



ENFORCED DISAPPEARANCE AS A TOOL OF POLITICAL REPRESSION IN VENEZUELA



Foro Penal

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I. INTRODUCTION

This report addresses the practice of enforced disappearances in Venezuela, specifically those that occurred during the years 2018 and 2019. For the purpose of analysis in this report, an enforced disappearance is considered to be any arbitrary detention or deprivation of liberty by or with the acquiescence of state agents, followed by a refusal to provide information on the whereabouts of the disappeared person, keeping him or her incommunicado, and a refusal to bring the person before a competent judicial authority within 48 hours of the initial arrest or detention.¹ After a period of 48 hours, and provided the aforementioned conditions are maintained, detentions are considered to be enforced disappearances, since, as the Working Group on Enforced or Involuntary Disappearances has pointed out, “there is no time limit, no matter how short, for an enforced disappearance to occur.”²

During the period covered by this report, January 1, 2018 to December 31, 2019, 724 enforced disappearances of political detainees occurred in Venezuela: 200 in 2018 and 524 in 2019.

In Venezuela, the practice of enforced disappearances is especially common in the context of political detentions;³ forcibly disappearing someone, whether temporarily or permanently, prevents the defense of that person during their arbitrary detention. In many cases, Venezuelan security forces have disappeared their victims in order to subject them to illegal interrogation processes accompanied by torture or cruel and inhuman treatment. Some of those disappeared have even been forced to record audio or videos incriminating other individuals. On several occasions, and particularly since 2017, security forces have targeted family and friends of military personnel or persons considered by authorities to be involved in acts of rebellion. In doing so, the regime, under the leadership of Nicolás Maduro, exerts pressure on those they are seeking to turn themselves in, or is able to determine their whereabouts by obtaining a confession from the disappeared individual.

In this report, we analyze the current context in Venezuela and the relationship between popular demonstrations and political repression in order to understand the increase in enforced disappearances and its causes.

¹ Organic Code of Criminal Procedure, Decree No. 9.042 of 12 June 2012. Article 373 states: Within 12 hours of the arrest, the apprehended person shall be placed at the disposal of the Public Prosecutor's Office by the arresting officer, which within thirty-six hours shall present him or her to the competent supervisory judge, who shall explain to him or her how the arrest was made and, as the case may be, request the application of the ordinary or summary procedure and the imposition of measures of constraint, or request the release of the apprehended person, without prejudice to any action to be taken.

² United Nations Human Rights Council. Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/30/38, August 10, 2015, par. 102.

³ This practice has been referred to by the Working Group on Enforced or Involuntary Disappearances. More Information: United Nations Human Rights Council. Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/30/38, August 10, 2015, par. 102.

This analysis on enforced disappearances was based on information collected by the non-governmental organization Foro Penal, which has collected and systematized information using an action protocol consisting of several steps. The first step consists of reporting what the family of the detained person does in order to request assistance from the Foro Penal team. During this step, Foro Penal records the exact time and date of the detention and, if known, the law enforcement agency involved. The information is then entered into a database that is programmed to emit an alert when more than 48 hours have passed since the detention. If more than 48 hours pass and the family members or persons who filed the report still do not know the whereabouts of the detained individual, Foro Penal registers the case as an enforced disappearance. Then, if the family members of the disappeared person authorize it, the Foro Penal team files a report of an enforced disappearance with the relevant national and international bodies. If no information has been obtained regarding the whereabouts of the disappeared person, Foro Penal monitors the length of time from the detention until is the time at which the person is brought before a judicial authority, or when the person contacts family or a lawyer and their whereabouts become known. This period represents the length of the person's disappearance: if the person makes contact or is brought before a court, he or she is considered to have been disappeared during the days in which his or her whereabouts were unknown. Foro Penal then records this length of time in the database.

Although this report focuses on enforced disappearances registered in 2018 and 2019, the practice continues to this day. Even with a lower number of political protests and containment measures in place to combat the COVID-19 pandemic, Foro Penal has registered 235 politically motivated detentions in Venezuela so far this year. Of these, 33 have also resulted in enforced disappearances; 14 of these people remain disappeared as of May 31, 2020, the date of this report's finalization.

II. CONTEXT: VENEZUELA'S CRISIS

For years, an ongoing political, social, and economic crisis in Venezuela has intensified, and profoundly affected Venezuelans' enjoyment of their rights. Venezuelan and international civil society organizations, as well as intergovernmental human rights bodies, have documented systematic violations of civil and political rights, as well as serious violations of economic, social, and cultural rights in Venezuela. The findings of these international organizations and bodies clearly illustrate the severity of the crisis.

The United Nations Office of the High Commissioner for Human Rights (OHCHR), headed by Ms. Michelle Bachelet, published a report on the human rights situation in Venezuela on July 4, 2019. In this report, OHCHR documented serious violations of basic rights, such as the rights to food and health, as well as the existence of laws that restrict dissent and democratic space, the excessive use of force by state security forces, and attacks on certain

individuals and groups identified as threats to the government.⁴

The Inter-American Commission on Human Rights (IACHR) has also denounced serious and numerous human rights violations in Venezuela for decades, with a marked increase over the last 6 years. This body has highlighted, among the many human rights abuses, patterns of criminalization and stigmatization of those who participate in social protests. In particular, the IACHR has noted how the mass demonstrations that took place in the country between 2014 and 2017 were violently repressed and resulted in arbitrary arrests, torture, cruel treatment, and sexual violence.⁵

In response to persistent allegations of abuse by state security forces, the Secretary General of the Organization of American States (OAS) appointed a panel of international experts to determine whether there were reasonable grounds to establish that crimes against humanity had been committed in Venezuela. Indeed, the panel found that the answer was likely ‘yes’: there are reasonable grounds to believe that, at least since 2014, the government has systematically committed crimes such as extrajudicial executions, persecution, torture, and enforced disappearances as part of a state policy against persons identified as part of the opposition.⁶ The panel’s findings include more than 8,292 extrajudicial executions.⁷ On February 8, 2018, the Office of the Prosecutor of the International Criminal Court decided to open a preliminary examination for the alleged occurrence of crimes against humanity in Venezuela.⁸

Impunity, which in turn fuels repeated human rights violations, presents a serious problem in Venezuela. Victims of human rights violations – in particular when related to the political repression – are unlikely to find justice, let alone adequate reparation measures. To a large extent, such widespread impunity has resulted directly from the measures taken since the government of Hugo Chávez that have progressively eroded the independence of the Judiciary and the Public Prosecutor’s Office, entities that are now co-opted by the Executive Branch.⁹ This situation has deeply damaged the government’s system of checks and balances and dismantled the guarantees of the democratic rule of law.

⁴ United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019.

⁵ IACHR. Democratic institutions, rule of law, and human rights in Venezuela. OEA/Ser.L/V/II. Doc. 209, December 31, 2017, par. 20-25.

⁶ OAS. Report of the OAS General Secretariat and the Panel of Independent International Experts on the Possible Commission on Crimes against Humanity in Venezuela. May 29, 2018, p. x-xi.

⁷ OAS. Report of the OAS General Secretariat and the Panel of Independent International Experts on the Possible Commission on Crimes against Humanity in Venezuela. May 29, 2018, p. xi.

⁸ ICC. 2018 report on preliminary examination activities, December 5, 2018. Available at: <https://www.icc-cpi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf>

⁹ See IACHR. Democracy and human rights in Venezuela. OEA/Ser.L/V/II. Doc. 54, December 30, 2009.

Two circumstances in particular have facilitated an environment of impunity for abuses by state actors. The first is the high number of provisional judges who are appointed and removed at the discretion of the Judicial Commission of the Supreme Court after the public exam-based selection process has been opened.¹⁰ Although provisional status should be the exception, since judges must enjoy tenure of office to be fully independent,¹¹ in the last decade the percentage of provisional judges has ranged from 66% to 88%.¹² The second circumstance is the use of military criminal jurisdiction to try civilians. International human rights law has emphasized that military criminal jurisdiction must be restrictive in scope and limited to military offenses.¹³ Despite this, in Venezuela military jurisdiction has consistently been used to try civilians. Indeed, between April 1, 2017 and October 31, 2017 alone, 757 civilians were reportedly prosecuted in military courts.¹⁴

Meanwhile, the economic crisis in Venezuela has intensified in recent years, causing hyperinflation, food shortages, lack of medical supplies, and poor access to public services, such as electricity.¹⁵ Corruption has also worsened, with Venezuela ranked 173rd out of 180 countries on the perceived corruption index in 2019, according to Transparency International.¹⁶

This situation of violence and the ongoing economic and humanitarian crisis has forced more than 5 million Venezuelans to flee the country.¹⁷

The Venezuelan political landscape is also deeply complex. In 2015, opposition won large majorities in the National Assembly. Several days before the new National Assembly members were to be instated, however, a group of 13 Supreme Court justices simultaneously

¹⁰ In the words of the Supreme Court of Justice itself, provisional judges “are liable to be removed from office in the same way as they were appointed: in a discretionary manner.” *Cfr.* Judgment No. 2414 of the Constitutional Chamber of the Supreme Court of Justice of December 20, 2007.

¹¹ This is set out in the United Nations Basic Principles on the Independence of the Judiciary, in particular principles 10 and 11. Available online at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>.

¹² International Commission of Jurists (ICJ). *Achieving Justice for Gross Human Rights Violations in Venezuela*, Baseline Study. July 2017, p. 23. Available at: <https://www.icj.org/wp-content/uploads/2017/08/Venezuela-GRA-Baseline-Study-Publications-Reports-Thematic-reports-2017-ENG.pdf>

¹³ Human Rights Committee. General Comment No. 13, Article 14 - Administration of justice, 21st session, U.N. Doc. HRI/GEN/1/Rev. 7 at 154 (1984), U.N. Doc. HRI/GEN/1/Rev.7 at 154 (1984), par. 4, 15; IACHR. *Case of Radilla Pacheco v. Mexico* Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 23, 2009. Series C No. 209, par. 272 -275; IACHR. *Case of Lori Berenson Mejia v. Peru* Merits, Reparations, and Costs. Judgment of Thursday, November 25, 2004. Series C No. 119, par. 142 -143; IACHR. *Case of Usón Ramírez v. Venezuela*. Preliminary Exception. Merits, Reparations, and Costs. Judgment of November 20, 2009. Series C No. 207, par. 108, 110-111, 115; IACHR. Report No. 88/99. *Case 12.013 Lino César Oviedo v. Paraguay*. September 27, 1999, par. 29-32.

¹⁴ IACHR. *Democratic institutions, rule of law, and human rights in Venezuela*. OEA/Ser.L/V/II. Doc. 209. December 31, 2017, par. 257.

¹⁵ *Ibid.*, par. 473.

¹⁶ Transparency International. *2017 Perceived Corruption Index*, accessed September 15, 2019. Available at: https://www.transparency.org/news/feature/corruption_perceptions_index_2017#table.

¹⁷ Coordination Platform for Refugees and Migrants of Venezuela, accessed September 15, 2019. Available at: <https://r4v.info/en/situations/platform>.

submitted applications for early retirement.¹⁸ This unusual occurrence allowed the National Assembly, as previously constituted and containing a pro-government majority, to appoint the replacements for these justices. A few months later, the Supreme Court of Justice (TSJ, using the initials in Spanish) issued a set of decisions that suspended the powers of the National Assembly.¹⁹

On August 4, 2017, the Supreme Court of Justice also authorized President Nicolás Maduro to convene a National Constituent Assembly (ANC, using the initials in Spanish) by means of an executive decree,²⁰ without a prior referendum,²¹ to draft a new constitution. After more than three years in operation, the ANC has not done this. Instead, it has functioned as a *de facto* parliament, assigning to itself the constitutional functions of the National Assembly. One of the first acts of the ANC was to dismiss Attorney General Luisa Ortega and appoint in her place Tarek William Saab, a staunch government ally.²² This body has also taken other measures without any legal basis, such as removing the parliamentary immunity of National Assembly deputies in order to arrest and prosecute them, ratifying the rectors and judges of the National Electoral Council and the Supreme Court of Justice, and passing laws that discriminate against and penalize political dissent.²³

One of the ANC's most controversial acts was their authorization to move up the presidential election for the 2019-2025 term, which Nicolás Maduro would go on to win.²⁴ This unusual move, in addition to countless other measures from the Comptroller General's Office and the National Electoral Council, make evident the complete absence of electoral guarantees. Opposition parties and leaders, as well as dozens of countries, refused to recognize Nicolás Maduro's electoral victory.²⁵

On January 23, 2019, the president of the National Assembly, Juan Guaidó, declared himself interim president of the country, citing Articles 233 and 333 of the Constitution.²⁶

¹⁸ Access to Justice: Venezuelan Observatory of Justice. Report AN 3-2. February 3, 2016. Available at: <https://www.accesoalajusticia.org/wp-content/uploads/2016/03/informe-a-AN-3-2.pdf>.

¹⁹ Two decisions in particular stand out, namely: Judgment of Monday, March 27, 2017, of the Constitutional Chamber, Case 17 -0323; and Judgment of March 28, 2017, of the Constitutional Chamber, Case No. 170325. For more information regarding this topic, the following resources are recommended: International Commission of Jurists (ICJ). *The Supreme Court of Justice of Venezuela: An Instrument of Political Power*, 2017, p. 3.

²⁰ Decree No. 2.830, published in Extraordinary *Official Gazette* No. 6925 of May 1, 2017.

²¹ Judgment No. 378 of May 31, 2017, of the Constitutional Chamber, Case No. No. 2017-0519 (Joint Presentation).

²² International Commission of Jurists (ICJ). No deliberation shall be admitted. *The National Constituent Assembly and the breakdown of the Rule of Law in Venezuela*, 2019, p. 22.

²³ *Ibid.*, p. 35.

²⁴ *Ibid.*, p. 29.

²⁵ See, for example: *Efecto Cocuyo*. See the reactions from countries that did not accept Venezuela's election results. Monday, May 21, 2018. Available online at: <https://efectococuyo.com/politica/conozca-las-reacciones-de-los-paises-que-rechazan-elecciones-de-venezuela/>.

²⁶ CNN. Maduro defiant as Venezuelan opposition leader declares himself acting president, January 23, 2019. Available online at: <https://www.cnn.com/2019/01/23/americas/venezuela-protests/index.html>.

Since January 2019, the OAS²⁷ and dozens of countries around the world have recognized Guaidó as interim president and have even accepted the credentials of his ambassadors. Since this time, Venezuela has had a sort of double government in which Nicolás Maduro's regime, with the support of powerful governments such as those of Russia and China, maintains control of Venezuelan territory and public authorities at the domestic level, while a large part of Venezuela's diplomatic relations and representation on the international level are being led by Guaidó.

1. DEMONSTRATIONS AND STATE REPRESSION

The economic and political crisis in Venezuela has led to an intensification of demonstrations at the national level in recent years. There is a close relationship between the increase and level of intensity of popular demonstrations, on the one hand, and the number of arrests and the resulting number of enforced disappearances on the other. According to the Venezuelan Observatory of Social Conflict (OVCS, using the Spanish acronym), there were 9,286 demonstrations in 2014 (110% more than the previous year²⁸), 5,851 in 2015, 6,917 in 2016, and 9,787 in 2017. In 2018, OVCS reported 12,715 demonstrations.²⁹

Some of these demonstrations have been violently repressed with the use of excessive force by state agents. In many cases, paramilitary groups known as "colectivos" have also been involved.³⁰ The results of the government's response to the demonstrations are unacceptable under international human rights law. For example, in 2014, 43 people died in connection with demonstrations,³¹ while in 2017 this number rose to 124 people.³²

As the OHCHR and other international bodies have stressed, laws criminalizing protests and imposing undue restrictions on the right to peaceful assembly persist in Venezuela.³³ Examples of such restrictions include making demonstrations subject to prior authorization, banning demonstrations in large areas considered to be secure, and criminalizing the blocking of public

²⁷ Voice of America. The OAS Recognizes Opposition Envoy as Venezuelan Ambassador. CNN. April 9, 2019. Available online at: <https://www.voanews.com/americas/oas-recognizes-opposition-envoy-venezuelan-ambassador>.

²⁸ Venezuelan Observatory of Social Conflict. Social conflict in Venezuela in 2014, accessed September 16, 2019. Available online at: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/01/Conflictividad-en-Venezuela-2014.pdf>.

²⁹ *Ibid.*

³⁰ OHCHR. Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from April 1 to July 31, 2017. August 2017, p. 8-9. Available at: https://www.ohchr.org/Documents/Countries/VE/HCRptVenezuela_1April-31July2017_EN.pdf

³¹ IACHR. 2014 Annual Report of the Inter-American Commission of Human Rights. Chapter IV. OEA/Ser.L/V/II. Doc. 13, March 9, 2015, par. 388.

³² OHCHR. Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from April 1 to July 31, 2017. August 2017, footnote 50; IACHR. 2014 Annual Report of the Inter-American Commission of Human Rights. Chapter IV. OEA/Ser.L/V/II. Doc. 13, March 9, 2015, par. 365.

³³ OHCHR. Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from April 1 to July 31, 2017. August 2017, p. 9.

roads.³⁴ In addition, the IACHR has warned about stigmatizing and intimidating statements made by high-ranking government officials against persons identified as opposition. For example, during a series of intense demonstrations in 2014, president Nicolás Maduro announced the formation of “Anti-Coup Popular Commands” to “review and counteract the coup and fascist plans.”³⁵ Likewise, the president of the ANC, Diosdado Cabello, and the Interior Minister, Néstor Reverol, have labeled those who call for and participate in demonstrations as “terrorists” and “armed insurgents,”³⁶ contributing to the stigmatization of social protest in Venezuela.³⁷

2. ARBITRARY DETENTIONS FOR POLITICAL REASONS

Both within and outside of the context of demonstrations, arbitrary detentions for political purposes have increased since 2014. These detentions have the obvious effect of intimidating people, preventing them from participating in demonstrations and expressing their opinions in the media and on social networks.

From January 1, 2014, to August 31, 2019, Foro Penal recorded 15,160 politically-motivated detentions in Venezuela.³⁸ In this regard, it is important to mention that there have also been numerous cases of torture and other cruel, inhuman, and degrading treatment.³⁹

The Bolivarian regime releases groups of detainees as it detains others in similar numbers in order to maintain a constant number of detainees and not to draw attention to the overwhelming number of arbitrary detentions. Foro Penal has labeled this tactic the “revolving door.”⁴⁰

In addition to arresting demonstrators in order to intimidate and control them, the regime also detains opposition leaders in order to exclude or disqualify them from running for political office. In the same vein, people who are not political leaders also become victims of political detentions and are used as a representation or propaganda to justify a failure in public policy. Conversely, the regime could also justify their detention by using them as scapegoats, falsely presenting them as those behind national and international attacks against the government.

³⁴ Ibid.

³⁵ IACHR. 2014 Annual Report of the Inter-American Commission of Human Rights. Chapter IV. OEA/Ser.L/V/II. Doc. 13, March 9, 2015, par. 353.

³⁶ IACHR. Democratic institutions, rule of law, and human rights in Venezuela. OEA/Ser.L/V/II. Doc. 209, December 31, 2017, par. 231.

³⁷ Ibid.

³⁸ Foro Penal. Report on Political Repression in Venezuela. August 2019. Available online at: <https://foropenal.com/reporte-sobre-la-represion-en-venezuela-agosto-2019/>.

³⁹ IACHR. Democratic institutions, rule of law, and human rights in Venezuela. OEA/Ser.L/V/II. Doc. 209, December 31, 2017, par. 244-56.

⁴⁰ Foro Penal. Report on Political Repression in Venezuela. August 2019. Available online at: <https://foropenal.com/reporte-sobre-la-represion-en-venezuela-agosto-2019/>.

In order to understand the political benefit to the regime, Foro Penal analyzes the political objective (or objectives) of repressing victims. In this sense, based on the goal of the arbitrary action against a citizen, those who are imprisoned and persecuted can be separated into five (5) categories, which correspond to the goal (political benefit) of persecuting a given individual. To this effect, in addition to those referred to as “PPCs” (Imprisoned or Persecuted Due to Political Causes, who doctrine traditionally has recognized as such, based on the attribution of some infraction regularly recognized as “political,” and as long as it did not involve the use of violence and can be tied to the general purposes of political repression), there are also the “PPP” (Persecuted or Imprisoned for Political Purposes), which are distinguished as such solely on the basis of the purpose or objective of their repression. Finally, also included here are the special cases referred to as the “SPP” (Subsequent Persecution or Political Imprisonment).

The purposes or objectives that allow a repressive action or persecution to be categorized as “political” can be separated into five (5) categories. These permit us to classify a specific situation as political repression – that is, as a particular type of violation within the wider umbrella of grave violations of human rights.

Thus, Foro Penal divides, without order of prevalence, the purposes or objectives of political repression in general in the following manner:

Category 1 (EXCLUSION): Those who are persecuted for individually representing a political threat to the government, because they are political or social leaders. In these cases, the purpose of this persecution (murder; torture; cruel, inhuman, or degrading treatment; enforced disappearance; arrest; detention; or arbitrary conviction) is to remove that person from the political sphere and neutralize him or her as a critic or focal point of social or political mobilization, thus isolating him or her from the rest of the population.

Category 2 (INTIMIDATION): Those who are persecuted not for representing an individual political threat for the regime, but rather for being part of a social group that the regime needs to intimidate or neutralize. This group includes students, human rights defenders, members of the media, judges, military officers, and political activists, among others.

Category 3 (PROPAGANDA): Those people who, despite not being considered by the government to be political threats as individuals or as part of a social group, are persecuted in order to support propaganda, a campaign, or a certain political narrative of those in power with respect to situations of national importance, with the goal of allowing the government to evade responsibility for the failures of public programs and policies, and shift the blame to other persons or entities. This persecution may also occur in order to justify political propaganda that is deployed to reaffirm the “official truth” about certain events and to strengthen or maintain

the government's political hegemony. The persecution of these people also has a collateral effect, an unspoken but obvious goal of the persecution: by transferring responsibility for its own failures to third parties, the government also seeks impunity for those who are truly responsible for such failures – that is, those who are themselves normally found in the ranks of government officials or in the party.

