

LIFE

DETAINED

POLITICALLY-MOTIVATED ARBITRARY
DETENTIONS CONTINUE IN VENEZUELA

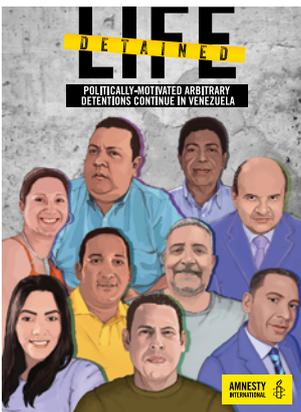


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Amnesty International is calling for the release of those detained for political reasons in Venezuela. This report exposes patterns of repression through nine emblematic cases of people with different profiles, backgrounds and occupations who have been criminalized by the government of Nicolás Maduro.

GLOSSARY

DIE	Directorate of Special Intelligence of the Bolivarian National Police (<i>Dirección de Inteligencia Especial de la Policía Nacional Bolivariana</i>)
DGCIM	General Directorate of Military Counter-intelligence (<i>Dirección General de Contrainteligencia Militar</i>)
FAES	Special Action Forces of the Bolivarian National Police (<i>Fuerzas de Acciones Especiales de la Policía Nacional Bolivariana</i>)
INOF	National Institute for Female Guidance (<i>Instituto Nacional de Orientación Femenina</i>)
OHCHR	Office of the United Nations High Commissioner for Human Rights
PDVSA	Petróleos de Venezuela Sociedad Anónima
PNB	Bolivarian National Police (<i>Policía Nacional Bolivariana</i>)
SEBIN	Bolivarian National Intelligence Service (<i>Servicio Bolivariano de Inteligencia Nacional</i>)
SUTISS	Sindicato Único de Trabajadores de la Industria Siderúrgica y sus Similares (<i>Joint Union of Workers of the Iron and Steel Industry and Similar</i>)
FFM	United Nations Independent International Fact-Finding Mission



1. INTRODUCTION

Over the past decade, Amnesty International has documented the use of politically-motivated arbitrary detentions as part of a policy of repression implemented by the government of Nicolás Maduro.¹ These arrests have formed part of a widespread and systematic attack on the population of Venezuela and could therefore constitute crimes against humanity.²

The patterns in which these detentions are carried out have also been identified and described by international organizations and mechanisms such as the United Nations Independent International Fact-Finding Mission on Venezuela (FFM) and the civil society organizations *Foro Penal* and *Justicia, Encuentro y Perdón*, among others.

These patterns include: arrests without warrants on the alleged justification of being caught in delicto flagrante (“in the act”); short periods of enforced disappearance following an arrest; charging of crimes using a wide margin of discretion; limitations on access to the right to defence; use of torture or other cruel, inhuman or degrading treatment; undue delays in investigations and - in the case of prison releases - subjection to criminal proceedings that do not progress and that maintain restrictions on the person’s freedom through alternative measures to pre-trial detention. These patterns are also frequently compounded by: retaliation as an aim of the detention, the use of special courts with jurisdiction over terrorism, the charging of the crime of criminal association with a low standard of evidence and the application of severe sentencing up to the legal maximum provided by law.

Amnesty International considers that these arbitrary detentions, as carried out in Venezuela, are aimed at neutralizing any perception of threat against the government and policies of Nicolás Maduro, and therefore go beyond simply being use against political activists to include other individuals such as human rights defenders, trade unionists, workers claiming their labour rights, etc. In addition, however, arrests sometimes serve other political purposes and are directed against individuals associated with the primary person they want silenced, thus having a retaliatory or coercive effect. There are also cases where individuals are painted by the authorities as forming part of a narrative of conspiracies against the government.

The organization has identified nine individuals arbitrarily detained in this way, whose cases are emblematic for the purposes of demonstrating these patterns. Organizations such as *Foro Penal* and *Justicia, Encuentro y Perdón* estimate that there are currently between 286 and 319 people deprived of their liberty for political reasons in Venezuela.³

In addition, Venezuela’s socio-economic context continues to deteriorate, despite narratives of a supposed improvement in the country’s economic capacity. The Venezuelan Observatory of Social Conflict (*Observatorio Venezolano de Conflictividad Social, OVCS*) states that, by March 2023, 88% of protests nationally were demanding goods and services such as electricity, access to water and fuel, pensions for older people, and access to health services, among other things.⁴



¹Amnesty International, *Silenced by force: Politically-motivated arbitrary detentions in Venezuela* (Index: AMR 53/6014/2017), 26 April 2017, <https://www.amnesty.org/en/documents/amr53/6014/2017/en/>
Amnesty International, *Nights of Terror: Attacks and illegal raids on homes in Venezuela* (Index: AMR 53/7285/2017), 30 October 2017, <https://www.amnesty.org/en/documents/amr53/7285/2017/en/>, p. 1.
Amnesty International, *Hunger for Justice: Crimes against humanity in Venezuela* (Index: AMR 53/0222/2019), 14 May 2019, <https://www.amnesty.org/en/documents/amr53/0222/2019/en/>, pp.
Amnesty International, *Venezuela: Dying before a judge: the arbitrary detention, enforced disappearance, torture and death of Rafael Acosta Arévalo* (Index AMR 53/2909/2020), 4 September 2020, <https://www.amnesty.org/en/documents/amr53/2909/2020/en/>

²Amnesty International, *Hunger for Justice: Crimes against humanity in Venezuela* (Index: AMR 53/0222/2019), 14 May 2019, <https://www.amnesty.org/en/documents/amr53/0222/2019/en/>, pp.48 and 49.
United Nations Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM), *Detailed findings of the Independent International Factfinding Mission on the Bolivarian Republic of Venezuela*, 15 September 2020, UN Doc.UN A/HRC/45/CRP.11.

FFM, *Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: Crimes against humanity committed through the state’s intelligence services: structures and individuals involved in the implementation of the plan to repress opposition to the Government*, 20 September 2022, A/HCR/51/CRP.

³Foro Penal, *Reporte sobre la Represión Política en Venezuela* [Report on Political Repression in Venezuela], March 2023, <https://foropenal.com/reportesobre-larepresion-en-venezuela-marzo-2023/>, p. 3.
Justicia, Encuentro y Perdón, *Indicadores: Presos políticos*, junio 2023, <https://www.jepvenezuela.com/indicadores/presos-politicos/>

⁴Observatorio Venezolano de Conflictividad Social, *Conflictividad durante el primer trimestre de 2023* [Conflict during the first quarter of 2023], 22 October 2022 (sic), <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-durante-el-primer-trimestre-de-2023>

The critical economic and social situation that persists in Venezuela is also reflected in the 7.3 million people who have left the country in search of protection.⁵ These 7.3 million people represent approximately 25% of the total population, with the figure increasing by more than one million people between May 2022 and May 2023, demonstrating how the severe human rights crisis in the country continues.

The gravity of the social situation points to the fact that the Venezuelan people's discontent leads to calls for changes in government policies which, in turn, leads to further repression. The impossibility of enjoying their rights to freedom of expression, peaceful assembly, political participation and the defence of human rights is an attack on people's human dignity and a continuing and relentless violation of fundamental rights in Venezuela.

The release of persons deprived of their liberty due to political repression would be a first step in the restoration of fundamental rights in the country. Meanwhile, international scrutiny remains the only possible avenue for truth, justice and reparation for victims of human rights violations in Venezuela. The international community should support the work of the Office of the Prosecutor of the International Criminal Court and the United Nations Independent International Fact-Finding Mission.

2. POLITICALLY-MOTIVATED ARBITRARY DETENTIONS OVER THE PERIOD 2019-2023

In 2017, Amnesty International published a compilation of emblematic cases of individuals detained for political reasons in Venezuela: *Silenced by force*.⁶ These cases largely involved arbitrary detentions that had taken place between 2014 and 2017. In 2019, the organization published its report entitled *Hunger for Justice* on the human rights crisis in the country, documenting cases of arbitrary detentions, extrajudicial executions and excessive use of force as possible crimes against humanity.⁷

Given that politically-motivated arbitrary detentions still persist in Venezuela, the organization considers the following cases to be emblematic among the hundreds of people who remain deprived of their liberty for political reasons in the country.



⁵Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, Key figures, 28 March 2023, <https://www.r4v.info/es/home>

⁶Amnesty International, *Silenced by force: Politically-motivated arbitrary detentions in Venezuela* (Index: AMR 53/6014/2017), 26 April 2017, <https://www.amnesty.org/en/documents/amr53/6014/2017/en/>

⁷Amnesty International, *Hunger for Justice: Crimes against humanity in Venezuela* (Index: AMR 53/0222/2019), 14 May 2019, <https://www.amnesty.org/en/documents/amr53/0222/2019/en/>, pp.48 and 49.



2.1 JAVIER TARAZONA: HUMAN RIGHTS DEFENDER

On 2 July 2021, Javier Tarazona was arbitrarily detained by officers of the Bolivarian National Intelligence Service (SEBIN). Javier Tarazona is the director and founder of the non-governmental organization *FundaRedes*, which operates in Táchira state, on the border with Colombia, and which has denounced the actions of irregular armed groups in this area.⁸

On that day, Javier Tarazona was with his brother, Rafael Tarazona, and another of the organization's employees, Omar García, in Falcón state, carrying out a series of training sessions. The defenders went to the headquarters of the Attorney General's Office in that state to report harassment and irregular monitoring by SEBIN officials during their activities.

⁸ Infobae, "El régimen venezolano detuvo a Javier Tarazona: 'Así actúa Maduro contra los que denuncian sus atrocidades'" [Venezuelan regime arrests Javier Tarazona: 'How Maduro acts against those who denounce his atrocities'], 2 July 2021, <https://www.infobae.com/america/venezuela/2021/07/02/el-regimen-venezolano-detuvo-a-javier-tarazona-asi-actua-maduro-contra-los-que-denuncian-sus-atrocidades/>

This was not the first time they had suffered this kind of pressure from the security service, so they decided to file a formal complaint.

