

VENEZUELA: CALCULATED REPRESSION



**CORRELATION BETWEEN STIGMATIZATION
AND POLITICALLY MOTIVATED
ARBITRARY DETENTIONS**

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▶ EXECUTIVE SUMMARY

This report is the product of a collaboration between the Center for Defenders and Justice (CDJ), the Foro Penal (Penal Forum) and Amnesty International.

The following research had as its starting hypothesis, as mentioned above, the existence of a correlation between politically motivated arbitrary detentions and the stigmatization disseminated by media outlets linked to the government of Nicolás Maduro in Venezuela. In turn, it is possible to establish evidence on how repression works, the key actors and the trends of repression that have been followed over the years.

Using qualitative and quantitative methodologies, the conclusions reached were checked against international human rights law standards and international criminal law, which the following report is based upon, aiming to determine the pattern in which stigmatization occurs at certain times and coming from certain actors, while other actors apply other repressive measures such as arbitrary detentions, without matching victims.

Different statistical models were applied to the databases of the CDJ -on stigmatization of human rights defenders by media close to the government of Nicolás Maduro- and of the Foro Penal -on politically motivated arbitrary detentions-, such as Pearson's correlation, and other descriptive analytical models such as evolutionary analysis and distribution of percentage frequencies. In addition, in order to homogenize the methodology, different assumptions were applied, such as: omitting seven dates with more than 60 arbitrary detentions per day; grouping arbitrary detentions in the three days following the acts of stigmatization; and filtering the results through Qlik Sense tools that allowed us to observe the interactions between the different variables automatically.

STIGMATIZATION IN VENEZUELA

In 2011, the United Nations Special Rapporteur on Human Rights Defenders defined stigmatization as the characterization of human rights defenders as “terrorists”, “enemies of the State” or “political opponents” by state authorities and state media and its use to delegitimize their work, increasing their vulnerability to human rights abuses and violations.¹

The CDJ has recorded acts of stigmatization against human rights defenders between January 2019 and June 2021 in Venezuela, through public and private media outlets with links to the government. Often these media outlets, which may take the form of web portals, television programmes and blogs, among others, use the spaces to attack, expose and harass people who are perceived as critical of the government of Nicolás Maduro.

Upon analysing the database with more than 300 acts of stigmatization between January 2019 and June 2021, the media outlets whose content was most frequently repeated ahead of detentions by Venezuelan security forces were Con el Mazo Dando, Misión Verdad and the web portal Lechuguinos.²

When analysing the profiles of the perpetrators of stigmatization, the public (state-led) legal nature of several of them stands out, as well as the state financing and protection of the production through the public television channel Venezolana de Televisión (VTV) and other public agencies such as the Ministry of Popular Power for Foreign Affairs (MPPRE), which reposts the content of some of these media outlets on its official website.



¹UN Human Rights Council, Special Rapporteur on the situation of human rights defenders, 30 December 2009, UN Document Number A/HRC/13/22, para. 27.

²Agents of the Ministry of Foreign Affairs, who carried out 104 detentions after their stigmatization, have been excluded because they are considered different in nature from the rest of the means of stigmatization. However, their presence as a perpetrator of stigmatization will be discussed further below.

POLITICALLY MOTIVATED ARBITRARY DETENTIONS IN VENEZUELA

Politically motivated arbitrary detentions in Venezuela have been widely documented by national and international organizations. Such detentions, and other crimes under international law, are committed as part of a course of action that has proven to be systematic and widespread and that leads to a well-founded belief that they may constitute crimes against humanity.³ More than 1,200 arbitrary detentions were documented in the period analysed.

Politically motivated arbitrary detentions are carried out by Venezuelan state security forces, including civilian and military security forces, some of which are responsible for safeguarding public order, such as the Bolivarian National Guard (GNB); and others, with intelligence and preventive investigation roles, such as the Bolivarian National Intelligence Service (SEBIN) and the Directorate General of Military Counterintelligence (DGCIM).

In a cross comparison of the interaction of the variables of stigmatization and politically motivated arbitrary detentions, the analysis of the security forces involved in the detentions indicates that throughout the period analysed there have been changes in the authorities that have implemented the repression and carried out the arbitrary detentions.

Although in 2019 the GNB played a primary role in arbitrary detentions that year -which was maintained in 2020-, by 2021 this military body only appeared in fourth place in terms of numbers of arbitrary detentions. On the other hand, the DGCIM, a military body, ranks in second place in terms of security forces carrying out arbitrary detentions each year.

Another significant development has been how the Special Action Forces (FAES) of the Bolivarian National Police (PNB) have increased the number of detentions they have carried out. While in 2019 they were in fifth place among security forces that carried out arbitrary detentions, by 2020 they were in third place and in 2021 they took first place among security forces carrying out arbitrary detentions.

On the other hand, the judiciary and the courts involved in arbitrary detentions have also varied over the years, and in particular the increase in the last year of the use of non-ordinary courts to deal with cases of arbitrary detentions should be highlighted.

CORRELATION BETWEEN STIGMATIZATION AND ARBITRARY DETENTIONS

The correlation between politically motivated arbitrary detentions, carried out by all state security agents, and stigmatization, carried out by all sources of stigmatization, was filtered by each year analysed due to the different nature of each period. From this analysis it was shown that while in 2019 the overall correlation between both variables was 29%, in 2020 it increased to 42% and in the first half of 2021 it reached 77%. The annual correlations between arbitrary detentions and stigmatization also varied depending on the different security forces involved in the detention. Thus, there is a closer correlation in 2019 with detentions occurring by intelligence agencies (DGCIM and SEBIN), in 2020 by bodies under the PNB, including the FAES, which rises to 92%, and in 2021 by bodies of a civilian and decentralized nature, such as the FAES, municipal police forces and the Scientific, Penal and Criminal Investigation Corps (CICPC) which also rises to 92% correlation with stigmatization.

³ Amnesty International, Hunger for Justice: Crimes against humanity in Venezuela ,AMR 53/0222/2019, 13 May 2019. UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, UN Document Number A/HRC/45/CRP.11 15 September 2020, para. 2084. Office of the Prosecutor of the International Criminal Court, "Report on Preliminary Examination Activities 2020," 14 December 2020, para. 204.

When looking for the correlation in the different periods analysed between stigmatization and detentions carried out in 2019 by the two main intelligence agencies, the SEBIN and the DGCIM, the correlation turned out to be 74%.

Both security forces, one of a civilian nature, the SEBIN, which depends on the Executive Branch, and the other of a military nature, the DGCIM, which functionally depends on the Commander in Chief of the Armed Forces, i.e., the President of the Republic, and administratively on the Ministry of Defence, have acted as repressive bodies of the government of Nicolás Maduro.

When breaking down the data by periods and differentiating the different security forces that carried out the repression, it was shown that:

PERIOD	SECURITY FORCE	PERCENTAGE CORRELATION
2019	Intelligence agencies (DGCIM y SEBIN)	74%
2020	Security forces under the Bolivarian National Police (including the Special Actions Forces FAES)	92%
2021 January-June	Decentralized security forces: (FAES, PNB, municipal police forces and Scientific, Criminal and Criminal Investigations Corps)	92%

Further analysis of the variables showed that:

- At least for the 2019 period, courts with jurisdiction over terrorism were used more frequently to prosecute those arbitrarily detained for political reasons and were closely related to (68%) and coordinated with the stigmatization carried out by Misión Verdad.
- There is a high correlation (65%) between the actions of the military courts and the stigmatization from Con El Mazo Dando, especially when the arbitrary detentions were carried out by military security forces during the entire period analysed. In particular, in 2020 this correlation reached 94%.
- In specific periods of reports of human rights violations before international organizations, as well as announcements by the United Nations Office of the High Commissioner for Human Rights, the United Nations Independent International Mission on Venezuela and the International Criminal Court, the data showed an increase in the peaks of repression with correlations between 70 and 88%.



These trends that emerge from the analysis have consequences in the identification of the patterns in which human rights violations and crimes under international law are committed in Venezuela.

PATTERNS OF STIGMATIZATION AS A SIGN OF POLITICAL PERSECUTION

This report has analysed the trends and correlation between politically motivated arbitrary detentions and stigmatization carried out by media outlets linked to the government of Nicolás Maduro, both public and private in Venezuela.

The trends of repression in Venezuela have been directed against a specific group of people: those perceived as dissidents or opponents of the government of Nicolás Maduro.

Acts of stigmatization, which in themselves are defined as discriminatory acts and attacks that tend to entrench confrontational and 'them versus us' statements and narratives, are used as another tool for repression. Undoubtedly, stigmatization and its reflection in politically motivated arbitrary detentions point to the discriminatory factors that affect human rights in Venezuela and crimes under international law.

The public nature of stigmatization allows us to see the motivation of political discrimination behind these acts more clearly, but the way in which they are related to arbitrary detentions and the criminalization of political activists can be taken as an indicator of political persecution through arbitrary detentions and stigmatization in Venezuela.

The arbitrary nature of the detentions has been widely documented, but the findings of this report indicate with greater certainty the nature of the political discrimination behind them. The correlation between arbitrary detentions and stigmatization -which have an obvious political nature- are an indicator that the policy of repression has a clear objective of political discrimination that severely affects the rights of people in Venezuela who think differently than the government of Nicolás Maduro.

In addition, the periods for which the analysis is carried out and even the courts in charge of the cases of arbitrary detentions are a strong indicator that the relationship between detentions and stigmatization could constitute acts of persecution as a crime against humanity.



CONCLUSIONS AND RECOMMENDATIONS

In light of all this numerical evidence, the organizations consider that the dependent relationship between the discriminatory narratives (stigmatization) and the human rights violations (arbitrary detentions and criminalization) could indicate the existence of the crime against humanity of persecution, for which the Venezuelan authorities, including those at the highest level, should be investigated to determine their criminal responsibility for these acts.⁴

Therefore, some of the recommendations are:

- ▶ To the Office of the Prosecutor of the ICC
 - To include in its investigation into crimes against humanity in Venezuela the facts evidenced in this report, with a view to determining key actors, specific cases and possible participants in the crimes against humanity of arbitrary deprivation of liberty and politically motivated persecution.
- ▶ To the international community
 - To continue to support the International Independent Fact-Finding Mission in its mandate to contribute to accountability for human rights violations in Venezuela since 2014;
 - To sustain and strengthen support for the International Criminal Court, both financially and politically, contributing to its work against impunity for crimes against humanity.

⁴For the analysis of the lack of access to domestic resources to obtain justice, truth and reparation for these acts, see: Amnesty International, Hunger for Justice: Crimes against humanity in Venezuela, AMR 53/0222/2019, 13 May 2019, UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, UN Document Number A/HRC/48/69, 16 September 2021.

▶ 1. INTRODUCTION

For years, Amnesty International has documented and reported the policy of repression by the government of Nicolás Maduro in Venezuela, which has aimed to silence criticism and dissent. Crimes under international law and human rights violations, including politically motivated arbitrary detentions, torture, extrajudicial executions and excessive use of force have been systematic and widespread, and could constitute crimes against humanity.

This policy of repression, which has been widely documented by organizations inside and outside Venezuela, has as its fundamental basis the stigmatization of dissent. The authorities under Nicolás Maduro have, for years, consolidated a narrative in which criticism of public policies, or any action perceived as opposition, is rejected, censored and attacked.

These acts of stigmatization and attacks on dissidents or those perceived as such have been carried out by public and private media, and their discourse usually has a high discriminatory content and incitement to violence.

In this report, Amnesty International, the Center for Defenders and Justice (CDJ), and the Penal Forum (or Foro Penal) demonstrate how the stigmatizing and discriminatory discourse promoted by the authorities under Nicolás Maduro constitutes acts of persecution and serves the purpose of the policy of repression, due to the close relationship they have with politically motivated arbitrary detentions.

For this research, CDJ, Foro Penal and Amnesty International used a methodology of statistical measurement and data analytics to identify the relationship between the stigmatization produced by the media linked to the government of Nicolás Maduro and politically motivated arbitrary detentions in the period 2019-2021. This methodology showed as its main conclusion that there is a direct relationship between stigmatization and hate speech in media with links to the government or the United Socialist Party of Venezuela (PSUV) and politically motivated arbitrary detentions, which complement and feed back on each other. In other words, the greater the number of acts of stigmatization, the more arbitrary detentions increase, and the same can be predicted when they decrease, demonstrating that rather than being isolated events, acts of stigmatization are a fundamental part of the policy of repression and accentuate the discriminatory and persecutory factor of arbitrary detentions.

▶ 2. METHODOLOGY

The following research had as its starting hypothesis, as mentioned above, the existence of a correlation between politically motivated arbitrary detentions and the stigmatization disseminated by media outlets linked to the government of Nicolás Maduro in Venezuela. In turn, it is possible to establish evidence on how repression works, the key actors and the trends of repression that have been followed over the years.

In order to carry out this research, a combined methodology was used with both a quantitative and a qualitative analysis of human rights violations in Venezuela in the context of stigmatization of human rights defenders and politically motivated arbitrary detentions.

The **quantitative** component of the research has as its main component the analysis of data collected by Venezuelan organizations on stigmatization attributable to the authorities, and politically motivated arbitrary detentions in Venezuela.

Data analytics, or data analysis, is “the process of examining data sets to find trends and draw conclusions about the information they contain. Data analytics is increasingly being used with the help of specialized systems and software.”⁵

For the application of this stigmatization and arbitrary detention data analysis methodology, the first step was to obtain the information to be analysed. For this, it was essential for the CDJ to collect information on acts of stigmatization, their source, date, and verification link. Similarly, with regard to politically motivated arbitrary detentions, Foro Penal was responsible for providing the figures, dates, gender of the detained person, security force that carried out the detention and the court in charge of the case. The data were then categorized, homogenized and extracted for input into the Qlik Sense data analytics software.

Once the statistical models were applied and authenticated, the different patterns revealed by the data were observed and recorded. This analysis of the information produced specific premises that have been expanded through qualitative research.

For this **qualitative** component of the research, open-source research was used covering the origins, functioning, financing and links between the government-related media quantitatively identified as the most prominent perpetrators of stigmatization. In addition, the security forces and their relationship with the perpetrators of stigmatization were identified.

Both methodologies were employed and the conclusions obtained were checked against international human rights law standards and international criminal law, which is the basis for the following report.

It is worth clarifying that this research does not aim to demonstrate a causal relationship between the specific stigmatization carried out by media linked to the government of Nicolás Maduro with specific arbitrary detentions. On the contrary, what is sought is to determine the pattern in which stigmatization occurs at certain times and coming from certain actors, while other actors apply other repressive measures such as arbitrary detentions, without matching victims.



