



# Bulletin No. 74

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[www.crisisenvenezuela.com](http://www.crisisenvenezuela.com)



## Foro Penal - [www.foropenal.com](http://www.foropenal.com)

### Penal processes against manifestants imprisoned in January are still open, despite releases

By February 21st, 2019, Foro Penal has registered 14.104 arbitrary detentions in Venezuela, starting January 1st, 2014. 818 civilians have been presented before Military Courts. Since January 2014 up to date, our NGO has accumulated 2.654 political prisoners; from those, 1.756 have already been granted full liberty or release under diverse modalities.

By April 2014, we registered 117 political prisoners. Today, the number of that class of inmates in Venezuela is 898, and 96 of them are women. The cipher of political prisoners, certified by OAS/OEA last



February 17, 2019, was 918. Besides, 7.910 persons are still unfairly submitted to penal processes under caution measures.

Along the past week, a significant number of releases occurred in the states of Monagas, Yaracuy, Carabobo, Táchira, and Lara, among others. Nonetheless, penal processes against these released persons continue open, and their freedom is restricted by caution measures, which means that they could be taken back to prison at any moment.

## PROVEA - [www.derechos.org/ve](http://www.derechos.org/ve)

### Venezuela: inequality increases, social mobility extinguishes

The executive secretary of the Economic Commission for Latin America and the Caribbean (CEPAL), Alicia Barcena, affirmed that universal policies about education, health, and social protection “contribute not only to inclusion, but also to strengthen human capabilities, to increase productivity, and to obtain economic growth”.

Barcena explained that a social policy should be guided by the principle of universality, “in order to build up a state of well-being, recognizing sensibility before differences; besides, it should be oriented to equality of rights, for not leaving anybody behind”. She also pointed out that, despite the advances in the region concerning social expenses, we still face big challenges for providing financial support to social policies, especially in those countries with the highest poverty levels.

In Venezuela, under Nicolás Maduro’s government, Social inequity has grown and social mobility has extinguished; and those are two consequences of a general, deliberate indolence and impoverishment within the population. Between 2012 and 2017, our country fell



down 16 posts in the Human Development Global Index (IDH), as revealed by United Nations’ Program for Development (PNUD) in its recent inform -data updated 2017.

Among 189 countries analyzed, Venezuela occupies place 78; and place 8 among Latin American nations, which are headed by Chile -the highest index- and close with Haiti -global index 168, America’s lowest index. The recession of

Venezuela is most dramatic; and refers to national facts in health, educations, and level of income. According to PNUD, income per capita in Venezuela diminished 25.8% between 1990 and 2017. According to the 2012 inform, gross national product per capita was USD 11.475, whereas in 2017 g.n.p.p.c was USD 10.672.

## Espacio Público - [www.espaciopublico.org](http://www.espaciopublico.org)

### Internet under State Censorship

In the last days, Venezuela's National Telephone Company (CANTV) has shown to be quite active as for censoring: blockages in Internet coincide with the political situation in our country. On February 20, informative websites El Estímulo, Revista Climax, Bienmesabe, Urbe Bikini Magazine, Konzapata, and ALnavio denounced through their accounts in Twitter that they suffered attacks, via Denial of Distributed Service (DDoS) to their servers, which caused the disablement of their pages. This sort of attack is made by sending thousands of simultaneous solicitations to the server where the page is domiciliated, which makes it collapse.

Censorship consolidates in CANTV, who maintains people unable to accede digital media, such as Aporrea.com, Armando.info, Caraota Digital, El Pitazo, El Nacional, and La Patilla, among others. On top of that, the Internet State provider is blocking all tools that are used to avoid censorship, specifically VPNs Tunnel Bear and Windscribe.



The various State pressures on traditional mass media have been successful at restricting the informative fluency. Due to this, Internet has become the most useful and used way for persons searching and sharing information. Before such a reality, last week it was known that the State –for months, or maybe years! – has been robbing private information through pages of phishing, by re-directing users to websites that imitate Instagram, Twitter, Facebook, Gmail, and Live –among others–, in order to obtain users' names and passwords. Vulneration of privacy was revealed after identifying an IP related to a false page that imitated a site promoted by National Assembly (AN) for collecting data of volunteers, who wished to collaborate in distributing humanitarian help.

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## Transparencia Venezuela - [www.transparencia.org.ve](http://www.transparencia.org.ve)

### Supreme Court of Justice snatched monopoly of penal actions from the Attorney General's Office



Luisa Ortega Díaz, dismissed in 2017 by questioned Constituent National Assembly (ANC) does not act any more as Venezuela's Attorney General. Nevertheless, at the Supreme Court of Justice (TSJ) they keep on restricting competences of the Public Prosecutor, from whom TSJ snatched the monopoly of penal actions, as

established in our Constitution. Now, victims can accuse their supposed aggressors directly, they do not have to wait for a public prosecutor to do it.

