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Human rights situations that require the Council's attention

Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela*

Summary

The present report, submitted to the Human Rights Council pursuant to its resolution 45/20 of 6 October 2020, contains the findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. The report focuses on two topics that were prioritized in the Mission's investigations: (a) crimes against humanity committed through structures and individuals in the State's intelligence services as part of a State plan to repress opposition to the Government, and (b) the human rights situation in the Arco Minero del Orinoco region and other areas in Bolívar state.

With this report, the Mission aims to bring further attention to the unrelenting human rights crisis in the country, fueled by hollowed-out State institutions, while putting the spotlight on often ignored situations and groups, including indigenous peoples.

* The present report was submitted after the deadline as to include the most recent information.

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I. Introduction

A. Background

1. In its resolution 42/25 of 27 September 2019, the Human Rights Council established the independent international fact-finding mission on the Bolivarian Republic of Venezuela (hereinafter “the Mission”).

2. The Mission presented its first report to the Human Rights Council on 25 September 2020, which focused on human rights violations and crimes in the context of targeted political repression, security operations, and protests. The Mission concluded that there were reasonable grounds to believe that some of the events documented in that report amounted to crimes against humanity.¹ The report further included the Mission’s initial assessment of responsibilities for the violations and crimes identified.²

3. On 6 October 2020, the Human Rights Council extended the Mission’s mandate for an additional two years, until September 2022, through resolution 45/20. The Mission has continued to investigate gross violations of human rights, including extrajudicial executions, enforced disappearances, arbitrary detention, torture and other cruel, inhuman or degrading treatment, including those involving sexual and gender-based violence, committed since 2014, with a view to combat impunity and ensure full accountability for perpetrators and justice for victims.

4. The Mission presented its second report to the Human Rights Council on 16 September 2021, focusing on the judicial system. The Mission also concluded that the justice system directly contributed to perpetuating impunity for human rights violations and crimes and prevented victims from accessing effective legal recourse and judicial remedies, and, in some cases, contributed to a State policy to quash the opposition.

5. The present report, submitted pursuant to resolution 45/20, is accompanied by two conference room papers, containing the Mission’s detailed findings on two subjects previously identified as requiring further examination:

(a) Crimes against humanity committed through structures and individuals in the State’s intelligence services as part of a State policy to repress persons opposed to the Government,³ and

(b) The human rights situation in the Arco Minero del Orinoco (Orinoco Mining Arc) region and other areas in Bolívar state.⁴

6. The focus of the present report in no way aims to minimize or ignore other cases involving gross human rights violations in the Bolivarian Republic of Venezuela and should not be construed as suggesting that other violations and crimes did not occur, nor that parts of the country not mentioned in the report were not affected by similar patterns.

7. The investigation leading to the present report faced a series of limitations, in particular due to security concerns including victims’ fear of reprisals. While lack of access to the Venezuelan territory creates challenges, the mentioned security concerns would likely curtail the Mission’s ability to conduct effective investigations in the country. The investigations related to the situation in Bolívar state faced the additional challenge of poor telecommunication infrastructure in the area.

8. Moreover, the Mission’s capacity to carry out in-depth investigations beyond the current areas of focus was further curtailed by staffing concerns. Unstable and short term contractual arrangements, linked to unexpected staff transfers, resulted in significant staff turnover. There is an urgent need for the Office of the United Nations High Commissioner for Human Rights (OHCHR) to find a solution that ensures that recruitment processes are

¹ A/HRC/45/33, paras. 161-162; A/HRC/45/CRP.11, paras. 2084ff.

² A/HRC/45/33 and A/HRC/45/CRP.11.

³ A/HRC/51/43/CRP.3.

⁴ A/HRC/51/43/CRP.2.

compatible with the temporary character of mechanisms as the Mission, in order to allow that it can fully develop its investigative potential.

9. The Mission remains concerned about continued allegations of gross violations of human rights in the Bolivarian Republic of Venezuela as a whole, including:

- Acts of torture and cruel, inhuman and degrading treatment, including sexual and gender-based violence, by State law enforcement and intelligence services, consistent with previously identified patterns, and detention conditions amounting to cruel, inhumane or degrading treatment against real or perceived opponents of the Government and their families or other individuals associated with them, including indigenous persons.
- Killings consistent with previously documented patterns of extrajudicial executions and other violations in the context of security operations in low-income, urban neighbourhoods in various parts of the country. These require more in-depth investigation, but available information indicates that such killings have continued at a worrying level.
- Extrajudicial killings, enforced disappearances, forced labour and sexual exploitation, including sexual slavery and trafficking in persons in border and remote areas. The Mission remains particularly concerned about the situation in the states of Amazonas and Delta Amacuro, in particular regarding alleged violations against indigenous peoples.
- Continued persecution, intimidation and arbitrary detentions targeting media workers, civil society organizations, human rights defenders and lawyers.

10. The Mission remains particularly concerned about legal and institutional reforms related to the justice system. Reforms announced since 2021 have been partially implemented at best, and have failed to address the serious flaws in the justice system that undermine its independence and impartiality.⁵

11. In January 2022, the National Assembly approved reforms to the Organic Law of the Supreme Court of Justice,⁶ reducing the number of magistrates from 32 to 20. The law allows serving justices to reapply, who otherwise would not have been able to keep serving beyond the 12-year term-limit stipulated in the Constitution. As a result, 12 of the previously serving magistrates were reappointed, and continue to exercise discretionary powers over appointments and removals of provisional judges.⁷ Furthermore, the provisional appointment of public prosecutors remains unaddressed. These developments have taken place amid concerns about the independence of the Judicial Nominations Committee,⁸ as the Mission has previously noted⁹.

12. Time limits in criminal proceedings, including for pre-trial detention, have been reduced through the reform of the Criminal Procedure Code introduced in October 2021.¹⁰ However, in the cases documented by the Mission such time limits remain in practice systematically unenforced.

13. In September 2021, the National Assembly also amended the Organic Code of Military Justice, establishing that no civilian may be tried by military courts.¹¹ The Mission, however, regrets the ruling of the Supreme Court of Justice on 9 December 2021, which

⁵ A/HRC/48/69, paras. 14-30, 31-56; A/HRC/48/CRP.5 paras. 37-87.

⁶ Organic Law reforming of the Organic Law of the Supreme Court of Justice, *Official Gazette* No. 6,684 Extraordinary, 19 January 2022.

⁷ VTV, “Presidenta del TSJ presenta informe de primeros 100 días de gestión”, 14 August 2022.

⁸ Ibid.

⁹ Statement by Marta Valiñas, Chair of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, at the 49th session of the Human Rights Council, 18 March 2022.

¹⁰ Organic Law for the Reform of the Organic Code of Criminal Procedure, *Official Gazette* No. 6,646 Extraordinary, 17 September 2021.