Category 4 (EXTRACTION): Those persons who are persecuted, usually imprisoned, with the goal of extracting information with which to locate other persons who are persecuted for political reasons. Here, we find cases of family or friends of the targeted person deprived of their liberty for the purpose of extracting information, in many cases under torture, about the whereabouts of the person being politically persecuted.

Category 5 (PERSONAL): According to the goals of imprisonment or persecution, also included are the “Prisoners of Power” (PP), or those who are persecuted or arbitrarily imprisoned not for any political end in the strict sense (i.e., understood as those involving acts of government that affect society in general), but rather for the satisfaction of personal interests through the abusive and arbitrary exercise of political power. In these cases, in the strict sense, the rights of the PP are not infringed to serve political ends, but rather as expressions of abuse of power, personal and direct, on the part of those who exercise public functions and avail themselves of their positions and political influence within repressive structures to defend or assert their personal interests.

According to Foro Penal, the categories of political detainees or those persecuted for political motives, delineated according to the respective goals (categories 1, 2, 3, 4, or 5) are not mutually exclusive. A person may be persecuted (murdered; tortured; subjected to cruel, inhuman or degrading treatment; forcibly disappeared or arbitrarily deprived of liberty) for representing an individual threat to the regime's power (Category 1), but at the same time also with the goal of sending a clear, intimidating message to the group to which he or she belongs (Category 2), and so on.

Finally, the ambit of political detainees also includes a special group, the “SPP” (Subsequent Persecution or Political Imprisonment), which are those who are initially persecuted not because of the legitimate and peaceful exercise of their rights (situations which can include those in which a person is persecuted or deprived of their liberty for a legitimate, non-arbitrary reason – for example, for having been in the process of committing a crime at the moment of their arrest, or for having used violence against people or things in support or defense of a political, ideological, philosophical, or religious stance) and then are later used for the political ends described for the “PPP” in categories 1, 2, 3, 4, or 5.

Unlike political detainees, political prisoners are those who have been formally deprived of their liberty as a result of a judicial decision, in consideration of the fact that the Venezuelan regime controls and uses the judicial system as a weapon of political persecution.

The number of political detainees has also grown exponentially since 2014. While in 2013 Foro Penal reported that there were 11 political detainees,⁴¹ as of December 31, 2019, it reported 388 political detainees, of which 18 were women and 370 were men.⁴² It is important to note that among the political detainees there were 118 military officials.⁴³ This makes it clear that the regime uses deprivation of liberty not only to respond to and quell civilian demonstrations, but also to punish and intimidate the military.

III. ENFORCED DISAPPEARANCES

1. LEGAL NATURE AND DEFINITION OF ENFORCED DISAPPEARANCE

Enforced disappearance has been described as one of the most serious and cruel violations of human rights⁴⁴ and as a crime against humanity.⁴⁵ This practice is particularly serious because it places the victims in a state of absolute helplessness⁴⁶ and seeks to deny them the protection of the law.⁴⁷ It is also important to note that other serious human rights violations, such as torture or extrajudicial executions, often occur during, or are preceded by, an enforced disappearance.

There is a consensus on the multi-faceted and ongoing nature of enforced disappearance⁴⁸ – it can lead to related and simultaneous violations of the rights to personal freedom, personal safety, life, and recognition as a person before the law, among others. Its ongoing nature derives from the fact that an enforced disappearance continues until the fate or whereabouts of the disappeared person is determined.⁴⁹

Below is the definition of enforced disappearance as set forth in international instruments and within the Venezuelan legal system.

⁴¹ Foro Penal. Report on Venezuelan State Repression, January 2014 - May 2016, p. 7. Available online at: <https://foropenal.com/wp-content/uploads/2017/08/migration/informes/INFORME%20REPRESION%202016%20JUN25.pdf>.

⁴² Foro Penal. Report on Political Repression in Venezuela. 2019, available at: <https://foropenal.com/reporte-sobre-la-represion-en-venezuela-ano-2019/>.

⁴³ Ibid.

⁴⁴ IACHR. Case of Blake v. Guatemala Merits. Judgment of January 24, 1998. Series C No. 36, par. 66.

⁴⁵ Enforced disappearance was criminalized in Article 7(1)(i) of the Rome Statute, which addresses crimes against humanity.

⁴⁶ IACHR. Case of Blake v. Guatemala Merits. Judgment of January 24, 1998. Series C No. 36, par. 66; Cfr. IACHR. Case of Radilla Pacheco v. Mexico Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 23, 2009. Series C No. 209, par. 139.

⁴⁷ IACHR. Case of Blake v. Guatemala Preliminary Exceptions. Judgment of July 2, 1996. Series C No. 27, par. 97; Cfr. IACHR. Case of Osorio Rivera and Family v. Peru Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 26, 2013. Series C No. 274, par. 170.

⁴⁸ IACHR. Case of Radilla Pacheco v. Mexico Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 23, 2009. Series C No. 209, par. 140.

⁴⁹ IACHR. Case of Radilla Pacheco v. Mexico Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 23, 2009. Series C No. 209, par. 140.

International Convention for the Protection of All Persons from Enforced Disappearance, Article 2:

*“Enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.*⁵⁰

Inter-American Convention on Forced Disappearance of Persons, Article II:

*[F]orced disappearance is considered to be the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.*⁵¹

Rome Statute of the International Criminal Court, Article 7(2)(i):

*“Enforced disappearance of persons” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.*⁵²

Enforced disappearance is also defined in the Venezuelan legal system. Article 181 of the Venezuelan Criminal Code states:

*Any competent public official who, having knowledge of a detention, omits, delays, or refuses to take steps to have it discontinued or to report it to the competent authority shall be punished (...).*⁵³

Article 181-A of the Criminal Code states the following:

Public authorities, whether civilian or military, or any person in the service of

⁵⁰ International Convention for the Protection of All Persons from Enforced Disappearance (Jun. 29, 2006), *entered into force* Dec. 23, 2010, Art. 2. Venezuela signed the Convention on October 21, 2008.

⁵¹ Inter-American Convention on Forced Disappearance of Persons (Jun. 9, 1994), *entered into force* Mar. 28, 1996, Art. II. Ratified by Venezuela on January 19, 1999.

⁵² Rome Statute of the International Criminal Court (17 July 1998), *entered into force* July 1, 2002, Art. 7(2)(i).

⁵³ Código Penal de la República Bolivariana de Venezuela (Ley de Reforma Parcial del Código Penal), *entered into force* Apr. 13, 2005, Art. 181.

*the State who illegitimately deprives a person of his/her liberty, and refuses to acknowledge the detention or to give information on the fate or situation of the disappeared person, preventing the exercise of his/her constitutional and legal rights and guarantees, shall be punished (...).*⁵⁴

It is crucial to remember that the prohibition of enforced disappearance is absolute. This means that, given its seriousness, this practice cannot be permitted under any circumstances. Article 45 of the Constitution of the Bolivarian Republic of Venezuela establishes this prohibition:

*The public authorities, whether military, civilian, or of any other kind, even during a state of emergency, exception or restriction of guarantees, are prohibited from effecting, permitting, or tolerating the enforced disappearance of persons. An officer receiving an order or instruction to carry it out, has the obligation not to obey, and to report the order or instruction to the competent authorities. The intellectual and physical perpetrators, accomplices, and concealers of the crimes of enforced disappearance of a person, as well as any attempt to commit such offense, shall be punished in accordance with law.*⁵⁵

Together, these definitions illustrate the three elements that comprise an enforced disappearance: (a) the deprivation of liberty; (b) the direct intervention or acquiescence of State agents; and (c) the refusal to acknowledge the detention and reveal the fate or whereabouts of the disappeared person.

a. Deprivation of Liberty

Any enforced disappearance begins with the deprivation of liberty of a person, regardless of whether it is an arbitrary detention or a legal arrest.⁵⁶ The latter occurs, for example, when the person is detained by court order or in the act of committing a crime, but is disappeared upon being transferred after the initial arrest, before the trial, or while serving a sentence.

However, deprivation of liberty should not be analyzed in isolation or separately, but as part of a set of prolonged violations. In this sense, the Inter-American Court of Human Rights has established that “the deprivation of liberty of the individual shall be understood as the beginning of the configuration of a complex violation that is prolonged in time until the situation and the whereabouts of the alleged victim are known.”⁵⁷

⁵⁴ Ibid., Art. 181-A.

⁵⁵ Constitution of the Bolivarian Republic of Venezuela 1999 (rev. 2009), Art. 45.

⁵⁶ United Nations Human Rights Council. Report of the Working Group on Enforced or Involuntary Disappearances, General Comment on the definition of enforced disappearances, A/HRC/7/2. January 10, 2008, par. 7; *Cfr.* IACHR. Case of Tenorio Roca et al. v. Peru Preliminary Exceptions, Merits, Reparations, and Costs Judgment of June 22, 2016. Series C No. 314, par. 148.

⁵⁷ IACHR. Case of Chitay Nech et al. v. Guatemala Preliminary Exceptions, Merits, Reparations, and Costs Judgment of May 25, 2010. Series C No. 212, par. 89.

b. Direct Intervention or Acquiescence of State Agents

The second element that comprises enforced disappearance is the direct intervention or acquiescence of State agents. In this respect, the United Nations Working Group on Enforced or Involuntary Disappearances (hereinafter the “Working Group”) has stated that “enforced disappearances are only considered as such when the act in question is perpetrated by State actors or by private individuals or organized groups (e.g., paramilitary groups) acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government.”⁵⁸

It is important to emphasize that the mere acquiescence or tolerance of the State in the face of serious violations such as forced disappearance constitutes, in itself, a violation of the duty to guarantee and protect human rights.⁵⁹

c. Refusal to Acknowledge the Detention of the Person or Disclose Their Fate or Whereabouts

The third characteristic feature of enforced disappearance is the refusal of the State to acknowledge that the person is under its control, or its unwillingness to provide information on the whereabouts of the disappeared person. Case law from national and international courts has emphasized that this situation creates deep pain and distress for the family members of the disappeared person.⁶⁰

2. TEMPORARY ENFORCED DISAPPEARANCE

As previously noted, the amount of time a person spends deprived of liberty is not relevant in classifying an act as an enforced disappearance. This is why the Working Group has said that “there is no minimum time required, however short, to deem that an enforced disappearance has occurred.”⁶¹ In this regard and taking this into account, the Working Group has already expressed concern about enforced disappearances in Venezuela.⁶² It has also insisted that enforced disappearances “are not a thing of the past.”⁶³

⁵⁸ United Nations Human Rights Council. Report of the Working Group on Enforced or Involuntary Disappearances, General Comment on the definition of enforced disappearances, A/HRC/7/2. January 10, 2008, par. 26.

⁵⁹ IACHR. Case of Velásquez Rodríguez v. Honduras. Merits. Judgment of Friday, July 29, 1988. Series C No. 4, par. 175.

⁶⁰ IACHR. Case of Chitay Nech et al. v. Guatemala Preliminary Exceptions, Merits, Reparations, and Costs Judgment of May 25, 2010. Series C No. 212, par. 2.

⁶¹ OHCHR. Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/30/38 Monday, August 10, 2015, par. 102.

⁶² Ibid.

⁶³ UN News. *Las desapariciones forzadas no son un problema del pasado* [Enforced disappearances are not a problem of the past]. Friday, August 30, 2019. Available in Spanish at: <https://news.un.org/es/story/2019/08/1461382>.

In this report, and based on the case documentation practices of Foro Penal, an “enforced disappearance” is deemed to have occurred once 48 hours have passed and the authorities have not presented the detained person before a judge in order to define his or her legal status. Furthermore, the person’s whereabouts remain unknown and he or she has not communicated with family members or lawyers since being detained. Thus, if a person is detained, and there has been no communication whatsoever from this individual for more than 48 hours and his or her whereabouts are unknown, even if only two hours have passed since the deadline for being brought before a judge, he or she is considered a victim of enforced disappearance. Consequently, when reporting the total duration of the enforced disappearance in this analysis, the initial 48 hours are added to the additional time that the person is held and his or her whereabouts remain unknown.

As will be seen in the following sections, this practice of temporary or short-term enforced disappearance has gained momentum in Venezuela and turned into a systematic pattern.

3. SOME OBLIGATIONS OF COUNTRIES WITH REGARD TO ENFORCED DISAPPEARANCES

a. Officially Recognized Detention Centers and Presentation Before a Competent Judicial Authority Without Delay

Article XI of the Inter-American Convention on Forced Disappearance of Persons states that:

Every person deprived of liberty shall be held in an officially recognized place of detention and be brought before a competent judicial authority without delay, in accordance with applicable domestic law.

In the same vein, Article 17.2(c) of the International Convention for the Protection of All Persons from Enforced Disappearance states that each State party to the convention must, in its legislation:

Guarantee that any person deprived of liberty shall be held solely in officially recognized and supervised places of deprivation of liberty.

These provisions prohibit clandestine detention centers, in a clear effort to prevent enforced disappearances and acts of torture. The Working Group has stated that this obligation is absolute and that “under no circumstances, including states of war or public emergency, can any State interests be invoked to justify or legitimize secret centres or places of detention (...).”⁶⁴

⁶⁴ ECOSOC. Commission on Human Rights. Report of the Working Group on Enforced or Involuntary Disappearances, E/CN.4/1997/34 December 13, 1996, par. 24.

With regard to the duty to bring the detained person before a competent judicial authority, the Working Group has warned that this provision highlights the transitional and temporary nature of pre-trial detention. It has also pointed out that the deprivation of liberty does not violate international law, *per se*, “unless it is unduly prolonged and the detained person is not brought ‘promptly’ before a judicial authority.”⁶⁵

b. Obligation to Promptly Provide Information and Maintain Up-to-Date Detention Records

The aforementioned Article XI of the Inter-American Convention on Forced Disappearance of Persons states the following:

The States Parties shall establish and maintain official up-to-date registries of their detainees and, in accordance with their domestic law, shall make them available to relatives, judges, attorneys, any other person having a legitimate interest, and other authorities.

The Working Group has stressed that it is not enough to have an up-to-date arrest registry, but that it must also be available to family members, lawyers, and anyone with a legitimate interest.

Furthermore, Article 17 of the International Convention for the Protection of All Persons from Enforced Disappearance states that “no one shall be held in secret detention.” This instrument also states in Article 18 that any person with a legitimate interest has the right to the following information:

- a) The authority that ordered the deprivation of liberty;
- b) The date, time and place where the person was deprived of liberty and admitted to the place of deprivation of liberty;
- c) The authority responsible for supervising the deprivation of liberty;
- d) The whereabouts of the person deprived of liberty, including, in the event of a transfer to another place of deprivation of liberty, the destination and the authority responsible for the transfer;
- e) The date, time and place of release;
- f) Elements relating to the state of health of the person deprived of liberty;
- g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains.

⁶⁵ *Ibíd.*, par. 29.

c. Obligation to Investigate, Prosecute, and Punish Acts of Enforced Disappearance

Serious violations of human rights, such as extrajudicial executions, torture, or enforced disappearances, require that States take effective measures to investigate, prosecute, and punish those responsible.⁶⁶ This obligation includes making the efforts necessary to “clarify the structures that allowed these violations, the reasons for them, the causes, the beneficiaries and the consequences.”⁶⁷

With respect to enforced disappearances in particular, case law from the Inter-American Court of Human Rights has established that:

“[T]he authorities must conduct the investigation as an inherent legal obligation, and not leave this to the initiative of the next of kin (...) Consequently, the investigation should be conducted using all available legal means with the purpose of discovering the truth and achieving the pursuit, capture, prosecution and eventual punishment of all the masterminds and perpetrators of the acts, especially when State agents are or could be implicated. Likewise, impunity must be eliminated by the establishment of both the general (State) and individual responsibilities, of a criminal and any other nature, of its agents or of private individuals.”⁶⁸

d. Obligation to Provide Adequate Reparation to Victims

Similarly, States have the obligation to provide adequate reparation to victims of enforced disappearances and their families. This includes material reparation for damages and loss of income,⁶⁹ non-monetary reparation in consideration of the nature and seriousness of the violation,⁷⁰ the inalienable right to know the truth,⁷¹ and a series of satisfaction measures

⁶⁶ United Nations Human Rights Committee. General Comment No. 31. The nature of the general legal obligation imposed, U.N. Doc. HRI/GEN/1/Rev.7 at 225 (2004), par. 15 and 18; IACHR. Case of Velásquez Rodríguez v. Honduras. Merits. Judgment of July 29, 1988. Series C No. 4, par. 164-66.

⁶⁷ IACHR. Case of Cepeda Vargas v. Colombia, Preliminary Exceptions, Merits, Reparations, and Costs Judgment of May 26, 2010. Series C No. 213, par. 118.

⁶⁸ IACHR. Case of Rodríguez Vera et al. (the Disappeared from the Palace of Justice) v. Colombia Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 14, 2014. Series C No. 287, par. 488. Also see IACHR. Case of Goiburú et al. v. Paraguay. Merits, Reparations, and Costs. Judgment of September 22, 2006. Series C No. 153, par. 131, and the Case of Osorio Rivera and Family v. Peru Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 26, 2013. Series C No. 274, par. 178.

⁶⁹ IACHR. Case of Radilla Pacheco v. Mexico Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 23, 2009. Series C No. 209, par. 368.

⁷⁰ IACHR. Case of Goiburú et al. v. Paraguay. Merits, Reparations, and Costs. Judgment of September 22, 2006. Series C No. 153, par. 157-159.

⁷¹ IACHR. Case of Gómez Palomino v. Peru Merits, Reparations, and Costs. Judgment of November 22, 2005. Series C No. 136, par. 78. See also United Nations Human Rights Council. Report of the Working Group on Enforced or Involuntary Disappearances, General Comment on the definition of enforced disappearances, A/HRC/7/2. January 10, 2008, par. 1-10.

and guarantees of non-repetition. Some of these measures include searching for, identifying, and burying the mortal remains of disappeared detainees; physical and psychological treatment for family members; holding events or constructing monuments that preserve their memory; the creation of genetic information systems; human rights education for public officials, including members of security forces; and public access to state archives.⁷²

IV. ENFORCED DISAPPEARANCE AS A TOOL OF POLITICAL REPRESSION IN VENEZUELA

This section examines the role enforced disappearances play within the broader strategy of political repression in Venezuela, which also includes arbitrary detention and torture.⁷³

1. SECURITY FORCES AND OTHER AUTHORITIES INVOLVED IN THE PRACTICE OF ENFORCED DISAPPEARANCE

In Venezuela, a wide range of security forces execute actions of control and repression within the structure of the Bolivarian regime. In the context of enforced disappearances, the main security forces involved – according to reports from the victims – are the General Directorate of Military Counterintelligence (“DGCIM,” using its initials in Spanish) and the Bolivarian National Intelligence Service (“SEBIN,” using its initials in Spanish), which is headquartered in the Helicoide in Caracas. Both SEBIN and the DGCIM were created during the last term of administration of President Chavez as flagship forces to defend the Bolivarian Revolution.

In 2010, president Chávez decided to overhaul the National Directorate of Intelligence and Prevention Services (“DISIP,” using its initials in Spanish), resulting in the creation of SEBIN.⁷⁴ A similar situation occurred with the DGCIM, which was created in 2011 following an overhaul of the General Directorate of Military Intelligence (“DGIM,” using its initials in Spanish). There are serious allegations against both security forces for excessive use of force, torture, and extrajudicial executions.⁷⁵ Other forces involved in disappearances

⁷² See, generally, IACHR. Case of Gomes Lund et al. (“Guerrilla do Araguaia”) v. Brazil. Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 24, 2010. Series C No. 219.

⁷³ To this end, we have analyzed both the average and median time span that a group of people remained forcibly disappeared. Because some detainees were disappeared for unusually long periods of time, these numbers skew the data set, increasing the average to a higher number that is not necessarily representative of the other recorded periods of disappearance. In these situations, the median is the most representative indicator of how long people in a given group or location tended to be disappeared. The average time, which is much higher than the median, is represented by a smaller but significant number of people who were disappeared for a longer period of time. ⁷⁴ Decree published in *Official Gazette* No 39.43 of June 1, 2010.

⁷⁵ United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, par. 32.

include the Bolivarian National Police (“PNB,” using its initials in Spanish), which includes the Special Action Forces (“FAES,” using its initials in Spanish).

DGCIM officials wear black clothing, permanently display their weapons,⁷⁶ and travel in black vans without plates and in tanks. The *modus operandi* of the DGCIM is to identify victims, follow them and summon them, and arrest them.⁷⁷

In many of the documented cases, the victims were summoned to military bases under the pretext of an interview or interrogation. Once there, they were stripped of their belongings and detained. In other cases, detentions occurred in residential developments as part of large, coordinated operations, as evidenced by the swiftness of the operations, and the fact that the DGCIM officials knew the victims’ exact locations and called them by name. When relatives went to military facilities to ask about their family member’s whereabouts, they were given inaccurate information, and in many cases, reasons such as transfer to another location or a delay in receiving the case.

The *modus operandi* of SEBIN is to identify victims, follow them, and arrest them. Detention usually takes place in the early morning or at night, thus avoiding attention. Sometimes SEBIN officials travel in black sport wagon-type vehicles with police identification, but in many cases, they move around in vehicles without license plates, some of them with taxi signs on them. In many of the cases studied, when SEBIN officials arrived at the place of the detention or carried out searches, they neither provided any identification nor presented an arrest warrant. Similarly, according to the accounts of some victims, SEBIN officials were swift in their operations, did not speak much, and seized cell phones and computers, thereby preventing victims and witnesses from quickly communicating. This pattern is evidence of strong training and a coordinated effort.

