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THIS IS NO WAY TO LIVE

PUBLIC SECURITY AND RIGHT TO LIFE IN VENEZUELA



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First published in 2018
by Amnesty International Ltd
Peter Benenson House, 1 Easton Street
London WC1X 0DW, UK

← **Cover photo:**
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Index: AMR 53/8975/2018
Original language:
Spanish

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Proyect Reengineering of Citizen Security

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CONTENTS

EXECUTIVE SUMMARY 3

LIST OF ABBREVIATIONS 4

EXECUTIVE SUMMARY 5
METHODOLOGY 8
VENEZUELA'S HUMAN RIGHTS OBLIGATIONS 9

1. ALWAYS THE WRONG TIME, WRONG PLACE: EVER-PRESENT VIOLENCE 11
1.1. RESPONSIBILITY FOR COMMON CRIMES 11
1.2. HOMICIDE RATES: THEN AND NOW 12
1.3. ARMED VIOLENCE 13
1.4. URBAN VIOLENCE 15
1.5. THE VICTIMS OF VIOLENCE: YOUNG MEN LIVING IN POVERTY 16
1.6. NO ONE IS SAFE FROM THE VIOLENCE 17
1.7. IMPUNITY FOR COMMON CRIMES 18
1.8. OFFICIALLY NON-EXISTENT: THE LACK OF OFFICIAL FIGURES 18

2. FIGHTING VIOLENCE WITH MORE VIOLENCE 21
2.1. HISTORICAL OVERVIEW OF PUBLIC SECURITY (2000-2017) 21
2.2. GUN CONTROL 24
2.3. OLD HABITS HINDER POLICE REFORMS 26
2.4. A MILITARY APPROACH TO PUBLIC ORDER POLICING 33
2.5. ABUSIVE AND EXCESSIVE USE OF FORCE: USING EXTRAJUDICIAL EXECUTIONS AS A RESPONSE TO VIOLENCE 35
2.6. WAITING FOR JUSTICE: THE STRUGGLE AGAINST IMPUNITY AND FOR REPARATION 44

3. CONCLUSIONS AND RECOMMENDATIONS 53

LIST OF ABBREVIATIONS

CECODAP	(Centros Comunitarios de Aprendizaje por los Derechos de la Niñez y Adolescencia) Community Learning Centres for Child and Adolescent Rights
CICPC	(Cuerpo de Investigaciones Científicas, Penales y Criminalísticas) Forensic Criminal Investigations PoliceComité de Familiares de las Víctimas de los sucesos de febrero y marzo de 1989
CODESARME	(Comisión Presidencial para el Control de Armas, Municiones y Desarme) Presidential Commission for the Control of Weapons, Ammunition and Disarmament
COFAVIC	(Comité de Familiares de las Víctimas de los sucesos de febrero y marzo de 1989) Committee of Relatives of the Victims of the events of February and March 1989
DIBISE	(Dispositivo Bicentenario de Seguridad) Bicentenary Security Plan
GNB	(Guardia Nacional Bolivariana) Bolivarian National Guard
MPPS	(Ministerio del Poder Popular para la Salud) Ministry of People's Power for Health
OLP	(Operación Liberación y Protección del Pueblo) Operation Liberation and Protection of the People
WHO	World Health Organization
PNB	(Policía Nacional Bolivariana) Bolivarian National Police
PROVEA	(Programa Venezolano de Acción-Educación en Derechos Humanos) Venezuelan Human Rights Action-Education Programme
SEBIN	(Servicio Bolivariano de Inteligencia Nacional) Bolivarian National Intelligence Service

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EXECUTIVE SUMMARY

Amnesty International's research for this report has confirmed that Venezuela is responsible for violations of the right to life and physical integrity of hundreds of victims on two levels. Firstly, the state has failed to guarantee the right to life in a context of violence between private individuals. And secondly, the state has implemented repressive measures, adopting military methods, in responding to crime, that have led to serious human rights violations, in particular extrajudicial executions. In addition, Amnesty International was able to identify how the repressive policies adopted by the Venezuelan authorities have resulted in the social criminalization of poverty. Instead of implementing preventive measures to control crime, the state has resorted to the intentional use of lethal force against the most vulnerable and socially excluded sectors of the population.

The research was carried out in a context of a rapid deterioration in the realization and enjoyment in Venezuela of a range of human rights – from lack of access to economic, social and cultural rights, such as the right to health and food, to the failure to respect and guarantee civil and political rights, such as freedom of expression and the right not to be subjected to torture or other cruel treatment, among others.

Concerns about public security in Venezuela and people's right to life and physical integrity – due to the impact of armed violence and of security force operations in response to the violence – have intensified over many years. Today people in Venezuela appear to be trapped in an increasingly harsh and inescapable cycle of violence. The areas most affected by the violence are the poorer areas at most risk of social exclusion and working-class neighbourhoods in urban areas.[1] It mainly affects young men (aged between 15 and 44)[2] living in poverty and, of course, the use of firearms.

Into this environment have come the state security forces. According to Amnesty International's research, the security policies implemented between 2002 and 2017 prioritized the use of repressive methods by police in operations to combat crime. There were reports of illegal raids, extrajudicial executions and torture during these operations.[3] This heavy-handed response that poses crime as an "internal enemy" has contributed to a rise in the rate of homicide, a number of which took place in circumstances suggesting they were in fact extrajudicial executions.

Violence between individuals has reached alarming levels. Venezuela is now among the most violent countries in the world; in 2017, the homicide rate was 89 per 100,000 people, higher than countries such as El Salvador and three times higher than Brazil.[4] These killings are mostly committed with firearms, are concentrated in

[1] These neighbourhoods ("barrios" or "barriadas") in Venezuela refer to large conurbations, in many cases informal, on the outskirts of town and cities.

[2] Venezuelan statistical data uses the two age classifications 15-24 and 25-44. In crime statistics, those aged between 15 and 34 are classified as young.

[3] Red de Apoyo por la Justicia y la Paz, "Red de Apoyo por la Justicia y la Paz denuncia incremento represivo del CICPC y solicita tomar medidas contundentes a los organismos públicos con responsabilidad en la material" [Support Network for Justice and Peace highlights increasing repression by the CICPC and calls on the relevant public bodies to take decisive action], 4 February 2011, available at www.derechos.org.ve/pw/?p=10509; Red de Apoyo por la Justicia y la Paz, Por una policía al servicio de la vida, [For policing that serves life], 14 February 2011, available at archivo.derechos.org.ve/organizaciones-nacionales-de-derechos-humanos/por-una-policia-al-servicio-de-la-vida; Provea, Informe Anual octubre 2011-septiembre 2011: Derecho a la Vida (all Spanish only).

[4] Insight Crime, InSight Crime's 2017 Homicide Round-Up, 18 January 2018, available at www.insightcrime.org/news/analysis/2017-homicide-round-up/

urban areas with high levels of social exclusion and mainly affect young men. Since 2002 the number of homicides in Venezuela has been on the increase, despite certain specific points where it remained constant or even decreased. However, since 2010, the situation has reached crisis point; the homicide rate has not fallen below 50 per 100,000 people.[5] Therefore, even if there was no direct involvement by state agents, the state has an unconditional responsibility to prevent such killings and, if they cannot be prevented, to ensure that they are investigated and those responsible punished in order to avoid impunity and to implement measures to ensure non-repetition in future.

However, Amnesty International's research has found that the actions of state agents suggest that they bear responsibility for the very high homicide rates in the country. Venezuela has not been able to reverse the extremely high levels of impunity for homicide, estimated at over 90%.[6] On the contrary, it has systematically concealed official figures on the number of people who die annually as a result of armed violence, especially in cases where state security officers are involved where the state would bear direct responsibility for the deaths. This lack of transparency is the result not only of the absence of official information, but also of the persistent refusal to allow relatives access to the case files on extrajudicial executions. The absence of mechanisms to ensure transparency, oversight, investigation and punishment means that thousands of young men living in poverty are dying each year in a spiral of violence that the state has failed to stop.

The response of the state has further aggravated the already serious crisis of violence between individuals, through the use of disproportionate force, including lethal force, on the pretext of "combating crime". Amnesty International has previously documented how the Venezuelan state has committed serious human rights violations, such as torture, extrajudicial executions and enforced disappearances, during public order operations.[7] For this report, research has focused on in documenting the situation of generalized violence and on how the state's response has resulted in serious human rights violations.

For this report, Amnesty International analysed the security policies drawn up between 2000 and 2017. It found that the plans that contained elements aimed at prevention, such as reforms of the police or criminal justice system, were quickly abandoned or were not implemented at all. In contrast, those with elements focusing on repression, such as security operations by the army and other sections of the military, were consistently implemented.

International organizations have estimated that in 2017 there were 5,900,000 small arms in Venezuela.[8] Regarding the measures taken by Venezuela to address armed violence, in 2011 the Presidential Commission for the Control of Weapons, Ammunition and Disarmament (Comisión Presidencial para el Control de Armas, Municiones y Desarme, CODESARME) drafted the Law on Disarmament and the Control of Weapons and Ammunition. The law sought to regulate and monitor the carrying, possession, use, registration, manufacture and sale of weapons, ammunition and weapon parts and set out penalties for unlawful acts in order to end the illicit manufacture and trafficking of weapons. It also set out to devise plans for disarmament. The law called for the sale and carrying of firearms and ammunition to be suspended for a period of two years. However, beyond this legislation, the response of the authorities to addressing access to and regulation of firearms has been weak and has failed to control access to guns or reduce armed violence. For example, there are no ballistics records for more than 90% of the weapons that are legally in circulation and there is no evidence that an ammunition marking system has been set up. It has also been documented that 80% of the weapons confiscated and collected by police arrive at depots without magazines or ammunition, which would seem to indicate that there are no effective controls to prevent them being diverted to illegal markets.[9] In addition, the Disarmament Plan has not been effective and although announcements have been made that almost half a million weapons have been destroyed, local organizations who are experts in the field have questioned this claim and believe that this figure includes both ammunition and individual gun parts and that, therefore, the measure cannot be considered a success.

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[5] Public Prosecutor's Office, Informe Anual de Gestión 2016, p.13

[6] Insight Crime, "Lynchings Jump 650% in Venezuela in 2016", 19 January 2016, available at www.insightcrime.org/news/analysis/lynchings-jump-650-percent-venezuela-2016/

[7] Amnesty International, Venezuela: The Eclipse of Human Rights (Index: AMR 53/07/93).

[8] Small Arms Survey, Estimated Global Civilian Held Firearms Numbers, June 2018, p. 4, available at www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf

[9] Red de Apoyo por la Justicia y la Paz, Balance de Política Pública de Control de Armas, Municiones y Desarme 2011-2017 [Evaluation of Public Policy on the Control of Arms, Ammunition and Disarmament 2011-2017], Caracas, October 2017, p. 36, available at www.reddeapoyo.org.ve/wp-content/uploads/2017/11/Balance-de-la-Pol%C3%ADtica-p%C3%BAblica-de-Control-de-Armas-Municiones-y-Desarme-1.pdf (Spanish only).

The failure to implement reforms of the state security services – especially the police and other bodies such as the Forensic Criminal Investigations Police (CICPC), an auxiliary investigative body that has been the subject of the highest number of complaints and investigations for human rights violations – has also played a decisive role in perpetuating serious human rights violations.

Eight cases of extrajudicial executions were documented between 2012 and 2017. These cases reveal a clear pattern: they were young men from socially excluded communities. For example, 20-year-old Darwilson Sequera was extrajudicially executed on 11 June 2013 during a CICPC operation. According to the information obtained by Amnesty International, 30 police officers carried out the operation in which he was killed. According to reports: "they positioned themselves on the roof of the house by climbing up a lamppost and threatened to break down the door if those inside did not open up." Darwilson Sequera and his younger sister went up onto the lower roof of the house, where officers caught them. His sister saw them shoot her brother. Their mother heard them take him away, screaming with pain. The next time they saw Darwilson Sequera, was at the Hospital; he was dead.

The Attorney General's Office stated that 4,667 people died at the hands of security officials in 2016. These deaths accounted for 22% of all homicides in the country.[10] The same source puts the equivalent figure for the period January to June 2017 at 1,848 deaths.[11]

Amnesty International's research has shown that in the context of security operations, state officials, adopting a militarized approach to policing, have regularly used excessive and abusive force and, in some cases, have used lethal force with the intent to kill. It is also worrying that senior government officials have reported "the killing of criminals" as a "success" during some of these operations. Worrying examples of such statements include that by the Head of Regional Command No. 5 deployed in the framework of the Bicentenary Security Plan (DIBISE) who said: "What is the outcome for a criminal? Either prison or six feet under. Because that is a criminal's final destination."[12]

Amnesty International's research also highlights the high level of impunity for human rights violations, estimated to affect 92% of cases in Venezuela.[13] No official has been arrested or brought to justice for the eight extrajudicial executions detailed in this report. In the case of the Liberation of the People Operations (OLP), security operations in which repressive and violent tactics were deployed, there were allegations made against 1,074 police and/or military officers, 112 of whom were formally investigated and 43 charged.[14] It has not been possible to confirm the status of these proceedings since 2017, so it is not known whether those responsible have been brought to justice.

Amnesty International's research has also identified patterns in the way the right to justice is being denied to victims of human rights violations in Venezuela. These include flaws in the initial stages of investigation and harassment, threats and mistreatment of victims' relatives by the staff of the Attorney General's Office. These factors further entrench impunity and also deepen the social exclusion of victims' families, perpetuating cycles of revictimization for the thousands of families whose rights have been violated in the context of public security operations.

[10] El País, "La exfiscal de Venezuela acusa en La Haya al régimen de Maduro de cometer más de 8.000 asesinatos" ["Former Venezuelan prosecutor accuses the Maduro regime in The Hague of carrying out more than 8,000 killings"], 17 November 2017, available atwww.elpais.com/internacional/2017/11/16/america/1510850769_180858.html (Spanish only); Luisa Ortega Díaz, Presentación de Memoria y Cuenta completa, 31 March 2017, available at https://www.youtube.com/watch?v=DBblOpsXWGY (Spanish only).

[11] Office of the UN High Commissioner for Human Rights, Violations of human rights in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, June 2018, p. 15, available at www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf

[12] "¿Cuál es el resultado de un delincuente? O la cárcel o bajo tierra. Porque ése es el destino final de un delincuente." See also, videos of statements made on Noticias24, "La frase del día: 'El destino de los delincuentes es la cárcel o bajo tierra'", 6 September 2010, available at www.noticias24.com/actualidad/noticia/171254/la-frase-del-dia-el-destino-de-los-delincuentes-es-la-carcel-o-bajo-tierra/ (Spanish only).

[13] Insight Crime, "Lynchings Jump 650% in Venezuela in 2016", 19 January 2016, available at www.insightcrime.org/news/analysis/lynchings-jump-650-percent-venezuela-2016/; Inter-American Commission on Human Rights, Situation of Human Rights in Venezuela, 31 December 31, 2017 (Index: OEA/Ser.L/V/ II), based on the Venezuelan Violence Observatory (Observatorio Venezolano de Violencia, OVV), "Impunidad alcanza a 98% de crímenes contra los DDHH en Venezuela, según Cofavic" [Impunity reaches 98% for human rights crimes in Venezuela, according to Cofavic], 28 October 2016 (Spanish only).

[14] Public Prosecutor's Office, Actuaciones del Ministerio Público relacionadas con la OLP en Venezuela (marzo 2015-julio 2017) [Public Prosecutor's Office actions linked to the OLP in Venezuela (March 2015-July 2017)], 2017 (Spanish only).

Amnesty International, therefore, calls on Venezuela, in line with its international obligations, to implement the following recommendations:

- Refute messages that support the policy of repression, including the abusive and intentionally lethal use of force against young people living in poverty.
- Implement a policy of transparency and disclosure regarding information to enable appropriate public policy and measures to be adopted (both preventive measures to address violence, as well as police reform and reducing the number of guns in circulation) and to enable civil society organizations to exercise a social oversight role.
- Initiate immediate and urgent investigations into the cases detailed in this report and create a mechanism for prioritizing investigation and punishment of extrajudicial executions.
- Ensure that police act in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Resume implementation of measures recommended by CODESARME to reduce the number of guns in circulation and to strengthen policy on the control and regulation of arms.
- Agree to visits by the special procedures of the United Nations and the Inter-American Commission on Human Rights whose mandates are relevant to the concerns set out in this report.

METHODOLOGY

In this report, Amnesty International analyses the public security situation in Venezuela from a human rights perspective. The analysis is in two parts. The first deals with the state's obligation to guarantee people's right to security, life and physical integrity; the second focuses on the state's responses and policies regarding public security issues and the effects on the right to life and physical integrity.

Amnesty International used a variety of sources, official and unofficial, in this research in order to arrive at an overview of the security situation and guarantees of respect for the right to life in Venezuela. A review was carried out of publicly available official sources for the period 2000-2017, such as reports, publications, figures from state agencies and police procedures manuals. Among the agencies whose reports were consulted were the Public Prosecutor's Office, the Ministry of People's Power for Internal Affairs, Justice and Peace, the Ombudsman's Office, the Ministry of Popular Power for Health, the General Police Council and the National Institute for Statistics.

Efforts were made to access official sources on the main indicators of violence and homicides, although the absence of recent official data from Venezuelan state agencies posed a significant obstacle. In the absence of accessible, disaggregated and updated figures, requests for access to information were made on three occasions to the Ministry of People's Power for Internal Affairs, Justice and Peace, whose mandate and functions encompass security matters. Information was requested on official homicide figures; the number of deaths at the hands of security officials; statistics on kidnappings and robberies; the number of gun-related deaths; the number of children and adolescents who died violently; the number of femicides (gender-based killings of women); statistics on security officials who died in the course of OLP actions; the implementation of OLPs; and any other relevant information that could affect public security in Venezuela. This request included information related to the years 2014, 2015 and 2016. Requests for official information covering 2017 and 2018 were reiterated. However, no response was received. In Venezuela, there is no law on access to information, so there are no legal instruments to demand the publication of this data.[15]

[15] Civil society organizations have complained that the Venezuelan authorities have used the law to limit access to public information. Transparencia Venezuela, Report for the Universal Periodic Review Second Cycle of Venezuela, during the 26th Session of the United Nations Human Rights Council, September 2016, available at transparencia.org.ve/wp-content/uploads/2016/09/Report-Transparencia-Venezuela-2do-Ciclo-EPU-2016-Eng.pdf

Declarations, interviews, communiqués and public announcements made by government representatives were used to supplement official information.

In the absence of state information, it was vital to make use of secondary sources, such as civil society organizations, international organizations and experts, in order to obtain a more complete and diverse picture and to be able to reconstruct and represent violence and of security in Venezuela. For this report, Amnesty International interviewed 17 relatives of victims of extrajudicial executions; their testimonies were a fundamental source for contextualizing and identifying patterns of human rights violations taking place during public security operations. Finally, Amnesty International selected 11 emblematic cases, three of which were reports of possible extrajudicial executions. For these, the organization had access to the case files, enabling comprehensive and independent corroboration of the facts. The decision on which cases would be included in this report was based on the possibility of accessing case files and more comprehensive information. Eight of the cases chosen for inclusion in this report were in areas of the city of Caracas, two in communities located on the outskirts of the capital and one in Valles del Tuy, Miranda state.

VENEZUELA'S HUMAN RIGHTS OBLIGATIONS

This report bases its analysis on international human rights obligations which Venezuela has agreed to in various instruments and that oblige the state to protect the life, physical integrity and security of the people in its jurisdiction. Among the binding instruments to which Venezuela is a party are: the International Covenant on Civil and Political Rights;[16] the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;[17] the Second Optional Protocol to the International Covenant on Civil and Political Rights to abolish the death penalty;[18] the International Convention for the Protection of All Persons from Enforced Disappearance;[19] the Convention on the Rights of the Child;[20] the Inter-American Convention to Prevent and Punish Torture;[21] and the Inter-American Convention on the Forced Disappearance of Persons.[22] Venezuela is also a state party to the Rome Statute of the International Criminal Court,[23] and has signed the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man both of which guarantee the right to life, to physical integrity and to security of the person.[24]

With regard to the use of force, in addition to analysing the extent to which the state has violated the right to life and physical integrity, the report also looks at the implementation of the principles of legality, necessity, proportionality and accountability, established in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[25] The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has clearly explained the principles that should govern the use of force.[26] For its part, Amnesty International has also developed a series of guidelines for the implementation of these principles, which have made it possible to analyse the intentionally lethal use of force and to make recommendations on this to the Venezuelan authorities.

[16] Articles 6, 7 and 9 of the International Covenant on Civil and Political Rights.

[17] Article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment.

[18] Article 1 of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

[19] Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearances.

[20] Article 6 of the Convention on the Rights of the Child.

[21] Articles 1 and 2 of the Inter-American Convention to Prevent and Punish Torture.

[22] Article 2 of the Inter-American Convention to Prevent and Punish Torture and the Inter-American Convention on the Forced Disappearance of Persons.

[23] Venezuela has been a party to the Rome Statute of the International Criminal Court since 7 June 2000.

[24] Articles 4 and 5 of the Universal Declaration of Human Rights and Article 1 of the American Declaration of the Rights and Duties of Man.

[25] Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990.

[26] Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, 2014, (Index: A/HRC/26/36), available at www.ohchr org/EN/HRBodies/HRC/RegularSessions/.../A-HRC-26-36_en.doc



↑ Claudia Villareal, mother of Luis Leal Villareal, who died while queuing for groceries at regulated prices | **© Amnesty International 2018** | Laura Rangel

1. ALWAYS THE WRONG TIME, WRONG PLACE: EVER-PRESENT VIOLENCE

Venezuela has become one of the most violent countries in the world. In 2017, Insight Crime described Venezuela as the most violent country in Latin America, with a rate of 89 homicides per 100,000 people.[27] These deaths, as discussed below, tend to occur in the poorest and most densely populated urban areas and the victims of violence are mainly young men.

