



Bulletin No. 73

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www.crisisenvenezuela.com

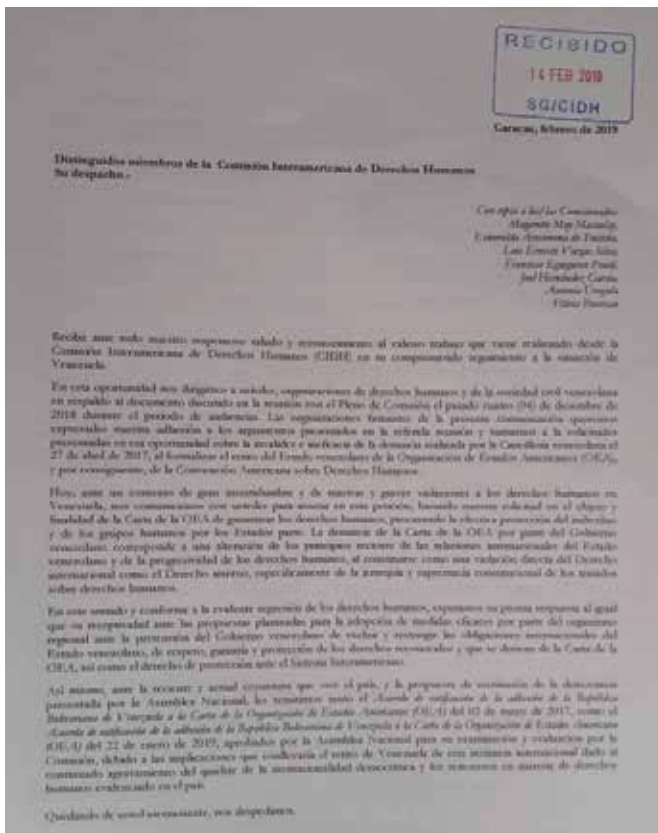


Defiende Venezuela - www.defiendevenezuela.org

50 NGOs solicit from CIDH its pronouncement about the invalidity and inefficiency of denouncement of OAS/OEA Charter

Last February 14, 2019, 50 organizations for Human Rights presented a document within the 171st period of sessions of Inter-American Commission of Human Rights (CIDH), held in Sucre, Bolivia. The NGOs' document urges for a pronouncement on the invalidity and inefficiency of the denouncement emitted by our State Department on April 27, 2017, when they formalized Venezuela's exit from the Organization of American States (OAS/OEA).

According to the NGOs, the denouncement of OEA's Charter by the Executive Power violates the constitutional hierarchy of that instrument's art.23; therefore, the supremacy and the rigidity of our Constitution. Consequently, the supposed authority the Executive usurps



when denouncing, is inefficient; and the act of denouncement is null –as it is clearly disposed in our Constitution.

Besides this pronouncement, NGOs also solicited from CIDH to follow up situation in Venezuela; and to adopt all necessary measures for overcoming the present crisis, reestablishing democracy and the State of Rights, and validating Human Rights. CIDH must prioritize their attention to the expositions they received from Venezuelan NGOs and defenders of Human Rights; keep on supervising the accomplishment of their Country- Informs, and adopt caution measures concerning Venezuela.

PROVEA - www.derechos.org.ve

Persecution of unionists denounced in ICHR/CIDH

Within the framework of 171st Period of Session of Inter-American Commission of Human Rights (CIDH), currently held in Plurinational State of Bolivia, the persecution of labor unionists in Venezuela, including the initiation penal of proceedings, and imprisonment, was present by Venezuelan NGOs.

For more than a decade now, labor unionists have been detained and taken to the courts for participating and for leading actions to demand accomplishment of their labor rights. Approximately 130 of them have been submitted to penal processes; from those, most of them have been granted presentation regimes for years, whereas others have been imprisoned.



Persecution is such, that military justice has been applied for intimidating syndical movements. Back in 2012, three unionists of the construction guild were processed in a military court and sent to Santa Ana Jail, in the state of Táchira; currently, Rubén Gonzalez, the general secretary of Sintraferrominera, equally faces military justice.