Although the FAES are actually a subset of the Bolivarian National Police (PNB, using the Spanish acronym), it is important to analyze these entities separately, since the actions of the FAES have corresponded with a marked increase in violence perpetrated by the state (starting with the “People’s Liberation Operations,” which took place from 2015 to 2017). The FAES’ actions have been equated to those of a death squad,⁷⁸ and, according to information gathered by the NGO Venezuelan Violence Observatory (“OVV,” using its initials in Spanish), they are responsible for at least 7,523 violent deaths due to “resistance

⁷⁶ See, for example, Sebastian Barráez, Infobae. At the Venezuelan General Directorate of Military Counterintelligence, they built another basement with 28 cells and sent six military personnel there, and they are not even able to bathe. Friday, January 10, 2020. Available in Spanish at: <https://www.infobae.com/america/venezuela/2020/01/10/en-la-direccion-general-de-contrainteligencia-militar-venezolana-construyeron-otro-sotano-con-28-celdas-y-alli-enviaron-a-seis-militares-que-no-pueden-ni-banarse/>.

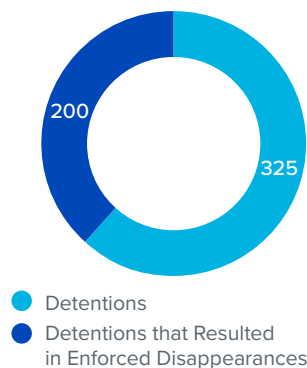
⁷⁷ See, for example: Human Rights Watch and Foro Penal. Crackdown on Dissent: Brutality, Torture, and Political Persecution in Venezuela. Wednesday, November 29, 2017. Available online at: <https://www.hrw.org/report/2017/11/29/crackdown-dissent/brutality-torture-and-political-persecution-venezuela>.

⁷⁸ Tom Miles, Reuters. Venezuela death squads kill young men, stage scenes, U.N. report says. Thursday, July 4, 2019. Available online at: <https://www.reuters.com/article/us-venezuela-un/venezuela-death-squads-kill-young-men-stage-scenes-u-n-report-says-idUSKCN1TZ1PW>.

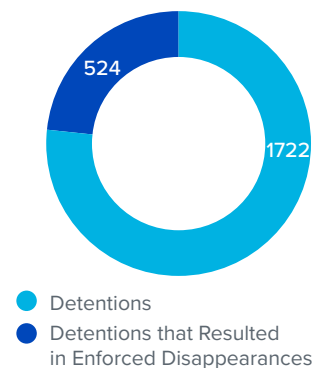
to authority” in 2018, and at least 2,124 deaths for the same reason between January and May 2019.⁷⁹ In addition, the FAES typically maintain a presence in targeted communities after an operation, which OHCHR considers an indication that the government uses these forces as a tool to terrorize the population and maintain social control.⁸⁰ Thus, it becomes possible to frame the forced disappearances perpetrated by the FAES were involved within a broader context of proactive efforts to instill fear through violence.

2. GENERAL TRENDS IN ARBITRARY DETENTION AND ENFORCED DISAPPEARANCES IN 2018 AND 2019

Detentions and Enforced Disappearances, 2018



Detentions and Enforced Disappearances, 2019



In this report, we have analyzed the data on enforced disappearances with several basic assumptions. First, we assume that the longer a person remains forcibly disappeared, the more likely it is that she or he was targeted, and not simply the result of an overwhelmed judicial system. Second, we assume that a disappeared person’s experience of torture also indicates a higher likelihood of selective repression. Third, with respect to the numbers of people forcibly disappeared in connection to a given event or circumstance, we assume that lower numbers of detentions indicate it was more likely that those of the detainees who were also disappeared were targeted, since it would be difficult to attribute the processing delay of more than 48 hours in their regard simply to the lack of capacity of the judicial authorities. Finally, given the different functions of the various Venezuelan state security forces, we assume that those disappearances that occurred at the hands of intelligence agencies, namely the DGCIM and SEBIN, were targeted, with the victims most likely identified in advance.

In 2018 there were 525 arbitrary detentions and 200 enforced disappearances in Venezuela. In other words, **38% of the detentions also resulted in enforced disappearances**. In 2019, 2,246 detentions and 524 enforced disappearances were recorded. That is, **23% of the detentions also resulted in enforced disappearances**. However, in 2019, the vast majority of both arbitrary

⁷⁹ United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, par. 50.

⁸⁰ Ibid., par. 51.

detentions and enforced disappearances occurred in connection to protests. In contrast, three people, all male civilians, were reported as forcibly disappeared in connection with 2018 protests. Each was disappeared for a period of approximately 4 days.

These figures raise important questions in light of the July 2019 OHCHR report and information provided by civil society organizations in Venezuela. The OHCHR counted at least 7,563 protests in 2018 (according to the government's own figures) and 12,715 protests according to the Venezuelan Observatory of Social Conflict ("OVCS").⁸¹ According to the OHCHR's report, in the first half of 2019 there were between 3,251 protests (according to government figures) and 9,715 protests (according to OVCS).⁸² During this time, 390 (the vast majority) of enforced disappearances registered by Foro Penal occurred in connection with protests. All of these victims were civilians and on average they were disappeared for a period of 4 days, although one remained disappeared as of December 31, 2019.⁸³

However, this pattern did not continue for the remainder of 2019. According to OVCS, there were a total of 16,739 protests in Venezuela during 2019—about 46 per day—and the number of protests grew once again during October and December. But during the same period, Foro Penal recorded lower numbers of both detentions and enforced disappearances.

With regard to these trends, two key points stand out. First, the number of enforced disappearances that occurred in connection with protests grew exponentially in 2019, far beyond the proportion of increase in the number of protests overall. Second, month-to-month increases in the number of detentions and enforced disappearances during 2019 did not always correspond to an increase in the number of protests at any given time (while the number of protests spiked from September through November, the number of both detentions and disappearances remained low – less than 10 each for 2 of those 3 months). Even though there are several possible explanations for this, it appears that, at least during the second half of the year, the regime did not respond to protests with enforced disappearances, since the highest percentages of detentions resulting in enforced disappearances in 2019 occurred during months with lower numbers of detentions. For example, in December only 34 people were arbitrarily detained, but almost 56% of these people were forcibly disappeared. In addition, in June only 23 people were detained, but 43.5% were also disappeared. **This suggests that the regime increasingly uses enforced disappearances as a tool of repression against its political opponents and critics.**

The data suggest that, from January 1, 2018 to December 31, 2019, enforced disappearances resulted from at least one of the following circumstances: 1) the inability to process detentions within 48 hours; 2) the need to conceal evidence of beatings and mistreatment

⁸¹ Ibid., par. 39.

⁸² Ibid.

⁸³ As of January 23, 2020, 13 people who were forcibly disappeared in 2019 remained disappeared.

of detainees before releasing them or bringing them before a judge; or 3) a strategy of selective political repression.

With respect to the first possibility, the data collected in this report show that, in general, when a large number of people were disappeared within the same time period or in relation to the same circumstance or event, they tended to spend a shorter amount of time disappeared, ranging from 2 to 4 days. **This suggests that a lack of capacity in the justice system to process a high volume of people in detention at the same time, as would be the case with protests.**

However, given the repeated acts of violence that accompany the politically motivated detentions documented by Foro Penal, the physical condition of the detainees themselves might also explain the additional delay in disclosing their whereabouts and bringing them before a judge to resolve their legal status within the 48-hour deadline. As early as the first two years of the crisis, Foro Penal had recorded 145 cases of torture and cruel and inhuman treatment of political detainees,⁸⁴ a trend that the OHCHR confirmed in its July 2019 report.⁸⁵ This explanation, however, also does not rule out the possibility that state authorities are using short-term disappearances to intimidate opponents and critics on a more massive scale – protests being the main example. Although the regime probably did not identify most of the people that were detained and disappeared under these circumstances in advance, their presence at protests automatically made them part of the opposition. It is quite possible that the authorities saw an advantage in keeping these persons disappeared for a short period of time in order to intimidate and silence other protesters, as well as to send a threatening message to those who were considering protesting in the future.

The trends in the data strongly suggest that in 2019, the Bolivarian regime used enforced disappearance particularly against the military. Overall, the number of total cases of enforced disappearance increased in 2019 (524 cases) compared to 2018 (200 cases). However, with regard to civilians, the percentage of detentions that resulted in enforced disappearances decreased from approximately 33% in 2018 to 23% in 2019. Similarly, the percentage of civilians subjected to enforced disappearance who were tortured fell from around 29% in 2018 to under 5% in 2019. In contrast, with regard to the military, the rates of enforced disappearance and torture significantly increased in 2019. **While approximately 68% of military personnel detained were also forcibly disappeared in 2018, this percentage increased to 72.15% in 2019.** Moreover, torture was reported in **83.6% of the cases of military official forcibly disappeared in 2018, but in 2019, military personnel, once forcibly disappeared, had a nearly 95% chance of also being tortured.** The difference between these percentages and those of civilians **suggests that, first, enforced disappearances of military members were generally planned, and second, that in 2019 the regime was more harshly repressing people linked to the military sector.**

⁸⁴ Foro Penal. Foro Penal: In Venezuela there are three types of political detainees (Report). Friday, July 1, 2016. Available online at: <https://foropenal.com/foro-penal-en-venezuela-existen-tres-tipos-de-presos-politicos-informe/>.

⁸⁵ United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, par. 43.

The periods of time in which people were forcibly disappeared in 2018 and 2019 also support this theory. **Military members spent, on average, 2 to 4 days more than civilians disappeared.** The 2018 data also show that civilians with occupations that challenged the sustainability or credibility of the Bolivarian regime, such as journalists and members of the National Assembly, tended to remain disappeared for significantly longer periods of time than civilians in general. Moreover, these particular civilians, along with military personnel, tended to be detained and subjected to enforced disappearance in much smaller numbers than civilians in general. **This indicates an intentionality in the enforced disappearances, rather than just a collapsed justice system unable to process detentions within the legal period of 48 hours.**

The main trends observed from the data are as follows:

a. Duration and Rates of Enforced Disappearance

The number of both politically motivated detentions and enforced disappearances increased from 2018 to 2019, even though the percentage of politically motivated detentions that resulted in disappearances went down, from just over 38% in 2018 to about 23% in 2019.

The data also suggest that enforced disappearances became more targeted in 2019. While there could be multiple explanations for the enforced disappearance of those detained in relation to protests, the data for those who were forcibly disappeared in other circumstances in 2019 indicate that the use of forced disappearances became more strategic. Overall, victims of enforced disappearance who were **detained outside the context of protests** spent an average of 10.12 days disappeared (median 5.5), a notable difference. The amount of time these victims spent disappeared is **also notably greater than the amount of time people spent disappeared in 2018** (5.86 days on average, with a median of 4.0).

While almost everyone who was forcibly disappeared in 2018 and 2019 remained disappeared between 2 and 10 days, **those disappeared outside the context of protests in 2019** showed a different pattern. Of this group, only 39 of 134 (less than 30%) spent less than 4 days disappeared. **Seventy-two (72), in contrast (more than half) spent between 4 and 20 days disappeared; almost 40% were disappeared for more than 10 days.**

In 2018, there is more specific data available on the occupations of those forcibly disappeared. In general, civilians (with no profession specified) were disappeared for the shortest amount of time, while **those working in press/telecommunications or for state governments were disappeared for the longest amount of time** – longer even than military members.

In general, **the more people were detained and forcibly disappeared in connection with a given circumstance, the less time they remained disappeared.** On the other hand, cases that occurred outside of these circumstances or occurred in a more isolated manner

tended to result in longer periods of enforced disappearance, **suggesting that they were more likely targeted.**

b. Gender and Military Status

In both 2018 and 2019, **more civilians than military personnel were forcibly disappeared.** But of those detained, **a much higher percentage of military personnel were disappeared.** During both years, the difference in percentage between military officers who were detained and civilians who were detained was more than 30%. **In 2019, more than 70% of military personnel that were detained were also forcibly disappeared.**

Overall, women who were detained faced a greater chance of being forcibly disappeared than men, an especially pronounced trend in 2018. Fifty-eight (58) women and 142 men were disappeared in 2018, but **approximately 51% of the women detained were also disappeared, compared to 34.5% of the men.** In 2019, these numbers decreased. Seventy (70) women and 454 men were detained, but **approximately 24% of the women detained were also subjected to enforced disappearance, compared to 23% of the men.** Foro Penal has found that a significant number of cases of enforced disappearance of women appear to respond to a strategy to extract information from them or to send a message to intimidate their family members or others.

In both 2018 and 2019, **civilians were usually disappeared under different circumstances than military personnel.** In 2019, 8 circumstances resulted in only civilians being disappeared, while in one instance (the “Comandantes” case⁸⁶) only military personnel were forcibly disappeared.

c. Geography of the Disappearances

In both 2018 and 2019, Caracas had the vast majority of enforced disappearances. The Capital District also had the highest number of politically motivated detentions in 2018 (and the second-highest in 2019). However, it is not clear what proportion of these enforced disappearances were targeted or planned in advance and which were the result of an overwhelmed judicial system. **In states with very low numbers of detentions, however, it seems likely that these must have been strategic,** since these cases should theoretically not be enough to overwhelm the system. This is particularly true of a small number of states that had low numbers of detentions with a very high percentage of these resulting in forced disappearances in 2019. In Amazonas, for example, Foro Penal only registered 30 people as arbitrarily detained in 2019, but 24 of these were also forcibly disappeared.

In 2018, the only circumstances that saw enforced disappearances in multiple states were

⁸⁶ The “Comandantes Case” refers to the alleged attempt to assassinate a member of the Ministry of Defense.

the alleged assassination attempt on President Nicolás Maduro and “Operation Manos de Papel” – **both circumstances in which victims could be more readily identified in advance** (as opposed to, for example, protests). This suggests some level of coordination in the detention of large numbers of people, and possibly their enforced disappearance as well.

d. Authorities Involved

In 2018, the DGCIM was identified as being responsible for the vast majority of enforced disappearances, while in 2019 the GNB (Venezuelan National Guard) was the front runner.

In 2018, the DGCIM effectuated 170 of the 200 enforced disappearances registered. Of these, almost two thirds were civilians (118) even though the DGCIM is a military counter-intelligence agency.

In 2019, **a greater number of security forces were identified as responsible for enforced disappearances than in 2018**, suggesting a more widespread adoption among different forces of enforced disappearance as a strategy or tool of political repression.

During both years, with the exception of approximately two or three cases, **the DGCIM were responsible for all of the enforced disappearances of military officials.**

All of those forcibly disappeared in 2018 in relation to protests were detained by SEBIN, which **suggests they were identified in advance.**

e. Torture

Although the percentage of people forcibly disappeared who were also tortured decreased from 2018 to 2019 (44% to just over 14%), the **rate at which detained-disappeared military personnel were tortured increased from 2018 to 2019**. Disappeared military personnel had nearly an 84% chance of being tortured in 2018, but an **almost 95% chance in 2019**. In contrast, nearly 29% of the civilians subjected to enforced disappearance were tortured in 2018, but in 2019 this rate decreased to less than 5%.

In both years, the DGCIM was identified as responsible for the majority of cases of torture of detained-disappeared persons: at least 77 cases in 2018 and 61 cases in 2019.

Moreover, in both years, largely the same security forces were involved in torture. In 2018, the DGCIM, SEBIN, CICPC, FAES, and GNB subjected victims of enforced disappearance to torture; in 2019, these forces continued this practice, but the PNB also tortured one enforced disappearance victim.

In both years, torture victims generally spent more time disappeared than those who were not tortured.

DATA SUMMARY

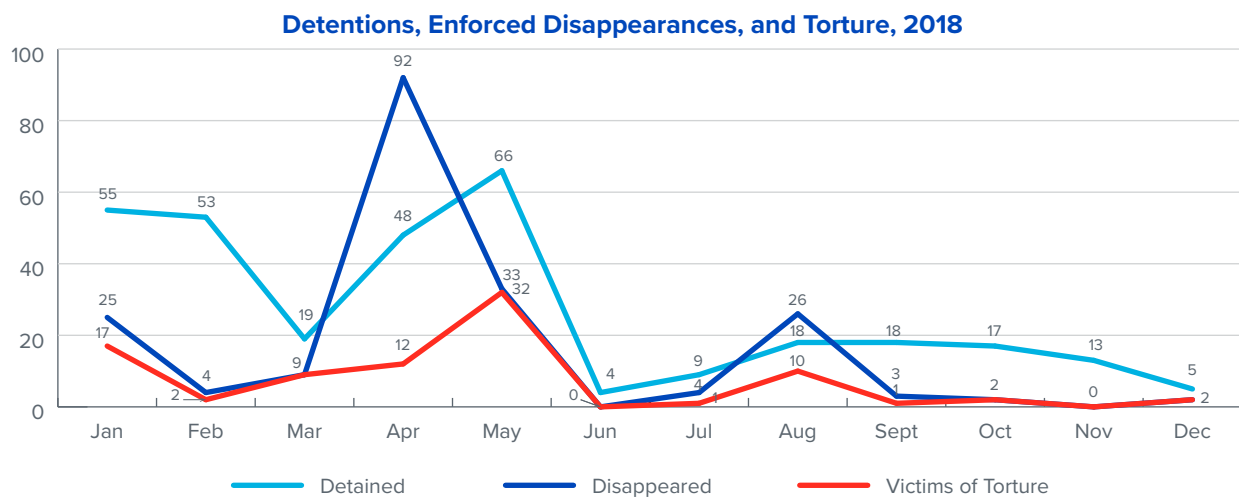
January 1, 2018 – December 31, 2019

		2018	2019
Enforced disappearances (total)		200	524
Arbitrary detentions (total)		525	2,246
Percentage of detentions that led to enforced disappearances		38.09%	23.33%
Enforced disappearance with torture reported (total)		88	73
Percentage of enforced disappearances with torture reported		44.0%	14.46%
Victims who remained disappeared through December 31, 2019		0	13
Duration of enforced disappearance (average/median)		5.86/4.0 days	5.35/3.0 days
CIVILIANS	Enforced disappearances	145	467
	Arbitrary detentions	444	2,167
	Percentage of detentions that led to enforced disappearances	32.66%	21.55%
	Enforced disappearance with torture reported	42	20
	Percentage of enforced disappearances with torture reported ⁸⁷	28.97%	4.45%
	Victims who remained disappeared through December 31, 2019	0	9
	Duration of enforced disappearance (average/median)	5.15/3.0 days	4.98/3.0 days
MILITARY PERSONNEL	Enforced disappearances	55	57
	Arbitrary detentions	81	79
	Percentage of detentions that led to enforced disappearances	67.9%	72.15%
	Enforced disappearances with torture reported	46	53
	Percentage of enforced disappearances with torture reported	83.64%	94.64%
	Victims who remained disappeared through December 31, 2019	0	4
	Duration of enforced disappearance (average/median)	7.72/7.0 days	8.53/3.0 days

⁸⁷ Foro Penal has collected data on torture through September 2019. Thus, the percentage of enforced disappearance victims who also experienced torture is calculated alongside the number of enforced disappearances from January to September 2019, a total of 505 people. Four hundred forty-nine (449) victims were civilians, while 56 were military officers.

3. ENFORCED DISAPPEARANCES IN 2018

In 2018, security forces effectuated 525 politically motivated detentions. Of these, 200 also resulted in enforced disappearances (38.09%). On average, victims remained disappeared for 5.86 days (median 4.0). In 2018, it is easier to identify a clear pattern of using enforced disappearance as a strategy to silence and intimidate political opponents, as only 3 people were reported disappeared in connection with protests (a number that would change dramatically in 2019). The vast majority were disappeared in April 2018 in connection with the “Operation Manos de Papel.”⁸⁸ Of those that were disappeared, **86 were also tortured.**⁸⁹



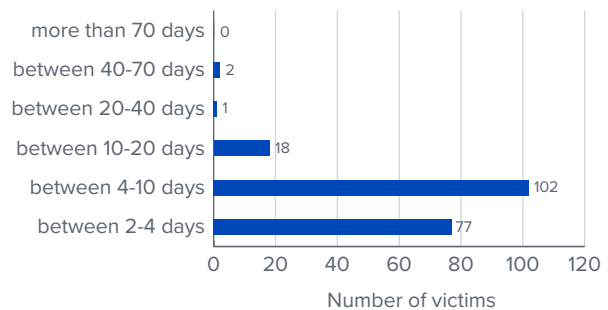
⁸⁸ “Operation Manos de Papel” refers to the government’s efforts in April 2018 to arrest those allegedly involved in a transnational operation responsible for destabilizing the economy by setting illegal and speculative exchange rates for the dollar.

⁸⁹ In 2018, two people were subjected to enforced disappearance and were tortured. In this regard, there were 88 instances of torture, but 86 victims.

As previously mentioned, the vast majority of enforced disappearances in 2018 occurred in connection with the “Operation Manos de Papel” (78 cases), but a large number were also related to the alleged “Assassination attempt on President Nicolás Maduro”⁹⁰ (30 cases) and the so-called “Armageddon Case”⁹¹ (27 cases). Only 3 people were disappeared in connection with protests. Meanwhile, one person was disappeared in connection with alleged cybercrimes,⁹² another for an unknown reason (“Other”), and 4 people were disappeared in connection with the “military rebellion.”⁹³

Here, however, the circumstance that resulted in the highest number of enforced disappearances, “Operation Manos de Papel,” also had the lowest average duration of the enforced disappearance: 3.26 days (median 3.0). By comparison, the only person detained for “Cybercrimes” was disappeared for 47 days. Other long periods of enforced disappearance appeared in the cases of “military rebellion”, with an average of 20.25 days (one member of the army spent 57 days disappeared, making the median of 10.5 days a more representative number, but still notably high), and the “Assassination attempt on President Nicolás Maduro” with an average of 9.27 days (median 9.5).