⁵TechTarget, Craig Stedman, Data Analysis or Data Analytics, searchdatacenter.techtarget.com/en/definition/Data-Analysis (accessed 25 August 2021), in “Business Analytics and BI.”

2.1 DATA ANALYTICS

As mentioned above, two databases were used. By applying statistical models to them, they generated sufficient evidence to support the conclusions established in this report.

The first database, provided by the CDJ, was the register of acts of stigmatization against human rights defenders between January 2019 and June 2021.⁶This database has extensive and detailed information on each act of stigmatization, which was filtered for the purposes of this research.

The definition of acts of stigmatization or 'stigmatization' that was used for the research consists of attacks or degrading speeches against human rights defenders that have been issued by a media outlet or social media linked to the government. This database showed 359 acts of stigmatization between January 2019 and June 2021.

METHODOLOGICAL DEFINITION OF STIGMATIZATION



The second database corresponding to politically motivated arbitrary detentions was provided by Foro Penal, with 1,270 arbitrary detentions for which information was filtered regarding the date of detention, the security force that carried out the detention, the court in charge of the case and the gender of the detained person. The arbitrary nature of the detentions had been previously identified and documented by this organization.

2.1.1 STATISTICAL MODELS APPLIED TO THE DATA

The organizations used Qlik Sense software to apply the following statistical models:

- ▶ Pearson correlation for the correlation between arbitrary detentions and stigmatization⁷
- ▶ Examination of descriptive analytic data:
 - Evolutionary analysis (dates) through bar graphs whose X axis is time and Y axis is the number of detentions and acts of stigmatization, superimposing both curves.
 - Percentage frequency distribution analysis, which represents the number of repetitions of a value in the total number of observations.

⁶The definition of 'stigmatization' will be the subject of analysis in the next section of the report, 3. Mission: Stigma.

⁷A regression measure intended to quantify the degree of joint variation between two variables. See section 3.3. *Correlation between stigmatization and arbitrary detentions.*

2.1.2 METHODOLOGICAL PREMISES APPLIED

In order to improve the presentation and interpretation of the information extracted from the databases, some methodological premises were assumed.

The first of these is the identification and exclusion of outliers. Thus, in the data collected on arbitrary detentions between January 2019 and June 2021, seven dates were identified where more than 60 arbitrary detentions occurred on the same day. Although this decision does not exclude the arbitrary nature of the detentions nor their inclusion in the framework of the policy of repression in Venezuela, their inclusion led to a distortion of the rest of the values such as averages and standard deviations and in reality they come from massive social protest events that altered the results of the rest of the values in the rest of the period analysed.

The second methodological premise was the grouping of politically motivated arbitrary detentions and their relationship with acts of stigmatization in a period of three days after the stigmatization occurred. This is to adjust to the reality that arbitrary detentions hardly occur on the same day that stigmatization occurs, and usually the effect of stigmatization occurs days after it.

Finally, the possibilities of data analysis with the Qlik Sense programme allow the cross comparison of more than two variables and filtering of the different results. The main variables used for the analysis were: number of acts of stigmatization per calendar date, number of detentions per calendar date, source of the stigmatization, number of detentions in the three days following each act of stigmatization, court in charge of the detention case, gender of the victim of the arbitrary detention. Therefore, the relevant results in which the correlation between the different variables held a significance for the hypothesis put forward were analysed.

2.2 QUALITATIVE RESEARCH

Once the data analysis had been carried out, relevant conclusions on human rights were detected, which were deepened through qualitative research methods.

The qualitative research focused on delving into the media outlets and perpetrators of the stigmatization, their financing, their legal nature and even if a link can be traced between them and the authorities of the government of Nicolás Maduro. Similarly, a contextual analysis was carried out based on the accumulated body of research of the organizations, particularly in relation to the policy of repression of the government of Nicolás Maduro.

In terms of temporal patterns, the research warranted identification of the moments when stigmatization decreased while arbitrary detentions also decreased, and likewise for the case of increases in both curves. This made it possible to establish some temporal milestones that, when compared with important socio-political events, could explain the correlation between the different means of repression at those specific moments.

▶ 3. CALCULATING REPRESSION

3.1 STIGMATIZATION OF HUMAN RIGHTS DEFENDERS

The International Covenant on Civil and Political Rights, to which Venezuela is a party, protects the right to freedom of expression and opinion in Article 19.⁸ So do other international instruments, such as the American Convention on Human Rights, among others.⁹

Freedom of expression has been defined in General Comment 34 of the United Nations Human Rights Committee as the obligation of “State Parties (...) to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers”.¹⁰

While freedom of opinion contains no limitations in international human rights law, there are restrictions on the right to express that opinion. These restrictions must be subject to the principles of legality, proportionality and necessity in order to be legitimate, and discriminatory expressions or those that incite violence are not protected by freedom of expression.¹¹

Thus, General Comment 18 of the same Committee, states that

“the term “discrimination” as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.”¹²

The Committee on Economic, Social and Cultural Rights has said that individuals may suffer discrimination because of their association with a particular group or because they are perceived as part of that group.¹³

Moreover, in particular, the Human Rights Committee recognizes that, with regard to expressions covered by freedom of expression, “Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19.”¹⁴

⁸ International Covenant on Civil and Political Rights, Article 19.

⁹ American Convention on Human Rights, Article 13. European Convention on Human Rights, Article 10.

¹⁰ UN Human Rights Committee, General Comment 34, 12 September 2011, UN Document Number CCPR/C/GC/34.

¹¹ UN Human Rights Committee, General Comment 34, 12 September 2011, UN Document Number CCPR/C/GC/34, para. 22.

¹² UN Human Rights Committee, General Comment 18, para. 7.

¹³ UN Human Rights Council, Report of the Special Rapporteur on the human right to safe drinking water and sanitation, 2 July 2012, UN Document Number A/HRC/21/42, para. 15.

¹⁴ UN Human Rights Committee, General Comment 34, 12 September 2011, UN Document Number CCPR/C/GC/34, para. 23.

Academics have defined stigma as a phenomenon closely related to power and inequality, and the arbitrary way in which those who hold power make use of it.¹⁵ Thus, “stigma can be understood as a process of dehumanization, degradation, discrediting and devaluation of persons from certain population groups”.¹⁶ This generates a perception of separation between some people and others, who oppose each other.¹⁷

In 2011, the United Nations Special Rapporteur on Human Rights Defenders defined stigmatization as the characterization of human rights defenders as “terrorists”, “enemies of the State” or “political opponents” by state authorities and state media and its use to delegitimize their work, increasing their vulnerability to human rights abuses and violations.¹⁸

In this case, the CDJ has recorded the acts of stigmatization against human rights defenders between January 2019 and June 2021 in Venezuela. These acts have as a main characteristic attacks with discriminatory language and, sometimes, false accusations against human rights defenders in Venezuela who are often perceived as critics of the government of Nicolás Maduro.

This report will demonstrate how these acts of stigmatization not only hinder the work of defending and protecting human rights in Venezuela, but also reflect certain patterns in arbitrary detentions at the national level. To this end, an account will be given of the perpetrators of stigmatization and their relationship with the Venezuelan authorities, in order to find their link with the state’s obligations under international law.

3.1.1 WHAT IS KNOWN ABOUT STIGMATIZATION IN VENEZUELA?

For many years, Venezuelan civil society organizations have reported the continuous attacks and intimidation they receive from public and private media, which extend to social media and which, on occasions, have affected the lives and safety of human rights defenders.¹⁹

In Venezuela, the media have been subjected to a tight administrative control that has involved the closure and discontinuation of media concessions.²⁰ Meanwhile, public media, financed by the state budget, and other media outlets with editorial lines close to the governing party, have prospered. It is common for these media and communication spaces to identify people in places of influence who have or have had public positions and roles, and also for state bodies to repost information from these sources.

Often these media outlets, which may take the form of web portals, television programmes and blogs, among others, use the spaces to attack, expose and harass people who are perceived as critical of the government of Nicolás Maduro. Among the people who are subjected to this discourse are political activists, human rights defenders, and people attached to humanitarian aid organizations, among others.

These acts of stigmatization have been condemned by international organizations, including the Office of the Special Rapporteur for Human Rights Defenders, the Inter-American Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights.²¹

¹⁵ UN Human Rights Council, Report of the Special Rapporteur on the human right to safe drinking water and sanitation, 2 July 2012, UN Document Number A/HRC/21/42, para. 12 citing Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (New York, Simon & Schuster, 1963), p. 5

¹⁶ UN Human Rights Council, Report of the Special Rapporteur on the human right to safe drinking water and sanitation, 2 July 2012, UN Document Number A/HRC/21/42, para. 12

¹⁷ UN Human Rights Council, Report of the Special Rapporteur on the human right to safe drinking water and sanitation, 2 July 2012, UN Document Number A/HRC/21/42, para. 12

¹⁸ UN Human Rights Council, Special Rapporteur on the situation of human rights defenders, 30 December 2009, UN Document Number A/HRC/13/22, para. 27.

¹⁹ COFAVIC, Report: “Enemigos Internos” La defensa de derechos humanos bajo ataque (“Internal Enemies” The defence of human rights under attack), March 2020, [cofavic.org/wp-content/uploads/2020/05/Informe-Venezuela-enemigos-internos_2020.pdf](https://www.cofavic.org/wp-content/uploads/2020/05/Informe-Venezuela-enemigos-internos_2020.pdf) (Spanish only). Center for Defenders and Justice, monthly reports on the situation of human rights defenders, [centrodefensores.org.ve/](https://www.centrodefensores.org.ve/) (Spanish only). Inter-American Commission on Human Rights, Office of the Special Rapporteur for Freedom of Expression, IACHR and OSRFE Condemn Attacks Against Human Rights Defenders and Journalists and Warn of the Closure of Democratic Spaces in Venezuela, 21 February 2021, https://www.oas.org/en/iachr/jsForm?File=/en/iachr/media_center/preleases/2021/025.asp, inter alia.

²⁰ Espacio Público, Situación general del derecho a la libertad de expresión (General situation of the right to freedom of expression) Report January-August 2021, [espaciopublico.org/situacion-general-del-derecho-a-la-libertad-de-expresion/](https://www.espaciopublico.org/situacion-general-del-derecho-a-la-libertad-de-expresion/) (Spanish only) (accessed 21 October 2021).

²¹ UN Special Rapporteur on the situation of human rights defenders, UN Special Rapporteur on the promotion and protection of freedom of opinion and expression, UN Special Rapporteur on the right to peaceful assembly, inter alia, “High time to pull the plug on televised reprisals against rights defenders in Venezuela,” 22 July 2015, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16259&LangID=E. Inter-American Commission on Human Rights, “IACHR Concerned about Harassment against Human Rights Defenders in Venezuela,” 22 February 2019, https://www.oas.org/en/iachr/media_center/PReleases/2019/040.asp. Office of the United Nations High Commissioner for Human Rights, “Statement by the United Nations High Commissioner for Human Rights, Michelle Bachelet,” 46th session of the Human Rights Council, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26874&LangID=E>

These examples illustrate acts of stigmatization:

<p>CON EL MAZO DANDO, 20 AUGUST 2019.²²</p>	<p>Según el consultor [redacted], acérrimo opositor a la Revolución Bolivariana, las "agencias de cooperación internacional han metido dinero en Venezuela" que han robado las Organizaciones No Gubernamentales (ONG) como [redacted].</p> <p><i>[According to consultant [redacted], a staunch opponent of the Bolivarian Revolution, "international cooperation agencies have put money into Venezuela" that has been stolen by Non-Governmental Organisations (NGOs) such as [redacted].]</i></p>
<p>CON EL MAZO DANDO, 16 JULY 2019.²³</p>	<p>En su informe Michelle Bachelet habla de personas detenidas supuestamente por expresar opiniones políticas. Se dan, como ciertos, los datos aportados por partidos de la oposición y algunas ONGs cuya confiabilidad ética es cuestionable ya que son financiadas por el gobierno de Estados Unidos.</p> <p><i>[In her report Michelle Bachelet mentions people allegedly detained for expressing political opinions. Data provided by opposition parties and some NGOs whose ethical reliability is questionable as they are financed by the US government are taken as true.]</i></p>
<p>MISIÓN VERDAD TWEET, 20 SEPTEMBER 2019.²⁴</p>	 <p>7:14 a. m. - 20 sept. 2019 · TweetDeck</p> <p><i>[They call themselves representatives of "civil society" but NGOs like [redacted] are nothing more than pawns of US foreign policy.]</i></p>
<p>LA IGUANA TV, 8 OCTOBER 2020.²⁵</p>	<p>La jurista indicó que este factor sesga la información aportada. Entre las fuentes utilizadas, precisó, se encuentran ONGs que en el año 2002, cuando le dan el golpe de Estado al Comandante Hugo Chávez, se pusieron de parte de intereses foráneos. "Están siendo financiadas, además, por potencias hostiles", aseguró la también constituyente.</p> <p><i>[The lawyer indicated that this factor means that information provided is biased. Among the sources used, she said, are NGOs that in 2002, when the coup d'état against Commander Hugo Chávez was carried out, sided with foreign interests. "They are also being financed by hostile powers," she said.]</i></p>



²²Con el Mazo Dando, ¡No lo dice el Mazo! Consultor escualido develó estafas de la derecha con sus ONG (+Video) (Opposition consultant revealed right-wing scams with its NGOs (+Video)), 20 August 2019, www.conelmazodando.com.ve/no-lo-dice-el-mazo-consultor-escualido-develo-estafas-de-la-derecha-con-sus-ong-video (Spanish only) (accessed 22 October 2021)

²³Con el Mazo Dando, "Jorge Valero: ¿Hacia dónde va Michelle Bachelet?" ("Jorge Valero: Where is Michelle Bachelet headed?"), 16 July 2019, <https://www.conelmazodando.com.ve/jorge-valero-hacia-donde-va-michelle-bachelet> (Spanish only) (accessed 22 October 2021).

²⁴Twitter, Misión Verdad, 20 September 2019, twitter.com/Mision_Verdad/status/1175020280059576321?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetemb%20ed%7Ctwterm%5E1175020280059576321&ref_url=http%3A%2F%2Fmisionverdad.com%2Fla-guerra-en-%20venezuela%2Fataques-y-criminalizacion-a-los-clap-como-forma-de-extermio (Spanish only) (accessed 22 October 2021).

