



CRISIS EN VENEZUELA

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www.crisisenvenezuela.com

PROVEA - www.provea.org



Simulation as a response to the reports?

Recently, United Nations Office of the High Commissioner for Human Rights (UN-OHCHR) disclosed a report on Venezuela focused on the situation of the Economic, Social and Cultural Rights (ESCR) and the technical cooperation with the authorities. Days later, the Independent International Fact-Finding Mission (IFFM), also from the United Nations, published another report on the responsibility of the country's justice administration system in the possible crimes against humanity. Both documents help to maintain the international community's attention, one of the main safeguards adrift towards authoritarianism installed at Miraflores Palace [seat of the Venezuelan Government and Office of the President of the Republic].



justice. On the one hand, they're performing procedural actions in several independent cases, some of them concerning the protests of 2014 and 2017. On the other hand, the approval and reform of a series of laws was announced, such as the Transparency and Information Access Act, the Reform Bill of the Organic Code of Criminal Procedures [COPP by its Spanish acronym], and the Reform Bill of the Penitentiary Organic Code,

among others.

As a response to these denouncements, and especially before the possibility of opening a formal investigation on Venezuela at the International Criminal Court as a result of the Preliminary Exam, Venezuelan authorities are making decisions to demonstrate their alleged will to deliver

The reinstatement of investigations and trials has generated all kinds of expectations in the victims' relatives. As a human rights organization, we will always be in favor of any initiative that advances towards the end of impunity in each and every one of the cases. Nevertheless, the initiatives are promoted in such a hurried and improvised manner, without any major participation, which would seem that they only wish to simulate something of which there isn't sufficient conviction yet. As part of the human rights NGOs, we'll keep a close watch on the whole process.

Espacio Público - www.espaciopublico.org



Scientific police summoned union leader Pablo Zambrano

The Criminal and Scientific Investigation Bureau [CICPC by its Spanish initials] summoned the regional coordinator of the organization Monitor Salud, Pablo Zambrano, on September 21st, who presumes that the summons may have been due to the visit he paid to the J.M. de los Rios Children's Hospital and for denouncing the crisis in hospitals.



Pablo Zambrano, in an interview with Espacio Público, explained that there were difficulties on the visit to the Children's Hospital because they wouldn't let them in: "The worst health crisis is the one we're going through at this moment. I don't know if this is intimidation, I'll know tomorrow, I'll go to find out what the situation is,

because I have nothing to hide, so I have nothing to fear. All that we've done is fight for the workers' benefits."

This information was given by his son, Mauro Zambrano, union leader of public and private hospitals of Caracas, who shared on social media a photograph of the summons issued by the Investigation and Protection Division in matters of Children, Adolescents, Women and Family.

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Transparencia Venezuela - www.transparencia.org.ve

The so-called Transparency Act consolidates secretiveness

The Parliament elected in 2020 approved in second discussion the so-called Transparency and Information of Public Interest Access Act, after an expedited process and ironically lacking transparency that only seeks to comply with a formality, without really guaranteeing Venezuelans the right to access public information.



The Bill was included as a point of order of the day in the session on September 14th of the Parliament, but a formal reading wasn't made. As if this weren't enough, the "public" part of the "public consultation" process was inexistent, since it was performed in less than three days and it didn't have an open summons. None of the Bill's versions were published on the

This is how the government-biased Members of Parliament responded, in a matter of hours, to the recommendation made by the United Nations High Commissioner for Human Rights (UNHCHR), Michelle Bachelet, when she presented her report on the *Human Rights Situation and Technical Assistance in the Bolivarian Republic of Venezuela* on September 13th, 2021. The Chilean former President requested of the Venezuelan State to prepare and publish a Transparency Organic Act that goes in accordance with international standards to assure that "the public information requests aren't rejected because they lack non-essential formalities".

Parliament's website, which should've been the first step towards transparency. The study and the report that should've been presented by the corresponding commission that will determine the feasibility for executing the law weren't known either. The Parliament's actions show the little interest it has on opening information to the citizens.