After denouncing the situation, they were detained by SEBIN officers outside the Attorney General's Office. Their relatives and other members of the organization reported them missing on 3 July, on which date they were brought before a special court with jurisdiction over terrorism and charged with inciting hatred, treason and terrorism.⁹

Days later, on 6 July 2021, Venezuela's Attorney General, Tarek William Saab, justified the detention of these activists by arguing that *FundaRedes*' reports "incite[d] hatred and compromise[d] the peace of the Republic".¹⁰ These statements stigmatized the work *FundaRedes* activists do to defend human rights and denounce violations.

In his statements, Attorney General Saab announced that the Third Special Court with jurisdiction over terrorism had issued an arrest warrant. However, at the time of their arrest, the officers who detained them presented no arrest warrant.

In October 2021, three months after their arrest, Rafael Tarazona and Omar García were conditionally released from prison but are still being criminally prosecuted.¹¹

FundaRedes has publicly denounced the torture to which Javier Tarazona was subjected during the initial moments of his detention.¹² He also suffers from various health problems, such as high blood pressure and diabetes, which have put his life at risk due to the conditions in which he was detained and the lack of access to adequate and reliable medical treatment.¹³

The criminal proceedings against Javier Tarazona and the other defenders have been plagued by irregularities, including undue delays in the investigation, obstructing access to the criminal case file, obstructing the defenders' right to defence, etc. Furthermore, the aim of Tarazona's case has been to intimidate human rights defenders in Venezuela and for his case to be seen as an example of someone being criminalized for their activism in the country; however, Venezuelan civil society has continued to denounce human rights violations and to work to demand human rights for all in the country.

Javier Tarazona is currently still being held in the SEBIN headquarters at El Helicoide in Caracas, more than 800 km from his home town and his family.

Amnesty International believes that Javier Tarazona is a prisoner of conscience and should be released immediately and unconditionally.

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⁹World Organization Against Torture (OMCT), Urgent Intervention, Venezuela: José Javier Tarazona continúa detenido arbitrariamente [José Javier Tarazona remains in arbitrary detention], 4 November 2021, <https://www.omct.org/es/recursos/llamamientos-urgentes/venezuela-jos%C3%A9-javier-tarazona-contin%C3%BAa-detenido-arbitrariamente>

¹⁰Luigino Bracci Roa from Venezuela, YouTube video, Attorney General of Venezuela on the detention of Javier Tarazona and other *FundaRedes* members, 6 July 2021, https://www.youtube.com/watch?v=2F3CpdsfS_w

¹¹Efecto Cocuyo, "Excarcelan a dos activistas de FundaRedes" [Two *FundaRedes* activists released], 26 October 2021, <https://efectococuyo.com/la-humanidad/excarcelan-a-dos-activistas-de-fundaredes/>

¹²Tal Cual, "FundaRedes denunció en la CIDH que Javier Tarazona ha sido sometido a torturas" [FundaRedes report that Javier Tarazona suffered torture to IACHR], 8 March 2023, <https://talcualdigital.com/fundaredes-denuncio-en-la-cidh-que-javier-tarazona-ha-sido-sometido-a-torturas/>

¹³Amnesty International, Venezuela: More information: Free Venezuelan prisoner of conscience (Index: AMR 53/5121/2021), 20 December 2021, <https://www.amnesty.org/en/documents/amr53/5121/2021/en/>



2.2 GUILLERMO ZÁRRAGA: FORMER TRADE UNIONIST WITH PETRÓLEOS DE VENEZUELA (PDVSA)

Guillermo Zárraga is a senior university technician in hydrocarbons who worked as a plant operator in the oil industry for Petróleos de Venezuela S.A. (PDVSA, state-owned oil company) for more than 18 years. He was also an active member of the *Sindicato Único de Trabajadores de PDVSA* [Joint Union of PDVSA Workers] in Falcón state. According to his family's testimony, Zárraga was fired in May 2019 after participating in an event called by the opposition

known as “*Plan País*” [Country Plan] to “rescue the oil industry”.¹⁴

In an unrelated event, on 11 September 2020, several of Nicolás Maduro's government authorities announced the arrest of a US national named Matthew John Heath, who was described as a “CIA agent”, in Falcón state.¹⁵

¹⁴El Cooperante, “Preso tras tomarse una foto con Guaidó: Sugieren a Guillermo Zárraga asumir «culpabilidad» para ser liberado” [Arrested following a photo with Guaidó: Guillermo Zárraga advised to plead ‘guilty’ to obtain release from prison], 22 February 2021, <https://elcooperante.com/preso-tras-tomarse-una-foto-con-guaido-sugieren-a-guillermo-zarraga-asumir-culpabilidad-para-ser-liberado/>

¹⁵TeleSur TV, “Venezuela anuncia desmantelamiento de célula terrorista” [Venezuela announces dismantling of terrorist cell], 14 September 2020, <https://www.telesurtv.net/news/venezuela-desmantela-celula-terrorista-20200914-0029.html>

More than a month and a half after this arrest, on 29 October of that same year, an explosion occurred at the Amuay refinery in the state. Oil Minister Tareck El Aisammi announced that the explosion had been caused by a missile strike from a drone.¹⁶ Refinery workers publicly rejected this version, however.¹⁷

The government linked both events, the arrest of the alleged CIA agent (Matthew John Heath) in September 2020 and the explosion at the Amuay facility a month later and included Guillermo Zárraga in the alleged plot.¹⁸

Although Zárraga and his family (son and wife) were detained at their home on 11 November 2020, this detention ended in their release just hours later.

However, at 03:00 am on 14 November 2020, a group of military officers from the General Directorate of Military Counter-intelligence (DGCIM) arrived at Zárraga's house and arrested him on charges of being part of an espionage operation against the Amuay oil complex in Falcón state. His family argues that he was arrested after a photo of him was published on social media with Juan Guaidó,¹⁹ former president of the National Assembly and member of the opposition,²⁰ and in the criminal file against him there is a DGCIM record in which the following are noted as being of criminal interest: that he held union meetings without being part of the company, that he participated in political events convened by Juan Guaidó and that he provided information to the alleged "CIA agent".

In the indictment, the prosecutor lays out a different version of events, one in which Zárraga was allegedly arrested in a public square while gathering information to hand over to the so-called "CIA

agent". This version does not include any explanation as to how the alleged meeting was to take place, as the "CIA agent" had already been arrested two months previously, according to the same record of events. The only evidence on which the prosecution appears to rely is a notebook that reportedly contained detailed information on the workings of the refinery. His family told Amnesty International that this detailed description of the refinery was requested by officers during Zárraga's interrogation after his arrest.

Zárraga has been charged with the crimes of disclosure of confidential information, treason and criminal association; and the court in charge of his case is a special court with jurisdiction over terrorism. However, Matthew John Heath was released on 1 October 2022, in a diplomatic exchange with the US government.²¹

In March 2023 he suffered a cardiac arrest that has put his life at serious risk. His family is currently waiting for the prison authorities to comply with the transfer order issued by the court so that he can receive diagnosis and medical treatment from trusted professionals. Furthermore, Guillermo Zárraga is being held in the Yare II Metropolitan Penitentiary in Miranda state, while his family live in Falcón state, more than 450 km away, and it is very difficult for them to provide him with basic items such as food, drinking water or hygiene products that are not supplied by the prison authorities.

Amnesty International considers Guillermo Zárraga's detention to be arbitrary and politically-motivated and that he should be released immediately and all charges against him dropped.

¹⁶Ministry of Popular Power for Ecosocialism, "Ataque a refinera de Amuay fue hecho con un misil" [Attack on Amuay oil refinery involved a missile], 29 October 2020, <http://www.minec.gob.ve/ataque-a-refineria-de-amuay-fue-hecho-con-un-misil/>

¹⁷El Pitazo, "Trabajadores de la refinera Amuay desmienten ataque terrorista" [Amuay refinery workers deny terrorist attack], 28 October 2020, <https://elpitazo.net/occidente/trabajadores-de-la-refineria-amuay-niegan-ataque-terrorista/>