²⁵La Iguana TV, "Estas son las principales objeciones al informe de la Misión de la ONU contra Venezuela" ("These are the main objections to the report of the UN Mission against Venezuela"), 8 October 2020, www.laiguana.tv/articulos/815441-objeciones-informe-a-onu-venezuela/ (Spanish only) (accessed 22 October 2021).

MISIÓN VERDAD
TWEET,
27 NOVEMBER
2020. ²⁶



[A Venezuelan opposition network of corruption was exposed, which sought to divert money from state funds confiscated in Europe to supposedly "humanitarian" NGOs run by]

CON EL MAZO DANDO,
19 MARCH 2021. ²⁷

El pseudo informe al que hace alusión el ministro Padrino, fue publicado por , supuesta "ONG" que es dirigida por , furibunda opositora venezolana que se dedica al ataque constante contra la Fanb y sus integrantes, como parte de las acciones promovidas desde el Departamento de Estado de los Estados Unidos, con el objeto de provocar el derrocamiento de la Revolución Bolivariana.

[The pseudo-report to which Minister Padrino refers was published by , a supposed "NGO" run by , a fanatical Venezuelan opposition figure who constantly attacks the Fanb and its members, as part of the actions promoted by the US State Department, with the aim of overthrowing the Bolivarian Revolution.]

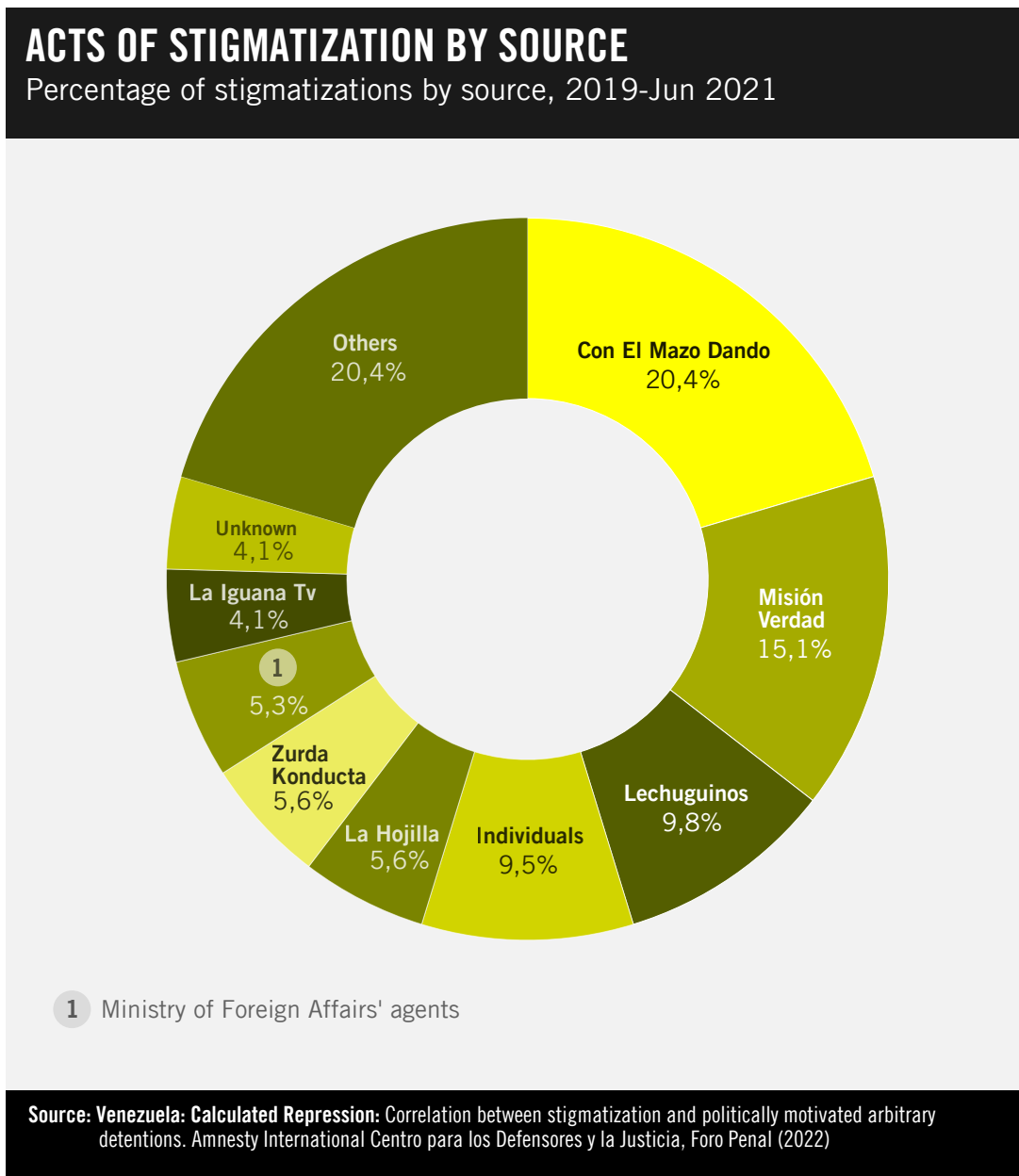
²⁶ Twitter, Misión Verdad, 27 November 2020, twitter.com/Mision_Verdad/status/1332298375366991872 (Spanish only) (accessed 22 October 2021).

²⁷ Con el Mazo Dando, "Ministro Padrino desestima pseudo informe que ataca unidad e integridad de la Fanb" ("Minister Padrino dismisses pseudo report attacking unity and integrity of the Fanb"), 19 March 2021, mazo4f.com/ministro-padrino-desestima-pseudo-informe-que-ataca-unidad-e-integridad-de-la-fanb (Spanish only) (accessed 22 October 2021).

3.1.2 WHAT ARE THE DATA ON THE SOURCES OF STIGMATIZATION?

To establish a hierarchy of the sources of stigmatization that could have a relationship with or greater impact on violations of personal liberty, the organizations analysed the data on arbitrary detentions and stigmatization in the period January 2019 - June 2021.

The first quantitative finding that led to the need to expand the qualitative research was the identification of the most prominent perpetrators of stigmatization whose actions coincided with the most frequent politically motivated arbitrary detentions three days after the stigmatization.



The aim of this analysis was to establish which media source had their content most frequently repeated before detentions were carried out by Venezuelan security forces. The result of this analysis shows that the main perpetrators of stigmatization for the whole period analysed were Con el Mazo Dando, Misión Verdad and the web portal Lechuginos.²⁸

Detentions within the next three days after an act of stigmatization 2019-Jun 2021

Misión Verdad	486
Con el Mazo Dando	481
Lechuginos	103

According to this data, in 486 arbitrary detentions, the web portal Misión Verdad had issued stigmatizing publications three days before the detention took place. Similarly, in 481 cases, the same occurred on the part of the television programme Con El Mazo Dando, and in about 100 cases, the detentions took place three days after the portal Lechuginos published stigmatizing content.

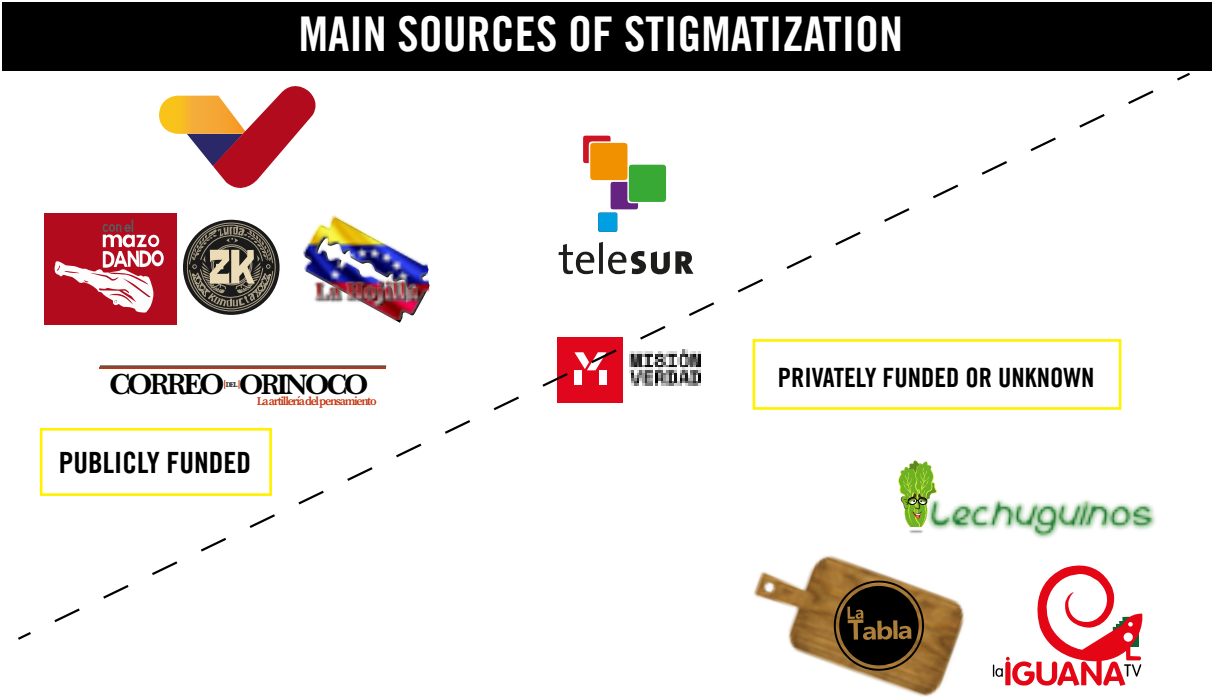
3.1.3 NATURE OF THE SOURCES OF STIGMATIZATION IN VENEZUELA

Having obtained a clear threshold on the perpetrators of stigmatization carrying out these attacks, it is necessary to study the nature of these perpetrators of stigmatization in order to determine the obligations of the Venezuelan state.

To do so, we analysed the open sources that correspond to each of the media outlets that were relevant when measuring which ones had issued stigmatizing publications three days before the detentions (see previous section). Information was gathered and collected on the legal nature of the source, i.e., whether it is public or private, whether it is known where the funding comes from, the mission, vision and self-conception of each source and whether there was any public and evident link with Venezuelan state officials.

²⁸ Agents of the Ministry of Foreign Affairs, who carried out 104 detentions after their stigmatization, have been excluded because they are considered different in nature from the rest of the means of stigmatization. However, their presence as a perpetrator of stigmatization will be discussed further below.

As for financing through public or private funds, this is shown in the following diagram:



Thus, the main perpetrator or source of stigmatization was the television programme and web portal Con el Mazo Dando, broadcast and produced by the Venezuelan State television channel Venezolana de Televisión (VTV). VTV’s website includes a section within its structure exclusively dedicated to this television programme. The host of this programme is Diosdado Cabello, who currently serves as Vice President of the National Assembly elected in 2020 and has held various important positions in the government of Nicolás Maduro and in the United Socialist Party of Venezuela (PSUV). So patent is his link to the programme that the web page of Con el Mazo Dando is linked directly to Cabello’s Twitter account.

It was found that other sources, such as the television programmes that are sources of stigmatization called Zurda Konducta and La Hojilla are also VTV productions, so it would be reasonable to conclude that their production is somehow financed by public money.

For its part, the blog Misión Verdad, whose frequency in stigmatization-detentions is in second place, boasts among its opinion columnists Jorge Arreaza, who until August 2021 served as Minister of People’s Power for Foreign Affairs and who, subsequently, served as Minister of People’s Power for Industries and National Production. Although his participation is not enough to prove that this means of stigmatization is of a public nature, VTV also publishes his opinion columns in a specific section of its web page. The same happens in the news section of the Ministry of People’s Power for Foreign Affairs (MPPRE), which also publishes the columns of Misión Verdad. The financing of Misión Verdad is not evident, and its website only includes the possibility of making donations through cryptocurrencies.

On the other hand, regarding web portals such as La Tabla, La Iguana TV and Lechuguinos, it could not be established where their financing comes from, but at least in the case of La Tabla, it is also featured in a section of its own on the website of the state channel VTV. Among these media outlets there are also links and repetitions among the people who publish in each of them.

Although these media outlets and sources are not homogeneous and each one has its own profile, they have in common the use of hate speech, denigrating attacks, exposés and the tools of ‘fake news’ to stigmatize human rights defenders, political activists and, in short, any actor who is considered critical of the government of Nicolás Maduro.

The evidence obtained provides confirmation that these media outlets publish coordinated statements, with an undeniable link to official state media, and to the government party. All these elements point to the fact that political propaganda makes use of stigmatization against people perceived as critical of the government of Nicolás Maduro.

3.1.4 CONCLUSIONS ON THE SOURCES OF STIGMATIZATION

According to the analysis of the data it can be concluded that there are different sources of stigmatization in Venezuela. However, there were three of them that between January 2019 and June 2021 carried out more acts of stigmatization the three days before arbitrary detentions were carried out. These three main sources were: Con el Mazo Dando, Misión Verdad and Lechuguinos.

When analysing the profiles of the perpetrators of stigmatization, the public (as in state-led) legal nature of several of them stands out, as well as the state financing and protection of the production through the public television channel Venezolana de Televisión (VTV) and other public agencies such as the Ministry of Popular Power for Foreign Affairs (MPPRE), which reposts the content of some of these media outlets on its official website.

For the organizations, there is no doubt about the close relationship between agents of the Venezuelan state, i.e., public officials, public and private media, and attacks against human rights defenders. It should be noted that the obligations of the authorities go beyond preventing and sanctioning these acts, but that they are also obliged to effectively refrain from any discriminatory practices based on political grounds.

²⁹For example: Venezolana de Televisión, “Canciller Arreaza recomendó leer análisis sobre contrato mercenario suscrito por Guaidó con SilverCorp” (“Chancellor Arreaza recommended reading analysis on mercenary contract signed by Guaidó with SilverCorp”), 11 May 2020, www.vtv.gob.ve/canciller-arreaza-analisis-contrato-mercenario-silvercorp-guaido/, (Spanish only) accessed 20 August 2021.

³⁰Venezuelan Ministry of People’s Power for Foreign Affairs, , “Canciller Arreaza a Misión Verdad: Estamos listos para defender a Venezuela en cualquier escenario”, (“Foreign Minister Arreaza to Misión Verdad: We are ready to defend Venezuela in any scenario”), 5 April 2020, www.mppre.gob.ve/2020/04/05/canciller-arreaza-mision-verdad-estamos-defender-venezuela-cualquier-escenario/ (Spanish only) (accessed in July 2021, not available in October 2021, verified in archives).