¹¹ Organic Law partially reforming the Organic Code of Military Justice, *Official Gazette* No. 6,646 Extraordinary, 17 September 2021.

allows military courts to still exercise jurisdiction over civilians, with the sole requirement of a reasoned order by a military judge.¹²

14. Should the Human Rights Council decide to renew its mandate, the Mission will continue to investigate these and other situations, while considering both State and individual responsibility and victims' rights to justice and redress, with respect to documented violations and crimes.

B. Methodology and standard of proof

15. The Mission continued to follow established methodologies and best practices for human rights fact-finding, as developed by the United Nations,¹³ with specific attention to gender issues and the gendered impact of violations.¹⁴ The Mission conducted its work in accordance with the principles of independence, impartiality, objectivity, transparency and integrity.

16. The Mission continued to use "reasonable grounds to believe" as its standard of proof. This standard of proof is lower than that required in criminal proceedings for a criminal conviction (beyond a reasonable doubt) as well as that required to sustain an indictment.¹⁵ The standard is met when factual information has been collected which would satisfy an objective and ordinarily prudent observer that the incident has occurred as described with a reasonable degree of certainty.¹⁶

17. The Mission identified several individuals responsible for human rights violations and crimes against humanity, with a view of combating impunity and ensuring full accountability for perpetrators. The Mission recalls, however, that the individual criminal responsibility of these individuals must be duly investigated, and a determination must be made by the competent judicial authorities, either in a national or international jurisdiction.¹⁷

18. The Mission conducted interviews with 246 individuals during the present cycle (involving 140 men and 106 women), both in-person and remotely via secure telephone or video connections. Given the lack of authorization to carry out investigations in the territory of the Bolivarian Republic of Venezuela, the Mission's secretariat team conducted two missions to areas near its border. The Mission's three experts furthermore visited border areas in July 2022.¹⁸ In addition, the Mission included information from interviews conducted during previous investigations (383 interviews: 216 men, 167 women) whenever relevant.

19. The Mission ensured it had the informed consent from each person it interviewed before using any information provided by them. It has anonymized the identities of sources, witnesses, and victims, where revealing these could place the individual and/or their family members at risk of reprisals. The identities of certain individuals responsible for human rights violations have similarly been concealed, following a risk analysis. The Mission maintains a full database of information and evidence upon which it bases the analysis and conclusions contained in the present report.

20. Due to the limitations described above, particularly in investigating facts occurring in Bolívar state, in certain cases, the Mission had to rely on an analysis of secondary evidence to investigate relevant aspects of the underlying facts. In those cases, the Mission has

¹² Supreme Court of Justice, Case No. 0735, Dkt. No. 19-479, 9 December 2021.

¹³ The methodology used by the Mission is detailed in its 2020 report. See A/HRC/45/33, paras. 6-11 and 162.

¹⁴ The two conference room papers include dedicated sections on sexual and gender-based violence.

¹⁵ A/HRC/45/CRP.11, paras. 11 and 1977.

¹⁶ See A/HRC/45/33, para. 9.

¹⁷ Ibid., paras. 9, 165-166; A/HRC/45/CRP.11, paras. 1997, 2013-2015; A/HRC/48/69, para. 13; A/HRC/48/CRP.5, paras. 194, 470.

¹⁸ Office of the United Nations High Commissioner for Human Rights (OHCHR), "Fact-Finding Mission on Venezuela concludes field visit near the border with Venezuela", press release, 25 July 2022.

identified the need to conduct further inquiries and has abstained from making factual determinations.

21. Human Rights Council resolutions 42/25 and 45/20 urged Venezuelan authorities to cooperate fully with the Mission, to grant it immediate, full and unfettered access to the country, and to provide it with all the information necessary to fulfil its mandate. The Mission regrets that, three years into its mandate, the Venezuelan government still has neither permitted its members to visit the country, nor responded to any of the ten letters that the Mission sent between September 2021 and September 2022.

22. The Mission expresses its deepest gratitude to those who shared their traumatic experiences with the Mission, and for the assistance provided by human rights defenders, national and international civil society organizations, indigenous peoples' organizations, former state officials, and United Nations agencies and partners.

II. Crimes against humanity committed through State intelligence services (DGCIM and SEBIN)

A. Background and context

23. In its 2020 report, the Mission concluded with reasonable grounds to believe that violations and crimes committed in the Bolivarian Republic of Venezuela were part of a widespread and systematic attack directed against a civilian population, in the context of a policy to suppress opposition to the Government.¹⁹ The Mission identified six main perpetrator structures in the commission of human rights violations and crimes falling within the Mission's mandate.

24. Among these structures were Venezuela's State military and civilian intelligence services, the Directorate General of Military Counter-Intelligence (DGCIM) and the Bolivarian National Intelligence Service (SEBIN), respectively. The Mission concluded in 2020 that individuals at different institutional and hierarchical levels in the two bodies were involved in those violations and crimes, with a view to suppress real and perceived opposition to the Government.

25. The following report expands on the Mission's findings from 2020 and 2021, to focus on the roles of SEBIN and DGCIM as institutions, as well as of specific individuals, in said violations and crimes. The report presents a deeper understanding of these structures and the roles and contributions by those at different levels in the chains of command, with the objective of advancing determinations of responsibility.

26. The crimes and violations committed by members of SEBIN and DGCIM – which, as noted in the Mission's 2020 report, amounted to crimes against humanity²⁰ – were of particular cruelty and committed against individuals who were defenceless. Real and perceived Government opponents and their family members were subjected to illegal detention followed by acts of torture and other cruel, inhuman or degrading treatment and sexual and gender-based violence. Admittedly, peak periods of illegal arrests followed by torture ended in 2019. This is due to the fact that, over time, given the brutality in the execution of the plan, political dissent has been largely crushed. All of this, compounded by the impact of the COVID-19 pandemic over people's ability to protest, resulted in an overall decrease in the reporting of such incidents.

27. Nevertheless, the structures of DGCIM and SEBIN remain the same to date, and the patterns of conduct within these agencies, as previously documented by the Mission, still persist. Various individuals suspected of crimes and violations continue to work at relevant positions within the Bolivarian National Armed Force (FANB) and the Bolivarian National Police (PNB), some of whom obtained promotions in 2022. Several cases concern acts committed as recently as the second half of 2021 and early 2022. Although some progress

¹⁹ A/HRC/45/CRP.11, para. 2086-2105.

²⁰ Ibid., paras. 2083-2094.

has been made in the transfer of persons out of SEBIN and DGCIM detention centres – in accordance with a Presidential Decree of May 2021²¹ – many political detainees are yet to be transferred.

B. The General Directorate of Military Counter-Intelligence (DGCIM)

1. Structure and chain of command

28. DGCIM is an organ of the FANB. It has broad powers to execute counter-intelligence activities, and is also tasked to prevent subversive activities against the FANB and to protect the President.²² DGCIM has its origins in the General Directorate of Military Intelligence (DGIM), which was mainly tasked with collecting information from abroad. The Mission received information that when President Maduro took office in 2013, DGCIM had fully taken on a counter-terrorism approach by targeting real or perceived enemies of the FANB.