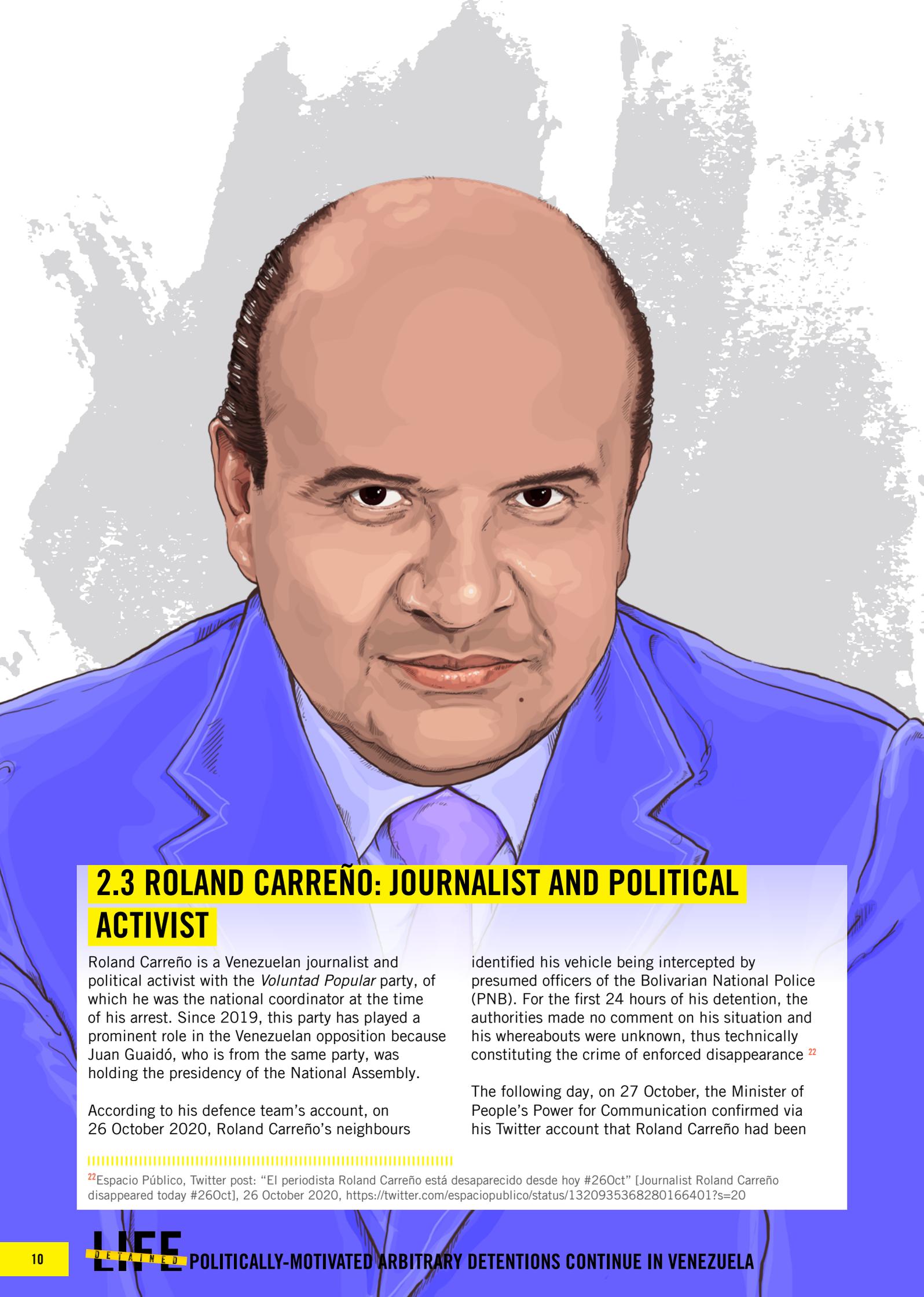
¹⁸TeleSur TV, "Inician investigaciones por ataque contra refinera venezolana" [Investigations commence into attack on Venezuelan refinery], 29 October 2020, <https://www.telesurtv.net/news/venezuela-inician-investigaciones-esclarecer-ataque-refineria-amuay-20201029-0050.html>

¹⁹El cooperante, "Preso tras tomarse una foto con Guaidó: Sugieren a Guillermo Zárraga asumir «culpabilidad» para ser liberado" [Arrested following a photo with Guaidó: Guillermo Zárraga advised to plead 'guilty' to obtain release from prison], 22 February 2021, <https://elcooperante.com/preso-tras-tomarse-una-foto-con-guaido-sugieren-a-guillermo-zarraga-asumir-culpabilidad-para-ser-liberado/>

²⁰Juan Guaidó was recognized by several countries as interim president of Venezuela in 2019. BBC, "Crisis en Venezuela: países europeos reconocen a Juan Guaidó como 'presidente encargado' y crece la tensión internacional" [Crisis in Venezuela: European countries recognize Juan Guaidó as 'president in charge'], 4 February 2019, <https://www.bbc.com/mundo/noticias-america-latina-47115699>

²¹White House Briefing Room, Statement from President Joe Biden on the Return of Americans Wrongfully Detained in Venezuela, 1 October 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/01/statement-from-president-joe-biden-on-the-return-of-americans-wrongfully-detained-in-venezuela/>





2.3 ROLAND CARREÑO: JOURNALIST AND POLITICAL ACTIVIST

Roland Carreño is a Venezuelan journalist and political activist with the *Voluntad Popular* party, of which he was the national coordinator at the time of his arrest. Since 2019, this party has played a prominent role in the Venezuelan opposition because Juan Guaidó, who is from the same party, was holding the presidency of the National Assembly.

According to his defence team's account, on 26 October 2020, Roland Carreño's neighbours

identified his vehicle being intercepted by presumed officers of the Bolivarian National Police (PNB). For the first 24 hours of his detention, the authorities made no comment on his situation and his whereabouts were unknown, thus technically constituting the crime of enforced disappearance²²

The following day, on 27 October, the Minister of People's Power for Communication confirmed via his Twitter account that Roland Carreño had been

²²Espacio Público, Twitter post: "El periodista Roland Carreño está desaparecido desde hoy #26Oct" [Journalist Roland Carreño disappeared today #26Oct], 26 October 2020, <https://twitter.com/espaciopublico/status/1320935368280166401?s=20>

detained at an alleged police checkpoint, and that a weapon and dollars in cash had been seized from him, for which he had been arrested caught in delicto flagrante - i.e. the arrest was carried out without an arrest warrant in force at the time.²³ However, it was not until 28 October that he was brought before a special court with jurisdiction over terrorism to face charges of conspiracy, financing terrorism, criminal association and illicit trafficking in weapons of war.

On 29 October, the Attorney General of the Republic stated that the arrest was the result of a complaint by a third party and noted that Carreño was a member of *Voluntad Popular*, describing this political party as one that had promoted violence in the country.²⁴

The Vice-President of Venezuela's *Partido Unido Socialista* and president of the National Constituent Assembly at the time, Diosdado Cabello, also referred to Carreño in his television programme "Con el mazo dando" [Gavel in Hand], broadcast on national public television, saying that: "If you get arrested for conspiracy, pipe down a bit."²⁵ Amnesty International has documented the correlation between arbitrary detentions in Venezuela and the stigmatizing messages conveyed by official media outlets.²⁶

Carreño is being held at the SEBIN headquarters in El Helicoide and, following his arrest, his legal defence team denounced the coercion he was put under to record incriminating video statements

regarding criminal acts, without the presence of his lawyer and in a state of incommunicado detention.²⁷ Multiple irregularities have also been noted in his criminal proceedings, such as the unjustified postponement of hearings, the deliberate disregard for requests made by the defence, including requests for evidence in their favour that have been ignored by the prosecution, etc.

Carreño's defence team has brought to Amnesty International's attention concerns about his detention and health situation due to prior health conditions such as high blood pressure and hypoglycaemia, along with other mental health conditions.

The arbitrary detention of Roland Carreño is closely related to his role as national coordinator of *Voluntad Popular*. The *modus operandi* of the arrest, his enforced disappearance in the initial hours of his detention, his incommunicado detention, the public statements of high-ranking officials regarding his case at the same time as his arrest, the irregularities in the process, the application of regulations used for cases of 'terrorism' and the assignment of a special court in this matter to hear his case are all indicative of a pattern that has been widely documented regarding the use of arbitrary detentions to silence those who oppose the government of Nicolás Maduro, and he should therefore be released immediately and unconditionally.



²³El Jojoto, Twitter post: "Ministro de comunicación @luchaalmada confirma detención del periodista y miembro de Voluntad Popular Roland Carreño" [Minister for Communication @luchaalmada confirms arrest of journalist and Voluntad Popular member Roland Carreño], 27 October 2020, <https://twitter.com/Jojotoweb/status/1321273176366764036?s=20>.

Efecto Cocuyo, "Ministro Nãñez confirma detención de Roland Carreño" [Minister Nãñez confirms arrest of Roland Carreño], 27 October 2020, <https://efectococuyo.com/politica/ministro-nanez-confirma-detencion-de-roland-carreno/>

Deutsche Welle, "Gobierno de Venezuela confirma detención de Roland Carreño" [Venezuelan government confirms arrest of Roland Carreño], 28 October 2020, <https://www.dw.com/es/gobierno-de-venezuela-confirma-detenci%C3%B3n-de-roland-carre%C3%B1o/a-55416946>

²⁴Con el Mazo Dando, "Fiscal General: Roland Carreño no está desaparecido, está detenido por acciones conspirativas" [Attorney General: Roland Carreños is not disappeared, he has been arrested for conspiracy], 29 October 2020, <https://mazo4f.com/fiscal-general-anuncio-la-detencion-de-roland-carreno-de-voluntad-popular>

²⁵El Cooperante, Instagram post, "Diosdado Cabello a Roland Carreño: "Si usted está conspirando y lo meten preso, deje la chilladera" [Diosdado Cabello to Roland Carreño: 'If you get arrested for conspiracy, pipe down a bit.']. 29 October 2020, <https://www.instagram.com/p/CG7aR3ephe2/>

²⁶Amnesty International, *Venezuela: Calculated repression: Correlation between stigmatization and politically motivated arbitrary detentions* (Index: AMR 53/5133/2022), 10 February 2022, <https://www.amnesty.org/en/documents/amr53/5133/2022/en/>

²⁷Crónica Uno, "Defensa de Roland Carreño denunció que le obligaron a grabar videos de 'confesión' varias veces" [Roland Carreño's defence denounce that he was forced to record several 'confession' videos], 30 October 2020, <https://cronica.uno/defensa-de-roland-carreno-denuncio-que-le-obligaron-a-grabar-videos-de-confesion-varias-veces/>





2.4 GABRIEL BLANCO: SOCIAL ACTIVIST

Gabriel Blanco is a humanitarian worker who has also had links to trade union movements in Venezuela. He is married to Diannet Blanco, also an activist and human rights defender who was arbitrarily deprived of her liberty for political reasons between May 2017 and July 2018, and subjected to military jurisdiction.