3.2 POLITICALLY MOTIVATED ARBITRARY DETENTIONS IN VENEZUELA

Politically motivated arbitrary detentions in Venezuela have been widely documented by national and international organizations. Such detentions, and other crimes under international law, are committed as part of a course of action that has proven to be systematic and widespread and that leads to a well-founded belief that they may constitute crimes against humanity.³¹

The factors contributing to a detention being considered arbitrary are the manner in which it is carried out, which is usually without a warrant, and also the lack of due process guarantees.

In Venezuela, these criteria have been documented and can be observed in:

- ▶ The manner in which the detention is carried out:
 - Detentions in alleged flagrante delicto situations that are not subsequently proven;
 - Searches and detentions without warrants;

- ▶ The absence of due process guarantees:
 - Incommunicado detention and isolation of the person deprived of liberty;
 - Torture and other cruel, inhuman and degrading treatment of detainees;
 - Use of broadly discretionary and highly political criminal offences;
 - Presentation of civilians before military courts;
 - Anonymous informants as the sole basis for detention;
 - Interference of high-ranking authorities in judicial cases, publicly or privately;
 - Disregard of release orders by the authorities..³²

In addition to the use of military courts, which is an express denial of the principle of the natural judge and raises concerns about the lack of independence and impartiality of judges, it has become common to use ordinary courts with special jurisdiction over terrorism, which restricts the right to defence of people prosecuted in this way.

Since 2014, Foro Penal has recorded that at least 875 civilians have been investigated, prosecuted or tried by military courts.³³


Politically motivated arbitrary detentions are carried out by Venezuelan state security forces, including civilian and military security forces, some of which are responsible for safeguarding public order, such as the Bolivarian National Guard (GNB); and others, with intelligence and preventive investigation functions, such as the Bolivarian National Intelligence Service (SEBIN) and the Directorate General of Military Counterintelligence (DGCIM).

Foro Penal has categorized the different purposes behind politically motivated arbitrary detentions into five categories:

³¹Amnesty International, Hunger for Justice: Crimes against humanity in Venezuela, AMR 53/0222/2019, 13 May 2019. UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, UN Document Number A/HRC/45/CRP.11 15 September 2020, para. 2084. Office of the Prosecutor of the International Criminal Court, "Report on Preliminary Examination Activities 2020", 14 December 2020, para. 204.

³²Amnesty International, Venezuela: Silenced by Force: Politically-Motivated Arbitrary Detentions in Venezuela, AMR 53/6014/2017, 26 April 2017.

³³Foro Penal database.

PURPOSE	MAIN CHARACTERISTICS
Exclusion or neutralization of the person	Detention is used as a tool to exclude the person or prevent their influence in the sector in which they operate. This isolation or exclusion from the public sphere produces a neutralization of the person.
Intimidation or deterrent effect on the group (chilling effect)	Aims to have a demonstration effect on the rest of the target group. Thus, for example, it has occurred with the judicial sector, the military, journalists, among others. It is used to demonstrate the negative consequences of dissenting from the government party line.
Propaganda or consolidation of the official narrative	Detentions that occur as a way of sustaining a campaign or official narrative. For example, to divert responsibility for events of national importance, which in turn generates impunity for real responsibilities that should be investigated and that are excluded in the official narrative.
Extraction of information	Detentions or threats of detention are used as a way to illegally obtain information against other people who have been targeted for harassment. An example of this is the detention of people's relatives to find out the location of those who have an arrest warrant out against them or are victims of harassment.
Personal or arbitrary exercise of power	Does not serve a political aim or purpose but results from the abuse or excessive arbitrariness in the exercise of power by public officials. These cases are included in the spectrum of political persecution because the victimizer (in these cases an official with power and influence in the repressive mechanisms) carries out acts of repression or harassment, for personal benefit, but under the protection of the political power they have and exercise.
<p>SPECIAL OR SUPERVENING CASES</p> <p>Occurs when a person is detained in a legitimate manner and in accordance with legal procedures. However, the situation may arise when, once the repression of these persons has materialized, they are subjected by the authorities to conditions of harassment, prosecution, imprisonment or serving a sentence that flagrantly violate their human rights, with the aim of fulfilling a political purpose, formally declared or not, of the authorities, but which corresponds to the aforementioned purposes.</p>  <p>Foro Penal</p>	

3.2.1 REPRESSION IN THE PERIOD ANALYSED

The period analysed covers two and a half calendar years (from January 2019 to June 2021, inclusive), and in each one the phenomenon of repression in Venezuela was affected by external factors that must be taken into consideration.

Firstly, 2019 was a year of massive nationwide protests, which were lambasted with excessive use of force, acts of torture, and massive arbitrary detentions by state authorities and armed groups of individuals linked to the government of Nicolás Maduro, with sufficient grounds to consider that these events could constitute crimes against humanity.³⁴

As of March 2020, quarantine measures and mobility restrictions were imposed in Venezuela, as well as in almost all countries around the world, due to the Covid-19 pandemic. Some of these measures remain in place as of the date of writing of this report. Undoubtedly, these restrictions on mobility, with the closure of courts, among other restrictions, affected the ways in which the authorities have repressed the population since that time and to date.

3.2.2 SECURITY FORCES THAT CARRIED OUT DETENTIONS AFTER THE ACTS OF STIGMATIZATION

The cross comparison of the two variables analysed, i.e.: (1) which were the security forces that carried out detentions in the three days after (2) a perpetrator of stigmatization carried out an attack, showed results by year as follows:

In 2019, most of the detentions that occurred after attacks against defenders were carried out by the Bolivarian National Guard (GNB), followed by the Directorate General of Military Counterintelligence (DGCIM). Next, it was found that the various state security forces and the Bolivarian National Intelligence Service (SEBIN) occupied the third and fourth place in terms of security forces carrying out these types of detentions.

It is not surprising that in 2019 most of the detentions were carried out by the GNB, due to the massive protests and events of social unrest throughout the country. However, this supports the hypothesis that alongside the detentions carried out by the GNB, stigmatization was also taking place.

In 2020, the GNB and the DGCIM remained in first and second place among those carrying out arbitrary detentions, but the third and fourth places were occupied by the Special Action Forces (FAES) of the Bolivarian National Police (PNB) and by the PNB itself.

Finally, in the first half of 2021, the FAES and the DGCIM occupied the first two places out of agents who arbitrarily detained people after stigmatization took place, municipal police forces occupied the third place and the GNB the fourth, while the SEBIN occupied the fifth place.

When analysing the three graphs, one can see the presence of the DGCIM as a repressive body and how it remains predominant among the security forces that carry out arbitrary detentions after stigmatization has occurred, throughout the period analysed.

It is worth mentioning that, although SEBIN has been an intelligence agency pointed out on multiple occasions for its constant participation in politically motivated arbitrary detentions, the correlation with stigmatization seems to not be as high in the periods in general.

³⁴ Amnesty International, Hunger for Justice: Crimes against humanity in Venezuela, AMR 53/0222/2019, 13 May 2019.

DETENTIONS CARRIED OUT WITHIN THE NEXT THREE DAYS AFTER AN ACT OF STIGMATIZATION, BY SECURITY FORCE

Detentions by security forces three days after an act of stigmatization

	2019	2020	Jan-Jun 2021
GNB (Bolivarian National Guard)	186	191	4
DGCIM (Directorate General of Military Counterintelligence)	108	49	7
State police	44	29	1
SEBIN (Bolivarian National Intelligence Service)	41	15	3
FAES (Special Action Forces)	39	44	12
PNB (Bolivarian National Police)	33	35	0
Municipal Police	32	24	6
CICPC (Penal and Criminal Investigation Corps)	30	12	2
National Army	10	0	1
CONAS (Anti-Extortion and Kidnapping Command)	6	17	2
GNB/SEBIN/PNB / National Army - Gran Sabana Bolívar	2	0	0
State police intelligence service	1	2	0
REDIP central	1	0	0
DIEP Police Intelligence Directorate Yaracuy	0	1	0
GAES (GNB's Special Actions Group)	0	5	0
Aragua State Police	0	2	0
Guanipa Municipal Police	0	1	0
DIEP Police Intelligence Directorate	0	9	0
DIEP Police Intelligence Directorate Aragua	0	2	0
CPNB Police Criminal Investigation Directorate	0	0	1
POLICARACAS	0	0	1

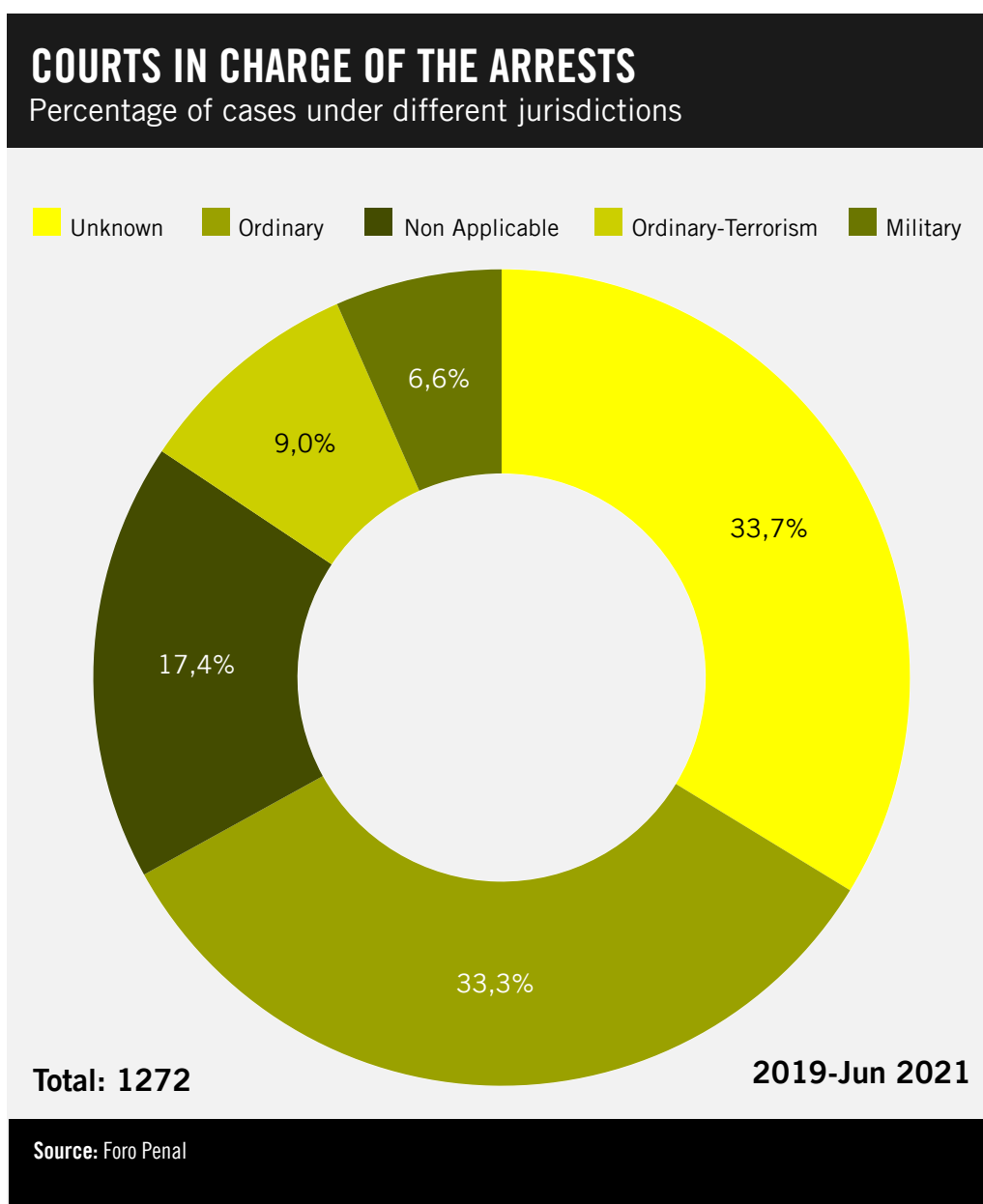
Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

3.2.3 COURTS IN CHARGE OF CASES OF ARBITRARY DETENTIONS

The justice system in Venezuela has been used in recent years to facilitate human rights violations. The lack of judicial independence has been documented in addition to how this has been used for the policy of repression and to endorse violations of judicial guarantees and due process in cases against people perceived as opponents of the government of Nicolás Maduro.³⁵

Foro Penal documented more than 1,270 arbitrary detentions between January 2019 and June 2021.³⁶ Of these politically motivated arbitrary detentions, the courts and judges who were in charge of the cases once those detained were brought before the judicial authority were tracked.

Thus, in 33.3% of the cases the people detained between 2019 and June 2021 were brought before ordinary courts with criminal jurisdiction, 9% were brought before courts with special jurisdiction over terrorism and 6.6% before courts with military jurisdiction.



³⁵Amnesty International, Venezuela: Silenced by Force: Politically motivated arbitrary detentions, AMR 53/6014/2017, 26 April 2017, UN International Independent Fact-Finding Mission on Venezuela, UN Document Number A/HRC/45/CRP.11, 15 September 2020, para. 240 et seq. UN High Commissioner for Human Rights, Results of the investigation into allegations of possible human rights violations of the right to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela, UN Document Number A/HRC/44/20, 2 July 2020, para. 83.

³⁶The dates referred to in the methodology section are excluded.

Most cases of politically motivated arbitrary detentions are prosecuted by ordinary courts. These courts, although they should have the guarantees of due process in force in the Organic Code of Criminal Procedure, often suffer from interference from the Executive Branch and the authorities of the judiciary itself. It is common for people prosecuted in these ordinary courts to be charged with illegal association (agavillamiento) and treason, among other criminal conduct.³⁷

The special courts with jurisdiction over ‘terrorism’ originate from the Organic Law against Organized Crime and Financing of Terrorism, which contains a catalogue of crimes that must be investigated with special prerogatives and prosecuted by courts specially designated for this purpose.³⁸

The use of this type of court and the application of criminal offences contained in said Law has been frequently used by the authorities to silence dissidence. Particularly in 2019, at least 60 people arbitrarily detained were prosecuted in these courts.³⁹ Among the most common criminal offences under this Law are association to commit a crime, ‘terrorism’ and ‘financing of terrorism’.

On the other hand, in Venezuela, the Code of Military Justice in force establishes that military offences, whether committed by civilians or military personnel, are under the jurisdiction of military courts.⁴⁰ However, this violates the right to a fair trial and to a natural judge enshrined in international human rights treaties and standards.⁴¹

Nonetheless, in recent years, the use of these courts to silence dissent in Venezuela has been documented.⁴² Military courts have prosecuted hundreds of civilians and retired military personnel for alleged violations of the Code of Military Justice. It is common for those prosecuted in military courts to be charged with treason, affront to the military guard (ultraje al centinela) and even rebellion.