This chapter looks at the violence and homicide rates in Venezuela that are the result of gun violence and crime. Although these acts of violence have not been committed directly by state agents, this chapter explains how, by failing to guarantee the lives of thousands of people, Venezuela is falling short of its international responsibilities.

Violence in Venezuela is the responsibility of the state because of its failure to investigate and punish those responsible. This creates a climate of impunity that neither ensures reparation for the victims nor guarantees non-repetition. In addition, the lack of official information makes decision making on public policy – ensuring that the reality of the situation is taken into account and that international standards are adhered to in matters of public security – more problematic.

1.1. RESPONSIBILITY FOR COMMON CRIMES

Usually, homicides that are the result of violence between individuals are viewed as background factors for which the state is not considered directly responsible. However, as the Inter-American Court of Human Rights has stated:

> **The second obligation of the States Parties is to "ensure" the free and full exercise of the rights recognized by the Convention to every person subject to its jurisdiction. This obligation implies the duty of the States Parties to organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights.[28]**

[27] Insight Crime, InSight Crime's 2017 Homicide Round-Up, 18 January 2018, available at www.insightcrime.org/news/analysis/2017-homicide-round-up/

[28] Inter-American Court of Human Rights, Velásquez Rodríguez v. Honduras, Judgment of 29 July 1988, para. 166.

Consequently, Venezuela has an obligation to "prevent, investigate and punish any violation of the rights recognized by the [American Convention on Human Rights] [29] and, moreover, if possible attempt to restore the right violated and provide compensation as warranted for damages resulting from the violation."[30] As a result, a criminal act between individuals, which in principle is not directly attributable to the state, "can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention."[31]

Amnesty International has been able to ascertain that both homicide and impunity rates have increased steadily in Venezuela and are among highest in the region. To this must be added the lack of effective prevention policies and the absence of reliable data issued by public authorities that reflects the real situation and therefore inform the development of adequate solutions. Nor have measures been taken to eradicate discrimination against young men living in poverty, which is a fundamental factor in the cycle of violence in Venezuela.

The Inter-American Court of Human Rights has also reiterated that in order to comply with this duty to guarantee the right to life and to prevent further human rights violations, within the limits of full respect for human rights, the state has an obligation to guarantee the right to life of everyone in public security operations.[32] In short, Venezuela is failing to guarantee the right to life and physical integrity of thousands of people every year.

1.2. HOMICIDE RATES: THEN AND NOW

Venezuela has one of the highest homicide rates of any country in the world. As stated earlier, the most recent unofficial figure puts the homicide rate in Venezuela at 89 for every 100,000 people. For some years, a number of organizations have expressed concern about the increase in homicide rates in Venezuela. According to UN Office on Drugs and Crime (UNODC) estimates, in 2012, Venezuela had the second highest homicide rate per 100,000 people in the world outside a conflict zone: 53.7[33] compared to the estimated regional average for the Americas of 16.3 and a global average of 6.2.[34]

According to UNODC data, in 2015 the global homicide rate per 100,000 people was 5 and the rate for Latin America and the Caribbean was 22. The equivalent figure for Venezuela was 57, the third highest rate on the list.[35] According to Small Arms Survey data, in 2016, Venezuela had the third highest rate of violent deaths in the world, after Syria and El Salvador, and the second highest rate of gun-related deaths in the world.[36]

In 2015, a delegation from the Public Prosecutor's Office stated in the sessions of the Universal Periodic Review that in 2014 there was a homicide rate of 62 per 100,000 people.[37] According to official figures, also published by the Public Prosecutor's Office, in 2015 the homicide rate in Venezuela reached 58 per 100,000 people; in other words 17,778[38] people lost their lives due to the violence. In 2016, the rate increased to 70.1, -- the highest in the country's history – which means that there were 21,752 homicides that year.[39]

[29] Venezuela announced its withdrawal from the American Convention on Human Rights on 6 September 2012. This took effect on 6 September 2013. However, Venezuela's obligations regarding events that predated this fall within the framework of the treaty.

[30] Inter-American Court of Human Rights, Velásquez Rodríguez v. Honduras, Judgment of 29 July 1988, para. 166.

[31] Inter-American Court of Human Rights, Velásquez Rodríguez v. Honduras, Judgment of 29 July 1988, para. 172.

[32] Inter-American Court of Human Rights, Case of Yvon Neptune vs. Haiti, Merits, Reparations and Costs, Judgment of 6 May 2008, para. 38.

[33] One of the indicators par excellence of insecurity at the international level is the homicide rate per 100,000 people.

[34] United Nations Office on Drugs and Crime, Global Study on Homicide 2013, 2014, pp. 22 and 24, available at www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf .

[35] World Bank, Intentional homicides (per 100,000 people). Database of International Homicide Statistics of the United Nations Office on Drugs and Crime, 2015, available at data.worldbank.org/indicator/VC.IHR.PSRC.P5

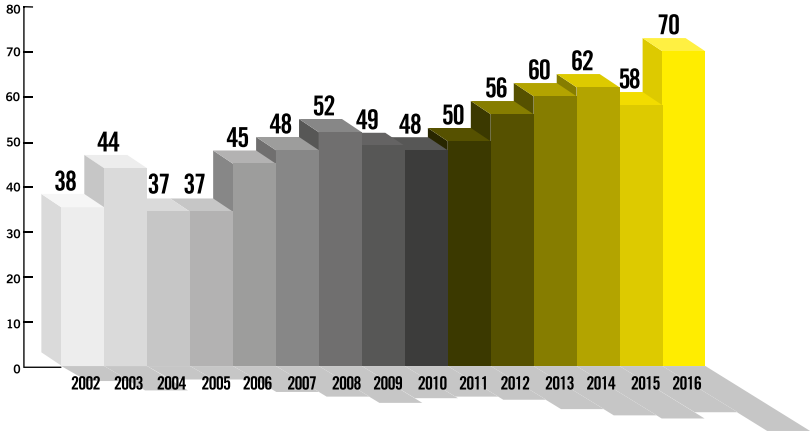
[36] Small Arms Survey, Global Violent Deaths 2017, 2017, available at www.smallarmssurvey.org/fileadmin/docs/U-Reports/SAS-Report-GVD2017.pdf

[37] UNHCR, The Human Rights Committee Considers the Report of Venezuela, Discusses Methods of Work, 2015, available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16175&LangID=E

[38] Public Prosecutor's Office, Informe Anual 2015 a la Asamblea Nacional, February 2016, p. 45 (Spanish only).

[39] Public Prosecutor's Office, Informe Anual de Gestión 2016, p. 13 (Spanish only).

HOMICIDE RATE PER 100,000 PEOPLE IN VENEZUELA
2002-2016



Compiled by the Citizen Security and Coexistence Research Institute (INOSEC) with data on homicides from the Forensic Criminal Investigation Unit (CICPC) and demographic indicators from the National Institute of Statistics and the Public Prosecutor's Office (2015-2016).

Despite the lack of regularly published figures, the country is experiencing a clear increase in the number of homicides. The lack of protection of the right to life in Venezuela is undeniable. This is the responsibility of the Venezuelan state which has an obligation to guarantee the rights of all those subject to its jurisdiction. The available statistics indicate that Venezuela has been ineffective in guaranteeing and protecting the rights to life and physical integrity of the people who live in the country: it has failed to fulfil its commitment to guarantee the free exercise of rights and, at the same time, it has not been able to fulfil its duty to take effective and appropriate measures to prevent violations of these rights.[40]

1.3. ARMED VIOLENCE

The World Health Organization (WHO) has defined violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation".[41]

In Venezuela, the vast majority of homicides are committed using firearms. The record of deaths committed by firearms up to 2012 in Venezuela shows a progressive and continuous increase in armed violence.[42]

According to one of the main sources for homicide figures, CICPC, gun-related deaths accounted for 90.5% of all homicides between 2010 and 2011.[43]

According to the WHO, while in Latin America gun-related deaths accounted for 74% of homicides in 2012, in Venezuela the figure was 90% of the total.[44] According to the latest figures published by the Public Prosecutor's Office, in 2016, 86.6% of homicides in Venezuela were committed using firearms.[45]

[40] Inter-American Commission on Human Rights, Report on Citizen Security and Human Rights, 31 December 2009, (Index: OEA/Ser.L/V/II), pp. 15-17.

[41] World Health Organization and Pan American Health Organization, World report on violence and health, Summary, Washington DC, 2002, p. 5.

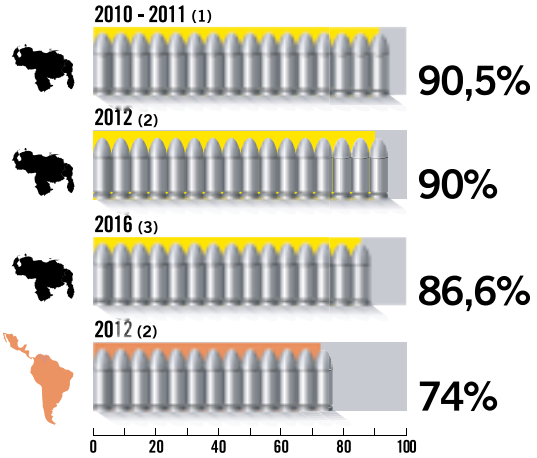
[42] Andrea Chacón, 'Muertes ocasionadas por el uso de armas de fuego (MPPS)', in Sentido e impacto del uso de armas de fuego en Venezuela, ["Gun-related deaths (MPPS)" in Meaning and impact of the use of firearms in Venezuela], Comisión Presidencial para el Control de Armas y Desarme y Universidad Nacional Experimental de la Seguridad, 2013, (Spanish only).

[43] Pedro Fernández and Eulalia Tabares, "Homicidios en Venezuela (CICPC)", in Sentido e impacto del uso de armas de fuego en Venezuela, ["Homicides in Venezuela (CICPC)" in Meaning and impact of the use of firearms in Venezuela] Presidential Commission on the Control of Arms and Disarmament and Universidad Nacional Experimental de la Seguridad, p. 81, 2013, available at pazactiva.org.ve/wp-content/uploads/2016/02/Sentido-e-Impacto-del-uso-de-Armas.pdf (Spanish only).

[44] World Health Organization and Pan American Health Organization, Status Report on Violence Prevention in the Region of the Americas, 2014, Washington DC, 2016, p. 1 , available at iris.paho.org/xmlui/bitstream/handle/123456789/18832/9789275074527_eng.pdf?sequence=1&isAllowed=y

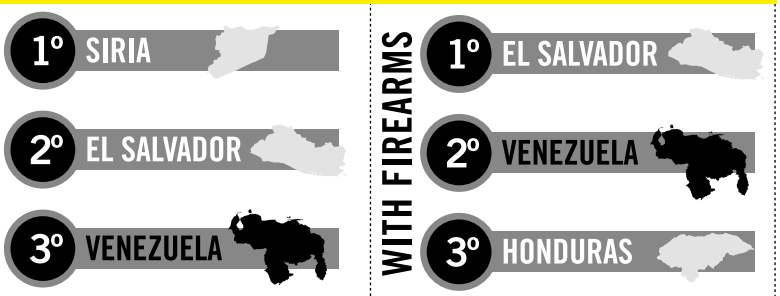
[45] Public Prosecutor's Office, Informe Anual de Gestión 2016, p. 12 (Spanish only).

PERCENTAGE OF HOMICIDES COMMITTED WITH FIREARMS IN VENEZUELA



(1) CICPC: Presidential Commission for Arms Control and Disarmament and the National Experimental University of Security, Homicides in Venezuela (CICPC), in Sense and impact of the use of firearms in Venezuela, 2013.
(2) WHO: World Health Organization, Status Report on Violence Prevention in the Region of the Americas, 2014, Washington D.C., 2016
(3)MP: Public Prosecutor's Office, Annual Report 2016, 2017.

VIOLENT DEATH RATE



VENEZUELA, AMONG THE LEAST SAFE COUNTRIES IN THE WORLD

Source: Compiled by Global Violent Deaths 2017, Small Arms Survey (2017)

MARÍA ELENA DELGADO

THREE CHILDREN, A NEPHEW AND A GRANDCHILD **KILLED IN GUN VIOLENCE**

> **"I just don't understand where all the bullets come from. Sometimes they're from shootouts from one hill to another. It can happen at any time and end up costing someone their life. Three of my neighbour's sons were shot dead and another neighbour's two daughters were killed by stray bullets. This is no way to live. When a child is killed, you kill the whole family".[46]**

Armed violence has deprived thousands of people in Venezuela of their lives and continues to do so every year. As the available statistics show, around 90% of homicides in Venezuela are committed with firearms. The situation demands that effective action be taken to regulate and control firearms. But the actions taken to date have been insufficient, especially in relation to gun registration and tracking, as the following section shows.

It is important to note that all states are obliged to exercise due diligence to reduce and prevent armed violence as part of their duty to protect and guarantee the right to life and to physical integrity, as well as other rights. Given that the presence of guns fatally escalates violence to such an alarming degree, Amnesty International considers that Venezuela has an obligation to take serious and effective action on the problem of firearms, their production, availability and control and the regulation of ammunition in the country.[47] When the state does not take adequate and effective gun control measures, it fails to comply with its obligations to protect and guarantee human rights.[48]

[46] Interview, 28 July 2016, at the offices of Amnesty International Venezuela.

[47] Gun violence is a priority issue for Amnesty International in Venezuela. The organization has promoted and been part of the public debate on gun control in the framework of the "Basta de Balas" campaign. For more information, see, Amnesty International Venezuela, Basta de Balas: una campaña que no pierde vigencia en Venezuela, [No more bullets: a campaign that is still relevant in Venezuela], 2 April 2018, available atwww.amnistia.org/ve/blog/2018/04/6511/basta-de-balas-una-campana-que-no-pierde-vigencia-en-venezuela (Spanish only).

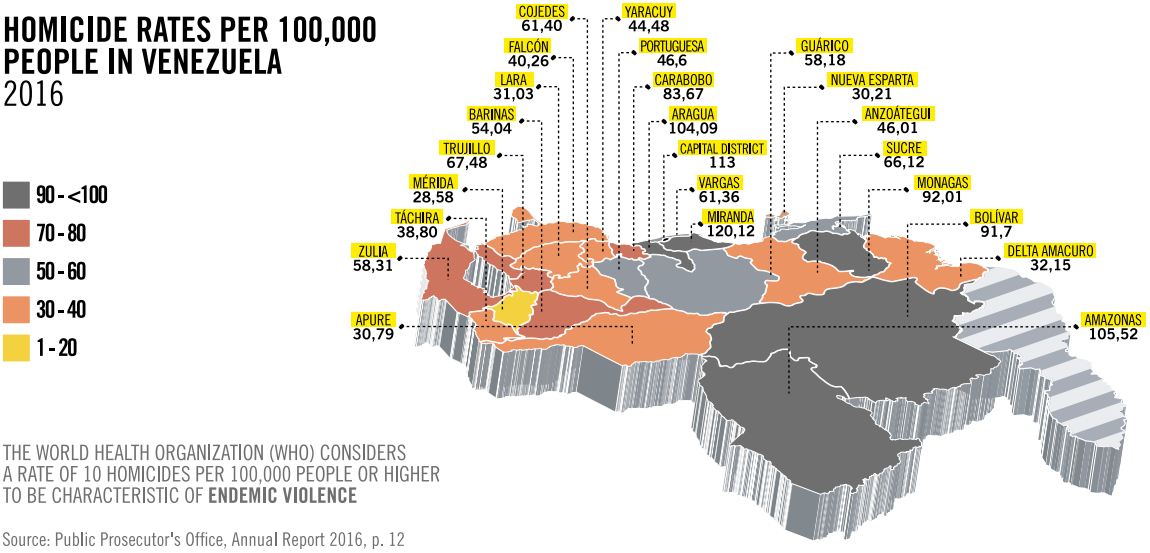
[48] Goal No. 16 of the 17 Sustainable Development Goals calls for the promotion of fair, peaceful and inclusive societies, reflecting the importance

1.4. URBAN VIOLENCE

According to figures from the Public Prosecutor's Office, in 2016, 64% of homicides nationwide were concentrated in areas with the highest population density and urbanization: 17.6% occurred in Miranda state, followed by Zulia state with 11.1%, the Metropolitan Area of Caracas with 10.08%, Carabobo state with 9.05%, Aragua with 8.7% and Bolívar with 7.5%.[49]

Miranda state, in the northern coastal part of Venezuela, had the highest homicide rate in the country, 120.12 homicides per 100,000 people. The equivalent figures for the following four areas with the highest rates were: the Capital District with a rate of 113, Aragua state with a rate of 104.09, Carabobo state with a rate of 83.67 and the Zulia state with a rate of 58.31 per 100,000 people. Other states that also had high homicide rates were Amazonas state with a rate of 105.52 per 100,000 people, Bolívar state with a rate of 91.47 per 100,000 people and Monagas state with a rate of 92.01 per 100,000 people.[50]

HOMICIDE RATES PER 100,000 PEOPLE IN VENEZUELA
2016



THE WORLD HEALTH ORGANIZATION (WHO) CONSIDERS A RATE OF 10 HOMICIDES PER 100,000 PEOPLE OR HIGHER TO BE CHARACTERISTIC OF **ENDEMIC VIOLENCE**

Source: Public Prosecutor's Office, Annual Report 2016, p. 12

Most of the states with the highest homicide rates are part of the northern coastal region of the country which is characterized by large urban concentrations and intense economic activity.[51] There are indications of a recent increase in homicides in states in border areas where illegal activities linked to smuggling or mining are at the source of the violence.[52]

of guaranteeing peace, security and strong institutions by and in states. The inclusion of Goal 16 was partly the result of the Geneva Declaration, a diplomatic initiative supported by 100 states to address the challenges of developing measures to reduce armed violence; Geneva Declaration on Armed Violence and Development, Measuring Goal 16 on peaceful and inclusive societies in the SDGs process, available at www.genevadeclaration.org/influencing-processes/sdgs-and-goal-16.html

[49] Public Prosecutor's Office, Informe Anual de Gestión 2016, 2017, p.12 (Spanish only).

[50] Public Prosecutor's Office, Informe Anual de Gestión 2016, 2017, p.12 (Spanish only).

[51] According to experts, there are a number of factors that explain the levels of violence in urban areas: the combination of a concentration of wealth and social inequality combined with exclusion; the proliferation of clandestine economic activities such as drug and arms trafficking; an ineffective response state, especially the inability to control weapons; the excessive use of force by the security forces; and the weakening of the justice system. Verónica Zubillaga, 'Menos desigualdad, más violencia: la paradoja de Caracas', ['Less inequality, more violence: the paradox of Caracas' in Revista Nueva Sociedad, January February 2013 (Spanish only); Roberto Briceño-León, 'Estructura urbana, tipología de la violencia y miedo en Caracas' [Urban structures, a typology of violence and fear in Caracas], in Sociología de la violencia en América Latina, Facultad Latinoamericana de Ciencias Sociales (FLACSO), December 2007, pp. 247-270 (Spanish only).

[52] In a conference, the expert Andrés Antillano presented the findings of studies carried out in three municipalities in Bolívar state, where there are both mining activities and high homicide rates. The relationship between violence and mining can be explained by the convergence of armed gangs that have a monopoly on illicit activities and extort money, unions that have taken on the functions of maintaining order and the inability of the state to protect and regulate mining activities. Andrés Antillano, 'Relación entre violencia y rentas mineras en el estado Bolívar', in Hacia la construcción de una agenda para la reducción de la violencia letal, ['The relationship between violence and mining in the Bolívar state', in Towards an agenda for the reduction of lethal violence] Red de Activismo e Investigación para la Convivencia (REACIN), Instinto de Vida, 26 October 2017. See also www.youtube.com/watch?v=dx2RxiMcn28 (Spanish only).

1.5. THE VICTIMS OF VIOLENCE: YOUNG MEN LIVING IN POVERTY

According to the 2009 National Victimization Survey,[53] the victims were, for the most part, male (81.13%), young (15 to 24 years old: 36.61%; 25 to 44 years old: 44.12%) and living in poverty (stratum IV: 56.52%; stratum V: 27.12 %).[54] As for the perpetrators, in 81.76% of cases, the attackers were male (78.07% only men and 3.69% men and women). In 23.69% of cases the perpetrators were aged between 15 and 24; in 69.55% of cases they were aged between 25 and 44; and in 2.92% of cases they were 14 years old or younger. The Venezuelan authorities have not published further information with this degree of disaggregation and detail on the profiles of the victims of armed violence since 2009.

According to Unicef, in 2012 Venezuela had the third highest rate in the world of homicides of young men under the age of 20.[55]

The Ministry of People's Power for Health has indicated that homicide was the third most common cause of death for men in 2011 and 2012.[56] In 2012, according to the Ministry, 94.1% of homicide victims were men; 42.3% of whom were aged between 15 and 24 years, and 46.3% between 25 and 44.[57] In 2013, 94.4% of homicide victims were men, 43.4% of whom were aged between 15 and 24, and 45.5% between 25 and 44.[58] A more recent figure from the Public Prosecutor's Office reveals that in 2016, 55.48% of the victims of homicides were people between the ages of 15 and 30.[59] Unofficial data from local organizations estimates that in 2017 the victims of the violence were mostly young (60% were between 12 and 29 years of age) and male (95%).[60] For decades and right up to the present, the majority of the victims of armed violence, whether resulting from crime or at the hands of the state, have been and continue to be young men who live in the poorest neighbourhoods.

Amnesty International believes this paints an extremely worrying picture of the situation in Venezuela: young men are at risk of dying from armed violence and the state is failing to implement effective measures to contain and minimize their victimization. The constant increase in armed violence and homicides has the effect of exacerbating the social exclusion these young people and their families already experience. Later in this report, Amnesty International analyses how exclusion, which is reinforced by violence, results in what is in effect a death sentence for many of these young people when security forces implement a repressive policy of excessive use of force.