Months before Blanco's arrest, the *Observatorio Venezolano de Conflictividad Social* (Venezuelan

Observatory of Social Conflict) reported more than a thousand protests by workers rejecting the labour policies of Nicolás Maduro's government.²⁸

On 6 July 2022, PNB officers went to Blanco's house and asked him to accompany them to the police station. Blanco, along with his wife and neighbours, resisted as the officers did not present a warrant. According to the testimony of Blanco's family, around

²⁸Observatorio Venezolano de Conflictividad Social, *Aumentan protestas en los primeros cuatro meses de 2022* [Protests increase in the first four months of 2022], 1 June 2022, <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/aumentan-protestas-en-los-primeros-cuatro-meses-de-2022>

50 police officers came to his home. In the early hours of the morning, a commando from the PNB's Strategic Intelligence Directorate (DIE) presented an arrest warrant dated 6 July issued by the Fourth Special Control Court with Jurisdiction over Terrorism and he was arrested for "allegedly committing crimes of association (...) and conspiracy (...)".²⁹ The officers seized Blanco's mobile phone and his identity card in the operation.³⁰

Amnesty International had access to part of the criminal case file against Gabriel Blanco and was able to identify several inconsistencies that point to the arbitrary nature of his detention and indicate the fabrication of evidence and the incrimination of Blanco and others for alleged crimes that had not even occurred.

Firstly, the investigation was initiated on the basis of information provided by a person alleging the existence of "radical groups" planning various criminal acts. This interview is dated 4 July 2022 and the interviewee is identified by name only. However, beyond a brief description of these alleged acts, no incriminating details are provided. It even refers to one of the acts as "sabotaging the commemoration of 5 July, Venezuelan Independence Day" but no additional facts are offered to support this interpretation.

Secondly, the file refers to information illegally obtained from a mobile phone belonging to Alcides Bracho, another trade union leader arbitrarily detained on 4 July 2022, i.e. the same day as the disputed interview.³¹

It is from the information on that illegally registered phone that Gabriel and others are identified as part of a WhatsApp group allegedly planning actions against the government. However, the transcripts show that the only WhatsApp group Blanco was part of was called "Simon's Friends", and the transcripts of conversations give no indication of a crime or its planning.

Finally, the intelligence report itself, which indicates the existence of these groups on social media, clearly states that, up to that point, no criminal actions had been identified as having been committed, and it warns of a "potential to generate subversive activities (...) [identifying passive, informative

communications] with a broad counter-revolutionary focus, without stating external actions, only the dissemination of counter-revolutionary elements (sic)".³²

In addition to the visible contradictions in the criminal case file, the prosecution itself cannot identify which actions could be attributed to Blanco that would enable them to charge him with a crime. According to the criminal case file, the intelligence information and the interview of a protected witness occurred on 4 July and, although they warned of an alleged crime being planned for 5 July, this did not materialize.

And yet the authorities insist on charging Gabriel Blanco with vague and broad criminal offences such as criminal association and conspiracy based on his membership of a messaging group disseminating "counter-revolutionary" information, and on the basis of information from a protected witness who has not appeared at the trial to corroborate their testimony. For Amnesty International, this is evidence of the political nature of his deprivation of liberty and therefore of the arbitrary nature of his detention.

The human rights organization *Comité de Familiares y Víctimas de El Caracazo (COFAVIC)* has supported the search for justice and Diannet Blanco in order to get the arbitrary detention of Gabriel Blanco reversed. More than a year after his arbitrary detention, he is being held in overcrowded conditions at the PNB headquarters in the La Yaguara sector of Caracas. The conditions of his detention have severely affected his health.

Gabriel Blanco and the other five activists charged in the case were convicted on 1 August 2023. This unjust decision imposes a 16-year prison sentence on him for the crimes of criminal association and conspiracy, without any evidence additional to that contained in the indictment against him, which does not support the commission of any crime. The defence team plans to appeal this decision.

Amnesty International believes that Blanco's detention is arbitrary and stems from his work as a social activist and that his conviction should be overturned, and he should be released immediately and unconditionally.

²⁹Fourth National Special Control Court with Jurisdiction over Terrorism, Arrest Warrant 086-2022, 6 July 2022.

³⁰Directorate of Strategic Intelligence, Police Investigation Report, 7 July 2022.

³¹Amnesty International considers the detention of Alcides Bracho to be arbitrary because the case file against Gabriel Blanco does not detail how and on what legal grounds he was detained, nor which court authorized the inspection of his mobile phone, and yet it is used as the sole basis for identifying Blanco and others and linking them to the alleged crimes.

³²This report allegedly issued by the DGCIM contains two contradictory dates. One of them gives 2 June 2022 as the date of issue of the report, while further on it gives this as 4 July 2022.



3. ARBITRARY DETENTIONS FOR OTHER POLITICAL PURPOSES

Amnesty International has identified certain cases in which the political motives for arbitrary detention go beyond direct repression of the person being detained. In some cases, the authorities detain a person because of his or her connection or link to a third party who they wish to silence and, in that case, the detention serves as a means of coercion. In other cases, the authorities detain people in order to complement a theory of certain events that has been publicly supported by high-level politicians. In these cases, the detentions are arbitrary and politically motivated but extend beyond the ideological expressions of the particular individual.

The FFM has established that there are “people associated” with the principal target of detention and, since 2020, noted that “the measures used against people associated with principal targets often matched or exceeded the severity of that inflicted upon principal targets”.³³

The FFM has also denounced a pattern of senior government officials accusing someone of a criminal act and presenting evidence of that crime, including confessions obtained illegally but which supported a theory of the stated case.³⁴

Amnesty International considers that these individuals are also being arbitrarily detained on political grounds, even if they cannot be attributed with political positions openly opposed to the government of Nicolás Maduro except by virtue of their connection to others, or if there is another political motive for the authorities ordering their arrest.

3.1 CASES RELATED TO THE EVENTS OF 4 AUGUST 2018

On 4 August 2018, two explosive devices detonated near a military event commemorating Bolivarian National Guard Day in Caracas. The authorities immediately labelled this event an attempt on the life of President Nicolás Maduro and other members of the military high command who were attending the event, using drones that were said to have failed to achieve their alleged objective of taking the life of the President – due to signal jammers installed in the vicinity of the celebrations.³⁵

Hours later, civilian and military intelligence services made multiple arrests and the Attorney General’s Office opened criminal investigations. Nicolás Maduro himself declared that same night that:

(...) some of the perpetrators of the attempt on my life have been captured today and are already on trial (...) initial investigations indicate that several of the masterminds and financiers of this attempt on my life live in the United States of America (...).³⁶

The prominence and politicization of these events led to the criminal prosecution and conviction of at least 20 people in a trial that has been criticized by multiple bodies for lacking in independence and thoroughness and for violating guarantees of due process and personal freedom.³⁷ Amnesty International consequently considers that these investigations and intelligence work were in violation of the due process guarantees to which all persons are entitled and can be linked to the government’s policy of repression to silence dissent.

³³ United Nations Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM), *Detailed findings of the Independent International Factfinding Mission on the Bolivarian Republic of Venezuela*, 15 September 2020, UN Doc. UN A/HRC/45/CRP.11. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf, p. 245.

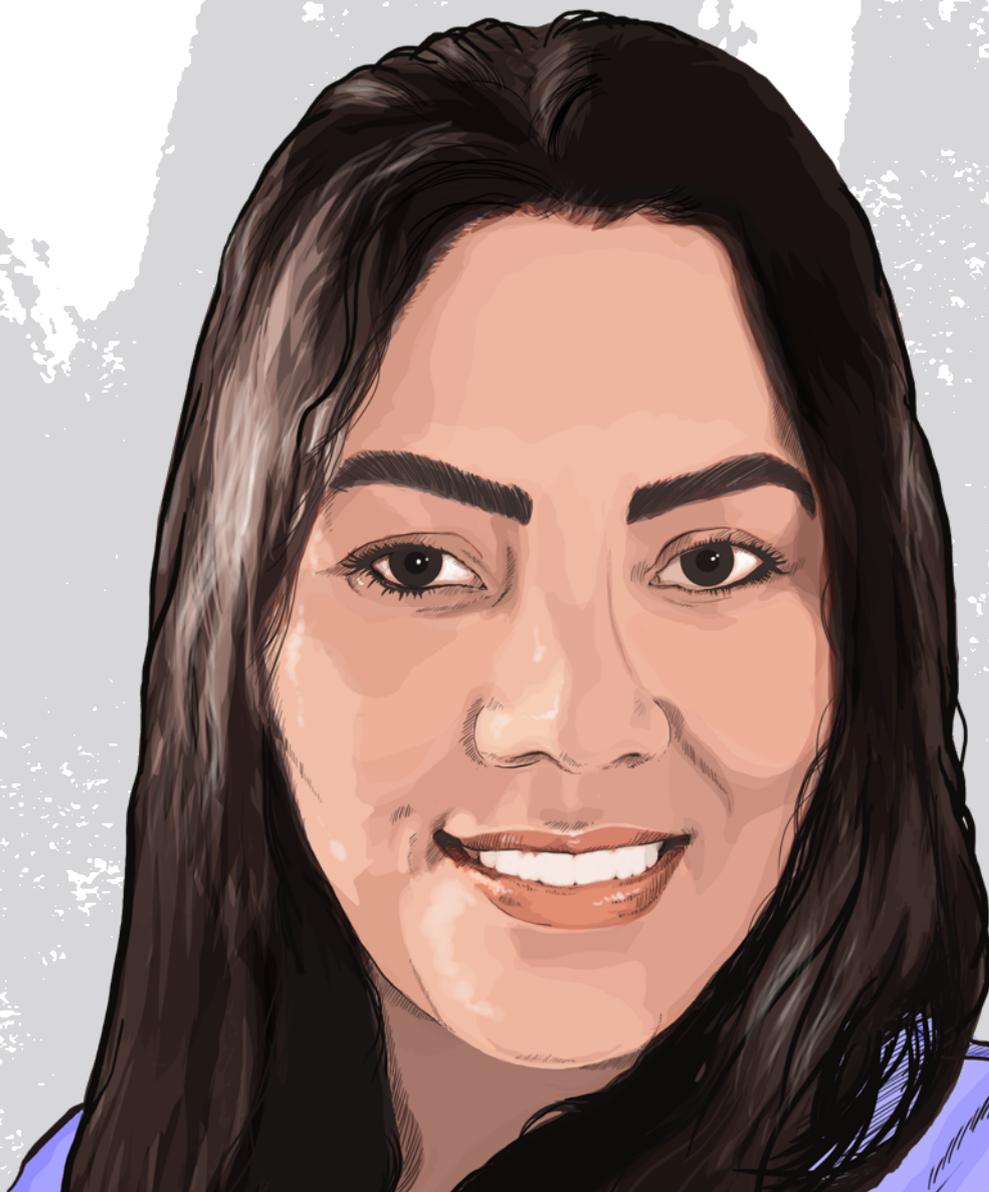
FFM, *Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: Crimes against humanity committed through the state’s intelligence services: structures and individuals involved in the implementation of the plan to repress opposition to the Government*, 20 September 2022, Document A/HCR/51/CRP. 3, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/2022-09-20/A_HRC_51_43_AdvanceUneditedVersion.docx, p. 74.