Similar use has not always been made of these different courts to prosecute people for political reasons in Venezuela. At some points the use of military courts has prevailed, especially when civilian authorities have been more resistant to following lines of action by the authorities of the government of Nicolás Maduro.⁴³ Similarly, ordinary courts with jurisdiction over terrorism are associated with periods where repression is selective and seeks to promote a conspiracy narrative, which goes hand in hand with the stigmatization and consolidation of the discourse of ‘them versus us’.

In 2019, while further details on the courts that carried out the detention prosecution are unknown, most cases were brought before ordinary courts, followed by the use of military courts and finally special courts with jurisdiction over terrorism.



³⁷ Foro Penal database.

³⁸ Organic Law Against Organized Crime and Financing of Terrorism, Article 63, www.oas.org/juridico/pdfs/mesicic4_ven_ley_del_org_finan_terr.pdf (Spanish only).

³⁹ Foro Penal database.

⁴⁰ Organic Code of Military Justice, 17 September 1998, data.miraquetemiro.org/sites/default/files/documentos/Codigo%20organico%20de%20Justicia%20Militar.pdf (Spanish only).

⁴¹ On 16 September 2021, the Code of Military Justice was amended to establish that non-military persons may not be subject to prosecution by military courts, and cases may only be brought before these courts for violations of the Code of Military Justice. <http://www.asambleanacional.gob.ve/noticias/an-sanciona-reforma-del-codigo-organico-de-justicia-militar> (Spanish only).

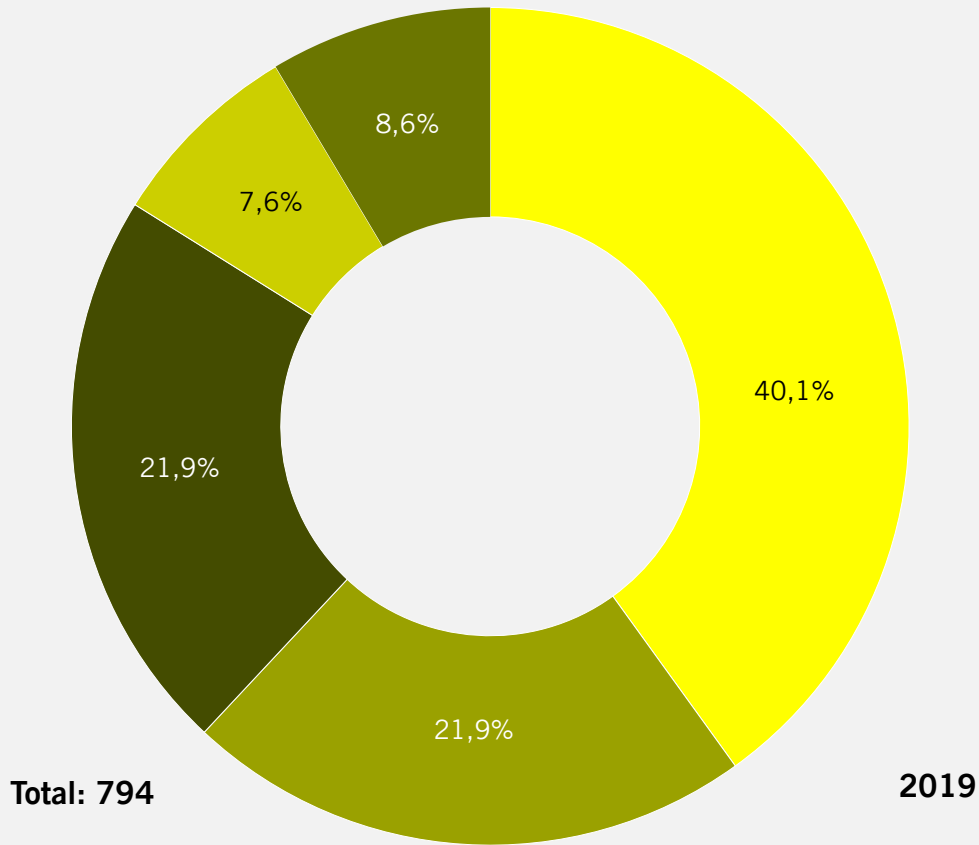
⁴² Amnesty International, Venezuela: Silenced by Force: Politically-Motivated Arbitrary Detentions, AMR 53/6014/2017, 26 April 2017

⁴³ UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, UN Document Number A/HRC/45/CRP.11 15 September 2020, para. 365.

COURTS IN CHARGE OF THE ARRESTS 2019

Percentage of cases under different jurisdictions

Unknown Ordinary Non Applicable Ordinary-Terrorism Military

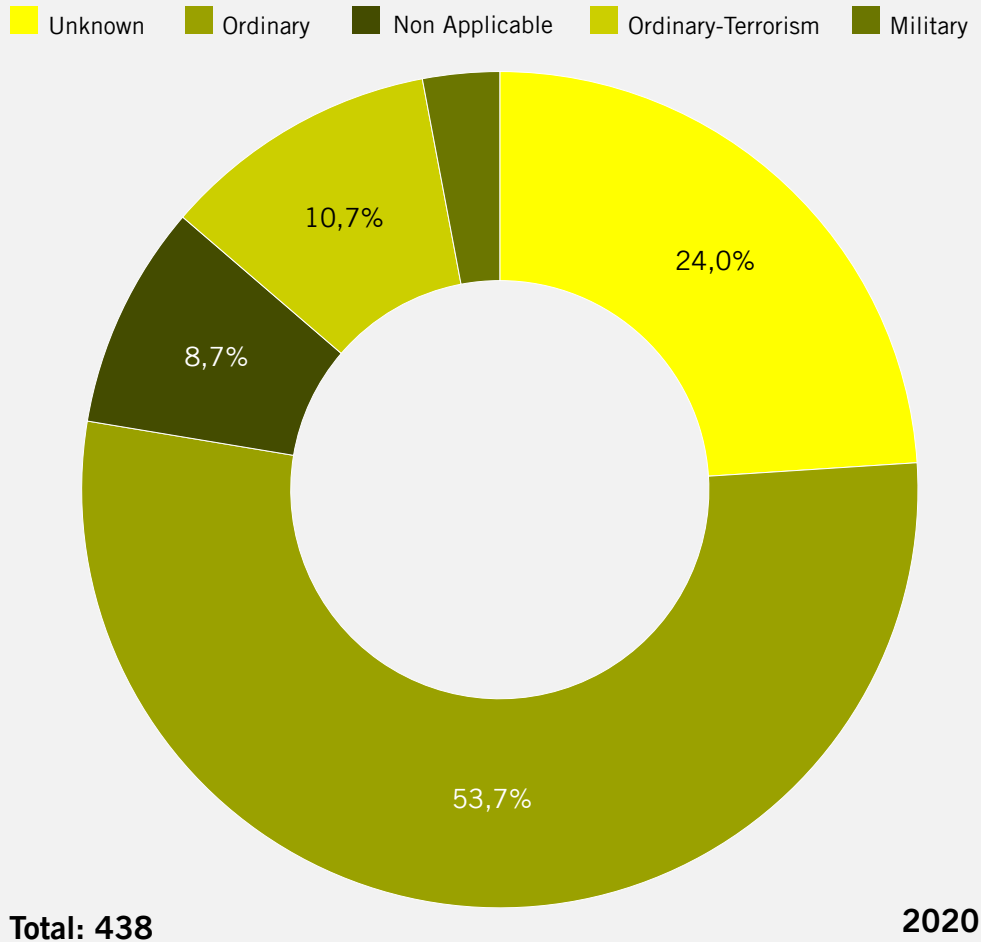


Source: Foro Penal

By 2020, in contrast, ordinary courts processed the vast majority of cases, but cases in special courts with jurisdiction over terrorism were more than triple (10.7%) the cases that were brought before military courts (3%).

COURTS IN CHARGE OF THE ARRESTS 2020

Percentage of cases under different jurisdictions



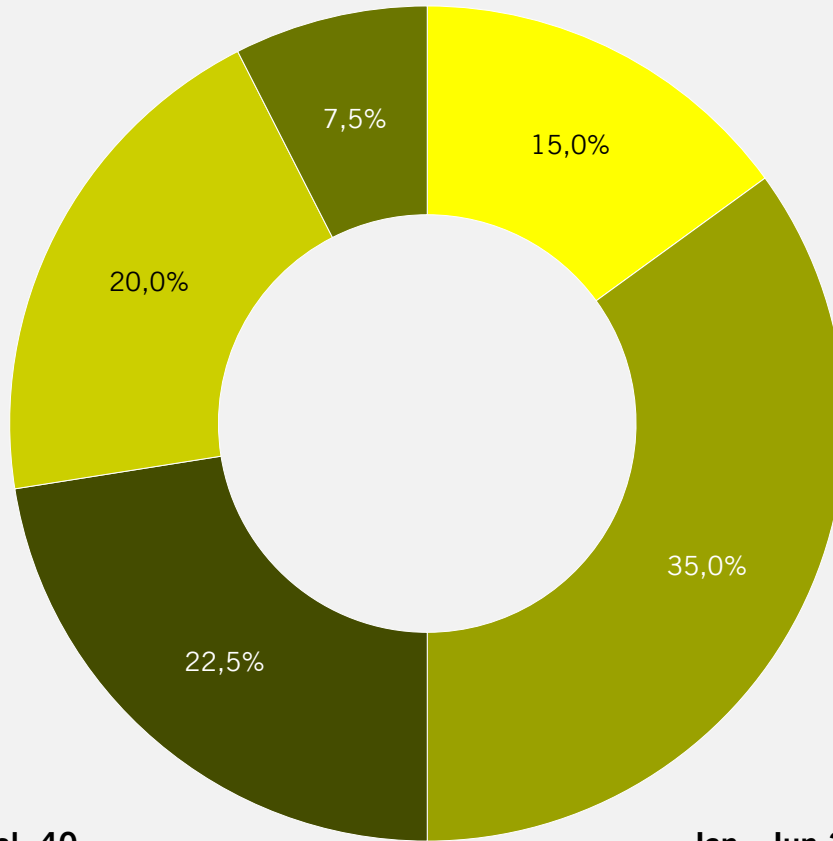
Source: Foro Penal

Finally, in the first half of 2021, ordinary courts also remained in first place, but there was an increase in both the use of special courts with jurisdiction over terrorism (15%) and in the use of military courts (7.5%).

COURTS IN CHARGE OF THE ARRESTS 2021

Percentage of cases under different jurisdictions

Unknown Ordinary Non Applicable Ordinary-Terrorism Military



Total: 40

Jan - Jun 2021

Source: Foro Penal

The correlation between prosecution by the different courts, arbitrary detentions by the different security forces and sources of media stigmatization will be analysed below.

3.2.4 CONCLUSIONS ON POLITICALLY MOTIVATED ARBITRARY DETENTIONS AND THEIR KEY ACTORS

Politically motivated arbitrary detentions in Venezuela have been a practice of both civilian and military authorities, with responsibility for safeguarding public order and also intelligence and crime prevention.

The analysis of the security forces involved in the detentions indicates that throughout the period analysed there have been changes in the authorities that have implemented the repression and carried out the arbitrary detentions.

Although in 2019 the GNB played a primary role in arbitrary detentions that year -which was maintained in 2020-, by 2021 this military component only appeared in fourth place in terms of numbers of arbitrary detentions.

On the other hand, the DGCIM, of a military nature, ranks in second place in terms of security forces carrying out arbitrary detentions each year.

Another significant development has been how the FAES have increased the detentions they have carried out. While in 2019 they were in fifth place among security forces that carried out arbitrary detentions, by 2020 they were in third place and in 2021 they took first place among security forces carrying out arbitrary detentions.

On the other hand, the judiciary and the courts involved in arbitrary detentions have also varied over the years, and in particular the increase in the last year of the use of non-ordinary courts to deal with cases of arbitrary detentions should be highlighted.

The organizations have proven below the correlation between these variables and how the sources of stigmatization are connected with the security forces and the courts that hear the cases in a repressive system.

3.3 CORRELATION BETWEEN STIGMATIZATION AND ARBITRARY DETENTIONS

Correlation, also known as a linear correlation coefficient (Pearson's), is a regression measure that aims to quantify the degree of joint variation between two variables.⁴⁴ This means that the correlation indicates how much two variables increase or decrease at the same time. Although correlation is not an indicator of causality between one variable and another, high correlation between two variables can indicate how the two or more variables studied are dependent on each other.⁴⁵

The organizations have analysed the stigmatization databases by date, sources of stigmatization, dates of arbitrary detentions, security forces that carried out the detentions, courts in charge of the detention cases, among other variables to determine if there is a dependency and a relationship between stigmatization and politically motivated arbitrary detentions in Venezuela.

In analysing the data, these were the most important findings on the relationship between the two major variables: stigmatization and arbitrary detentions.

3.3.1 OVERALL ANNUAL CORRELATION BETWEEN STIGMATIZATION AND ARBITRARY DETENTIONS

The correlation between politically motivated arbitrary detentions, carried out by all state security agents, and stigmatization, carried out by all sources of stigmatization, was filtered by each year analysed due to the different nature of each period.

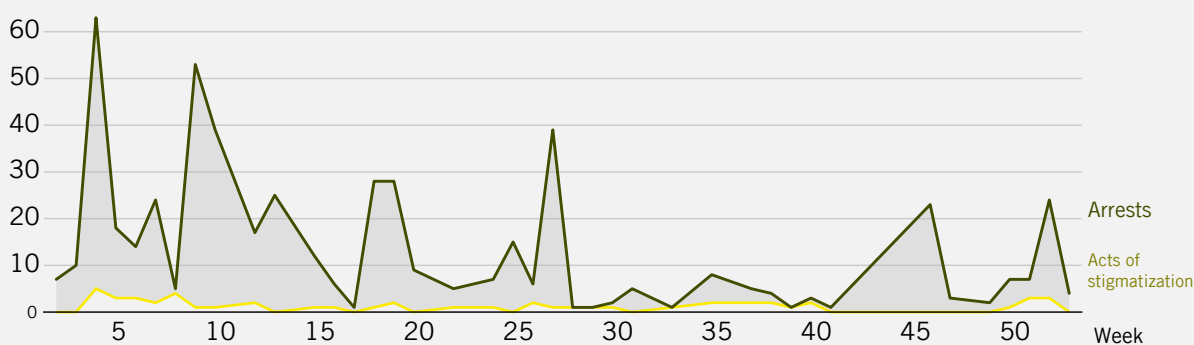
While in 2019 the correlation between the two variables is only 29%, the correlation in 2020 increases to 42% and finally for the half of the year 2021 that was analysed, the overall correlation is 77%.