Length of Enforced Disappearance, 2018



⁹⁰ The reason for disappearances described as an “**Assassination attempt on President Nicolás Maduro**” occurred in connection with a drone attack on August 4, 2018.

⁹¹ “**Armageddon Case**” refers to an alleged attempt to assassinate a high-ranking naval officer.

⁹² “**Cybercrimes**” refers to alleged efforts to extract information from SEBIN.

⁹³ Of the other circumstances listed here,

“**Attacks on the Governor of Guárico State**” refers to the arrest of two teachers accused of being the alleged authors of a series of Facebook posts against state authorities.

“**The Case of Colonel Oswaldo García Palomo**” refers to the government’s efforts to capture retired Colonel Oswaldo García Palomo, who openly confirmed efforts to overthrow the Maduro regime. The government also went after García Palomo’s family members.

“**The Case of the Community Ambassadors**” refers to the case in which a group of students and their teacher were serving the community in disadvantaged neighborhoods, and were then accused of forming a resistance group against the government.

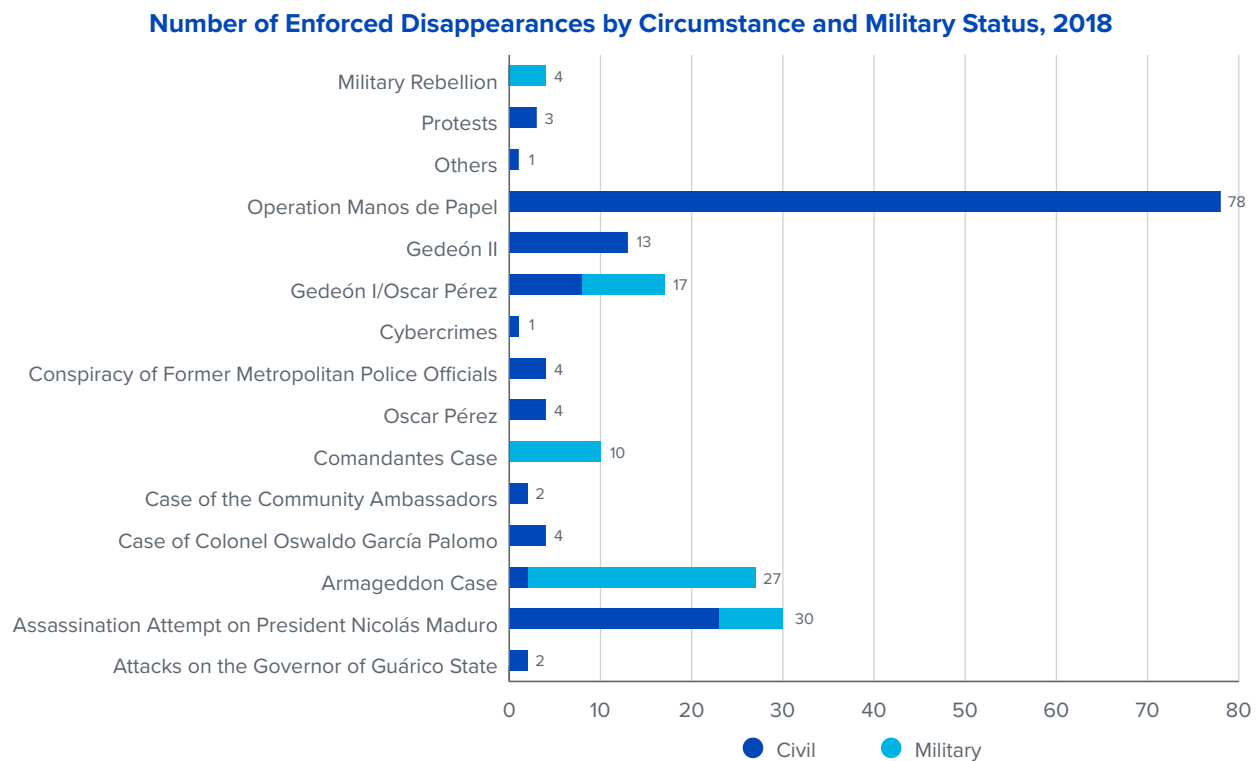
The cases of “**Oscar Pérez**,” “**Gedeón I/Oscar Pérez**,” and “**Gedeón II**” are related to Oscar Pérez’s helicopter attack on the Supreme Court of Justice during the constitutional crisis of 2017. Pérez was extrajudicially executed in January 2018 during a Venezuelan army operation in El Junquito neighborhood.

“**Conspiracy of Former Metropolitan Police Officials**” refers to the alleged conspiracy of the police and military to overthrow the government.

“**Military rebellion**” refers to multiple situations in which the threat of a military rebellion was made, or in which violent confrontations with state security forces occurred.

a. Enforced Disappearances by Military Status, Gender, and Age

Overall, **55 of the enforced disappearances in 2018 were of military or ex-military personnel** (72.5% of the total), **while 145 disappearances were of civilians** (27.5% of the total). The vast majority of detentions were also of civilians: 444 civilians, compared to 81 military officials. **However, civilians and the military were usually detained in connection with different events.** Only in the cases of “Gedeón I/Oscar Pérez,”⁹⁴ the “Armageddon Case,”⁹⁵ and “Assassination attempt against President Nicolás Maduro”⁹⁶ were both civilians and military officials forcibly disappeared. On the other hand, the vast majority of civilians were forcibly disappeared during “Operation Manos de Papel” (78 victims of enforced disappearance); in most other cases, this occurred in numbers less than 5. As previously stated, except for those detainees who were disappeared in connection with “Operation Manos de Papel,” the circumstance under which most civilians were detained



was the “Assassination attempt on president Nicolás Maduro,” in which 30 people were disappeared and of whom 23 were civilians.

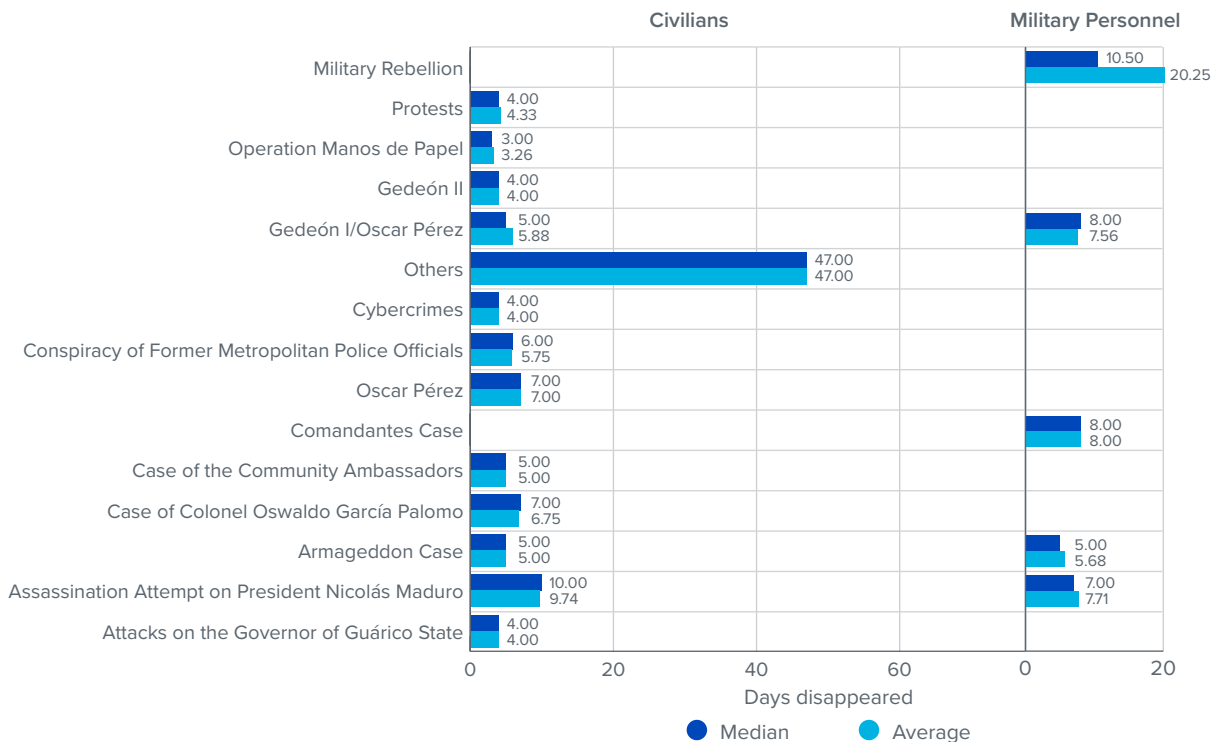
⁹⁴ The cases of “Oscar Pérez,” “Gedeón I/Oscar Pérez,” and “Gedeón II” are related to Oscar Pérez’s helicopter attack on the Supreme Court of Justice during the constitutional crisis of 2017. Pérez was extrajudicially executed in January 2018 during a Venezuelan army operation in El Junquito neighborhood.

⁹⁵ “Armageddon Case” refers to an alleged attempt to assassinate a high-ranking naval officer.

⁹⁶ The reason for disappearances described as an “Assassination Attempt on President Nicolás Maduro” occurred in connection with a drone attack on August 4, 2018.

Only military officials were disappeared in connection with the “military rebellion” and the “Comandantes case.”⁹⁷ These two situations, however, represent only 14 of the military officials who were disappeared. Most of the military officials were disappeared in connection with the “Armageddon Case” (25 military members).

Length of Enforced Disappearance by Circumstance and Military Status, 2018



Although only 2 people from the press/telecommunications industry were forcibly disappeared, they remained disappeared for an average of 19 days. Similarly, the only person affiliated with a state-level government who was a victim of enforced disappearance remained disappeared for 15 days. The National Assembly deputy who was a victim of enforced disappearance was disappeared for 7 days. Other civilians, on the other hand, were disappeared for an average of 4.85 days (median 3.0), while military and retired military personnel were disappeared for an average of 7.73 days (median 7.0). The fact that the few people associated with professions that are traditionally well-positioned to challenge state authority remained disappeared for longer periods suggests that the

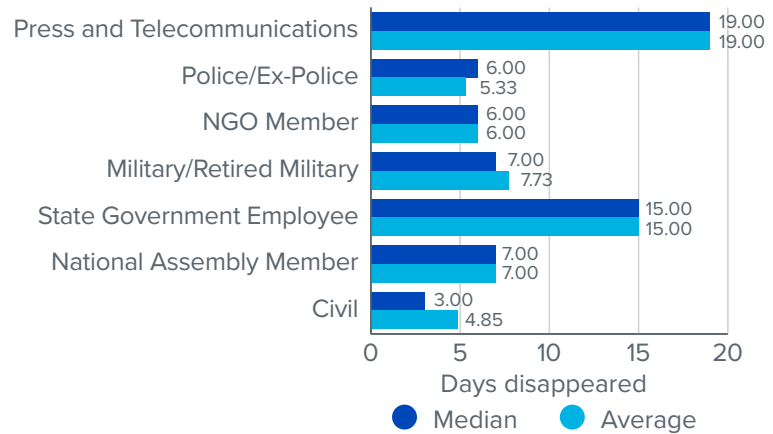
⁹⁷ The “Comandantes Case” refers to the alleged attempt to assassinate a member of the Ministry of Defense.

government, at least in the cases of these individuals, is using enforced disappearance as a strategy of selective political repression.

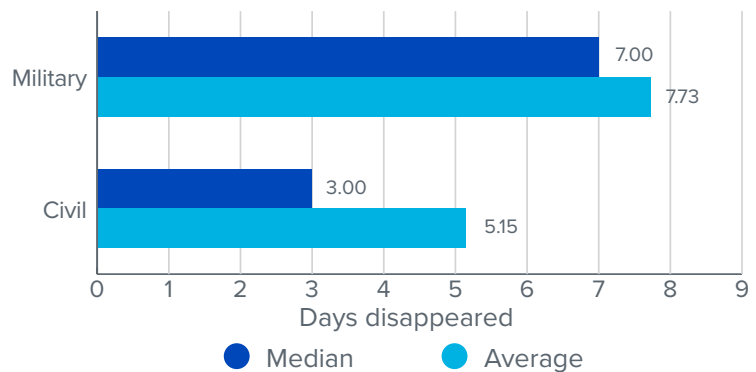
Almost 22% of politically motivated detentions in 2018 were of women (114 cases), while 78.29% were of men (411 cases); and 29% of victims of enforced disappearances in 2018 were women (58 cases), while 71% of victims of enforced disappearances were men (142). This means that almost 51% of women detained for political reasons were disappeared in 2018, while just under 35% of men detained were also victims of enforced disappearance.

However, men spent an average of 5.75 days forcibly disappeared (median 5.0), while women spent an average of 6.12 days (median 3.0). Here, a small number of people in both groups (three women who were disappeared for 19, 28, and 47 days and the man who was disappeared for 57 days) have skewed this average, making the median the most representative number. In general, women were disappeared for shorter periods of time than men.

Length of Enforced Disappearance by Identity, 2018



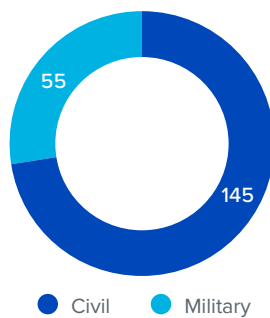
Length of Enforced Disappearance by Military Status, 2018



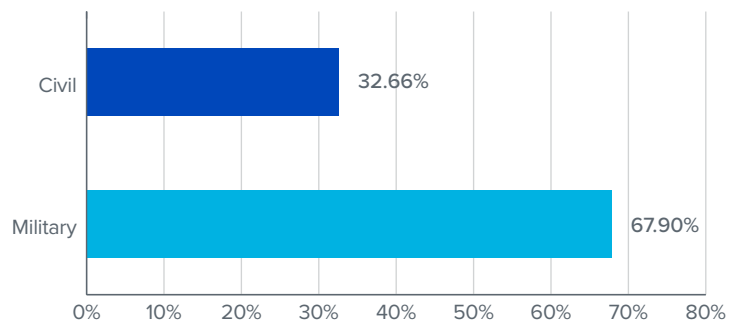
JUAN REQUESENS

Requesens is a leader of the student movement and a member of the National Assembly. He and his sister were detained by SEBIN officials on August 7, 2018 for their alleged participation in the assassination attempt on president Nicolás Maduro, which occurred 3 days earlier. Their detention was illegal since, according to the Venezuelan Constitution, deputies have parliamentary immunity. This means that they can only be arrested and prosecuted by the Supreme Court of Justice with the prior authorization of the National Assembly, unless they are arrested in flagrante delicto, in which case they may be taken into custody at their homes. Requesens was disappeared for 9 days. A few days after the whereabouts of Juan Requesens became known, a video was published on State channels showing a detained Requesens blaming some people for the alleged assassination attempt. Later, a video appeared on social media showing the deputy in his underwear with clear signs of cruel, inhuman, and degrading treatment.

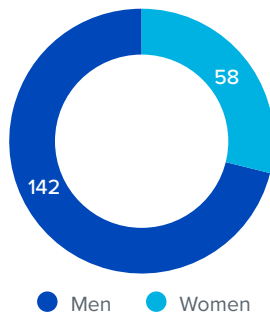
Proportion of Enforced Disappearances – Civilians and Military Personnel, 2018



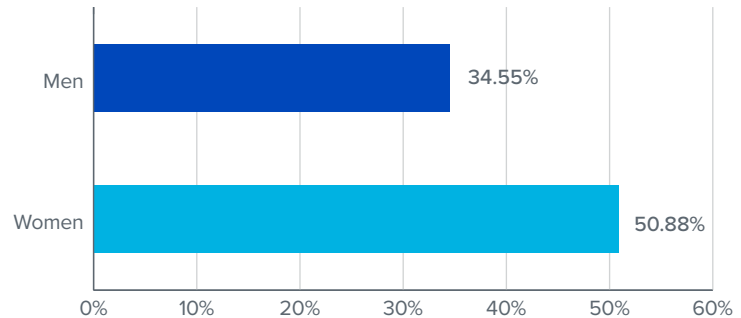
Percentage of Civilians and Military Personnel Detained who were Forcibly Disappeared, 2018



Proportion of Enforced Disappearances – Men and Women, 2018



Percentage of Women and Men Detained who were Forcibly Disappeared, 2018



This trend should be viewed through the lens of a long history of persecution of government opponents through violence against their family members. In this regard, the fact that women, who were detained at a much lower rate, were victims of enforced disappearance at a significantly higher rate than men in 2018 **suggests that enforced disappearances were used as a tool of political repression.** This coincides with the assessment in the OHCHR's report of the increasing number of attacks against relatives of political opponents as "part of targeted repression."⁹⁸

Approximately 7% of those detained in 2018 were minors (39 out of 525 victims of politically motivated detentions). Of the detainees, 4 (about 10%) were also victims of enforced disappearance. While only 4 teenagers were forcibly disappeared in 2018, compared to 196 adults, the median duration of the disappearance was the same: 4 days. (Once again, the longer time frames for some adults makes the median the most appropriate benchmark.)

⁹⁸ United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, par. 38.

ARIANA GRANADILLO

A 21-year-old medical student, Granadillo was arrested three times in 2018 and was a victim of enforced disappearance on two of these occasions. The first two arrests and enforced disappearances were carried out by DGCIM officials. The third arrest occurred due to an alleged arrest warrant issued by CICPC officials. It should be noted that the arrest warrant was dated very close to the time of her most recent disappearance. Ariana was allegedly arrested because she was close to retired army colonel Oswaldo García-Palomo, whom she considers an uncle. During this time, Colonel García-Palomo was wanted for a military uprising. Ariana's first arrest and enforced disappearance occurred on February 2, 2018. She was taken from the house where she lived in Altos Mirandinos in the Venezuelan state of Miranda. This house was owned by Colonel García-Palomo. Ariana was tortured for two days while she was asked about the colonel's whereabouts. She was later released. The second arrest and disappearance

occurred on May 24, 2018, also at the hands of the DGCIM. On this occasion, Ariana and her mother and father were taken away. They were detained for 9 days and were released after a social media campaign by the NGO Foro Penal. They denounced the cruel, inhuman, and degrading treatment they were subjected to during their disappearance, as well as the fact that they were kept in a clandestine detention center. On June 23, 2019, Ariana was detained once again, this time by the CICPC (investigative police). She was arrested on the grounds that there was an alleged warrant out for her arrest due to a military uprising on May 27, 2019, which was the date that she was disappeared and when the missing person's report was filed with the Public Prosecutor's Office. Ariana was released on June 25, 2018, after being brought before a military court in Caracas. However, she was subjected to restrictive measures, including a ban on leaving the country and checking in with the court every eight days.

b. States in Which Enforced Disappearances Occurred

Of the total number of politically motivated detentions in 2018, 197 occurred in Caracas. Other states with high numbers of people detained for political motives included Zulia (66), Aragua (47), Lara (32), and Táchira (32). Caracas had almost three times more people detained than the state with the second highest number of detainees (Zulia). Similarly, Caracas had the highest number of enforced disappearance victims (131). Here, however, the contrast between Caracas and the rest of the country is more pronounced: Caracas had 6.5 times more people forcibly disappeared than the state with the next highest number of people disappeared, Aragua (20). Besides Táchira and Aragua, where 10 and 20 people were disappeared, respectively, the remaining states had fewer than 10 victims of enforced disappearance during 2018. In Amazonas, Cojedes, Falcón, Mérida, Monagas, Trujillo, and Yaracuy there were no enforced disappearances reported for the year.

On the other hand, the information collected demonstrates that in Caracas, victims of enforced disappearance were disappeared for shorter periods of time. In Caracas, detainees spent an average of 4.86 days (median 3.0) disappeared, one day less than the average time of all those that were disappeared in 2018. In contrast, Anzoátegui and Apure each had only one disappeared person, but these individuals remained disappeared for 47 days and 57 days, respectively. However, it is difficult to identify a trend in the other states with regard to the number of disappearances and their duration.

It is not clear whether the high number of people forcibly disappeared in Caracas was an intentional strategy or whether some of them remained disappeared because the authorities were unable to process such a high number of detainees within 48 hours. But **with respect to the forced disappearances that occurred outside of Caracas, the data suggest that enforced disappearances were in many cases strategic**: it seems unlikely that such low numbers of detentions would have overwhelmed the authorities' ability to process the detainees and bring them before a judge within 48 hours, as required by law.

Most of the events that led to enforced disappearances occurred in only a small number of states. The instance the regime identifies as the “Armageddon Case,” for example, resulted in enforced disappearances in only Aragua, Caracas, and Táchira. People were reported disappeared in connection with protests only in Aragua and Caracas, while people that were disappeared in connection with the “Case of Colonel Oswaldo García Palomo”⁹⁹ were detained in only Lara and Miranda. In contrast, 9 states had enforced disappearances related to the alleged assassination attempt on President Nicolás Maduro, and 7 states had disappearances related to “Operation Manos de Papel.” It is significant that these were the circumstances in which those detained could be identified in advance, unlike other circumstances, such as protests, in which actions taken by authorities were generally more reactive. This indicates that there was some degree of coordination and planning in the detention of large numbers of people, and possibly in their disappearance as well.

c. Enforced Disappearances by Month

Ninety-two (92) of the 200 people who forcibly disappeared were detained in April 2018.

Other months with high numbers of disappeared persons were May (33), January (25), and August (26).

CARLOS MORA

Mora worked as a merchant in the state of Táchira. He was arrested on May 22, 2018 by SEBIN officials who arrived heavily armed and did not have a search or arrest warrant. His children uploaded videos on Twitter reporting that they did not know their father’s whereabouts and that the information provided by SEBIN and the DGCIM was confusing and inaccurate. Despite his civilian status, he was brought before military courts on charges of treason and detained in the Ramo Verde military prison. He was disappeared for more than 7 days. He was released with precautionary measures on July 12 of the same year, 50 days after his initial detention.