29. While DGCIM is administratively under the Ministry of Popular Power for Defence, the President has functional and organizational control of the agency, as the Commander-in-Chief of the FANB.²³ The DGCIM headquarters are located in the Caracas suburb of Boleíta Norte (hereinafter “Boleíta”), which houses detention cells and administrative offices. The agency furthermore has eight regional offices throughout Venezuela.

30. DGCIM is headed by a Director General, who reports directly to the President.²⁴ Beneath the Directorate General sits a Sub-Directorate General and various line directorates, in charge of tasks including operations, counter-espionage and surveillance, as well as various administrative units. The two Directorates most relevant to this report are the Special Directorate of Criminal and Criminalistics Investigations (DEIPC) and the Special Affairs Directorate (DAE).

31. DEIPC is, according to former DGCIM employees, in charge of conducting investigations against potential targets, as well as their arrests and interrogations. The DEIPC manages most detention cells on the two basement levels of Boleíta, where torture and other forms of ill-treatment against detainees were systematic. DEIPC is headed by a Director who reports directly to the DGCIM Director General and his Deputy.

32. DAE falls outside of the formal organigram of DGCIM and has been described as a “DGCIM within DGCIM” or as the agency’s “shock force”. The Directorate has significant autonomy in its operations and is often involved in what one former employee described as DGCIM’s “dirty work”. Both DEIPC and DAE have been implicated in acts of torture, including sexual violence, arbitrary detentions and short-term enforced disappearances by multiple former detainees and other sources. Officers from the two Directorates sometimes collaborated during operations, in particular in high-profile cases.

33. Former DGCIM officials told the Mission that Cuban State agents have instructed, advised and participated in intelligence and counter-intelligence activities with DGCIM. The Mission further reviewed written confidential agreements between the Governments of the Bolivarian Republic of Venezuela and Cuba, in which the latter was given a formal role in restructuring Venezuelan military counter-intelligence services and to train officers. These agreements date back to 2006 and the cooperation is still ongoing.

2. Modus operandi

(a) Selection of targets, surveillance and arrests

34. The Mission investigated the case of 122 current and former FANB officers and civilians associated with them, who were arrested, detained and tortured by DGCIM between

²¹ Presidential Decree No. 4610, *Official Gazette* No. 42,125 of 12 May 2021.

²² Organic Regulations of the Directorate General of Military Counter-Intelligence, Presidential Decree No. 1605, *Official Gazette* No. 40,599 of 10 February 2015, art. 3.

²³ *Ibid.*, art. 2.

²⁴ *Ibid.*, art. 6.

12 February 2014 and the present. The peak periods of detention in DGCIM's Boleíta were 2017, 2018 and 2019.

35. According to the Mission's analysis and information received, real and perceived dissidents and Government opponents were targeted for detention based on criteria which included their alleged participation in plots against the Government, their leadership roles or leadership potential, their roles within the political opposition, their public criticism of the Government and, in some cases, their potential to be subjected to acts of extortion. In certain cases, President Nicolás Maduro and other persons of his inner circle, as well as other high-level authorities were involved in selecting targets.

36. DGCIM gathers information on targets through tips, military sources, a network of informants, the infiltration of opposition sectors, or telephone and digital surveillance, often without any court order. Arrests of targets were carried out either by DGCIM agents acting alone, usually from DEIPC, or with other State police or security actors. The latter cooperation indicates coordination at a higher political level in these operations.

37. The Mission has documented numerous irregularities during arrests carried out by DGCIM. These include a failure to present warrants, or arrests based on false evidence. The Mission has documented several cases where DGCIM used excessive force during arrests, including the shooting of arrestees. Another frequent tactic of DGCIM was to arrest or orchestrate kidnappings of family members to pressure targets to turn themselves in.

38. According to former DGCIM employees and other sources, DGCIM routinely plants or manipulates evidence to falsely frame targets. Tactics include planting weapons or political propaganda in the homes of targets, or the use of torture to pressure detainees to make false accusations. DGCIM makes extensive use of telephonic and digital surveillance, and often manipulated recordings to frame targets.

39. According to former DGCIM employees and detainees, DGCIM officials routinely raided properties of targets to steal money and other valuables. Several detainees were also extorted during interrogations, including to transfer large sums of money to DGCIM officials.

(b) Conditions of detention

40. Former detainees who were held in Boleíta described being subjected to extremely harsh detention conditions. Cells lack natural light, while time outside and access to sanitary facilities is heavily restricted. Prisoners described having to defecate into plastic bags or bottles and being forced to eat food from the floor.

41. Apart from its detention cells in Boleíta, DGCIM relies on a network of covert detention centres (*casas de seguridad*) throughout the Bolivarian Republic of Venezuela where detainees are brought to be interrogated and subjected to torture and sexual violence. These covert detention cells were managed by DAE. The Mission has documented multiple cases of individuals who were detained arbitrarily or subjected to short-term enforced disappearances and held incommunicado outside legal supervision in *casas de seguridad*.

(c) Torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence

42. The Mission has documented 122 cases of victims who were subjected to torture, sexual violence and/or other cruel, inhuman or degrading treatment perpetrated by DGCIM agents, between 2014 and to present. Acts of torture were carried out to extract an alleged confession, obtain information, punish, intimidate, humiliate or coerce, and in some cases to steal money or other assets. Torture sessions could last for days or weeks. Detainees were generally tortured during interrogations shortly after arrest, but some detainees were also tortured during later periods of detention.

43. DGCIM relied on a range of torture methods, including heavy beatings with objects, electric shocks, asphyxiation with plastic bags and stress positions, as well as psychological torture such as "white torture". The sessions could result in serious and/or permanent physical injury, as well as severe psychological trauma and depression. The Mission has documented cases of loss of sensory or motor functions, reproductive injuries, and at least one miscarried pregnancy, as a result of acts of torture inflicted by DGCIM agents.

44. DGCIM officials also perpetrated acts of sexual or gender-based violence against military and civilian detainees during interrogation to elicit information, degrade, humiliate or punish them. Such acts included rape, threats to rape the detainees and/or their family members, forced nudity, touching of sexual organs, electric shocks or beatings to reproductive organs, and threats to mutilate genitals.

3. Individual responsibility

45. The Mission has reasonable grounds to believe that six individuals, whose acts and conduct have been set out in the Mission's detailed findings, may bear criminal responsibility for the events described in this report, and should be investigated. The identities of some of these individuals, at the Line Directors' level and above, have been spelled out in the accompanying conference room paper. These conclusions were based on the consistent evidence of more than 40 witnesses, including victims, family members and former DGCIM officers. The information received shows that persons at low and mid-levels of DGCIM were involved in the execution of crimes and violations. At higher levels of responsibility within DGCIM, officials issued orders and had knowledge of crimes and violations being committed.