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS - 2019

Acts of stigmatizations vs. politically motivated arbitrary detentions, by calendar week

($r = 0.29$)

Units



Source: Venezuela. Calculated Regression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

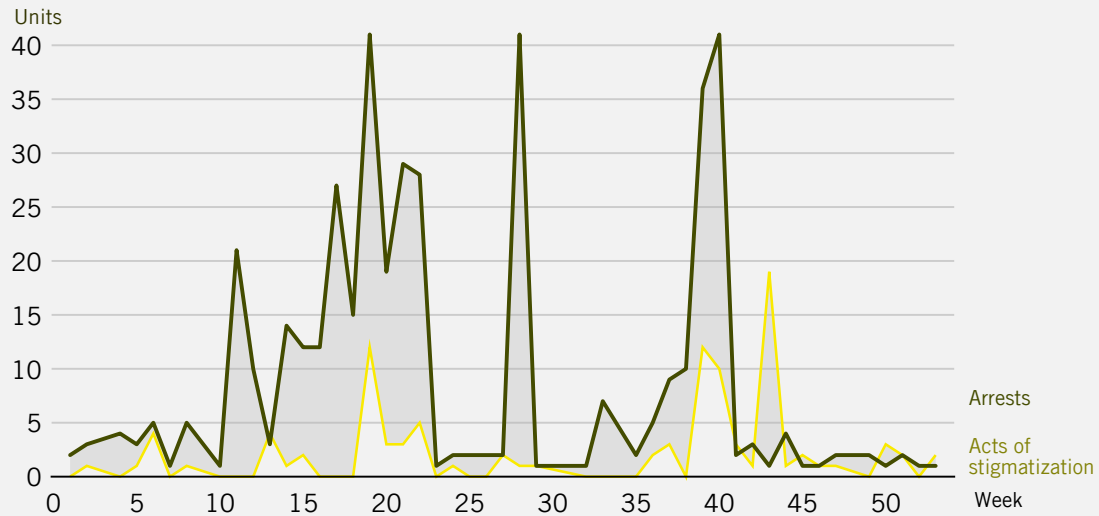
⁴⁴Economipedia, Alfonso Peiro Ucha, Coeficiente de correlación lineal (Coefficient of linear correlation), (accessed 8 October 2021) <https://economipedia.com/definiciones/coeficiente-de-correlacion-lineal.html> (Spanish only).

⁴⁵Economics360, Coeficiente de correlación lineal (Coefficient of linear correlation), (accessed 8 October 2021), www.economia360.org/coeficiente-de-correlacion-lineal/ (Spanish only).

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS - 2020

Acts of stigmatizations vs. politically motivated arbitrary detentions, by calendar week

($r = 0.42$)

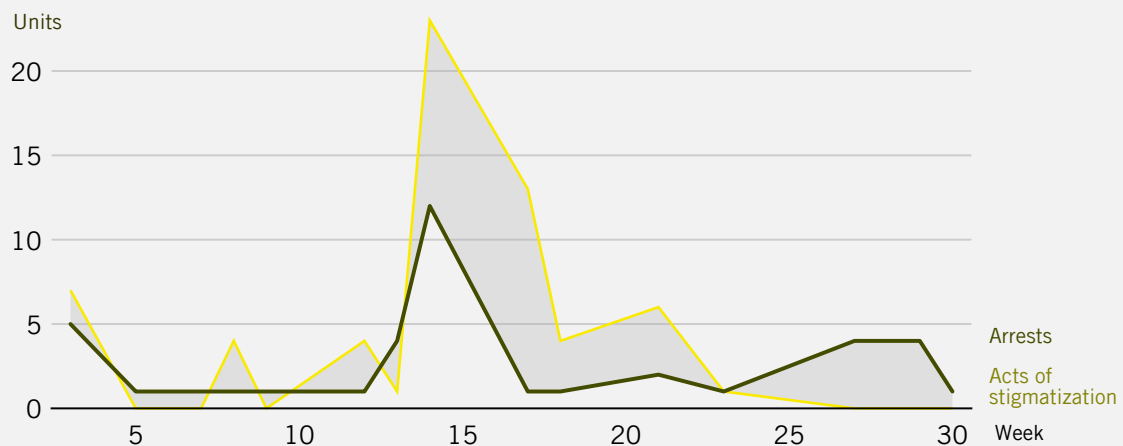


Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS JANUARY - JUNE 2021

Acts of stigmatizations vs. politically motivated arbitrary detentions, by calendar week

($r=0.77$)



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

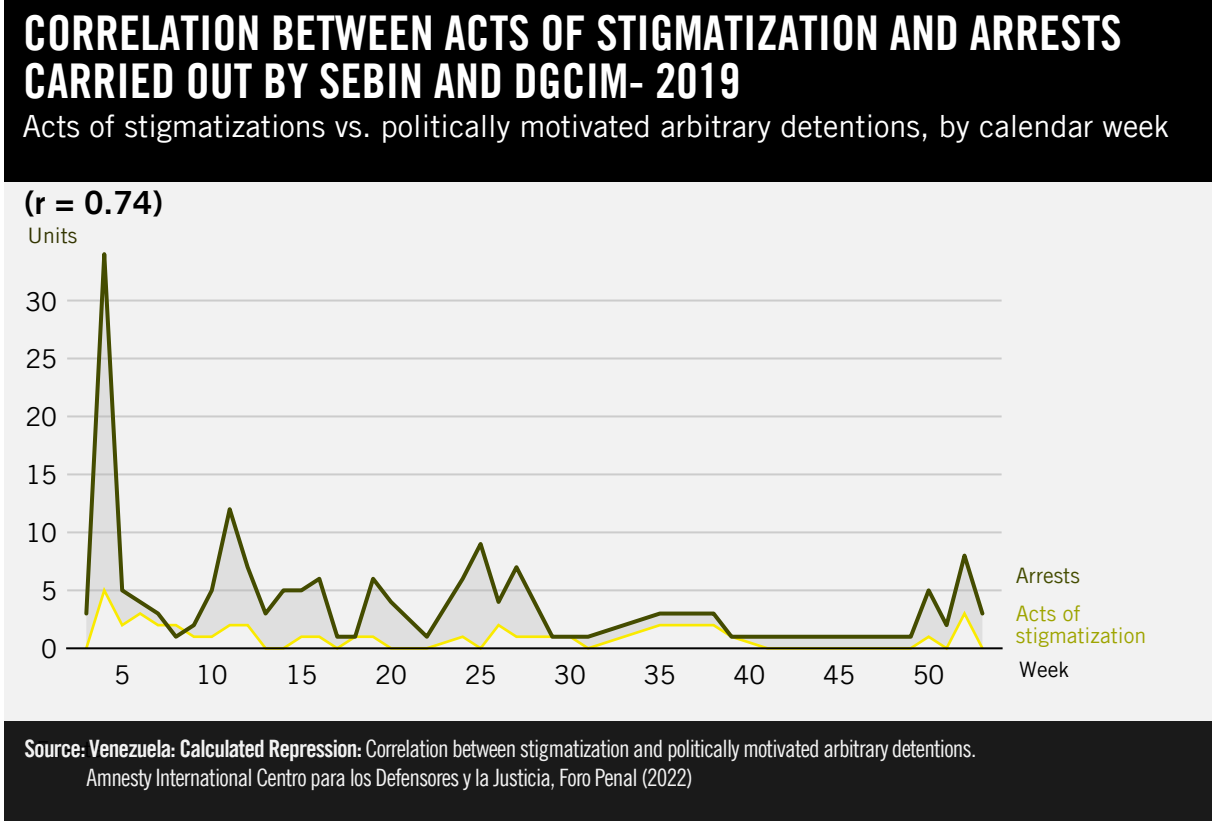
This means that, over time, the curve of occurrence of stigmatization and the curve of arbitrary detentions have been getting closer and closer.

This increase in the correlation between detentions and stigmatization could be an indicator of how the policy of repression has become increasingly sophisticated and has been refining its use of both tools with more similar trends and more aligned objectives.

We can observe this same trend if, instead of analysing stigmatization coming from all sources of stigmatization, we take only the first three, i.e. Con el Mazo Dando, Misión Verdad and Lechuguinos, given that in 2019 the correlation between these acts of stigmatization and arbitrary detentions is 29%, while there is an increase of up to 70% in 2020, culminating in an 86% correlation in 2021.

3.4 CORRELATION BETWEEN STIGMATIZATION AND THE SECURITY FORCES THAT CARRY OUT DETENTIONS

The organizations observed annual correlations between arbitrary detentions and stigmatization also varied depending on the different security forces involved in the detention. Thus, a closer correlation in 2019 with detentions occurring by intelligence agencies (DGCIM and SEBIN), in 2020 by bodies under the PNB, including the FAES, which rises to 92%, and in 2021 by bodies of a civilian and decentralized nature, such as the FAES, municipal police forces and the Scientific, Penal and Criminal Investigation Corps (CICPC) which also rises to 92% correlation with stigmatization.

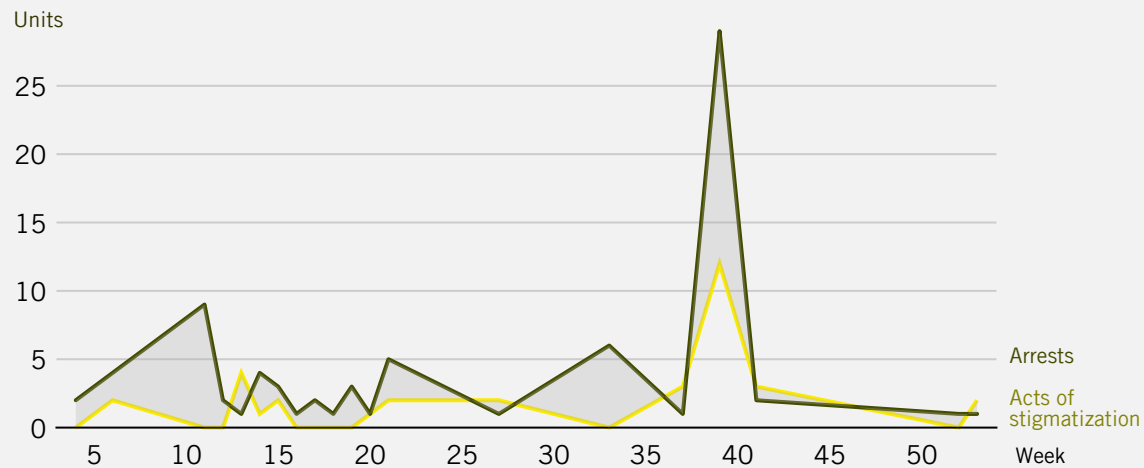


These differences between one period analysed and another are indications that the repression through arbitrary detentions is not isolated, and each year has a different actor that has responded in a similar pattern to how the acts of stigmatization are generated.

CORRELATION BETWEEN ACTS OF STIGMATIZATIONS AND ARRESTS CARRIED OUT BY PNB, FAES OFFICERS - 2020

Acts of stigmatizations vs. politically motivated arbitrary detentions, by calendar week

($r = 0.92$)

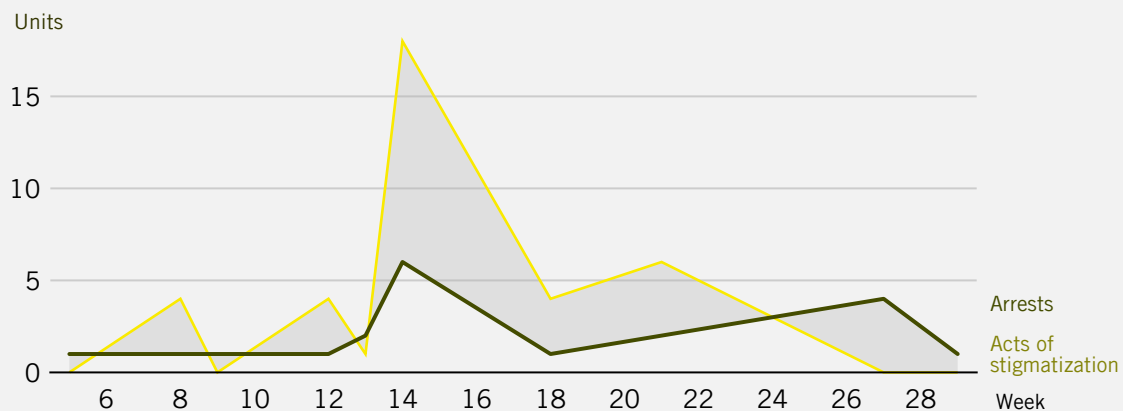


Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS CARRIED OUT BY PNB, FAES, MUNICIPAL POLICE AND CICPC OFFICERS BETWEEN 2019 - JUNE 2021

Acts of stigmatizations vs. politically motivated arbitrary detentions, by calendar week

($r = 0.92$)



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

3.4.1 THE HIGHER CORRELATION BETWEEN THE DETENTIONS CARRIED OUT BY INTELLIGENCE SERVICES AND ACTS OF STIGMATIZATION

As previously explained, both security forces, one of a civilian nature, the SEBIN, which depends on the Executive Branch, and the other of a military nature, the DGCIM, which functionally depends on the Commander in Chief of the Armed Forces, i.e., the President of the Republic, and administratively on the Ministry of Defence, have acted as repressive bodies of the government of Nicolás Maduro.