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[53] The National Institute for Statistics is in charge of the National Victimization Survey. The Survey was created in response to a proposal by the National Council for Prevention and Public Security (Consejo Nacional de Prevención y Seguridad Ciudadana), a body chaired by the Executive Vice President of the Republic, in order to obtain key indicators for the implementation of public policies on public security and crime prevention. Its work focused on establishing the facts about crime in the country, such as what characterized victims and perpetrators and the circumstances the led to people becoming victims of crime. It also gathered information about people's perception of formal mechanisms for maintaining public order and about the responses, updates, failures and strengths of crime control. The survey was published 2012. However, it has not been published since and no explanation has been given as to why.

[54] National Institute for Statistics, Instituto Nacional de Estadística, Encuesta Nacional de Victimización y Percepción de la Seguridad Ciudadana 2009 [National Victimization Survey and Perceptions of Public Security 2009], Caracas, May 2010, pp. 70-71, available atwww.oas.org/DSP/PDFs/encuestavictimizacion2009.pdf (Spanish only) The definitions of the Graffar-Méndez Castellano method are used to classify social strata. The factors used to determine social strata are: profession of the head of the household divided into five types: 1) university profession; 2) technical profession, traders, producers; 3) technical diploma, small traders, producer retailers; 4) workers or workers in the formal sector; 5) unskilled workers or workers in the informal sector. The second factor is the level of education of the wife or spouse, again divided into five categories: 1) university education; 2) completed secondary education; 3) did not complete secondary education; 4) primary education or literate; 5) illiterate. The third factor is the main source of household income, and the five categories are: 1) inherited or acquired wealth; 2) profits, benefits, professional fees; 3) monthly salary; 4) weekly salary, daily or piece rate; 5) benefits/donations. The fourth factor is housing and the five categories are 1) housing with optimal sanitary conditions in luxury environments and spacious; 2) housing with optimal sanitary conditions in luxurious environments and with sufficient space; 3) housing with good sanitary conditions in spaces that are small or less spacious than the previous category; 4) housing with spacious or small rooms and / or sanitary deficiencies; 5) dwellings with insufficient spaces and inadequate sanitary conditions. To define the strata (stratum I, II, III, IV, V, where stratum I is the highest) the numbers of all the types of the corresponding variables are added together. If the result is between 4 and 5, this corresponds to stratum I; from 7 to 9, to stratum II; from 10 to 11, to stratum III; from 13 to 16, to stratum IV; from 17 to 20, to stratum V. In short, the stratification brings together criteria that measure levels of poverty.

[55] Only exceeded by El Salvador and Guatemala. Unicef, Hidden in plain sight, A statistical analysis of violence against children, 2014, p. 35, available at files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf

[56] Ministry of Popular Power for Health of the Bolivarian Republic of Venezuela, Anuario de Mortalidad 2011 Caracas, 2014, pp. 200-250, available at www.ovsalud.org/descargas/publicaciones/documentos-oficiales/Anuario-Mortalidad-2011.pdf; Ministry of Popular Power for Health of the Bolivarian Republic of Venezuela, Anuario de Mortalidad 2012, Caracas, 2014, pp. 20-35, 200-250, available at www.stopvih.org/pdf/Anuarios-de-mortalidad-por-sida-en-Venezuela/Anuario-de-mortalidad-Venezuela-2012.pdf (all Spanish only).

[57] Ministry of Popular Power for Health of the Bolivarian Republic of Venezuela, Anuario de Mortalidad 2012 Caracas, 2014, pp. 404-405, available at www.stopvih.org/pdf/Anuarios-de-mortalidad-por-sida-en-Venezuela/Anuario-de-mortalidad-Venezuela-2012.pdf (Spanish only).

58 Ministry of Popular Power for Health, Anuario de Mortalidad 2013, Caracas, December 2015, pp.389-390, available at www.ovsalud.org/descargas/publicaciones/documentos-oficiales/Anuario-Mortalidad-2013.pdf (Spanish only).

[59]Public Prosecutor's Office, Informe Anual de Gestión 2016, 2017, p.13, available at www.mp.gob.ve/c/document_library/get_file?uuid=caa5a53d-7e70-4716-958e-0986b593b266&groupId=10136 (Spanish only).

[60] Venezuelan Observatory on Violence, Informe del Observatorio Venezolano de Violencia 2017, 28 December 2017, Caracas, p. 7 (Spanish only).

CLAUDIA VILLAREAL

MOTHER OF LUIS LEAL VILLAREAL, **REPORTEDLY KILLED BY A POLICE OFFICER**[62]

> **"The bad guys here in this country are poor people, like us, because the ones they [the security forces] attack are poor people, ordinary people. [Officials] don't attack each other. You do not see the OLP[61] going into their houses and killing their children. It's us, we're the fools on the receiving end of it all."**

JENNIFER ROTUNDO

MOTHER OF LUIS ÁNGELO MARTÍNEZ, WHO DIED **AT THE HANDS OF ALLEGED POLICE OFFICERS**[63]

> **"Living in a working class neighbourhood and being a young man are the top criteria for you to be killed. That means you can't be young anymore, because who are they targeting? The young"**

1.6. NO ONE IS SAFE FROM THE VIOLENCE

Although the data and cases documented by Amnesty International show that homicide victims are overwhelmingly young men and those living in poverty, the scale of the problem of armed violence is such that it affects the lives and rights of all sectors of the population. For example, several studies suggest that the presence of a weapon increases the risk that violence against women will result in death.[64] However, it has not been possible to access disaggregated data that shows how gun violence impacts women who experience domestic violence. Nevertheless, some general information on the impact of firearms is available.

In 2013, the Ministry of People's Power for Health registered 493 homicides of girls and women under 85; 78 were aged between 15 and 19; 205 were aged between 20 and 34; 94 were aged between 35 and 44; 53 were aged between 45 and 64; and 18 were aged between 65 and 84.[65] The most recent figures published by the Public Prosecutor's Office indicate that in 2015, 253 cases of femicide were reported – 121 killings and 132 attempted killings. The majority the victims were women aged between 15 and 30.[66] In contrast press reports, quoting figures from the CICPC, indicate that of 516 women killed during the first 166 days of 2015, 148 were killed as a result of gender-based violence.[67] In 2016, the Public Prosecutor's Office recorded 122 femicides and 57 attempted femicides.[68] Unfortunately, the Ministry has not provided information on previous years to facilitate a more thoroughgoing analysis about the nature of the problem.

Children and adolescents are also impacted by the effects of violence and homicides. According to studies, the rate of gun-related homicides where the victims were under 17 years of age more than doubled between 1997 and 2010 from 5.2 to 12.5 per 100,000 people. [69]

In 2012, the Ministry of People's Power for Health recorded 140 homicides of children under 15 years of age (103 boys and 37 girls);[70] the equivalent figure for 2013 was 138 (93 boys and 45 girls).[71] Since then, there have been no official figures on the victimization of children.

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[61] OLP stands for Operación Liberación del Pueblo (Operation Liberation of the People), a security measure implemented between July 2015 and the beginning of 2017 during which repressive and violent operations were carried out. More information about the OLP is given later in the report.

[62] Amnesty International interview conducted on 2 March 2018.

[63] Amnesty International interview conducted on 2 March 2018.

[64] Amnesty International, IANSA, Oxfam, The impact of guns on women's lives, 2005, available at www.amnesty.org/en/documents/act30/001/2005/en/

[65] Ministry of Popular Power for Health, Anuario de Mortalidad 2013, Caracas, 2015, pp. 389-390, available at www.ovsalud.org/descargas/publicaciones/documentos-oficiales/Anuario-Mortalidad-2013.pdf (Spanish only).

[66] Public Prosecutor's Office, Informe Anual 2015 a la Asamblea Nacional, February 2016 (Spanish only).

[67] El Estímulo, "En Venezuela fueron asesinadas 616 mujeres en cinco meses y medio" ["616 women killed in Venezuela in five and a half months"], 18 June 2015, available at elestimulo.com/blog/en-venezuela-fueron-asesinadas-516-mujeres-en-cinco-meses-y-medio/ (Spanish only).

[68] Public Prosecutor's Office, Informe Anual de Gestión 2016, p. 55 (Spanish only)

[69] Andrea Chacón and José Luis Fernández-Shaw, "La violencia y las armas llegan temprano", [Violence and weapons arrive early in life] in Revista SIC, Centro Gumilla, 2014, available at revistasic.gumilla.org/2014/la-violencia-y-las-armas-llegan-temprano/ (Spanish only).

[70] Ministry of Popular Power for Health, Anuario de Mortalidad 2012, Caracas, 2014, p. 404, available at www.stopvih.org/pdf/Anuarios-de-mortalidad-por-sida-en-Venezuela/Anuario-de-mortalidad-Venezuela-2012.pdf (Spanish only).

[71] Ministry of Popular Power for Health, Anuario de Mortalidad 2013, Caracas, December 2015, p. 389, available at www.ovsalud.org/descargas/publicaciones/documentos-oficiales/Anuario-Mortalidad-2013.pdf (Spanish only).

According to figures from the NGO Community Learning Centres (CECODAP), homicides targeting children and adolescents increased by 9% between 2013 and 2014: there were 838 such homicides in 2013, rising to 912 in 2014. Most of the victims were males (89%) aged between 13 and 17 (96.01%). According to CECODAP, 13.82% of these adolescents died at the hands of security force officials as a result of alleged confrontations, extrajudicial executions or ill-treatment.[72] The same source indicates that in 2016 there were 764 homicides: 715 of these were adolescents aged between 12 and 17; 31 were under seven years of age; and the remaining eight were aged between 7 and 11. A total of 711 of the victims were boys and 53 were girls.[73]

Although, the available data indicates that young men are the main victims of homicides in Venezuela, Amnesty International is also concerned about the victimization of other groups. In the case of the deaths of women, the Venezuelan authorities should record, document and clarify the circumstances of their deaths in order to determine the which are femicides[74] in order to take appropriate measures that both highlight and also contain and reduce gender-based violence. With regard to children and adolescents, it is worrying that violence not only impacts but is also ending the lives of the younger generation, a group that therefore needs special care and protection.

1.7. IMPUNITY FOR COMMON CRIMES

Amnesty International has not been able to ascertain the number of unresolved homicides in Venezuela each year due to the absence of official data (see the following section for more information),

The first and most important duty of the state, when it is aware that a crime has been committed by private individuals, is to initiate prompt, thorough and impartial investigations in order to bring to justice those responsible. Where there is no effective investigation, the state becomes responsible for failing to ensure that the victims of violence obtain truth, justice and reparation, as well as for contributing to a potential repetition or occurrence of the crime. In a context where more than 90% of cases are estimated of to go unpunished, the responsibility of the state for the constant increase in crime and deaths due to gun violence in the country is inescapable.

Amnesty International is gravely concerned that, despite the undeniable link between impunity and the repetition of crimes such as homicides, robberies, and kidnappings, Venezuela has not taken decisive measures to reform the criminal justice system, neither the courts or judicial bodies nor detention centres.[75]

1.8. OFFICIALLY NON-EXISTENT: THE LACK OF OFFICIAL FIGURES

According to international standards, states must guarantee the right of access to information. When timely and accurate information is not available, this hampers the ability of the authorities and civil society to monitor, oversee and assess public policies and measures that directly affect their rights, wellbeing, property and interests. This in turn can give rise to conditions conducive to inefficiency, corruption and human rights violations.[76]

Amnesty International has been able to confirm that, although state agencies did produce data and figures that allowed the level of violence to be assessed, in recent years that official information has disappeared from view. As a result many civil society organizations have been left to fill the gap created by the state's failure to fulfil its obligation regarding reporting on the current security situation.

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[72] Cecodap, Balance: Venezuela 2014. Impacto de las diferentes formas de violencia contra las niñas, niños y adolescentes, [Evaluation: Venezuela 2014 – Impact of the different forms of violence against children and adolescents] available at available at www.cecodap.org.ve/descargables/derechosNNA/Informe_Somos_Noticia_2014_Violencia_ninez_y_adolescencia_Presentacion_resumida.pdf (Spanish only).

[73] Cecodap, 2016 Somos Noticia, Un panorama sobre las diferentes formas de violencia contra NNA [An overview of the different forms of violence against children and adolescents], Caracas, March 2017, available at www.cecodap.org.ve/descargables/derechosNNA/Informe_Somos_Noticia_2016.pdf (Spanish only).

[74] Femicides are gender-based killings; the killings of women because they are women. The concept recognizes and highlights discrimination, oppression, inequality and systematic violence against women. Femicide, in addition to referring to the violent death of a woman for being a woman, also draws attention to the lack of response from the state to these crimes, which encourages impunity and characterizes these deaths as crimes by the state. Regional Office for Central America of the UN High Commissioner for Human Rights; the Regional Office for the Americas and the Caribbean of the UN Entity for Gender Equality and the Empowerment of Women (UN Women); the Campaign of the UN Secretary-General, UNiTE; Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide), available at www.un.org/en/women/endviolence/pdf/LatinAmericanProtocolForInvestigationOfFemicide.pdf

[75] Amnesty International believes that impunity, due to its complexity, is an issue in itself and merits further discussion.

[76] Office of the Special Rapporteur for Freedom of Expression, Inter-American Commission on Human Rights, The Inter-American legal framework regarding the right to access to information, Organization of American States, 2010, pp. 1-4, available at www.oas.org/en/iachr/expression/docs/publications/2012%2009%2027%20access%20to%20information%202012%20edits.pdf

For example, since 2005, the Ministry of People's Power for Internal Affairs, Justice and Peace, the institution responsible for matters relating to the incidence of crime and violence, has not published official figures on homicides. In December of 2017, via a tweet, the Minister for Internal Affairs, Justice and Peace reported that homicides fell from 16,976 in 2016 to 14,389 in 2017.[77] However, these figures are far from reliable, as they were not accompanied by a report, were not disaggregated, took only one year as a comparative reference and, in general, gave an incomplete picture which did little to clarify the real situation.[78]

In February 2016 and March 2017 the Public Prosecutor's Office reported both the number and the rate of homicides in the annual reports for the years 2015 and 2016. However, in 2018, it has not published any statistics in on the number of homicides that occurred in 2017. At the time of writing, Amnesty International's research had been unable to obtain a reliable and up-to-date official figure on the homicide rate in Venezuela.

This same lack of transparency as regards figures and official data also applies to deaths caused by members of the security forces,[79] the factors contributing to victimization,[80] the gun control plans implemented,[81] or the crime reduction plans put in place,[82] among others.

The little public information produced by the Venezuelan authorities underscores its flaws and the inappropriate categorization. An example of this is the CICPC's use of the category "resisting authority" ("resistencia a la autoridad"). The CICPC, which deals with forensic investigations and so should be one of the principal sources of data on homicides in the country, groups cases of deaths at the hands of the state security forces without distinguishing those that were the result of confrontations or excessive use of force or possible extrajudicial executions under the category "resisting authority".[83]

The absence of official information and the lack of transparency in the handling of data are a consistent feature of state practice and directly affect the ability to implement appropriate plans to guarantee and protect people's rights. They also foster impunity for common crimes committed by private individuals and human rights violations and abuses. Amnesty International considers that this lack of information affects the right of everyone to access information and also has a serious impact on the protection of rights such as the rights to life and physical integrity, among others.

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[77] Minister for Internal Affairs, Justice and Peace, available at twitter.com/Icraca/status/946537294231719938 (Spanish only).

[78] Keymer Ávila, ¿Cómo analizar las actuales cifras delictivas en Venezuela? [How to analyse crime figures in Venezuela], Caracas, February 2018, available at issuu.com/amnistia/docs/cifras_delictivas_de_venezuela_an__?e=1057477/58584001 (Spanish only).

[79] Although the Public Prosecutor's Office in its 2006 Annual Report shared the numbers of cases (not numbers of victims) that occurred between 2000 and 2006 and in 2008 provided figures to the IACHR. However, this body did not share this information again until 2016 (and then only verbally). Therefore there are no official figures for the total number of deaths at the hands of officials (apart from the OLP) for the year 2017.

[80] As of 2012, the National Institute for Statistics stopped publishing the National Victimization Surveys.

[81] For example, studies developed within the framework of the Presidential Commission for the Control of Arms, Ammunition and Disarmament ceased to be undertaken.

[82] Amnesty International has been able to confirm the absence of public information about protocols regarding action and clear definitions of the objectives and procedures regarding security plans. This facilitates irregular actions being undertaken without supervision or institutional or legal limits during public order OLPs.

[83] Keymer Ávila, 'Homicidios en Venezuela: principales debates y aproximaciones explicativas' [Homicides in Venezuela: principal debates and possible explanations], in Revista de Derecho y Ciencias Sociales, Bogotá, 2017; Ana Sanjuán, 'La crítica situación de seguridad ciudadana en Venezuela: características, causalidades, políticas y desafíos' ['The critical situation of public security in Venezuela: characteristics, causes, policies and challenges], in Carlos Basombrio (ed.) ¿A dónde vamos? Análisis de políticas públicas de seguridad ciudadana en América Latina, Wilson Center, Washington, 2013, pp. 297-347; Ana Sanjuán, 'La revolución bolivariana en riesgo, la democratización social en cuestión. La violencia social y la criminalidad en Venezuela entre 1998-2008' ['The Bolivarian revolution at risk, social democratization in question: Social violence and crime in Venezuela between 1998-2008] in Revista Venezolana de Economía y Ciencias Sociales, Vol. 14, No. 3, 2008, pp. 145-173; Andrés Antillano, '¿Qué conocemos de la violencia policial en Venezuela? Las investigaciones e hipótesis sobre el uso de la fuerza física por la policía' [What do we know about police violence in Venezuela? Investigations and hypotheses about the use of physical force by the police] in Espacio Abierto, Vol.19, No. 2, 2010, pp. 331-345; (all Spanish only). Dorothy Kronick, "How to Count Our Dead", Prodavinci, 2016, available at https://www.caracaschronicles.com/2016/07/01/our-dead/; Insight Crime, "Could it be that the Venezuela Murder Rate Did Peak in 2008", 2015 available at insightcrime.org/news/analysis/could-it-be-that-the-venezuela-murder-rate-did-peak-in-2008/; and OVV, "¿Descontando muertos?" [Deducting deaths?], 2016, available at observatoriodeviolencia.org.ve/descontando-muertos-el-ovv-responde/ (Spanish only).



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2. FIGHTING VIOLENCE WITH MORE VIOLENCE

There is a clear need for public policies to be designed and implemented to address the scale of the violence – reflected in the high rates of homicides and criminal indices – which has been one of the greatest concerns expressed by Venezuelans.84 However, the policies that have been implemented over the years have not only been ineffective in terms of reducing violence, they have also ignored the constraints set out in human rights law, especially with regard to the use of force and respect for the right to life and physical integrity. Amnesty International has previously documented and expressed concern about this situation in its report Venezuela: The Eclipse of Human Rights85. Today, the organization's research shows that the state is still failing to change its response regarding maintaining public order and the use of force. Venezuela is not only failing to guarantee and protect the right to life and physical integrity, through the implementation over several decades of ineffective policies to reduce violence, it is also violating human rights when it reacts to violence with more violence.

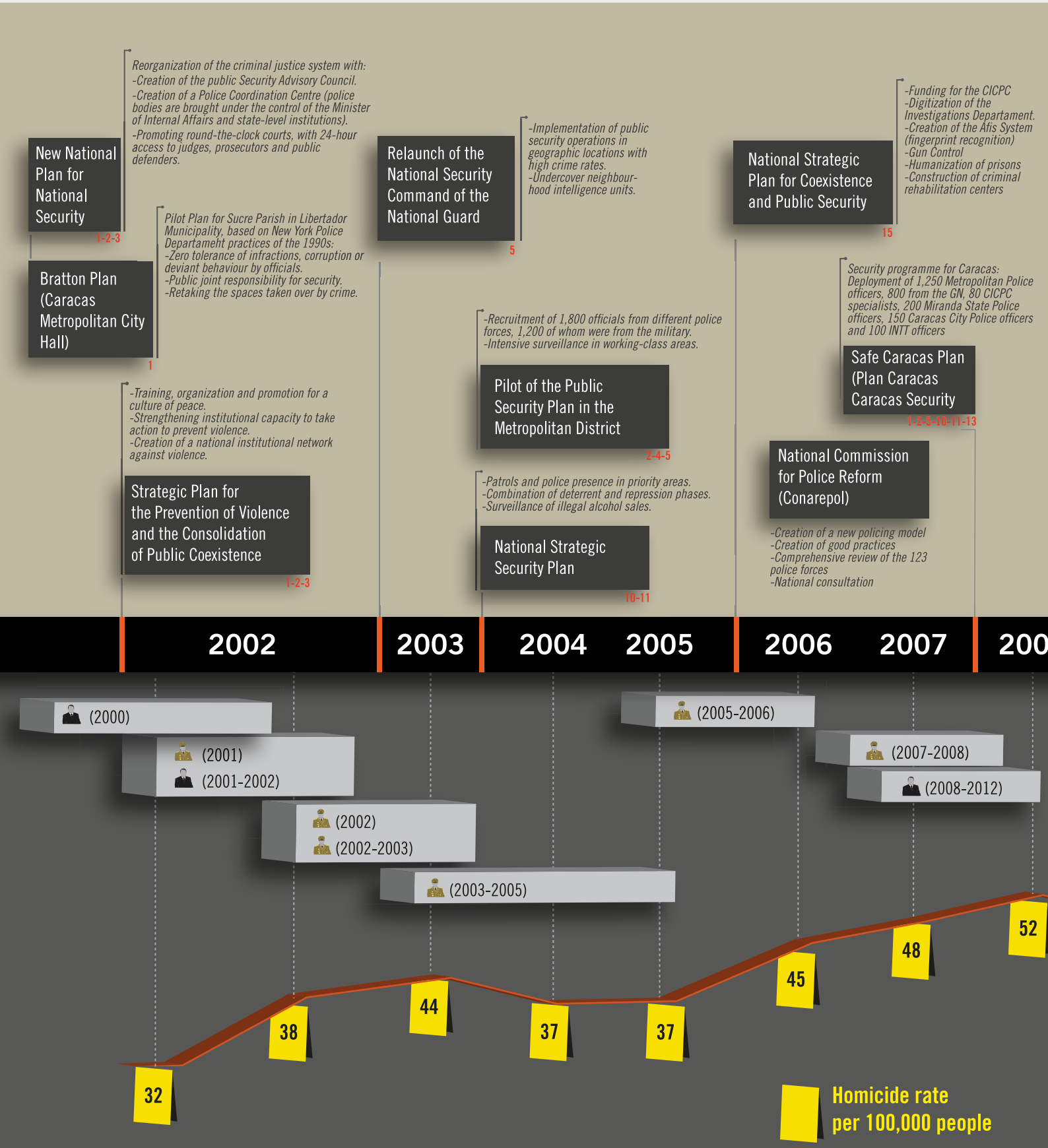
2.1. HISTORICAL OVERVIEW OF PUBLIC SECURITY (2000-2017)

Amnesty International has reviewed the various security plans announced and implemented by the Venezuelan authorities between 2000 and 2017. The following timeline highlights some of the most relevant aspects of these plans, drawing on the official information published on each of them.

