

**FROM DETENTION
TO TORTURE
AND DISAPPEARANCE:
THE CONSOLIDATION
OF STATE TERROR IN**

VENEZUELA

by the OAS Panel of
Independent International Experts
on the Possible Commission
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Luis Almagro
Secretary General
Organization of
American States.

Panel of Independent
International Experts:
Santiago Cantón
Irwin Cotler
Manuel Ventura Robles
Joanna Frivet

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Rodrigo Diamanti

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ANTHONY ASCER APARICIO

EXECUTIVE SUMMARY

More than a decade after the first large-scale protests erupted in 2014, Venezuela has entered the gravest phase of political repression in its modern history. The Panel concludes that the electoral repression marks a critical inflection point: the moment at which the Venezuelan State advanced from the systematic commission of serious crimes against humanity to the consolidation of a fully matured authoritarian infrastructure maintaining power through fear, violence and erasure. This phase is defined by the centralisation of repression through the judiciary—where political opponents are processed in mass, opaque proceedings—and the parallel expansion of extra-judicial coercion, including the formal deployment of irregular armed groups (*colectivos*). Those who are not channelled through politically instrumentalised courts are instead subjected to enforced disappearance, reflecting a coordinated dual-track system of persecution designed to eliminate dissent either through legal façade or clandestine violence. The emergence of widespread enforced disappearance as a tool of repression, represents a profound deterioration and a regression to some of the darkest chapters of the region’s history.

Despite repeated cycles of protest, negotiation, and international engagement—including the intervention of the International Criminal Court (ICC) and the signing of successive agreements with the political opposition—there has been no progress. Repression has not diminished; it has deepened. The nature of the crimes has aggravated, and impunity is now total. The patterns observed by the Panel reveal an alarming escalation—not only in the volume of abuses but in their sophistication, coordination, and level of violence:

- a. Enforced Disappearance as New State Policy:** At least 27 cases of enforced disappearance were documented during the post-election period.¹ Victims were abducted by State agents, concealed from legal protections, and held incommunicado — demonstrating a calculated strategy to terrorise and silence opposition.
- b. State-Confirmed Murder of Protesters:** At least 28 unarmed civilians were killed during post-election protests.² Victims were typically shot in the head, chest, or back with live ammunition. Most perpetrators remain unidentified, though consistent witness accounts implicate the Bolivarian National Guard (GNB), regional police, and *colectivos*.

¹ Working Group on Enforced or Involuntary Disappearances. General Allegation, Bolivarian Republic of Venezuela. 134th session of the Working Group on Enforced or Involuntary Disappearances. 16-25 September 2024, para. 17.

² UN, Venezuela: El Alto Comisionado de Derechos Humanos pide la liberación de los detenidos arbitrariamente. 13 December 2024. Available at: <https://news.un.org/es/story/2024/12/1535091>

- c. Unprecedented Scale of Arbitrary Detention accompanied by reports of torture and sexual violence:** Over 2,400 individuals were detained within a nine-day period. At least 1848 civilians were arbitrarily detained after the elections including 252 women and 162.³ The Panel documented at least four cases of death in custody arising from deliberate medical neglect, incommunicado detention, or alleged extrajudicial execution.⁴ The Panel received multiple reports of torture and sexual violence in detention facilities operated by SEBIN, DGCIM, and other State entities. Victims included both men and women, and methods used ranged from electric shocks and beatings to sexual abuse and mock executions. The Panel also highlights the specific plight of at least 100 women detained under inhumane conditions in female-only detention centers, including prolonged isolation, denial of food and medical care, and punitive raids by security forces. These conditions amount to gendered persecution and cruel, inhuman, and degrading treatment.
- d. Broader Victim Targeting:** As of February 2025, the number of political prisoners in Venezuela stood at 1,196.⁵ Opposition leaders, campaign organisers, electoral witnesses, and ordinary citizens have been prosecuted on fabricated charges of terrorism and conspiracy. While crimes against humanity targeting political opponents have long been documented, the 2024 repression introduced a marked expansion in scope. Arrest records and testimony confirm the deliberate targeting of new groups, including electoral witnesses, polling officers, relatives of opposition logistics staff, residents of marginalised communities, and minors. The objective: to dismantle the electoral infrastructure of opposition and neutralise community-level resistance.
- e. Nocturnal Raids and Surveillance Checkpoints:** Night-time raids, warrantless home invasions, and digital device inspections at checkpoints were employed to induce psychological terror, particularly in opposition-leaning neighbourhoods.
- f. Formal Integration of Colectivos:** Armed civilian groups, known as colectivos, assumed direct roles in repression. Once informal allies, they now function as State-enabled actors engaging in home invasions, beatings, arrests, and extrajudicial killings. Their coordinated operations with police and military units reflect

³ Foro Penal, Special Report on Political Repression in Venezuela: July, August, and September 2024. Pre- and Post-Electoral Situation. November 5, 2024. Available at: https://foropenal.com/wp-content/uploads/2024/12/FP-REPORTE-JUL_AGO_SEP_-Ingles-2024_2401201-comprimido.pdf

⁴ These include Jesús Martínez Medina, Jesús Rafael Álvarez, Osgual Alexander González, and Edwin Santos.

⁵ X account of Foro Penal (@ForoPenal). 4 February 2025. Available at: <https://x.com/ForoPenal/status/1886897326020513908>

institutional endorsement. The State's refusal to investigate or disband these groups underscores its complicity.

- g. Digital Surveillance as a Tool of Repression:** Platforms such as VenApp were weaponised to facilitate neighbour-led denunciations against political opponents.⁶ Edited arrest videos, disseminated with threatening soundtracks, were used to instil fear and enforce compliance.
- h. Judicial Persecution through Mass and Remote Hearings:** The judiciary was used as an instrument of repression through mass telematic hearings. Detainees, often charged with vague terrorism-related offences, were denied independent legal counsel and subjected to collective proceedings before specialised terrorism courts—effectively transforming due process into a vehicle of political persecution.⁷
- i. Dehumanising State Rhetoric:** High-ranking officials, including President Nicolás Maduro, General Domingo Hernández Lárez, and Minister Diosdado Cabello, employed inflammatory language that framed critics as “terrorists,” “traitors,” and “fascist mercenaries.”⁸ These public statements consistently preceded or coincided with arrests and violent reprisals, amounting to State-sanctioned incitement and reinforcing the ideological foundations of repression.
- j. Expansion of Repression Beyond Borders:** Acts of political harassment were also reported abroad, including graffiti threats, surveillance, and at least one targeted killing of a dissident in exile, reportedly linked to Venezuelan agents.

Crucially, these developments have unfolded despite the formal involvement of the International Criminal Court and public commitments by the Venezuelan State under the Barbados Agreement.⁹ These commitments—including the opening of a technical assistance office, incorporation of the Rome Statute into domestic law, and re-engagement

⁶ Perfil, La campaña de Maduro para delatar “traidores” y “terroristas” que denuncian el fraude en Venezuela. 7 August 2024. Available at: <https://www.perfil.com/noticias/internacional/la-campana-de-maduro-para-delatar-traidores-y-terroristas-que-denuncian-el-fraude-en-venezuela.phtml>

⁷ Infobae, Las pruebas del secuestro y crimen de Ronald Ojeda que Chile entregará en La Haya. 28 March 2025. Available at: <https://www.infobae.com/america/america-latina/2025/03/28/las-pruebas-del-secuestro-y-crimen-de-ronald-ojeda-que-chile-entregara-en-la-haya/>

⁸ See, for example, YouTube, Nicolás Maduro [@NicolasMaduroM], “Nicolás Maduro | Gran Marcha de los Abuelos y Abuelas”, 6 August 2024. Available at: <https://www.youtube.com/watch?v=rb-Q3hyTBcI>; and France24, En Venezuela han sido detenidos 125 “mercenarios” por planes contra Maduro, afirma ministro de Interior. 7 January 2025. Available at: <https://www.france24.com/es/minuto-a-minuto/20250106-ministro-de-interior-dice-que-van-125-mercenarios-detenidos-en-venezuela-por-planes-contra-maduro>

⁹ Acuerdo parcial sobre la promoción de derechos políticos y garantías electorales para todos los venezolanos. 17 October 2023. Available at: https://alertas-v3.directoriolegislativo.org/gz9qz0zxv43a1pjau2g6zuw3_071023%20Acuerdo%20Parcial%20sobre%20la%20Promoción%20de%20De.pdf

with the United Nations—have amounted to little more than diplomatic theatre. The Panel concludes that the Government has strategically misused the language of international cooperation as a diplomatic shield, manipulating international perception, deflecting scrutiny, and obstructing the course of justice.

Civil society actors, victims, and their families now operate under unprecedented pressure. The “Law on the Control, Regulation, Performance, and Financing of Non-Governmental and Related Organizations, (Ley de Fiscalización, Regularización, Actuación y Financiamiento de las Organizaciones No Gubernamentales y Organizaciones Sociales Sin Fines de Lucro), also known as “anti-NGO law” (ley anti-ONG)¹⁰ adopted in August 2024 effectively criminalises international advocacy. Human rights defenders, lawyers, and journalists have been arrested, surveilled, or forced into exile. The shrinking global humanitarian budget has left civil society with diminished resources for documentation, legal support, and survivor protection. The Venezuelan State has extended its repressive reach beyond national borders, targeting exiles and silencing diaspora voices.

The evidence confirms that this is not merely a continuation of past patterns—it is a new phase of repression. The convergence of mass arbitrary detention, enforced disappearance, torture, extrajudicial killings, propaganda, and judicial instrumentalisation reflects the consolidation of a repressive State architecture whose primary aim is to crush dissent and entrench authoritarian rule.

The Panel finds reasonable grounds to believe that the crimes committed since October 2023 also meet the threshold of crimes against humanity under Article 7 of the Rome Statute. These acts are not isolated but form part of a widespread and systematic attack against the civilian population, carried out pursuant to a state policy. The Panel is of the view that the time for rhetorical condemnation has passed. It calls on the ICC Prosecutor to expedite the investigation into alleged crimes against humanity committed in Venezuela, including those documented in the post-election period of 2024 and urgently issue warrants of arrest against high level state perpetrators that continue to publicly incite the commission of further crimes. Only sustained, coordinated, and legally grounded action can prevent further atrocities and begin the long and urgent process of justice and redress.

¹⁰ Gaceta Oficial N. 6.855 Extraordinario. 15 November 2024. Available at: http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700050787/0&Nombrebd=spgoin&CodAsocDoc=3872&TipoDoc=GCTOF&Sesion=1926651991

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1. INTRODUCTION

Since the presidential election, Venezuela has entered an alarming new phase of political repression, characterised by a significant escalation in both the scale of violence and the sophistication of the State’s repressive apparatus. The period since October 2023 has witnessed a coordinated campaign of persecution that reflects not only a deepening authoritarianism, but the consolidation of a State policy aimed at eliminating dissent notably with the emergence of enforced disappearance as a widespread tool of repression. These acts were not isolated; they were executed in furtherance of an identifiable State policy and the maturing of the authoritarian infrastructure including through the centralisation of repression through the judiciary.

This report sets out the Panel’s findings concerning serious violations of international human rights committed during this period—violations that, due to their widespread and systematic nature, meet the threshold of crimes against humanity under Article 7 of the Rome Statute of the International Criminal Court.

Presented as part of the Panel’s ongoing mandate, this report provides a factual and legally grounded analysis of the evolving crisis. It is intended to support international efforts to secure accountability, deliver justice to victims, and restore the fundamental norms of democratic governance and the rule of law in Venezuela.

1.1. PROCEDURAL BACKGROUND

On July 19, 2017, the Secretary General of the Organization of American States (hereinafter, “OAS”), Luis Almagro, released a report on the situation in Venezuela that identified evidence that “points to the systematic, tactical and strategic use of murder, imprisonment, torture, rape and other forms of sexual violence, as tools to terrorize the Venezuelan people [...]”, which could constitute crimes against humanity and should be brought to the attention of the International Criminal Court.¹¹

Venezuela deposited its instrument of ratification of the Rome Statute on 7 June 2000.¹² As such, the ICC may exercise its jurisdiction over Rome Statute crimes committed on the territory of Venezuela or by its nationals from 1 July 2002 onwards.

On 14 September, 2017, the Secretary General appointed a Panel of Independent International Experts to oversee the process and analyze the information gathered to determine the existence of reasonable grounds to establish whether crimes against humanity

¹¹ OAS GS, Third Report of the Secretary General on the Situation in Venezuela. OSG/285-17. July 19, 2017.

¹² Venezuela | International Criminal Court. <https://asp.icc-cpi.int/states-parties/latin-american-and-caribbean-states/venezuela>

may have been committed in Venezuela and to recommend whether there was sufficient basis to refer that information to the ICC for further consideration.

On 8 February, 2018, Prosecutor of the International Criminal Court Mrs. Fatou Bensouda announced that the Office of the Prosecutor of the ICC opened a preliminary examination of the situation in Venezuela I to analyze crimes allegedly committed in this State Party since at least April 2017, in the context of demonstrations and related political unrest; in particular, the use of excessive force to disperse and put down demonstrations, and the arrest and detention of thousands of actual or perceived members of the opposition, a number of whom would have been allegedly subjected to serious abuse and ill-treatment in detention.¹³

On 29 May, 2018, the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity in Venezuela (hereinafter, “the Panel”) presented its report in which it considered that there were reasonable grounds to believe that crimes against humanity have been committed against the civilian population in Venezuela dating back to at least February 12, 2014, including the crimes of murder, imprisonment, torture, rape and other forms of sexual violence, persecution, and enforced disappearances.¹⁴ Based on this conclusion, they recommended that the Secretary General of the OAS submit the report and the evidence to the Office of the Prosecutor of the International Criminal Court and to invite States Parties to the Rome Statute to refer the situation of Venezuela to the Office of the Prosecutor.¹⁵

On 27 September 2018, the ICC Office of the Prosecutor received a referral from a group of States Parties to the Rome Statute, namely the Republic of Argentina, Canada, the Republic of Colombia, the Republic of Chile, the Republic of Paraguay and the Republic of Peru, regarding the situation in the Bolivarian Republic of Venezuela since 12 February 2014.¹⁶ Pursuant to Article 14 of the Rome Statute, the referring States requested the Prosecutor to open an investigation into crimes against humanity allegedly committed in the territory of Venezuela.

¹³ OTP, Statement of the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, on Opening Preliminary Examinations into the Situations in the Philippines and in Venezuela. <https://legal-tools.org/doc/560b1c/>

¹⁴ OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the possible commission of crimes against humanity in Venezuela, 29 May 2018.

¹⁵ OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the possible commission of crimes against humanity in Venezuela, 29 May 2018.

¹⁶ Referral of the Situation in Venezuela under Article 14 of the Rome Statute Submitted by the Republic of Argentina, Canada, the Republic of Colombia, the Republic of Chile, the Republic of Paraguay and the Republic of Peru. Available at: https://www.icc-cpi.int/sites/default/files/itemsDocuments/180925-otp-referral-venezuela_ENG.pdf

In 2020, the Office concluded that there is a reasonable basis to believe that crimes against humanity, particularly in the context of detention, have been committed in Venezuela since at least April 2017.¹⁷ On 2 October 2020, the ICC Office of the Prosecutor requested the State of Venezuela for information regarding progress in national investigations and judicial proceedings with respect to unlawful detentions, acts of torture, rape and/or other forms of sexual violence, and persecution of opposition figures since April 2017.¹⁸

On 2 December, 2020, the General Secretariat of the OAS submitted a follow-up report to the Panel of Experts' report in which it warned that the domestic investigations "are in reality an attempt to cover up the complicity of the Regime's senior leadership. Delaying the preliminary examination on the basis of these internal processes only contributes to maintaining impunity and frustrating the ends of justice."¹⁹

Between 31 October 2021, and 3 November 2021, Chief Prosecutor of the ICC Mr. Karim A.A. Khan QC visited the Presidential Palace in Caracas, Venezuela and during that visit signed a Memorandum of Understanding with Venezuelan President Maduro. In this MoU both parties aimed to "actively engage with each other and support efforts further to the principle of complementarity" and the Venezuelan Government committed to reform and revitalize the justice and penal system in order to enable genuine accountability in Venezuela for the victims of alleged crimes."²⁰ Concluding these conversations, on 3 November 2021, the Chief Prosecutor released a notification letter announcing the opening of the investigation into Venezuela's crimes against humanity.²¹

On 16 December, 2021, the ICC Office of the Prosecutor submitted a notification to Pre-Trial Chamber I detailing that they had notified all State Parties of the prosecutor's decision to open the investigation pursuant to Article 18(1) of the Rome Statute, detailed the scope of the investigation to the State Parties, informed them of the results of the Preliminary Examination, and concretized the MoU by outlining next steps that would

¹⁷ OTP, Report on Preliminary Examination Activities 2020, 14 December 2020, para. 202. Available at: <https://www.icc-cpi.int/sites/default/files/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>

¹⁸ OTP, Document OTP2020/019873, 2 October 2020.

