



CRISIS EN VENEZUELA

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PROVEA - www.derechos.org.ve

Tenacious Colombian women support Venezuelan travelers

Hundreds of Venezuelans forcedly migrate every day toward the Colombian territory, via San Antonio del Táchira in the frontier with Cucuta. They go on for 138 kilometers to Bucaramanga. In their route, they have to cross over Paramo Berlin, enduring temperatures below zero. Women, children, seniors, disabled persons... A human river submitted to numerous risks, yet keeping hope for better times.



humanitarian activity is just one among many realized by Colombian civil society to express their effective solidarity with Venezuelan population. Those are initiatives realized with eagerness, effort, creativity, and -frequently- with scarce resources, but lots of human good sense.

We, in PROVEA, thank and remark such deeds.

Colombian organization *Mujer y Futuro* (mujeryfuturo.org) develops a program called "Route of protection for women and children travelers from Venezuela". They save lives and minimize risks. This

We hope Venezuela will achieve the indispensable change it deserves; and massive forced migration will finally stop. We hope many of those who went away, will come back home.

Defiende Venezuela - www.defiendevenezuela.org

Torture as an offence against Human Rights and as a crime of lese humanity. Case: Venezuela

In Venezuela, and in almost every other country in the world, torture has a double nature: on one hand, torture is an offence and a violation of Human Rights; on the other hand, torture is a crime of lese humanity. In the first case, at the moment of judging, internal national norms are applied as well as international instruments concerning this matter; in the second case, regulations are those that figure into the Statute of Rome. Besides, there are elements that are common in both modalities: torture as a violation of human rights and torture as a lese humanity crime.

In fact, torture is always an offence against Human Rights; but not necessarily a lese humanity crime. This qualification depends on the existence of additional elements, which are clearly expressed in art.7 of the Statute of Rome, when it says: "(...) (that) is committed as a general and systematic attack against a civil population with full knowledge and consent (...)".

It is a convenient to recall that United Nations' High Commissioner for Human Rights published an inform on Venezuela -July, 2019-, in which are narrated in detail



violations against civil political rights, and the existence of governmental policies "whose objectives are neutralizing, repressing, and criminalizing political opponents who criticize the government". In addition, State officials are deemed as "responsible for arbitrary detentions, mistreatment, and torture of political opponents and their relatives". Furthermore, "in most of these cases, both men and women under arrest were submitted to some sort of torture; or of cruel, inhumane, and degradating mistreatment, such as

electric shocks, suffocation with plastic bags, simulations of drawing, hidings, sexual violence, deprival of food and water, forced physical positions, and exposition to extreme temperatures.

Security services and intelligence services, especially SEBIN (Bolivarian Service of Intelligence) and DGICM (General Direction of Military Counter-Intelligence), "repeatedly use extreme measures for obtaining information and confessions; and for intimidating and sanctioning persons in custody". It is up to you, reader, keeping in mind facts and laws, to get your own conclusions: torture in Venezuela, is it or not a State policy?

Un Mundo Sin Mordaza - www.sinmordaza.org

Increasing forced disappearances in Venezuela aim at instilling terror in population

United Nations define forced disappearance as “a strategy for installing terror among citizens”. From 2014 to 2018, the Center of Human Rights of Catholic University “Andrés Bello” (CDH/UCAB) and NGO Espacio Público documented a raise of these cases in Venezuela, mainly in the context of arbitrary detentions of participants in protests. People who were merely expressing their disagreement with Nicolás Maduro’s government.



persons who were taken from one place to another and Authorities did not inform about their destinations; and, finally, long-term forced disappearance, when they happened several years ago, but victims have not been found yet and no response is available.

In the context of the International Day of the Victims of Forced Disappearances –August 30–, it seems propitious to remind States of their duty and obligation

In the inform, they establish three different kinds of this offence: short-term forced disappearance, persons who were arbitrarily detained, but State organisms denied information on their whereabouts; forced disappearance during subsequent translations after the detention,

to guarantee that their security organisms really comply with the established norms and procedures at the moment of arresting people: assuring communications with relatives and lawyers, proper registrations of inmates, prohibition of secret or non-official places of custody... All of this is necessary to obtain the diminishment of such a sort of violation of Human Rights.