Such decision was taken by TSJ's Constitutional Hall in sentence 902, dated December 14, 2018. The sentence, redacted by magistrate Carmen Zuleta de Merchán, authorizes victims to initiate penal processes against their supposed aggressors, even if a prosecutor does not. As for that, the sentence orders penal judges “to admit private accusations by the victim, if absent an accusation by Attorney General's Office; and to convoke to preliminary hearings with no risk to be rejected on that basis”.

This sentence represents a new spank against the Public Prosecutor's Office. Under Ortega Diaz's direction, this organism was snatched as for competences by TSJ in two occasions: first, in 2015, when TSJ permitted victims of violence of gender to impulse their own cases, even against the prosecutors' opinions; second, in 2017 when TSJ approved the Ombudsman's participation in investigations related to offences against Human Rights.

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## Defiende Venezuela - [www.defiendevenezuela.org](http://www.defiendevenezuela.org)

### Prisoners of a man named Nicolás Maduro

60 Colombian citizens are illegally and arbitrarily bereft of liberty, for Nicolás Maduro Moro's orders since September 1st, 2016. Maduro accused them publicly of having settled a para-military camp 500 meters far from the governmental palace, bearing long fire weapons, and foreign and national cash money; all of which would allow them to realize a coup d'état.



Those Colombian citizens have never been presented before a control court since they were detained, a full liberty warrant -November 21, 2017-, granted by Caracas's Control Court 27, was never accomplished; neither was a Petition of Release by United Nations' Work Group on Arbitrary Detentions; and equally unfruitful were good offices by Colombian State Department in favor of these persons.

If the aforementioned seems not to be grave enough, add up an express hearing, without due guarantees, held in November 2018 -more than two years after the detention. Those Colombian citizens were charged with terrorism, forgery of documents, and association for delinquency. They are still imprisoned in La Yaguara's Bolivarian National Police headquarters, at infra-humane conditions, exposed to illnesses and hunger.

Defiende Venezuela -jointly with the lawyer that advocates those persons- presented before Inter-American Commission for Human Rights (CIDH) an individual denouncement. Besides, Foro Penal and Amnesty International also raised their voices concerning such grave situation of those people's Human Rights. Sadly, they are kept in prison, stacked and endangered, despite a full liberty warrant granted by a court -only because it is one man's will and wish, and he requires so.

## Bloque Constitucional - [www.bloqueconstitucional.com](http://www.bloqueconstitucional.com)

### Ethics must lead restoration of the State relations with the private Enterprise

Despite an iterative talking about the absence of ethical values in our society, we firmly believe in the existence of those values, which have precisely impulse us to search for liberty, equality, and justice. Those ethical values -solidarity, civic co-responsibility- have sustained us and pushed us forwards, even before the loss of human lives, in our struggle for the health, and personal liberty of thousands and millions; a struggle we go on with, up and down the streets nationwide; a struggle for achieving one sole dream: rescuing civility and reaching justice.



is important to respect a starting point: ethics is the main value for sealing relations between both of them, even more necessary when we confront now so many cases of corruption that involve the private enterprise, worldwide.

For re-constructing our beaten society and re-designing relations among all the integrant sectors, we must start at this premise. For example: if we refer to relations between the State and the private enterprises, it

With this vision, we have to take into account the enormous relevance of justice systems: they must be solid, independent, and autonomous, only way to guarantee that relations between the State and the private enterprise may develop within ethical parameters. After all, justice systems mean the real warranty for arbitrating responsibly; not only these relations that concern economic liberties, but also all the activities that permit democracy's sustainable development.

**CEPAZ** - [www.cepaz.org.ve](http://www.cepaz.org.ve)

## Equivalencias en Acción and Women's Link presented a somber report on Venezuelan migrants before CEDAW



evaluation before the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW72).

region. Feminization of poverty has contributed to feminization of migration.

The report informs about Venezuelan feminine migrants, especially about their sexual and reproductive health; and about protection for the victims of white slavery. It also treats on the vulneration of rights during their transit; and on their reception in Colombian territory. The major risk for migrant women relates to structural factors, associated with economic, political, and social exclusion; amidst which most women survive in our

The report concludes that, in Colombia, it does not exist, and adequate approach around the situation of venezuelan migrant women and girls, respecting to their right to access to sexual and reproductive health services; and respecting to their right to live free of violence.