46. The Mission found reasonable grounds to believe that two individuals working at the lower-to-mid levels of responsibility within DGCIM's Boleíta were implicated in acts of torture, including sexual violence, either directly or indirectly. Multiple witnesses, including victims, provided statements and other material to the Mission in support of the allegations against these individuals. For instance, at least 10 former detainees pointed to the direct participation of one of these officials in acts of torture. Testimony from these victims is consistent with the patterns of torture and other human rights violations documented by the Mission. Accordingly, these identified individuals have:

- Beaten multiple detainees, including with objects like a bat and a table;
- Asphyxiated detainees with plastic bags or grenade smoke;
- Applied the "*señorita*", a torture device, to lower bodies into water tanks;
- Applied electric shocks against detainees, including to the detainees' testicles;
- Committed acts of sexual violence, including raping detainees with wooden sticks;
- Threatened detainees to rape and kill members of their families if they did not provide certain information;
- Put pins inside the fingernails of detainees;
- Instructed lower-ranking DGCIM officials to carry out acts of torture;
- Participated in operations whereby family members of targeted individuals were detained, in order to pressure targets to surrender.

47. The Mission has, in addition, considered acts and conduct by four individuals at the mid-to-higher levels of responsibility within DGCIM. These individuals held or continue to hold positions as Line Directors and Director General. They are all subjected to international sanctions by the European Union, the United Kingdom and the United States of America.

48. As noted above, the DEIPC was implicated in a range of human rights violations, including torture, sexual violence, arbitrary arrests and short-term enforced disappearances. The Directors participated in the violations directly, committed through their subordinates and/or ordered subordinates to torture detainees. Moreover, individuals in these roles hold responsibility for the crimes and violations committed by subordinates under their authority and control. They were also implicated in sexual violence against detainees, including as a direct perpetrator or through their subordinates. The witnesses also stated that the Directors were at times present during the torture sessions. Moreover, they ordered DGCIM agents to raid the properties of detainees to seize their valuables and other assets, or tortured detainees to sign powers of attorney to take their property.

49. At a similar level of hierarchy within DGCIM, the Mission received information about crimes and human rights violations within the DAE. According to consistent information

received by the Mission, its Director ordered, supervised and directly participated in arrests, arbitrary detentions, short-term enforced disappearances, torture including sexual violence and other cruel, inhuman or degrading treatment or punishment.

50. DGCIM's highest-level authority, the Director General, has direct command over all line directorates, including DAE and DEIPC, which, as noted above, have been implicated in a range of crimes and human rights violations. The Director General is closely involved in DGCIM's operational decisions. He has command and control over his subordinates and is aware of what takes place in Boleíta. He is responsible for violations carried out by subordinates. The Mission received information that the Director General in turn receives orders directly from the President, including of targets for arrest, although these are not transmitted in writing to avoid a paper trail. While the Director General rarely participates in operations or interrogations directly, the Mission received information about some instances where he has played a direct role, particularly in high-profile cases.

C. The Bolivarian National Intelligence Service (SEBIN)

1. Structure and chain of command

51. SEBIN was established in June 2010 with the purpose to plan, formulate, direct, control and execute civilian intelligence and counter-intelligence policies and actions.²⁵ According to its Regulations, SEBIN carries out activities to “neutralize potential or real threats to the State”.²⁶ The agency was managed by the Vice Presidency from 2013 until 28 April 2021, when it was transferred to the Ministry of Popular Power for Interior Relations, Justice and Peace.²⁷

52. SEBIN's highest authority is its Director General, who is appointed by the President.²⁸ The agency has a four-tiered organisational structure, divided into managerial, administrative, substantive and regional Directorates and other offices. These include the Directorate of Strategic Investigations, mandated to investigate alleged crimes and identify perpetrators, and the Directorate of Immediate Actions, in charge of “intervention actions” against potential threats to the nation.²⁹

53. The Mission received information about two additional offices outside of SEBIN's official structure which carry out important work for the agency. The Directorate of Technological Intelligence oversees phone surveillance and other monitoring of political targets. The Division of Coordination and Protection of Democratic Order carries out arbitrary detentions for SEBIN, according to a former employee.

54. The Mission received evidence of a functioning chain of command within SEBIN, with the Director General ordering operations, while lower-level units and officials complied with such orders. At the substantive level of SEBIN's organizational structure, below the Director General are the “Line Directors” of the different directorates.

55. Former SEBIN Director Cristopher Figuera (2018-2019) told the Mission that he maintained constant communication with the Vice-Presidency during his tenure, but that substantive orders mainly came from President Maduro. Other sources also confirmed to the Mission that President Maduro directly issued orders to SEBIN. According to numerous sources, Diosdado Cabello also holds significant power within SEBIN and passed orders directly to the Director General.

56. SEBIN oversees detention centres in Caracas in its Plaza Venezuela headquarters and in El Helicoide, where most of its detainees are held. Until November 2021, El Helicoide was managed by the Directorate of Strategic Investigations. Many of the low-level officials in El Helicoide were very young, came from vulnerable communities and were not allowed

²⁵ Presidential Decree No. 7453, *Official Gazette* No. 39,436 of 1 June 2010.

²⁶ Organic Regulations of the Bolivarian National Intelligence Service, Presidential Decree No. 2524, *Official Gazette* No. 41,021 of 1 November 2016 [hereinafter “SEBIN Regulations”], art. 3.

²⁷ Presidential Decree No. 4601, *Official Gazette* No. 42,116 of 29 April 2021, art. 1.

²⁸ SEBIN Regulations, art. 2.

²⁹ *Ibid.* arts. 7-14.

to return home for months at a time. As of November 2021, El Helicoide is administrated by the Penitentiary System, although witnesses told the Mission that SEBIN still holds *de facto* control over political detainees.

2. Modus operandi

57. The Mission investigated cases involving more than 90 victims in which SEBIN arrested, detained and subjected individuals to torture and other serious human rights violations and crimes between 2014 and present. The peak periods of detention in SEBIN's El Helicoide were in 2016, 2017 and 2018.

(a) Selection of targets, surveillance and arrests

58. Orders identifying targets for investigation came directly from President Maduro and at times from Diosdado Cabello, via the SEBIN Director General. He in turn passed instructions to subordinates, in particular the Directorates of Strategic Investigations and of Immediate Actions. The principal SEBIN targets were civilians, real or perceived Government opponents and high-profile critics. These included opposition politicians, journalists, student and protest leaders, and individuals working for non-governmental organizations.

59. SEBIN arrests were carried out after a period of surveillance and investigation. According to a former SEBIN agent, surveillance was always carried out on the direct orders of the Director General. SEBIN used various methods to monitor targets, including phone tapping, physical bugging of rooms and hidden cameras. Higher-profile targets, such as opposition politicians, were monitored for longer periods, while SEBIN would on occasion provide several daily updates to President Maduro on their movements.

60. The Mission has documented numerous irregularities during arrests by SEBIN. Agents systematically alleged individuals were arrested *in flagrante delicto* to justify warrantless arrests. SEBIN rarely relied on warrants or informed targets of the reasons for their arrest. In several cases, agents used excessive force or violence and systematically planted evidence, such as weapons or contraband, on targets to frame them.