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Comisión para los Derechos Humanos y la Ciudadanía - www.codehciu.org

Police officers violated family rights in San Felix

Alexander Marcano, a resident of the Altamira Sector in San Felix, State of Bolivar, was a victim of an illegal raid, threats, torture, and cruel, inhuman and demeaning treatments on September 17th, 2021. Sources assured the Comisión para los Derechos Humanos y la Ciudadanía (Codehciu) that law-enforcement agents of the Criminal and Scientific Investigation Bureau [CICPC by its Spanish initials] wanted to force him, with torture, to confess to crimes that he didn't commit.



arbitrarily detained Marcano. After 4 hours of torture, cruel and demeaning treatments at the CICPC Precinct, the police officers decided to release him and summoned him for the following day. But in order to return the vehicle seized by said police officers at the victim's home, they asked for 2,000

Six police officers from the Anti Robbery Brigade of the CICPC entered Marcano's home without a search or an arrest warrant; they went through all his belongings and threatened his uncle, an elderly person, to death with a firearm. The victim's wife and his 8-month old daughter were also present at the event. The police officers (out of which 4 weren't wearing uniform or an ID) didn't find any elements of criminal interest, and in spite of that they

dollars. The complaint was remitted to the Prosecutor's Office.

Codehciu demands from the Prosecutor's Office to elucidate the events that lead to determining the people responsible for this human rights violation and that the States assures that this won't happen again and to return the vehicle to the victim.

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Foro Penal - www.foropenal.com

The “preventive” detention of 67 political prisoners violates what’s set forth in the new Organic Code of Criminal Procedures



As of September 24th, 2021 Foro Penal recorded 15,764 arbitrary arrests in Venezuela since January 1st, 2014. 872 civilians have been presented before military courts. Up to this date we have accrued a historical number of 3,642 political prisoners, of which 3,383 have been released under different modalities.



As of April 2014 we recorded 117 political prisoners in the country. As of September 24th, 2021 the number is 259 people, out of which 15 are women. Additionally, 9,414 people were or are being unjustly subjected to criminal procedures under cautionary measures.

The recent entry into force of the new Organic Code of Criminal Procedures sets forth in Article 230 that in no case the preventive detention can exceed the minimum term of the sentence for which the crime is being investigated or, in any case, the period of two years. This term may be extended for another year only under absolutely exceptional circumstances. There are 67 political prisoners in Venezuela that are still being processed who have been in preventive detention for over three years; thus, according to the new legislation currently in force, their immediate release is pending. 34 of these people are members of the military.

Acceso a la Justicia - www.accesoalajusticia.org

The UNHCHR, Michelle Bachelet, denounces that defending human rights and protesting in Venezuela come at a high price



Even though the Constitution guarantees that all citizens can “submit petitions before any authority”, as well as “freely express their thoughts, ideas or opinions with their voices, in writing or by any other form of expression”, “freely participate in public affairs”, and “protest”, those who decide to exercise these rights in Venezuela may be at risk of being incarcerated, being processed even by military courts, being wounded, and even losing their lives.



must keep in mind that insofar this year five activists from Azul Positivo and three from FundaRedes have been detained, without taking into account that towards the end of 2020, the headquarters of Convite, Acción Solidaria and Alimenta La Solidaridad have been raided and harassed.

The denouncement was formulated by the United Nations High Commissioner for Human Rights (UNHCHR), Michelle Bachelet, on September 13th, 2021, by presenting the report on the *Human Rights Situation and Technical Assistance in the Bolivarian Republic of Venezuela* before the UN Human Rights Council.

Even though certainly those activists who have decided to document and denounce abuses, have a greater possibility of being attacked and end up being behind bars, this doesn't mean that the rest of the population is exempt. This was acknowledged by Bachelet, who denounced that her office denounced eight cases of criminalization, threats, harassment, and detention of students for their participation in student movements, or in the documentation of human rights violations.

In the report, she complains about the “little progress” made by Nicolás Maduro’s government when it comes to protecting the human rights defenders, when investigating “the human rights violations committed against them” and at the moment of guaranteeing them “the right to participate in public affairs”. In this regard, we

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Bloque Constitucional

The right to property of millions of Banco de Venezuela's users was violated with the interruption of operations

Millions of users of the State-owned Banco de Venezuela weren't able to access their bank accounts for over 5 days, which was attributed to a cyberattack. This is the only bank in the country that has denounced a terrorist attack of this nature.

Now then, if the interruption was actually due to an attack on the systems or, on the contrary, if it was because of a platform failure, in both cases they're attributable to those running the bank.