¹⁹ Organization of American States. General Secretariat. "Fostering Impunity: The Impact of the Failure of the Prosecutor of the International Criminal Court to Open an Investigation Into the Possible Commission of Crimes Against Humanity in Venezuela". 2 December 2020

²⁰ International Criminal Court. ICC Prosecutor, Mr Karim A.A. Khan QC, opens an investigation into the Situation in Venezuela and concludes Memorandum of Understanding with the Government. Office of the Prosecutor. (2021). <https://www.icc-cpi.int/news/icc-prosecutor-mr-karim-aa-khan-qc-opens-investigation-situation-venezuela-and-concludes>

²¹ International Criminal Court. ICC Prosecutor, Mr Karim A.A. Khan QC, opens an investigation into the Situation in Venezuela and concludes Memorandum of Understanding with the Government. Office of the Prosecutor. (2021). <https://www.icc-cpi.int/news/icc-prosecutor-mr-karim-aa-khan-qc-opens-investigation-situation-venezuela-and-concludes>

be taken in the investigation.²² This communication has not been made available to the public.

On 29 to 31 March 2022, the ICC Prosecutor visited Venezuela and agreed with the State to establish an office in Caracas in support of cooperation between the Venezuelan authorities and the Office and for facilitating implementation of the MoU.²³

It is also critical to note that following its initial decision to open an investigation on 3 November 2021, the ICC Prosecutor extended the delay for the state to apply to the ICC Prosecutor to request a deferral from 30 days under Article 18 (2) of the Rome Statute, to over 5 months.²⁴

On 16 April 2022, the State of Venezuela submitted to the ICC Prosecutor, under article 18(1) of the Rome Statute, a request for deferral whereby Venezuela “confirms that [it] is investigating or have investigated its nationals or others within its jurisdiction with respect to alleged punishable acts against human rights, in concordance with the information provided in the notification received from the Office of the Prosecutor on December 16, 2021”, and “requests the Office of the Prosecutor to formally refrain from the investigation in favor of the actions carried out by the appropriate national authorities of Venezuela.”²⁵

As noted by the ICC Prosecutor, Venezuela attached no supporting material but instead referred to “a statistical overview of domestic proceedings that have reportedly been initiated” and “a set of regulatory and institutional reforms that it says have been adopted to strengthen national capacity.”²⁶ The ICC Prosecutor determined that given that no new information appeared that would warrant revisiting the prior determination, the

²² Cfr. International Criminal Court. Pre-Trial Chamber 1. Notification on the status of article 18 notifications in the Situation in the Bolivarian Republic of Venezuela I. 17 January 2022, para. 1. Available at: https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_00177.PDF

²³ International Criminal Court. Statement of ICC Prosecutor, Karim A.A. Khan QC, on completion of second visit to Venezuela: “Through cooperation we will accelerate our common work towards justice.”. Office of the Prosecutor. March 31st of 2022. <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-completion-second-visit-venezuela-through>

²⁴ Ministry of People’s Power for Foreign Affairs. Request to the Office of Prosecutor of the International Criminal Court. Bolivarian Republic of Venezuela. April 15th of 2022. https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2022_03181.PDF

²⁵ International Criminal Court. Pre-Trial Chamber 1: Notification of the Bolivarian Republic of Venezuela’s deferral request under article 18(2) of the Rome Statute. April 20th of 2022. https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_03184.PDF

²⁶ International Criminal Court. Pre-Trial Chamber 1: Notification of the Bolivarian Republic of Venezuela’s deferral request under article 18(2) of the Rome Statute. April 20th of 2022. https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_03184.PDF

Prosecution's prior complementarity assessment under article 53(1)(b) remained unaffected by the Deferral Request.²⁷

On 20 April 2022, ICC Prosecutor Karim A.A. Khan QC communicated to Pre-Trial Chamber I his intention to apply, as soon as possible, for authority to resume investigations and pursuant to Article 18(6) of the Rome Statute, on April 21st, 2022, he announced his intention to execute specific investigative measures pending a ruling from the Pre-Trial Chamber.²⁸

On 1 November 2022, the Prosecutor filed an application before Pre-Trial Chamber I seeking authorization to resume the investigation in the situation in the Bolivarian Republic of Venezuela I.²⁹ The Prosecutor considered that "the information available shows that the patterns and policies underlining the contextual elements of crimes against humanity are not being investigated, the domestic proceedings focus on direct perpetrators (and seemingly low level members of the State security forces) and mostly on crimes qualified as being of "minor" gravity, while a substantial part of the relevant criminality is not being investigated at all. Notably, only 7.61% of cases relate to crimes identified by the Prosecution during the PE (preliminary examination)."³⁰

At the same time, the Prosecutor referred to the institutional reform adopted by Venezuela that appears to be limited in scope and do not address the considerations related to the genuineness of proceedings outlined below; and that there were indicia that the proceedings have not been or are not being conducted independently or impartially, and that they have not been or are not being conducted in a manner which, in the circumstances, is consistent with an intent to bring the persons concerned to justice, considering article 17(2)(c).³¹

²⁷ International Criminal Court. Pre-Trial Chamber 1: Notification of the Bolivarian Republic of Venezuela's deferral request under article 18(2) of the Rome Statute. April 20th of 2022. https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_03184.PDF

²⁸ International Criminal Court. Pre-Trial Chamber 1: Notification of the Bolivarian Republic of Venezuela's deferral request under article 18(2) of the Rome Statute. April 20th of 2022. https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_03184.PDF

²⁹ International Criminal Court. Pre-Trial Chamber 1: Prosecution request to resume the investigation into the situation in the Bolivarian Republic of Venezuela I pursuant to article 18(2). November 1st of 2022. https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_06554.PDF

³⁰ International Criminal Court. Pre-Trial Chamber 1: Prosecution request to resume the investigation into the situation in the Bolivarian Republic of Venezuela I pursuant to article 18(2). November 1st of 2022. https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_06554.PDF

³¹ International Criminal Court. Pre-Trial Chamber 1: Prosecution request to resume the investigation into the situation in the Bolivarian Republic of Venezuela I pursuant to article 18(2). November 1st of 2022. https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_06554.PDF

On 3 November 2022, the Office of Public Counsel for Victims (the ‘OPCV’) submitted an application for the victims who have a personal interest in the proceedings arising from the Deferral Request, to be allowed to file, together with four Venezuelan lawyers, joint submissions presenting the views and concerns of victims on the Prosecution’s Request.³²

On 18 November 2022, Pre-Trial Chamber I issued an Order inviting observations and views and concerns of victims. It instructed the Victims Participation and Reparations Section of the Registry (“VPRS”) to collect victims’ views and concerns and to transmit them to the Chamber, together with a report, by 21 March 2023 at the latest.³³

On May 16, 2023, the second report of the Panel was presented.³⁴ In this second report, the Panel found that the proposed institutional reforms were largely cosmetic in nature and expressed grave concern that the institutional reforms actively shield those most responsible perpetrators from domestic and ultimately international accountability and entrenched impunity for high level perpetrators, demonstrating a clear and systematic lack of genuine political will to seek accountability for crimes against humanity under the ICC jurisdiction allegedly committed by state perpetrators, in particular for high-level perpetrators.

On June 27th, 2023, Pre-Trial Chamber I authorized the resumption of the investigation of the situation in Venezuela concluding: “while Venezuela is taking some investigative steps, its domestic criminal proceedings do not sufficiently mirror the scope of the Prosecution’s intended investigation. This conclusion is primarily informed by: (i) the fact that Venezuela is not investigating (and does not express any intention to investigate) the factual allegations underlying the contextual elements of crimes against humanity; and, relatedly, (ii) the fact that the focus of the domestic investigations appear to generally be on direct/low level perpetrators. In addition, the Chamber notes that: (i) Venezuela appears to have taken limited investigative steps; (ii) there appear to be periods of unexplained investigative inactivity; and (iii) the domestic investigations appear to not sufficiently mirror the forms of criminality the Prosecution intends to investigate – noting in particular the discriminatory intent underlying the alleged crimes and the insufficient

³² International Criminal Court, OPCV Request to Submit Observations on the Prosecutor’s Request to Resume the Investigation under Article 18(2) of the Statute. 3 November 2023. Available at: https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_06564.PDF

³³ International Criminal Court. Pre-Trial Chamber 1: Order inviting observations and views and concerns of victims. 18 November 2022. Available at: https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_06722.PDF

³⁴ Available at: https://www.oepaneldeexpertos.org/_files/ugd/56aada_4ee37f935c0244ee-a1c346d1df92232a.pdf

investigation of crimes of a sexual nature.”³⁵ In response, on 2 July 2023, Venezuela filed a notice of appeal against the Article 18(2) Decision.³⁶

On 24 November 2023, the Panel presented an *amicus curiae* before the ICC with its observations on the Venezuelan Government’s Appeal against the Decision authorising the resumption of the investigation.³⁷

In March 2024, the International Criminal Court Appeals Chamber rejected the Venezuelan Government’s appeal to stop the investigation into crimes against humanity, and confirmed that the said investigations will resume.³⁸

On 19 March 2024, the Deputy UN High Commissioner for Human Rights, Nada Al-Nashif, expressed serious concern about undue restrictions on civic space and called for the release of political prisoners.³⁹ That month, cases emerged of enforced disappearances and prolonged incommunicado detentions by state agents.

On May 3, 2024, the third report of the Panel was presented.⁴⁰ In this report, the Panel found that the Venezuelan State has failed to investigate or prosecute any mid- or high-level perpetrators for the crimes against humanity committed. It also indicates that the State has treated the events as isolated incidents, ignoring the presence of a state policy of widespread and systematic persecution and has sought de facto impunity for the crimes of imprisonment, persecution, and sexual violence. This is because persecution and imprisonment have been ignored by the Venezuelan Prosecutor’s Office, despite being among the most reported crimes since 2014. Meanwhile, acts of sexual violence have been treated domestically merely as an aggravating factor in other crimes, evidencing not only mistreatment but also a disregard for the trauma and rights of the victims.

³⁵ “Decision Authorising the Resumption of the Investigation Pursuant to Article 18(2) of the Statute.” International Criminal Court, <https://www.icc-cpi.int/court-record/icc-02/18-45>. Accessed 14 July 2023.

³⁶ See the “The Bolivarian Republic of Venezuela’s Notice of Appeal against the Pre-Trial Chamber I’s Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute’ (ICC-02/18-45) and request for suspensive effect”, No. ICC-02/18-46-Conf-Exp-AnxII, 3 July 2023 (a public redacted version was registered on 12 July 2023, No. ICC-02/18-46-AnxII-Red OA).

³⁷ Available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd18067066c.pdf>

³⁸ See the “Judgment on the appeal of the Bolivarian Republic of Venezuela against Pre-Trial Chamber I’s Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute’ (Appeals Chamber), No. ICC-02/18-89 OA, 1 March 2024 (the “Article 18(2) Judgment”).

³⁹ UN, La Oficina de Derechos Humanos pide unas elecciones “transparentes, inclusivas y participativas” en Venezuela. 19 March 2024. Available at: <https://news.un.org/es/story/2024/03/1528451>

⁴⁰ Available at: https://www.oepaneldeexperto<s.org/_files/ugd/56aada_401efa912d394c2aa-fe45604e14cad10.pdf

The report also showed that The State of Venezuela has not initiated any form of judicial process in a staggering 52.5% of all the cases reviewed.⁴¹

On June 28 2024, the Office of the United Nations High Commissioner for Human Rights presented a new report on the Human Rights Situation in Venezuela. In this report, covering the period between May 1, 2023, and April 30, 2024, the OHCHR called “for respect for the right to a fair trial and due process, and that criminal legislation and its application fully comply with international human rights law, including the principles of legality and legal certainty.”⁴² Also, the OHCHR reiterated its call to protect the right to participate in public affairs, which also requires respect and protection of the life, physical integrity, freedom, security, and privacy of all members of society.⁴³

On 12 November 2024, Arcadia Foundation filed a Request for Recusal of the Prosecutor of the International Criminal Court in the Case of Venezuela I Due to Conflict of Interest.⁴⁴

On 22 November 2024, the Office of Public Counsel for Victims (OPCV) presented its views and concerns of victims on the Request for recusal of the Prosecutor.⁴⁵ This office expressed that victims’ concern which is further compounded by the lack of visible progress in the investigation and the Prosecutor’s continued emphasis on pursuing a “positive complementarity” track, despite the Appeals Chamber’s unequivocal determination that Venezuela is currently unwilling to undertake genuine investigations and/or prosecutions.⁴⁶ The OPCV noted that “an investigation should in general be initiated without delay and be conducted efficiently in order for it to be effective, since ‘[w]ith the lapse of time, memories of witnesses fade, witnesses may die or become untraceable,

⁴¹ Panel of Independent International Experts on the possible commission of crimes against humanity in Venezuela, Venezuela’s impunity gap enabling further crimes: an analysis of domestic accountability efforts in Venezuela. March 2024, page 3. Available at: https://www.oepaneldeexpertos.org/_files/ugd/56aada_401efa912d-394c2aafe45604e14cad10.pdf

⁴² OHCHR, Situation of human rights in the Bolivarian Republic of Venezuela. A/HRC/56/63. 28 June 2024, para. 39.

⁴³ OHCHR, Situation of human rights in the Bolivarian Republic of Venezuela. A/HRC/56/63. 28 June 2024, para. 42.

⁴⁴ See the “Registry Transmission of a “Request for Recusal of the Prosecutor of the International Criminal Court in the Case of Venezuela I Due to Conflict of Interest”, No. ICC-02/18-92, 12 November 2024 (the “Request”), with Annex I, Annex II, Annex III and Annex IV.

⁴⁵ Office of Public Counsel for Victims. Views and concerns of Victims on the Request for recusal of the Prosecutor. ICC-02/18-98. 22 November 2024. Available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180a112e9.pdf>

⁴⁶ Office of Public Counsel for Victims. Views and concerns of Victims on the Request for recusal of the Prosecutor. ICC-02/18-98. 22 November 2024, para. 3. Available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180a112e9.pdf>

evidence deteriorates or ceases to exist, and thus the prospects that any effective investigation can be undertaken will increasingly diminish.”⁴⁷

Finally, concerning the merits of the Request, the OPCV considered that while the victims rightfully consider that any potential or perceived conflict of interest may undermine the integrity of the investigation, they are equally concerned that any measure taken to address such issues must not result in further delays or disruptions of the investigative process.⁴⁸

On 29 November 2024, the Prosecutor requested that the that the “Request for Recusal of the Prosecutor of the International Criminal Court in the Case of Venezuela I Due to Conflict of Interest” filed by the Arcadia Foundation (“Applicant”) be dismissed *in limine*, taking into account that article 42(7) only provides for the Prosecutor to be disqualified “from a case”; at this stage of the Venezuela I situation there is no “case” from which the Prosecutor could be disqualified, and that the Request is also out of time, not having been submitted “as soon as there is knowledge of the grounds on which it is based” in compliance with rule 34(2).⁴⁹

In response to concerns expressed by the Office of Public Counsel for Victims that the OTP is prioritising complementarity,⁵⁰ the Prosecutor took the opportunity to underline that complementarity efforts and active investigations in the Venezuela situation have never been planned as consecutive actions, but are concurrent activities. Also, explained that investigations have been maturing and progressing since authorisation was granted by the judges of the ICC. This has been made absolutely clear, according to the OTP in the Prosecutor’s public end of mission statement from Venezuela in April 2024.⁵¹

⁴⁷ See the “Decision on the ‘Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute’” (Pre-Trial Chamber I), No. ICC-RoC46(3)-01/18-37, 6 September 2018, para. 86.