Acceso a la Justicia - www.accesoalajusticia.org

Case Emilio Lovera reveals systematic application of the internal enemy policy

The recent case of Emilio Lovera, who was impeded to present his show by Integrated Service of Custom and tributary Administration (SENIAT) for supposedly not having paid taxes, is an evidence: political persecution in Venezuela has reached not only political opposition and social protest, but also humor. SENIAT ratified its persecuting disposition by not acting when the comedian rendered his Annual Income Tax Declaration; and by acting when Lovera announced he would reinstate his personal live presentations in August 2019. The real intention of the organism is not accomplishing a tribute collecting activity, but persecuting Emilio Lovera and limiting his freedom of expression.



Acceso a la Justicia remarks that this State policy of persecuting those who think differently, or opine critically on political matters, or oppose somehow the ruling regime, produces a general mood for suspicion among all citizens. The concept “internal enemy” was also applied by the regime against two state of

Merida’s firemen, who performed a video satire of president Nicolás Maduro; and against Teodoro Petkoff, when he was the director of Tal Cual, a printed mass media. There are many other cases!

In Venezuelan, the rulers have established a sort of law for “the enemy”, quite different from the one for the rest of citizens. Such a policy, progressively increasing in frequency, implies a denial of fundamental rights of victims and presumption of guilt, no matter not having any evidence of liability. In addition, disproportionate sanctions are applied.

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Foro Penal - www.foropenal.com

Six months after Kumaracapay massacre impunity is the rule

By August 23, 2019, Foro Penal had registered 15.160 arbitrary arrests in Venezuela since January 1st, 2014. 848 civilians have been presented before Military Courts. Since January 2014 up to date, we have accumulated 3.221 political prisoners; from those, full liberty and release under diverse modalities have been obtained in 2.699 cases.



Last August 23, it was six months after the massacre of Kumaracapay, a municipality in Gran Sabana, state of Bolivar. By today, impunity reigns, though seven persons were killed that day, there were tens of injured by bullets, and more than 60 arbitrary detentions occurred. About 1.000 pemon natives were displaced in the municipality of Gran Sabana,

and most of them do not wish to go back to their homes in Venezuela because they are scared



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By April 2014, we had 117 political prisoners in our country. The cipher for this category of inmates by August 2019 is 522, 45 of them being women. Besides, 8.887 persons were or are unfairly submitted to penal processes under caution measures.

REDUNI - www.redunivenezuela.com

University Budgets as a mechanism for domination



One a year, universities prepare a budgetary pre-project for the year to come, which is revised by the State's authorities: the Planification Office of the University Sector (OPSU); the National University Council (CNU); the National Budgetary Office (ONAPRE). Later, estimates should be approved by the National Assembly (AN). Yet, these legal steps are not rigorously accomplished. Since 2016 -three consecutive years up to now. The national government has not complied with our Bolivarian Republic of Venezuela's National Constitution; and has submitted the project of the nation's Budgetary Law to an organ strange to An, the Constituent National Assembly (ANC) -and that promotes opacity, as for information concerning university budgets.

Budgetary cutbacks applied to public universities in Venezuela have grown frequent in the last years; and now they result in assignment between 1% and 20% of these institutions' requirements. It is evident, that Ministry of Superior Education, Science, and Technology keeps a rhythm of increasing dis-investment in the university sector, which worsens deficits. Such a situation, jointly with the hyper-inflation affecting our country, drag universities toward a financial crisis that compromises their institutional integrity. Along recent years, universities have received every year less economic resources the target being clearly a political one: diminishing their operative capabilities.

The yearly budget approved for universities allow them to function only between 3 and 7 months, at the most, because 80%-87% of resources are destined to cover personnel expenses (wages), depending on circumstances. Then, in order to complete the necessary resources, OPSU orders universities to solicit them via "additional credit". Such will generally arrive by the end of the academic year -and, normally, those budgetary extras will mean only 10% of the amounts solicited. This proves the permanent governmental attitude of not recognizing the real needs of our public universities.

Transparencia Venezuela - www.transparencia.org.ve

At least 20 countries investigate over 50 cases of corruption with Venezuela's money involved

If there is something that particularly characterizes corruption in Venezuela during the chavism era, that is an unprecedented and continuous robbery suffered by our country, and its extension abroad. A sample of this are 51 cases of embezzlement against Venezuelan patrimony that have been investigated around the world, according to an updated registry by Transparencia Venezuela.



corruption net over 49 countries.