³⁴ FFM, *Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: Crimes against humanity committed through the state’s intelligence services: structures and individuals involved in the implementation of the plan to repress opposition to the Government*, 20 September 2022, Document A/HCR/51/CRP. 3, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/2022-09-20/A_HRC_51_43_AdvanceUneditedVersion.docx, p. 441.

³⁵ Ministerio del Poder Popular para el Despacho de la Presidencia y Seguimiento de Gestión de Gobierno, Terroristas y sicarios pasan a un nivel superior al incrementar espiral de violencia [Ministry of People’s Power for the Office of the Presidency and Follow-up of Government Management, Terrorists and Hired Assassins scales up by increasing the spiral of violence]. 6 August 2018, http://presidencia.gob.ve/Site/Web/Principal/paginas/classMostrarEvento3.php?id_evento=11132

³⁶ Ministry of the People’s Power for the Office of the Presidency and Follow-up of Government Management, “Presidente Maduro: “Me protege el pueblo y la FANB, por eso estoy de pie vivo y victorioso” [President Maduro: I am protected by the people and the FANB, that’s why I am alive and victorious], 4 August 2018, link retrieved from: https://web.archive.org/web/20180805173431/http://www.presidencia.gob.ve/Site/Web/Principal/paginas/classMostrarEvento3.php?id_evento=11127

³⁷ The indictments in the two cases documented by Amnesty International cover 20 people; however, the UNIFFM identified the arrests of 33 individuals in connection with these events. FFM, *Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: 15 September 2020*, Doc. UN A/HRC/45/CRP. 11, Table 4. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf



3.1.1 EMIRLENDRIS BENÍTEZ: CO-DRIVER AND OWNER OF A VEHICLE

Emirlendris Benítez is a Venezuelan mother and tradeswoman. Since her arrest in August 2018, she has been the victim of countless human rights violations, including arbitrary detention, torture, gender-based violence, discrimination, unfair trial and inhumane conditions of detention.

Although Benítez had not engaged in any form of political activism, she was framed in a political case without being permitted to exercise her right of defence in a fair trial.

According to the account Amnesty International was able to access, she was arbitrarily detained on 5 August 2018. Emirlendris Benítez was accompanying her partner while he was providing a transport service in a car owned by Benítez from the city of

Barquisimeto, Lara state, to Barinas, on the border with Colombia. Benítez saw it as an opportunity to stock up on the border with food and other basic goods which were in short supply in other parts of the country at the time.³⁸

Upon encountering a PNB checkpoint in the city of Acarigua, Portuguesa state, the officers asked for identification from all persons in the vehicle, determining that the two passengers who had requested the service had a valid arrest warrant against them for alleged links to the drone attack against Nicolás Maduro on 4 August 2018 in Caracas, the capital.

Although Benítez had no knowledge of the events, and nor was she aware of the allegations against the

³⁸ Written account of Emirlendris Benítez provided by her legal team and family members.



passengers, she was immediately arrested. From the police headquarters in Acarigua, she was taken handcuffed and hooded by light aircraft to Caracas. Her family were unaware of her fate and whereabouts for 10 days (yet another example of enforced disappearance) until the Attorney General declared on television that she was detained.³⁹

Emirlendis Benítez reports that, during this first period of detention in the DGCIM Boleíta, she was tortured, despite begging not to be beaten because she was pregnant. She also describes how DGCIM officers beat her around the head and ears, kicked her, hit her legs and feet with blunt objects, suffocated her with plastic bags, claimed they had her sick child, threatened to kill her, denied her food and water, and kept her tied to a wooden chair during the period prior to being taken before the court.

Approximately two months after her arrest, and after submitting multiple complaints, she was forcibly taken to a medical centre where a gynaecological medical procedure was performed without her knowledge or consent. There are elements that indicate that Emirlendis Benítez was the victim of a forced abortion.⁴⁰

On 9 July 2019, Benítez was transferred from the DGCIM headquarters in Boleíta to the National Institute for Women's Guidance (INOF), where she is currently being held.

In February 2023, she was sentenced to 30 years' imprisonment by a court with jurisdiction over terrorism, on charges of attempted murder with malice aforethought of the president and the military high command, throwing explosive devices, terrorism, treason and conspiracy.

In the conviction, the alleged evidence linking Benítez to the crimes charged is simply that of her role accompanying her partner, who was allegedly involved in the original plan to smuggle Nicolás Maduro's alleged attackers out of the country. The conviction does not state what Benítez' contribution was to the punishable act she with which was charged⁴¹ This conviction has been appealed by Benítez' legal representation.

Because of the torture she was subjected to, she now requires the long-term use of a wheelchair to get around. She currently has severe inflammation in her spine, her prosthetic buttocks have dropped into her legs and she is unable to walk, and she is experiencing severe pain while not receiving adequate treatment due to the lack of medical care provided by the prison where she is being held.

The conditions of detention she is currently enduring are such that her family has to provide for her basic needs, including water, food and medication. This situation is further complicated by the fact that the humanitarian emergency severely limits access to food, medicine and transport (Benítez remains imprisoned in the town of Los Teques, some 30 kilometres from Caracas, where her family lives). Her 10-year-old son has only seen her once since her arrest. She is responsible for her family and they have explained Benítez absence by stating that she is working in Los Teques.

The human rights violations to which Emirlendis Benítez was subjected remain unpunished, despite multiple complaints made by her legal defence. These events add to the demonstrated pattern of arbitrary detentions which, together with other crimes committed by the Venezuelan security forces as a matter of course, could constitute crimes against humanity. It should be noted that her detention has been classified as arbitrary by the UN Working Group on Arbitrary Detention.⁴²

Finally, it is clear that the harassment and viciousness against Benítez is not related to her political involvement or anti-government views but is based on her alleged participation as an accessory to an alleged criminal event. Given the nature of the relationship that Emirlendis had with the person who was driving the vehicle, the facts allow us to conclude that Benítez is being deprived of her liberty for gender reasons, because she is associated with other persons also prosecuted by the Fourth Special Control Court with Jurisdiction over Terrorism, whose involvement in the alleged plan has also not been clarified.

³⁹ Luigino Bracci Roa, from Venezuela, YouTube video: Attorney General Tarek William Saab, 14 August 2018, on the attack against Maduro, 14 August 2018, <https://www.youtube.com/watch?v=KdIxn00Iq4&t=356s>

⁴⁰ Benítez says that two days after her arrest, on the day of her arraignment, she was given a pregnancy test but was not told the result. Weeks later, she told her guards that she was in pain and had vaginal bleeding. She was taken to the Carlos Arvelo Military Hospital in Fuerte Tiuna, Caracas, and underwent a pelvic and transvaginal ultrasound but was not told the results. She was then sedated and, when she woke up, she had an intravenous line, fever and severe pain. The hospital staff did not tell her why she was there or what procedure she had undergone, as she was always accompanied and guarded by DGCIM officers who did not allow her to communicate freely. Written account of Emirlendis Benítez provided by her legal team and family members, 5 December 2019.

⁴¹ First Court of First Instance with exclusive jurisdiction nationally to hear cases related to crimes of terror, Conviction, 17 February 2023, Folios 270 and 271.

⁴² UN Working Group on Arbitrary Detention (WGAD), Opinion number 74/2021, concerning Emirlendis Benítez, A/HRC/WGAD/2021/74, 2 February <https://www.ohchr.org/sites/default/files/2022-02/A-HRC-WGAD-2021-74-Venezuela-AEV.pdf>



3.1.2 MARÍA AUXILIADORA DELGADO AND JUAN CARLOS MARRUFO: SISTER OF A RETIRED MILITARY SERVICEMAN

María Auxiliadora Delgado, of Spanish and Venezuelan nationality, is married to Juan Carlos Marrufo, of Italian and Venezuelan nationality. Both were living in the city of Valencia, in north-western Venezuela, and had plans to become parents through in vitro fertilization following embryo cryopreservation a few years earlier.⁴³ Both were working professionals; in the case of María Auxiliadora Delgado, she was working and was a shareholder in a medical

laboratory, while Juan Carlos Marrufo was an electrical engineer.

María Auxiliadora Delgado's brother, Osmán Delgado, is listed as an alleged participant in the events of 4 August 2018. Osmán Delgado is a retired military serviceman living in the United States of America. It has therefore not been possible to apprehend him.

⁴³ Fertilab, Human Reproduction Unit, medical report for patient María Auxiliadora Delgado Tabosky, 15 November 2021.