⁴⁸ Office of Public Counsel for Victims. Views and concerns of Victims on the Request for recusal of the Prosecutor. ICC-02/18-98. 22 November 2024, para. 28. Available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180a112e9.pdf>

⁴⁹ OTP, Public redacted version of “Prosecutor’s Submissions on the Request for the Recusal of the Prosecutor”, 29 November 2024, ICC-02/18-99-Red. 29 November 2024, para. 1. Available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180a22764.pdf>

⁵⁰ ICC-02/18-98, para. 3.

⁵¹ OTP, Public redacted version of “Prosecutor’s Submissions on the Request for the Recusal of the Prosecutor”, 29 November 2024, ICC-02/18-99-Red. 29 November 2024, para. 24. Available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180a22764.pdf>

On 6 September 2024, and 9 January 2025, the Republic of Uruguay⁵² and the Republic of Ecuador⁵³ also submitted referrals of the Situation in Venezuela I to the Office of the Prosecutor.

On 24 September 2024, the Federal Chamber of the City of Buenos Aires, Argentina, ordered the international arrest of Nicolás Maduro, Diosdado Cabello and 12 other Venezuelan officials in the framework of a universal jurisdiction case as possible perpetrators of a systematic plan to carry out torture, kidnappings and executions in their country.⁵⁴

1.2. METHODOLOGY AND STANDARD OF PROOF

In producing this report, the Panel has adhered to established methodologies and best practices for human rights fact-finding missions, in line with internationally recognised standards. The work of the Panel has been guided by the principles of independence, impartiality, objectivity, transparency, and integrity throughout the process of information collection, analysis, and reporting.

The information and findings presented herein are based on a combination of primary and secondary sources. With respect to primary sources, the Panel conducted confidential interviews with relatives of victims of crimes against humanity committed in the Bolivarian Republic of Venezuela during and after the 2024 electoral process.

In addition, the Panel reviewed a wide range of secondary sources, including:

- a. Contemporaneous media reports from both domestic and international outlets;
- b. official public information from Venezuelan government sources;
- c. reports, resolutions, and public statements issued by intergovernmental organisations;
- d. findings and documentation from national and international non-governmental organisations; and
- e. academic analyses.

The Panel emphasises the increasing difficulty in obtaining and verifying open-source information, as many digitised documents, videos, and public records that previously

⁵² https://www.icc-cpi.int/sites/default/files/2024-10/2024-09-06-Uruguay-Referral_Venezuela-I.pdf

⁵³ <https://www.icc-cpi.int/sites/default/files/2025-01/2025-01-09-venezuela-I-referral-ecuador.pdf>

⁵⁴ BBC News Mundo, La Justicia de Argentina ordena la captura de Nicolás Maduro y Diosdado Cabello por presuntos crímenes de lesa humanidad. 24 September 2024. Available at: <https://www.bbc.com/mundo/articles/cd6qjy8j8geo>

existed have either been removed from public access, hacked, or subjected to censorship. This trend further exemplifies the deteriorating environment for transparency and public accountability in Venezuela.

The Panel deeply regrets the continued denial of access to official sources of information that should, in accordance with international legal standards, be publicly available, particularly in relation to the actions and accountability of State institutions concerning human rights violations.

This challenge is compounded by the current climate of intimidation and reprisals against victims and their families, as well as the widespread cover-up of crimes allegedly committed by State agents. Moreover, the absolute lack of transparency and the documented structural indigence and co-optation of the judiciary — as reported by various United Nations bodies, regional mechanisms, and independent experts — have severely hindered efforts to ensure access to justice and accountability in Venezuela. These conditions significantly limited the Panel’s ability to conduct full and unrestricted investigations in relation to alleged reports of crimes across the Bolivarian Republic of Venezuela.

2. THE ESCALATION OF REPRESSION AHEAD OF THE ELECTIONS

The onset of Venezuela’s 2024 electoral cycle triggered a deliberate and escalating campaign of political repression. The signing of the *Barbados Agreement* in October 2023 between the Government of Venezuela and the opposition parties—widely portrayed as a commitment to democratic restoration—was, in reality, the starting point for a systematic assault on opposition forces and civic space under the guise of reform.

From that moment onward, State of Venezuela intensified their efforts to dismantle political competition and consolidate authoritarian control. Between October 2023 and June 2024, *Foro Penal* recorded a rise in politically motivated detentions, with the number of confirmed political prisoners increasing from 264 to 287.⁵⁵ Between January and May 2024 alone, twenty-three individuals were detained and classified as political

⁵⁵ Repression in Venezuela: July, August, and September 2024. Pre- and Post-Electoral Situation. November 5, 2024. Available at: https://foropenal.com/wp-content/uploads/2024/12/FP_REPORTE-JUL_AGO_SEP_-Ingles-2024_2401201-comprimido.pdf

prisoners.⁵⁶ Between January and June 2024, at least forty-six opposition leaders affiliated with *Vente Venezuela* and *Comando con Venezuela* were detained.⁵⁷

In the early months of this period, the UN Fact-Finding Mission documented forty-two cases of arbitrary detention, along with widespread reports of harassment, persecution, reprisals, unlawful interference in the electoral process and disruption of opposition campaign events.⁵⁸ The targets of repression included not only national political figures, but also campaign organisers, journalists, human rights defenders, and ordinary citizens expressing dissent.

Similarly, the IACHR condemned the political persecution of individuals perceived by the regime as opponents and considered that these incidents are not isolated acts, but rather part of a pattern of persecution aimed at discouraging political participation by the opposition and the general population and, ultimately, perpetuating the ruling party's power.⁵⁹

The Panel noted that even prior to the election, the scope of repression had already expanded significantly. The targets were no longer limited to high-profile political figures but extended to a wide range of individuals involved in or supportive of opposition activity—including campaign organisers, human rights defenders, independent journalists, and ordinary citizens who expressed dissenting views. This diversification of targets reflects a deliberate strategy to instil fear across all levels of civic engagement and to suppress any form of resistance to the prevailing political order.

These acts were not isolated or spontaneous. They form part of a broader State policy to neutralise opposition, manipulate the electoral process, and maintain power through coercive and unlawful means.

The pattern of conduct in the period leading up to the election reflects grave and repeated violations of international human rights law and gives rise to credible allegations of

⁵⁶ Foro Penal, Reporte sobre la represión política en Venezuela. Mayo 2024, page 3. Available at: https://foropenal.com/wp-content/uploads/2024/06/FP_REPORT-EMAY-2024_240628_compressed.pdf

⁵⁷ Infobae, Persecución en Venezuela: denuncian la detención de 46 opositores vinculados a la campaña de María Corina Machado en lo que va de año. 29 June 2024. Available at: <https://www.infobae.com/venezuela/2024/06/29/persecucion-en-venezuela-denuncian-la-detencion-de-46-opositores-vinculados-a-la-campa-na-de-maria-corina-machado-en-lo-que-va-de-ano/>

⁵⁸ Independent international fact-finding mission on the Bolivarian Republic of Venezuela. Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. A/HRC/57/CRP.5. 14 October 2024. Available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/advance-versions/a-hrc-57-crp-5-en.pdf>

⁵⁹ IACHR, Press release: IACHR Urges Venezuela to End Political Persecution and to Enable Free Elections. 8 July 2024. Available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/159.asp&utm_content=country-ven&utm_term=class-mon

crimes against humanity under Article 7 of the Rome Statute. The period leading up to the election was not merely contested in an undemocratic environment—it was shaped and defined by repression.

Crucially, the escalation of these violations occurred alongside diplomatic gestures intended to signal cooperation. In April 2024, the Government welcomed a visit by ICC Prosecutor Karim Khan KC and announced a range of commitments—including opening a technical assistance office, re-engaging with the UN Human Rights Office, and incorporating the Rome Statute into domestic law.

However, the Panel observed with profound regret that these commitments, while diplomatically significant in appearance, remained wholly declaratory in practice. Despite the rhetoric of political reform and international engagement, no genuine or verifiable steps were taken by the authorities to implement the measures announced. On the contrary, the period that followed was marked not by restraint or reform, but by a deepening of authoritarian practices.

The same State actors who had stood before international observers pledging cooperation with international law continued to engage in systematic repression, the criminalisation of dissent, and the deliberate use of State institutions—including the judiciary, security forces, and intelligence services—to neutralise political opposition and silence independent voices. Acts amounting to arbitrary detention, enforced disappearance, persecution, and other inhumane treatment persisted unabated.

The Panel finds this failure not only gravely disappointing, but emblematic of a broader pattern in which the Government employs the language of international cooperation as a diplomatic shield while entrenching impunity and authoritarian control behind the scenes. The conduct observed suggests a strategic misuse of engagement mechanisms to delay accountability, manipulate international perception, and obstruct the course of justice for victims of serious human rights violations and alleged crimes against humanity.

2.1. THE BARBADOS AGREEMENT AND THE ILLUSION OF REFORM

On 17 October 2023, in what was widely presented as a landmark moment for Venezuelan democracy, the Government of Venezuela and the Unitary Democratic Platform—the main opposition coalition—convened in Bridgetown, Barbados, to sign the *Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All*.⁶⁰ The

⁶⁰ Acuerdo parcial sobre la promoción de derechos políticos y garantías electorales para todos los venezolanos. 17 October 2023. Available at: https://alertas-v3.directoriolegislativo.org/gz9qz0zxv43a1pjau2g6zuw3_071023%20Acuerdo%20Parcial%20sobre%20la%20Promoción%20de%20De.pdf

agreement was framed as a commitment to restoring fundamental electoral principles in a country long plagued by political repression and institutional breakdown.

Among its key provisions, the Barbados Agreement pledged to establish a “favourable environment” for elections, affirm the right of political actors to freely select their candidates, invite international electoral observers to ensure transparency, and update the national voter registry to enable inclusive participation. These undertakings were met with cautious optimism both domestically and internationally, with some viewing the Agreement as a potential opening for democratic renewal. However, events that would soon follow revealed a stark disconnect between the language of reform and the realities of political life in Venezuela.

Despite its international endorsement as a positive step toward democratic normalisation, the Agreement was immediately followed by numerous corroborated reports of intensified repression, including arrests, censorship, and judicial actions designed to suppress the opposition’s pre-electoral mobilisation and activities.

2.2. SUPPRESSION OF OPPOSITION THROUGH JUDICIAL AND EXECUTIVE MEASURES

On 22 October 2023, the Unitary Democratic Platform conducted a nationwide primary election to select a presidential candidate. The process, administered by an independent National Primary Commission, was peaceful, transparent, and widely regarded as legitimate. María Corina Machado, leader of the Vente Venezuela party and a prominent critic of the Maduro regime, won the primary with over 92 per cent of the vote.⁶¹

Despite the democratic nature of this process, Ms Machado remained subject to a 15-year disqualification from public office, issued without due process and subsequently upheld by the Supreme Court in January 2024. Shortly thereafter, the Supreme Court suspended the results of the opposition primary in their entirety.⁶² Election organisers were summoned as part of a criminal inquiry, constituting a further act of intimidation against independent political activity.

The IAHRRC condemned the administrative disqualifications imposed on opposition members, denounced such actions as characteristic of authoritarian regimes and warned

⁶¹ Infobae, María Corina Machado suma el 92,3 % de los votos en las primarias opositoras de Venezuela y se acerca el final del escrutinio. 25 October 2023. Available at: <https://www.infobae.com/venezuela/2023/10/25/maria-corina-machado-suma-el-923-de-los-votos-en-las-primarias-opositoras-de-venezuela-y-se-acerca-el-final-del-escrutinio/>

⁶² BBC News Mundo, El Tribunal de Justicia de Venezuela suspende las elecciones primarias de la oposición ganadas por María Corina Machado. 30 October 2023. Available at: <https://www.bbc.com/mundo/articles/cqejnde7e610>

that this decision nullified the possibility of holding free, fair, and competitive presidential elections in 2024.⁶³ Also it considered that “the removal of recognized opposition leaders from the electoral race confirms that the Venezuelan justice system lacks guarantees of independence and impartiality, playing a significant role in repressing government opponents.”⁶⁴

2.3. SANCTIONS RELIEF IN EXCHANGE FOR PRISONER RELEASES

Following the signing of the Barbados Agreement, the United States temporarily relaxed certain sanctions on Venezuela’s hydrocarbon sector.⁶⁵ In exchange, Venezuela released ten United States nationals and twenty-four Venezuelan detainees.⁶⁶ The United States also issued a presidential pardon for Alex Saab, an individual closely associated with the Maduro Government and facing serious financial crime charges.⁶⁷ While these measures were framed as confidence-building steps, they occurred against a backdrop of continuing repression and cannot be interpreted as evidence of systemic reform.

2.4. EXPULSION OF THE UNITED NATIONS HUMAN RIGHTS OFFICE

On 15 February 2024, the Venezuelan Minister of Foreign Affairs, Mr Yván Gil, announced the suspension of the activities of the Technical Advisory Office of the United Nations High Commissioner for Human Rights in Venezuela. The Government ordered all UN personnel to leave the country within seventy-two hours and accused the Office of adopting a “colonialist, abusive” posture in breach of the UN Charter.⁶⁸ The Panel is of the view that this step represented a further retreat from international oversight and a

⁶³ IACHR, Press release: Venezuela: IACHR Condemns Political Disqualifications of Opposition Leaders. 31 January 2024. Available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/025.asp&utm_content=country-ven&utm_term=class-mon

⁶⁴ IACHR, Press release: Venezuela: IACHR Condemns Political Disqualifications of Opposition Leaders. 31 January 2024. Available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/025.asp&utm_content=country-ven&utm_term=class-mon

⁶⁵ Voz de América, EEUU flexibiliza temporalmente sanciones a Venezuela tras acuerdos entre gobierno y oposición. 18 October 2023. Available at: <https://www.vozdeamerica.com/a/eeuu-flexibiliza-sanciones-venezuela-tras-firma-de-acuerdos-en-barbados/7313492.html>

⁶⁶ Voz de América, Estadounidenses liberados por Venezuela en intercambio de prisioneros llegan a base de Texas. 21 December 2023. Available at: <https://www.vozdeamerica.com/a/estadounidenses-liberados-por-venezuela-en-intercambio-de-prisioneros-llegan-a-base-de-texas/7406871.html>

⁶⁷ France24, EE. UU. excarcela a Alex Saab en un canje por venezolanos y estadounidenses presos en Venezuela. 21 December 2023. Available at: <https://www.france24.com/es/minuto-a-minuto/20231220-venezuela-libera-presos-politicos-en-canje-humanitario-con-eeuu>

⁶⁸ CNN Español, Gobierno de Maduro expulsa de Venezuela a la oficina del Alto Comisionado de la ONU para los Derechos Humanos. 15 January 2024. Available at: <https://cnnespanol.cnn.com/2024/02/15/gobierno-maduro-expulsa-venezuela-oficina-alto-comisionado-onu-derechos-humanos-orix>

deliberate attempt to shield the perpetrators committing crimes against humanity from scrutiny.

2.5. ICC ADMISSIBILITY DECISION AND CONTINUED REPRESSION

In March 2024, the Appeals Chamber of the International Criminal Court rejected the Venezuelan Government's challenge to the admissibility of the Prosecutor's investigation into alleged crimes against humanity.⁶⁹ The investigation concerns acts of torture, arbitrary detention, and persecution allegedly committed since at least 2017.

