently occurred in the country's prisons so as to determine the individuals responsible and to impose the corresponding sanctions on them, including administrative and disciplinary sanctions, as a mechanism to prevent the recurrence of new acts of violence.

Indigenous Peoples

- Further efforts to protect the effective enjoyment of the right to territory of the indigenous peoples, as a first step to safeguarding their fundamental rights, by the prompt demarcation, delimitation, and titling of their ancestral territories.
- Protect the life and integrity of Venezuelan indigenous persons, pursuant to its obligations under the inter-American instruments; and in particular, prevent attacks and harassment against traditional authorities and indigenous leaders where it has knowledge of a real and immediate threat.
- Investigate the human rights violations of indigenous peoples and their members, punish the direct perpetrators and planners, and make individual and collective reparation to the victims.
- Take decisive measures for the effective control and eradication of illegal mining in indigenous territories, and refrain from performing acts that could give lead the agents of the State or third persons acting with the consent or tolerance of the State to take actions that benefit illegal mining.

Context of human displacement

- Intensify its efforts to protect asylum seekers and with refugee status in Venezuela, and guarantee access to the internal procedures with respect to the guarantees of due process and equality.

Women

- Adopt the necessary measures to ensure that cases of gender-based violence are investigated with due diligence in a timely, comprehensive and impartial manner, that the persons responsible are duly punished and that the victims receive full reparation.
- Adopt a comprehensive, coordinated and adequately funded State policy to make sure that victims of violence have full access to adequate judicial protection, and that acts of violence are adequately prevented, investigated, punished and redressed.

Lesbians, gays, bisexual, trans, and intersex Persons (LGBTI)

- Use due diligence to prevent, punish and investigate acts of violence and discrimination against LGBTI persons.
- Adopt the necessary state measures, including of a legislative nature, to protect and ensure the rights of LGBTI persons in Honduras, without any discrimination based on sexual orientation, gender identity or expression.

Afrodescendant

- Adopt the necessary mechanisms to promote the self-identification of the Venezuelan afrodescendant population.
- Adopt the necessary measures to ensure effective access to justice for the afrodescendant population, as a fundamental mechanism of protection of their human rights.

Children and adolescents

- Take all measures to ensure the right of children and adolescents to participate in demonstrations with due protection of their right to freedom of expression and assembly;
- Implement appropriate measures to ensure the effective disarmament in preventing violence, and strengthen the system of child protection for the proper care of victims of violence and their families.

Economic, social and cultural rights

- Step up efforts so as to gradually give full effect to economic, social and cultural rights while ensuring that this does not come at the cost of the people's other basic rights. Furthermore, adopt public policies that allow for long-term continuity of efforts to guarantee economic, social and cultural rights, thereby ensuring that full enjoyment of these rights will not depend on the resolve of any future administration.