[84] Roberto Briceño-León, Laboratorio de Ciencias Sociales LACSO, ENCOVI Encuesta sobre Condiciones de Vida 2017, Seguridad Ciudadana, 2017, available at observatoriodeviolencia.org.ve/wp-content/uploads/2018/02/DEF_Briceno-Leon-ENCOVI_LACSO-2017-Seguridad-FINAL-.pdf; IVAD, Gestión de gobierno y coyuntura política: Estudio Nacional, Del 08 al 16 de agosto de 2015, 2015, available at puzkas.com/wp-content/uploads/2015/08/IVAD-Agosto-2015.pdf (Spanish only).

[85] Amnesty International, Venezuela: The Eclipse of Human Rights (Index: AMR 53/07/93).

17 PUBLIC SECURITY



1Source: Compiled by INCOSEC with data on homicides from the CICPC. Demographic indicators for the years 2002 to 2012 are drawn from the National Institute for Statistics; the rest are based on information published by the public prosecutor´s Office in 2015 and 2016.

MEASURES (2000-2017)

Comprehensive Plan for Prevention and Public Security — 2-3-4-15

Seven battle fronts:
1. Creation of a National Council for Prevention and Public
2. Formation of an Integrated Police System
3. Formation of the National Police
4. Transformation of state and municipal police forces
5. Transformation of the criminal justice system
6. Confronting drug trafficking
7. Transformation of the prison system

Dawn raids on Criminal Gangs (Madrugonazo al Hampa) — 10

Reactive police operations carried out in communities to combat crime

Bicentenary Security (DIBISE) — 4-5-10-14

Operational commands in the 37 municipalities in the country with 78% of the crime:
-Intervention in drug trafficking, criminal investigation, homicidies, control of the sale of alcohol, school violence, disarmament, traffic control.
-Reduction of homicidies by between 20& and 40& in three years.

Gran Misión A Toda Vida Venezuela — 15

Public policy that combines preventive and repressive action:
1. Comprehensive prevention and social harmony and solidarity measures
2. Strengthening of public security bodies
3. Transformation of the criminal justice system and the creation of alternative mechanisms for conflict resolution
4. Modernization of the Venezuelan prison system
5. National system of comprehensive care for victims of violence
6. Creation and dissemination of knowledge for coexistence and public security

Safe Homeland — 2-3-5-6-7

-Deployment of 37,000 officials in 79 priority municipalities
-Roadblocks and checkpoints manned by the Bolivarian Army and the GNB
-Patrols by the People's Guard (Guardia del Pueblo), the PNB, regional and local police

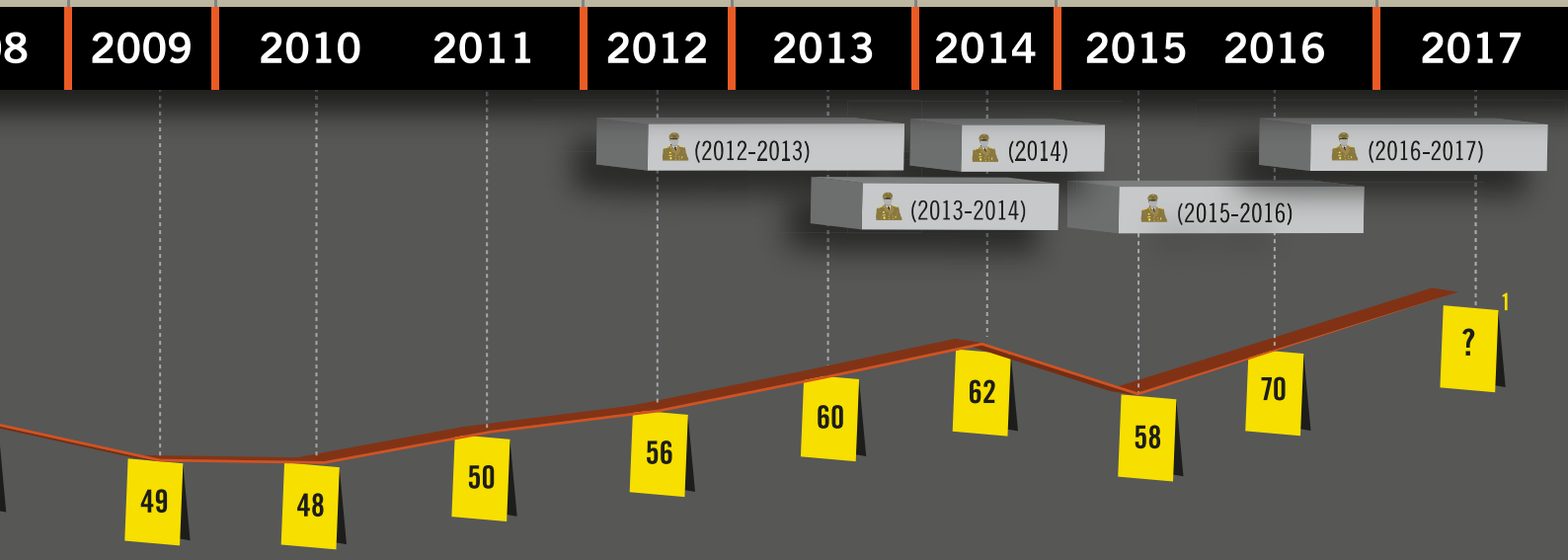
National disarmament plan — 2-3-4-8-9

Voluntary surrender of weapons by owners on gun collection days

Operation Liberation and Protection of the People — 4-5-10-12

Operations carried out by officials from various security forces to defeat paramilitarism and drug trafficking from Colombia

Campaña Carobobo 2021




Militar


Civil

1 Caracas Metropolitan Police (PM)
2 Municipal police
3 Regional police
4 Bolivarian National Police (PNB)
5 Bolivarian National Guard (GNB)
6 People´s Guard
7 Bolivarian Army
8 Bolivarian National Armed Forces (FANB)
9 Ministry for Internal Affairs, Justice and peace (MPPIJP)
10 Forensic Criminal Investigations Unit (CICPC)
11 National Directorate of intelligence and Prevention Services (DISIP)
12 Bolivarian National Intelligence and Prevention Services (SEBIN)
13 National Institute of Land Transport and Transint (INTTT)
14 National Anti-drug Office (ONA)
15 Criminal Justice System
16 Community Counsils

Amnesty International has identified a series of patterns common to public security initiatives. On the one hand, there is a lack of continuity regarding the implementation of public security policies that adopt a comprehensive and preventive approach and which, therefore, could be effective in addressing the multiple causes of violence. Examples of such policies include the Comprehensive Plan for Prevention and Public Security (Plan Integral de Prevención y Seguridad Ciudadana) or the Great Mission for All Life in Venezuela, (Gran Misión A Toda Vida Venezuela, GMATVV), which were implemented only for short periods of time; it is not clear if they were suspended or simply not fully implemented.

On the other hand, many measures that have been problematic because they are highly repressive and excessive have been continued, under similar plans with new names, using the same procedures and mechanisms whose effectiveness has proved far from satisfactory, given the ongoing levels of violence. Examples of these include the Dawn raids on criminal gangs (Madrugonazo al Hampa), the Bicentenary Security Plan (Dispositivo Bicentenario de Seguridad, Dibise) and the OLP, reactive police operations to combat crime during which illegal searches, extrajudicial executions and torture were reported.[86]

Another important fact that emerges from the above timeline is the high turnover of ministers (many of them members of the military) in charge of public security policies which, in turn, may be one of the reasons for the lack of continuity. In fact, between 1956 and 2014, Venezuela had 40 ministers responsible for public security who remained in office for an average of a year and five months.[87]

Amnesty International is deeply concerned that during the past 17 years Venezuela has prioritized the implementation of short-term plans, each of which has resulted in the proliferation of new institutions – such as the National Council for Prevention and Security (Consejo Nacional de Prevención y Seguridad), or the Comprehensive System to Support Victims of Violence (Sistema Integral de Atención a Víctimas de la Violencia) – which are simply discarded when the next new plan is adopted, on average one or two years later.

The repeated recourse to measures whose mainstay is repression, often involving militarized units of the security forces, also poses great risks by approaching public security as a matter or eradicating an "enemy", rather than promoting preventive mechanisms for effective compliance with the law. In addition, it is clear that there has been no improvement in the levels of violence as a result of these public security plans. Indeed, as the following illustrates, they have contributed to the increase in violence in the country.

Amnesty International believes that the Venezuelan authorities must carry out a review, looking back at the history of the security plans that have been implemented and extract those elements that contain a preventive perspective and that are in line with international human rights standards on crime control and invest all state resources to put into effect such non-repressive measures. It is essential that the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials be adopted and that social oversight measures be implemented to monitor the implementation of public security plans.

2.2. GUN CONTROL

Addressing the problem of armed violence requires a multifaceted approach that includes an analysis of relevant risk factors, the creation of frameworks to deal with the impact on development and personal security, and the control of weapons, which helps prevent armed violence by regulating and controlling the supply of guns.

Between the 1970s and 1990s, the handguns and revolvers imported into Venezuela came from the USA, Germany and Belgium. Since the 1990s, the market has diversified to include Italy, Spain, Austria, the Czech Republic, Israel, Brazil and Argentina. In 2010, the only countries that exported handguns and revolvers to

[86] Red de Apoyo por la Justicia y la Paz, Red de Apoyo por la Justicia y la Paz denuncia incremento represivo del CICPC y solicita tomar medidas contundentes a los organismos públicos con responsabilidad en la materia [Support Network for Justice and Peace complains of increasing repression by the CICPC and calls on the relevant public bodies to take decisive action], 4 February 2011, available at www.derechos.org.ve/pw/?p=10509; Red de Apoyo por la Justicia y la Paz, Por una policía al servicio de la vida, [For policing that serves life], 14 February 2011, available at archivo.derechos.org.ve/organizaciones-nacionales-de-derechos-humanos/por-una-policia-al-servicio-de-la-vida; Provea, Informe Anual octubre 2011-septiembre 2011: Derecho a la Vida, p. 417 (all Spanish only).

[87] María Morais, El Sistema Penitenciario venezolano durante los 50 años de la democracia petrolera 1958-2008, [The Venezuelan Prison System during 50 years of a democracy based on oil] UCAB y Fundación Empresas Polar, 2011; Keymer Ávila, Entre 1958 y 2014 hemos tenido 40 ministros de Interior [Between 1958 and 2014, we have had 40 ministers of the interior], Correo del Orinoco, 9 November 2014, available at www.correodelorinoco.gob.ve/nacionales/%E2%80%9Chay-muchas-cosas-que-se-tienen-que-aprovechar-y-potenciar%E2%80%9D/ (Spanish only).

Venezuela were Brazil and Italy.[88] Between 2008 and 2017, Venezuela was the largest importer of military weapons in South America; most came from China and Russia and, to a lesser extent, from Ukraine. However, as of 2014, imports fell significantly due to the economic crisis.[89]

The state response to gun violence was to create CODESARME in 2011, with the participation of the Ministry of People's Power for Internal Affairs, Justice and Peace, the Executive, the National Assembly, the Public Prosecutor's Office, the police, universities and NGOs. CODESARME developed analytical and quantitative studies on firearms, such as the National Victimization Survey, among others.

As a result of the work of CODESARME, a law was drafted that included some of the main findings and, two years later, the Law on Disarmament and on the Control of Arms and Ammunition was approved by the National Assembly.[90] The aim of the law was to regulate and monitor the carrying, possession, use, registration, manufacture and sale of weapons, ammunition and gun parts. It also provided for the punishment of unlawful acts in order to end the illicit manufacture and trafficking of weapons and set out to devise plans for implementing disarmament measures. The law requires that individuals obtain a permit to carry and keep weapons and bans guns from public meetings, health and religious centres, educational institutions, public transport and passenger terminals. The law also called for the sale and carrying of firearms and ammunition to be suspended for a period of two years. In Venezuela, the Bolivarian National Armed Force (Fuerza Armada Nacional Bolivariana), through the Compañía Anónima Venezolana de Industrias Militares (CAVIM), a state-owned firearms manufacturer, and the General Directorate of Weapons and Explosives (Dirección General de Armas y Explosivos), are the only bodies that can authorize the manufacture, import, export, marketing, carrying and possession of arms and ammunition throughout country.[91]

CODESARME 's own studies indicate that the homicide rate in the country fluctuates according to the arms importation cycles.92 Although gun violence has many and complex causes, the control and restriction of the availability of weapons has an impact in reducing it.[93]

According to official estimates, from 1980 to 2011, between 550,000 and 630,000 small arms were lawfully imported into Venezuela94 and the number of small arms in circulation in the country is at least 1.2 million.[95] International organizations, on the other hand, have put the number of small arms in circulation at 5,900,000.[96] It was subsequently reported that in the framework of the Disarmament Plan, which was incorporated into the Gran Misión a Toda Vida in 2012, 433,555 weapons were destroyed up to 2017.

However, as documented by local organizations, this number includes replicas, homemade weapons and shotguns, so it is not possible to determine the impact of the destruction of these weapons on the illegal market which is the source of weapons used in most gun violence.[97] Currently, there is no up-to-date, reliable and accurate official data on the number of weapons circulating in the country, either legally (registered), irregularly (unregistered) or illegally (robbed, stolen or diverted to civilians).

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[88] Presidential Commission for the Control of Arms, Ammunition and Disarmament, Regulación y Lógicas del Uso de Armas de Fuego y Municione [Regulation and Rationale of the Use of Firearms and Ammunition], December 2012, pp. 243-247, available at www.consejogeneraldepolicia.gob.ve/?wpfb_dl=452 (Spanish only).

[89] Stockholm International Peace Research Institute (SIPRI), Trends in International Arms Transfers, 2017, available at www.sipri.org/sites/default/files/2018-03/fssipri_at2017_0.pdf

[90] Ley para el Desarme y Control de Armas y Municiones, Official Gazette No. 40.190, 17 June 2013, available at www.asambleanacional.gob.ve/documentos_leyes/ley-para-el-desarme-y-control-de-armas-y-municiones.pdf

[91] Ley para el Desarme y Control de Armas y Municiones, Official Gazette No. 40.190, 17 June 2013, available at www.asambleanacional.gob.ve/documentos_leyes/ley-para-el-desarme-y-control-de-armas-y-municiones.pdf

[92] Although the trend in 2003 and 2006 was of a rise in gun-related homicides, in subsequent years it was possible to discern a decrease in such homicides.

[93] Presidential Commission for the Control of Arms, Ammunition and Disarmament, Universidad Nacional Experimental de la Seguridad, Regulación y Lógicas del Uso de Armas de Fuego y Municiones [Regulation and Rationale of the Use of Firearms and Ammunition], Caracas, December 2015, p. 253, available at http://www.consejogeneraldepolicia.gob.ve/?wpfb_dl=452 (Spanish only).

[94]Presidential Commission for the Control of Arms, Ammunition and Disarmament, Regulación y Lógicas del Uso de Armas de Fuego y Municione [Regulation and Rationale of the Use of Firearms and Ammunition], December 2012, pp. 250, available at www.consejogeneraldepolicia.gob.ve/?wpfb_dl=452 (Spanish only).

[95] Correo del Orinoco, "En Venezuela no hay más de 1,2 millones de armas de fuego", [In Venezuela, there are no more than 1.2 million firearms] 23 October 2012, available at www.correodelorinoco.gob.ve/tema-dia/venezuela-no-hay-mas-12-millones-armas-fuego/ (Spanish only).

[96] Small Arms Survey, Estimated Global Civilian Held Firearms Numbers, June 2018, p. 4, available at www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf

[97] Red de Apoyo por la Justicia y la Paz, Balance de Política Pública de Control de Armas, Municiones y Desarme 2011-2017 [Evaluation of Public Policy on the Control of Arms, Ammunition and Disarmament 2011-2017], Caracas, October 2017, p. 44, available at www.reddeapoyo.org.ve/

In terms of regulation and control, the research also identified serious failures. It is worrying that as of March 2017, of the 165,000 weapons whose owners had permits to own and carry a gun, only 35,497 were registered in a ballistic identification system. There are no ballistics records for more than 90% of the weapons that entered into circulation legally and there is no evidence that an ammunition marking system has been set up.[98]

Regarding the regulation and control of service weapons issued to state officials ("armas orgánicas"), it is worrying that there is no record of guns issued before 2016. In addition, 80% of the weapons confiscated and collected by police arrive at depots without the magazine or ammunition and organizations have documented the widespread practice among police officers of not recording the weapons or ammunition collected or seized, which would appear to indicate that there are no effective controls to avoid them being diverted to the black market.[99]

MARTHA RAMÍREZ

WHOSE GRANDSON WAS **KILLED DURING A POLICE OPERATION**

> **"Today everyone and their dog has guns. Before, it was not like that."[100]**

Given this context, voluntary disarmament measures have not been sufficient.[101] This also underscores the absence of effective mechanisms to record, track and control weapons and ammunition, including the proper monitoring and auditing of warehouses and depots.

Amnesty International believes that in order to reduce armed violence, strict controls on arms and ammunition are needed, together with a series of measures that address the causes of violence and also resolve the organized corruption and lack of transparency in those state bodies that are issued with weapons and whose members pass them on to third parties.

Amnesty International believes that it is necessary to design and implement an Integrated Weapons, Ammunition and Explosives Policy that regulates the entire cycle of gun use. Mechanisms should be put in place to count the number of weapons in the country, as well as to ensure the implementation of effective controls on the import, production, distribution and trade of arms and ammunition.[102] In addition, a system of marking, registration and tracking of ammunition must be launched using a single, digital and auditable database. Likewise, procedures should be developed to prevent weapons and ammunition being diverted to the black market, as well as timely and effective mechanisms for the destruction and dismantling of weapons.

2.3. OLD HABITS HINDER POLICE REFORMS

Three incidents occurred in a period of less than six months in 2005 and 2006 that resulted in the deaths of students, three members of the same family and a well-known businessman who had publicly denounced corruption and excesses by police officers.[103] These incidents demanded a differentiated response from the

wp-content/uploads/3%Balance-de-la-Pol%C3%ADtica-p%C1.BAblica-de-Control-de-Armas-Municiones-y-Desarme-1.pdf (Spanish only).

[98] According to the law, there should be a ballistics test for each weapon for which a permit to own or carry is issued so that the information can then be stored in an automated system. The CICPC has an information system, but this registers only seized weapons and has no links with the private arms system, which, in turn, is not comprehensive and has not been able to register most legally held weapons. Red de Apoyo por la Justicia y la Paz, Balance de Política Pública de Control de Armas, Municiones y Desarme 2011-2017 [Evaluation of Public Policy on the Control of Arms, Ammunition and Disarmament 2011-2017], Caracas, October 2017, p. 36, available at www.reddeapoyo.org.ve/wp-content/uploads/2017/11/Balance-de-la-Pol%C3%ADtica-p%C3%BAblica-de-Control-de-Armas-Municiones-y-Desarme-1.pdf (Spanish only).

[99] Red de Apoyo por la Justicia y la Paz, Balance de Política Pública de Control de Armas, Municiones y Desarme 2011-2017 [Evaluation of Public Policy on the Control of Arms, Ammunition and Disarmament 2011-2017], Caracas, October 2017, p. 43, available at www.reddeapoyo.org.ve/wp-content/uploads/2017/11/Balance-de-la-Pol%C3%ADtica-p%C3%BAblica-de-Control-de-Armas-Municiones-y-Desarme-1.pdf (Spanish only).

[100] Face-to-face interview, 13 April 2018. In addition to reporting the case of her grandson, Martha Ramírez also described how the uncontrolled proliferation of firearms has changed life in her neighbourhood.

[101] Red de Apoyo por la Justicia y la Paz, Balance de Política Pública de Control de Armas, Municiones y Desarme 2011-2017 [Evaluation of Public Policy on the Control of Arms, Ammunition and Disarmament 2011-2017], Caracas, October 2017, available at www.reddeapoyo.org.ve/wp-content/uploads/3%Balance-de-la-Pol%C3%ADtica-p%C1.BAblica-de-Control-de-Armas-Municiones-y-Desarme-1.pdf (Spanish only).

[102] Venezuela has not ratified the Arms Trade Treaty, which prohibits the transfer of arms to a country, where there are substantial risks that they will be used to commit acts of armed violence, genocide, crimes against humanity or war crimes.

[103] In November 2005, three young university students were killed and several other wounded while travelling in a car in what became known as the

state.[104] In 2006, the National Commission for Police Reform (Comisión Nacional para la Reforma Policial,) was established. One of its objectives was the transformation of police forces in the country, as well as the creation of a new policing model.