JOSÉ ALBERTO MARULANDA

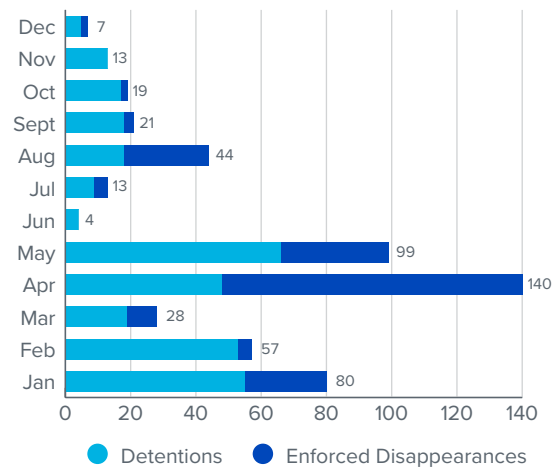
A medical surgeon arrested by DGCIM officials on May 20, 2018, which was the same day as the presidential elections, Marulanda was brought before a military court despite being a civilian. During his detention, he was subjected to torture, consisting of suffocation with plastic bags and beatings that caused damage to his ears and fingers. He was locked up in a room known as the “madhouse” among members of the DGCIM, a small, pitch-black cell. Marulanda was reportedly arrested for having a romantic relationship with a female officer of the Venezuelan Navy, who was accused of organizing a military uprising. Marulanda spent at least 5 days disappeared.

The periods of time that people spent disappeared, however, vary greatly by month. Again, the month in which the highest number of people were disappeared also corresponds to the lowest average duration of disappearance. In April 2018, victims spent an average of 3.51 days disappeared. In contrast, the two people disappeared in October spent an average of 16 days disappeared. But in general, it is difficult to identify a trend based on the number of disappearances per month and the time the victims spent disappeared, unlike the data from 2019.

⁹⁹ “The Case of Colonel Oswaldo García Palomo” refers to the government’s efforts to capture retired Colonel Oswaldo García Palomo, who openly confirmed efforts to overthrow the Maduro regime. The government also went after García Palomo’s family members.

The vast majority of enforced disappearances in 2018 occurred in Caracas in April, in connection with “Operation Manos de Papel.” Of the 200 people who were disappeared in 2018, 78 were detained during this operation, and of these 78, only 13 were detained outside of Caracas. On average, these people were forcibly disappeared for 3.26 days. Compared to the average of 5.86 days disappeared for all victims during 2018, those that were disappeared during “Operation Manos de Papel” generally represent the shortest time spent disappeared among all victims that year. All of these victims were civilians, and 77 out of 78 were disappeared by the DGCIM.

Detentions and Enforced Disappearances by Month, 2018

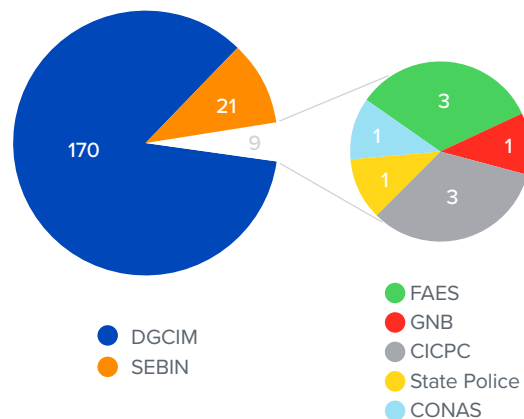


d. Security Forces Involved in Enforced Disappearances

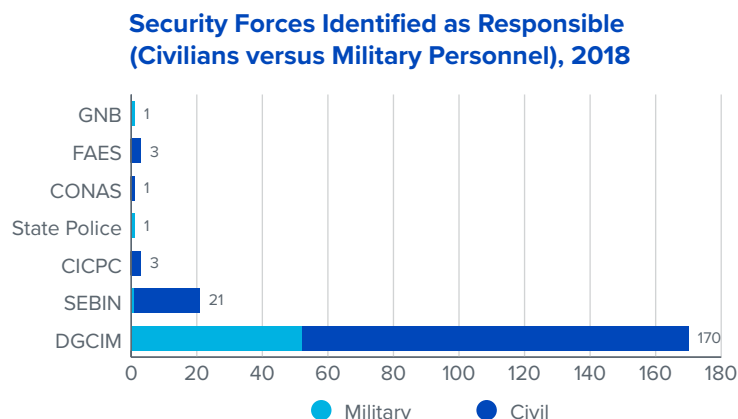
In 2018, Foro Penal registered cases of enforced disappearance by the following groups:

- Scientific, Criminal, and Forensic Investigation Agency (CICPC)
- Anti-Extortion and Sequestration National Command (CONAS), one of the five components of the Venezuelan National Guard
- General Directorate of Military Counterintelligence (DGCIM)
- Special Action Forces (FAES)
- Venezuelan National Guard (GNB)
- Bolivarian National Police (PNB)
- Bolivarian National Intelligence Service (SEBIN)

Security Forces Identified as Responsible (Total Number of Victims), 2018

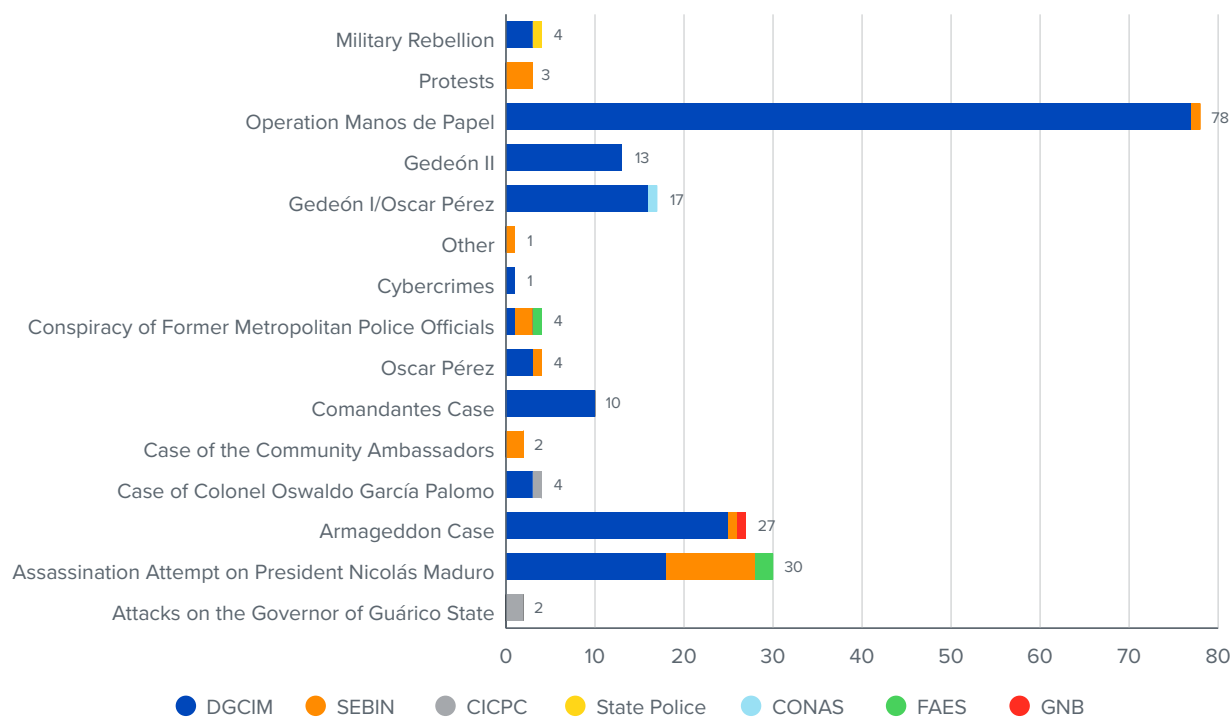


The vast majority of disappearances occurred at the hands of the DGCIM: 170 out of 200 (85%). And almost all cases were in Caracas (120) and Aragua (15). SEBIN was involved in at least 21 disappearances, while the other security forces carried out 3 or less. The DGCIM also effectuated the highest numbers of enforced disappearances in every category (men, women, military personnel, civilians, and adults) except adolescents. Both the DGCIM and SEBIN each disappeared 2 minors. Additionally, of those forcibly disappeared by SEBIN, 20 were civilians and only 1 was military. All those who were forcibly disappeared in connection with protests in 2018 were detained by SEBIN agents, which suggests that these people were identified in advance.



The trend among states in which security forces carried out enforced disappearances followed a very similar pattern. While the DGCIM and SEBIN were involved in enforced disappearances in multiple states, the CICPC only disappeared people in Guárico and Miranda, the state police of Apure only in Apure, CONAS only in Aragua, the FAES only in Caracas and Portuguesa, and the GNB only in Aragua.

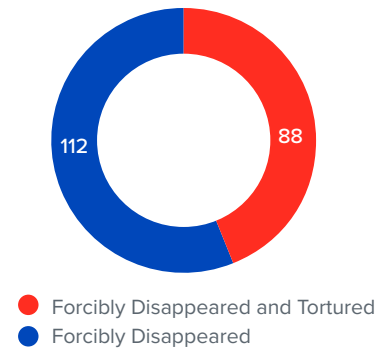
Enforced Disappearances by Circumstance and Security Force, 2018



e. Enforced Disappearances and Torture

Of the 200 victims of enforced disappearance in 2018, at least 86¹⁰⁰ (43.0%) also were also tortured. These people represent approximately 79% of those tortured in 2018, according to data collected by Foro Penal. Within this group, there was considerable variation in the duration of enforced disappearance (time disappeared ranged from 3 to 47 days), but on average, those who suffered torture were disappeared for an average of 7.11 days (with a median of 6.0 days), a noticeably longer period than that of enforced disappearances in general (5.86 days on average, with a median of 4.0 days). Of the 88 instances of enforced disappearance that resulted in torture, 74 people remained disappeared for 4 to 10 days and 9 people remained disappeared for 10 to 20 days. These 83 people represent 94% of the total number of torture survivors, while only 3 (3.4%) were disappeared for less than 4 days. In contrast, 38.5% of the total number of enforced disappearance victims in 2018 (77 people) were disappeared for less than 4 days. **This indicates that there is a strong connection between the time spent disappeared and torture. This may mean that longer periods of disappearance are more likely to result in torture, or, conversely, that those subjected to torture remain disappeared for longer periods of time.**

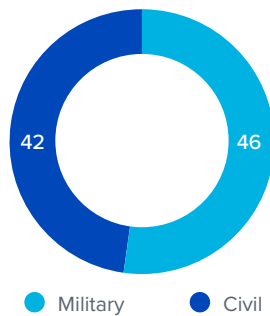
Proportion of Disappearances with Torture, 2018



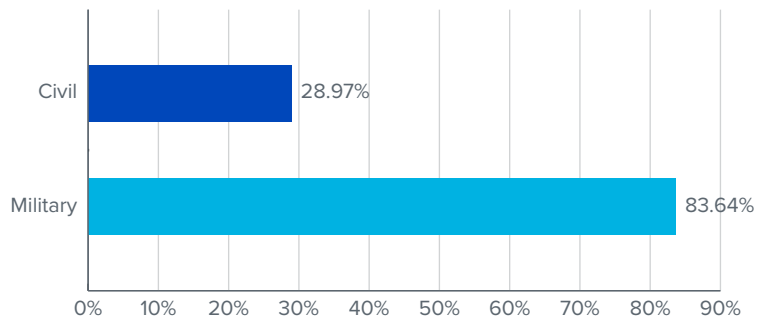
In 2018, the group that faced the greatest risk of both enforced disappearance and torture were male military personnel. The vast majority of people who suffered acts of torture were men (74 men compared to 14 women). In contrast, the number of civilians tortured in comparison to military personnel was quite similar: 42 civilians, compared to 46 military personnel. But while 42 of the 145 civilian victims of enforced disappearance were also tortured in 2018 (28.97%), 46 of the 55 military victims were both forcibly disappeared and tortured (83.64%). Similarly, the proportion of civilians that were disappeared and tortured varied significantly from month to month. Sometimes the large majority of those disappeared were also tortured, which was the case in January, February, and May. But during other months in 2018, such as April and August, the figures for those disappeared versus those disappeared and also tortured were quite different. In contrast, the number of military personnel tortured was very close to the number of those who were disappeared. With respect to age, almost all of those tortured were adults, but there were also two

¹⁰⁰ Taking into account that two of these people were victims of enforced disappearance and torture on two separate occasions, there were a total of 88 cases of enforced disappearance with torture (44% of the reported cases of enforced disappearance).

Proportion of Disappearances with Torture – Civilians and Military Personnel, 2018



Percentage of Civilians and Military Personnel who were Disappeared and Tortured, 2018



teenagers who were tortured, both of whom were disappeared in Caracas and both in connection to “Gedeón II.”¹⁰¹

The vast majority of instances of torture occurred in Caracas (52). But although the majority of enforced disappearances that also included torture occurred in Caracas, the states with the highest rates of torture of those disappeared were Anzoátegui (100%), Bolívar (100%), Miranda (87.5%), and Vargas (100%). It is important to note that in all the states with very high rates of torture of enforced disappearance victims, the total number of detentions was less than 20; Anzoátegui had only 6, and Vargas 2. According to the reported data, none of those forcibly disappeared were tortured in Apure, Delta Amacuro, Guárico, Nueva Esparta, and Sucre (in Amazonas, Cojedes, Falcón, Mérida, Monagas, and Trujillo, no enforced disappearances were reported).

The DGCIM was reported as responsible for 77 of the 88 cases of torture; SEBIN was involved in 8, and CICPC, FAES, and GNB were involved in 1 case each. As previously mentioned, the cases in which the DGCIM was involved had a quite comparable number of civilians and military personnel: 32 and 45, respectively. Again, this is significant because the DGCIM is, in principle, a military counter-intelligence agency.

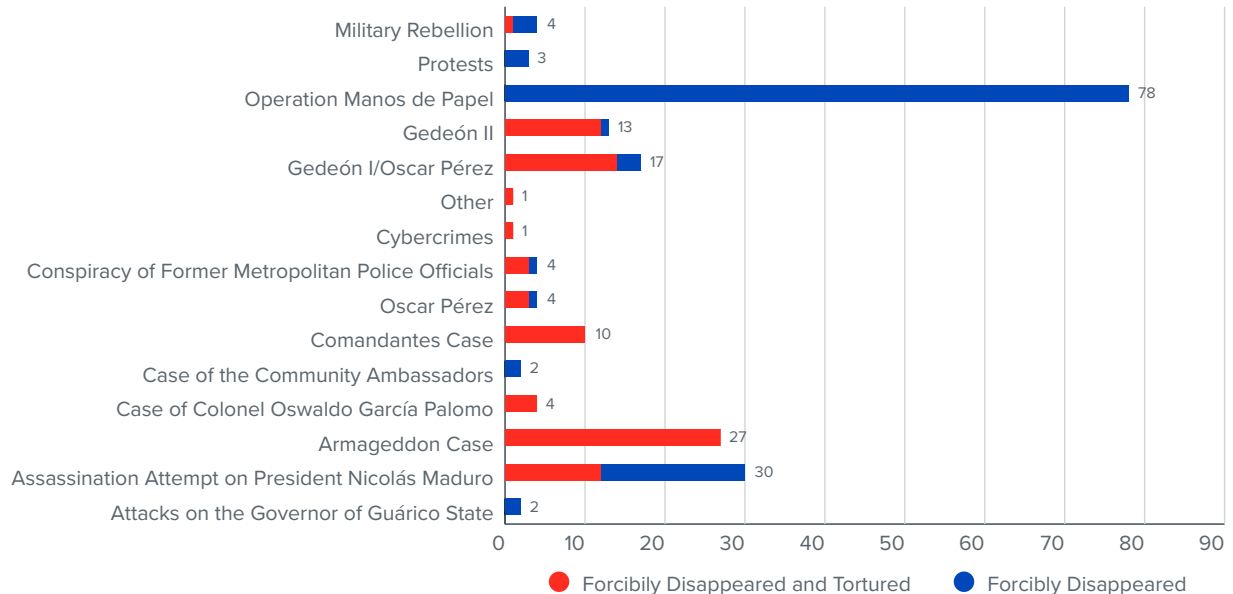
In the circumstances mentioned above, there was a remarkably high percentage of enforced disappearance victims who were also tortured—typically over 80%. But the cases in which civilians versus military personnel were disappeared and tortured show different

WILLIAMS AGUADO

Aguado is a doctor of internal medicine. He was detained on May 15, 2018. Twelve DGCIM officials arrived at his home without presenting a warrant, broke down the doors, and took away computers and cell phones. Aguado's daughter reported that her father was subjected to acts of torture such as beatings that caused kidney damage, asphyxiation by means of plastic bags and insecticide on his face, cuts on his feet, and eardrum perforation. His lawyer has stated that the DGCIM used torture to force a confession from Mr. Aguado, who is accused of being the owner of an abandoned house that was used by military dissident Oscar Pérez as his safehouse. Aguado was disappeared for at least 6 days.

¹⁰¹ The cases of “Oscar Pérez,” “Gedeón I/Oscar Pérez,” and “Gedeón II” are related to Oscar Pérez's helicopter attack on the Supreme Court of Justice during the constitutional crisis of 2017. Pérez was extrajudicially executed in January 2018 during a Venezuelan army operation in El Junquito neighborhood.

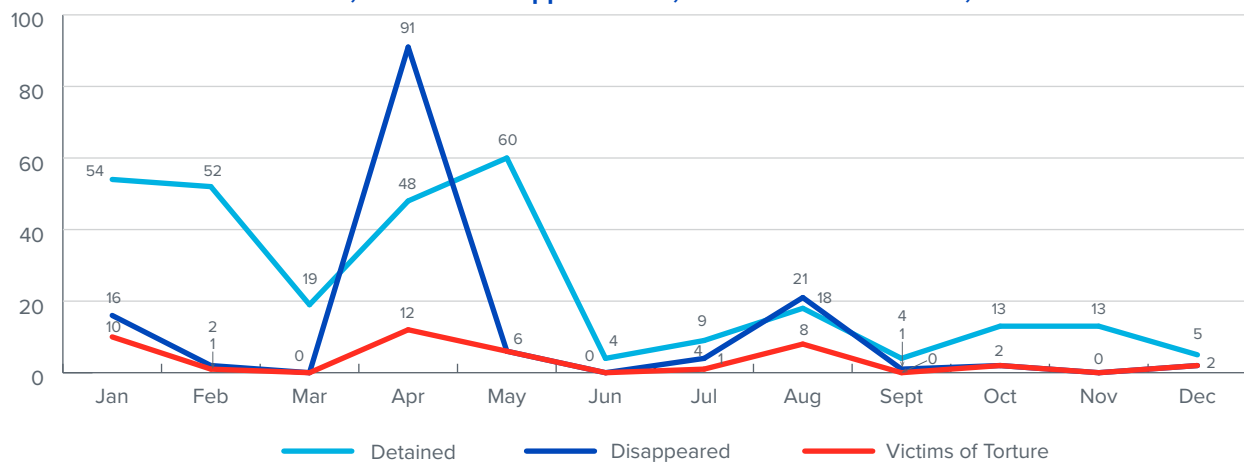
Victims of Enforced Disappearance and Torture by Circumstance, 2018



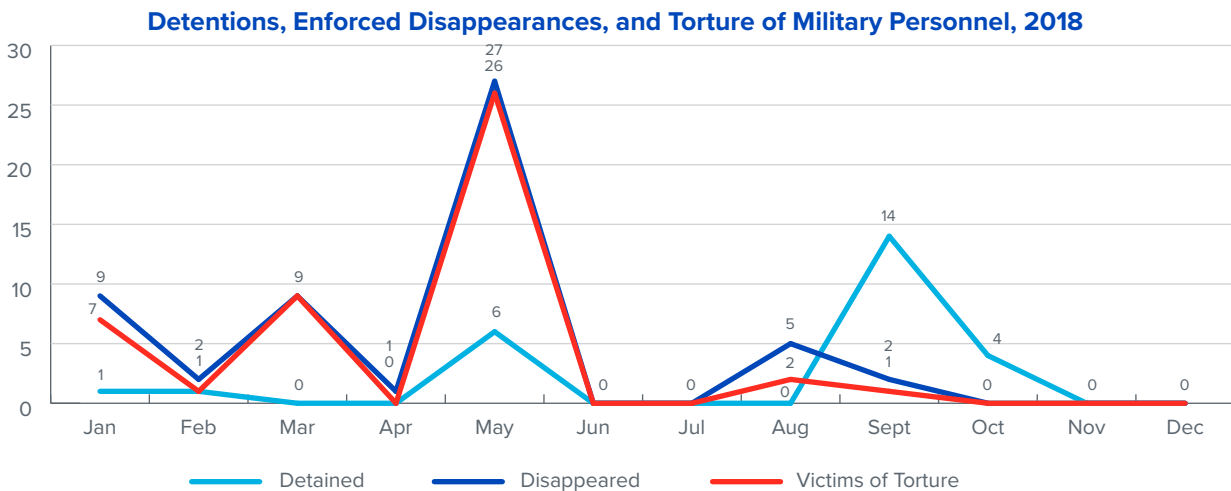
trends. In more than half of the circumstances in which civilians were disappeared, they also suffered torture – and, in general, in circumstances in which larger numbers of people were disappeared, fewer cases of torture were reported. The contexts in which fewer than 15 people were forcibly disappeared all had rates of torture of 75% or more.