61. Once arrested, it was common practice for SEBIN to hold detainees incommunicado for hours, days or weeks, sometimes amounting to short-term enforced disappearances. A former SEBIN agent told the Mission that SEBIN also maintained several *casas de seguridad* in every state in the country, which were used as covert detention centres. SEBIN agents would routinely interrogate detainees without lawyers present and refuse to grant detainees' requests to speak to legal representatives. Several detainees were forced under duress to sign or film statements incriminating themselves in crimes they had not committed.

62. The Mission has documented that SEBIN made frequent use of extortion against targets before or after arrest and would raid targets' houses to steal money and valuables. This would often be done by lower-level employees to significantly increase their meagre salaries. In one case, one individual was extorted by SEBIN for hundreds of thousands of dollars, after 30 agents appeared at his place of business accusing him of storing drugs there.

(b) Conditions of detention

63. The Mission's investigations focused on El Helicoide, a 1950s-era building originally built as a shopping centre in central Caracas. It houses both administrative offices and detention cells, but lacks the basic facilities for hygiene, sanitation and recreation to function as a prison. SEBIN occupies two floors of the building, with the lower floor hosting most detention cells, including cells specifically used to punish and torture detainees.

64. Former detainees described detention conditions as dire, with cells frequently overcrowded well past their capacity. Cells mostly lacked natural light and water, and since prisoners were only allowed one daily bathroom visit, many had to urinate in plastic bottles. The conditions disproportionately affected female detainees, in particular during menstruation. There were, however, "privileged" cells with better conditions where detainees had to pay to be kept. Visits of family members were highly restricted, while meetings with lawyers were at times monitored by SEBIN guards or recorded. Several former SEBIN

employees recounted that release orders by judges were often ignored, and that prisoners would be released and detained arbitrarily based on political decisions.

(c) Torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence

65. The Mission investigated 51 cases in which SEBIN agents tortured or subjected detainees to cruel, inhuman or degrading treatment or punishment. Some torture sessions would last for days or weeks.

66. The torture and ill-treatment was usually carried out within the first few days of detention, prior to initial court appearances, while the detainee was held incommunicado. The acts were usually committed during interrogations, to extract confessions or information, including phone and social media passwords, or to force individuals to incriminate themselves or others, particularly high-profile opposition leaders. Former SEBIN employees said that torture was ordered directly by President Maduro, by Line Directors or by the Director General. SEBIN relied on a range of torture methods, including beatings, electric shocks, asphyxiation with plastic bags and stress positions, as well as threats to kill and rape detainees, or other forms of psychological torture.

67. In at least seven cases reviewed by the Mission, SEBIN agents perpetrated acts of sexual or gender-based violence against detainees in an attempt to elicit confessions or information implicating others, or to degrade, humiliate or punish them. During interrogation, SEBIN officials threatened to rape both male and female detainees using body parts and objects. They also threatened violence, including sexual violence, against detainees' female family members.

3. Individual responsibility

68. The Mission has reasonable grounds to believe that five individuals, whose acts and conduct, have been set out in the Mission's detailed findings, may bear criminal responsibility for the events described in this report, and should be investigated. The identities of some of these individuals have been spelled out in the report. These conclusions were based on the evidence of more than 20 witnesses, including victims, family members and former officers who worked for SEBIN. The information received shows that persons at low and mid-level of SEBIN were involved in the execution of crimes and violations. At higher levels of responsibility within SEBIN, officials issued orders and had knowledge of crimes and violations being committed.

69. The Mission found reasonable grounds to believe that two individuals working at lower-to-mid levels of responsibility within SEBIN El Helicoide were implicated in acts of torture and other human rights violations, either directly or indirectly. Both individuals have worked for SEBIN for several years, and in particular held influence over how detainees were treated. Several former detainees and other sources implicated both individuals in direct participation in acts of torture, including through beatings and the application of electric shocks. Beatings were brutal and occurred for no apparent reason. These individuals often took two or three detainees out of their cells at a time, transferring them to a corridor to beat them. They benefited financially from detainees by, for example, extorting money from prisoners to improve their detention conditions.

70. The Mission also addressed the responsibility of a Director of Strategic Investigations, as well as a prominent subordinate. Former detainees and other sources implicated both individuals in participating in torture and giving orders to subordinates to torture. Furthermore, the Mission has documented cases of detainees who were arrested based on orders by the Director of Strategic Investigations, and who were subsequently tortured, including real and perceived Government opponents and their family members as well as protestors. The Director of Strategic Investigations was also implicated in other crimes, such as extortion or arbitrary arrests.

71. SEBIN's highest-level authority, the Director General, held significant power within the agency as a whole, and in El Helicoide. The Director General had a direct line of command to the heads of all substantive line directorates, including those implicated in human rights violations and crimes. He has command and control over his subordinates and

is aware of what takes place in El Helicoide and elsewhere. He was responsible for violations carried out by subordinates. As detailed above, the Mission received information that the General Director in turn received orders from politicians at the highest level of the Venezuelan Government, including President Maduro and Diosdado Cabello. The Director General had the power to order detentions without judicial orders, and to determine which individuals would be detained or tortured. The Mission also received information of the Director General on occasion taking part in interrogations of prisoners without the presence of lawyers, particularly in high-profile political cases.

D. Accountability: The highest-level authorities

72. As noted by the Mission, the level of responsibility often increases as the analysis draws further away from the person who executes the violations and crimes to reach the higher ranks of command. The information gathered for this report and the Mission's previous investigations, shows that the acts of violence documented were not conducted by random and unconnected individuals acting alone within SEBIN and DGCIM. Rather, the Mission has concluded that these violations, which, as noted, amount to crimes against humanity, were part of a deliberate policy by the Government to silence, discourage and quash opposition to the Government. President Nicolas Maduro, supported by other high-level authorities, stand out as the main architects in the design, implementation and maintenance of a machinery with the purpose of repressing dissent.

73. To arrive at this conclusion, the Mission has analysed consistent information, including from former DGCIM and SEBIN employees at the highest level, indicating the following:

- The President and other high-level authorities participated in coordination meetings and thereafter directly ordered actions to be taken against specific targets by the two intelligence agencies;
- The targeting of victims of a specific profile, or their relatives, which included: persons that had criticised the Government; persons who achieved prominence or represented a particular threat to the Government, or persons who participated in alleged attempted coups to oust the Government;
- Arrests were preceded by periods of orchestrated intelligence activities, including surveillance, wiretapping and electronic monitoring operations;
- In several cases, DGCIM and SEBIN cooperated with other military and police forces, which potentially implies a higher level of political coordination;
- Arrests and detentions by DGCIM and SEBIN were marked by serious irregularities, including the use of luring tactics, deliberate attempts by State officials to mask their identities, the fabrication or planting of evidence, and the use of excessive force during arrests generating fear and a sense of helplessness;
- The provision of the material, logistical support and human resources necessary for security and intelligence operations, which evidences the involvement of authorities at the highest level;
- The systematic use of cruel methods of torture against detainees and attempts to coerce detainees into making false admissions and providing information;
- Manipulation of the justice system to facilitate arbitrary arrests and other violations, as well as to shield intelligence officers from prosecution;
- Officials engaging in torture were promoted and/or rewarded through other means;
- Frequent public statements by senior Government officials on individuals arrested, either before, during or shortly after the arrests, which indicates the existence of a common plan.