Following this decision, different sources reported new instances of enforced disappearance and prolonged incommunicado detention by State agents, strongly suggesting the continued and systematic commission of the same crimes.⁷⁰

2.6. SIEGE OF OPPOSITION MEMBERS AT THE ARGENTINIAN EMBASSY IN CARACAS

On March 20, 2024, in the middle of a wave of repression against the civilian population ahead of the then-upcoming election of July 2024, the Government of Venezuela issued arrest warrants against key members of the opposition campaign teams: Pedro Uruchurtu (Machado's adviser for international affairs), Magalli Meda – a Spanish citizen (opposition campaign manager), Fernando Martínez Mottola – an Italian citizen (former Minister of Transport and Communications), Humberto Villalobos (electoral coordinator), Claudia Macero (press chief), and Omar González (a 75-year-old journalist and former lawmaker), accusing them of terrorism, conspiracy, and treason.⁷¹ Despite Argentina's formal grant of diplomatic asylum to them at the Embassy premises in Caracas, the State of Venezuela initiated a siege on the Embassy, violating multiple provisions of the Vienna Convention on Diplomatic Relations and the Caracas Convention.

Over several months, the asylum seekers were subjected to inhuman conditions amounting to persecution and cruel treatment, including the cutting of electricity and water,

⁶⁹ International Criminal Court. Appeals Chamber. Judgment on the appeal of the Bolivarian Republic of Venezuela against Pre-Trial Chamber I's "Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute. 1 March 2024. Available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd1807927f1.pdf>

⁷⁰ See, for example, Independent international fact-finding mission on the Bolivarian Republic of Venezuela. Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. A/HRC/57/CRP.5. 14 October 2024. Available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/advance-versions/a-hrc-57-crp-5-en.pdf>

⁷¹ Instagram Venezuela 24 horas (@venezuela24horas). 20 March 2024. Available at: https://www.instagram.com/reel/C4wDT_9vxbo/

digital surveillance, and coordinated defamation.⁷² The Argentinian embassy staff was recalled following the breakdown of diplomatic ties with Venezuela and Brazil temporarily assumed responsibility for representation of Argentina's the interests in Venezuela including the premises of the embassy.⁷³

One of the detainees, Fernando Martínez Mottola, ultimately died after surrendering under duress.⁷⁴ The siege constitutes not only a breach of diplomatic and refugee protection obligations under international law, but also forms part of a wider campaign of crimes against humanity. Finally, on 6 May 2024, after 412 days deprived of liberty the five refugees who were staying at the Argentine embassy in Caracas were released in an operation led by the United States government.⁷⁵

2.7. UNLAWFUL INTERFERENCE OF THE ELECTORAL PROCESS

On 26 March 2024, the National Electoral Council published a list of thirteen presidential candidates, later reduced to ten. Of the thirty-eight political parties participating in the process, twelve had been subject to prior judicial intervention, with the Supreme Court imposing *ad hoc* leadership bodies aligned with the executive.

The opposition coalition, represented by the Democratic Unity Round Table, was obstructed in its attempt to register Corina Yoris as the replacement for Ms Machado. Only after significant internal and international pressure was it permitted to register Edmundo González Urrutia—a respected but unintended nominee - deliberate interference in the opposition's internal processes that violate the right to equal participation in political life.

2.8. ENGAGEMENT WITH THE ICC AND INTERNATIONAL LEGAL COMMITMENTS

In April 2024, ICC Prosecutor Karim Khan KC travelled to Caracas and publicly announced the forthcoming opening of a technical assistance office in Venezuela. During

⁷² Pedro Urruchurtu X's account (@Urruchurtu). 30 November 2024. Available at: <https://x.com/Urruchurtu/status/1862994436902326375>

⁷³ Javier Milei X's account (@JMilei). 1 August 2024. Available at: <https://x.com/jmilei/status/1818982715665916398>

⁷⁴ Infobae, Murió Fernando Martínez Mottola, uno de los opositores venezolanos que estuvo refugiado en la Embajada argentina en Caracas. 26 February, 2025. Available at: <https://www.infobae.com/venezuela/2025/02/26/murio-fernando-martinez-mottola-uno-de-los-opositores-venezolanos-que-estuvo-refugiado-en-la-embajada-argentina-en-caracas/>

⁷⁵ The Washington Post, Venezuelan opposition members leave Argentine diplomatic compound after over a year and are in US. 6 May 2025. Available at: https://www.washingtonpost.com/world/2025/05/06/venezuela-argentina-caracas-political-opposition-us-rubio/9ee7c378-2ada-11f0-a724-3bc879c9f843_story.html

official meetings with President Nicolás Maduro, the Government expressed a willingness to incorporate the Rome Statute into domestic law, to invite the return of the Office of the United Nations High Commissioner for Human Rights, and to facilitate future cooperation with the International Criminal Court’s investigative teams.⁷⁶

At the time, the IACHR had warned that this declaration by the State must be accompanied by a real and serious commitment to the fight against impunity. And that such a commitment was impossible as long as the Judiciary and the Public Prosecutor’s Office remained co-opted by the Executive Branch.⁷⁷ Despite the rhetoric of political reform and international engagement, no genuine or verifiable steps were taken by the authorities to implement the measures announced.⁷⁸ On the contrary, the period that followed was marked not by restraint or reform, but by a deepening of authoritarian practices.

The same State actors who had stood before international observers pledging cooperation with international law continued to engage in systematic repression, the criminalisation of dissent, and the deliberate use of State institutions—including the judiciary, security forces, and intelligence services—to neutralise political opposition and silence independent voices. Acts amounting to arbitrary detention, enforced disappearance, persecution, and other inhumane treatment persisted unabated.

The Panel finds this failure not only gravely disappointing, but emblematic of a broader pattern in which the Government employs the language of international cooperation as a diplomatic shield while entrenching impunity and authoritarian control behind the scenes. The conduct observed suggests a strategic misuse of engagement mechanisms to delay accountability, manipulate international perception, and obstruct the course of justice for victims of serious human rights violations and potential crimes against humanity.

2.9. “OPERATION GIDEON” TRIAL AND MASS SENTENCING

On 22 May 2024, the long-running trial of twenty-nine individuals accused of involvement in the so-called “Operation Gideon” —an unsuccessful attempt by private armed forces to infiltrate Venezuela by sea and remove Nicolás Maduro from power came to a close in Venezuela. The proceedings ended with the imposition of harsh prison

⁷⁶ OTP, *The law in action for all*. 2024. page. 99.

⁷⁷ IACHR, *Press release: IACHR Asks Venezuelato Fight Impunity for Serious Human Rights Violations*. 20 May 2024. Available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/107.asp&utm_content=country-ven&utm_term=class-mon

⁷⁸ At least until the end of 2024, the High Commissioner’s office had not fully resumed its activities. See, UN, *Venezuela: El Alto Comisionado de Derechos Humanos pide la liberación de los detenidos arbitrariamente*. 13 Decembre 2024. Available at: <https://news.un.org/es/story/2024/12/1535091>

sentences that raise profound concerns regarding the political instrumentalisation of the judiciary and systematic violations of due process.⁷⁹

Fourteen of the defendants, including senior military officers such as Colonel Oscar Pérez Romero—who is terminally ill—First Lieutenant Richard Alemán, Captain Dimas Murillo, and others, were sentenced to thirty years’ imprisonment for terrorism, treason to the homeland, rebellion, and related offences. A further four individuals were sentenced to thirty years for allegedly financing terrorism, conspiracy, and treason. Nine others, including civilians, received sentences of twenty-one years for conspiracy and criminal association.⁸⁰

The trial itself was fraught with procedural defects. Defendants were reportedly denied timely access to independent legal counsel, subjected to extended pre-trial detention, and prosecuted before a judiciary lacking independence and impartiality. The proceedings failed to meet the basic guarantees of due process required under international human rights law.⁸¹

Furthermore, the nature and context of the trial suggest that it was not conducted for the purpose of genuine criminal justice, but as a means of political retaliation. The severity of the sentences, the grouping of defendants into a single trial, the lack of procedural fairness, and the targeting of both military and civilian individuals associated with past opposition activities all point to a calculated effort to deter dissent and consolidate control through fear and punishment.

2.10. INCITEMENT TO POLITICAL VIOLENCE BY THE HEAD OF STATE

As of 31 May 2024, *Foro Penal* reported that 273 individuals remained arbitrarily detained for political reasons in the Bolivarian Republic of Venezuela.⁸² These detentions were not isolated occurrences but crimes against humanity committed by the same

⁷⁹ Infobae, El régimen chavista de Venezuela condenó a prisión a 29 acusados de participar en la “Operación Gedeón” en 2020. 22 May 2024. Available at: <https://www.infobae.com/venezuela/2024/05/22/el-regimen-chavista-de-venezuela-condeno-a-prision-a-29-acusados-de-participar-en-la-operacion-gedeon-en-2020/>

⁸⁰ Infobae, El régimen chavista de Venezuela condenó a prisión a 29 acusados de participar en la “Operación Gedeón” en 2020. 22 May 2024. Available at: <https://www.infobae.com/venezuela/2024/05/22/el-regimen-chavista-de-venezuela-condeno-a-prision-a-29-acusados-de-participar-en-la-operacion-gedeon-en-2020/>

⁸¹ NTN24, Sentencia a la Operación Gedeón: Un juicio plagado de irregularidades y una jueza sorda. 23 May 2024. Available at: <https://www.ntn24.com/noticias-judicial/sentencia-a-la-operacion-gedeon-un-juicio-plagado-de-irregularidades-y-una-jueza-sorda-492054>

⁸² Foro Penal, Reporte sobre la represión política en Venezuela. May 2024, page 4. Available at: <https://foropenal.com/reporte-sobre-la-represion-en-venezuela-mayo-2024/>

perpetrators as part of a widespread and systematic campaign of persecution directed against actual or perceived opposition to the Maduro regime.

By 30 June 2024, the number of confirmed political prisoners had increased to 287.⁸³ The Panel observed that this expanding figure was emblematic of a policy of persecution, repression and intimidation that targeted not only opposition leaders but also grassroots organisers, journalists, human rights defenders, and ordinary citizens who express disagreement with the Government of Venezuela to set the tone ahead of the election.

3. ALLEGED CRIMES FOLLOWING THE ELECTIONS

The period following the 28 July 2024 presidential election marked a further sharp escalation in State violence in an attempt to maintain power and repress dissent. On 29 July 2024, the National Electoral Council declared President Nicolás Maduro the winner amid credible allegations of electoral fraud. The result was met with nationwide protests, which were violently suppressed by State agents and armed civilian auxiliaries. Over the two days that followed, at least 28 people were killed.⁸⁴ At least 1848 civilians were arbitrarily detained after the elections including 252 women and 162 minors.⁸⁵ Thousands more were subjected to surveillance, harassment, and retaliatory measures.

The OTP has already determined that the communications on alleged crimes against humanity received related to facts occurred after the 28 July 2024 have been assessed and “potentially fall within the scope of its existing investigation, and as such is considering them in this context.”⁸⁶

3.1. ELECTION DAY

Despite significant institutional interference-including the exclusion of key opposition candidates, government control over electoral bodies, and manipulation of voting logistics-the Venezuelan presidential election proceeded on 28 July 2024. The Maduro government reportedly moved polling stations to pro-government areas, manipulated

⁸³ Foro Penal, Reporte sobre la represión política en Venezuela. Junio 2024, page 4. Available at: https://foropenal.com/wp-content/uploads/2024/07/FP_REPORTE-JUN-2024_240724-1.pdf

⁸⁴ UN, Venezuela: El Alto Comisionado de Derechos Humanos pide la liberación de los detenidos arbitrariamente. 13 December 2024. Available at: <https://news.un.org/es/story/2024/12/1535091>

⁸⁵ Foro Penal, Special Report on Political Repression in Venezuela: July, August, and September 2024. Pre- and Post-Electoral Situation. November 5, 2024. Available at: https://foropenal.com/wp-content/uploads/2024/12/FP_REPORTE-JUL_AGO_SEP_-Ingles-2024_2401201-comprimido.pdf

⁸⁶ OTP, The law in action for all. 2024. page. 33.

ballots to confuse voters, and restricted meaningful international observation, all while maintaining tight control over the judiciary, legislature and media.⁸⁷

In the early hours of 29 July, the National Electoral Council (CNE), led by close Maduro allies, declared Nicolás Maduro the winner with 51% of the vote, compared to 44% for opposition candidate Edmundo González Urrutia.⁸⁸ The CNE attributed delays in result transmission to a cyberattack allegedly originating from North Macedonia, but failed to publish disaggregated or station-level results, citing technical issues.

Independent observers, including the Carter Center, found no evidence of a cyberattack and criticized the lack of transparency, noting that neither electronic voting data nor paper records from polling stations were released, preventing independent verification of the outcome.⁸⁹ Post-election audits that could have addressed these concerns were cancelled by the authorities.

Opposition leaders, including María Corina Machado and González Urrutia, rejected the official results, claiming their own tallies-collected from over 83% of polling stations-showed González Urrutia had actually won with 67% of the vote. The opposition's ability to monitor the vote count was hampered, as many of their witnesses were expelled from polling stations after voting ended, and their access to printed receipts was restricted to less than a third of stations. The opposition published their results online, but the portal was subsequently blocked and those responsible faced criminal investigations for alleged usurpation of functions and other charges.⁹⁰

International observers and human rights organizations widely condemned the process. The Carter Center concluded the election failed to meet international standards and could not be considered democratic due to the lack of transparency and verifiability. The Inter-American Commission on Human Rights (IACHR) documented grave and systematic violations, including political persecution, arbitrary arrests, and a climate of repression before, during, and after the vote, aimed at preventing genuine opposition participation and sowing fear among citizens.⁹¹

⁸⁷ Chatham House: What to know about the 28 July presidential elections in Venezuela.

⁸⁸ BBC: Venezuela election: Maduro declared winner in disputed vote.

⁸⁹ The Carter Center, Observation of the 2024 Presidential Election in Venezuela. Final Report. 2024. Available at: https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/venezuela/venezuela-final-report-2025.pdf

⁹⁰ The Carter Center, Observation of the 2024 Presidential Election in Venezuela. Final Report. 2024. Available at: https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/venezuela/venezuela-final-report-2025.pdf

⁹¹ Inter-American Commission on Human Rights, Venezuela: Serious human rights violations following the elections. Available at: <https://www.oas.org/en/iachr/reports/pdfs/2025/report-venezuela-serioushhrr-violations-connections-elections.pdf>

The United States, European Union, and several Latin American countries refused to recognize Maduro's victory without access to detailed voting records.

On 22 August 2024, the Electoral Chamber of the Supreme Court of Justice (TSJ), acting upon a legal appeal submitted by President Nicolás Maduro, issued a decision formally certifying the presidential election results and validating the electoral materials under review. The ruling was issued without providing substantiating evidence or transparent reasoning for its conclusions. This decision was rendered despite persistent and well-documented concerns—reiterated by both domestic and international observers—regarding the lack of independence and impartiality of the Supreme Court and the National Electoral Council (CNE).

Shortly thereafter, the Office of the Attorney General launched a criminal investigation targeting opposition actors who had published copies of election tally sheets online. The publication was intended to promote transparency and provide a parallel verification of the vote count. Nevertheless, the Attorney General alleged that such actions constituted criminal offences, including “usurpation of functions,” “criminal association,” and “conspiracy.” These charges mark a further expansion of the State's misuse of criminal law to suppress legitimate political activity.

Between 26 and 30 August 2024, opposition candidate Edmundo González Urrutia was summoned to appear before the Attorney General's Office. He declined to present himself, citing the absence of guarantees of judicial independence and the lack of due process, which rendered any appearance legally and procedurally untenable.

On 2 September 2024, a court with jurisdiction over terrorism-related offences issued an arrest warrant for Mr. González Urrutia, thus formalising the criminalisation of his political candidacy. In view of the intensifying threats and absence of legal protections, he entered exile in Spain on 7 September 2024.

This sequence of events demonstrates the Venezuelan State's continued pattern of instrumentalising judicial institutions to pursue politically motivated prosecutions. The use of counter-terrorism courts to target opposition figures, in particular, constitutes a serious breach of the principles of legality, separation of powers, and protection from arbitrary detention under international law.