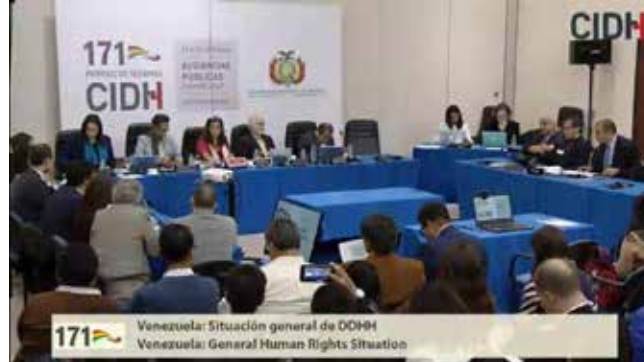
By February 2019, 14 labor unionists are behind bars, all of them belonging to enterprises located in the state of Bolívar. They are political prisoners, whose sole crime was practicing their right to pacific protest under various modalities: mobilizations, sit-ins, and strikes. For all of them we demand their release, and respect to freedom of unionism.

Espacio Público - www.espaciopublico.org

ICHR/CIDH debates on situation of Human Rights in Venezuela

During the 171st period of sessions of Inter-American Commission of Human Rights (CIDH), realized in Sucre, Bolivia, representatives of Venezuelan organization for the defense of Human Rights and civil society exposed the situation in Venezuela, in the framework of a complex humanitarian emergency that force people to migrate and produces a systematic violation of diverse rights -among them, freedom of expression.

Marysabel Rodriguez, coordinator of the Program Social Observatory in Espacio Público, denounced the sharpening of restrictive policy, which has meant an unusual increase in the first month of the year; and is due to a lapse of high social and political conflict: top levels of repression in just a few days of protests, in comparison with similar cycles of mobilizations in the previous years; and restrictions for obtaining and spreading information have also raised geometrically.



Along her exposition, Rodriguez revealed that “in January 2019 we registered 69 cases. (Denunciations are received directly from the victims; but also public and notorious situations are registered, when they imply violations of rights. A case is a single circumstantial fact that endangers or affects the guarantee for the right; so, we can diagnose and count one or several violations,

according to the type of violation. Cases included in the report are examples of the violation patterns against rights). The aforementioned 69 cases happened to contain 131 violations of the right to freedom of expression in Venezuela -mainly hindering public gatherings in public spaces; arbitrary arrests and retentions; and censorship, via prohibition or restriction of spreading information. From those affected, 51% are journalists and reporters”.

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Transparencia Venezuela - www.transparencia.org.ve

Military Power reached State enterprises, too.



During Hugo Chavez’s presidency; and much more emphasized during Nicolás Maduro’s, Military Power has become increasingly more relevant in political and economical life in Venezuela; it has overtaken up to an almost complete control of key social sectors. In the last two years, the military -both active and retired-assumed attributions, the military -both active and retired- assumed attributions, ranging from the Vice-President of the Republic to

ministries, embassies, governors’ offices, town halls... and even the head offices of State enterprises that have nothing to do with military training.

According to a research work, “Investigations on State Enterprises/Phase II”, presented by Transparencia Venezuela at the end of 2018, out from 576 State companies, at least 60 have a military as the maximum authority. Data -available on Vendata’s platform- show that enterprises led by the military belong to very important areas in Venezuelan economy; and have received quite significant sums of money, but have not performed as efficiently as expected.

Among the State enterprises led by military outstand PDVSA, directed by Major General Manuel Quevedo;

CORPOELEC, whose president is Major General Luis Motta Dominguez; and Cuspal, with Colonel Vianney Rojas in the manager’s office. The three of them show a very poor performance; and played as locations to numerous cases of corruption.

Sharing Power with a group of military has permitted the government of Nicolás Maduro counting on the backing up that stratum, especially at the moments of political and social conflict. However, as 2019 passes by, have happened pronouncements of military who stand aside and away from Power.

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Foro Penal - www.foropenal.com

723 persons arbitrarily arrested last January are still imprisoned

By February 12, 2019, Foro Penal had registered 14.085 arbitrary arrests in Venezuela, starting January 1, 2014.