The National Commission worked with academics, civil society organizations, experts and representatives of the government and of the political opposition. One of the outcomes was to reinforce the civil nature of the police and the principles of good practice. For example, it resulted in the Progressive and Differentiated Use of Force,[105] which aimed to prevent irregular actions by officials and to establish practices that respected human rights.

Following this, the Organic Law of the Police Service and the Bolivarian National Police Force and the Statute Law on Police Functions were enacted in 2009 to regulate the police service and establish the formal bases of a new model for all policing in the country. The Integrated Police System, the National Experimental Security University, the Bolivarian National Police and the General Police Council were formally established.[106] In spite of such efforts to implement reforms and improve policing in Venezuela, bad practices persist, resulting in human rights violations including not only in the abusive and excessive use of force, but also cover-ups and impunity.

The CICPC is an example of this. This body is the police agency responsible for the forensic investigation of crimes and compiling crime statistics; it also acts as the auxiliary body of the justice system. Statistics regarding deaths at the hands of security forces between 2000 and 2007 show that the CICPC was responsible for the highest number of deaths after state police, despite having the smallest number of officials during that period;[107] that is, the CICPC was revealed to be the police agency with the highest homicide rate. Between 2010 and 2014, according to statistics from the Ombudsman's Office,[108] the CICPC began to account for the highest number of complaints received against its officials, a trend that was also reflected in reports from civil society organizations.[109]

Amnesty International is extremely concerned that the CICPC is the police body responsible for the highest incidence of fatalities in recent years, given that it is the organization responsible for conducting criminal and forensic investigations investigation of crimes and human rights violations, including extrajudicial executions. In other words, the security body that causes the most deaths is the body in charge of investigating them.

Although the authorities believe that they are responding to insecurity, their "hard-line" approach is exacerbating the problem of violence, resulting in more loss of life.

"Kennedy Massacre". Police fired at the vehicle because the students allegedly did not stop when officers at a makeshift police checkpoint shouted at them to stop. In March 2006, businessman Filippo Sindoni was kidnapped and killed. He was in his vehicle when he was stopped at a roadblock and captured. A few days later, his body was found at the side of the road. There was evidence that members of the security forces were involved. In April 2006, the three young Faddoul brothers were abducted and killed. The investigation found that current and former police officials were involved. Keymer Ávila, La instrumentalización del delito: política, empresas de comunicación e inseguridad. Sobre cómo la inseguridad logró posicionarse en el primer lugar de la agenda pública en Venezuela [The instrumentalization of crime: politics, communications companies and insecurity – how insecurity managed to get to the top of the public agenda in Venezuela] in Revista Crítica Penal y Poder, Barcelona, 2012 (Spanish only).

[104] Luis Gerardo Gabaldón, La Seguridad ciudadana como problema de Estado, La Experiencia de CONAREPOL: Lecciones Aprendidas e Implicaciones sobre las Políticas Estadales de Seguridad Ciudadana [Public Security as a state problem: the CONAREPOL experience: Lessons learned and implications for state policies on public security], Instituto Latinoamericano de Investigaciones Sociales (ILDIS), 25 June 2009, p. 2, available at www.ildis.org.ve/website/administrador/uploads/DocumentoLaExperienciaCONAREPOlGabaldon.pdf (Spanish only); National Commission for Police Reform, Estudios. Características de la Policía Venezolana, Caracas, 2009, p. 11, available at www.consejogeneraldepolicia.gob.ve/?wpfb_dl=498 (Spanish only).

[105] General Police Council, Tu Fuerza es Mi Medida: Manual de Uso Progresivo y Diferenciado de la Fuerza Policial [Your Strength is My Action: Manual of Progressive and Differentiated Use of the Police Force], 2010, pp. 9-11, available at www.consejogeneraldepolicia.gob.ve/?wpfb_dl=466 (Spanish only).

[106] The General Police Council became the body in charge of designing and planning public policies on police matters. It published 34 ministerial resolutions on police training and administration, which set out procedural standards, performance evaluations, good police practices, monitoring mechanisms and how to respond to victims. It also published 25 procedure manuals. Luis Gerardo Gabaldón, La experiencia de CONAREPOL: lecciones aprendidas e implicaciones sobre las políticas de estadales de seguridad ciudadana, ILDIS, 2009, disponible en www.ildis.org.ve/website/administrador/uploads/DocumentoLaExperienciaCONAREPOlGabaldon.pdf; Keymer Ávila, El Servicio de Policía en Venezuela y su necesaria institucionalización: ¿Voluntad política del ejecutivo o una tarea legislativa? [The Police Service in Venezuela and its necessary institutionalization: The political will of the executive or a matter of legislation?] Paz Activa, 2016, available at pazactiva.org.ve/wp-content/uploads/2016/09/INFORME-FINAL-Servicio-de-polic%C3%ADa-en-Venezuela.pdf (Spanish only).

[107] Keymer Ávila, "El órgano de investigaciones criminalísticas en el contexto de las campañas securitarias en Venezuela", ['The criminal investigations unit in the context of security campaigns in Venezuela] in Crítica Penal y Poder, Revista del OSPDH de la UB, España, March 2014, No. 6, pp. 36-65, available at revistes.ub.edu/index.php/CriticaPenalPoder/article/viewFile/7457/13021 (Spanish only).

[108] Ombudsman's Office, Informe Anual 2014, p. 92 (Spanish only).

[109] Provea, Informe Anual 2013, Caracas, 2014; Provea, Informe Anual 2015, Caracas, 2016, (Spanish only).

“I SAW MY SON AND WIPED HIS FACE. HE HAD BEEN SHOT IN THE HEAD.”

ZULAY GONZÁLEZ

HAS LOST TWO CHILDREN: ONE AS A RESULT OF ARMED VIOLENCE
AND THE OTHER AS A RESULT OF THE STATE'S RESPONSE TO ARMED VIOLENCE

Zulay González told Amnesty International that on 24 March 2012, her 27-year-old son, Luis Fernando Lugo González, died in Cúa (Valles del Tuy, Miranda state, central region). He was riding his motorcycle when a group of men intercepted him and then shot him in the legs, back and head. Zulay González explained that every time she went to the CICPC and the Attorney General's Office, to find out about her son's death, they always told her: "It's better to keep your head down"; "We've already killed those thugs [malandros]."[110]

Seven months after the death of her son, on 2 November 2012, another of her children, Mario Nicasio Lugo Fernández, was killed by the CICPC. On that day, officials entered the El Café community on the outskirts of Caracas (Hoyo de la Puerta, Miranda state) looking for members of a criminal gang who had killed someone. Zulay González explained to Amnesty International that she was able to see what happened from her home. Mario was out on the street when officials started firing and ordered him to stop. Zulay González went outside and went up to the officials to intervene on behalf of her son. "They just hurled abuse at me and swore at me. ‘Get lost you old busybody. If you don't want a bullet in the head'". Then she saw the officials put Mario into a vehicle. He was still able to walk and was calling out to her.

When Zulay González next saw her son, he was lying dead in the morgue of the Coche Hospital in Caracas. "I saw my son and I wiped his face. He had been shot in the head". She reported her son's death that same day so the investigation could start. According to the police, Mario was killed during a confrontation with officers.

Zulay González was not able to access the case file until a year and 10 months after Mario's death. The investigations stalled after a significant delay in obtaining documents and a change of prosecutors. Five officers have been identified for formal investigation for their role in Mario's death. Although they have been issued with 22 subpoenas to appear, they have never done so. Five years after Mario's death, no official has been detained or removed from their post; indeed, one of the officers suspected of criminal responsibility in the case was allegedly involved in another of the deaths included in this report which occurred in 2013, one year after Mario's death.

Mario had no criminal record nor was he wanted by police. He was a fourth-year high-school student and worked as a taxi driver to help supplement the family income. He would have turned 19 on 3 November, the day after his death.

[110] Term commonly used in Venezuela to describe criminals.

According to the Attorney General's Office, between 2015 and June 2017 there were 8,292 alleged extrajudicial executions: [111] in 2015 there were 1,777 alleged extrajudicial executions, representing 10% of the total homicides that year;[112] in 2016 it was reported that 4,667 people had died at the hands of the security forces, which corresponds to 22% of all homicides;[113] and between January and June 2017, it was revealed that 1,848 people had been killed by the security forces.[114]

CLAUDIA VILLAREAL

MOTHER OF LUIS LEAL VILLAREAL, **REPORTEDLY KILLED BY A POLICE OFFICER**[115]

> **"We realized these are not isolated incidents, but rather they seem to from part of police practice. Yes, a matter of policy and they were given these weapons in order to kill. They were supposed to be a deterrent to help the community, supposedly, but now what they're doing is executing our children."**

It is important to note that, although these are official figures, they are based on an analysis of the complaints and cases known to the Public Prosecutor's Office. They should, therefore, be considered as the minimum number of cases as it is likely that killings by state officials in Venezuela are significantly underreported.

These figures suggest that the reforms and plans, which in theory included a considerable improvement in policing in Venezuela – by reinforcing the civil and deterrent role of the police – have not in practice been effective. As a result, human rights violations by law enforcement officials continue and have indeed increased.

It is Amnesty International's view that police reforms should include:

- Written and clear instructions that regulate the use of force and firearms and that fully respect the norms and standards of international human rights law.
- Abolition of the concept of "resisting authority" that sees loss of life as a standard result of law enforcement operations.
- Effective and strict accountability in each case where loss of a life occurs in law enforcement operations.
- Effective registration, documentation, investigation, oversight and supervision mechanisms to identify irregularities and deviations and guarantee early intervention where contraventions or crimes by officials are identified.

[111] In post during the period between 2008-2014 and 2015-2021, but dismissed in 2017 following a decision by the National Constituent Assembly, BBC World, "La Asamblea Constituyente de Venezuela destituye a la fiscal general Luisa Ortega" [The Constituent Assembly of Venezuela dismisses Attorney General Luisa Ortega] 5 August 2017, available at www.bbc.com/mundo/noticias-america-latina-40838619 (Spanish only).

[112] Office of the UN High Commissioner for Human Rights (OHCHR), Violations of human rights in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, June 2018, p. 15, available at www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf

[113] El País, "La exfiscal de Venezuela acusa en La Haya al régimen de Maduro de cometer más de 8.000 asesinatos" [The former Venezuelan prosecutor accuses the Maduro regime in The Hague of more than 8,000 killings], 17 November 2017, available at: elpais.com/internacional/2017/11/16/america/1510850769_180858.html; Luisa Ortega Díaz, Presentación de Memoria y Cuenta completa, 31/03/2017, available at www.youtube.com/watch?v=DBblOpsXWGY (Spanish only).

[114] Office of the UN High Commissioner for Human Rights (OHCHR), Violations of human rights in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, June 2018, p. 15, available at www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf

[115] Amnesty International interview conducted on 2 March 2018.

- Adequate investigations and the implementation of disciplinary procedures for those officials suspected of having used excessive or unnecessary force in violation of human rights standards, for example sanctions, such as the assignment to administrative tasks during investigations pending possible dismissal, formal charges and deprivation of liberty.[116]

- Appropriate procedures to support victims, including first aid for those injured, as well as providing an explanation of what happened to family members and close friends as soon as possible.

Amnesty International believes that if those who are authorized to use force do not do so in accordance with the law, or do so abusively and, in addition, are not sanctioned adequately, the authorities will not be able to reverse the very serious situation of thousands of people dying at the hands of state security forces.

The following case shows how, despite police reforms that focused on the formation of a new model of policing, the PNB, the bad practices that have traditionally characterized police behaviour have not been corrected.



Victims' family members told Amnesty International that the young men were kneeling or lying down on the floor prior to receiving gunshots to the chest. According to the autopsy reports of the cases documented by Amnesty International, the victims died of gunshot wounds to the front of their bodies –thorax, neck, and head– and were below the police officers who fired the shots.

[116] The dismissal procedure is set out in Article 104 of the Ley del Estatuto de la Función [Law on the Statute of Police Functions]. The procedures for monitoring and supervising police actions are set out in Articles 75, 76, 77, 78, 79, 80, 88, 91, 99 of the Ley del Estatuto de la Función Policial; General Police Council, Tu Fuerza es Mi Medida: Manual de Uso Progresivo y Diferenciado de la Fuerza Policial [Your Strength is My Action: Manual of Progressive and Differentiated Use of the Police Force] April 2010 (Spanish only).

↓ Claudia Villareal | © Amnesty International 2018 | Laura Rangel



> “THERE IS NO REASON FOR THEM TO DISCHARGE A WEAPON, **THAT SHOULD BE THE LAST RESORT. WE DON'T HAVE THE DEATH PENALTY HERE**”

CLAUDIA VILLAREAL

MOTHER OF LUIS LEAL VILLAREAL, WHO **DIED WHILE QUEUING FOR GROCERIES AT REGULATED PRICES**

Since the economic crisis and the shortages in Venezuela, it has been increasingly difficult for people to access basic goods in commercial stores. It is common in cities for people to queue for several hours outside shops to buy food at low, regulated prices. On 25 March 2016, Luis Leal Villareal, a 20-year-old chef, left home early in the morning to go to a shop in the west of Caracas, in Catia, to buy food at regulated prices. It was there that a PNB official shot him and arrested five others who were there.

His mother, Claudia Villareal, saw Luis' body at the Doctor José Gregorio Hernández Hospital (known as the Magallanes Hospital) in Catia. The doctors told her that he was dead on arrival at the hospital. "They undressed him, they took all his belongings, they took away his personal documents, everything".

Claudia Villareal filed a complaint and an investigation was initiated. According to the police, Luis and the other five young people who were queuing with him were carrying out a robbery when confronted the PNB official. However, evidence was obtained indicating that Luis had not fired a weapon.

The others who were with Luis and who were arrested were released seven months later. Despite being threatened by officials, they acted as witnesses. According to their testimonies, the police officer fired without issuing a verbal warning and they then saw him tamper with the scene of the crime, with the complicity of other officers.

Amnesty International was informed that the official investigated in connection with Luis' death had been charged and that a warrant for his arrest had been issued. However, according to Claudia Villareal, the official remained at large at the time of writing.

Both international standards[117] and the national legal framework[118] stipulate that after resorting to the use of force, officials are obliged to ensure the physical integrity of those injured and ensure that they receive adequate medical attention and as soon as possible. They must also notify the relatives of what has happened. Amnesty International interviewed the relatives of a young man who died on 22 August 2015 in Caracas while he was hospitalized in police custody. His relatives were not allowed to visit him. The family were not able to verify that he had received appropriate medical attention.

> **"DO YOU KNOW THE INTENSE SADNESS OF BURYING A CHILD?** IT'S A HUGE SORROW THAT YOU CARRY IN YOUR VERY SOUL."

MARLENI PLAZA

THE MOTHER OF VÍCTOR ORDAZ **WHO DIED AFTER THREE DAYS IN POLICE CUSTODY IN HOSPITAL.** HIS FAMILY WERE NOT ALLOWED TO VISIT HIM.

Víctor Ordaz was 29 years old, had a nine-year-old daughter and at the time of his death worked in a restaurant and as a motorcycle taxi driver. On 18 August 2015, after hours of not knowing what had happened to him, his family learned that he had been shot several times and taken to the Domingo Luciani Hospital (known as El Llanito) in Caracas.

According to his mother, Marleni Plaza, at the hospital, she and other relatives saw that Víctor was being guarded by Chacao Municipal Police officers. The officers told them that Víctor had committed a robbery and had been wounded after a clash in the Altamira neighbourhood. The family were not allowed to go near him. Marleni Plaza only managed to see him from a distance. Víctor asked her about his daughter; that was the last time she saw him alive.

During the three days before his death, officials did not allow her to see Víctor; they told her that criminals deserved to be handcuffed. Marleni Plaza told Amnesty International that she reported this at the Ombudsman's Office, to the Directorate of Fundamental Rights of the Public Prosecutor's Office, and to the director of the hospital. No representative of the Ombudsman's Office or the Public Prosecutor's Office investigated the denial of access to her son. Marleni Plaza was also unable to find out whether Víctor was being treated and if the medication and clothes she had sent reached him. "... he wasn't given the right to have his mother next to him, to have his mother change him, dress him, to hear her voice and give him a word of encouragement, he never had the right to that. If he had to pay for something he had done, then it should have been through the justice system, not like that."

According to the case file, Víctor died as a result of an infected gunshot wound in the abdomen. Marleni Plaza said that when he was shot, her son was with another young man who was also injured and taken to the same hospital. There is no evidence that the authorities took this young man's statement to clarify the circumstances of the shooting during the month he was hospitalized. Unfortunately, this young man also died and so his testimony could not be taken to clarify Víctor's death.

Marleni Plaza said that the Attorney General's Office told her to collect evidence and to find witnesses herself. At the time of writing, almost three years after Víctor's death and despite the fact that the official was identified, the investigation has not been completed and responsibility for his death remains unresolved. According to the information provided by Marleni Plaza, the Attorney General's Office handling the case has not assigned a prosecutor to the case and that is why she has been denied access to updates to the case file.

[117] Amnesty International, Use of Force: Guidelines for Implementation on the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, August 2015, Amsterdam, p. 82.

[118] Resolution 88, Official Gazette No. 39,390, Caracas, 19 March 2009



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2.4. A MILITARY APPROACH TO PUBLIC ORDER POLICING

The police and the military are institutions with different aims and, therefore, their training and preparation are also different.[119] In principle, the police are in charge of deterrent and control operations to guarantee the lives of all individuals, while the military are instructed and trained on how to defend national sovereignty against an enemy and to counter such threats through acts of war where necessary.[120]

The deployment of military forces for public order policing involves considerable risks, including the potential risk of human rights violations through the use military tactics and procedures that are not necessarily in line with the framework established by human rights law. A military rationale and modus operandi relate to the conduct of hostilities in which the use of force, including lethal force, is a valid option. The equipment used, therefore, is designed to neutralize the enemy combatant and not to minimize possible damage and injury or to protect and preserve life.

The use of military forces to support the security forces in public order operations should, therefore, be exceptional and always subordinate to the civil authorities. If military units are to be deployed for public order duties, it is essential that a review of operational rationale is first undertaken to ensure it prioritizes the use of non-violent methods and the protocols that govern them, and that training is adapted to a focus on the application of the law, prioritizing communication and minimizing harm, and ensuring that the use of force is a last resort.[121]

[119] Inter-American Commission on Human Rights, Democracy and Human Rights in Venezuela: Executive Summary, 2009, available at: www.cidh.org/countryrep/Venezuela2009eng/VE09.TOC.eng.htm

[120] Keymer Ávila, "Seguridad Ciudadana y Seguridad Nacional: La lucha por el control de las manifestaciones y del orden público en Venezuela" in Libro Homenaje a la Academia de Ciencias Políticas y Sociales en el centenario de su fundación 1915-2015, ['Public Order and National Security: The struggle for the control of demonstrations and public order in Venezuela', in Homage to the Academy of Political and Social Sciences in the centenary of its foundation 1915-2015], Caracas (Spanish only).

[121] Amnesty International, Use of Force: Guidelines for Implementation on the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, August 2015, Amsterdam, p. 160.

> We will apply justice with force and force with justice.[122]
> ***Minister for Internal Affairs, Justice and Peace,*** *27 May 2016*

In Venezuela, the military influence on the security forces dates back to 1937 with the creation of the network of security services, in addition to the investigative police, including the National Guard tasked with maintaining public order. The National Guard subsequently continued participating in the training, development and management of state police forces,[123] thus influencing their institutional development.[124] Currently, the bodies tasked with maintaining public security in Venezuela include the Bolivarian National Guard (GNB) which is under the authority of the Ministry of People's Power for Internal Affairs, Justice and Peace.

In this context, it is noteworthy that non-military personal have vacated key positions and that military personnel have been appointed to the Ministry for People's Power for Internal Affairs, Justice and Peace: of the 19 ministers in charge of public security who have occupied the post since 1996, 11 have been from the military. The trend can also be seen with the appointment to other posts that, by their nature, should be occupied by civilians.[125] In addition, it is significant that army personnel as well as members of the GNB have been used for public order operations and to operate checkpoints.

The participation of the military in operations and in the leadership of police forces, as well as the practices and procedures adopted by security officials that follow a military rationale of fighting and neutralizing the enemy, are of concern. Amnesty International believes that this is contrary to Venezuela's international obligations, especially regarding policing, maintaining public order and the use of force. Despite the efforts to reform the police, the "hard line" strategies implemented reflect how, progressively, the deterrent approach has been side-lined and greater emphasis has been given to short-term, sporadic and highly repressive operations using militarized methods.

> **They were a group of 700 men from several special groups working together and what they essentially tried to do was to occupy a part of the territory that was being relentlessly targeted by criminal gangs. Two people, from a gang that is totally disbanded, were apprehended and have died in the last few days. Three members of Johan Funes126 who had criminal intent and were surprised in the act of committing a crime were taken down."[127] [emphasis added].**
> ***Minister for People's Popular for Internal Affairs, Justice and Peace,*** *13 July 2015*

[122] Minister González López' evaluation of the OLP operation in which Lucifer was killed, available at www.youtube.com/watch?v=In9TrSzXEmg (Spanish only).

[123] In Venezuela, the state level refers to the political geographic division of the country into the provincial states.

[124] Luis Gerardo Gabladón, Policía y control social, 1990-1999: fragmentación, centralización y difusión en América Latina, [Police and social control, 1990-1999: fragmentation, centralization and dispersion in Latin America] Universidad del Zulia, December 1999, pp.138-139, available at www.produccioncientificaluz.org/index.php/capitulo/article/viewFile/4612/4607 (Spanish only).