The indictment against María Auxiliadora Delgado and Juan Carlos Marrufo uses one record of the DGCIM as evidence of alleged criminal interest, which notes calls in 2017 to a mobile phone with alleged intermediaries of a retired military serviceman, undated calls to a mobile phone with alleged intermediaries of another retired military serviceman, and a trip to the Dominican Republic in December 2018 and January 2019, i.e., after the alleged attacks in which they supposedly participated.⁴⁴ The same counter-intelligence report also mentions alleged communications between Osmán Delgado's brother and a retired military serviceman. Later, and coinciding with the fact that insufficient evidence had been found for their indictment and criminal action had been dropped, a raid took place on the victims' home and other items of alleged criminal interest were found, such as a computer and a tablet containing photographs and telephone contacts allegedly linking them to the events of August 2018.⁴⁵ According to a relative of the couple, this evidence was not presented by the prosecutor for debate in the hearing, and they were not able to exercise their right of defence against it. These are the only elements presented in the indictment and trial of María Auxiliadora Delgado and her husband Juan Carlos Marrufo.

As their relatives told Amnesty International, on 7 June 2019, at the request of the prosecutor's office in charge of the case, the court ordered an alternative measure to custody for Delgado and Marrufo. However, this court order – as is often the case in Venezuela – was not complied with by the DGCIM. Nevertheless, on 9 October that year, they were taken by vehicle under the pretext of their release and, on the way to the town where they lived, other officers of the PNB Special Action Forces detained them and took them back to a control court, alleging the existence of an arrest warrant against them.

They are currently being held at the DGCIM headquarters in Boleíta, where the Office of the UN High Commissioner for Human Rights (OHCHR) and the FFM have extensively documented serious and systematic acts of physical and psychological torture, as well as countless acts of cruel, inhuman and degrading treatment. According to their relatives, María Auxiliadora Delgado and Juan Carlos Marrufo are suffering serious psychological consequences as a result of their arbitrary detention, lack of access to justice and other effects on their life plans, including the fact that have both had suicidal thoughts.

The Working Group on Arbitrary Detention has described the detention of Delgado and her husband as arbitrary. In addition, the FFM has extensively documented the case.⁴⁶

On 9 December 2022, Delgado and Marrufo were sentenced to 30 years for the crimes of treason, attempted murder, criminal association and conspiracy. The grounds for the conviction are the same as for the arrest warrants and the criminal charges. In view of the fact that some of the criminal conduct of which the convicted couple are charged has not been clearly defined or is ambiguous, and that neither the prosecution nor the judge has clarified the extent of their involvement in the events, Amnesty International considers the court ruling to be incompatible with international law and human rights.

Amnesty International therefore considers it clear that the detention of María Auxiliadora Delgado and Juan Carlos Marrufo is essentially related to the family ties between María and her brother Osmán and not based on criminal conduct that can be attributed to the couple themselves. The detention of María Auxiliadora Delgado and Juan Carlos Marrufo must therefore cease immediately and the sentence against them must be overturned.



⁴⁴ 67th National Prosecutor's Office with full competence, criminal charges presented to the First Special Control Court with Jurisdiction over Terrorism, undated.

⁴⁵ DGCIM, Acta de investigación penal [Criminal Investigation Report] DGCIM-DEIPC-AIP-572/1/2019, dated 19 September 2019.

⁴⁶ UN Working Group on Arbitrary Detention (WGAD), Opinion number 55/2021, concerning María Auxiliadora Delgado and Juan Carlos Marrufo, Document number A/HRC/WGAD/2021/55, 28 January 2022, <https://www.ohchr.org/sites/default/files/2022-02/A-HRC-WGAD-2021-55-Venezuela-AEV.pdf>, p. 86.

3.2 CASES RELATED TO THE “BOYCOTT OF THE NATIONAL ASSEMBLY”

According to the Venezuelan Constitution, the elected National Assembly has to take office on 5 January of the year following its election. In this context, on 29 December 2020, prior to the date of installation of the new National Assembly, the Minister of the Interior announced that “an operation aimed at boycotting the National Assembly and intended to assassinate Attorney General Tarek William Saab”, among other criminal acts, had been “dismantled”.⁴⁷

Despite the executive branch initially offering some theories that implicated a number of political leaders and office holders in Venezuela and abroad, the mere intervention of the Ministry of the Interior in the conduct of this investigation shows the lack of independence of the public authorities and calls into question their impartiality. Amnesty International learned of the situation of two of the people detained in this context and whose detentions have served as justification for theories of a conspiracy in the installation of the National Assembly. Although they are people who have publicly expressed their dissatisfaction with government policies, in the organization’s opinion there are no legal grounds for their detention.

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⁴⁷ TeleSur TV, “Claves del plan de boicot contra Poder Legislativo en Venezuela, 29 de diciembre de 2020” [Key facts about the boycott planned against the Legislative Power in Venezuela, 29 December 2020], <https://www.telesurtv.net/news/claves-plan-boicot-contra-poder-legislativo-venezuela-20201229-0050.html>





3.2.1 DARÍO ESTRADA: NEURODIVERGENT ENGINEER

Darío Estrada is a petroleum engineer who was living in Barquisimeto, Lara state, in western Venezuela. On 23 December 2020, he was arbitrarily detained by officers of the Special Action Forces (FAES) of the PNB, who burst into his home at around 11:00 pm and took him into custody, despite the fact that he was isolating because he was suffering from

COVID-19. Darío Estrada is neurodivergent and on the autistic spectrum.

According to his own account, Estrada was arrested, beaten and tied hand and foot to the flagpole at the police headquarters while the officers “asked their superiors for instructions”. He spent the first night

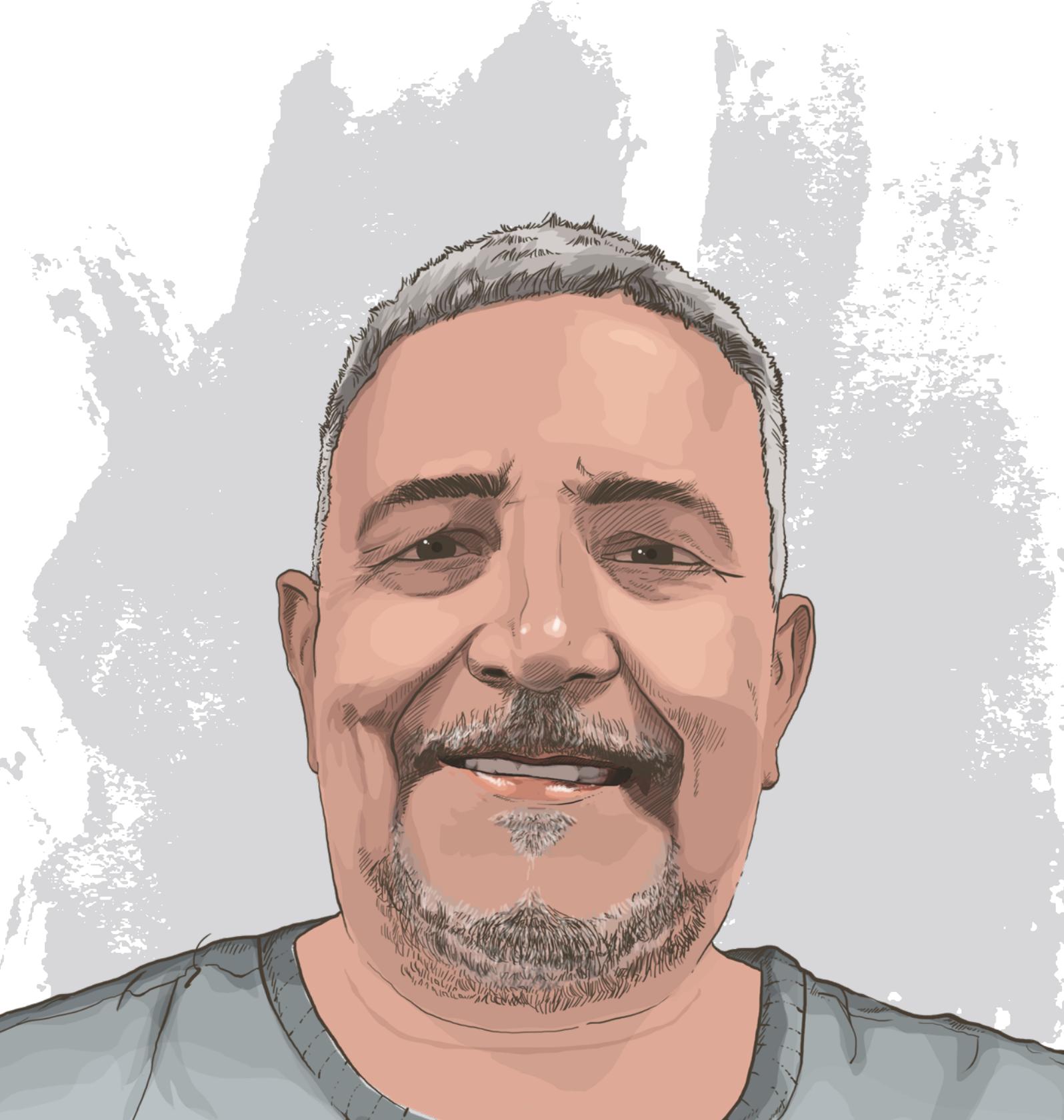
of his detention there. According to information gathered by his legal defence team, the officers themselves told Darío that his detention was based on an “order from above” and that they did not understand what he was being charged with, until they finally told him that he was accused of belonging to a WhatsApp group where plans were being hatched “against the government”.

His family believes that he was detained because he had actively participated in anti-government protests in 2017. In addition, Estrada had left Venezuela by land for Peru, so he had transited through Colombia in 2018, an element that would later serve as a link to an alleged planned attack that would

allegedly have been hatched in that country. From the evidence gathered by Amnesty International, the organization believes that his detention was motivated by his possible link to an alleged plot against the government.