818 civilians have been taken to Military Courts. Since January 2014 up to date, we have accumulated 2.636 political prisoners; by February 10, 2019, full liberty or release under diverse modalities have been obtained in 1.647 cases. By April 2014, we had 117 political prisoners. Today, the cipher for this category of inmates -certified by OAS/OEA, February 10, 2010- was



989. From those, 98 are women, 11 are adolescents, and 11 are natives. Besides, since January 2014, 7.831 persons are still unfairly submitted to penal processes under caution measures.

Repression has increased notoriously during January 2019, especially via arbitrary detentions. Only on January 23, 2019, around 700 arbitrary arrests occurred all over the country; and, between January 21 and 31, they sum up to 1.069. From that total, 723 persons are still unfairly imprisoned.

Acceso a la Justicia - www.accesoalajusticia.org

Bill on Amnesty must stick to Constitution and to International Laws

Among the most important occurrences since 2019 began, National Assembly (AN) presented on January 15 the project of an ACT on Amnesty and Recognition of Democratic Re-insertion of Military and Civil Officials, who collaborate in the Restitution of Constitutional Order in Venezuela. The project was passed in a first discussion. Acceso a la Justicia hereby applauds AN's initiative, because it is necessary to promote reconciliation in our country, and amnesty is the formula for reestablishing public coexistence, in a context of solidarity and social pardon.



torture, persecution, illegitimate deprivation of liberty, forced disappearances, among others), war crimes, and grave violations of Human Rights. That aside, the proposition results imprecise respecting the guarantees to be offered to civilians and military, who collaborate in defending the Constitution -a duty stated in arts.333 and 350.

Nonetheless, it is convenient pointing out some key aspects concerning this proposition, in order to make it a really useful tool for long-lasting justice and peace. First of all, the project of Act on Amnesty must stick to art.29 of our project of Act on Amnesty must stick to art.29 of our Constitution, which expressly prohibits to decree amnesties in case of lese humanity crimes (murders,

The legislative proposition must also be according to the principles of International Laws, which include treaties on Human Rights; and Humanitarian International Laws; apart from international Penal Laws, which define offences and typify behaviors that violate human rights and affect international community -namely war crimes, crimes against mankind, and genocide.

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Denouncement of OAS's/OEA's Charter in three questions



On April 27, 2017, Venezuelan State Department made official our country's exit from the Organization of American States (OAS/OEA), and, consequently, from American Convention of Human Rights. That day, OEA's Secretary General Office received the formal notification of denouncement of the organism's Charter. This acting of the national government occurred after the General Assembly's resolution that gave way to the eventual suspension of Venezuela, due to the "alteration of the constitutional order in the Bolivarian Republic of Venezuela".

Such denouncement of OAS's (OEA's) Charter -an international instrument that contains organic

norms about Human Rights- corresponds to an alteration of the leading principles for international relations, committed by the Venezuelan State; the same as other acts concerning the progressive quality of Human Rights. Since such is a violation of the Constitutional hierarchy and supremacy of treaties on the matter, Venezuela cannot leave OAS/OEA. Therefore, the denouncement comes to be inefficient and non-valid, because it violates dispositions of the Constitution of the Republic; and equally counters International Laws related to treaties, pacts, and conventions on Human Rights, whose regulations must be oriented towards a major protection, never to reduce it -and that is what would happen, following the denouncement of the Charter.

Linked to all that, on February 14, 2019, during hearings before the Inter-American Commission of Human Rights (CIDH) about the situation of Human Rights in Venezuela, we presented our

adhesion concerning two documents: one was discussed in the meeting with the plenary commission, held on December 4, 2018, when the non-validity of Venezuela's denouncement was clarified; and the other one was based upon the appeal before the Supreme Court of Justice (TSJ) in 2017; and the Agreements to ratify our country's adhesion to OAS/OEA, approved by National Assembly (AN) on May 2, 2017, and on January 22, 2019. All of them declare the denouncement absolutely unconstitutional, therefore, null. When we -50 NGOs for Human Rights- subscribe these documents, we are striving for a Commission's evaluation of facts and propositions, taking into account the consequences of Venezuela's exit in the context of our aggravating democratic and unconstitutional breakdown, and producing retrocessions related to Human Rights.

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