74. Internally, both SEBIN and DGCIM are functioning and organized entities with established chains of command. Top-level officials report to the President, Diosdado Cabello,

or other high-level officials. To ensure compliance with orders, SEBIN and DGCIM maintains a sufficient pool of available individuals, recruited amongst those prone to commit arbitrary detentions and acts of torture and other cruel, inhuman or degrading treatment, including sexual and gender-based violence. The selection takes into consideration the manner in which they react to violent practices. In SEBIN, lower-level staff were often very young and belonged to poor and marginalised communities. In addition, a system of rewards (promotions and financial benefit) and punishments (retaliation against them and their families) is maintained to ensure compliance.

75. SEBIN and DGCIM are staffed and structured in such a way as to ensure that orders by high-level authorities to carry out crimes and violations would be followed, with virtually automatic compliance. The Mission therefore finds, with reasonable grounds to believe, that the President and high-level State officials that supported him, identified in the Mission's detailed findings, should be subjected to judicial investigations for their responsibility with regards to the crimes and violations committed through DGCIM and SEBIN officials.

III. The situation in the Arco Minero del Orinoco region and other areas in Bolívar state

A. Background and context

76. Since its first report in 2020, the Mission called attention to the human rights violations within the Arco Minero del Orinoco region (hereinafter “Arco Minero”), as one of the situations requiring further investigation within the Mission's mandate.³⁰

77. Since then, the situation in the Arco Minero region has been subject to growing concern by international and regional³¹ human rights bodies. In 2020, the United Nations High Commissioner for Human Rights presented a report that focused on the labour exploitation and high levels of violence committed by criminal groups that control mining in the area.³² In its resolution 45/20, the Human Rights Council expressed “deep concern at the human rights and environmental situation” in the region, including regarding the exploitation of miners, child labour, human trafficking and forced prostitution, and expressed “particular concern about the violations of the rights of indigenous peoples”.³³

78. Bolívar, located south of the Orinoco river, is the largest state of the Bolivarian Republic of Venezuela. The state is home to the traditional territories of 16 indigenous peoples and large protected areas, and is rich in strategic minerals, notably gold, diamonds, coltan, and bauxite.

79. Illegal and small-scale gold mining have been historically common in the region, along with concessions to transnational companies. Illegal mining has continued to expand in recent decades due to the rise of international gold prices, and the economic and humanitarian crisis in the country. Since the mid-2000s, criminal groups known as *pranes* or *sindicatos* began expanding across Bolívar state, controlling mining areas and transport routes.

80. On 23 August 2011, President Chávez decreed the nationalization of the gold industry through Presidential Decree No. 8413, according to which all primary operations related to gold and other strategic minerals were reserved to the State.³⁴ The decree was not consulted with indigenous peoples in accordance with the requirements of International Labour

³⁰ A/HRC/45/CRP, para. 16.

³¹ In 2016, the Inter-American Commission on Human Rights (IACHR) held a thematic hearing on “Human rights in the context of the Arco Minero del Orinoco project” (available at: https://www.youtube.com/watch?v=_9dt2rjLsCM&vq=hd1080), and has addressed the situation in the region in several thematic and country reports.

³² A/HRC/44/54.

³³ A/HRC/RES/45/20, para. 9.

³⁴ Presidential Decree No. 8413, 23 August 2011, *Official Gazette* No. 388,192 of 16 September 2011.

Organisation (ILO) Convention 169.³⁵ Presidential Decree No. 8413 declared gold mining regions to be “security zones” and set out a broad range of responsibilities of the FANB in those regions, including to maintain the conditions of “security and order” and to combat “the threats to the development of mining activities”.³⁶ Various FANB forces are present in mining areas in Bolívar state, including the Bolivarian Army, the Bolivarian National Guard (GNB), and DGCIM.

81. The crisis of the national oil industry, compounded by the fall of international oil prices and sanctions imposed upon the Bolivarian Republic of Venezuela, increased the State’s interest in exploiting the country’s mineral deposits. On 24 February 2016, President Maduro adopted Presidential Decree No. 2248, establishing the Arco Minero as a “National Strategic Development Zone”.³⁷ The Arco Minero is divided into four areas that mostly encompass Bolívar state, while some small areas reach into the neighbouring states of Amazonas and Delta Amacuro. A non-neighbouring “special” area was announced, although never formally established, in the Ikarú region, within the traditional territory of the Pemón indigenous people.

82. The creation of the Arco Minero del Orinoco attracted massive migration from other parts of the country to Bolívar state. While the Government’s stated plans to attract foreign capital through public-private partnerships have not fully materialized, the *sindicatos* and other criminal groups have continued to expand, gaining control over entire mining areas and neighboring towns.

83. The Government has implemented various economic and military operations across Bolívar state to curtail informal mining and reinforce its control over mining areas. In 2018, the Government launched two military operations, the operation Metal Hands (“*Manos de Metal*”) and the “*Tepuy Protector*” plan, to allegedly combat illicit mining activity. Bolívar state has become increasingly militarized through the deployment of additional army units, coupled with the FANB’s own growing economic involvement in the mining sector, such as through the Compañía Anónima Militar para las Industrias Mineras, Petrolíferas y de Gas (CAMIMPEG).

84. These dynamics have resulted in unprecedented levels of violence in Bolívar state, which in 2021 ranked as the third most violent state in the Bolivarian Republic of Venezuela. Three of the main mining municipalities in the state (El Callao, Sifontes and Roscio) were among the five most violent in the country in 2021.³⁸

85. While the establishment of the Arco Minero in 2016 was officially driven by a State policy to combat illicit mining and enhance gold production to aid the country’s economic recovery, it has also created opportunities for individuals close to power to generate personal wealth. The Mission has reviewed publicly available information indicating that members of the Venezuelan military and political elite have benefited and continue to benefit financially from gold mining-related activities in the Arco Minero.

B. The human rights situation in the gold mining areas in the Arco Minero del Orinoco in northeastern Bolívar state

86. The Mission received information to the effect that State security forces and armed criminal groups have committed and continue to commit killings; kidnappings; torture and cruel, inhuman, and degrading treatment; and sexual and gender-based violence, notably against residents and workers of the mining areas in Bolívar state. Illegal groups are heavily armed, and routinely enter into violent conflicts among themselves, or with State authorities. The Mission also received information from sources with inside knowledge and eye-

³⁵ International Labour Organisation (ILO) Convention on Indigenous and Tribal Peoples in Independent Countries, No. 169 (1989), arts. 6(1)(a), 15(2).