3.2. POST-ELECTORAL KILLINGS AND THE PATTERN OF LETHAL REPRESSION

In the immediate aftermath of Venezuela's 28 July 2024 presidential election, spontaneous demonstrations erupted across the country as thousands of citizens took to the streets to demand respect for the electoral outcome and transparency in the vote count. Civil society organisations documented the violent suppression of these peaceful protests, resulting in numerous casualties. While credible sources have confirmed the deaths of at least twenty-five individuals, the Attorney General of the Republic, Tarek William Saab, has admitted to twenty-seven fatalities.⁹² However, he has failed to disclose the identities of the victims or any details of the investigations, if any, into the circumstances of their deaths.

The Panel examined a series of reported killings across multiple states. In the Capital District, several individuals were killed during mass protests. Among them was Olinger Johan Montaña López, who was shot in the back on 29 July 2024 while protesting in El Valle. His death certificate attributes the cause to penetrating thoracic trauma by firearm. Eyewitnesses and human rights organisations identified members of the Bolivarian National Guard (GNB) as the likely perpetrators, though no arrests have been made.

Similarly, Anthony Enrique García Cañizalez was fatally shot in the back while passing through a protest site in the San Andrés neighbourhood, also in El Valle. His death, officially attributed to massive internal haemorrhaging caused by a firearm. Another protester, Jeison Javier Bracho Martínez, was killed in El Limón by gunmen on motorcycles believed to be armed colectivos. His death followed a head wound sustained during a demonstration and he succumbed to his injuries after undergoing emergency surgery.

The Panel also recorded the deaths of Eurisjunior Mendoza, Jeison España, Edgar Aristeguieta, Aníbal Romero, and Dorian Rondón in the Capital District, all during the same period. Though details of each case remain under investigation, no accountability has been established to date.

In the state of Aragua, seven civilians—Jesús Tovar, Rances Izarra, Jesús Medina, First Sergeant José Torres, Anthony Moya, Andrés Ramírez, and Gabriel Ramos—were all killed during protest-related violence. According to reports from local civil society actors, one of these cases has led to judicial actions.

In Zulia, two deaths were recorded: Isaías Fuenmayor, a 15-year-old boy, was shot in the neck during a demonstration in San Francisco municipality, allegedly by colectivos;

⁹² Infobae. Subió a 27 el Número de Muertos por las Protestas Contra el Fraude Electoral en Venezuela, 23 August 2024. Available at: <https://www.infobae.com/venezuela/2024/08/23/subio-a-27-el-numero-de-muertos-por-las-protestas-contra-el-fraude-electoral-en-venezuela/>

Gustavo Rojas was shot twice by unidentified motorcyclists and died the following morning. In Carabobo, Víctor Alonso Bustos Hernández was shot in the chest during a protest and denied urgent medical care. He later died in hospital. In Portuguesa, Ángel Mora was fatally beaten by security forces and died several days later; despite this, the Attorney General claimed without evidence that his death was caused by a fall.

In Táchira, Julio Valerio García was shot in the face outside a polling station on election night by suspected colectivos, while in Yaracuy, Jhon Alejandro Graterol Mendoza was fatally shot in the thorax during a protest. As in other cases, there have been no prosecutions.

The pattern that emerges from these killings is stark and consistent. Victims were often young, unarmed civilians shot with live ammunition targeted at vital areas—head, chest, or back—indicating an intent to kill rather than disperse. Many deaths were executed in a manner consistent with extrajudicial executions. The presence of both official security forces (GNB and regional police) and irregular armed civilian groups (colectivos) points to a strategy of coordinated repression. In several cases, colectivos arrived after formal forces had initiated operations, often escalating the violence under a veil of informal authority and total impunity.

None of the cases reviewed by the Panel has resulted in the prosecution or even identification of suspects. Instead, the State has engaged in narrative manipulation and denial, frequently attributing the deaths to unidentified “criminal actors” or “accidents,” in direct contradiction to credible witness testimony. The case of Ángel Mora exemplifies this, where despite evidence of brutal physical assault by security forces, authorities claimed he had died by falling due to a panic attack. The case of Víctor Bustos, who was refused emergency care after being shot, reflects the State’s broader policy of denying medical assistance to protesters, compounding the lethality of repression.

This disregard for the right to life is further compounded by reprisals against those who demand justice. When human rights defender Walter Márquez publicly called for an investigation into the suspicious death of political prisoner Edwin Santos, the authorities responded not with transparency, but by opening criminal proceedings against him.

Taken together, the State’s use of lethal force, refusal to investigate, reliance on armed auxiliaries, and its concerted campaign to suppress truth-seeking and accountability demonstrate that these are not isolated or spontaneous incidents. They are part of a deliberate, State-sanctioned policy of violent suppression aimed at silencing dissent, punishing political opposition, and deterring future resistance.

In legal terms, these acts constitute strong *prima facie* evidence of the crime against humanity of murder, as defined under Article 7(1)(a) of the Rome Statute. They may also

amount to persecution and other inhumane acts when considered alongside the broader context of widespread attacks on civilian populations based on their political affiliation or exercise of fundamental rights.

3.3. “OPERATION TUN TUN” AND WIDESPREAD ARBITRARY DETENTION

“Operation Tun Tun”—a term coined in 2017 by Diosdado Cabello during his television programme *Con el Mazo Dando* to describe sudden, warrantless raids on the homes of government critics—was not merely revived in the aftermath of the 2024 presidential election; it was aggressively scaled into a central apparatus of state repression. Security and intelligence agents—often accompanied by pro-government “colectivos”—marked the homes of dissidents with graffiti and encouraged neighbors to report them using government applications such as VenApp.⁹³ The operation was explicitly designed to instill fear and suppress dissent, with officials using social media and public messaging to threaten opponents and warn that resistance would be futile.⁹⁴

Between 29 July and 6 August 2024, the operation accounted for over 2,200 arbitrary arrests, marking its most extensive deployment since its inception.⁹⁵ The renewed operation exhibited several defining features that underscore its systematic and policy-driven nature, consistent with the commission of crimes against humanity:

First, the relaunch was executed under direct orders from the Executive, in public and through state-controlled media, removing any pretence of judicial independence or legal oversight. The operation was presented as a legitimate “anti-terrorist” effort, yet no credible evidence was offered to justify the mass arrests or the raids conducted predominantly in the late hours of the night. The reliance on night-time raids, often in militarised fashion, heightened public fear and minimised opportunities for legal defence, in direct violation of due process guarantees.

Second, new modalities of surveillance and denunciation were employed, including digital tools that allowed for the anonymous reporting of alleged dissidents. President Nicolás Maduro himself encouraged the use of the *VenApp* web application for citizens to identify and report “enemies of the people.” Similarly, the Directorate of Military Counterintelligence (DGCIM) enabled a dedicated phone line for informants. These tools

⁹³ Human Rights Watch, “Punished for Seeking Change” (2025).

⁹⁴ Human Rights Watch, World Report 2025: Venezuela.

⁹⁵ Euronews, Al menos 24 muertos y más de 2.200 detenidos en las protestas contra los resultados en Venezuela. 7 August 2024. Available at: <https://es.euronews.com/2024/08/07/al-menos-24-muertos-y-mas-de-2200-detenidos-en-las-protestas-contra-los-resultados-en-vene>

formalised community-based persecution and normalised the criminalisation of dissent, encouraging civilians to act as agents of state repression.

Third, there was clear operational coordination between formal security forces and armed civilian colectivos, which jointly or separately carried out arrests, house raids, and intimidation campaigns. Witness testimony, verified by human rights organisations, indicates that colectivos operated in full knowledge of law enforcement agencies, often arriving in tandem with state agents or immediately after. Their participation in violent arrests and house invasions—without any legal mandate or accountability—further illustrates the institutionalised nature of irregular violence.

Fourth, a calculated use of audiovisual propaganda accompanied many of the arrests. Videos of detained individuals—often edited with ominous music and effects—were disseminated through state media and social platforms to instil fear. One such example includes the case of political leader María Oropesa, whose arrest was exploited for propaganda purposes by DGCIM-linked outlets. The strategic use of these materials confirms the psychological dimension of Operation Tun Tun, aimed not merely at physical suppression but also at shaping public perception through coercion and fear.

Finally, the operation was not a response to legitimate threats, but a premeditated mechanism to dismantle political opposition, silence electoral dissent, and maintain power through the instrumentalisation of fear. These acts, when viewed through the lens of Article 7 of the Rome Statute, meet the thresholds of crimes against humanity—specifically imprisonment or severe deprivation of liberty, persecution on political grounds, and other inhumane acts intentionally causing great suffering.

Detainees were frequently held incommunicado, denied access to legal counsel, and in many cases, disappeared for extended periods. Families often had to search through detention centers and morgues to locate missing relatives.⁹⁶ Human rights organizations documented that those arrested were typically charged with broadly defined crimes such as “terrorism,” “incitement to hatred,” or “resistance to authority,” and were often denied private legal defense or fair judicial proceedings.⁹⁷

Opposition leaders María Corina Machado and Edmundo González Urrutia were subjected to criminal proceedings and arrest warrants for “inciting unrest” and “usurping public functions,” reflecting a broader campaign to criminalize political dissent.⁹⁸

⁹⁶ Human Rights Watch, “Venezuela: Brutal Crackdown Since Elections” (2025).

⁹⁷ UAB Institute for Human Rights, “Arbitrary Detentions in Venezuela” (2025).

⁹⁸ Inter-American Commission on Human Rights (IACHR), January 2025.

Numerous journalists⁹⁹, election witnesses, and ordinary civilians were also arrested, and armed groups attacked the offices of opposition political parties. On 15 August, the National Assembly passed the “Law on the Control, Regulation, Performance, and Financing of Non-Governmental and Related Organizations, (Ley de Fiscalización, Regularización, Actuación y Financiamiento de las Organizaciones No Gubernamentales y Organizaciones Sociales Sin Fines de Lucro), also known as “anti-NGO law” (ley anti-ONG), severely curtailing civil society activities and criminalizing international advocacy, including calls for sanctions.¹⁰⁰ According to the High Commissioner Volker Turk, this law “risks violating the exercise of the fundamental freedoms of expression, assembly, association and political participation.”¹⁰¹

Following the disputed July 2024 elections, Venezuela experienced an unprecedented wave of arbitrary arrests. Since 29 July 2024, at least 1848 civilians were arbitrarily detained after the elections including 252 women and 162 minors.¹⁰² President Maduro publicly acknowledged that 2,229 individuals had been detained, labeling them as “terrorists” and framing political dissent as a national security threat.¹⁰³

Between 1 and 17 January 2025 alone, at least 90 politically motivated arbitrary arrests were recorded. As of February 3, 2025, the total number of political prisoners in Venezuela stood at 1,196, including four children (persons between 14 and under 18 years of age).¹⁰⁴ On 20 March, 2025, Nada Al-Nashif Deputy High Commissioner for Human

⁹⁹ According to the IACHR, Since the presidential elections of July 28, 2024, at least 12 journalists remain deprived of their liberty, six of whom have been detained thus far in 2025, allegedly in retaliation for carrying out their journalistic work. See, IACHR, Press release: SRFOE warns about the serious deterioration of the media ecosystem in Venezuela and urges the State to respect and guarantee freedom of expression and of the press. 5 May 2025. Available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/expression/media_center/preleases/2025/088.asp&utm_content=country-ven&utm_term=class-mon

¹⁰⁰ Inter-American Commission on Human Rights (IACHR), January 2025 Human Rights Watch, “Venezuela: Brutal Crackdown Since Elections” (2025).

¹⁰¹ UN, Venezuela: El Alto Comisionado de Derechos Humanos pide la liberación de los detenidos arbitrariamente. 13 December 2024. Available at: <https://news.un.org/es/story/2024/12/1535091>

¹⁰² Foro Penal, Special Report on Political Repression in Venezuela: July, August, and September 2024. Pre- and Post-Electoral Situation. November 5, 2024. Available at: https://foropenal.com/wp-content/uploads/2024/12/FP_REPORTE-JUL_AGO_SEP_-Ingles-2024_2401201-comprimido.pdf

¹⁰³ Caraota Digital, Nicolás Maduro, proclamado ganador de las elecciones presidenciales, aseguró que van 2229 «terroristas» capturados tras las protestas, 6 de agosto de 2024. Available at: <https://www.instagram.com/reel/C-WXxZbtShc/?igsh=ZmR6Zm56N2t1M3Bj>

¹⁰⁴ X account of Foro Penal (@ForoPenal). 4 February 2025. Available at: <https://x.com/ForoPenal/status/1886897326020513908>

Rightsregrated that arbitrary detentions are continuing.¹⁰⁵ And added that “the independence of the judiciary is neither respected nor guaranteed.”¹⁰⁶

These arrests did not occur in isolation but formed part of a renewed, coordinated, and intensifying campaign of political repression by the Venezuelan State. Several aggravating factors and new patterns were noted by the Panel during this period, which heighten the severity and systematic nature of the violations include the following.

3.3.1. UNPRECEDENTED VOLUME AND SPEED OF ARBITRARY ARRESTS

Although Venezuela has experienced previous waves of mass arrests—such as during the anti-government demonstrations of February to April 2014 (2626 detentions)¹⁰⁷ and April to August 2017 (2,451 detentions)¹⁰⁸—the velocity and magnitude of arrests executed between 29 July and 6 August 2024 represent a new threshold in the deployment of State violence.

Within a period of only nine days, President Nicolás Maduro publicly confirmed the arrest of 2,229 individuals in the context of post-electoral demonstrations. This figure, self-reported by the Head of State, is corroborated and even exceeded by international monitoring bodies. On 13 August 2024, the Office of the United Nations High Commissioner for Human Rights issued a statement indicating that more than 2,400 arbitrary detentions had been carried out during this same period.¹⁰⁹

The temporal concentration of such a high number of arrests is without precedent in the Venezuelan context. It reveals the activation of a centrally coordinated mechanism of repression aimed at dismantling any form of resistance to the official election result. The timing of the arrests—immediately following the contested declaration of President Maduro as the victor—demonstrates a direct causal link between the announcement of the election outcome and the onset of targeted repression.

Moreover, the overwhelming scale of the arrests renders implausible any argument that these were lawful actions grounded in individualised suspicion or due process. Rather,

¹⁰⁵ UN, Oral Update on the Human Rights Situation in Venezuela. 20 March 2025. Available at: <https://www.ohchr.org/en/statements-and-speeches/2025/03/oral-update-human-rights-situation-venezuela>

¹⁰⁶ UN, Oral Update on the Human Rights Situation in Venezuela. 20 March 2025. Available at: <https://www.ohchr.org/en/statements-and-speeches/2025/03/oral-update-human-rights-situation-venezuela>

¹⁰⁷ IACHR, Annual report 2014, Chapter IV Venezuela, para 382. Available at: <http://www.oas.org/es/cidh/docs/anual/2014/docs-es/Anual2014-cap4Venezuela.pdf>

¹⁰⁸ Foro Penal, Reporte sobre la represión en Venezuela. October 2017. Available at: <https://foropenal.com/reportederepresionoctubre-2017/>

¹⁰⁹ UN, Venezuela: Las detenciones y el uso desproporcionado de la fuerza alimentan el miedo, advierte Türk, 13 August 2024. Available at: <https://news.un.org/es/story/2024/08/1531971>

the available evidence supports the conclusion that the State implemented a policy of mass neutralisation of dissent, systematically targeting civilians perceived as political opponents.

The use of mass detention in such a concentrated period is a recognised indicator of crimes against humanity. It evidences the existence of a widespread and systematic attack directed against a civilian population pursuant to a State policy, in this case with the objective of crushing opposition, silencing civil society, and consolidating authoritarian rule through fear and incapacitation.

3.3.2. TARGETING OF CATEGORIES OF VICTIMS

While crimes against humanity targeting civilians perceived as political opponents have long been documented in Venezuela—particularly since the 2014 and 2017 protest cycles—the post-electoral repression of 2024 introduced a marked evolution in the scope and specificity of victim selection. Analysis of arrest records, first-hand accounts, and civil society documentation from the period between 29 July and mid-August 2024 reveals the deliberate expansion of the State’s repressive strategy to encompass new subgroups within the civilian population. This shift demonstrates an intent not merely to repress political leaders or public dissenters, but to dismantle the electoral infrastructure of opposition and to neutralise community-level resistance.