Military personnel, in contrast, suffered torture during each circumstance in which they were forcibly disappeared, and the lowest rate of torture was 25% (“military rebellion”). Unlike the general trend for civilians that were tortured, the circumstances in which the

Detentions, Enforced Disappearances, and Torture of Civilians, 2018



highest numbers of military personnel were disappeared were also those in which more than 75% of the disappeared military personnel were tortured.¹⁰²



4. ENFORCED DISAPPEARANCES IN 2019

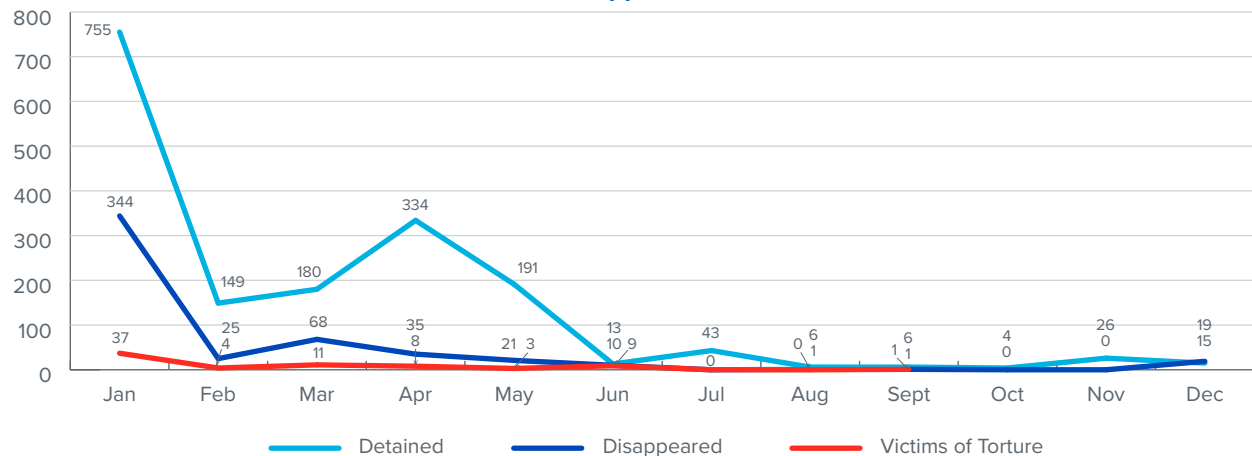
Although the number of enforced disappearances increased in 2019 compared to 2018, this resulted from the increase in mass detentions in connection with protests, which somewhat complicates this analysis. From 2018 to 2019, the number of people detained for political purposes increased more than fourfold (2,246 people, compared to 525). Of the 2,246 detentions in 2019, 524 resulted in enforced disappearances (23.3%), and of these, **at least 73 of the victims were also tortured.**¹⁰³ Thus, the general trend shows a decrease in the proportion of enforced disappearances in comparison to the total number of political detainees, although the total number of enforced disappearances was higher in 2019.

The duration **of enforced disappearances appears to have decreased in 2019.** On average during this period, those forcibly disappeared remained so 5.35 days (median 3.0), compared to 2018, when the average disappearance lasted 5.86 days (median 4.0). Three hundred two (302) of the 524 victims of enforced disappearance during 2019 were

¹⁰² The referred to circumstances are “Gedeón I/Oscar Pérez,” the “Comandantes” case, and the “Armageddon” case.

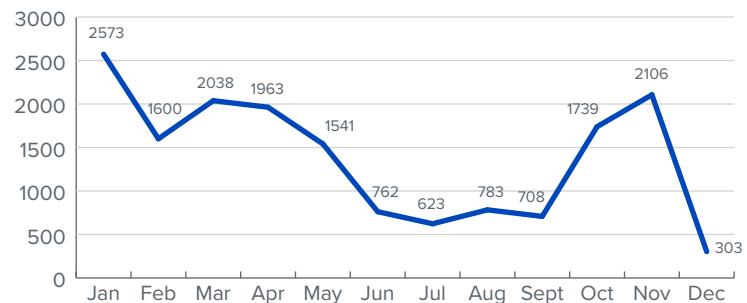
¹⁰³ Based on data on torture collected by Foro Penal between January and September 2019. During this period, there were 505 victims of enforced disappearance.

Detentions, Enforced Disappearances, and Torture, 2019



disappeared between 2 and 4 days. Thirteen (13) people (4 military members and 9 civilians) remained disappeared at the end of 2019. Of these people, all military personnel that were disappeared reported being tortured.

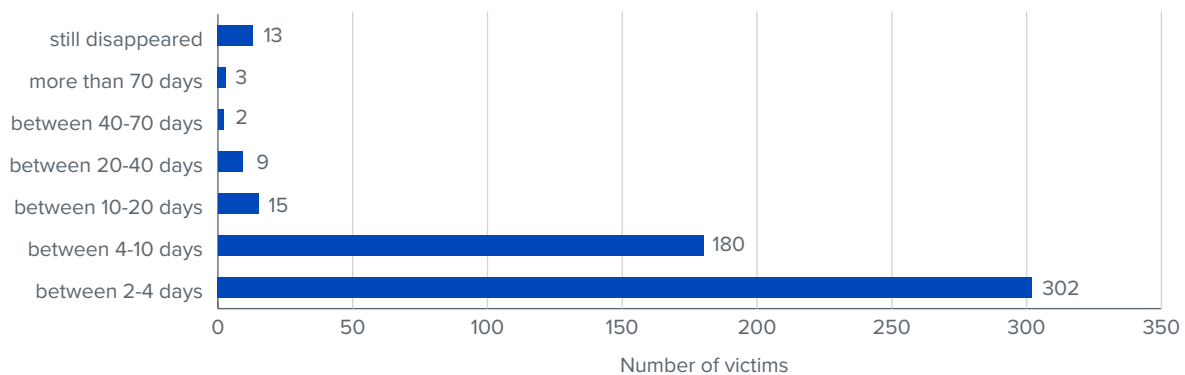
Protests in 2019



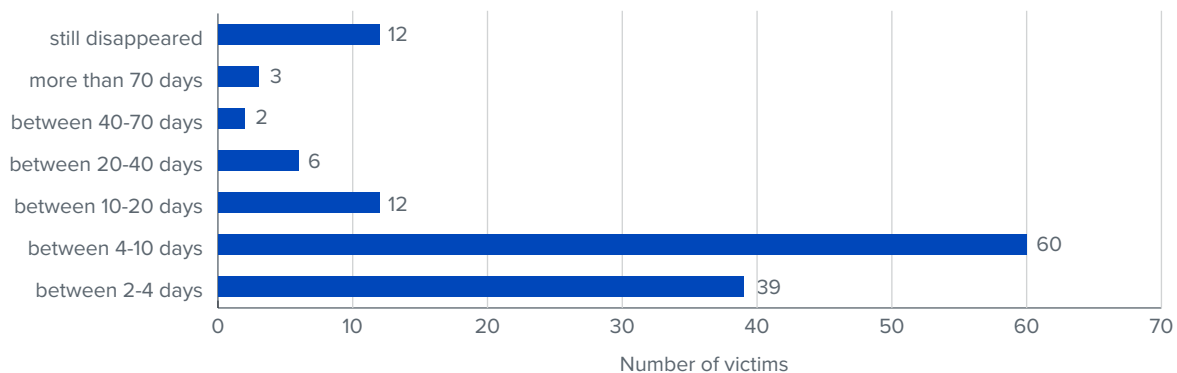
Those forcibly disappeared in contexts other than protests remained disappeared for a longer period than those detained in connection with protests, on average for 10.12 days (median 5.5). This was also longer than the average time victims of enforced disappearance were disappeared in 2018. Of these 134 people, only 39 were disappeared for a period between 2 – 4 days. Most of these people spent more than 6 days disappeared. The group of people disappeared outside the context of protests, moreover, included 12 of the 13 people who remained disappeared at the end of 2019.

The fact that the vast majority of 2019 enforced disappearances resulted from those detained during protests, and that these people were typically disappeared for less time, suggests that the regime used arbitrary detention as a tool of control and repression. The data does not, however, provide a clear answer about whether the regime has also used short-term enforced disappearance as a tool, or if these cases are the result of a lack of capacity to process the high number of detainees within the legally required 48 hours. But the enforced disappearances that took place in circumstances other than protests (which was the case for all the forcibly disappeared military officers), and the fact that these periods of disappearance were noticeably longer, clearly shows that in these situations the regime intentionally used enforced disappearance as a tool of selective repression.

Length of Enforced Disappearance, 2019



Length of Enforced Disappearance, 2019 (of Those Detained Outside of Protests)



a. Enforced Disappearances by Circumstance or Situations Outside of Protests

While the vast majority of enforced disappearance victims in 2019 were detained in connection with protests, protesters generally spent the least amount of time disappeared, on average 3.85 days. Those detained in relation to “Protests Due to Failures in Basic Services (CLAP Boxes)”¹⁰⁴ and the “SAIME Case”¹⁰⁵ (SAIME – Administrative Service of Identification, Migration, and Foreigners) were disappeared for 3.0 days on average, while the 49 people detained in relation to “Protests Due to Failures in Basic Services” were disappeared for 4.16 days on average. In contrast,

¹⁰⁴ “Protests due to failures in basic services” and “protests due to failures in basic services (CLAP boxes)” refer specifically to protests over the lack of basic services and the shortage of food and electricity. CLAP boxes are distributed in Venezuelan neighborhoods by the Local Committee for Supply and Production (Comité Local de Abastecimiento y Producción) and contain basic food goods; there have been reports that they are commonly withheld from people who are not supporters of the Bolivarian regime. See, e.g., United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, par. 22.

¹⁰⁵ “SAIME Case” refers to the case of people detained during a protest in front of the Administrative Service for Identification, Migration and Aliens (SAIME) in Puerto Ayacucho in January 2019.

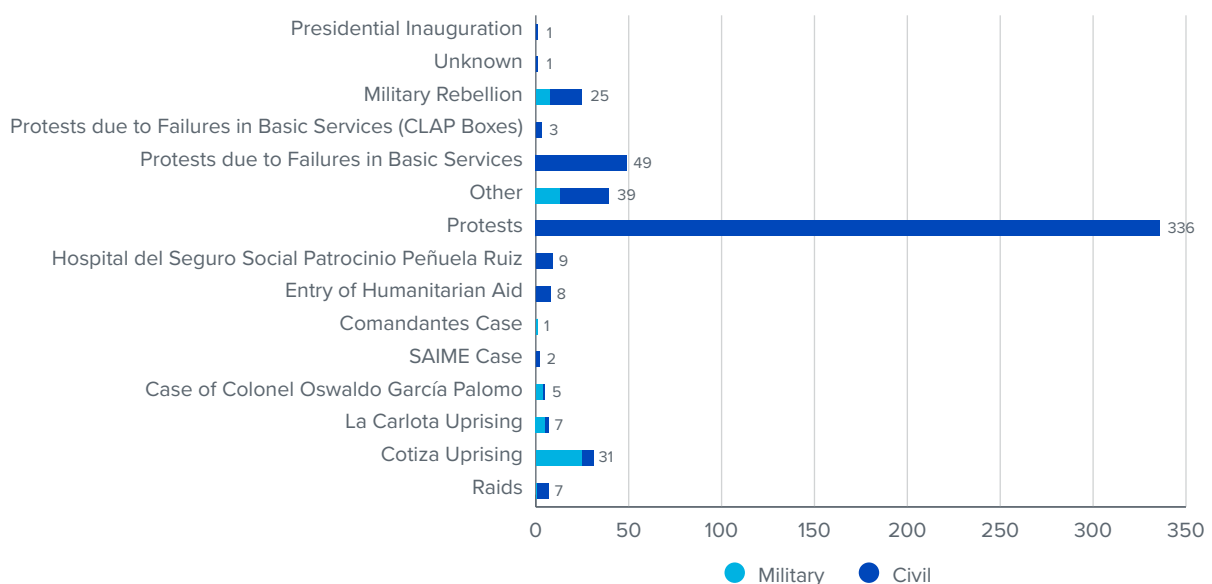
the person detained in connection with the events of the “Presidential Inauguration”¹⁰⁶ was disappeared for 21 days, and the people who were disappeared for reasons categorized as “Other” were disappeared for an average of 12.08 days. The 25 people detained in connection with the military rebellion¹⁰⁷ remained disappeared for an average of 19.11 days. The only detained-disappeared person who was forcibly disappeared in connection with unknown circumstances remained disappeared for 51 days.

Those who remained disappeared at the end of 2019 were detained in connection with raids, the “La Carlota Uprising,”¹⁰⁸ demonstrations, circumstances defined as “Other,” and “military rebellion.”

b. Enforced Disappearances by Military Status, Gender, and Age

As in 2018, more civilians than military personnel were victims of enforced disappearance in 2019, but the military personnel were at much higher risk for enforced disappearance after being detained. A total of 2,167 civilians were detained for political reasons during this period in 2019, compared to 79 military personnel, but of these civilians 467 were subjected to enforced disappearance (21.67%), while 57 of the 79 (77.14%) military personnel were subjected to enforced disappearance after detention. Of the 13 people who remained disappeared at the end of 2019, 4 were military officers and 9 were civilians.

Number of Enforced Disappearances by Circumstance and Military Status, 2019



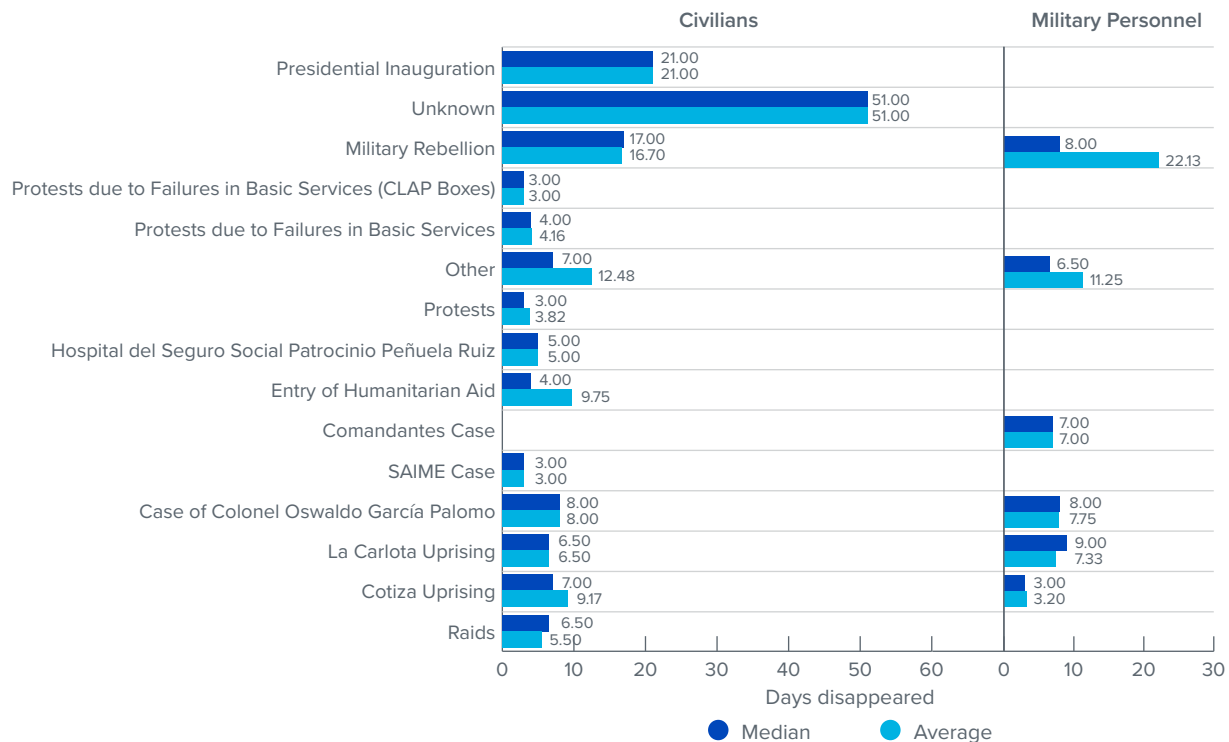
¹⁰⁶ “Presidential Inauguration” refers to the inauguration of Nicolás Maduro in January 2019.

¹⁰⁷ “Military rebellion” refers to the general category of alleged actions against government interests by military officials; these occur regularly.

¹⁰⁸ “La Carlota Uprising” refers to a failed uprising in April 2019.

In general, **military personnel and civilians tended to be forcibly disappeared under different circumstances.** The exceptions were situations in which regime authorities sought information about military opposition via relatives and others associated with them. Of the 12 different situations that Foro Penal identified as being related to enforced disappearances, **both military and civilians were disappeared in almost half of these:** raids, “Cotiza Uprising,” “La Carlota Uprising,” “The Case of Colonel García Palomo,” “Other,” and “military rebellion.” And of these, Foro Penal determined that all of the civilians detained in connection with the “Cotiza Uprising,”¹⁰⁹ raids, and “The Case of Colonel Oswaldo García Palomo”¹¹⁰ were disappeared in an attempt to extract information from them about military personnel perceived as threats and with whom the civilians were associated in one way or another. Thirty-nine (39) of the 43 people that were disappeared in connection with these circumstances—both civilians and military personnel—were tortured.

Length of Enforced Disappearance by Circumstance and Military Status, 2019



¹⁰⁹ “Cotiza Uprising” refers to the uprising of at least 40 members of the National Bolivarian Armed Forces in the parish of San José de Cotiza (Caracas) in January 2019.

¹¹⁰ “The Case of Colonel Oswaldo García Palomo” refers to the government’s efforts to capture retired Colonel Oswaldo García Palomo, who openly confirmed efforts to overthrow the Maduro regime. The government also went after García Palomo’s family members.

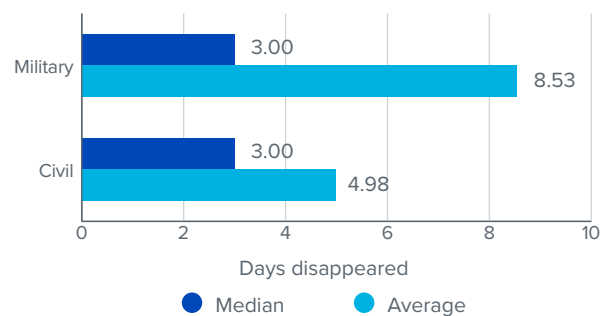
On average, civilians spent 4.98 days disappeared in 2019, while military personnel spent an average of 8.53 days disappeared. The differing averages with similar medians (see graph) indicate that, although the two groups had only a small number of enforced disappearance victims that were disappeared for unusually long periods, the difference in time between these people and the majority of those disappeared was generally more extreme for the military personnel than for civilians. Most military personnel were disappeared for approximately the same amount of time as most civilians.

Military officers who were disappeared in connection with the circumstances of “military rebellion,” “Other,” and “The Case of Coronel García Palomo”¹¹¹ spent a longer average time disappeared: 22.13 days (median 8.0), 11.25 days (median 6.5), and 7.75 days (median 8.0), respectively.¹¹²

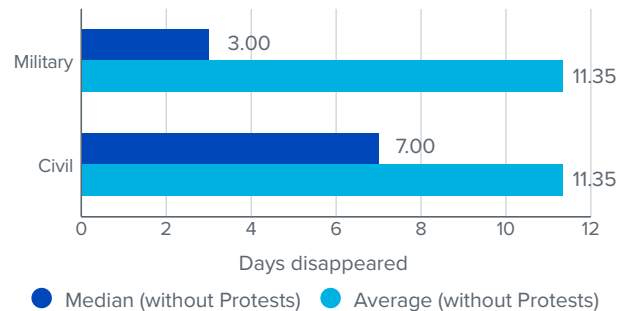
Civilians, in turn, spent more time disappeared when they were detained under unknown circumstances (average and median of 51 days) or in connection with “Presidential Inauguration” (average and median of 21 days), “Other” (average of 12.48 days, median 7.0), “Entry of humanitarian aid”¹¹³ (average of 9.75 days, median 4.0), and the “Cotiza Uprising” (average of 9.17 days, median 5.0).

The proportion of civilians compared to military personnel that were disappeared is much more similar if only examining civilians that were detained in circumstances besides protests. Of 134 people, 77 were civilians (approximately 57%), while 57 (approximately 43%) were military.¹¹⁴ These civilians were disappeared for an average of 11.35 days (median 7.0). Here, the average and median time that civilians were disappeared increases noticeably, strongly suggesting that these disappearances are not the result of an institutional inability

Length of Enforced Disappearance by Military Status, 2019



Length of Enforced Disappearance by Military Status, 2019 (Without Those Detained in Protests)



¹¹¹ “**The Case of Colonel Oswaldo García Palomo**” refers to the government’s efforts to capture retired Colonel Oswaldo García Palomo, who openly confirmed efforts to overthrow the Maduro regime. The government also went after García Palomo’s family members.

¹¹² As of June 30, 2019, a military detained in connection with the circumstance of “Raids” remained forcibly disappeared.

¹¹³ “**Entry of humanitarian aid**” refers to frustrated attempts to bring international aid into the country across the borders with Brazil and Colombia in February 2019.

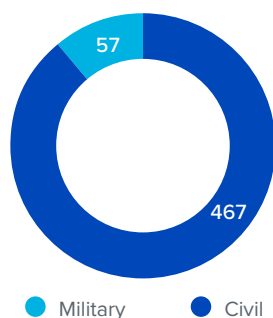
¹¹⁴ Although the precise number of civilians versus military officers detained under other circumstances is unknown, it is possible to compare the normal periods of time these victims were disappeared.

to process their detention within the legal time frame. It should be noted that these civilians were disappeared on average for the same period of time as the military personnel, who were mostly victims of selective repression.