Estrada is currently being held at the PNB headquarters in La Yaguara, Caracas and, due to the Venezuelan state’s failure to provide basic necessities to persons deprived of their liberty and also due to his mother’s financial circumstances, he is receiving food from other detainees, civil society organizations and human rights defenders. In addition, he has not been able to see his 21-year-old son, who has lost his mother since his father was taken into custody.





3.2.2 ROBERT FRANCO: TEACHER AND TRADE UNION REPRESENTATIVE

Robert Franco is the General Secretary of the *Colegio de Profesores de Carúpano* [Teachers' Association of Carúpano], Sucre state, in the east of the country. He was a political leader and is currently a dissident of the government of Nicolás Maduro, stating his public criticism and organizing union protests against the Ministry of Education for non-compliance with the

collective bargaining agreement for the country's teachers and professors, as Franco's family told Amnesty International.

Franco was arrested by the PNB Special Action Forces on Sunday 26 December 2020 at the home of a fellow teacher, while they were playing dominoes

and chatting among friends. Although Franco and his colleague were both arrested in FAES vans, his friend was released moments later, while Franco was transferred to Caracas that same night. His legal defence team told Amnesty International that the officers had acted violently and without showing an arrest warrant.

Robert Franco was transferred to the FAES headquarters in “La Quebradita” in San Martín, and on 30 December 2020 he was brought before a special court with jurisdiction over terrorism. His family believes that his detention is motivated

solely by his political activity and criticism of government policies on education and was linked to the National Assembly case as justification for silencing him. This assessment coincides with a pattern of systematic persecution and arbitrary arrests employed by the government of Nicolás Maduro to silence those who oppose his policies. He is currently deprived of his liberty in the headquarters of the Bolivarian National Police Zone 7 and a relative is responsible for supplying him with basic necessities such as food, water and hygiene products not provided by the state.



“INCRIMINATING” EVIDENCE: A WHATSAPP GROUP

Amnesty International had access to the indictment presented by the prosecutor’s office, which outlines the various elements that allegedly warranted the arrest and criminal prosecution of Darío Estrada and Robert Franco, as well as other individuals.

In this report, the prosecutor in charge states that, according to police counter-intelligence sources dated 22 December 2020, Darío Estrada and Robert Franco were allegedly part of a group that was preparing violent actions against the “security of the nation”.

The prosecution alleges that it obtained authorization for the arrest of Darío Estrada and Robert Franco on 22 December 2020, the date on which the police counter-intelligence report was apparently issued. Amnesty International considers this to be an unlikely coincidence.

In addition, the prosecutor has concluded that Darío Estrada and Robert Franco should be prosecuted for attempted murder of the Attorney General, aggravated and premeditated attempted murder of the Attorney General of the Republic, treason and criminal conspiracy. And yet the only basis linking Estrada and Franco to the alleged plans is that they were part of a WhatsApp group called “Operation American Continent (O.C.A.) 2020”.

Neither Darío Estrada nor Robert Franco had reportedly participated in the chat in question. Estrada’s family told Amnesty International that their son was added to this group but never participated in it. Franco’s family told Amnesty International that he did not know any of the other individuals being prosecuted alongside him.

It is not clear from the transcripts of the indictment what the precise acts are that each of them is alleged to have committed, nor what their contribution to the alleged crimes was.

While excerpts of conversations are recounted for the record, these may eventually require further investigation of other individuals. Furthermore, the organization considers that none of the messages in themselves could be classified as crimes of ‘treason’, criminal association or attempted murder, and far less could Estrada or Franco be considered to have participated given they had no interaction with what was being expressed in this group.

In fact, it is of great concern that the prosecutor’s indictment against the two individuals alleges the crime of criminal association based on their membership of the WhatsApp group, which in itself does not represent evidence of “association”, as required by the Venezuelan Criminal Code.

Both the family of Darío Estrada and the lawyers of Robert Franco also stated that the officers at the time of the arrest did not show an arrest warrant.

Amnesty International does not consider that the evidence presented against Estrada and Franco is indicative of punishable criminal conduct, not to mention the multiple violations of their due process. The organization believes that both are being held arbitrarily and for alleged acts that do not constitute crimes and should be released unconditionally and immediately.

The conditions of detention and the particular situation of Darío Estrada, being autistic, also require immediate attention from the authorities.

4. POLITICALLY-MOTIVATED ARBITRARY DETENTIONS

NEW CASES, SAME POLICY

As already stated, Amnesty International has been documenting and denouncing politically-motivated arbitrary detentions in Venezuela since 2014.⁴⁸ In its report *Silenced by force*, the organization described the most notable patterns of arbitrary detention that were being used as part of a policy of repression of dissent in Venezuela.⁴⁹

The most common patterns are arbitrary arrests without warrants, interference of the public authorities in judicial decisions, lack of judicial independence, application of ambiguous criminal laws, use of incommunicado detention and isolation of detainees, use of anonymous witnesses, contempt of court orders by security agencies, torture and inhumane treatment in detention, etc. In addition, military and special courts are used, people are forcibly disappeared in the initial hours of detention, and arrests are made on the basis of family links to government dissidents. State intelligence agencies play a leading role in this practice.

Human rights organizations in Venezuela documented around 15,700 politically-motivated arbitrary detentions in Venezuela between 2014 and 2023.⁵⁰ Some 300 people currently remain deprived of their liberty in these conditions.⁵¹

The FFM has also exhaustively documented these practices and has described how they form part of a systematic and widespread attack on the civilian population, something that could constitute crimes against humanity.⁵² Indeed, the Office of the Prosecutor of the International Criminal Court has identified that there are sufficient grounds to initiate a criminal investigation in Venezuela for possible crimes against humanity (arbitrary deprivation of liberty, torture, persecution and sexual violence, among other crimes).⁵³

The cases presented by Amnesty International in this document show that a policy of repression and the use of politically-motivated arbitrary detentions is still prevalent in Venezuela. Moreover, this practice has spread beyond traditional political opposition actors to include social actors such as trade unionists, human rights defenders, and ordinary individuals associated with a primary target of repression, or third parties who serve a purpose.

The ways in which the policy of repression is implemented in Venezuela have become further entrenched in recent years and involve: the use of crimes with an ambiguous or discretionary interpretation, preferably with a focus on alleged terrorism; the arbitrary application of the crime of criminal association without evidence to justify it; the application of the maximum penalty provided for by Venezuelan law; and the enforced disappearance of persons in the initial moments of their detention.

⁴⁸ Amnesty International, *Report 2014/15: The State of the World's Human Rights* (Index: POL 10/0001/2015), 25 February 2015, <https://www.amnesty.org/en/documents/pol10/0001/2015/en/>, p. 462.

⁴⁹ Amnesty International, *Silenced by force: Politically-motivated arbitrary detentions in Venezuela* (Index: AMR 53/6014/2017), 26 April 2017. <https://www.amnesty.org/en/documents/amr53/6014/2017/en/>

⁵⁰ Foro Penal, *Reporte sobre la Represión Política en Venezuela*, [Report on Political Repression in Venezuela], March 2023, <https://foropenal.com/reportesobre-la-represion-en-venezuela-marzo-2023/>, p. 3.

⁵¹ Foro Penal, *Reporte sobre la Represión Política en Venezuela*, [Report on Political Repression in Venezuela], March 2023, <https://foropenal.com/reportesobre-la-represion-en-venezuela-marzo-2023/>, p. 3.

Justicia, Encuentro y Perdón, *Indicadores: Presos políticos* [Indicators: Political Prisoners], June 2023, <https://www.jepvenezuela.com/indicadores/presos-politicos/>

⁵² United Nations Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM), *Detailed findings of the Independent International Factfinding Mission on the Bolivarian Republic of Venezuela*, 15 September 2020, UN Doc. 11. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf p. 2095.

FFM, *Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela: Crimes against humanity committed through the state's intelligence services: structures and individuals involved in the implementation of the plan to repress opposition to the Government*, 20 September 2022, Document A/HCR/51/CRP. 3, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmv/2022-09-20/FFMV-CRP-3-Spanish.docx>

⁵³ International Criminal Court (ICC), Office of the Prosecutor, *Prosecution's request to resume the investigation into the situation in the Bolivarian Republic of Venezuela I pursuant to article 18(2) ICC document number: ICC-02/18, 1 November 2022*, https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_06554.PDF, p. 102.



In particular, the harm to persons who have been – and continue to be – victims of politically-motivated arbitrary detentions in Venezuela can be described as damaging to their life plans, as noted by the Inter-American Court of Human Rights. Damage to the life plan is a violation of the right to life which:

(...) implies the loss or severe diminution, in a manner that is irreparable or reparable only with great difficulty, of a person's prospects of self-development. Thus, a person's life is altered by factors that, although extraneous to them, are unfairly and arbitrarily thrust upon them, in violation of laws in effect and in a breach of the trust that the person had in government bodies duty-bound to protect them and to provide them with the security needed to exercise their rights and to satisfy their legitimate interests.⁵⁴

The people who have been arbitrarily detained for political reasons in Venezuela, including those described above, have suffered severe disruption to their life plans. The separation of families, the serious impact on sexual and reproductive rights and family planning, the impediment to carrying out human rights or social activism work, and even the expectation of being able to freely exercise their occupations all show how the Venezuelan authorities have caused significant damage to life plans that must be fully remedied.

RETALIATION AS A REASON FOR ARREST

The cases documented by Amnesty International in this report show that repressive tactics are sometimes directed not only at those seen as a threat to Nicolás Maduro's government but also at individuals associated with or linked to them. In addition, arbitrary arrests are used to give the appearance of the effective prosecution of alleged conspiracy plots.