Three notable categories of victims emerged:

- a. Electoral Witnesses and Polling Officers:** a marked escalation of repression, individuals who served as electoral witnesses or table members (“miembros de mesa”) during the 28 July 2024 presidential election have, for the first time, been subjected to arbitrary arrest. These individuals—entrusted with overseeing and verifying vote counts, particularly in regions where opposition candidate Edmundo González Urrutia reportedly prevailed—played a crucial role in ensuring electoral transparency. Their persecution represents a calculated attempt by the Venezuelan State to erase institutional memory of electoral irregularities and to deter future civic engagement in democratic oversight.

One such case is that of Mr. Santiago Rocha, the son of Perkins Rocha, a former National Electoral Board witness for the opposition and part of María Corina Machado’s legal team. Mr. Rocha was arbitrarily detained by agents of the Bolivarian National Intelligence Service (SEBIN) without a judicial warrant. Since 27 August 2024, he has been held incommunicado at the Helicoide detention centre in Caracas—a facility repeatedly identified by international human rights mechanisms as a site of torture and inhuman treatment. The denial of access to legal counsel and

family members is not incidental but forms part of a broader State policy designed to isolate political detainees and obstruct basic procedural safeguards.

Mr. Rocha suffers from a serious neurological condition, for which he underwent multiple surgical interventions, including the placement of a biventricular-peritoneal shunt in 2011. His condition requires continuous specialist supervision and access to specific medication—both of which have been denied during his detention. The physical violence inflicted at the time of his arrest, compounded by the prolonged solitary confinement to which he has been subjected, has seriously worsened his already fragile health. These acts constitute torture or cruel, inhuman, and degrading treatment, in violation of Venezuela's obligations under international law.

Despite facing continued harassment, Mr. Rocha's son publicly addressed the situation of his father during a side event of the Assembly of State Parties of the ICC Conference in the Netherlands, offering a detailed and courageous account of the violations suffered. Shortly thereafter, reliable sources confirmed that he was transferred to a more restrictive isolation cell—an act widely interpreted as retaliation for his testimony. Isolation cells at Helicoide are known for their harsh conditions and are frequently used as a punitive measure against detainees, further severing their contact with the outside world and increasing the risk to their mental and physical integrity. The Panel highlights the case of Mr. Rocha as emblematic of a broader pattern: the use of arbitrary detention, medical neglect, and retaliatory isolation against individuals engaged in democratic electoral oversight.

- b. Residents of Working-Class and Marginalised Communities:** The repression disproportionately affected individuals from Venezuela's popular sectors—urban barrios and rural communities historically marginalised from formal political processes—many of whom expressed discontent with the Maduro administration. According to the Venezuelan Observatory of Social Conflict, 75 per cent of post-election protesters originated from these areas. By targeting them for arrest and intimidation, the State aimed to extinguish grassroots mobilisation and to reaffirm its capacity to dominate through fear, particularly in communities that had once served as electoral strongholds.¹¹⁰
- c. Minors:** Perhaps the most significant development was the unprecedented scale of arbitrary detentions of children. Between 29 July and 11 August 2024 alone, 117

¹¹⁰ Observatorio venezolano de conflictividad social, *Conflictividad Social en Venezuela en 2024*. 6 February 2025. Available at: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2024>

minors were reportedly detained.¹¹¹ The arrest and incommunicado detention of adolescents, often without parental notification or legal representation, constitutes a grave violation of both Venezuelan domestic law and international human rights treaties, including the Convention on the Rights of the Child. Their inclusion in the repressive apparatus not only reflects a policy of indiscriminate persecution but also evidences the abandonment of basic legal safeguards in favour of punitive social control.

These categories did not replace prior targets—such as high-profile opposition figures, journalists, and demonstrators—but rather expanded the victim profile, thus illustrating the regime’s intent to broaden its repressive reach. This expansion, viewed in conjunction with the mass volume and speed of detentions, constitutes compelling evidence of a policy to destroy the social, organisational, and generational fabric of the political opposition. The systematic and targeted nature of this conduct satisfies the contextual elements of crimes against humanity as defined in Article 7(1)(e) and (h) of the Rome Statute, particularly the crimes of imprisonment or other severe deprivation of physical liberty and persecution against an identifiable group on political grounds

3.3.3. DEPLOYMENT OF DIGITAL TECHNOLOGIES TO FACILITATE PERSECUTION AND ARBITRARY ARRESTS

The integration of communication technologies into the machinery of repression was not incidental but deliberate, coordinated, and executed with the express endorsement of the highest echelons of government. This development constitutes a significant evolution in the operationalisation of crimes against humanity—one that aligns with modern authoritarian models of mass surveillance, denunciation, and psychological control.

President Nicolás Maduro personally instructed the public, during televised addresses, to use VenApp to report persons who had “attacked the people”—a euphemism for critics of the regime, protest organisers, and opposition activists.¹¹² This form of state-facilitated crowd-sourced persecution blurred the lines between citizen and informant, embedding the culture of denunciation into daily life and reinforcing the climate of fear and mistrust among the population.

¹¹¹ X account of Foro Penal Eng (@ForoPenalENF). 12 August 2024. Available at: https://x.com/ForoPenal-ENG/status/1823086573770137824?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1823086573770137824%7Ctwgr%5E798a4d0d63593dd5d36f3cef19414c0d48147167%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fevtv.online%2Factualizados%2Fforo-penal-detenciones-venezuela-2%2F

¹¹² Perfil, La campaña de Maduro para delatar “traidores” y “terroristas” que denuncian el fraude en Venezuela. 7 August 2024. Available at: <https://www.perfil.com/noticias/internacional/la-campana-de-maduro-para-delatar-traidores-y-terroristas-que-denuncian-el-fraude-en-venezuela.phtml>

In parallel, the Directorate of Military Counterintelligence (DGCIM) enabled a dedicated phone line to receive anonymous denunciations of alleged opponents. These calls led to multiple documented arrests in which the accused were unaware of any investigation and denied access to legal counsel. The provision of a secretive, unverified reporting system—without procedural safeguards or the possibility of rebuttal—represents a violation of both the presumption of innocence and the right to a fair trial under international human rights law.

Perhaps most disturbingly, the State used digital media to propagate fear and humiliation through the strategic publication of videos depicting political detainees.¹¹³ These videos were often heavily edited with ominous soundtracks and disseminated on social media platforms aligned with the government. In some cases, footage was extracted from security cameras or mobile phones and repurposed to dehumanise the accused. One notable example involved the arrest of opposition leader María Oropesa,¹¹⁴ whose detention was turned into a propaganda montage circulated online. The objective of these audiovisual productions was twofold: to portray the accused as “terrorists” or “traitors,” and to dissuade public mobilisation by displaying the coercive power of the State in full force.

The use of such technology represents a modern form of psychological torture and public shaming, which reinforces and extends the effects of physical persecution. These methods were particularly insidious in their reach, allowing the State not only to control the physical presence of opponents but also to dominate the digital and emotional space of both detainees and their communities.

Moreover, this digital infrastructure enabled real-time coordination between security forces and civilian informants, who used VenApp and other tools to direct authorities to the locations of perceived dissidents. This systematism in data collection, analysis, and rapid deployment of repression squads demonstrates a level of organisational sophistication consistent with crimes of a systematic and widespread nature, as defined under Article 7 of the Rome Statute.

When examined in conjunction with physical acts of violence and unlawful detention, this technological dimension reveals the multi-layered, policy-driven structure of the Venezuelan State’s machinery of repression.

¹¹³ See, for example, TikTokdcdo_cojedes[@DCDO_COJEDES], 1 de August 2024. Available at: https://www.tiktok.com/@dcdo_cojedes/video/7398191452498513157

¹¹⁴ Infobae, El escalofriante video con el que el régimen de Maduro atemoriza a los venezolanos y se burla de la dirigente María Oropesa y de la oposición. 8 August 2024. Available at: <https://www.infobae.com/venezuela/2024/08/08/el-escalofriante-video-con-el-que-el-regimen-de-maduro-atemoriza-a-los-venezolanos-y-se-burla-de-la-dirigente-maria-oropeza-y-de-la-oposicion/>

3.3.4. WHITEWASHING OF COLECTIVOS

The conduct of paramilitary armed civilian groups—commonly referred to as *colectivos*—demonstrated a marked evolution in both their operational capacity and their formal integration into the Venezuelan State’s machinery of persecution. No longer acting merely as informal allies of the ruling regime, these groups increasingly assumed direct roles in law enforcement, surveillance, and suppression, in open defiance of both Venezuelan domestic law and international legal norms.

The *colectivos*—originally paramilitary formations loyal to the executive branch—engaged in a broad range of coercive activities traditionally reserved for official security forces including illegal home invasions, arbitrary arrests, beatings, and the use of live ammunition against unarmed civilians. Multiple corroborated testimonies and open-source documentation confirm that *colectivos* conducted nocturnal incursions into low-income neighbourhoods suspected of supporting the opposition. These operations were characterised by indiscriminate use of firearms, and physical intimidation.

Eyewitness accounts consistently describe *colectivos* arriving on motorcycles—often masked, armed with rifles or handguns, and operating in coordination with state police or military units. Victims report that security forces would first surround a neighbourhood, after which *colectivos* would enter and conduct raids, beatings, and arrests. This operational overlap not only facilitated impunity but also created the appearance of official endorsement and authorisation.

The legal status of *colectivos* remains deliberately ambiguous. They do not belong to any constitutionally recognised security body, nor do they operate under the oversight of the judiciary or any civilian authority. However, their repeated presence at security cordons, protest crackdowns, and detention operations—alongside formal police or military units—indicates at minimum the State’s acquiescence, and more likely its direct coordination with such groups.

In this context, the behaviour of *colectivos* fulfils the evidentiary threshold under international criminal law for characterising their acts as those of a “State-like organisation” or as agents acting on behalf of the State. Article 7(2)(a) of the Rome Statute explicitly contemplates crimes “committed pursuant to or in furtherance of a State or organisational policy.” When armed civilian groups act with the knowledge, direction, or support of the State—especially in contexts of mass political repression—they satisfy this standard. The Venezuelan authorities’ failure to investigate, prosecute, or disband these armed formations further reinforces the presumption of institutional complicity.

Moreover, the overt integration of *colectivos* into repressive operations reflects a deliberate strategy by the executive to outsource coercion, thereby dispersing criminal liability

while maintaining effective control. This tactic not only undermines the rule of law and the principle of civilian supremacy over security forces, but also facilitates plausible deniability in the face of international scrutiny—although such deniability is eroded by the substantial evidence of cooperation.

The conduct of *colectivos* also had a pronounced psychological effect. Their actions were not confined to repression; they were deployed as symbols of omnipresent surveillance and impending violence. In several cases, they marked the homes of perceived opposition supporters with graffiti or red paint—often an “X”—as an act of intimidation. This symbolic branding of political dissenters is consistent with historical patterns of State terror and is designed to chill not only political expression but also community solidarity.

The State’s persistent failure to disband or hold them accountable constitutes not merely negligence but affirmative complicity, reinforcing their role as irregular instruments of political repression.

3.3.5. EXPLOITATION OF NIGHT-TIME AND COMMUNICATION SURVEILLANCE

In the aftermath of the 28 July 2024 presidential election, the Venezuelan State, acting through its security forces and affiliated armed civilian groups (*colectivos*), adopted and systematised the tactic of conducting nocturnal raids as a central feature of its campaign of repression. These operations were executed during the night and early morning hours and have emerged as a calculated method of inducing psychological terror within targeted communities.

The rationale behind the night-time execution of repressive actions is clear: it maximises fear, disables the capacity for organised defence or documentation, and instils in both individuals and communities a pervasive sense of defencelessness. Night-time incursions were typically executed without judicial warrants, in violation of Venezuelan constitutional protections against arbitrary search and seizure, and frequently involved the forced entry into homes, beatings, and the detention of individuals without formal charges.

Witness testimonies gathered by civil society organisations describe a recurring pattern: a sudden arrival of black-clad security agents or *colectivos* on motorcycles, heavy banging on doors, the deployment of firearms, and shouting intended to create confusion and fear. In several documented cases, detainees were dragged from their homes in front of family members, often including children, and taken to unknown locations. Such practices amount to enforced disappearances, particularly when families were subsequently denied information on the whereabouts or legal status of their loved ones.

The strategic deployment of these raids in the early hours of the morning, under cover of darkness, served not only to arrest specific targets but also to send a message to the broader population. The State deliberately leveraged uncertainty and unpredictability—key features of psychological torture—as a means of control. Entire neighbourhoods were left in a state of constant fear, unable to sleep, awaiting the sound of a knock at the door or the roar of approaching motorcycles.

This tactic was disproportionately employed in low-income, opposition-leaning areas, reinforcing its discriminatory and persecutory character. These sectors, already structurally disadvantaged and politically marginalised, were transformed into sites of nightly trauma. The recurrent use of this tactic also coincided with blackouts and electricity cuts, depriving victims of the ability to document abuses or seek immediate assistance.

The systematic nature of the night-time raids—across states and municipalities, with common tactics and identifiable objectives—demonstrates the existence of a centralised plan. This satisfies the organisational requirement for crimes against humanity under Article 7 of the Rome Statute. The night-time context further exacerbates the cruelty and arbitrariness of the acts, which were proactive instruments of State repression.

Furthermore, the involvement of *colectivos* in these nocturnal operations underscores the outsourcing of terror to irregular actors, allowing the State to deepen its reach while avoiding formal accountability. The inability to distinguish between official and non-official actors during such raids, and the coordinated nature of their participation, supports the conclusion that these actors functioned with the consent, endorsement, or under the direction of State authorities.

3.3.6. EXPANSION OF ROAD CHECKPOINTS FOR SEARCH AND SURVEILLANCE

The Venezuelan State authorities systematically intensified the use of so-called *alcabalas*—roadside police checkpoints—beyond their traditional scope as temporary security mechanisms. During the period under review, these checkpoints proliferated at an unprecedented scale across urban centres and strategic transit routes, and were repurposed as tools of arbitrary surveillance and repression.

Historically intended for the immediate apprehension of persons caught in the act of committing crimes, these *alcabalas* were transformed into permanent or semi-permanent control nodes staffed by members of the Bolivarian National Police, the Bolivarian National Guard, and, in some cases, military intelligence agents. However, rather than serving a legitimate security function, these checkpoints became focal points for systematic and unlawful searches of civilians' personal digital devices—including mobile telephones, tablets, and laptop computers.

Testimonies from victims, lawyers, and civil society organisations document that individuals intercepted at these *alcabalas* were routinely ordered to unlock their phones or other devices without warrant, probable cause, or judicial oversight. Security personnel then searched communications, photographs, social media applications, and private chat groups in an effort to identify any content or affiliations perceived as critical of the government or supportive of the opposition. The mere presence of content related to recent protests, electoral observation, or political commentary was frequently deemed sufficient grounds for immediate arrest, physical abuse, or threats.

The objectives of this practice were twofold: first, to detect and neutralise opposition activity by mapping digital networks and communications; and second, to terrorise the population into self-censorship and disconnection from political discourse. The pattern was consistent and deliberate, forming part of a broader strategy to silence dissent through the exploitation of digital vulnerability. Individuals were often held without access to legal counsel or family contact following such seizures, and in multiple cases, victims were transferred to facilities of the DGCIM or SEBIN without explanation or registration.

This form of digital surveillance and enforcement, conducted without any legal justification, constitutes a flagrant violation of the rights to privacy, freedom of expression, and due process as protected under both Venezuelan constitutional law and international human rights instruments. Moreover, the arbitrary nature and scale of these operations fulfil the threshold for crimes against humanity, particularly under the categories of persecution and other inhumane acts, given the discriminatory intent and the severe mental and physical harm imposed upon targeted individuals.

The fact that these checkpoints were concentrated in areas with known opposition activity and used primarily to target presumed political dissidents further confirms the persecutory nature of the practice. Additionally, there are credible reports that information extracted during such stops was later used to conduct home raids, enforce detentions, and instigate criminal investigations against citizens.

No effective legal remedy exists within Venezuela to challenge these abuses. The judiciary has remained silent or complicit, and the National Assembly and Ombudsman's Office have failed to provide oversight or protection to affected individuals. This failure of domestic accountability mechanisms reinforces the conclusion that the expansion of *alcabalas* as tools of digital repression was a State policy implemented as part of a coordinated attack on the civilian population.