[125] In January 2014, retired Army General Manuel Pérez Urdaneta was appointed Director of the PNB. In 2015, he was appointed Vice-Minister for Prevention and Public Order, while General Juan Francisco Romero (former Commander of the GNB) was appointed Director of the PNB. In addition, Soraya El Achkar was replaced as Director of the Universidad Nacional Experimental de la Seguridad (UNES) [National Experimental University of Security] by another retired military officer, Ronald Blanco La Cruz. The changes were announced in Official Gazette No. 40,328. In 2015, General Gustavo González López left the Ministry of Popular Power for Internal Affairs, Justice and Peace and for the Ministry of Health and was replaced in August 2016 by another military officer, Major General Néstor Reverol. Correo del Orinoco, Néstor Reverol es el nuevo ministro de Interior, Justicia y Paz, [Néstor Reverol is the new Minister for the Internal Affairs, Justice and Peace], 2 August 2016, available at www.correodelorinoco.gob.ve/politica/nestor-reverol-es-nuevo-ministro-interior-justicia-y-pa (Spanish only).

[126] Name of a suspected leader of a criminal gang.

[127] "Ahí fueron aprehendidas dos personas de una banda que está totalmente desmantelada y en recientes días fallecieron, fueron dados de baja 3 elementos de Johan Funes que pretendió cometer delitos y fueron sorprendidos en su fechoría." (Énfasis añadido). González López: Mueren 14 maleantes en Cota 905, operativos en Betania y Ciudad Tiuna, [14 thugs killed on Cota 905, officers in Betania and Ciudad Tiuna], available at www.youtube.com/watch?v=_Vd3TEAC16I (Spanish only).



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2.5. ABUSIVE AND EXCESSIVE USE OF FORCE: USING EXTRAJUDICIAL EXECUTIONS AS A RESPONSE TO VIOLENCE

The response of the Venezuelan authorities to insecurity has been characterized by the use of force in the context of operations in areas with high levels of violence that, as explained earlier, are urban neighbourhoods and high rates of poverty. However, these operations, contrary to Venezuela's international obligations, have been characterized by excessive and, in some cases, abusive and totally unnecessary use of force which often make these operations particularly violent, leading to serious human rights violations.

Since the late 1990s, Amnesty International has documented and expressed concern about the number of human rights violations in Venezuela in the context of public security operations. These serious human rights violations include cases of torture, ill-treatment and extrajudicial executions[128] carried out by security personnel. In many cases, these are falsely attributed to so-called armed confrontations.[129] Most of the victims, which include adolescents, are branded as criminals, although in reality they were protesters, or unarmed people from poor neighbourhoods.

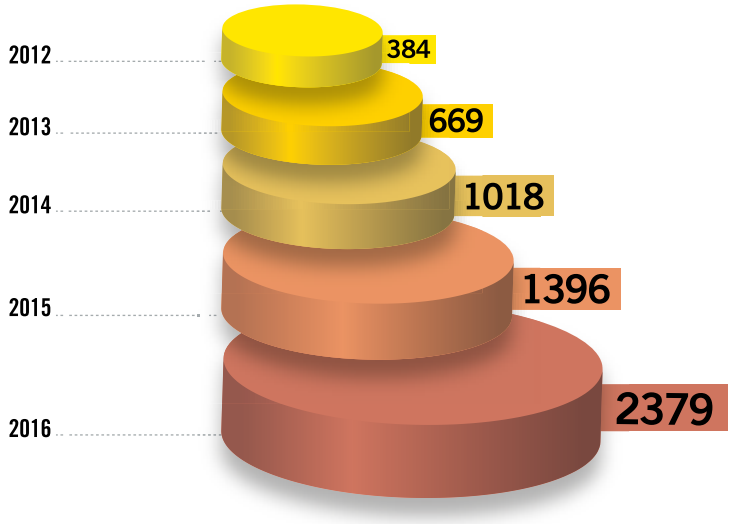
When the process of police reform began, civil society warned about the excessive use of force by police officers in the framework of actions implemented in plans such as the Dibise in 2010 and the Madrugonazo al Hampa in 2011, during which raids were reportedly carried out without a warrant and cases of torture and extrajudicial executions were reported.[130]

[128] Amnesty International, Venezuela: The Eclipse of Human Rights (Index: AMR 53/07/93). At least 15 urgent actions were issued between 1995 and 2010.

[129] Similarly, the Inter-American Commission on Human Rights (IACHR) as early as 2003 indicated that extrajudicial executions were typically covered up as armed clashes during routine procedures such as arrest or raids. Inter-American Commission on Human Rights, Executive Summary, Report on the Situation of Human Rights in Venezuela, 2003 (Índice: OEA/Ser.L/V/II.118), available at www.cidh.org/annualrep/2003eng/chap.4b.htm#VENEZUELA]

[130] Red de Apoyo por la Justicia y la Paz, Red de Apoyo por la Justicia y la Paz denuncia incremento represivo del CICPC y solicita tomar medidas contundentes a los organismos públicos con responsabilidad en la materia [Support Network for Justice and Peace complains of increasing repression by the CICPC and calls on the relevant public bodies to take decisive action], 4 February 2011, available at www.derechos.org.ve/pw/?p=10509 (Spanish only); Red de Apoyo por la Justicia y la Paz, Por una policía al servicio de la vida, [For policing that serves life], 14 February 2011, available at archivo.derechos.org.ve/organizaciones-nacionales-de-derechos-humanos/por-una-policia-al-servicio-de-la-vida (Spanish only); Provea, Informe Anual octubre 2011-septiembre 2011: Derecho a la Vida, p. 417 (all Spanish only).

ALLEGED EXTRAJUDICIAL EXECUTIONS IN VENEZUELA
2012-2016



Source: Extrajudicial executions, 40 stories of 6,385 lives ignored 2012-2017, COFAVIC (2017)

> "What is the outcome for a criminal? Either prison or six feet under. Because that is a criminal's final destination."[131]
>
> *Head of Regional Command No. 5 deployed in the framework of the DIBISE, 2010*

The Venezuelan NGO Committee of Relatives of Victims of the Events of February and March of 1989 (COFAVIC) has documented 6,385 cases of extrajudicial executions that occurred between 2012 and 2017 and the numbers are increasing. Thus, in 2015, the organization reported 1,396 cases, 37% more than the 1,018 recorded in 2014. In 2016, 2,379 cases were recorded, 70% more than in the previous year. Once again, research confirms that the great majority of these victims were men under 25 and from poor neighbourhoods.[132]

The OLP is one of the most recent examples of repressive operations implemented by the authorities. Military units participated in the implementation of this plan which resulted in thousands of cases of serious human rights violations, including arbitrary arrests, extrajudicial executions, enforced disappearances and infringements of the rights to privacy, physical integrity and due process.

According to the Report of the Ministry for People's Power for Internal Affairs, Justice and Peace, the OLP is framed within the "Popular System for Protection for Peace" (Sistema Popular de Protección para la Paz, SP3),[133] a mechanism that brings together communities and state authorities and both police and military bodies to promote policies and implement public security plans to counter internal and external threats.[134]

This Decree setting this in place blurs the difference between the civil and military spheres. It deals, without distinction, with public security and national security, national defence policy and criminal policy, common crimes and external threats.[135] The OLP is based on measures that are vaguely defined and so result in a military perspective influencing public security actions, which increases the likelihood of the excessive, arbitrary and discretionary use of force against what are seen as "internal enemies". The first operation within

[131] See also, videos of statements made on Noticias24, "La frase del día: 'El destino de los delincuentes es la cárcel o bajo tierra'", 6 September 2010, available at www.noticias24.com/actualidad/noticia/171254/la-frase-del-dia-el-destino-de-los-delincuentes-es-la-carcel-o-bajo-tierra/ (Spanish only).

[132] COFAVIC, Ejecuciones extrajudiciales, 40 historias de 6385 vidas ignoradas 2012-2017, [Extrajudicial executions, 40 stories of 6,385 lives ignored 2012-2017], 2017, p. 47 (Spanish only).

[133] The SP3 was created in law by Article 59 of the Organic Law of Security of the Nation (Ley Orgánica de Seguridad de la Nación, LOSN) and was later developed in the Presidential Decree No. 1.471 of 2015. Ministry for People's Power for Internal Affairs, Justice and Peace, Informe Anual 2015, 2016, pp. 15 and 33 (Spanish only).

[134] Decree No. 1,471, Official Gazette No. 40,582, Caracas, 16 January 2015.

[135] Keymer Ávila, "Las Operaciones de Liberación del Pueblo (OLP): entre las ausencias y los excesos del sistema penal en Venezuela" ["Operations Liberation of the People (OLP): between the absence and the excesses of the criminal justice system in Venezuela", in Revista Crítica Penal y Poder, Barcelona, 2012 (Spanish only).

the OLP framework took place on 13 July 2015 and illustrates a pattern and modus operandi that would be replicated in the subsequent operations. The media reported that the operation involved approximately 250 officers from the CICPC, the PNB, the GNB and the Bolivarian National Intelligence Service (SEBIN) in working-class neighbourhoods in an area of Caracas known as Cota 905.[136] The security forces stormed the neighbourhood using tanks, patrol cars and high-capacity motorcycles. They conducted raids and forced their way into many homes. According to the report presented by the Ministry of People's Power for Internal Affairs, Justice and Peace, the "casualties" during the armed confrontations were 15 alleged criminals (14 were shot and one person was wounded and later died). No officers were reported to have been injured.

The implementation of the OLP was purportedly aimed at "freeing" communities by protecting them from the criminal violence committed by criminal gangs using paramilitary methods.[137] This description reflects the thinking behind these operations which was one of confronting an internal enemy.

Amnesty International has discovered that authorities and senior government representatives routinely issue casualty figures following these operations. They appear to be modelled on war reports, in which figures are given for criminals "killed" or "casualties", while claiming victims were guilty of committing crimes and presenting their deaths as a success in the fight against crime.138 These casualty figures are evidence that the basic principles regarding the use of force in public order operations were ignored and disregarded during OLPs. They also indicate that these were not isolated incidents or due to the arbitrary actions of individual officers, but rather they had the backing of the authorities who judged the success of an operation on the basis of "casualties" among the suspects, who could in fact be any young person in a working-class neighbourhood. They also highlight the abusive, excessive, and sometimes intentionally lethal, use of the force on the part of both civilian and military officers and the violation of procedural guarantees and the principle of the presumption of innocence.

> **"Of the 12 states in the country where the OLP has been deployed, the combat report are as follows: deployed officers, 16,799; people arrested for various crimes, 931, of which 113 are foreigners; gangs broken up together with their leadership, 27; criminals killed during clashes...52** [139] **[emphasis added]."**
>
> ***Minister for Internal Affairs, Justice and Peace,*** *12 August 2015*

[136] La Cota 905 is a road that crosses the parishes of La Vega, El Paraíso and Santa Rosalía in Libertador Municipality in western Caracas. Cota 905 goes through a series of working-class neighbourhoods and estates.

[137] González López: Mueren 14 maleantes en Cota 905, operativos en Betania y Ciudad Tiuna, [14 thugs killed on Cota 905, officers in Betania and Ciudad Tiuna], available at www.youtube.com/watch?v=_Vd3TEAC16I (Spanish only).

[138] González López: Mueren 14 maleantes en Cota 905, operativos en Betania y Ciudad Tiuna [14 thugs killed on Cota 905, officers in Betania and Ciudad Tiuna], available at www.youtube.com/watch?v=_Vd3TEAC16I; OLP han dejado 52 abatidos, según informó gonzález lópez, [OLP leaves 52 dead, according to González López] available at www.youtube.com/watch?v=ewgub8u4eso; Ministro González López: Las OLP lograron abatir al Lucifer, al Topo y al Picure, [the OLP managed to shoot and kill Lucifer, Topo and Picure], available at www.youtube.com/watch?v=-uuvalt6ovq; OLP ha recuperado 155 apartamentos de la misión vivienda en Lara, [OLP recovers 155 apartments from the housing estate in Lara] available at www.youtube.com/watch?v=xbwupvqg_wa; Ministro González López ofreció balance sobre operativo de la OLP donde resultó abatido Lucifer, [Minister González López' reports on the OLP operation in which Lucifer was killed] available at www.youtube.com/watch?v=In9trszxemg; 19 abatidos en nueva fase de OLP en seis estados, informa Nestor Reverol [19 killed in a new phase of the OLP in six states, reports Nestor Reverol], available at www.youtube.com/watch?v=dgjvujzpmjg (all Spanish only).

[139] "De los 12 estados del país donde ha sido desplegada la OLP, el parte es el siguiente: funcionarios desplegados, 16.799; detenidos por la comisión de distintos delitos, 931, de los cuales 113 son extranjeros; bandas desarticuladas junto con sus cabecillas, 27; delincuentes abatidos durante enfrentamientos (...) 52." "OLP han dejado 52 abatidos, según informó González López, [OLP leaves 52 dead, according to González López] available at www.youtube.com/watch?v=ewGuB8U4Eso (Spanish only).

> **THAT DAY THE UNDERTAKERS WERE SO OVERWHELMED** THAT WE HAD TO TAKE OUR RELATIVES TO ANOTHER AREA

ASDRÚBAL GRANADOS

FATHER OF YANDERSON GRANADOS, **WHO DIED ON HIS WAY TO WORK WHEN HE ENCOUNTERED AN OLP**

Yanderson Granados was 25 years old. He was studying advertising and worked delivering food. He lived in El Junquito, on the outskirts of Caracas, with his partner, who also has a seven-year-old son. On 6 October 2016, he went to his parents' house on the Andrés Eloy Blanco estate in the 23 de Enero neighbourhood in Caracas because there was no water in El Junquito and he needed to wash some clothes. When he left for work, at around six in the morning, he was arrested by OLP officials.

According to Asdrúbal Granados, Yenderson's father, he and his wife found their son at noon in the Periférico de Catia Hospital, dead. His clothes had been removed and his phone and wallet had been taken. He died as a result of two gunshot wounds to the chest. On the same day, a senior government official announced at a press conference that he had started a new phase of the OLP which had resulted in 12 "casualties" in Caracas.140

Asdrúbal Granados lodged a complaint and an investigation was initiated. According to the police, Yanderson died following a confrontation with PNB officials. However, at the time of writing, no evidence of a confrontation had been forthcoming.

An investigation was initiated into an official. However, as of March 2018, a year and a half later, the investigation remained in the initial and preparatory stages. There had been no significant progress in determining the official's alleged criminal responsibility for Yanderson's death. Asdrúbal Granados's search for justice continues: "I feel scared, but I also have courage, because they killed my boy. It's already over a year since I lost him, and the sadness, the tears, that must not all be in vain. I told him that at his graveside."

> **"Operation Liberation and Protection of the People (OLP) was made in the revolution and therefore you can be completely certain that it is made in peace, it leads to and makes peace... There will never ever be any human rights violations, because everything that is built in the revolution bears the seal of respect for humanity: the human being comes first".[141]**
>
> ***Minister for Internal Affairs, Justice and Peace,*** *2015*

Many of the deaths linked to the OLP occurred in people's homes. The victims were often adolescents killed in front of their relatives and children by officials who entered their homes without identifying themselves and without producing a court order. That is what happened to Alex Vegas.

[140] 19 abatidos en nueva fase de OLP en seis estados, informa Nestor Reverol, [19 killed in a new phase of OLP in six states, reports Nestor Reverol], available at www.youtube.com/watch?v=DGjvUjzPmJg (Spanish only).

[141] "La Operación de Liberación y Protección del Pueblo (OLP) está hecha en revolución y por ende tengan la plena certeza que está hecha en paz, lleva y está hecha por la paz (...). Allí, nunca de los nunca jamases se va a violar ningún derecho humano, porque todo lo que se construye en revolución lleva el sello del respeto de lo humano: primero el hombre". Correo del Orinoco, "González López: Las OLP están hechas en revolución y paz" [The OLPs were made in revolution and peace], 29 July 2015, available at: www.correodelorinoco.gob.ve/nacionales/gonzalez-lopez-olp-estan-hechas-revolucion-y-paz/ (Spanish only).

Alex Vegas | © Amnesty International 2018 | Laura Rangel

“WHAT DID MY SON EVER DO TO THEM? **WHY DID THEY KILL HIM?**”

ALEX VEGAS

FATHER OF ALEX YOHAN VEGAS, **A TEENAGER KILLED AT HOME DURING AN OLP**

Alex Yohan Vegas Azuaje was 16 years old. He had a three-month-old daughter and so left school and started working delivering cleaning products. He lived with his parents and his 12-year-old sister in the Cerro Grande neighbourhood in El Valle, Caracas.

On 10 March 2017, at 6 o'clock in the morning, PNB officers broke down the door and entered the house. They did not have a warrant. They forced his parents and his 12-year-old sister out of the house into the street. Between five and six officers went up to the room where Alex Yohan was sleeping. His father, Alex Vegas, told Amnesty International that he saw that one of the officers was wearing a mask with skulls on it. Every time he tried to go back into the house, the officers threatened to beat him and told him that they were carrying out an OLP under the presidential order: "These people were going crazy that day, really. They said they were following a presidential order, that it was a presidential order".

After a while, the officials took the parents and the sister to the police headquarters in El Valle. While they were there, relatives and friends of the Vegas family arrived and told them that Alex Yohan was dead. His body had been taken to the Doctor Leopoldo Manrique Terrero Hospital (known as the Periférico de Coche Hospital). In addition to Alex Yohan, nine other people died that day in El Valle as part of the same operation.

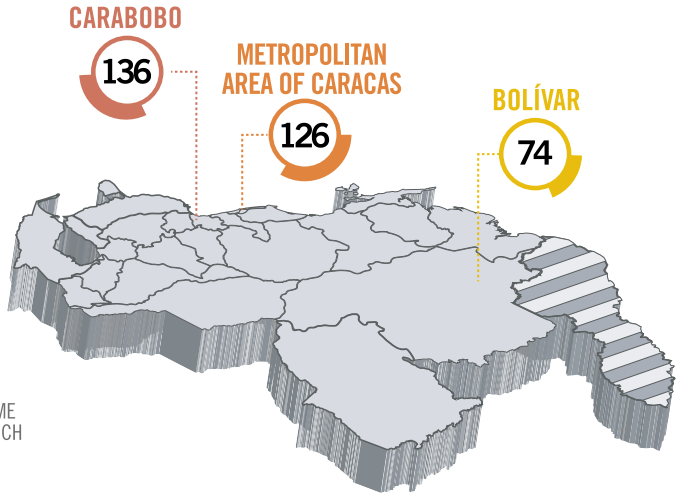
Alex Vegas, his wife and daughter were allowed to go back home at three in the afternoon. They found a pool of blood in the room and signs of gunfire. They discovered that they had been robbed; electronic devices, watches, shoes, shirts, flour and sugar had been taken.

Alex Vegas lodged a complaint and an investigation was initiated. According to the police, Alex Yohan died in a confrontation with police. However, to date, the criminal investigation has not shown that there was a confrontation. Alex Yohan died of injuries resulting from gunshot wounds to the heart and left lung.

As of March 2018, no official had been arrested in connection with his death. Alex Vegas believes that for deaths like his son's to stop happening, things have to change: "another security policy, something else, not going around killing people left and right. They enter the houses, kill people and that's it".

According to figures published by the Minister for Internal Affairs, Justice and Peace, in the first 30 days of the OLP alone, 52 alleged criminals died.[142] According to the Public Prosecutor's Office, 245 people died during the first five months of the OLP.[143] According to figures from the Public Prosecutor's Office, 505 people died between July 2015 and March 2017 in context of OLPs.[144] Both the Public Prosecutor's Office[145] and the Ombudsman's Office[146] expressed concern at the various allegations of extrajudicial executions, arbitrary detentions, deportations, forced evictions and robberies received by their offices.

STATES WITH THE HIGHEST NUMBER OF DEATHS DURING THE OLP
2015-2017



THE **OPERATION LIBERATION OF THE PEOPLE** WAS AN ANTI-CRIME INITIATIVE THAT CONSISTED OF REPRESSIVE OPERATIONS IN WHICH HUMAN RIGHTS VIOLATIONS WERE COMMITTED

Source: Actions of the Public Prosecutor's Office related to the OLP in Venezuela (March 2017-July 2017), Public Prosecutor's Office (2017)

As the above table shows, the majority of deaths occurred in states of the north-coastal region of the country and in Bolívar state, where the highest homicide rates are also concentrated. This suggests that the highest number of operations or the most lethal operations were carried out in the areas that report the highest rates of violence: violence was responded to with more violence.

The Public Prosecutor's Office revealed that of the 505 people killed in OLPs, 27 were adolescents (5.35%). 99.21% of the victims were men between 16 and 55 years of age. Between July 2015 and March 2017, 1,074 police and/or military officers were investigated for their actions during OLPs: 137 PNB officers (12.76%); 77 GNB officers (7.17%); 708 CICPC officers (65.92%); five members of the Bolivarian Army (0.4%); 21 members of the SEBIN (1.96%); 121 state police officers (11.27%); and five municipal police officers (0.4%). During the same period, 112 police and/or military officers were accused, of whom 43 were formally charged: eight PNB officers, five members of the SEBIN, a member of the Army, 15 state police officers, three members of the National Guard and 11 members of the CICPC. In addition to homicides, 77 investigations were initiated for other crimes: 16 for breaking and entering, two for theft, one for making threats, three for private violence, four for illegitimate deprivation of liberty, two for cruel treatment and 49 for abuse of authority and destruction of property.[147]

[142] El Nacional, "González López informó que OLP ha dejado 52 abatidos, [González López reports that OLP has left 52 dead], 13 August 2015 available at www.lapatilla.com/site/2015/08/12/olp-han-dejado-52-abatidos-segun-informo-gonzalez-lopez/ (Spanish only).

