

## Special meeting of the Permanent Council to address the situation in Venezuela

August 28, 2024

*Remarks by IACHR President, Commissioner **Roberta Clarke***

Ambassador Tarlie Francis, Chair of the Permanent Council; Mr. Luis Almagro, Secretary General of the Organization of American States (OAS); Ambassador Nestor Méndez, Assistant Secretary General of the OAS; Honourable Permanent and Alternate Representatives of Member States and Observers; Representatives of Civil Society, ladies and gentlemen.

Thank you for the opportunity to address the Permanent Council on behalf of the Inter-American Commission on Human Rights to present the findings from our continuous monitoring of the current and serious human rights crisis in Venezuela. I am joined by Commissioner Bernal and Commissioner Caballero and Commissioner Bulkan. Jorge Meza, Patricia Colchero.

These findings come through The Special Follow-up Mechanism for Venezuela (MESEVE) which was installed on October 21, 2019, to strengthen monitoring activities and respond promptly to the new challenges posed by the serious human rights crisis in the country.

Since its creation, MESEVE has played a key role in collecting testimonies from victims of human rights violations and receiving and systematizing information from civil society organizations.

Before beginning my presentation, I would like to express the Commission's solidarity with Venezuelans inside and outside the country. We recognize their legitimate demand for truth, justice, accountability and reparation and for the restoration of democracy and the rule of law.

The Inter-American Commission condemns practices of institutional violence in the context of the electoral process in Venezuela, including violent repression, arbitrary detentions, and political persecution.

We recall that on October 17, 2023, the government of Venezuela and the opposition party signed the "Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All Venezuelans" which established the commitment to conduct peaceful presidential elections with international observation. However, in the pre-election period, the regime intensified practices of coercion aimed restricting political participation and aimed at demobilizing all opposition and in

particular the organized opposition and their supporters. The registration of some opposition candidacies was prevented.

The State also imposed obstacles to voting abroad and denied accreditation and entry into the country of most independent international observation missions. In addition, our monitoring revealed that it intensified political persecution, harassment, and arbitrary detentions of opposition leaders, activists, and journalists.

In this context, Nicolás Maduro even warned of a "bloodbath and a civil war in the country" in the event that the opposition achieved an electoral victory. We can only conclude that this intimidatory announcement was intended to instill fear and to deter citizen participation in the process.

Yet, on July 28, 2024, the presidential elections were held with a higher turnout than in previous elections, both of voters and volunteers who acted as poll witnesses and observers.

After the closing of the polling stations, complaints arose about serious irregularities in the transmission of the electoral records for the verification and counting of votes, as well as about the lack of transparency and other obstacles in the citizen audit process. These complaints intensified after the press conference of the president of the National Electoral Council (CNE), who, unilaterally, declared Nicolás Maduro as the winner of the elections, without providing all the voting records or disaggregated statistical data, as required by Venezuelan electoral law.

To date, the CNE has not made public the electoral records or provided the necessary information to refute the serious allegations of electoral fraud, insisting on declaring Nicolás Maduro as the winner without the required documentation or statistical data.

The political opposition reported that they collected about 80% of the minutes of voting at the national level. They assert that the authenticity of these voting minutes are verified because they all have the corresponding seals, signatures, and security codes.

According to the opposition, the tallying of these minutes shows that Edmundo González Urrutia won the election. In addition, in order to facilitate independent verification of the results, it posted copies of the minutes on websites, which have been subject to computer attacks.

The Carter Center, an entity with experience and credibility, was present in Venezuela during the election. It concluded that the elections did not comply with international parameters and standards of electoral integrity, and, therefore, cannot be considered democratic. For its part,

the United Nations (UN) Panel of Experts that accompanied the presidential election indicated that "the announcement of the result of an election without the publication of its details or the disclosure of tabulated results to the candidates is unprecedented in contemporary democratic elections." In a similar vein, the Organization of American States (OAS) detected arithmetic errors in the data presented by the CNE.

On July 31, in the context of a lack of electoral transparency, President Maduro filed an action with the Supreme Court of Justice (TSJ) to certify the results, despite the fact that the competent authority for this purpose is the Electoral Power.

On August 23, the Supreme Court of Justice published what can only be described as a questionable ruling, outside its jurisdiction, validating the results announced by the National Electoral Council. In this regard, the IACHR has repeatedly warned in Chapter IV.B of its Annual Report of the absence of an independent judiciary and the co-optation of the Supreme Court of Justice by the Executive Branch.

Serious allegations of electoral irregularities and fraud have motivated at least 300 spontaneous protests throughout the country, mobilized by different social sectors, particularly inhabitants of areas in situations of poverty.

The demonstrations have been harshly repressed. The repression has mirrored patterns already observed by the IACHR in the 2014 and 2017 protests: i) arbitrary use of force that has resulted in loss of human life and injuries; (ii) arbitrary arrests and enforced disappearances; (iii) judicial persecution and harassment against people perceived as opponents and electoral volunteers; (iv) censorship and restrictions on the freedoms of expression, association, and peaceful assembly; and (v) obstacles to human rights work.