3.3.7. ESCALATION IN THE INCITEMENT TO VIOLENCE BY SENIOR OFFICIALS

During the period following the 28 July 2024 presidential election, there was a marked intensification in the use of inflammatory, hostile, and dehumanising language by high-ranking Venezuelan government officials, including President Nicolás Maduro, General Domingo Hernández Lárez, and Minister of the Interior Diosdado Cabello. This rhetoric played a central role in both inciting and legitimising acts of repression, arbitrary detention, and persecution against individuals perceived as opponents of the regime.

The official discourse during this period was consistently framed around the notion of a “war” against “internal enemies,” “traitors,” and “terrorists.” This language was not isolated to offhand comments but constituted a systematic narrative repeatedly disseminated across State media, presidential broadcasts, and social media platforms controlled by the government.

In early August 2024, President Maduro publicly referred to demonstrators as “terrorists” and warned that they would face “the full weight of the law.” These declarations were made while hundreds were being arbitrarily detained and in the midst of “Operation Tun-Tun.” His words served to justify widespread abuses committed without due process. He also invoked the rhetoric of “national defence” against alleged conspiracies, a framing that was later used to legitimise criminal charges against political actors, civil society leaders, and ordinary citizens.

On 1 August 2024, General Domingo Hernández Lárez described youth activists affiliated with the opposition campaign as “Nazi fascist mercenaries,” a term with deliberate historical and ideological connotations. This type of characterisation did not merely stigmatise the individuals in question but dehumanised them, reducing them to enemies of the State and legitimising their elimination through legal or extra-legal means. The general made this statement in the context of referencing “comanditos,” small political coordination cells supporting opposition candidate Edmundo González Urrutia.

Minister Diosdado Cabello, long known for using his television programme *Con el Mazo Dando* as a platform to target opponents, escalated his incitement in the post-electoral period. He regularly named individuals—including journalists, NGO members, and family members of political figures—accusing them without evidence of conspiracy, terrorism, and treason. He frequently declared that these individuals would be “neutralised” and boasted about their imminent arrests. In one instance, Cabello aired edited footage of detained political prisoners, showing them with shaved heads, dressed in prison uniforms, and surrounded by armed guards, accompanied by threatening music. This tactic was clearly intended to instil fear, intimidate the broader public, and erode the presumption of innocence.

3.3.8. ABANDONMENT OF LEGAL FORMALITIES AND THE COLLAPSE OF PROCEDURAL GUARANTEES

The post-electoral repression in Venezuela was marked by a conspicuous abandonment of even the most basic procedural safeguards that are fundamental to the rule of law. The measures taken during this period reveal a State no longer concerned with preserving a façade of due process, but rather engaged in overt acts of persecution with impunity and administrative impassivity.

Firstly, there was a widespread practice of issuing detention orders publicly through State-aligned media, often announced by high-ranking officials such as the Attorney General, Tarek William Saab, or Diosdado Cabello. These announcements frequently preceded any formal judicial proceedings and were made in the absence of specific charges or legal documentation. In some cases, individuals were declared guilty by government officials before being apprehended or informed of the charges against them—an egregious violation of the presumption of innocence.

Second, the judiciary demonstrated complete subordination to the Executive. Courts routinely failed to exercise any meaningful control over unlawful detentions, and judges acted as rubber-stamps for politically motivated charges. Arrest warrants were issued without evidentiary basis, often after public declarations by the President or ministers. In many instances, hearings were not held at all, or were conducted en masse via telematic platforms, in violation of both national law and international fair trial standards.

For example, detainees arrested during “Operation Tun Tun” were brought before terrorism courts in Caracas, regardless of the location of their arrest. These mass proceedings, held remotely and without access to a defence lawyer of the detainee’s choice, often involved generic charges such as terrorism, conspiracy, or incitement to hatred. The accused were denied the opportunity to challenge the legality of their detention or to access the evidence against them. These practices amounted to collective punishment and violated the principle of individual criminal responsibility.

Moreover, law enforcement agencies and intelligence bodies such as the SEBIN and DGCIM systematically refused to provide information on the whereabouts of detainees. Families, lawyers, and human rights defenders were often forced to search multiple detention centres or morgues to locate those taken. In several cases, individuals were held incommunicado for prolonged periods, with no access to legal counsel, medical treatment, or external contact. This constitutes enforced disappearance under international law and contributes to the classification of such detentions as crimes against humanity under Article 7(1)(i) of the Rome Statute.

The refusal of State institutions to even acknowledge detentions or to disclose information about the detainees' location or status demonstrates not only deliberate concealment but institutionalised obstruction. The deliberate erasure of procedural transparency is a hallmark of authoritarian consolidation and underscores the total breakdown of the rule of law in Venezuela.

In sum, during the post-electoral period, the Venezuelan State dispensed with any legal pretext and replaced it with a machinery of repression designed to neutralise dissent, punish protest, and instil fear in the population. The judicial system functioned as a tool of persecution rather than a guarantor of rights. This systematic erosion of legal safeguards further supports the conclusion that the acts committed during this period were not isolated excesses but part of an orchestrated campaign of repression qualifying as crimes against humanity.

3.3.9. MASS AND TELEMATIC HEARINGS

In the post-electoral context, the Venezuelan authorities resorted to the systematic use of mass and telematic judicial hearings to process a significant portion of the thousands of individuals detained during the repression of dissent. This practice not only violated international standards on the right to a fair trial but also served as an instrument to legitimise arbitrary detentions through judicial theatre.

The hearings conducted between late July and mid-August 2024 were characterised by collective procedures, where large groups of detainees—often arrested in unrelated incidents—were presented before a judge simultaneously. These hearings were not held in person but conducted through videoconferencing platforms controlled by the State. Such mass telematic proceedings stripped detainees of their right to individualised judicial review and rendered meaningful defence virtually impossible. The use of these collective and remote hearings undermined the principles of adversarial process, equality of arms, and the right to be heard by a competent, independent, and impartial tribunal. While the use of virtual (telematic) hearings is not inherently incompatible with the right to a fair trial, the manner in which such proceedings were conducted in this instance gave rise to serious procedural violations. The concern does not stem from the use of remote technology itself, but rather from the practice of grouping multiple defendants together in a single hearing, despite the fact that they were facing distinct charges, based on different factual circumstances and evidence.

This approach stripped each defendant of their right to an individualised judicial review—a core element of the right to a fair trial under international human rights law. By aggregating separate cases into a collective proceeding, the authorities compromised the ability of defence counsel to respond meaningfully to the specific allegations, challenge

the admissibility or reliability of evidence, or present tailored arguments in support of pretrial release or acquittal.

Such mass hearings are incompatible with the principles of adversarial process and equality of arms, which require that each party has a fair opportunity to present their case and respond to the case against them. Furthermore, when defendants are denied a hearing before a judge who engages independently and impartially with the specific facts of their case, the requirement that individuals be heard by a competent, independent, and impartial tribunal is fundamentally undermined.

The effect is to reduce the proceedings to a procedural formality, rather than a genuine adjudication of rights and liberties. This is particularly concerning in the context of detention, where the presumption should favour liberty, and judicial oversight must be exercised with rigour and individual attention.

Further compounding these violations was the fact that detainees were frequently denied the right to appoint a lawyer of their choosing. Many were represented by public defenders who failed to contest the legality of the arrest, to demand medical examinations in cases of torture, or to ensure proper documentation of procedural irregularities. Defence counsel were often absent altogether. This lack of legal representation rendered the judicial process a mere formality—an instrument to legitimise repression rather than provide justice.

The charges brought against detainees were alarmingly vague and disproportionate. The prosecution routinely relied on broadly worded criminal offences such as terrorism, incitement to hatred, association to commit crime, and obstruction of public order. These charges carry extremely severe penalties—up to thirty years of imprisonment—and were applied indiscriminately to demonstrators, electoral witnesses, minors, and political organisers alike. The overuse of anti-terrorism legislation against peaceful protestors and opposition figures not only violated the principle of legality but constituted a deliberate strategy to equate political dissent with criminal conduct.

Venue selection also raised serious concerns. Detainees apprehended in various states across the country were systematically transferred to be tried before specialised terrorism courts based in Caracas, far from their places of residence and the events in question. This centralisation of jurisdiction hindered access to defence, burdened families and legal representatives, and was clearly designed to isolate detainees from their support networks.

These mass judicial proceedings were not the product of administrative overload or legal necessity. Rather, they formed part of a deliberate policy of judicial abuse aimed at overwhelming the opposition, normalising repression, and paralysing civil resistance

through legal terror. By using the judicial system as a tool of coercion, the Venezuelan authorities converted what should have been neutral legal institutions into direct instruments of political persecution.

This pattern is consistent with findings of the United Nations Independent International Fact-Finding Mission, which concluded that the Venezuelan judiciary has ceased to function independently and has played a central role in the commission of crimes against humanity. The mass telematic hearings held in the aftermath of the election are emblematic of this degeneration. They constituted not just due process violations, but the procedural arm of a state policy aimed at suppressing dissent by any means, including the systematic misuse of judicial authority

3.3.10. PASSPORT ANNULMENT AS A TOOL OF POLITICAL REPRESSION

In the post-electoral context, the Venezuelan State intensified the use of passport annulment as a means of persecuting political opponents, preventing their exit from the country, and unlawfully restricting their right to freedom of movement. This tactic was not sporadic or bureaucratic in nature, but rather deployed deliberately, in a coordinated manner, against individuals identified as critics or adversaries of the regime.

Evidence gathered from multiple cases—including those documented by civil society organisations, legal defence teams, and affected individuals—confirms that the administrative annulment, deactivation, or refusal to issue passports was directed overwhelmingly against members of opposition parties, activists, former public officials aligned with the democratic opposition, electoral witnesses, and journalists.¹¹⁵ These measures were often executed without prior notice or judicial authorisation.

The timing and profile of those targeted indicates a retaliatory and preventive motive. Individuals seeking to travel abroad for the purposes of denouncing human rights violations, engaging with international bodies, attending political conferences, or even fleeing threats to their safety, found their documents suddenly voided at airports, embassies, or through automated system checks. In certain cases, passports were physically seized by immigration officers, who either provided no justification or stated that the document was “under review.”

This practice has a chilling effect beyond those directly affected. It communicates to the wider public that political dissent may be met not only with imprisonment or surveillance, but with the enforced loss of one’s basic ability to seek protection or communicate

¹¹⁵ See, for example, IACHR, Press release: SRFOE warns about the serious deterioration of the media ecosystem in Venezuela and urges the State to respect and guarantee freedom of expression and of the press. 5 May 2025. Available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/expression/media_center/preleas-es/2025/088.asp&utm_content=country-ven&utm_term=class-mon

freely abroad. Such constraints render dissidents and human rights defenders effectively trapped inside a country where they are at constant risk of persecution.

The pattern of passport annulment forms part of the broader architecture of repression examined in this report. By systematically targeting known or perceived opponents for the deprivation of travel documents—without due process, transparency, or recourse—the Venezuelan authorities have weaponised an administrative procedure to execute a political objective. This transforms a routine bureaucratic function into a means of persecution amounting to a violation of the right to liberty of movement and, where applied selectively against opposition actors, to persecution under Article 7(1)(h) of the Rome Statute. When carried out in conjunction with other coercive tactics—such as arbitrary arrest, surveillance, and smear campaigns—passport annulment operates as part of a systematic plan to suppress dissent and dismantle the political opposition through non-violent yet deeply coercive means.

3.3.11. EXTRATERRITORIAL EXTENSION OF POLITICAL PERSECUTION AND HARASSMENT

During the period under analysis, the Venezuelan authorities expanded the scope of their persecutory campaign beyond national borders, engaging in acts of intimidation, surveillance, and public denigration against perceived political opponents residing abroad. This extraterritorial projection of repression demonstrates the regime's intent not merely to silence dissent within Venezuela, but to pursue, harass, and neutralise opposition voices wherever they may be.

Evidence collected by civil society organisations, victims, and independent media indicates that opposition leaders, activists, and former officials in exile have been targeted through a range of coordinated acts of intimidation. These include vandalism of property, public defamation campaigns, attempted surveillance, and physical threats attributed to Venezuelan agents or their proxies operating overseas.

In several countries—including the United States, Spain, and Mexico—graffiti referencing President Nicolás Maduro's "Bolivarian Fury" campaign appeared on the façades of commercial premises and public spaces associated with Venezuelan exiles. These markings served as an unambiguous warning, invoking the regime's rhetoric and projecting its hostility into foreign jurisdictions.

More serious were reported incidents involving surveillance and attempted abductions of exiled individuals. Testimonies suggest that Venezuelan intelligence operatives or their affiliates have attempted to track, approach, and in some instances physically apprehend persons abroad. These attempts, even when unsuccessful, constitute grave

violations of the host country's sovereignty and of international legal norms, particularly those protecting the rights of asylum seekers and political refugees.

Perhaps the most emblematic case during the period under review was that of Lieutenant Ronald Ojeda, a Venezuelan military dissident who had sought refuge in Chile. On 23 January 2025, Chilean Minister of the Interior Carolina Tohá publicly confirmed that the Chilean National Prosecutor had gathered substantive evidence indicating that Ojeda's murder bore a direct connection to "instructions or orders given by the Venezuelan authorities."¹¹⁶ This allegation implicates the Maduro government in the extrajudicial killing of an opposition figure on foreign soil and signals the extension of its campaign of political violence beyond national borders.

The international community must take note that Venezuela's political persecution is not territorially confined. Its reach into foreign jurisdictions, whether through direct action or intimidation campaigns, constitutes an egregious breach of international norms and represents an attempt to undermine the protective function of exile, asylum, and diplomatic sanctuary.

3.3.12. TORTURE AND SEXUAL VIOLENCE IN CUSTODY

An ongoing pattern throughout the post-electoral repression period has been the use of torture, cruel and inhuman treatment, and sexual violence against detainees and, in some cases, their visiting relatives. These acts were not isolated incidents but formed part of a broader strategy of repression aimed at extracting false confessions, inflicting punishment, degrading perceived opponents, and instilling fear across the civilian population.

Numerous credible sources, including victim testimonies, civil society organisations, and international monitoring bodies, have documented the recurrence of torture methods in detention facilities operated by the Bolivarian National Intelligence Service (SEBIN), the General Directorate of Military Counterintelligence (DGCIM), and other State security forces. The methods employed include—but are not limited to—the following:

- a. Repeated beatings to the point of causing convulsions, internal bleeding, and loss of consciousness;
- b. Application of electric shocks, including to sensitive body parts such as the genitals;

¹¹⁶ X account of Carolina Tohá, 23 January 2025. Available at: https://x.com/Carolina_Toha/status/1882426698861601149

- c. Forced asphyxiation (e.g., plastic bags placed over the head);
- d. Prolonged stress positions and sleep deprivation;
- e. Mock executions;
- f. Sensory deprivation through hooding and extended isolation;
- g. Sexual violence including forced nudity, groping, and the application of electricity to genitalia.

These acts were carried out with impunity, often in clandestine or unofficial detention centres, and typically outside the scope of judicial oversight. Medical treatment was either denied or provided only after permanent damage had been inflicted. The intention of these practices was not merely to punish the detainee but to annihilate the individual's dignity, break their will, and generate terror within their political or social communities.

Disturbingly, these patterns of abuse extended to the families of detainees. Reports have emerged of visitors—particularly women—being subjected to invasive strip searches, groping, threats, and verbal humiliation while attempting to deliver food, medicine, or documentation to their detained relatives. In some cases, relatives seeking information about the whereabouts of their loved ones were threatened with arrest if they persisted in their inquiries.

The Panel draws urgent attention to the inhumane and degrading treatment of women deprived of liberty in Venezuela, particularly following the 28 July 2024 elections. Female detainees are subjected to conditions that amount to cruel, inhuman, and degrading treatment and, in some instances, torture—especially in facilities such as the National Institute for Female Orientation (INOF) and the La Crisálida Training Center.