A coalition of feminine rights organizations, Equivalencias en Acción and Women's Link –that promote women's and girls' rights–, jointly presented on February 19 a somber report for Colombia's

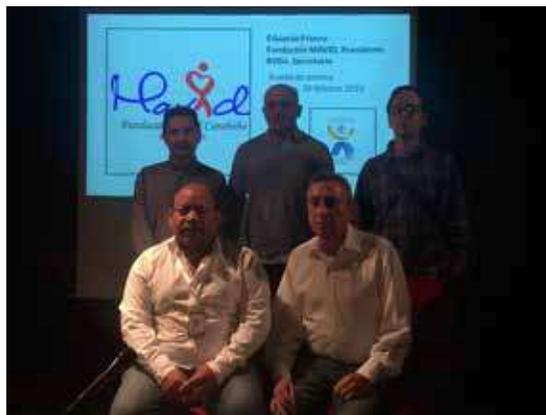
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**Codevida** - [www.codevida.org](http://www.codevida.org)

## Organizations of “Venezuelan Net of Positive People” denounce harassment

Non Governmental Organizations in Venezuela are criminalized and discredited by Nicolás Maduro's regime, for the help they give to accomplish actions and obligations the State simply leaves behind or aside, especially respecting the rights to health and life. Such attacks increased since interim president Juan Guaidó announced humanitarian help for venezuelans.

Along last week, three episodes alerted civil society that defends the right to health of people with HIV (VIH): headquarters of Fundación Mavid, in the state of Carabobo, were inspected by officials of Corps for Scientific, Penal, and Criminalistic Investigations (CICPC), allegedly because the NGO sold overdue medicines –supposedly according to denouncements. In turn, members of Conciencia por la Vida, state of Lara; and Fundación Renacer, state of Portuguesa; were harassed too, by authorities, who investigated whether medicaments delivered by them come or not the humanitarian help announced by Guaidó.



without a judicial search warrant, after a press conference –held a few days before– in which he notified the arrival of retro-viral medicines; and also denounced that 1.200 persons with HIV (VIH) died in 2018, due to the lack of medicaments imported by Venezuelan Institute of Social Security (IVSS); and other 12 have died up to now in 2019. Police officials did not allow the NGO's representatives to make an inventory of confiscated goods, which included medicaments (anti-retro-virals, anti-hypertensives), preservatives donated by ONU Sida, milk formulas for 25 children of mothers with HIV (VIH), NGO's computers, office papers and informative documents, related to persons they attend, “violating the Law on Protection of Confidentiality of such type of patients”, he explained.

President of Mavid, Eduardo Franco, denounced that his NGO was occupied on Friday, February 5, 2019,

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## Acceso a la Justicia - [www.accesoalajusticia.org](http://www.accesoalajusticia.org)

### Statute for transition vs. government de facto

On February 5, 2019, National Assembly (AN), with a majority of opponents, approved a Law on Statute for ruling Transition to Democracy for reestablishing the validity of the Constitution of the Bolivarian Republic of Venezuela. This bill aims at regulating the situation of illegitimacy of the Executive Power, due to Nicolás Maduro Moros's government de facto; and, consequently, restoring democracy. As it may be read in the exposition of motives, it is a normative initiative of the legislative organ destined to "preserve our 1999 Constitution as a pact of coexistence for the civic life of Venezuelans, and as a foundation for the democratic transition". This Act introduces a juridical provisional regime, oriented to rule Temporarily the State institutions, in order to leave dictatorship behind and give way back to democracy.



the constitutional text. This ruling shows openly their rejection of the normative instrument and the legitimacy of the Parliament.

The Statute intends to restore democratic order, broken years ago by the chavista –madurista regime, showing three major objectives (art.2): liberation "from the autocratic regime that oppresses Venezuela";

integration of a temporary government in national unity; and free elections within 12 months, given the technical impossibility of realizing that in 30 days. We underline that this disposition does not counter art. 233 of our Constitution, since we know that, at the moment, we do not count on a reliable National Electoral Council (CNE); and we remark the immediate urgent need to appoint new rectors, who will rule a trustable electoral process. This will contribute to avoid non-constitutional alternatives –and that is, precisely, the ultimate goal of the Statute, on which depends the rescue of democracy and the State of Rights in Venezuela.

Acceso a la Justicia warns that, reestablishing order and harmony within a democratic juridical system, in a country that is broken by an authoritarian regime de facto, is a complicated situation. Besides, it is unprecedented, taking into account that the government de facto is supported by a Supreme Court of Justice (TSJ) fully committed with the revolutionary political order and, responds only to consolidate the permanence of Maduro in Power. On February 8, TSJ's Constitutional Hall, by its sentence #6, declared null the Statute, for considering it is contrary to

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