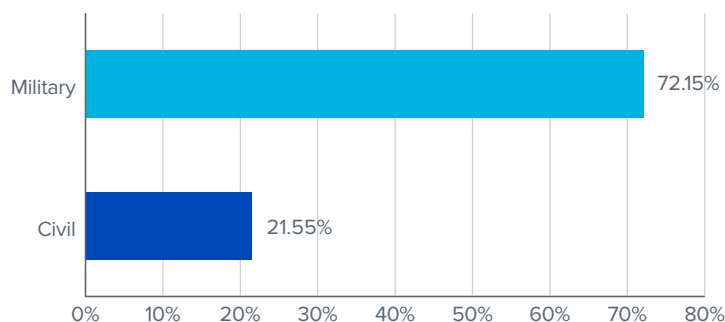
As in 2018, women detained for political purposes were victims of enforced disappearance at a higher rate than men. Of the total number of enforced disappearance victims in 2019, 454 were men (just over 86%) and 70 were women (just under 14%). Of the 1,959 men detained for political purposes in 2019, 23.2% were then subjected to enforced disappearance; of the 287 women detained, 24.4% were later subjected to enforced disappearance. **Women also typically spent more time disappeared.** On average, women were disappeared for 5.75 days (median 4.0), while men were disappeared for 5.29 days (median 3.0).

When looking at the enforced disappearances registered in 2019 that were unrelated to protests, these figures do not change significantly. Of the 134 people who were disappeared outside of protests, 19 were women (14.18%) and 115 were men (85.82%). However, while men and women detained outside of protests spent a similar amount of time disappeared (8.53 days and 10.41 days, respectively), the median for women (5 days) was slightly lower than the median for men (6 days). This means that, while both groups spent significantly more time disappeared when detained for reasons other than protests, in these circumstances women generally spent less time forcibly disappeared than men.

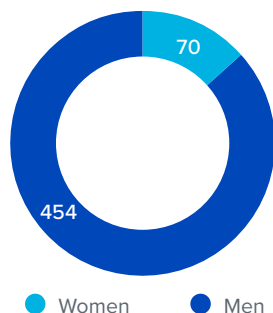
Proportion of Enforced Disappearances – Civilians and Military Personnel, 2019



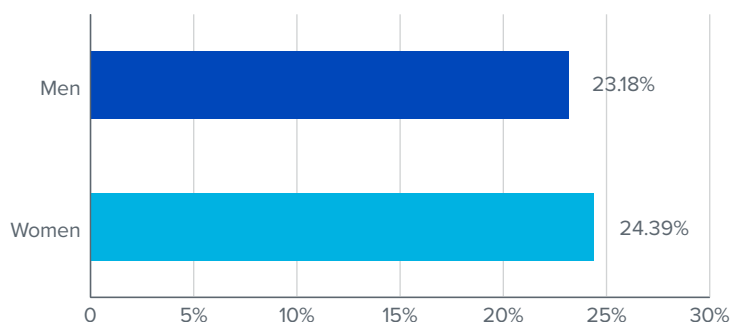
Percentage of Civilians and Military Personnel Detained who were Forcibly Disappeared, 2019



Proportion of Enforced Disappearances – Men and Women, 2019



Percentage of Men and Women Detained who were Forcibly Disappeared, 2019



Of the 2,246 detained in 2019, 228 were minors (about 10%), while 2,018 were adults. Of the 228 minors detained, all in connection with protests, 37 were also forcibly disappeared (7.06% of the total number of enforced disappearance victims). Of the 2,018 adults detained, 487 were forcibly disappeared (92.94% of the total number of enforced disappearance victims). The data show, then, that the proportions of adolescents and adults disappeared once detained is fairly close: of the minors who were detained, 16.2% were also forcibly disappeared, compared to 24.1% of the adults detained. Minors, however, tended to spend more time disappeared than adults. Thirteen (13) minors—35% of the total number of adolescents that were forcibly disappeared—spent at least a week disappeared, while among adults, 66 (less than 14%) remained disappeared for 7 days or more.

LEONEL ANTONIO MAITA

Maita is an officer of the Bolivarian National Police. His superiors asked him to appear at the Helicoide on February 8, 2019. Once there, he was notified that he would be required to testify before the DGCIM regarding the Cotiza uprising. From that day on, his family stopped hearing from him. Consequently, they filed a writ of habeas corpus 5 days later on February 13. Leonel Antonio Maita was released on March 1, 2019, without being brought before a judge. Maita was disappeared for at least 7 days.

c. States in Which Enforced Disappearances Occurred

In 2019, the number of states with high numbers of political detainees increased. During this period, the state of Zulia had the highest number of people arbitrarily detained (307). Caracas had the second highest number (293), followed by Bolívar (209), Aragua (201), Carabobo (175), Lara (169), Monagas (158), and Yaracuy (110). It is worth noting that, in 2018, Yaracuy and Monagas each had fewer than 10 political detainees; Bolívar and Carabobo each had fewer than 30, and Aragua and Lara each had fewer than 50. Within one year, all of these states saw dramatic increases in the number of politically motivated detentions. **During 2019, the number of detentions increased on average by approximately 72 for each state** – an alarming development, considering that the average number of detentions in each state in 2018 was approximately 22. The numbers of detentions in states that had had fewer than 10 political detainees in 2018, however, remained relatively low in 2019: Delta Amacuro increased from 2 to 7 detainees, for example, while Falcón went from 0 to 5 and Trujillo went from 3 to 8.

In 2019, Caracas continued its lead with the highest number of enforced disappearances: 124 (Bolívar had the second highest number of forced, with 74). In Caracas, 42.32% of detainees were subsequently subjected to enforced disappearance; in Bolívar, this figure was 35.41%. Many other states with high numbers of political detentions, however, had much lower rates of enforced disappearances. In Aragua, for example, 5 detainees were disappeared (less than 3%). In Carabobo, 15 detainees were disappeared (8.57%). Monagas had 28 cases of enforced disappearance (17.72%), Lara had 15 (8.88%), and Zulia, which had 307 politically motivated detentions in 2019, had 8 cases of enforced disappearance (less than 3%). But the opposite can also be observed in some states. Although Amazonas only had 30 people detained for political purposes, 80% of these were also victims of enforced disappearance

(24). Likewise, there were only 5 politically motivated detentions in Falcón, but 3, or 60%, also resulted in enforced disappearance.

There does not appear to be a correlation between the number of victims of enforced disappearance in a state and the length of the disappearance. Enforced disappearance victims in Caracas remained disappeared for a median of 3 days (the higher average of 7.07 indicates that a relatively small number of people detained in Caracas were disappeared for unusually long periods). In contrast, the 15 enforced disappearance victims in Carabobo were disappeared for 10.6 days on average (median 7.0). For the other states, however, it is difficult to distinguish a trend. In the states in which victims were disappeared for a median period of 5 days or more, the number of victims varied from 3 to 23, but there were other states in this range in which enforced disappearance victims remained disappeared for a median of 3 or 3.5 days.

With respect to gender, of the states that had enforced disappearances in 2019, some, namely Apure, Aragua, Barinas, Falcón, Lara, Mérida, Sucre, and Trujillo, did not have enforced disappearances of women. Enforced disappearances of men, however, occurred in every

ROBERTO MARRERO

Marrero is the campaign manager for Juan Guaidó, president of the National Assembly. Marrero also worked as a lawyer for former presidential candidate Leopoldo López. On March 21, 2019, Marrero was arrested at his home in the early morning hours by SEBIN officials. The Minister for Justice and Peace, Néstor Reverol, accused Marrero in a television address of belonging to a “terrorist cell.” Reverol also claimed that during a raid on Marrero’s home, a batch of military-grade weapons and foreign currency was found. Marrero spent 9 days disappeared.

state (except Delta Amacuro and Nueva Esparta, where no enforced disappearances were reported in 2019). While the majority of women who were disappeared were detained in Bolívar (14 out of the 70 total enforced disappearances of women), Caracas (16), and Táchira (9), they tended to remain disappeared longer in Zulia (average and median of 19 days, with 1 woman disappeared), Vargas (average and median of 9 days, with 1 woman disappeared), and Carabobo (7.67 days on average, median 7.0, with 3 women disappeared). This suggests that women who were victims of enforced disappearance in these states after being detained for political purposes were targeted for selective repression.

In 2019, there were enforced disappearances of military personnel in Barinas, Bolívar, Caracas, Miranda, Táchira, and Vargas. Each state, except for Caracas (which had 38 military personnel who were disappeared), had 5 or fewer cases. In Caracas, military personnel were forcibly disappeared for 9.42 days on average (median 3.0), indicating that some were disappeared for relatively long periods, while most others were disappeared for approximately 3 days. On the other hand, most military personnel that were victims of enforced disappearance outside of Caracas spent a median of between 4 and 8 days disappeared, with averages that were typically similar. This means that the typical military member subjected to enforced disappearance outside of Caracas was disappeared for a longer period of time.

To an even greater extent than in 2018, **most of the events that resulted in enforced disappearances in 2019 were geographically isolated and occurred in two or fewer states.**

In fact, the reasons for enforced disappearances in 7 or more states were protests and those categorized as “other,” and **in most states, protests led to the highest number of enforced disappearances**. Enforced disappearances in connection the “Cotiza Uprising,” “The Case of Colonel García Palomo,” “Hospital del Seguro Social Patrocinio Peñuela Ruiz,”¹¹⁵ “Protests Due to Failures in Basic Services (CLAP Boxes),” and the presidential inauguration each occurred only in one state.

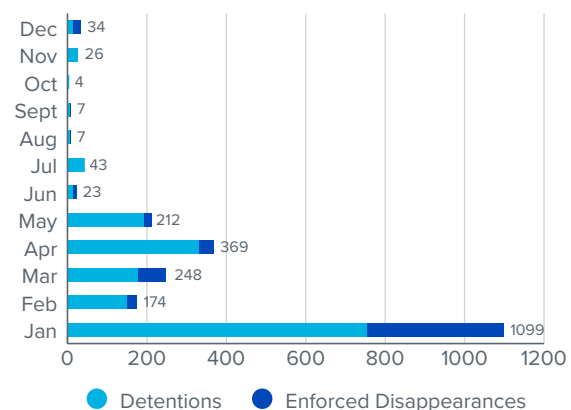
d. Enforced Disappearances by Month

Of the 2,246 politically motivated detentions in 2019, 1,099, or almost 50%, occurred during the month of January. This is not surprising, given the context of mass protests across the country surrounding Juan Guaidó’s claim as interim president and the “Cotiza Uprising.” Most of these detentions occurred in Caracas (189). The month with the next highest number of detentions was April (369), most likely in connection with the first airlift of humanitarian aid into Venezuela and Juan Guaidó’s call for a popular uprising at the end of the month (“La Carlota Uprising”).

The percentages of detainees who were disappeared in January (almost all in connection with protests) and June (almost none in connection with protests) represent a difference worth noting: just over 31% of detainees in January were forcibly disappeared, while around 43% of detainees in June were subjected to enforced disappearance. This suggests, especially when considered in light of the aforementioned difference in time spent disappeared, that the regime uses enforced disappearance as a tool of proactive repression against people identified in advance.

In every month of 2019 except June, more civilian were forcibly disappeared than military officers.

Detentions and Enforced Disappearances by Month, 2019



It is significant that while the high number of enforced disappearance victims in January and April remained disappeared for a relatively short period of time (about 4-5 days on average, with medians of 3.0), the much lower number of victims that were disappeared in connection with the humanitarian aid in February remained disappeared for much longer, 9.32 days on average (median 5.0). The 34 victims in December were disappeared for the longest period

¹¹⁵ “Hospital del Seguro Social Patrocinio Peñuela Ruiz” refers to an audit carried out in the hospital that resulted in 12 people arrested (including the former director of the healthcare center), for alleged irregularities in the handling of medications in the pharmacy and central warehouse.

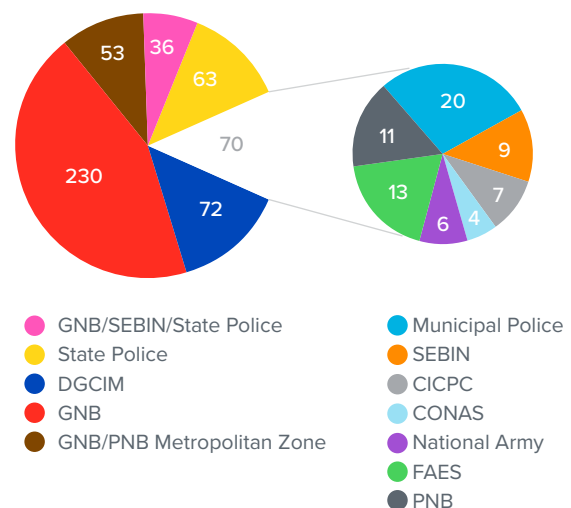
of time: 15.83 days (median 17.0). **This pattern shows the general trend that when more people are disappeared at the same time, the duration of disappearance is shorter,** making it more likely that those disappearances were at least in part a result of an overwhelmed judicial system.

e. Security Forces Involved in Enforced Disappearances

The following security forces were involved in enforced disappearances in 2019:

- Scientific, Penal, and Forensic Investigation Agency (CICPC)
- Combination of forces – This category includes two separate combinations of security forces. The first is comprised of the GNB, SEBIN, and state police. The second combination consists of the GNB and the Caracas Metropolitan PNB.
- National Anti-Extortion and Sequestration Command (CONAS)
- General Directorate of Military Counterintelligence (DGCIM)
- National Army
- Special Action Forces (FAES)
- Venezuelan National Guard (GNB)
- Bolivarian National Police (PNB)
- State Police
- Municipal Police
- Bolivarian National Intelligence Service (SEBIN)

**Security Forces Identified as Responsible
(Total Number of Victims), 2019**



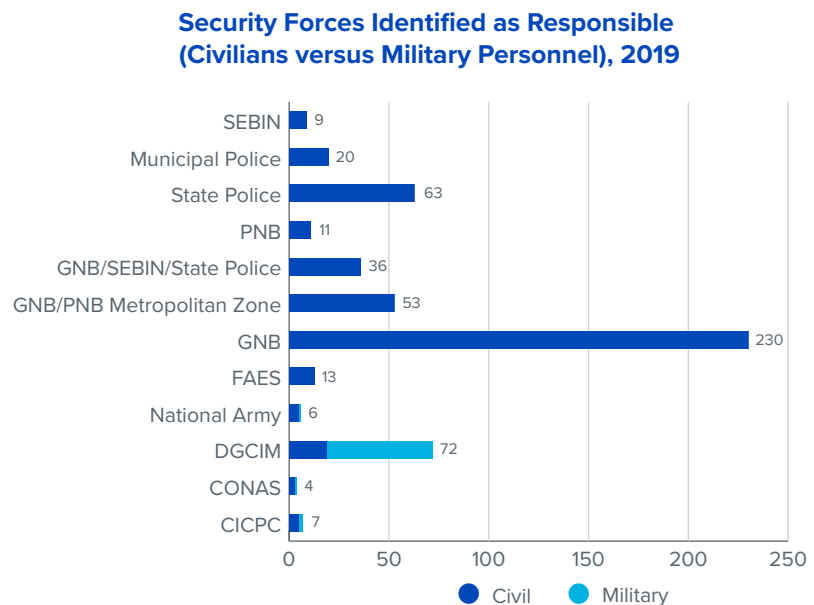
In 2019, more security forces effectuated enforced disappearances than in 2018 – specifically, combinations of forces, the national army, state police, the PNB, and municipal police were not reported as perpetrators of enforced disappearances in 2018, but were in 2019. Of these groups, the GNB was by far the most active in 2019; of the 498 cases of enforced disappearances, the GNB was involved in 230 (43.89%). According to data collected by Foro Penal, there were 89 cases in which a combination of security forces was involved. These cases only occurred in Yaracuy and the Caracas Metropolitan Zone, with the majority of these in Caracas. The DGCIM and state police were also involved in a high number of cases (72 and 63, respectively).

However, these forces were not uniformly involved in all circumstances. The vast majority of enforced disappearances at the hands of the GNB occurred in connection with protests – 222 out of 230. In contrast, the DGCIM were not involved with protest-related cases, but effectuated the most enforced disappearances in relation to the “Cotiza Uprising” and circumstances categorized as “Other” (30 and 18 disappearances, respectively). The FAES effectuated enforced disappearances in connection with “Hospital del Seguro Social Patrocinio Peñuela Ruiz” (8 of the 13 instances in which the FAES carried out enforced disappearances), an occasion in which 9 civilians and no military personnel were disappeared.

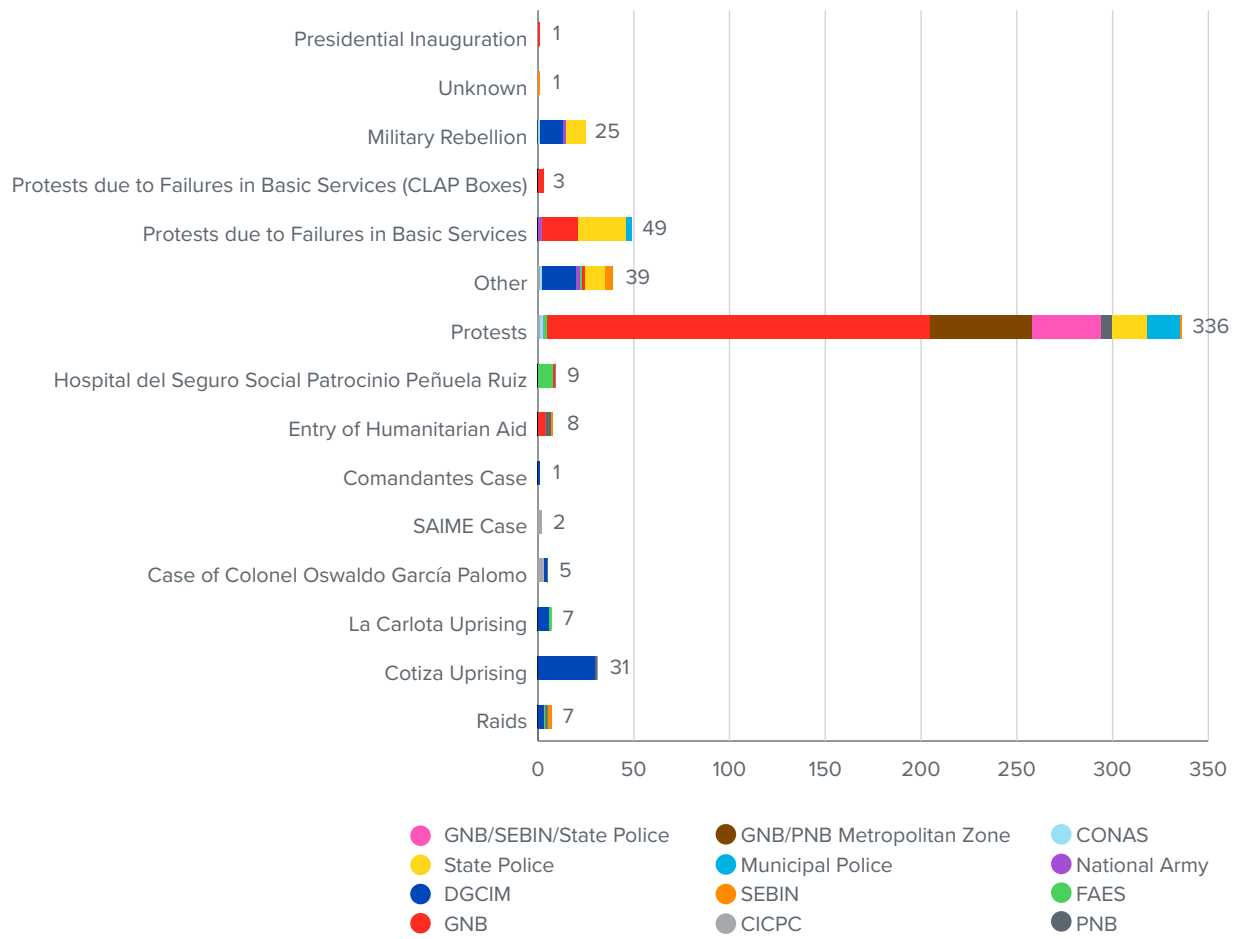
Similarly, while the GNB carried out enforced disappearances in most states, the activities of other law enforcement agencies were not evenly spread across all states. Caracas, as always, saw the highest number of disappearances (124), but a combination of forces carried out 52 of these disappearances, and the DGCIM carried out 43. In contrast, the GNB only carried out 6. In many other

states, however, the GNB carried out the vast majority of enforced disappearances. In Amazonas, for example, the GNB effectuated 22 of the 24 disappearances. The GNB was also responsible for 48 of 74 cases in Bolívar, all 14 cases reported in Cojedes, all 19 cases in Guárico, all 15 cases in Lara, all 28 cases in Monagas, 23 of 27 cases in Vargas, and 7 of 8 cases in Zulia. Other security forces acted in more isolated cases; for example, SEBIN only in Caracas, Yaracuy, and Bolívar, and the National Army in Barinas and Bolívar. Eight (8) of the 32 instances in which the FAES effectuated enforced disappearances occurred in Táchira, which had 23 cases (the other 5 were in Caracas).

With respect to gender, the GNB was responsible for the highest number of enforced disappearances of both women and men. However, the DGCIM carried out 53 of the 57 enforced disappearances of military personnel, and 19 of civilians. Most of the other security forces (such as the FAES, the GNB, state police intelligence, the PNB, state police, municipal police, and SEBIN) only disappeared civilians. As can be seen in 2018, most security forces (with the exception of the DGCIM) carried out enforced disappearances against more civilians than military personnel.