³⁶ Presidential Decree No. 8413, 23 August 2011, *Official Gazette* No. 388,192 of 16 September 2011, art. 27.

³⁷ Presidential Decree No. 2248, 23 August 2011, *Official Gazette* No. 40,855 of 24 February 2016.

³⁸ Observatorio Venezolano de la Violencia (OVV) - Laboratorio de Ciencias Sociales (LACSO), “Informe Anual de Violencia 2021”, 28 December 2021.

witnesses pointing to the collusion of some State authorities and criminal groups operating in certain mining areas, and that authorities often fail to investigate or punish the crimes committed by those groups.

87. The Mission received information indicating that criminal groups exert *de facto* control over large mining areas of Bolívar state through violent incursions into the mines, illegal checkpoints (sometimes located near military checkpoints), extortion, and a system of rules enforced through corporal punishment such as public beatings, amputations, and murder. Criminal groups have also engaged in violent territorial battles with rival groups that resulted in deaths and injuries of unarmed civilians.

88. One emblematic incident of this type, investigated in-depth by the Mission, is the so-called “Tumeremo massacre”. The Mission has reasonable grounds to believe that, on 4 March 2016, alleged members of the “El Topo” *sindicato* killed at least 17 people (15 men and two women) near the “Bulla de Atenas” mine on the outskirts of Tumeremo, Sifontes municipality. The official State version of the incident alleges that the killings were a result of a struggle for control between two local *sindicatos*. The Mission received information that the massacre involved some level of tolerance of or cooperation from State authorities with ties to armed criminal groups and illegal mining operations. However, the evidence gathered by the Mission was not enough to make such determination, and further investigation would be required.

89. The State conducted an official investigation that resulted in the arrest of 12 alleged members of the “El Topo” *sindicato*; however, judicial files related to the incident, reviewed by the Mission, provide no indication that the authorities investigated the allegations of State participation. The Mission requested information in this respect from the Venezuelan authorities, but no response has been provided. The Mission therefore considers that the Venezuelan State failed to comply with its obligation to investigate and punish the violations and crimes related to this event.

90. The Mission has also received information that the National Liberation Army (ELN), a guerilla group from Colombia, has had an intermittent presence in various mining areas in Bolívar state since at least 2018.

C. The human rights situation in indigenous territories and surrounding areas in Gran Sabana municipality in southern Bolívar state

91. Although most of Gran Sabana municipality falls outside of the official Arco Minero region, it is of strategic interest to both State and non-State actors, as it is a key hub for air and land transport and is rich in mineral resources, mostly located on indigenous territories. As a result, as mining activity across Bolívar state has increased, so has the traffic of arms and illicit goods through Gran Sabana, as well as violent incursions by State and non-State actors vying to gain access to this area.

92. Since 2016, some indigenous communities created territorial security groups (hereafter “*Guardia Territorial*”), to stop criminal activity in their territory and to protect themselves against incursions by both armed criminal groups and the FANB. *Guardia Territorial* groups set up checkpoints in indigenous territory along the Troncal 10 road, the state’s main transit route. *Guardia Territorial* groups in Gran Sabana also mobilized to expel armed criminal groups from indigenous territories, when the State failed to respond to indigenous communities’ requests for protection.

93. Several indigenous leaders have been threatened or attacked by State and non-State actors. Indigenous leaders who have prevented the passage of smuggled goods or access to mines in their territory, or who have opposed the armed presence of the State in indigenous territories, have been particularly targeted.

1. DGCIM operation in the Canaima National Park (2018)

94. The Mission investigated several incidents of human rights violations committed by security forces in indigenous territories in Gran Sabana. For example, on 8 December 2018, heavily armed DGCIM agents covertly entered Canaima (*Kanaimō*) National Park and

opened fire on a group of indigenous men and women who were working in an artisanal mine. As a result, three indigenous men were injured, and one of them (Charlie Peñaloza Rivas) subsequently died on the same day.

95. Despite official Government statements claiming that the DGCIM agents were lawfully combatting illegal mining and that they had been attacked by an armed group, the Mission has reasonable grounds to believe that the attack was directed against unarmed indigenous miners.

96. The Mission found reasonable grounds to believe that the DGCIM personnel who participated in the planning, coordination and execution of the operation may bear criminal responsibility for human rights violations and crimes, which should therefore be investigated. The Mission has further found reasonable grounds to believe that the State has failed to comply with its obligation to investigate and punish those responsible for these violations.

2. Clashes over territorial control and the humanitarian aid crisis (2019)

97. In February 2019, the Venezuelan political opposition tried to ship humanitarian aid across the border with Brazil. The Government mobilized troops and groups of civilians to the town of Santa Elena de Uairén, Gran Sabana municipality, to block the arrival of the aid. Between 22 and 27 February 2019, violent clashes took place between the FANB and the population who supported the humanitarian aid, including Pemon indigenous communities. The Mission has reasonable grounds to believe that over these five days, members of the FANB committed gross human rights violations including the arbitrary deprivation of lives, arbitrary detentions, and torture and other cruel, inhuman, and degrading treatment. The Mission has investigated three specific incidents connected with these events.

98. The violence involved in these incidents led many people, particularly indigenous leaders who supported the arrival of humanitarian aid and members of the *Guardia Territorial*, to flee to other areas of the country or to neighboring countries. This weakened the ability of many indigenous communities to protect their territories from external actors, allowing both State actors and armed criminal groups to increase their presence and influence in Gran Sabana. Several sources confirmed that incursions by miners and armed groups on indigenous lands, violent clashes over control of land and resources, and threats against indigenous peoples and leaders by armed criminal groups and the FANB continue to date.

(a) The Kumarakapay community

99. On 22 February 2019, a military convoy traveling on the Troncal 10 road to Santa Elena de Uairén, consisting of two military trucks and one vehicle transporting telecommunication equipment was blocked when passing through the *Guardia Territorial* checkpoint at the Pemon indigenous community of Kumarakapay. The two military trucks passed through, but the vehicle with the telecommunication equipment was unable to continue. The two military trucks stopped at the exit of Kumarakapay and FANB soldiers walked back towards the community. In Kumarakapay, the soldiers engaged in a discussion with the local population. During the discussion, a gunshot was heard, and then the soldiers started shooting at community members gathered around the road. The Mission has reasonable grounds to believe that at least three Pemon indigenous persons (one woman; two men) were arbitrarily deprived of their lives, and at least 12 others (two women and nine men) were injured.

100. Over the next 36 hours, two other military convoys passed through Kumarakapay, firing tear gas and bullets into the air. At least nine indigenous men were arrested and subsequently taken to the nearby military base known as El Escamote, where they remained arbitrarily detained.

101. According to the information reviewed by the Mission, the indigenous civilian population in Kumarakapay did not carry firearms, although some are said to have carried bows and arrows. The Mission considers that the use of lethal violence was not justified in the circumstances of the case, as there is no concrete indication that the lives of the officers were at risk.