However, the organization considers that these cases should be considered as politically-motivated arbitrary detentions because they are closely linked to repression, the direct or indirect silencing of certain actors, and persecution by criminal means.

Emblematic in this regard is the arbitrary detention of María Auxiliadora Delgado and Juan Carlos Marrufo who, although they are not people whose opinions are particularly uncomfortable for the government, they are associated with a third party who has been openly pinpointed by different government actors as a threat.

While the arbitrary detentions of Emirlendris Benítez and Darío Estrada are examples of how ordinary people can serve the purpose of proving anti-government conspiracy theories, their criminal proceedings are being carried out in a discretionary and unfair manner, preventing them from exercising their rights and making them a target for the repressive apparatus.

USE OF SPECIAL COURTS WITH JURISDICTION OVER TERRORISM

All cases of politically-motivated arbitrary detention outlined in this document are being heard through the Special Court with Jurisdiction over Terrorism.⁵⁵

Amnesty International has already expressed concern about the use of ambiguous or broad definitions of terrorism.

In these cases in particular, the organization is concerned about the use of these exceptional courts to implement a policy of repression via the criminalization of dissidence, due to the possibility of applying very broad criminal offences with fewer possibilities of exercising the right to defence; however, it is also particularly concerned about the widespread lack of independence that is evident in these courts.

It recently came to light that the judge appointed to the Fourth Special Control Court with Jurisdiction over Terrorism has been deprived of his liberty since March 2023. This judge is being investigated for alleged acts of corruption in the administration of justice, linked to an alleged case of embezzlement of millions of dollars from PDVSA.⁵⁶ The court under the charge of this judge is the one assigned to the cases of Roland

⁵⁴ Inter-American Court of Human Rights, Case of Loayza Tamayo v. Peru. Reparations and Costs. Judgment of November 27, 1998. Series C number 42, p. 150

⁵⁵ The special courts with jurisdiction over terrorism were created following the adoption of the Organic Law against Organized Crime and Terrorist Financing in January 2012 by the Supreme Court of Justice.

⁵⁶ Efecto Cocuyo, "Perfil José Mascimino Márquez el juez tras las rejas que condenó a presos políticos" [Profile of José Mascimino Márquez, the judge behind bars who sentenced political prisoners]. 21 March 2023, <https://efectococuyo.com/politica/perfil-jose-mascimino-marquez-el-juez-tras-las-rejas-que-condeno-a-presos-politicos/>

Carreño, Darío Estrada, Robert Franco and Gabriel Blanco. This highlights concerns about the independence with which this oversight court has acted, should the corruption charges for which it has been singled out be proven.

Amnesty International's previous research has also statistically analysed repressive patterns in Venezuela, concluding that there is a high correlation between the stigmatization of human rights defenders by pro-government propaganda media and arbitrary detentions endorsed by the Special Court with Jurisdiction over Terrorism.⁵⁷

The organization believes that the government of Nicolás Maduro is using the special jurisdiction over terrorism to carry out arbitrary arrests on political grounds and to persecute those whose opinions differ from, or which are perceived as differing from, that of the authorities.

CRIMINAL ASSOCIATION AS THE WILD CARD OF REPRESSION

The Organic Law against Organized Crime and Terrorist Financing criminalizes the offence of criminal association in Article 37. And yet this criminal offence leaves a wide margin for discretion in its interpretation and application because it punishes those who belong to an organized criminal group “by the mere fact of association”.⁵⁸

All but one of the cases documented by Amnesty International in this report have been charged with, accused and convicted, respectively, of “association”. In some cases, the mere fact of being part of a WhatsApp group is considered sufficient by prosecutors and judges to charge and prosecute several individuals for “association”, even if the evidence for this group was obtained illegally or even if these people had not participated in the group at all.⁵⁹

The greatest risk in this criminal offence is how the elements involved in its application are interpreted. Amnesty International considers that this type of criminal offence has been abused in order to aggravate potential sentences which, in turn, has an impact on the presumption of law contained in the Venezuelan legal system, which triggers pre-trial detention in all cases where sentences of more than 10 years could be handed down.⁶⁰

DISPROPORTIONATE MAXIMUM SENTENCING

In line with the above, another important pattern in the cases documented in this report is the application of maximum sentences and, on some occasions, sentencing up to the maximum penalty allowed in Venezuelan law: 30 years imprisonment.

Emirlendris Benítez, María Auxiliadora Delgado and Juan Carlos Marrufo are all facing sentences of more than 30 years for a range of crimes including association, treason and attempted aggravated murder.

Quite apart from the arbitrary nature of the detention, what is worrying about these cases is that the justice operators in charge of them have not discerned or specified the conduct allegedly carried out by the victims, nor the alleged degree of responsibility nor the type of participation that each of these persons is supposed to have had in the alleged crime committed.

In addition, other reported cases face prison sentences of 25 to 30 years. It is worth remembering that the Venezuelan legal system does not allow for commutation of sentences or for a request for alternative measures to serving a sentence for serious crimes punishable by more than five years' imprisonment.

This indiscriminate application of severe penalties without distinguishing the punishable conduct or the degree of participation of the alleged perpetrators shows the arbitrariness and incompatibility of these detentions with guarantees of due process and a fair trial.

⁵⁷ Amnesty International, *Venezuela: Calculated repression: Correlation between stigmatization and politically motivated arbitrary detentions* (Index: AMR 53/5133/2022), 10 February 2022, <https://www.amnesty.org/en/documents/amr53/5133/2022/en/> p. 35.

⁵⁸ Organic Law against Organized Crime and Terrorist Financing. Article 37. Whoever forms part of an organized criminal group shall be punished for the mere fact of association, with imprisonment of six to ten years. <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organi-20211109155512.pdf>

⁵⁹ Case of Gabriel Blanco. Case of Robert Franco and Darío Estrada.

⁶⁰ Venezuelan Organic Code of Criminal Procedure. Article 237, first paragraph.



ENFORCED DISAPPEARANCES

The enforced disappearances to which persons arbitrarily detained in Venezuela are usually subjected have already been documented and denounced by Amnesty International and other international organizations and mechanisms.

However, it is of utmost importance to note that the pattern of enforced disappearances is ongoing and constant in all the cases presented in this report.

In none of the cases documented for this report did the authorities inform the families of the detainees where they would be held or allow their families to see them until the date of the court appearance. Such actions, although frequently denounced by victims and their families, are not investigated in Venezuela.

Enforced disappearances, even those of short duration, put people at risk of torture and are considered a crime under international law.

5. CONCLUSIONS AND RECOMMENDATIONS

Politically-motivated arbitrary detentions in Venezuela continue to form part of a systematic and widespread attack on the population of this country. This is largely with the aim of silencing those who dissent from the government of Nicolás Maduro or for other political purposes.

The diversity of profiles of the people arbitrarily detained in Venezuela shows that persecution is not only exercised against those who hold different opinions, but that this mechanism is also intended to send a much wider message of intimidation, often aimed at family members or people close to those who are being repressed.

In recent years (2019-2023) some patterns seem to have become more acute. In particular, the way in which the criminalization of individuals has been consolidated through special courts with jurisdiction over terrorism is of great concern to the organization, as this normative framework is being applied broadly and with the aim of exacerbating the consequences of criminal prosecution, and the possible penalties.

The rights to freedom, to a fair trial, to integrity and freedom from torture or ill-treatment are often violated through these practices. Furthermore, these arbitrary detentions have profoundly affected the life plans of the detainees and their families.

In a context where an estimated 300 people are being arbitrarily deprived of their liberty for political reasons, emblematic cases need to give an account of the mechanisms used but, above all, they need to serve as a tool in the search for justice, truth, reparation and guarantees of non-repetition for the more than 15,000 people that have been arbitrarily detained for political reasons since 2014 by Nicolás Maduro's government.

Amnesty International therefore calls upon:

■ The Venezuelan state:

- ▶ To release all persons arbitrarily detained for political reasons in Venezuela, including: Javier Tarazona, Roland Carreño, Gabriel Blanco, Guillermo Zárraga, Emirlendris Benítez, María Auxiliadora Delgado, Juan Carlos Marrufo, Darío Estrada and Robert Franco.
- ▶ To immediately cease implementing its policy of repression and the use of politically-motivated arbitrary detentions as a means of silencing dissent.
- ▶ While these releases take place, the health, integrity and life of those detained for political reasons in Venezuela must be guaranteed.
- ▶ To extend an invitation and facilitate access to the country with guarantees of independence to the United Nations special procedures with mandates related to the situation of persons deprived of their liberty, and to the United Nations International Independent Fact-Finding Mission; to consolidate the presence of the offices of the United Nations High Commissioner for Human Rights and the Office of the Prosecutor of the International Criminal Court.
- ▶ To investigate those responsible for these arbitrary detentions and provide full reparations to the victims.
- ▶ To ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay and without reservation; to recognize the competence of the Committee on Enforced Disappearances to hear petitions submitted to it by victims, their families and relatives, and by other States Party.

■ The international community:

- ▶ To demand guarantees of non-repetition of such arbitrary detentions from the government of Nicolás Maduro, in particular in view of the upcoming electoral processes.
- ▶ To call for and maintain efforts for the release of all persons arbitrarily detained for political reasons.
- ▶ To support the work of international bodies such as the UN International Independent Fact-Finding Mission, the Office of the UN High Commissioner for Human Rights and the Office of the Prosecutor of the International Criminal Court.
- ▶ To initiate independent and impartial investigations through its own legal systems for crimes under international law committed in Venezuela based on the principle of universal jurisdiction.

■ The Office of the Prosecutor of the International Criminal Court:

- ▶ To include these cases of politically-motivated arbitrary detention in its Venezuela I investigation.

LIFE

DETAINED

POLITICALLY-MOTIVATED ARBITRARY
DETENTIONS CONTINUE IN VENEZUELA

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