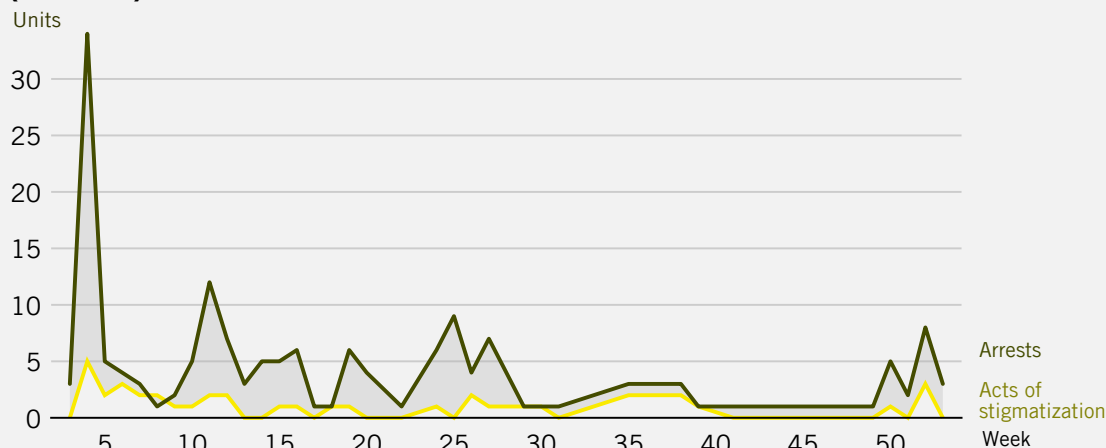
International organizations have documented and reported on multiple occasions the widespread and systematic practice of these security forces in carrying out arbitrary detentions, but also in using torture and other cruel, inhuman or degrading treatment methods. Even the United Nations International Independent Mission on Venezuela has requested an investigation into the crimes under international law committed by these security forces and also into their authorities for their possible criminal responsibility for these acts.⁴⁶

In the different periods analysed the stigmatization and detentions carried out in 2019 by the two main intelligence agencies, the SEBIN and the DGCIM, the correlation observed reached 74%.

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS CARRIED OUT BY SEBIN AND DGCIM OFFICERS - 2019

Acts of stigmatizations vs. politically motivated arbitrary detentions, by calendar week

($r = 0.74$)



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

Thus, the close correlation in this year between stigmatization and detentions by intelligence agencies may confirm a pattern in which politically motivated arbitrary detentions and the most prominent intelligence agencies, both civilian and military, tended to be coordinated in their actions. Therefore, if the stigmatization is aimed at silencing dissidence, and the arbitrary detentions carried out by SEBIN and DGCIM are also aimed at silencing dissidence, this high correlation between the two may show that this is an orchestrated policy and that one variable cannot be isolated from the other.

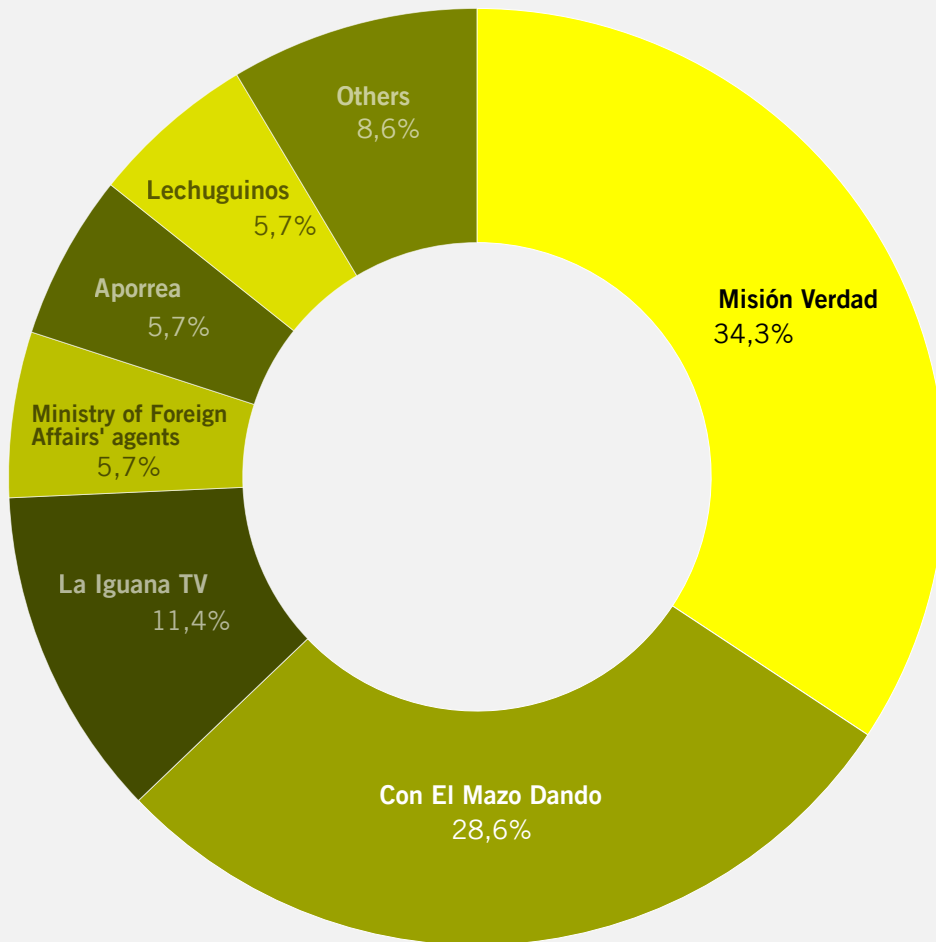
⁴⁶UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, UN Document Number A/HRC/45/CRP.11 15 September 2020, Recommendations 1, 63 and 65.

3.4.2 RELATIONSHIP BETWEEN SECURITY FORCES AND SOURCES OF STIGMATIZATION

It has already been established that in 2019 the highest correlation between stigmatization and arbitrary detentions (74%, see above) occurs with detentions carried out by both civilian and military intelligence agencies. However, it should not be overlooked that in those cases where detentions were carried out by intelligence services, there was around a one-in-three chance that only two sources were responsible for acts of stigmatization: Misión Verdad and Con el Mazo Dando.

ACTS OF STIGMATIZATION BY SOURCE WHEN SEBIN AND DGCIM CARRIED OUT ARRESTS - 2019

Percentage of acts of stigmatization by source, three days prior to intelligence services carrying out arbitrary detentions

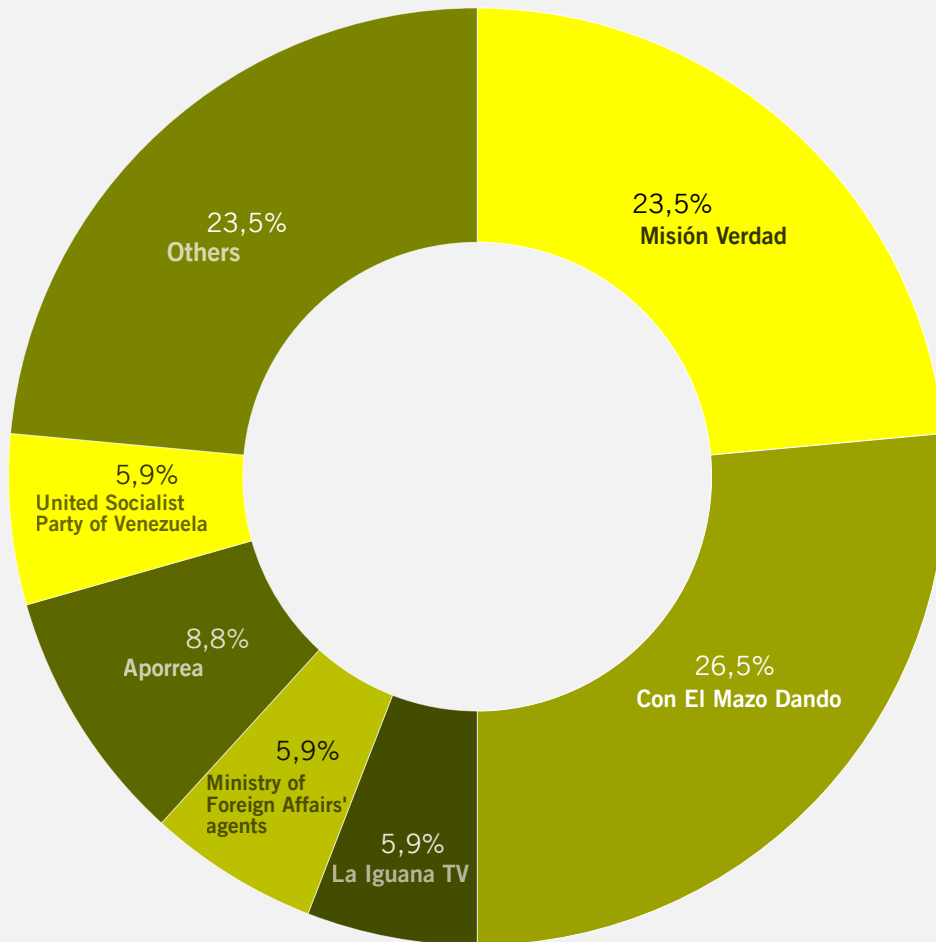


Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

The same occurred in 2020 with the security forces that have the highest correlation with acts of stigmatization, namely the PNB and FAES: the most prevalent perpetrators of stigmatization continue to be Misión Verdad and Con el Mazo Dando.

ACTS OF STIGMATIZATION BY SOURCE WHEN PNB AND FAES OFFICERS CARRIED OUT ARRESTS - 2020

Percentage of acts of stigmatization by source, three days prior to PNB or FAES carrying out an arbitrary detention

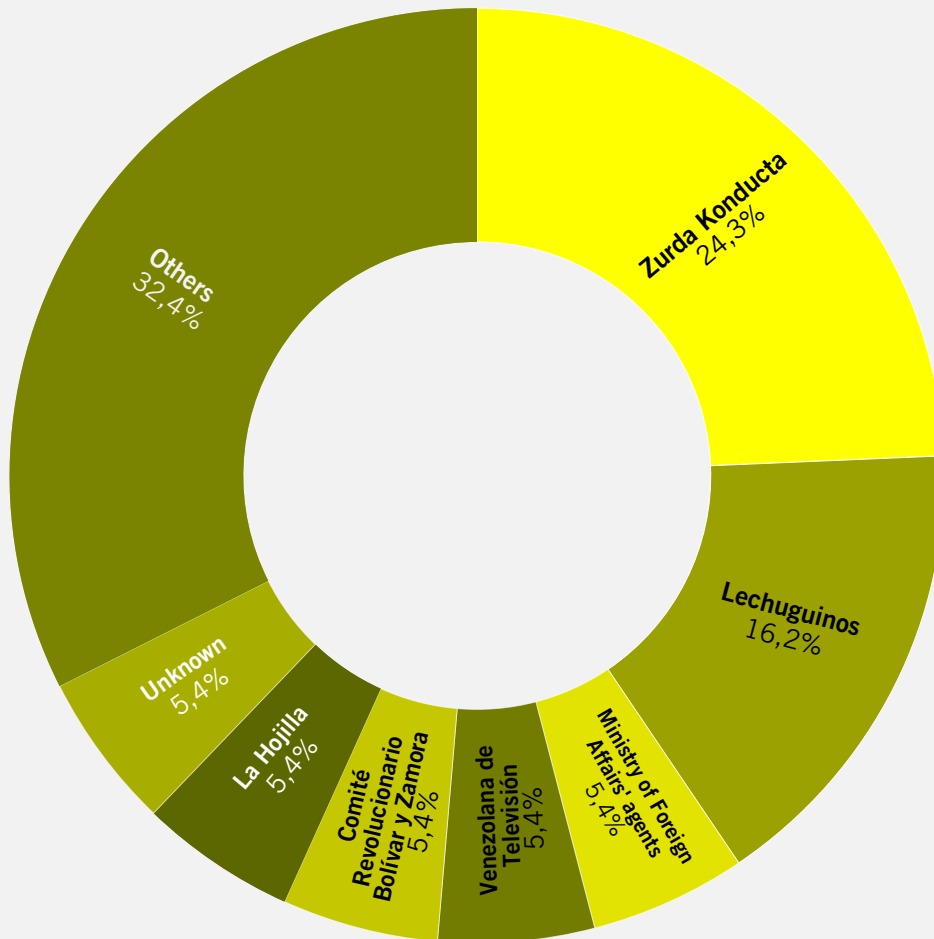


Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

Finally, in the first half of 2021 this pattern changed as the main perpetrators of stigmatization with the highest correlation between stigmatization and arbitrary detentions by the PNB and FAES were Zurda Conducta and Lechuguinos.

ACTS OF STIGMATIZATION BY SOURCE WHEN PNB, FAES, MUNICIPAL POLICE AND CICPC CARRIED OUT ARRESTS - 2019 - JUNE 2021

Percentage of acts of stigmatization by source, three days prior to PNB, FAES, Municipal police and CICPC carrying out an arbitrary detention



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

Although it would be worthwhile to analyse the change in the pattern, it can be concluded that at least in most of the period analysed (24 months of the 30 studied), the repressive actions of the security forces were related to acts of stigmatization by Misión Verdad and Con el Mazo Dando. This conclusion does not exclude the work of other security forces and other media that replicate the stigmatization.

3.5 RELATIONSHIP BETWEEN SOURCES OF STIGMATIZATION AND THE COURTS

After identifying which security forces acted in the different periods in a more coordinated manner with the acts of stigmatization, we went on to include the variable of which were the courts and under which jurisdiction they were most frequently processed after arbitrary detentions took place.

This analysis became particularly important with respect to the frequent use of military courts and special courts with jurisdiction over terrorism to prosecute people who have been considered opponents of the government of Nicolás Maduro, which is why they form a fundamental part of the policy of repression implemented in Venezuela.

3.5.1 RELATIONSHIP BETWEEN THE SOURCES OF STIGMATIZATION AND THE COURTS WITH SPECIAL JURISDICTION OVER 'TERRORISM'

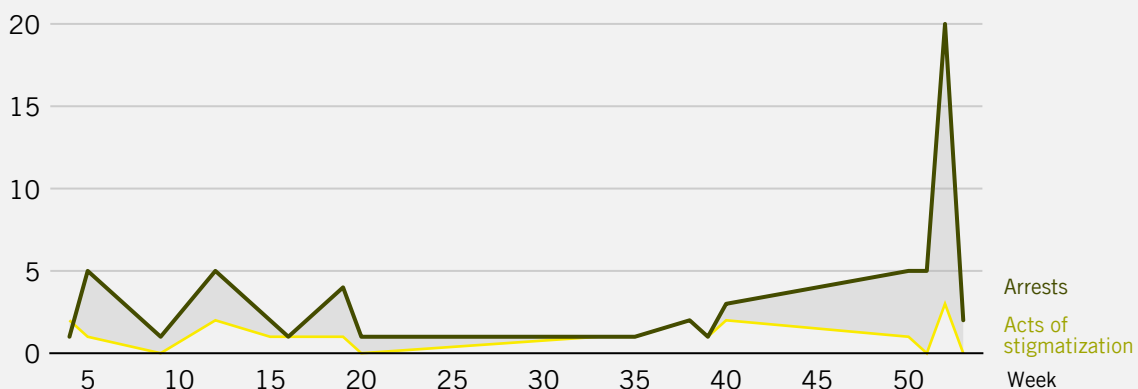
When analysing the 2019 data, there is a 68% correlation between arbitrary detentions processed by courts with jurisdiction over 'terrorism' and acts of stigmatization.