[143] Public Prosecutor's Office, Informe Anual 2015, p. 56

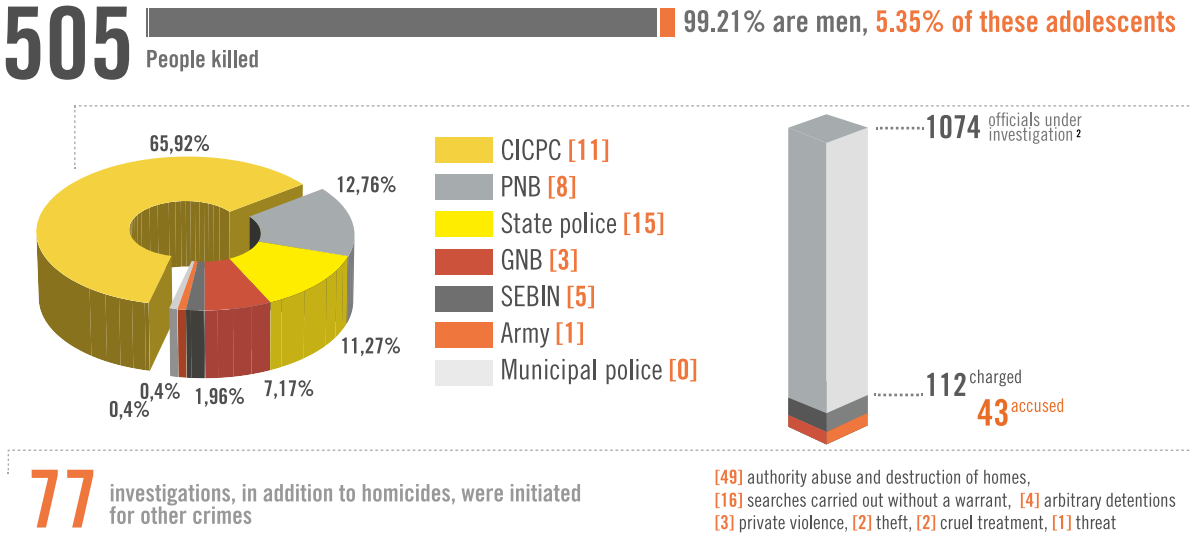
[144] Public Prosecutor's Office, Actuaciones del Ministerio Público relacionadas con la OLP en Venezuela [Public Prosecutor's Office actions linked to the OLP in Venezuela (March 2015-July 2017)], 2017, p. 7 (Spanish only).

[145] El Tiempo, "Fiscal Luisa Ortega Díaz critica operativos de la OLP", [Attorney General Luisa Ortega Díaz criticizes OLP raids] 20 July 2016, available at eltiempo.com.ve/venezuela/situacion/fiscal-luisa-ortega-diaz-critica-operativos-de-la-olp/224408 (Spanish only).

[146] Correo del Orinoco, "Defensor del Pueblo: 'Las OLP carecen de protocolo institucionalizado y ello opaca su rango de acción'" [Ombudsperson: The OLPs lack an institutionalized protocol and this means their scope of action is not transparent], 21 July 2016, available at www.correodelcaroni.com/index.php/sucesos/item/47490-defensor-del-pueblo-las-olp-carecen-de-protocolo-institucionalizado-y-ello-opaca-su-radio-de-accion (Spanish only).

[147] Public Prosecutor's Office, Actuaciones del Ministerio Público relacionadas con la OLP en Venezuela (marzo 2015-julio 2017) [Public Prosecutor's Office actions linked to the OLP in Venezuela (March 2015-July 2017)], 2017.

OPERATION LIBERATION OF THE PEOPLE



Source: Actions of the Public Prosecutor's Office related to the OLP in Venezuela (March 2017–July 2017), Public Prosecutor's Office (2017)

Amnesty International believes it is extremely important that the allegations and the repeated abusive use of force in the context of these operations are investigated. In accordance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, during public security operations, the use of force, – in particular potentially lethal or lethal use of force – should only be resorted to if other means have not proved effective in achieving the objective, which itself must be consistent with domestic law. Further, security officials are only authorized to put the life of an attacker at risk if they pose a danger to the own lives or the lives of third parties.[148]

The need to use firearms, for example, which carries a high risk of lethality, must depend on the existence of a threat to the right to life that cannot be neutralized in any other way. Although the Public Prosecutor's Office states that in 2016 325 police officers were victims of homicides it does not specify the circumstances of their deaths; whether they died during a security operation or in other circumstances.[149] Also, in many of the cases analysed by Amnesty International for this report, it was striking that although security officials claimed there was a confrontation or victims were resisting authority, it was not evident from the case files that the official was in fact injured. Indeed, in many cases it was not possible to confirm that the victims had fired a gun during the events that led to their deaths.

According to most of the available victim autopsy reports that Amnesty International has analysed, it is evident that Venezuelan state security officials used force abusively. According to the autopsy reports, the bullets entered the front of the bodies. However, they all showed to a downward trajectory through the body. This indicates that, in all cases, the victims were below the police officers who fired the shots. It is difficult to believe that in all cases, including those in which the events occurred in open spaces, the victims were confronting the police officers while they were lying down or kneeling on the ground. Therefore, aside from the officials' claims of the existence of "confrontations", unless there was normally some loss of life among officers during these operations, the facts suggest that there was unnecessary use of lethal force by the security forces.

[148] Amnesty International, Use of Force: Guidelines for Implementation on the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, August 2015, Amsterdam, p. 160.

[149] Public Prosecutor's Office, Informe Anual de Gestión 2016, 2017, p. 12.

ASDRÚBAL GRANADOS

THE FATHER OF YANDERSON GRANADOS, **KILLED BY POLICE OFFICERS**

> **"The bullet always hits them in the chest. All the bullets wounds are in the chest. They already know where they are going to shoot... It's like a death sentence."**

In some cases researched by Amnesty International, the circumstances indicate that force was used in an intentionally lethal manner and the security forces carried out extrajudicial executions. Reports suggest that these executions are not isolated cases, but that there could be between five and 11 deaths in a single operation at the hands of security officers.

It is of extreme concern that, in addition to the frequency with which the events occurred during the period the OLP was in force, the highest authorities in charge of the overseeing security in the country, such as the Ministry of People's Power for Internal Affairs, Justice and Peace, have suggested that this unnecessary and abusive use of lethal force by police and military officials was justified.

A YOUNG UNARMED MAN WITH NO POLICE **RECORD KILLED IN HIS HOME**

MARTA OROPEZA

THE MOTHER OF NELSON GARCÍA, WHO WAS
KILLED BY POLICE OFFICERS IN HIS APARTMENT

Nelson Enrique García, a 20-year-old student of administrative studies, lived with his, mother Marta Oropeza, in the area of Caricuao, west of Caracas. Marta Oropeza told Amnesty International that, on 29 January 2016 in early hours of the morning, a group of officers from the PNB, the GNB and the CICPC entered Nelson's building as part of an OLP to capture an alleged criminal gang. The officers entered an apartment where four people were killed, including a pregnant woman. While this was happening, Nelson called his girlfriend and told her what was going on. Moments later, CICPC officials, specifically members of the Special Actions Brigade (Brigada de Acciones Especiales, BAES), broke into Nelson's apartment without a warrant. Nelson's girlfriend could hear what was going on over the phone. Minutes later she heard shots and call was cut off.

Marta Oropeza found her son's body in the Miguel Pérez Carreño Hospital. Back in his apartment, she discovered that he had died in his room: she found the mattress on his bed covered in blood. The apartment had also been robbed: mobile phones, money, Nelson's shoes and clothes, watches, documents such as driver's licences and even perfumes had been stolen.

According to the police, Nelson died in a "confrontation" with officers. However, more than two years after the investigation began, there is insufficient evidence to show that there was a confrontation. Nelson died of a single shot to the chest. In addition, the legal team of COFAVIC which is providing Marta Oropeza with support has been able to identify irregularities in the investigation. For example, two years after the events, the Public Prosecutor's Office has yet to locate important physical evidence, such as the projectile extracted from Nelson's body. No official is being formally investigated in connection with Nelson's death.

Despite the obstacles, Marta Oropeza remains determined: "I want justice. Justice for me means teaching those officials a lesson.That they cannot enter homes like this, without a warrant, to kill innocent people."

The Barlovento massacre, which occurred in the context of an OLP, attracted nationwide public attention. In October 2016, the Minister for Internal Affairs, Justice and Peace explained that the deployment of new operations was required to protect vulnerable populations[150] because of the violence generated by the actions of certain organized criminal elements and Colombian paramilitaries in the Barlovento region (Miranda state, central region). An OLP was deployed by Army officers of the 323 Caribbean Battalion.[151]

That October, 12 young men[152] were arbitrarily detained in the Acevedo municipality in the Barlovento region. Two months later, the bodies of these young people were found in mass graves.[153] The Barlovento massacre was condemned by both the national government[154] and civil society and prompted changes in public security policies. On 17 January 2017, the launch of Carabobo Campaign 2021 was announced, framed in the Secure Homeland Plan (Plan Patria Segura)[155] and the reformulation of the OLP as part of the Operation Humanist Liberation of the People (Operación Liberación Humanista del Pueblo, OLHP).[156] In the course of that same year, the OLHP ceased to appear on the official public agenda, so it is assumed that the measure was discontinued.

However, the apparent end of the OLP did not bring an end to human rights violations. For example, according to COFAVIC, in the first quarter of 2017 there had already been an increase of 11% in recorded extrajudicial executions compared to the same period in 2016.[157] Amnesty International has documented cases and received complaints that show that security operations very similar to the OLP and the OLHP continue to be implemented during which security forces use abusive and intentionally lethal force.

José Daniel Bruzual, a 27-year-old man, was killed on 22 August 2017 in his house in the Los Rosales neighbourhood, La Bandera, Caracas, in front of his two young children, aged two and four. José Daniel's mother, Elibeth Pulido, who was not in the house at the time, saw about 50 PNB officers from the Special Actions Force (Fuerzas de Acciones Especiales, FAES) surrounding the street and she could hear gunfire coming from her home. When she went into the house, she saw blood on the floor. The police told her to go to the Doctor Leopoldo Manrique Terrero Hospital (known as the Periférico de Coche Hospital) to look for her son; she found his body there.

When she returned home, Elibeth Pulido found that money, wallets, watches, shoes, tools, electronic equipment and even a set of knives had been stolen. According to the media, the police version of events claimed that José Daniel had been involved in the kidnapping of a military officer's wife and had been wounded in a confrontation and died.

Nine months after the death of her son, Elibeth Pulido had not had access to his case file despite having asked the Public Prosecutor's Office to ensure a prompt investigation: "I told [the prosecutor] that he was my son, I asked him did he think I liked to see the holes in the walls in my house, because no one has yet come to at least take a picture, nothing." Elibeth Pulido is now raising her two grandchildren.

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[150] Venezuelan News Agency, "Nueva fase de la OLP incluye atención social en comunidades liberadas", [New phase of the OLP includes social assistance in liberated communities] 6 October 2016, Caracas, available at www.avn.info.ve/contenido/nueva-fase-olp-incluye-atenci%C3%B3n-social-comunidades-liberadas; El Pitazo, "Reverol: Nueva fase de OLP dejó 19 abatidos [Reverol: New phase of OLP left 19 dead], 6 October 2016, available at www.youtube.com/watch?v=Pj8isO3t7io (all Spanish only).

[151] Diario 2001, "Reverol: Suboficial y siete efectivos militares fueron detenidos por asesinatos en Miranda", [Reverol: Suboficial and seven military personnel were arrested for killings in Miranda] 26 November 2016, available at www.youtube.com/watch?v=j7h0jS4wo7g (Spanish only).

[152] Venevisión, Venevisión Interview: Attorney General Luisa Ortega Díaz, 30 November 2016, available at www.youtube.com/watch?v=tm3NWIJULQM (Spanish only).

[153] Ministerio Público, "Ministerio Público imputará a 11 funcionarios del Ejército por muerte de 12 personas en Miranda", [Public Prosecutor's Office to charge 11 army officers in connection with the deaths of 12 people in Miranda] 26 November 2016.

[154] Diario 2001, "Reverol: Suboficial y siete efectivos militares fueron detenidos por asesinatos en Miranda", [Reverol: Sub-officer and seven military personnel arrested for killings in Miranda] 26 November 2016, available at www.youtube.com/watch?v=j7h0jS4wo7g; Venevisión, Venevisión Interview: Attorney General Luisa Ortega Díaz, 30 November 2016, available at www.youtube.com/watch?v=tm3NWIJULQM (all Spanish only).

[155] Diario Panorama, "Presidente Maduro: Quiero activar 6 líneas de la Campaña Carabobo 2021 del plan Patria Segura", [President Maduro: I want to activate the 6 elements of the Carabobo Campaign 2021 of the Plan for a Secure Homeland] 17 January 2017, available at www.youtube.com/watch?v=Z-EAJSxMuqQ (Spanish only).

[156] It consists of six planning and implementation phases: preparation (gathering of information), action against criminal gangs, searches to bring criminals before the Attorney General's Office, a comprehensive approach to the community as a peaceful sector, and making use of the media. Diario Panorama, "Presidente Maduro: Vuelven las OLP con más fuerza y más amor para proteger al pueblo, 17 de enero de 2017", [President Maduro: The OLPs are returning with greater strength and love to protect the people], 17 January 2017, available at www.youtube.com/watch?v=BZAC38bHkYY (Spanish only).

[157] Analysis presented to the Inter-American Commission on Human Rights, Situation of Human Rights in Venezuela, Chapter 4: Violence and Citizen Security, 31 December 2017, p. 184, based on the study by COFAVIC, Ejecuciones extrajudiciales, 40 historias de 6385 vidas ignoradas 2012-2017 [Extrajudicial executions, 40 stories of 6,385 lives ignored 2012-2017], 2017 (Spanish only).

Amnesty International received another report about the case of a 23-year-old man who died on 1 March 2018. The relatives of the young man, who was the father of a six-month-old girl, reported that at 4 o'clock in the morning, approximately 20 CICPC officials, some of whom were hooded, entered the house without a court order on the pretext of carrying out an investigation. The officials gagged the young man, took him out of the house, down a flight of stairs and then shot him. According to the official CICPC version published in the media, the young man had been implicated in a homicide the previous January. The relatives told Amnesty International that following the death of the young man, they began to receive threats and so had to leave their home. They requested protection, but at the time of writing, this had not been granted. Relatives also reported that it was not the first time they had been threatened: in June 2016, officials had raided their home and stolen belongings including electronic devices and a motorcycle. They also threatened to kill women members of the family.

Amnesty International believes the authorities must, as a matter or urgency, reverse the public security policy implemented to date, which is characterized by the abusive, excessive and, as noted above, in some cases intentionally lethal use of force. It is also vital that government instructions targeting this policy at young people and men in poor neighbourhoods – which has resulted in thousands of direct and indirect victims and which inevitably created feelings of vulnerability and fear towards the state security forces among the people they were responsible for protecting – be rescinded urgently.

2.6. WAITING FOR JUSTICE: THE STRUGGLE AGAINST IMPUNITY AND FOR REPARATION

The failure to investigate, prosecute and punish those responsible for gun violence and homicides has created a climate of impunity in Venezuela. According to the Global Impunity Index compiled by the Center of Studies on Impunity and Justice (Centro de Estudios sobre Impunidad y Justicia, CESIJ), Venezuela ranked sixth in the index of countries with the highest impunity for the period 2015-2016 with a score of 67.24. However, it should be noted that this figure does not reflect reality because "grave shortcomings and outstanding statistical information" mean that the levels of violence, institutional crisis or human rights violations may not be adequately reflected in the report.[158] The organization Insight Crime, which studies the main threat to national security and public security in Latin America and the Caribbean, reported that in 2016 there was impunity in 92% of cases in Venezuela.[159] While, according to COFAVIC, impunity in cases of human rights violations in Venezuela reached 98%.[160]

In cases of human rights violations, according to international standards, victims' relatives are also sometimes considered victims themselves because of the impact on their psychological wellbeing and physical integrity. Not only do they face threats against their physical integrity, but they must also contend with a criminal justice system with high levels of impunity and riddled with irregularities and obstacles, including threats and harassment, from officials seeking to guarantee their impunity. The state has an obligation to ensure access to all the resources necessary for real access to justice, such as genuine, impartial and effective investigations to determine the truth and that lead to appropriate sanctions, in order to avoid impunity and the repetition of the abuses. Relatives must also have access to comprehensive reparations.[161]

[158] Center for Studies on Impunity and Justice, UDLAP Jenkins Graduate School, University of the Americas Puebla, Global Index of Impunity 2017, Global Impunity Dimensions, Puebla, 2017, available at https://www.udlap.mx/cesij/files/IGI-2017_eng.

[159] Insight Crime, "Lynchings Jump 650% in Venezuela in 2016", 19 January 2016, available at www.insightcrime.org/news/analysis/lynchings-jump-650-percent-venezuela-2016/

[160] Analysis presented in the Inter-American Commission on Human Rights, Situation of Human Rights in Venezuela, Chapter 3: Social Protest and Freedom of Expression, 31 December 31, 2017, p. 148 (Index: OEA / Ser.L/V /II), based on OVV, "Impunidad alcanza a 98% de crímenes contra los DDHH en Venezuela, según Cofavic" [Impunity reaches 98% for human rights crimes in Venezuela, according to Cofavic], 28 October 2016 (Spanish only).

[161] Inter-American Court of Human Rights Case of the Barrios Family v. Venezuela, Merits, Reparations and Costs, Judgment of 24 November 2011. Series C No. 237.



↑ Procedure within the Operation Liberation of the People in Cota 905, Caracas | **© Amnesty International 2018** | Alexandra Blanco

No official has been arrested – despite that fact that arrest warrants were issued – or tried in connection with the cases included in this report, even in cases that took place five years ago. The relatives interviewed told Amnesty International that, although nothing can bring their loved ones back to them, they still have hope of obtaining justice, which ultimately means clarifying what really happened and seeing those who are guilty convicted.

In conversations with Amnesty International, as has been noted in the cases set out in this report, COFAVIC has expressed its concern about certain patterns that show how victims of extrajudicial executions are denied justice. In the first instance, cases normally stagnate for years in the initial phase of investigation. The practice of repeatedly changing prosecutors also creates delays in the process. Some relatives are pressured to sign documents that incriminate the victims. It is also common for relatives to receive threats and mistreatment, including from prosecutors, to try to make them abandon their search for justice. Sometimes, prosecutors assume the police version of events is true and so dismiss the testimony of relatives, as happened in Glory Tovar's case.



↓ Glory Tovar | © Amnesty International 2018 | Laura Rangel

“I RAISED THEM WITH SO MUCH CARE, **ONLY TO HAVE THEM KILLED IN MY HOME**”

GLORY TOVAR

MOTHER AND AUNT OF FOUR YOUNG PEOPLE
WHO WERE KILLED AT HOME DURING AN OLP

On 18 May 2016, at 10 o'clock in the morning, Glory Tovar was at home cooking breakfast for her family in the Los Llanos neighbourhood of San Bernardino, Caracas. Her eldest son, 28-year-old Darwin, was in the kitchen. Carlos Jampier, her 19-year-old son; her sons' two girlfriends; her daughter; her nine-year-old grandson; and her two nephews, Yohandri and Roswil, aged 20 and 25 respectively, were also in the house.

Glory Tovar told Amnesty International that she saw four policemen were at the entrance and opened the door to them. They wore uniforms and had identification. Then, without presenting a court order, about 20 officers entered; they had no identification and their faces were covered. They started shouting and pushing the women and the child out of the house. They pointed a gun at the head of Glory's grandson while he was in the bath.

Darwin, Carlos Jampier, Yohandri and Roswil were the only ones who were left in the house. Outside, the women were surrounded by officers and were not allowed to go back inside. After 20 minutes they began to hear gunfire. Glory Tovar's daughter and sister saw the young men, who were already dead, being loaded into a van wrapped in blood-stained sheets.

When the family returned home, they discovered that televisions, sound equipment, tablets, all the jackets and almost all of Darwin's shoes, watches, money, video games, computers, sugar, toothpaste, coffee, even passports had been stolen. According to the police authorities, the four young men died in a "confrontation" with officers. However, to date, the investigation has failed to show that such a confrontation occurred. The young men died from gunshot wounds to the chest. Darwin was also shot in the neck.

Four CICPC officials were identified for investigation for their involvement in the deaths of the young men. Glory Tovar said that after the prosecutor discovered that two of the young men were wanted by the courts, she rejected her version of the events and said that she would not continue with the proceedings. Glory Tovar and her lawyers were able to get another prosecutor's office to take over the investigation.

At the time of writing, no official had been arrested for the deaths of Glory Tovar's children and nephews, nor had her grandson been given psychological support.

Amnesty International was able to identify several patterns that create the conditions fostering impunity:

- In many cases, officials of bodies responsible for forensic investigations are those who carry out the killings.
- Officials under investigation always remain on active duty.
- There is a significant delay by the CICPC in handing over key documentation that would enable the investigation to progress and no effective response from prosecutors.
- Some relatives said that they have been told by prosecutors to look for witnesses and evidence themselves.
- In cases where accusations have been made, the investigation stagnates and the case seldom reaches trial so that the identification of those responsible does not translate into obtaining justice.
- Relatives and their lawyers do not have access to case files or some key documentation, either because prosecutors do not issue copies in a timely manner, or because the relatives do not have the resources to pay for them them (relatives have to pay for copies which as of May 2018 cost almost the monthly minimum wage.[162]

In addition to determining criminal responsibility, the state has an obligation to inform, listen to, defend and protect the victims of possible attacks through two key institutions: the Ombudsman's Office and the Public Prosecutor's Office.[163]

Amnesty International acknowledges the initiatives undertaken to offer protection: the Law for the Protection of Victims, Witnesses and Others Involved in Court Proceedings (Ley de Protección a las Víctimas, Testigos y Otros Sujetos Procesales); the creation of the National Coordinating Body for the Protection of Victims (Coordinación Nacional de Protección a la Víctima), which runs a programme of secret safe houses; the Special Police Brigades (Brigadas Policiales Especiales); the Victim Assistance Units (Sistema de Atención a las Víctimas) attached to the Public Prosecutor's Office and the Ombudsman's Office; and the Public Prosecutor's Office's System to Support Victims (Sistema de Atención a las Víctimas); as well as Technical Units specializing in gender, children and adolescents. However, as the statements gathered by Amnesty International show, there are significant flaws in the way protection measures are granted.