102. Members of the FANB directly committed human rights violations. The commanders of the Integral Defense Region (REDI) Guayana and the Integral Defense Zone (ZODI) Bolívar held both *de jure* and *de facto* authority and command over the participating troops. The Mission has therefore reasonable grounds to believe that the State is internationally responsible for these violations. Moreover, the Mission has reasonable grounds to believe that the State officials failed to investigate and punish the violations committed during the incident.

(b) Santa Elena de Uairén airport

103. On 22 February 2019, GNB agents took control of the entrance to the airport in Santa Elena de Uairén, which is located on the territory of the Maurak indigenous community. Upon learning of the attack in Kumarakapay and that armed GNB agents were stationed at the airport, approximately 300 people, mostly indigenous residents of Maurak and other surrounding communities, went to the airport with the intention of evicting the military from the area. The group disarmed and unlawfully detained 43 GNB officials.

104. Later that day, three GNB armoured vehicles arrived, firing tear gas against the group of civilians gathered at the airport gate. The civilians responded by attacking the vehicles with sticks and stones. The confrontation continued until approximately 5.00 p.m.

105. On 27 February 2019, armed soldiers arrived at the airport in military vehicles, and took over the GNB post. They arrested the son of an indigenous leader and two indigenous persons that worked at the airport. They were transferred to a nearby GNB base, and, subsequently, to El Escamoto military base. While in detention, soldiers threatened the three men, and beat them with sticks, punches, kicks, and applied electric shocks.

106. The Mission has reasonable grounds to believe that GNB violated the right to physical integrity of at least nine persons, including at least two women, resulting from an excessive use of force. Three indigenous men were arbitrarily detained and subsequently tortured by the GNB and army troops. In addition, the State breached its international obligation to investigate and punish these human rights violations, as none of those responsible have been held to account in relation to this incident.

(c) Santa Elena de Uairén town and outskirts

107. Between 22 and 24 February 2019, the GNB and the Bolivarian Army launched a violent crackdown on protesters in and around the town of Santa Elena de Uairén, including at the Troncal 10 road in the direction to the Brazilian border. According to the testimonies gathered by the Mission, the crackdown left approximately 60 people dead, although estimates vary significantly.

108. On 22 February, people started protesting at the outskirts of Santa Elena against the military violence in Kumarakapay and the authorities' blockade of humanitarian aid. Groups of civilians started riots in some cases by setting fire to vehicles and using Molotov cocktails. Security forces responded by firing tear gas and rubber bullets, charging at protesters with armoured vehicles. On 23 February, GNB and Bolivarian Army troops fired indiscriminately with live ammunition and rubber bullets against protestors, passersby, and people traveling in vehicles in the urban area of Santa Elena de Uairén. The security forces then put in place a deliberate operation to hide the bodies of the people who had been killed.

109. The Mission has reasonable grounds to believe that, on 23 February 2019, security forces were responsible for the arbitrary deprivation of the lives of an undetermined number of people, which according to the testimonies could amount to 60 fatal casualties. These deaths require further, objective and independent investigation.

110. The Mission found reasonable grounds to believe that, in the days following the protests, at least 24 people were arbitrarily detained and subsequently transferred to El Escamoto. The Mission has also reasonable grounds to believe that at least four of them were tortured by an official of the Bolívar state government. However, the Mission received allegations that the number of persons detained and tortured ranged from 50 to 100.

111. The Mission has reasonable ground to believe that the Bolivarian Republic of Venezuela is responsible for the above human rights violations, perpetrated by the Bolivarian

Army, the GNB, and officials of the Bolívar state government, as part of a deliberate military operation aimed at impeding the arrival of the humanitarian aid announced by the political opposition. In addition, the Mission has reasonable grounds to believe that the Venezuelan State breached its international obligation to investigate and punish these violations.

D. Sexual and gender-based violence in the mining context

112. There are indications that sexual and gender-based violence may be largely under-reported in Bolívar state, including with respect to marginalized groups such as indigenous and lesbian, gay, bisexual, transsexual, and intersex (LGBTI) persons. This conclusion is based on factors such as lack of State reporting mechanisms, fear of reprisals, and social stigma. Nevertheless, the Mission was able to gather information indicating that sexual and gender-based violence, including rape and sexual exploitation, are commonplace in Bolívar state, particularly against women and girls, perpetrated by State actors and armed criminal groups.

113. In almost all of the mines in Bolívar state there is a place where sexual services can be bought, colloquially known as *currutelas*. Most of the premises are run by private individuals, under the authorization and “protection” of members of a *sindicato*. According to information received by the Mission, women and girls are at times coerced into sexual relations, through abuse of power, threats of violence, and at times recruitment under false pretenses, as well as restrictions on their freedom of movement, which provide indicia of trafficking in human beings and of sexual slavery.

114. The Mission received information that, within mining areas, if a *sindicato* member wants to have sex with someone, this person cannot refuse or denounce the commission of rape, lest being beaten or killed. Women who do not obey demands of *sindicato* members or other men are often subjected to specific punishments, including rape or other forms of sexual violence, cutting their hair against their will or disfiguring their faces or scalp.

115. Several witnesses spoke to the Mission about children, mostly girls between the ages of 11 and 17, engaging in prostitution in numerous mining areas across Bolívar state between 2016 and 2022, which would constitute sexual exploitation and/or enforced prostitution. In some cases, witnesses described seeing members of security forces in *currutelas* where girls were being exploited.

116. The Mission also received information and direct testimonies about sexual violence at checkpoints and border control posts across Bolívar state. Women and girls have reported sexual violence by FANB agents working at checkpoints and armed actors controlling transport routes.

117. In order to corroborate these findings in individual cases according to the Mission’s standard of proof, reasonable grounds to believe, the above allegations require additional investigation.

IV. Conclusions

118. **The human rights situation in the Bolivarian Republic of Venezuela remains grave. The country has endured a decade of spiraling humanitarian, social, economic and human rights crises, coupled with a breakdown of State institutions, all of this exacerbated by the impact of COVID-19. Stark evidence of this are the more than six million people who have felt compelled to leave the country.**

119. **The Mission’s investigations demonstrate that crimes and violations, amounting to crimes against humanity, including extremely grave acts of torture, were committed by individuals holding various positions within the hierarchies of DGCIM and SEBIN as part of a plan designed by high-level authorities to repress opponents of the Government.**

120. **The Mission’s analysis of the situation in Arco Minero and other g areas in Bolívar state further give account of how human rights violations and crimes extend**

over remote areas of the country, in a context marked by widespread criminal activity, impunity and governance failure. The Mission has found reasonable grounds to believe that the Bolivarian Republic of Venezuela and specific officials are responsible for human rights violations that fall within the mandate of the Mission.

121. The two conference room papers with detailed findings contain specific recommendations addressed to the Venezuelan authorities, the international community and other relevant actors.

122. The Mission urges members of the Human Rights Council to continue to pay close attention to developments in the Bolivarian Republic of Venezuela and to monitor whether credible progress is being made in advancing justice, accountability and respect for human rights.