#### **(i) Arbitrary use of force**

Between July 28 and 30, there were reports of violence by the public force against the demonstrations. The violence resulted in the deaths of at least 23 people. All of them died as a result of gunshots, some in the back or head. According to public information recorded by the Special Monitoring Mechanism for Venezuela (MESEVE), 10 of the deaths are attributable to state forces: eight to military forces and two to the police.

#### **(ii) Arbitrary arrests and enforced disappearances**

The IACHR has received information on a pattern of violations of personal liberty. From July 22 to date, civil society organizations have registered at least 1,674 people detained.

Arbitrary detentions, mostly of young people from urban areas with higher poverty rates, initially occurred on a massive scale during the demonstrations. In addition, deprivation of liberty is recorded selectively, through a strategy of detention and criminalization against those who question the electoral results announced by the CNE; even in their places of residence in the so-called "Operation Tun Tun". This strategy has particularly targeted electoral volunteers and those perceived as opponents of the regime, including journalists, opposition leaders, human rights defenders, and university students, many of whom are in hiding.

### **(iii) Prosecution and harassment**

People detained in this context are being subjected to criminal proceedings for ambiguously worded offences that, in addition to having excessively high penalties, undermine the exercise of freedom of expression.

Those charged are experiencing due process violations. They are not being allowed representation by a defender of their choice due to the imposition of public defenders; adolescents are unable to communicate and be represented by their families; in the case of indigenous persons, to have interpretation and interculturality in judicial processes; and in the case of persons with disabilities, to have reasonable accommodations in criminal proceedings.

### **(iv) Censorship and restrictions on the freedoms of expression, association and peaceful assembly**

The Office of the Special Rapporteur for Freedom of Expression has received information to the effect that since 28 July, there have been approximately 108 cases of violations of freedom of expression, including the arbitrary detention of journalists and press workers on unfounded charges of "incitement to hatred" and "terrorism", the cancellation of passports, the closure of media outlets, the confiscation of equipment and the deportation of international press personnel.

The regime has also intensified repression in the digital sphere, using technology to profile, surveil, and intimidate opponents. Blocking of websites, social networks, and instant messaging platforms has been documented, as well as the use of applications that incite citizens to give information on each other.

The Commission has also received information on random detentions on the street for the inspection of content on mobile devices, as well as the use of video surveillance and patrol drones.

#### **(v) Obstacles to human rights advocacy**

The Commission is concerned about the repressive measures adopted by the State against the work of defending human rights through arbitrary detentions, harassment, limitations on freedom of movement, and unlawful restrictions on freedom of association.

In this regard, the IACHR received information on the illegal cancellation of passports of at least 36 defenders, communicators, and their families. For example, the case of the human rights defender of LGBTI persons, Yendri Velásquez, who was arbitrarily detained and whose passport was annulled when he was about to travel to participate in the Committee on the Elimination of Racial Discrimination.

Discussion of the "Law on the Inspection, Regularization, Action and Financing of Non-Governmental and Related Organizations" was resumed, which would arbitrarily restrict a series of rights, such as the freedoms of association, expression and participation in matters of public interest.

#### **Conclusions and recommendations**

These practices which amount to state terrorism perpetrated by the current regime and observed by the Commission are not only aimed at the persecution of specific sectors, but also generate a climate of fear and intimidation among the Venezuelan population. In effect they deny the right to political participation.

This, in a context of absolute impunity. There are no remedies for protection, since the control bodies respond to the regime and are part of the repressive strategy of the State.

The human rights violations recorded in the current political and electoral crisis aggravate existing structural problems, such as the lack of access to economic, social, cultural, and environmental rights, as well as the forced mobility of people.

As I conclude, the Commission reminds that Venezuela that it must act in compliance with its duties and immediately cease all patterns of repression and practices that seek to generate terror in its own population.

Specifically, Venezuela's authorities must:

- Guarantee access to public electoral information through the publication of all voting records; allow their independent scrutiny and respect the popular will expressed in the vote, in accordance with human rights standards.
- Order the public forces to refrain from the arbitrary use of force.
- Ensure that non-state armed groups acting with their consent, tolerance or acquiescence cease violence immediately.
- Immediately release those arbitrarily detained.
- Prevent, prosecute and punish serious human rights violations. Specifically, forced disappearances, even short-term disappearances; as well as acts of torture, cruel, inhuman or degrading treatment or punishment, including acts of sexual violence.
- Respect judicial guarantees, including measures to ensure due process and technical defense of trust, as well as guarantees for children, adolescents, indigenous peoples, and persons with disabilities.
- Cease the criminalization, harassment, and persecution of human rights defenders.
- Immediately cease repressive actions directed against human rights defenders, dissidents, political opponents, election witnesses, journalists, and the media.
- Suspend all digital persecution strategies and those that use technologies to intimidate or silence the population, in particular, human rights defenders, dissidents, political opponents, election witnesses, journalists, and media outlets.

Finally, the Commission calls on the OAS Member States to unambiguously reject the human rights violations and acts of repression that today keep the enjoyment and exercise of the freedoms and rights of the Venezuelan population in a critical situation.

Venezuela must restore democratic order and the rule of law, guaranteeing the independence, balance of powers, and political rights of the Venezuelan population.

I wish to assure member states that the Commission will maintain close and rigorous monitoring of the situation through its Special Follow-Up Mechanism for Venezuela (MESEVE).