The case of Darwilson Sequera illustrates this: at the time of writing, the protection measures requested by his family before and after his death had not been granted. In addition, the family's allegations of extortion have not been properly addressed.

[162] According to relatives, each sheet cost 10,000 bolivars (as of the beginning of May 2018). If a file contains at least 200 pages, a copy would cost around 2 million bolivars. The monthly minimum wage in May 2018 was 2,555,500 bolivars.

[163] Article 122 of the Organic Code of Criminal Procedure.

ARACELIS SÁNCHEZ

THE MOTHER OF DARWILSON SEQUERA
WHO DIED AT HIS HOME AT THE HANDS OF OFFICIALS

Darwilson Sequera Sánchez was 20 years old and lived with his parents, brother and 11-year-old sister in Los Jardines del Valle, Caracas. According to Aracelis Sánchez, Darwilson's mother, on 17 April 2013, CICPC officials raided her house without presenting a court order. She filed a complaint for breaking and entering and also requested protection.

Aracelis Sánchez told Amnesty International that on 13 May, a number of officials came to the Sequera Sánchez family home again. This time, they beat Darwilson about the head and ribs. She again went to the Public Prosecutor's office to report this. On 15 May, the officials returned to the Sequera Sánchez' house. According to Aracelis Sánchez, the CICPC continued to harass them for months.

Aracelis Sánchez described to Amnesty International how she had received calls from people threatening to incriminate her son in a crime if the family did not pay 40,000 bolivars (approximately 16 times the monthly minimum wage at the time). They sold belongings and paid the money. However, the calls did not stop. Aracelis Sánchez filed a second complaint, this time for extortion.

On 11 June 2013, at 8.30 am, the Sequera Sánchez family were at home asleep when CICPC officials broke into the house. "There were about 30 policemen, some got up onto the roof of the house; they climbed up the lamppost and said they'd break down the door if I didn't open up," Aracelis Sánchez said. Darwilson Sequera and his younger sister went up onto the lower concrete roof of the house, where officers caught them. The young girl saw them shoot her brother and Aracelis Sánchez heard them take him away, screaming in pain. The next time they saw him was at the Doctor Leopoldo Manrique Terrero Hospital (known as the Coche Hospital). He was dead. Aracelis Sánchez went immediately to the same prosecutor where she had lodged the previous complaints. She told Amnesty International that the prosecutor replied that she could have taken Darwilson home to protect him.

The threats and harassment against the Sequera Sánchez family continued and Aracelis Sánchez continued to request protection measures.

She obtained access to the case file eight months later and read that, according to the police, Darwilson had died following a confrontation with officers. However, the investigations have not found sufficient evidence that such a confrontation occurred.

As of March 2018, five years after Darwilson's death, none of the officials named in the investigation had been arrested in connection with his killing; one of those named was also implicated in another case detailed in this report. The protection measures requested were never processed and no progress has been made and no one has been charged in connection with the alleged breaking and entering at the family home. COFAVIC and Aracelis Sánchez told Amnesty International that, five years later, they do not have access to the case file and the prosecutor has stated that the information could not be located because new procedures and practices had been put in place.

Despite the difficulties, Aracelis Sánchez is fully committed to pushing for an investigation into her son's killing. She continues her fight for justice: "I fall down, but I get up again". As a result of her determination, and with the support of COFAVIC, she has managed to organize other relatives of people killed by officials. They set up the Organization of Relatives of Victims of Human Rights Violations (Organización de Familiares Víctimas de Violaciones de Derechos Humanos, Orfavideh), which brings together 50 people who are seeking justice for the deaths of young people at the hands of officials.[164]

[164] To learn more about the work of Librada Sánchez and Orfavideh, see Amnesty International, Orfavideh trabaja por empoderar a las madres de víctimas de ejecuciones extrajudiciales, [Orfavideh works to empower mothers of victims of extrajudicial executions], 30 April 32018, available at www.amnistia.org/ve/blog/2018/04/5985/orfavideh-empodera-a-madres-de-victimas-de-ejecuciones-extrajudiciales (Spanish only).



↓ Aracelis Sánchez | © Amnesty International 2018 | Laura Rangel

> “AFTER RAIDS, THREATS AND EXTORTION, **DARWILSON WAS EXTRAJUDICIALLY EXECUTED IN FRONT OF HIS FAMILY**”



↓ Aracelis Sánchez | © **Amnesty International 2018** | Laura Rangel

Another emblematic case that illustrates both impunity for and the lack of protection from extrajudicial executions in Venezuela is that of the Barrios family. Between 1998 and 2016, 11 young members of the family aged between 16 and 28 were shot and killed by Aragua state police or members of the CICPC. Although the Inter-American Court of Human Rights has pointed out Venezuela's lack of compliance with its obligations regarding investigation and reparation in this case,[165] the extrajudicial executions of members of the Barrios family continue to go unpunished.

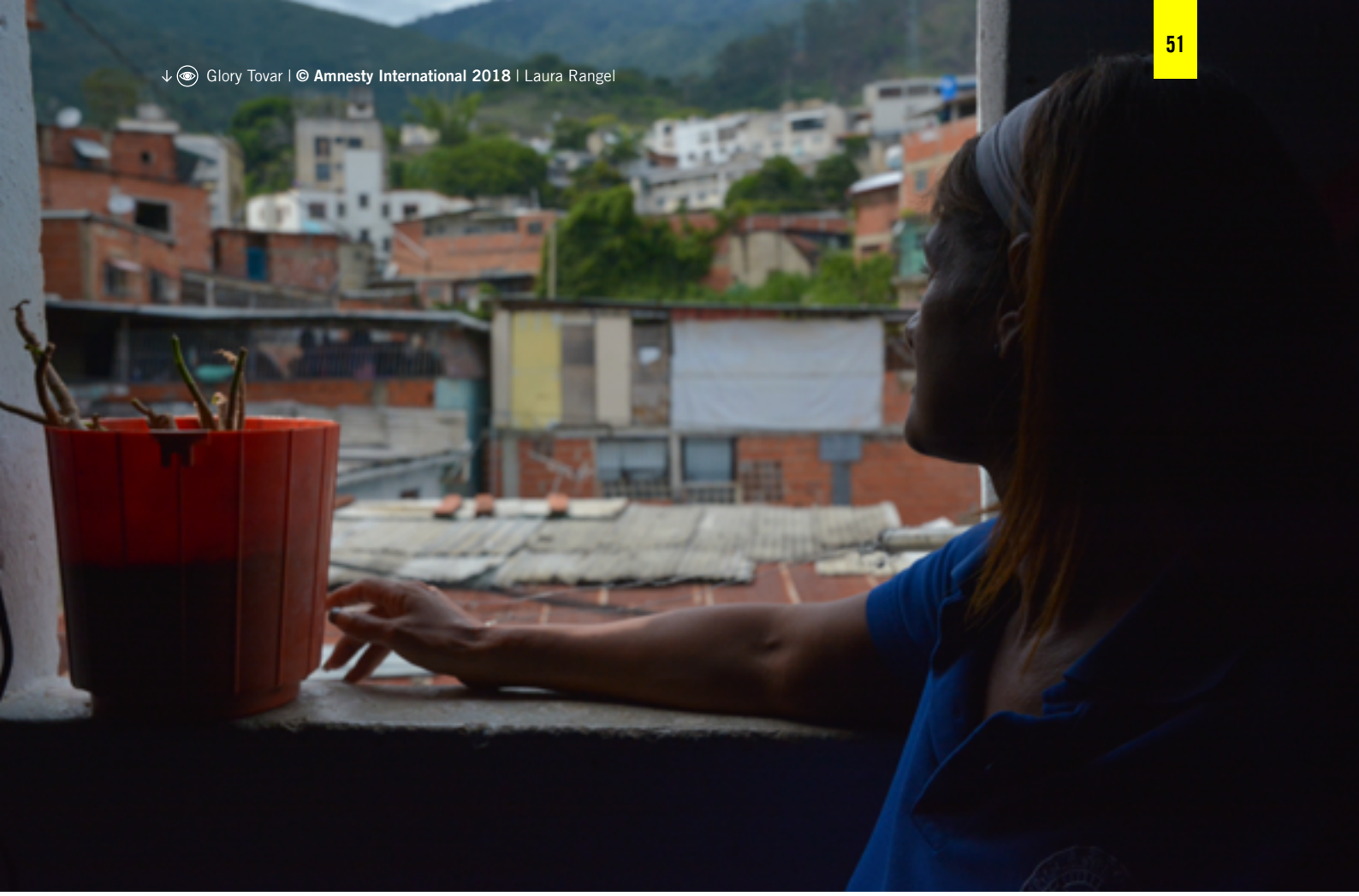
The state also has an obligation in cases of violation of human rights to guarantee comprehensive reparation to the family through the Public Prosecutor's Office and the Ombudsman's Office.[166] Although there was a proposal to create a Compensation Fund for victims of violent crimes and a project was initiated in the Ministry of People's Power for Internal Affairs, Justice and Peace to create a National Victims Institute, there is no evidence in the reports and accounts that these bodies have been created.

None of the victims interviewed for this report had received comprehensive reparation, including financial compensation and psychological assistance. Relatives experience long-term economic effects following the killing of a family member. In the case of mothers, many are housewives, do not have formal employment, are unemployed, because of the economic crisis, work in the informal sector (home businesses, street vendors or domestic jobs), or earn the minimum wage and do not have sufficient income to support their families.[167] In the cases documented by Amnesty International, the majority of the victims helped support the family financially: some were students who also worked, others were taxi drivers, mechanics, janitors or drivers. The loss of a relative becomes more significant in the current context of a serious economic crisis in which hyperinflation and shortages of food and medicines particularly affect those in the most vulnerable and socially excluded communities.

[165] Inter-American Court of Human Rights, Case of the Barrios Family v. Venezuela, Monitoring Compliance with Judgment, 2 September 2015, available at: www.corteidh.or.cr/docs/supervisiones/barrios_02_09_15.pdf (Spanish only); Inter-American Court of Human Rights, Case of the Barrios Family v. Venezuela, Series C No. 237, 24 November 2011, available at: www.corteidh.or.cr/docs/casos/articulos/seriec_237_ing.pdf; Inter-American Court of Human Rights, Case of the Barrios Family v. Venezuela, Monitoring Compliance with Judgment, 2 September 2015, available at: www.corteidh.or.cr/docs/supervisiones/barrios_02_09_15.pdf (in Spanish only);

[166] Article 30 of the Constitution of the Bolivarian Republic of Venezuela; Articles 23, 40, 49, 118, 124 of the Organic Code of Criminal Procedure.

[167] This also concurs with the findings of COFAVIC, Ejecuciones extrajudiciales, 40 historias de 6385 vidas ignoradas 2012-2017, 2017, [Extrajudicial executions, 40 stories of 6,385 lives ignored 2012-2017], 2017, p. 50 (Spanish only).



↓ Glory Tovar | © Amnesty International 2018 | Laura Rangel

A case that clearly illustrates this is that of Jennifer Rotundo, who lives in Los Valles del Tuy in Miranda state (central northern part of the country). Her only son, Luis Ángelo Martínez Rotundo – a 24-year-old father of a five-year-old boy, an advertising student and a motor taxi driver – died on 4 July 2017, after being shot, reportedly by CICPC officials. Jennifer has not been able to access the case file, because she does not have the money to obtain copies. She told Amnesty International that she had fallen ill and Luis was helping her financially to get her medication. In addition, due to the economic crisis in the country, the hardware store where she worked had to close and she was left without a job; her son's funeral expenses were a huge financial burden for her.[168]

Statements from relatives highlight the impact of violence, both on individuals and at the institutional level, in a way that statistics cannot. Venezuela is not only one of the most violent countries, it is also, as a result, one with the most victims. Taking into account that for each person who is killed in armed violence, between three and four survive, and if that in 2016 alone 21,752 people were victims of homicides, the number of victims of armed violence in the country that year was between 65,256 and 87,009.

Amnesty International believes that Venezuela has an obligation to immediately and urgently address the situation of the victims of violence and of the security forces. Reparation for victims, both in terms of obtaining prompt and impartial justice as well as compensation for the loss they have suffered and the damage caused, should be a priority.

As explained above, Amnesty International has been able to confirm that the primary victims of violence and the abusive use of force are young men living in poverty. Reparation for human rights violations and the punishment of those responsible are the only way that the state can reduce both the risk of greater social exclusion and revictimization of the thousands of families that have been affected.

[168] According to relatives, in the first week of May 2018, the funeral expenses were around 7 million bolivars; at that time the monthly minimum wage was 2,555,500 bolivars.



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3. CONCLUSIONS AND RECOMMENDATIONS

Violence and the abusive use of force are among the main human rights challenges that Venezuela has been unable to resolve. Gun violence and crime result in high homicide rates and thousands of victims each year. These homicides, although committed by individuals, are ultimately the responsibility of the state, which has a duty to act appropriately and with due diligence to prevent them through the investigation and punishment of those responsible for these deaths. Venezuela has also failed to publish statistics regarding public security and to deal effectively with the availability of guns in society at large, which has a direct impact on armed violence.

The evidence gathered by Amnesty International in this report highlights concerns that the victims of armed violence in Venezuela are predominantly young men living in poverty. The stigmatization and discrimination faced by these young men highlights the state's policy of socially criminalizing poverty and its approach to public order, which in turn place them and their families at greater risk of exclusion.

When analysing the state's response to the crisis of violence in Venezuela, Amnesty International, in addition to identifying different flaws in government policies, is extremely concerned at the authorities' support for the intentionally lethal use of force and extrajudicial executions targeting mostly young men living in poverty. Such actions stem from an approach which sees these young men, by virtue of their social profile, as criminals and subsequently portrays them as "internal enemies" to be eradicated. In the context of public order operations and law enforcement, the authorities have an obligation to guarantee respect for the physical integrity and life of all and, when appropriate, to arrest those suspected of committing crimes and breaching the law.

It is imperative that the authorities in charge of public security radically change their approach to public security. A policy is needed that puts human rights at the centre, with clear deterrent approaches, effective oversight mechanisms and support for those living a situation of social exclusion, who are most at risk of abuses. State policy must also include an effective system of gun control that is transparent, can be monitored by civil society and that genuinely prevents corruption and weapons being diverted back into circulation.

Finally, research for this report has revealed the serious problem of impunity for grave human rights violations and the need for effective mechanisms to ensure justice and comprehensive reparation. In particular, it has become evident that the surviving victims of violence, who are often left to shoulder the burden of pursuing justice and reparation, are the women close to the victims. This must be addressed urgently by Venezuela and Amnesty International believes it is essential that women and surviving victims receive protection because of the risk that they will be subjected to greater social exclusion and revictimization.

Amnesty International, therefore, calls on the Venezuelan authorities to adopt the following recommendations.

To the President of the Republic

- Issue a public statement condemning the excessive or unnecessary use of force in the context of public security operations, in particular extrajudicial executions and the mistreatment of victims' families.
- Make a public unequivocal statement that these events should be investigated promptly and impartially and that all officials, at all levels, who are suspected of having committed human rights violations must be brought to justice in fair trials before ordinary civil courts.
- Immediately and urgently stop using the language of war and issuing statements that paint crime as an internal enemy which seek to legitimize the abusive use of force by the police and military.
- Implement urgently a national programme to reduce homicides that includes national goals for reducing the number of deaths resulting from police actions.
- Effectively implement a policing model that includes the regulation of the use of force and firearms and fully respects the norms and standards of international human rights law. This model must also ensure effective and strict accountability in each case of loss of life in law enforcement operations, in accordance with national and international standards of good police practice. Those officials who have engaged in excessive and unnecessary use of force or in acts the violate human rights must be subject to disciplinary procedures.
- Immediately and urgently overturn the denunciation of the American Convention on Human Rights and recognize the obligatory jurisdiction of the Inter-American Court of Human Rights.

  Remove the Bolivarian National Army and the National Guard from public order operations. In cases where their participation is unavoidable, their actions must be subject to the supervision of the Ministry of People's Power for Internal Affairs, Justice and Peace.
- Develop a public policy of comprehensive security for the population that is not limited to merely repressive or reactive methods, but understands violence as a multifaceted phenomenon that must be addressed through measures that range from prevention strategies to crime control. The policy should not be reduced to police actions alone, but should also include education, job creation, accessible and efficient justice, respect for the law and efforts to improve social cohesion. A comprehensive policy must combine measures that address the structural, institutional and circumstantial factors that generate violence and facilitate crime.
- Accept a visit from the Special Rapporteur on extrajudicial, summary or arbitrary executions of the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights and implement their recommendations on public security and extrajudicial executions.

To the judicial authorities

- Implement a plan to reduce procedural delays and flaws in the Venezuelan criminal justice system in order to reduce impunity in cases of human rights violations and homicides.

Ministry for People's Power for the Internal Affairs, Justice and Peace

- Make publicly available accurate and reliable information about homicides, disaggregated by state.
- End the use of the category "resisting authority" when listing deaths during public security operations.
- Immediately and urgently suspend the implementation of security plans that have at their centre repression of the population, such as the OLP, the OLHP or operations led by the Special Forces of the Bolivarian National Police (FAES-PNB). Implement a comprehensive public security policy which emphasizes the progressive

and differentiated use of force, performance evaluations, good police practice, monitoring mechanisms and responding to victims.

- Resume implementation of the measures to reduce the number of guns in circulation recommended by CODESARME and strengthen policy on the control and regulation of arms.

To the Public Prosecutor´s Office

- Immediately and urgently ensure that independent, impartial and thorough investigations are initiated into each of the cases detailed in this report to determine criminal responsibility for these deaths. Investigations into cases of extrajudicial executions should comply with the guidelines set out in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Minnesota Protocol).

- Create a special team in the Public Prosecutor's Office that prioritizes homicides resulting from police actions and that concludes without delay investigations that are still ongoing and bring cases to court.

- Keep reliable statistics regarding alleged killings and other criminal actions committed by law enforcement officials and reflect these in the annual report.

- Maintain reliable statistics regarding investigations and prosecutions of unlawful killings committed by or with the participation of police officers and publish these statistics on a regular basis.

- Guarantee that all forensic examinations carried out in cases of violent or unexpected death comply with the standards set out in the UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

- Immediately and urgently guarantee access to justice for victims of human rights violations, especially in cases of extrajudicial executions, so that they can contribute to the process.

- Train all personnel in the Public Prosecutor's Office, especially prosecutors, in the application of the Minnesota Protocol and the Istanbul Protocol, and create a mechanism to oversee the application of these protocols in all cases.

- Prepare, jointly and in cooperation with human rights organizations and the Ombudsman's Office, a national plan for oversight of the criminal justice system that sets out a course of action and specific short and medium-term measures. This should take into account : (i) the UN Basic Principles on the Independence of the Judiciary; (ii) the Procedures for the Effective Implementation of the UN Basic Principles on the Independence of the Judiciary; (iii) the Bangalore Principles on Judicial Conduct; and (iv) the UN Criminal justice assessment toolkit.

- Strengthen technical capabilities in terms of expertise that is important in order to establish the facts. For example, prosecutors should visit the scene and carry out forensic inspections rather than asking relatives to collect evidence themselves.

- Approve a protocol for action in the event that the CICPC does not comply with orders to submit evidence and carry out actions issued by the Public Prosecutor's Office, including legal proceedings against officials who refuse to cooperate with an investigation.

- Guarantee that criminal investigations into human rights violations involving CICPC officials are carried out by the Crime Unit of the Public Prosecutor's Office.

- Grant protection measures, such as relocation, among others, to victims who have requested them.

- Immediately investigate any allegations of police intimidation or threats of reprisal against witnesses or family members who file complaints. Facilitate the relocation of witnesses and families who need protection.

- Offer psychosocial support to all the victims and relatives of victims of police violence and ensure the right to fair reparation that includes adequate compensation and guarantees of non-repetition.

- Ensure that victims of human rights abuses or, in the case of unlawful killings, their families, have access to effective remedies, such as compensation and rehabilitation. Inform victims or relatives of victims of their right to initiate civil proceedings in a criminal case, as well as their right to independently file a civil claim for reparations.

To the security forces

- Immediately and urgently ensure that the security forces comply fully and at all times with the domestic laws put forward by the CONAREPOL process, as well as with international standards, especially with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[169] in the performance of their duties.[170]

- Prioritize police training on intelligence work and planning prior to security operations in order to minimize the need to resort to the use of force.

- Refrain from conducting illegal searches in the context of security operations and confine raids to the capture of those who have been clearly identified, with warrants issued by a competent court or who are flagrantly caught in the act of a committing a crime.

- Train police officers in medical first aid and ensure that operational plans include providing medical assistance to people injured by police action as soon as possible.

- Sanction through disciplinary procedures any superior officers who are aware of the unnecessary use of force and fail to prevent, stop or condemn it.

- Ensure that relevant and complete information is obtained before operations are implemented, including an evaluation of the risks and threats, in order to ensure that a wide range of appropriate tactical options to minimize damage and guarantee the protection of individuals are taken into consideration and made available.

- Suspend on full pay any official under judicial investigation for human rights violations, until their alleged responsibility has been determined.

- Implement measures to control arms and ammunition within police forces in order to prevent their illegal circulation.

[169] Amnesty International, Use of Force, Guidelines for the Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, available at www.amnesty.org.uk/files/use_of_force.pdf

[170] Amnesty International published Guidelines for the Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials to support authorities in establishing a legal and operational framework that complies with international human rights law. It recommends that the security forces use these guidelines as a point of reference.



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