At INOF, extreme overcrowding (186% over capacity), inadequate nutrition, medical neglect,¹¹⁷ and institutional violence are systemic. The death of inmate Deisy Chirinos in September 2024 from untreated malnutrition exemplifies the lethal consequences of this neglect. Punitive isolation, denial of access to food, water, and medical care, and physical abuse are routine. In August 2024, security forces raided INOF, deploying tear gas in dormitories—acts that constitute torture.

At La Crisálida, women detained during post-election protests endure similar conditions: unsanitary overcrowding, lack of potable water, and degrading treatment. Testimonies document sexual violence, humiliating searches of visitors, night-time transfers,

¹¹⁷ X account of Observatorio venezolano de prisiones (@oveprisiones). 29 August 2024. Available at: <https://x.com/oveprisiones/status/1829257255536968017?lang=el>

and denial of medical and hygiene supplies. Reports indicate at least 100 female political prisoners remain detained under these conditions.

These practices reflect a gendered pattern of persecution and form part of the wider systematic attack against political opponents. The Panel concludes that the treatment of female detainees meets the threshold for crimes against humanity, particularly persecution and torture, under Article 7 of the Rome Statute.

3.4. ENFORCED DISAPPEARANCES AND INCOMMUNICADO DETENTIONS

The aftermath of the 28 July 2024 presidential election was marked by the deployment of enforced disappearance as a deliberate and recurrent tool of political persecution. Enforced disappearance, as defined under international criminal law, refers to the deliberate act of depriving an individual of liberty—through arrest, detention, or abduction—by agents of the State or with its authorisation, support, or acquiescence, followed by a refusal to acknowledge the deprivation of liberty or to disclose the person’s fate or whereabouts with the intent to remove the individual from the protection of the law.

The Panel is of the view that crime of enforced disappearance does not require that the victim remain disappeared indefinitely. Even a temporary disappearance constitutes the crime if, during the relevant period, the State refused to acknowledge the person’s detention or withheld information about their fate or location. This interpretation has been consistently upheld by international bodies, including the Inter-American Court of Human Rights¹¹⁸ and the United Nations Working Group on Enforced or Involuntary Disappearances,¹¹⁹ and the European Court of Human Rights.¹²⁰

Between late July 2024 and early February 2025, Venezuelan civil society organisation Foro Penal recorded at least 51 cases of enforced disappearance, many of which involved persons detained during post-electoral demonstrations or during the implementation of “Operation Tun Tun.” Detainees were frequently removed from their homes or arrested in public spaces by masked officers, transferred to unknown locations, and held without

¹¹⁸ I/A Court H.R., Case of Velásquez Rodríguez v. Honduras. Merits. Judgment of July 29, 1988: the mere act of keeping someone outside the protection of the law constitutes the crime. I/A Court H.R., Case of Radilla Pacheco v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 23, 2009: the lack of acknowledgement or official record of detention, even if temporary, constitutes enforced disappearance.

¹¹⁹ WGEID Annual Report to the UN Human Rights Council (A/HRC/16/48, 2011). The crime is committed the moment the State refuses to acknowledge a detention or conceals the person’s fate or whereabouts. The Working Group reiterated that the temporary nature of the disappearance is irrelevant to its legal qualification.

¹²⁰ ECHR, Çakıcı v. Turkey (1999), this case reinforced that disappearance and concealment can constitute inhuman and degrading treatment for the family members and violate the right to life, regardless of the outcome of the disappearance.

formal registration or access to the outside world. In some cases, they reappeared days or weeks later in recognised detention centres such as the SEBIN Helicoide or DGCIM headquarters. However, this reappearance does not negate the commission of the crime.

Numerous testimonies received by the Panel describe how security and intelligence agencies denied the detention of named individuals, refused to respond to habeas corpus requests, and threatened family members seeking information. In one such case, the brother of a disappeared detainee was warned by police that he would himself be arrested if he continued to demand information. This constitutes not only a continuation of the enforced disappearance, but also an act of reprisal and intimidation in breach of international law.

Enforced disappearance was not limited to high-profile political actors. It extended to protestors, electoral witnesses, members of opposition parties, and persons from marginalised communities. The systematic targeting of these individuals demonstrates the use of disappearance as a tool of mass deterrence, aimed at instilling fear and dismantling the infrastructure of democratic resistance.¹²¹

The Venezuelan authorities' deliberate refusal to confirm detentions, disclose detainees' locations, or produce them before competent judicial authorities reflects a policy of governing through opacity and terror.

In parallel to enforced disappearances, the Panel observed the widespread and unlawful use of incommunicado detention, wherein detainees were held without access to lawyers, family members, or independent medical care. Though in some cases detainees were registered within official detention facilities, they remained cut off from the outside world for prolonged periods, in clear violation of their fundamental rights under international law.

Security forces including SEBIN, DGCIM, and DAET routinely denied detainees the right to notify family of their detention or to appoint counsel of their choice. Instead, detainees were presented before tribunals—often terrorism courts in Caracas—represented by public defenders who lacked independence and had no meaningful contact with their clients. Proceedings frequently took place in collective, telematic hearings devoid of procedural guarantees.

The use of incommunicado detention further heightened the risk of torture, ill-treatment, and coerced confessions, especially in facilities known for systematic abuse. The

¹²¹ UN, Experts urge Venezuela to comply with international law to prevent irreparable harm to victims of enforced disappearance. 28 February 2025. Available at: <https://www.ohchr.org/en/press-releases/2025/02/experts-urge-venezuela-comply-international-law-prevent-irreparable-harm>

denial of access to legal counsel also obstructed oversight and accountability, enabling arbitrary charges and extended pre-trial detention.

3.5. DEATH IN STATE CUSTODY

The post-electoral period in Venezuela has been marked by an alarming pattern of deaths in state custody, resulting from the arbitrary detention and deliberate neglect of individuals perceived as opponents of the Government. These cases are not isolated incidents of negligence or misconduct, but rather form part of a broader and systematic policy of repression implemented by the Venezuelan authorities.

The deaths described below reflect a consistent course of conduct involving arbitrary arrest, denial of medical care, enforced disappearance, and subsequent concealment or distortion of the cause of death. In each case, the victims were detained for political reasons, held in inhumane conditions, and denied the protections guaranteed under both Venezuelan law and international human rights instruments.

Under Article 7(1)(a) and (e) of the Rome Statute of the International Criminal Court, murder and imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law constitute crimes against humanity when committed as part of a widespread or systematic attack against a civilian population. The facts presented here—arbitrary arrest without legal basis, fatal neglect in custody, and systematic concealment—demonstrate the Venezuelan State’s culpability under this framework.

Moreover, the repeated failure to investigate these deaths, the obstruction of accountability mechanisms, and the targeting of those who seek justice confirm the existence of a state policy designed to eliminate political dissent through coercive and lethal means. These acts demand urgent international scrutiny and engagement.

The Panel had the opportunity to analyse four specific cases relating to :

- a. **Jesús Martínez Medina** (Anzoátegui). A 36-year-old member of the opposition political party Vente Venezuela, Jesús Martínez acted as a polling station witness during the 28 July 2024 presidential election. He was arbitrarily arrested on 29 July 2024 and detained at the headquarters of the Bolivarian National Intelligence Service (SEBIN) in Lechería, Anzoátegui State. During his detention, Jesús—who suffered from Type II diabetes—developed severe skin abscesses and experienced heart failure. Despite his critical condition, he was denied access to adequate and timely medical treatment. His health rapidly deteriorated due to inhumane detention conditions and medical neglect. He was eventually transferred to the Luiz Razzetti Hospital in Barcelona, where he died on 14 November 2024. The cause of

death is directly attributable to the authorities' failure to provide the medical care his condition urgently required.

- b. Jesús Rafael Álvarez (Bolívar).** A 44-year-old political prisoner, Jesús Álvarez was arbitrarily arrested on 2 August 2024 in El Callao, Bolívar State, along with his wife Anny Suárez, by agents of the General Directorate of Military Counterintelligence (DGCIM). The arrest was carried out without a warrant and in the context of an alleged investigation into terrorism and incitement to hatred. Jesús Álvarez was subsequently transferred to the Tocuyito Judicial Prison in Carabobo State. He died in custody on 12 December 2024. His body was handed over to his son in an advanced state of decomposition. Authorities initially denied that the body was being held at the National Service of Medicine and Forensic Sciences (CICPC), delaying its identification and delivery. No official cause or time of death has been disclosed. The circumstances strongly indicate a violation of the right to life in custody, compounded by administrative obstruction and lack of accountability.
- c. Osgual Alexander González (Lara).** A 43-year-old opposition supporter, Osgual González was arbitrarily detained on 1 August 2024 in Barquisimeto, Lara State, along with his 19-year-old son, during post-election repression operations. Both were transferred to the Internado Judicial de Tocuyito (Carabobo). During detention, Osgual presented symptoms including jaundice, purple lips, abdominal swelling, and acute pain. Prison authorities diagnosed him with nephritic colic and administered only painkillers, despite the likely presence of hepatitis. He received no specialist evaluation or hospital transfer. His condition worsened and he died in custody on 16 December 2024. The Venezuelan State bears direct responsibility for his death due to failure to provide adequate medical care and to safeguard his health while under state custody.
- d. Edwin Santos (Apure).** A 36-year-old regional leader and co-founder of the opposition party Voluntad Popular. According to a statement by his political party, Edwin was forcibly disappeared on 23 October 2024 when he was intercepted by unidentified men in a black van while en route to the El Pinal sector. Multiple witnesses later confirmed that Edwin was detained at the DGCIM headquarters in Guasdalito, Apure State, as late as 24 October 2024. On 25 October 2024, his body was found abandoned on a bridge connecting the states of Apure and Táchira. The Director General of the CICPC, Douglas Rico, declared the cause of death to be a “traffic accident,” despite compelling witness testimony and prior confirmation of arbitrary detention. Notably, human rights defender Walter Márquez, who called for an investigation into Edwin’s death, was himself subjected to a criminal complaint for incitement to hatred—a retaliatory action emblematic of the broader climate of persecution. The circumstances of Edwin Santos’ death are consistent

with a summary execution following enforced disappearance, and the State's denial of responsibility further compounds the violation.

The deaths of Jesús Martínez Medina, Jesús Rafael Álvarez, Osgual Alexander González, and Edwin Santos reveal a consistent and deliberate pattern of criminal conduct by the Venezuelan State, which collectively amount to crimes against humanity under Article 7 of the Rome Statute. While the immediate circumstances surrounding each case differ, their structural features exhibit a recurring modus operandi that underscores the systematic nature of the violations.

Each of the victims was a known or perceived political opponent of the Government. Their arrests occurred in the context of post-election repression and lacked legal basis. None of the detainees was presented with a valid arrest warrant, and in all cases, the detentions were politically motivated—either for participating in electoral oversight, being associated with opposition parties, or merely perceived as dissenters.

The detainees were held in facilities controlled by the Bolivarian National Intelligence Service (SEBIN), the General Directorate of Military Counterintelligence (DGCIM), or in high-security prisons such as Tocuyito, known for inhumane conditions and denial of due process. These sites have repeatedly been associated with torture, ill-treatment, and systematic medical neglect.

All victims experienced severe medical distress while in custody, for which they were either denied treatment or provided grossly inadequate care. Jesús Martínez was denied urgent treatment for his diabetes-related complications until his condition became irreversible. Osgual González was misdiagnosed and left untreated for symptoms indicating serious hepatic illness. Jesús Rafael Álvarez died in detention under undisclosed circumstances, and the advanced decomposition of his body suggests prolonged neglect and concealment. In all three cases, no timely hospital transfer was arranged despite life-threatening conditions, in direct contravention of the State's obligation to safeguard the health and life of detainees.

Authorities actively hindered access to information regarding the deaths. In Álvarez's case, officials denied holding his body at the forensic morgue and delayed its release. Edwin Santos' death was falsely attributed to a traffic accident, despite credible evidence of prior state custody. In each instance, the State refused to conduct credible investigations, and no perpetrators or responsible officials have been identified or prosecuted.

The case of Edwin Santos reflects a more egregious pattern—forced disappearance followed by extrajudicial execution. He was last seen in a state detention centre and was later found dead under suspicious circumstances. The subsequent retaliation against those calling for justice—such as the prosecution of human rights defender Walter

Márquez—highlights the Government’s use of judicial mechanisms to intimidate and silence accountability efforts.

No independent or impartial investigations have been conducted into the causes of death in any of the cases. In fact, institutional responses have sought to obfuscate the truth, shift blame, or dismiss the deaths as incidental or accidental. This evidences a policy of impunity and reinforces the conclusion that these are not isolated events, but part of a deliberate State policy.

4. CONCLUSION AND RECOMMENDATIONS

The evidence assessed by the Panel confirms that the Venezuelan State has entered a new and grave phase in its campaign of political persecution. The post-electoral repression of July 2024 is not merely a continuation of prior patterns but a fundamental escalation in scope, coordination, and intent. The convergence of mass arbitrary detention, enforced disappearance, torture, extrajudicial killings, and psychological warfare—combined with the instrumentalisation of the judiciary and the formal incorporation of irregular armed groups—signals the consolidation of a repressive State architecture whose primary objective is to silence all forms of dissent and consolidate authoritarian rule.

This repression has unfolded despite the State’s public commitments to democratic reform and international cooperation. Far from fulfilling its obligations under international law, the Venezuelan Government has strategically employed diplomatic engagement—including with the ICC and the UN—as a shield against scrutiny while continuing to entrench impunity and authoritarian control behind the scenes. Civil society actors, victims, and human rights defenders now operate under unprecedented pressure, with limited access to international protection, shrinking humanitarian resources, and increasing transnational threats.

The Panel finds reasonable grounds to believe that the crimes committed during this period continue to meet the legal threshold of crimes against humanity under Article 7 of the Rome Statute. These acts are not isolated excesses but form part of a widespread and systematic attack against the civilian population, carried out pursuant to a State policy.

To address this critical deterioration and to advance justice, accountability, and the protection of victims, the Panel issues the following recommendations:

4.1. TO THE INTERNATIONAL CRIMINAL COURT (ICC):

- a.** Expedite the investigation into alleged crimes against humanity committed in Venezuela, including those documented in the post-election period of 2024 and

urgently issue warrants of arrest against high level state perpetrators that continue to publicly incite the commission of further crimes;

- b. Ensure the protection of witnesses, victims, and civil society actors cooperating with the Court.

4.2. TO THE UNITED NATIONS AND INTERNATIONAL HUMAN RIGHTS MECHANISMS:

- a. Strengthen the mandate of the UN Independent International Fact-Finding Mission on Venezuela.
- b. Ensure the prompt re-establishment of an in-country UN Human Rights Office with full access to detention centres, judicial proceedings, and victims.
- c. Increase emergency humanitarian and protection funding for Venezuelan civil society and at-risk communities, including those in exile.

4.3. TO THE ORGANISATION OF AMERICAN STATES (OAS) AND THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR):

- a. Intensify monitoring of the situation in Venezuela and expand precautionary and provisional measures for those at risk.
- b. Facilitate regional coordination to respond to Venezuela's extraterritorial persecution and transnational repression.

4.4. TO STATES AND REGIONAL ACTORS:

- a. Reject the normalisation of diplomatic relations with the Venezuelan Government in the absence of demonstrable and verifiable steps toward accountability and the cessation of repression.
- b. Sanction individuals and entities involved in the commission of serious human rights violations and crimes under international law.
- c. Provide expedited protection, asylum, and humanitarian relief to Venezuelan refugees, exiles, and human rights defenders targeted by the regime.

4.5. TO VENEZUELAN CIVIL SOCIETY AND VICTIMS' ORGANISATIONS:

- a.** Continue documenting violations and engage with international accountability mechanisms, including universal jurisdiction procedures and international courts.
- b.** Strengthen networks of protection, legal assistance, and psychosocial support for victims of political repression.

In conclusion, the Panel urges the international community to take sustained, coordinated, and legally grounded international action against the high level perpetrators of the crimes against humanity in Venezuela to stop the crimes and bring accountability. The time for rhetorical condemnations and diplomatic gestures has passed, only decisive action can prevent further atrocities, protect survivors, and begin the long process of justice and redress.



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