What's true is the damage caused to millions of clients and that there's no one answering for this. What's more,



not only the service was interrupted, but many users have denounced discrepancies in their accounts, such as the money they had isn't there, or that the wire transfers they made were debited more than once. All in all, access to their assets was hindered, which, in turn, impeded their access to food, and even worse, to their health, for those who couldn't

purchase medications during those days. The consequence is a violation to what's set forth in Article 115 of the Constitution that stipulates the right to property, to the extent that the accountholders weren't able to dispose of their assets when they needed them.

Acción Solidaria - www.accionsolidaria.info

UNHCHR report fails to recognize the true causes of the crisis in Venezuela

On September 13th, the United Nations High Commissioner for Human Rights (UNHCHR), Michelle Bachelet, presented a new update on the status of human rights in Venezuela, making special emphasis on the economic, social, cultural, and environmental rights.

One of the most mentioned elements in the oral update of the UNHCHR is the negative impact of the sectorial sanctions imposed by the United States on PDVSA, the State-owned Venezuelan oil company. In this sense, even though it's true that the consequences of imposing these sanctions have worsened the current situation the country is living, they're not the cause of same.

The first general sanctions imposed on Venezuela by the United States occurred in August 2017, when it forbade US citizens or those related to this country to negotiate or restructure bonds from PDVSA and from the Republic. After that, in January 2019, they scaled up to including PDVSA in the list of those who were penalized,



therefore, the oil company's assets and properties under the jurisdiction of the United States were blocked, which, of course, affected the company's operations, having a negative impact on the State's revenues.

Now then, and as it was previously stated, these sanctions aren't the origin nor explain the current situation Venezuela is going through and that has been categorized and described as a Complex Humanitarian Emergency whose start goes back to the year 2015; in other words, three years before the first sanctions were imposed. What's more, the then United Nations Secretary General, Ban Ki-moon, acknowledged in 2016 that Venezuela was going through a humanitarian crisis.

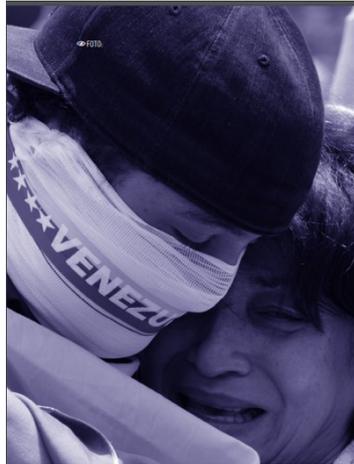
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CEPAZ - www.cepaz.org

Applying the rule of exhausting internal remedies hinders human rights protection in Venezuela

Victims of human rights violations in Venezuela encounter an obstacle in order to access international justice when they're restrictively forced to exhaust internal remedies, even when it is demonstrated that the lack of independence of the Judiciary Power in Venezuela causes the internal paths to be inappropriate and ineffective for redressing such violations. The Centro de Justicia y Paz (Cepaz) published a report titled: Acceso a la justicia internacional por parte de las víctimas en Venezuela [Access to international justice on behalf of the victims in Venezuela] in which states that, facing this exceptional situation in the country, the formula of the lack of disposition of the State for guaranteeing the right to judiciary protection can be applied as an exception to the rule of exhausting internal remedies.

The formula of the lack of disposition, or lack of ability, is clearly crystallized as an exception to the rule of exhausting internal remedies in the Rome Statute of the International Criminal Court (ICC), wherein it establishes that the cases shall be admissible when the State is unwilling or unable to perform the investigation of any of the crimes set forth in said Statute. On September 16th, 2020, the United Nations Independent International Fact-Finding Mission on Venezuela (FFM) presented a first thorough report in which it concluded that "the investigations revealed an interference of the Judiciary



Power's independence that hinders the right to a fair trial by an independent and unbiased court".

The consolidation of the "unwillingness" of the Venezuelan State in guaranteeing the access to judiciary protection can be reflected on the actions taken as of 2017. Among these are the following: (i) the interference on behalf of the Supreme Court of Justice in the legislative authority; (ii) the competences assigned to the National Constituent Assembly for acting as a "parallel power", consolidating the serious affectation to the Parliament's role; and (iii) the interference in the operation of the two authorities that comprise the Citizens Power in Venezuela: the Prosecutor's Office and the Office of the Ombudsman. These elements make it impossible for Venezuela's inhabitants to have minimum guarantees for accessing justice in filing remedies and they cause an unequivocal rupture to exist in the principle of the separation of powers that it consolidates. This should be enough for international authorities protecting human rights to analyze the compliance of the requisite of exhausting internal remedies in Venezuela.

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