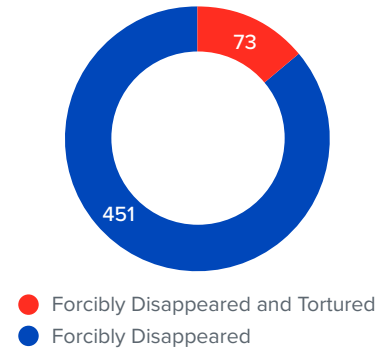
Enforced Disappearances by Circumstance and Security Force, 2019



f. Enforced Disappearances and Torture

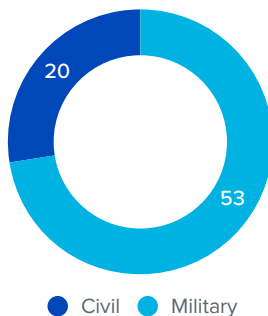
Foro Penal reported 73 cases in which enforced disappearance victims were also tortured during the period between January and the end of September 2019, or 14.5% of the total number of enforced disappearance victims during this period.¹¹⁶ On average, about 14 enforced disappearance victims were tortured each month from January to September 2019, compared to an average of approximately 7 people each month in 2018. The DGCIM was identified as responsible for most of the cases: 61 out of 73 (85.29%). The duration of enforced disappearance ranged between 2 to 70 days, but on average those who were both disappeared and tortured were disappeared **an average of 8.49 days** (with a median of 4 days).

Proportion of Disappearances with Torture, 2019

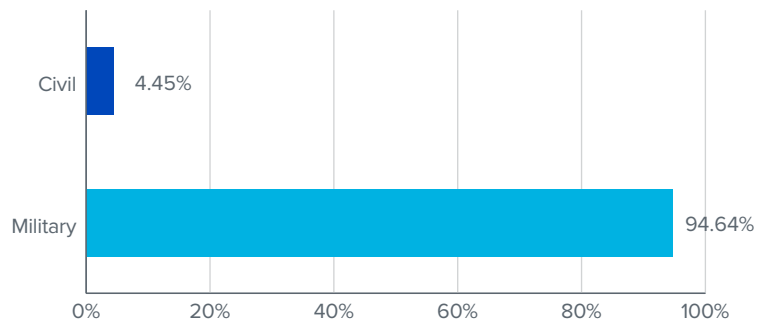


Of the enforced disappearance victims that were tortured between January and the end of September 2019, at least 11 were women (15.71% of the women who were victims of enforced disappearance during this period¹¹⁷), while at least 62 were men (14.25% of the men who were victims of enforced disappearance during this period). Of these 11 women who both forcibly disappeared and tortured, the DGCIM was responsible for 8 of these cases. Fifty-three (53) of those disappeared and tortured were military personnel (72.6% of all torture victims during this period)¹¹⁸ and 20 were civilians (27.4% of all torture victims

Proportion of Disappearances with Torture – Civilians and Military Personnel, 2019



Percentage of Civilians and Military Personnel who were Disappeared and Tortured, 2019



¹¹⁶ Between January and the end of September 2019, Foro Penal recorded 505 enforced disappearances.

¹¹⁷ Between January and the end of September 2019, Foro Penal recorded 70 women and 435 men who were victims of enforced disappearance.

¹¹⁸ Between January and the end of September 2019, Foro Penal recorded 449 enforced disappearances of civilians and 56 of military personnel.

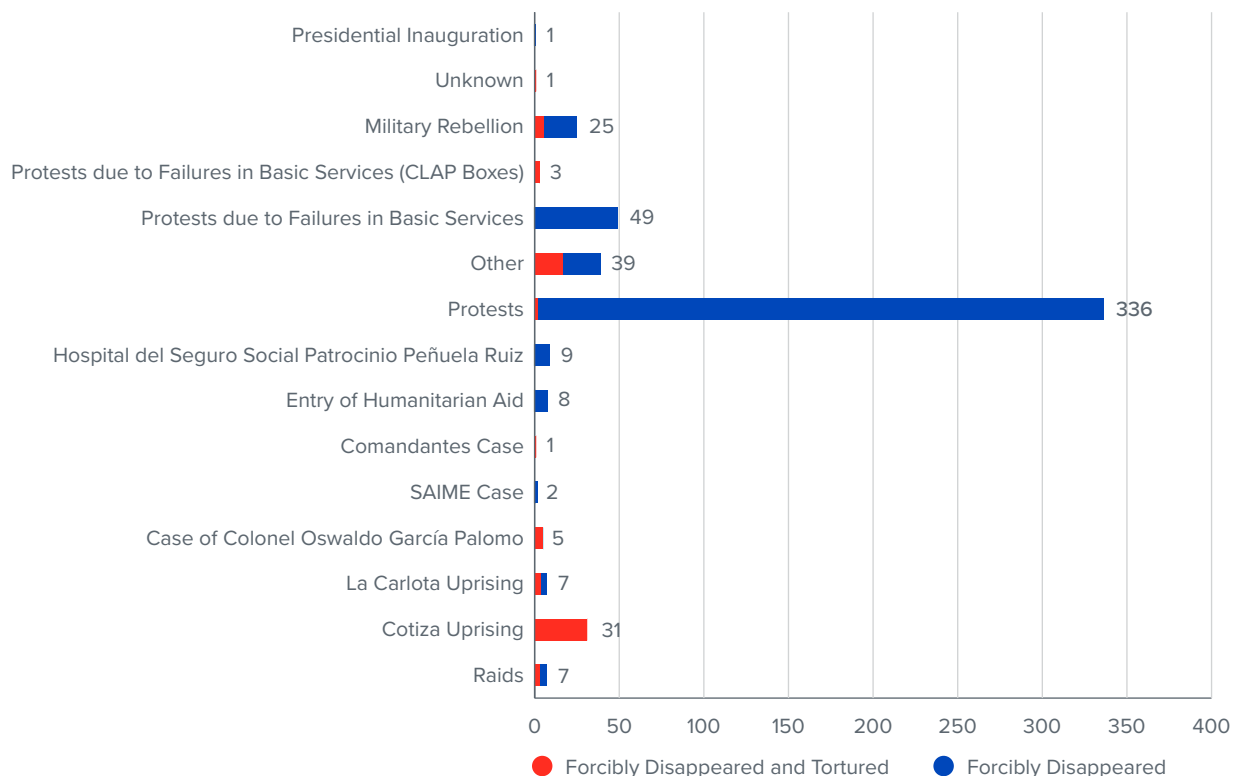
recorded between January and the end of September). As in 2018, the number of military personnel who were victims of enforced disappearance and the number who were also tortured were equal or almost equal in each month. Almost 95% of the military personnel who were disappeared during this period were also tortured. In terms of civilians, 4.28% of those forcibly disappeared during this time were also tortured. Once again, the DGCIM was identified as being responsible for the vast majority of enforced disappearances of military personnel that resulted in torture (51 out of 53 cases) and for the majority of enforced disappearances of civilians that resulted in torture (10 out of 20 cases). All of those both forcibly disappeared and tortured were adults.

In addition, torture of those forcibly disappeared was reported in approximately half of the states: Barinas, Bolívar, Carabobo, Caracas, Miranda, Monagas, Portuguesa, Táchira, and Vargas. Sixty-four percent (64.4%, 47 out of 73) of the instances of torture occurred in Caracas; all other states that had instances of torture had fewer than 7. It is difficult to identify a trend among these states. Of the states that had cases of enforced disappearance that also

RAFAEL ANTONIO VILLAFRANCA

A Lieutenant of the Bolivarian National Police, Antonio Villafranca was arrested on April 30, 2019, allegedly for having accompanied the president of the National Assembly, Juan Guaidó, during the Carlota uprising. The family was initially informed that he was being held by the DGCIM. However, the DGCIM announced that they only had Antonio Villafranca's belongings at their facilities. The family learned of his whereabouts through the media, specifically due to a statement of President Nicolás Maduro in which he reported that there was a group of disappeared military members. It is unclear how many days he was disappeared or how many days passed before he was brought before a competent authority.

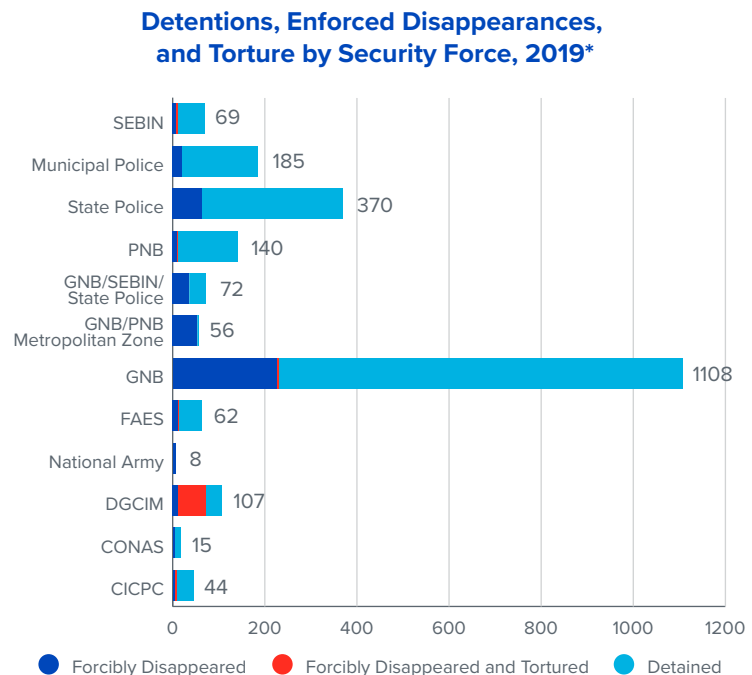
Victims of Enforced Disappearance and Torture by Circumstance, 2019



involved torture, the number of detentions varied between 34 (Barinas) and 293 (Caracas), while the percentage of those detained who were then forcibly disappeared ranged between 2.49% (Aragua, with 5 out of 201 detainees who were also disappeared) and 72.97% (Vargas, with 27 out of 37 detainees who were also disappeared). Similarly, the percentage of enforced disappearance victims who were also tortured varied between 4.55% (Portuguesa) and 55.6% (Miranda). And there does not appear to be a trend between the number of enforced disappearances and cases of torture. In Miranda, there were 9 enforced disappearances. In contrast, there were 74 enforced disappearance victims in Bolivar, but in only 5.41% of these cases was torture reported.

However, there is a pattern surrounding the circumstances in which enforced disappearance victims were tortured. These circumstances included raids, the “Cotiza Uprising,” the “La Carlota Uprising,” “The Case of Colonel García Palomo,” those circumstances categorized as “Other,” “Protests Due to Failures in Basic Services (CLAP Boxes),” and “military rebellion.” (Torture also occurred in connection with demonstrations, the “Comandantes” case, and an unknown circumstance, but each of these circumstances represents between 1% and 3% of all recorded cases of torture.) In one third of these

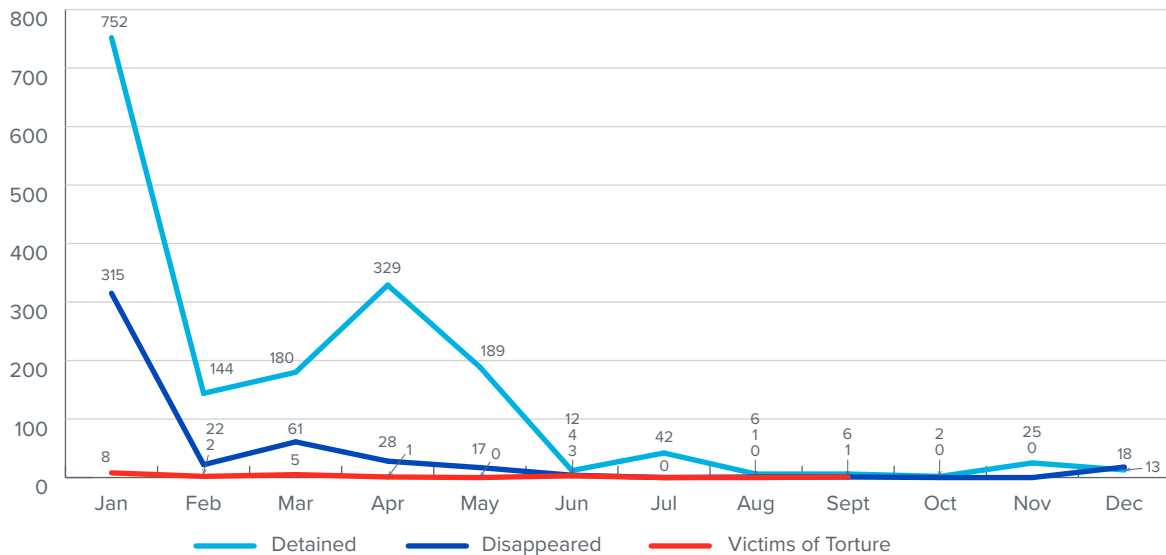
circumstances, it was reported that 100% of enforced disappearance victims were also tortured. These circumstances included “Cotiza Uprising,” “The Case of Colonel García Palomo,” the “Comandantes” case, and “Protests Due to Failures in Basic Services (CLAP Boxes).” Of those forcibly disappeared in connection with “La Carlota Uprising,” it was reported that 57.14% of the victims were also tortured, while 42.86% of those subjected to enforced disappearance in connection with raids were tortured. Torture was reported in 24% of the enforced disappearance cases that took place in connection with “military rebellion.” All of the above seems to suggest that torture occurred mainly in connection with circumstances involving the military or the search for military personnel who were considered to be threats to the Bolivarian regime. It should be noted that the only protest



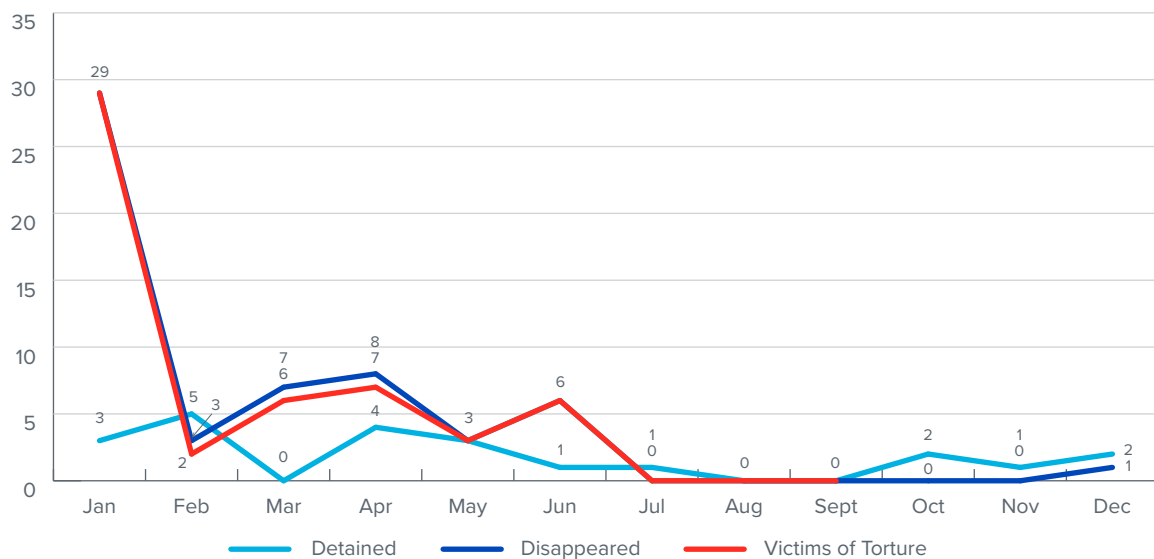
* The security forces listed here that were each responsible for at least one enforced disappearance also effectuated 2,236 out of 2,246 arbitrary detentions in 2019. The other 10 detentions were effectuated by other forces that did not disappear at least 1 person, including *colectivos*.

that resulted in the torture of all enforced disappearance victims was the one related to CLAP boxes, the principal beneficiaries of which tend to be supporters, either by force or voluntarily, of the Bolivarian regime,¹¹⁹ which could suggest that the regime sought to intimidate civilian supporters that it feared it might lose.

Detentions, Enforced Disappearances, and Torture of Civilians, 2019



Detentions, Enforced Disappearances, and Torture of Military Personnel, 2019



¹¹⁹ United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, par. 22.

V. CONCLUSIONS AND RECOMMENDATIONS

Throughout this report it has been demonstrated that enforced disappearances have been used as a tool of repression in Venezuela. The data from the period studied show two main trends. The first was a significant increase in enforced disappearances between 2018 and 2019. Thus, while 200 enforced disappearances were reported in 2018, 524 were reported in 2019. From one year to the next, the number of enforced disappearances among military personnel also increased. The second circumstance that could be observed was a change in the *modus operandi*. In 2018, enforced disappearances often began with the detention of someone who had been pre-identified. Then, in 2019, many disappearances occurred in connection with civilian demonstrations and military uprisings. Although it is possible that enforced disappearances have increased in 2019 because the mass detention of demonstrators overwhelmed the capacity of Venezuelan institutions, these findings show that enforced disappearance has become normalized. Further, even if some of the disappearances were connected to the collapse of the justice system in Venezuela, the fact that detainees are not allowed to communicate with their relatives or a lawyer, and that the authorities deny or fail to provide information about their whereabouts for over 48 hours is extremely serious. Under any circumstance, the increased use of enforced disappearance in Venezuela should be of great concern as it constitutes a serious human rights violation, which is often accompanied by other violations, such as torture, and extrajudicial execution.

The situation in Venezuela is a prime opportunity for the Working Group and other international human rights and criminal law mechanisms and bodies to develop and define the concept of short-term enforced disappearances. Although it has already been established that “there is no minimum time required, however short, to deem that an enforced disappearance has occurred,”¹²⁰ it would be appropriate to define what exactly constitutes a “short period” and whether specific obligations and reparations exist for this type of human rights violation.

Based on the findings of this report, the Bolivarian Government of Venezuela is urged to do the following:

1. Completely and immediately abandon the practice of enforced disappearances. To this end, it is essential that all detentions carried out by state agents comply with international obligations and standards in this area. These include the existence of an updated detention registry available to family members and lawyers, avoiding the unnecessary transfer of detainees, the absolute prohibition of clandestine detention centers, and detainees promptly being brought before the competent judicial authority, as well as the obligation to provide prompt and complete

¹²⁰ OHCHR. Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/30/38 Monday, August 10, 2015, par. 102.

information regarding the person's whereabouts, the authority that decided on the detention, the detainee's health status, and in the event of death, the circumstances surrounding the death as well as the location of the remains.

2. Immediately release all political detainees. In addition, those deprived of their liberty as a precautionary measure in connection with demonstrations should be brought before a competent judicial authority as soon as possible. It is vital to remember that military criminal jurisdiction in no way fulfills the guarantees of independence or impartiality.¹²¹ The authorities should therefore refrain from trying civilians in military courts.
3. Strengthen judicial independence and the independence and administration of the Public Prosecutor's Office. A plan must be established to reduce the percentage of provisional judges, since their lack of tenure makes it difficult for them to properly administer justice without undue influence, especially in regard to alleged abuses by state forces. The Public Prosecutor's Office must also observe and ensure the human rights of all individuals are respected without discrimination. This includes, of course, those associated with the opposition.
4. Eliminate the involvement of military forces in public safety activities. Furthermore, in order to mitigate the risk of arbitrary actions, the use of force by the police should be required to conform to the standards for use of force, which are legality, absolute necessity, and proportionality.¹²²
5. Dissolve the FAES and ensure accountability for abuses committed by this security force.¹²³ In addition, provide training on human rights and use of force for DGCIM and SEBIN officials.
6. Provide adequate reparation to victims of enforced disappearance and their families. Reparation should include compensation for material and non-monetary damages, as well as satisfaction measures and guarantees of non-repetition, such as the following: searching for, identifying, and burying the mortal remains of disappeared detainees; physical and psychological treatment for family members; holding events or constructing monuments that preserve their memory; the creation of

¹²¹ IACHR. Democratic institutions, rule of law, and human rights in Venezuela. Country Report. OEA/Ser.L/V/II. Doc. 209, December 31, 2017, par. 231; IACHR. Case of Radilla Pacheco v. Mexico Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 23, 2009. Series C No. 209; IACHR Case of Radilla Pacheco v. Mexico Preliminary Exceptions, Merits, Reparations, and Costs Judgment of November 23, 2009. Series C No. 209, par. 272-75.

¹²² OHCHR. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. *Cfr.* IACHR. Case of Nadege Dorzema et al. v. Dominican Republic. Merits, Reparations, and Costs. Judgment of Wednesday, October 24, 2012. Series C No. 251, par. 85

¹²³ This recommendation was also made by the High Commissioner for Human Rights in her report on Venezuela. See: United Nations Human Rights Council. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, A/HRC/41/18, July 4, 2019, par. 81(i).i.

genetic information systems; human rights education for public officials; and public access to state archives.

7. Eliminate the involvement of armed, pro-government “colectivos” (paramilitary groups) in public safety activities. Civilians who, in the name of defending the Bolivarian revolution, harass and attack demonstrators and people identified as part of the opposition must in turn be identified, captured, prosecuted, and subsequently punished.
8. Do not stigmatize social demonstrations or protests, or impose excessive restrictions on the rights to freedom of expression or peaceful assembly. Senior government officials should refrain from labeling opponents as terrorists and describing them in a way that incites violence.

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ABOUT

Robert F. Kennedy Human Rights

We are a non-partisan, not-for-profit organization that has worked to realize Robert F. Kennedy's dream of a more just and peaceful world since 1968. In partnership with local activists, we advocate for key human rights issues, pursuing strategic litigation at home and around the world. And to ensure change that lasts, we foster a social-good approach to business and investment and educate millions of students about human rights and social justice.

Foro Penal

Foro Penal is an NGO that has worked in defense of human rights in Venezuela since 2002, providing pro-bono legal assistance to more than 11,000 victims of political repression, including victims of arbitrary detention, torture and murder. Foro Penal currently counts with more than 200 volunteer attorneys and more than 5,000 activists throughout Venezuela and the world who provide legal and humanitarian aid to victims.

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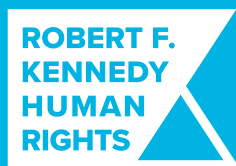
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