Transparencia Venezuela research permits to identify that Venezuelan corruption around the world implicates more than 200 persons, among them chavista governments officials, high-level governmental officials in other countries, and presumable businessmen. Up to now, the nation where more

investigations have been initiated is United States of America: 21 judicial process have been considered there for more than US\$ 5.700 MM.

Despite the fact that, for a long time, there was complete impunity in cases of corruption in which Venezuelan money was involved, in the last few years it has been known that Public Attorneys, Tribunals, and Parliaments of at least 20 countries have started investigations of the gigantic defalcation that drove Venezuela into a complex humanitarian emergency. Our own calculations indicate a total sum of US\$ 24.179 MM; while journalistic reports account for the extension of this

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Espacio Público - www.espaciopublico.org

Journalist Wilmer Quintana is granted home imprisonment

Journalist Wilmer Quintana was granted a measure of home imprisonment, after being detained for 37 days for denouncing cases of corruption in domestic gas distribution, and in bags of aliments distribution in San Juan de los Morros, state of Guarico. (Bags are called CLAP, from Local Committees for Supplying and Production).



The benefit was granted by First Instance 3rd State and Municipal Tribunal in Control Functions; and the reason was Quintana's health situation: he suffered a heart attack during his detention in headquarters of Corps of Scientific, Penal, and Criminalistic Investigations (CICPC) in San Juan de Los Morros, from where he was immediately translated to the "Israel Ranuarez Balzam" Hospital.

Quintana was arrested due to his denouncements against the state of Guarico's Governor, José Manuel Vazquez Aranguren; and against the president of enterprise Alimentos Guarico (Alguarisa), Emilio Alvarez. Quintana was investigated for supposed "promotion and incitation to hate", which are offences based on unconstitutional Law Against Hate. The journalist was prohibited to declare to mass media, because he is waiting at the moment for a preliminary hearing.

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Political Persecution as a lese humanity crime (I)



Including the crime of persecution in the Statute of Rome (arts.7.1.h and 7.2) was the first attempt for giving a legal definition of this crime within an international treaty. The specification of persecution underlines in the implementation of discriminatory actions and policies. It has also been established the relation of persecuting actions with lese humanity crimes and genocide. In this case, that is the context where persecution of minority groups begins; and goes on until reaching a level of destruction of the groups.

According to the Statute of Roma, persecution is described as a severe discrimination against “a group or community with a proper identify, that has been founded with political, racial, national, ethnic, cultural, and religious purposes; or other genres, as defined

in paragraph 3; or for any other reason universally recognized as unacceptable, according to International Law, or when they refer to any other action mentioned in this paragraph; or to any other crime within this Court’s competence”.

Talking of the reasons to base a persecution upon, we wish to underline the political one. This can be defined as a persecution “(...) related to the State, or its government, or public affairs in general; thus, not limited to political parties’ memberships, nor to the affiliation to particular ideologies”. In the case Akayesu, International Penal Court’s (CPI’s) Tribunal for Rwanda stated that persecution for political reasons could be considered “discrimination based on the political ideology of one single person”. We find here that the word “political” could be potentially refered to public affairs, which include subjects ranging from environment to health, as well as to simply participating and exercising political rights. The “political” reasons for persecuting would cover, at a minimum, the existence of a difference of opinion about public affairs, which would mean a leit-motiv for committing crimes against a group or

a person. Although CPI has received a good number of cases about political persecution, its Preliminary Questions Hall has not yet decided on the concept nor the reach of this offence.

As other crimes of lese humanity, the crime of persecution has its own characteristics. Among them, that this type of crime can be committed against one or more persons. That is to say “that this crime includes attacking individuals due to their membership in a group or collectivity; and also attacking the entire group or collectivity as a whole”. Nonetheless, “attacks must be addressed at least against a small number of persons”. (Otto Triffterer, The Rome Statute of the International Criminal Court, Hart-Nomos, page 213). We think that persecution, a lese humanity crime, as defined in the Statute of Rome, is somehow far from Consuetudinary International Law on the matter, because of substantial differences that concern pertinent regulations of statutes in *ad hoc* tribunals.



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