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS UNDER SPECIAL JURISDICTION OVER "TERRORISM" - 2019

Acts of stigmatizations vs. politically motivated arbitrary detentions under special jurisdiction over "terrorism"

($r = 0.68$)

Units

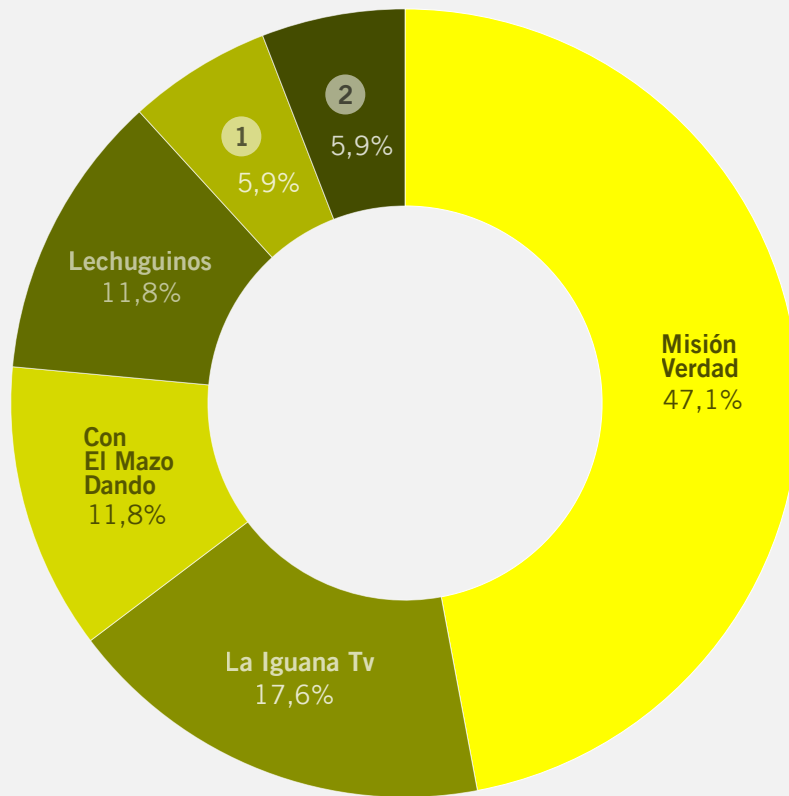


Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

On the other hand, almost half (47.1%) of the arbitrary detentions that were prosecuted by courts with special jurisdiction occurred within three days of an act of stigmatization by the Misión Verdad blog:

ACTS OF STIGMATIZATION BY SOURCE, WHEN CASES WERE UNDER THE SPECIAL JURISDICTION OVER "TERRORISM" 2019

Percentage of acts of stigmatization by source three days before the case was brought over courts with special jurisdiction on "terrorism"



- 1 Office of the presidency
- 2 Ministry of People's Power for Penitentiary Affairs

Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

From the above, the organizations concluded that, at least for the 2019 period, in which courts with jurisdiction over terrorism were most frequently used to prosecute people arbitrarily detained for political reasons, they were closely related to and coordinated with the stigmatization published by Misión Verdad.

Although, unlike Con el Mazo Dando, Misión Verdad is a blog whose source of funding is unknown, several official portals belonging to the Venezuelan state repost its content, such as the MPPRE and the web portal of the state channel, VTV. Similarly, the former Minister of People's Power for Foreign Affairs himself was a columnist for this media outlet. Therefore, there is sufficient evidence to make it essential to investigate the role of this media outlet in the repression, which is particularly accentuated when the periods during which it carries out acts of stigmatization are reflected in arbitrary detentions and prosecution through the special jurisdiction against 'terrorism'.

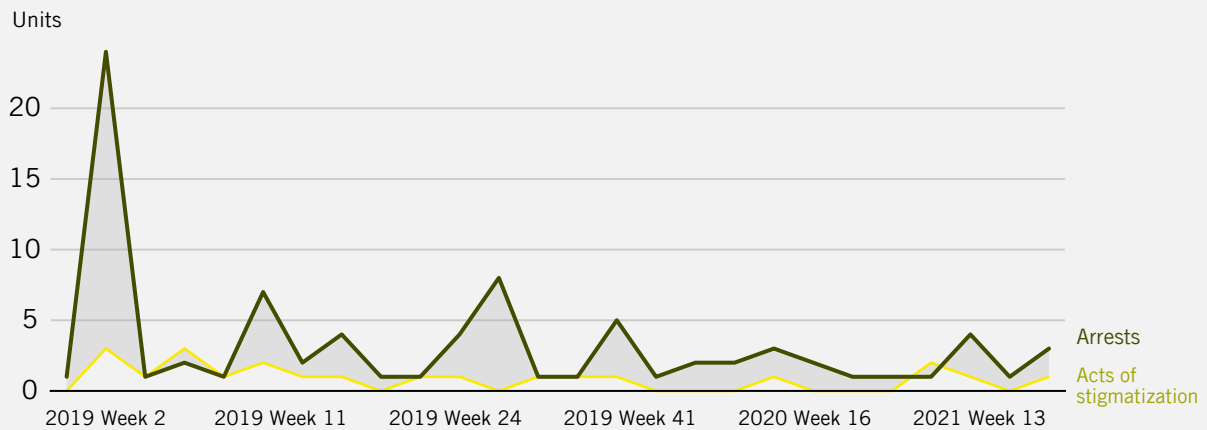
3.5.2 RELATIONSHIP BETWEEN THE SOURCES OF STIGMATIZATION AND COURTS WITH MILITARY JURISDICTION

When analysing the participation of courts with military jurisdiction between January 2019 and June 2021, the correlation between their actions with arbitrary detentions carried out by military security bodies (GNB, GAES, DGCIM and National Army) that occurred in the three days following the stigmatization rose to 94%, i.e. the amount and the increase and decrease in the actions of military courts in cases of arbitrary detentions coincided with the acts of stigmatization carried out.

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS UNDER MILITARY JURISDICTION

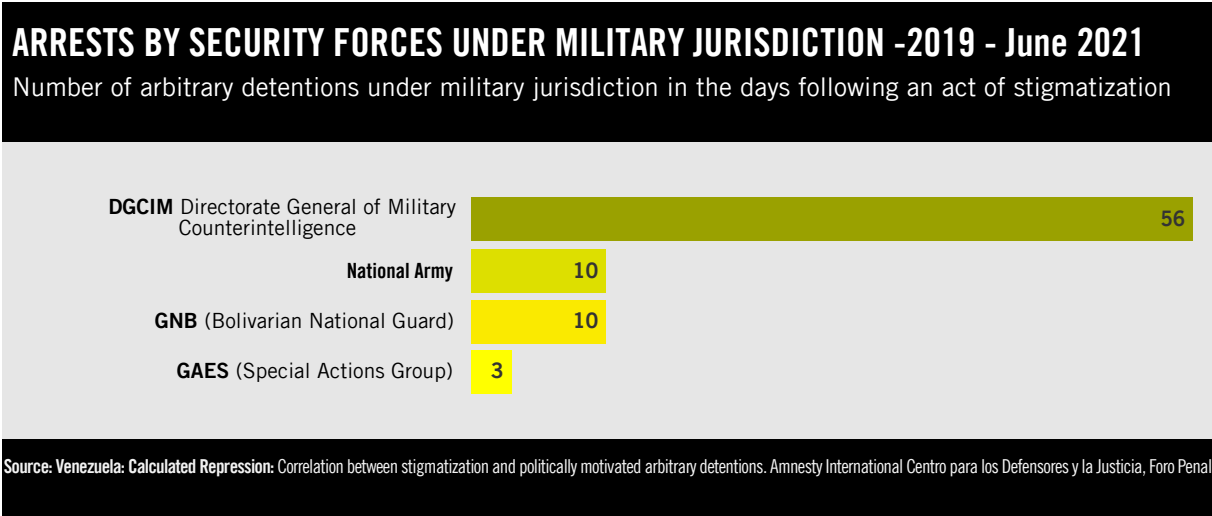
Number of acts of stigmatizations vs. politically motivated arbitrary detentions of cases brought before military jurisdiction

($r = 0.94$)



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

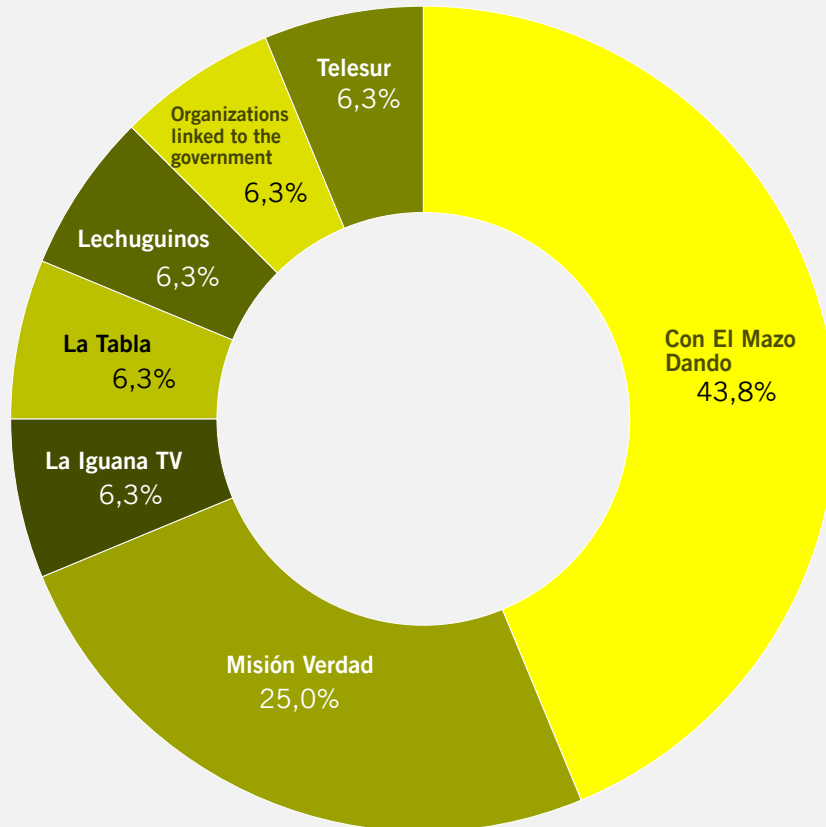
It is worth noting that the security forces that carried out these detentions are the following, where the DGCIM stands out predominantly.



In addition, when analysing the sources of stigmatization related to the detentions by the military and those which were subjected to military jurisdiction, we found that the stigmatization that occurred three days before the detentions was more frequent in Con el Mazo Dando.

ACTS OF STIGMATIZATION BY SOURCE, THREE DAYS PRIOR TO ARRESTS BROUGHT BEFORE MILITARY COURTS - 2019 - JUNE 2021

Percentage of acts of stigmatization by source in arbitrary detentions brought before military jurisdiction



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

In conclusion, the military courts and the stigmatization from Con El Mazo Dando were closely linked to the arbitrary detentions made by military security forces during the entire period analysed.

This hypothesis becomes even more interesting when applying the 2019 filter. As we have seen above, 2019 was characterized by the use of special courts with jurisdiction over 'terrorism' and its degree of correlation with the stigmatization from Misión Verdad was quite high. However, in the 2019 cases where the arbitrary detention was prosecuted by a military court, the correlation between this prosecution and the acts of stigmatization rises to 65% and Con El Mazo Dando takes first place as a source of stigmatization.

Taking into account that Con el Mazo Dando is a programme produced and televised by the state channel, it is important to conclude that the concurrence of this pattern of repression makes it evident that there is a coordination between the stigmatization issued by this television medium and the actions of the military forces in carrying out arbitrary detentions that are then brought before military courts. This demonstrates a pattern that includes three phases: stigmatization, arbitrary detention and the validation and criminalization of the person in the military courts, which, in most cases, can be said to violate the guarantees of due process and the natural judge, since these are people prosecuted by the military courts for crimes or military criminal offences that are not applicable to them, either because they are civilians or because they are retired from the Armed Forces.

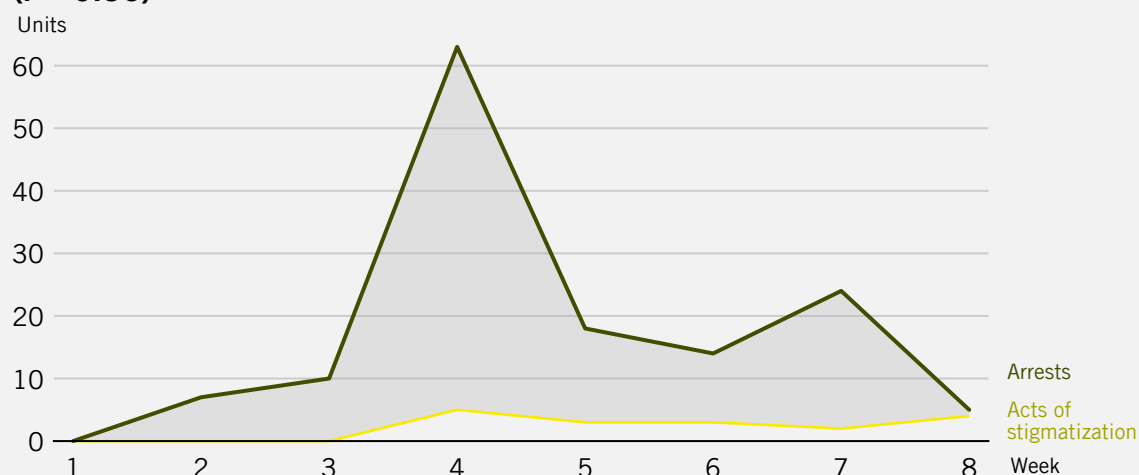
3.6 OTHER PATTERNS OF CORRELATION IN SPECIFIC PERIODS

In analyzing the overall correlation data, the organizations detected certain peaks of anomalies in both variables, i.e., anomaly peaks where both stigmatizations and arrests increased or decreased sharply. When analyzing these peaks of irregularities, it was observed that the correlation increased in these periods. The organizations then proceeded to identify whether there were any socio-political milestones that could be associated with these anomalies, with the following results.

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS FROM JANUARY TO FEBRUARY 2019

Acts of stigmatization vs. politically motivated arbitrary detentions in the period between January and February 2019, by calendar week

($r = 0.56$)

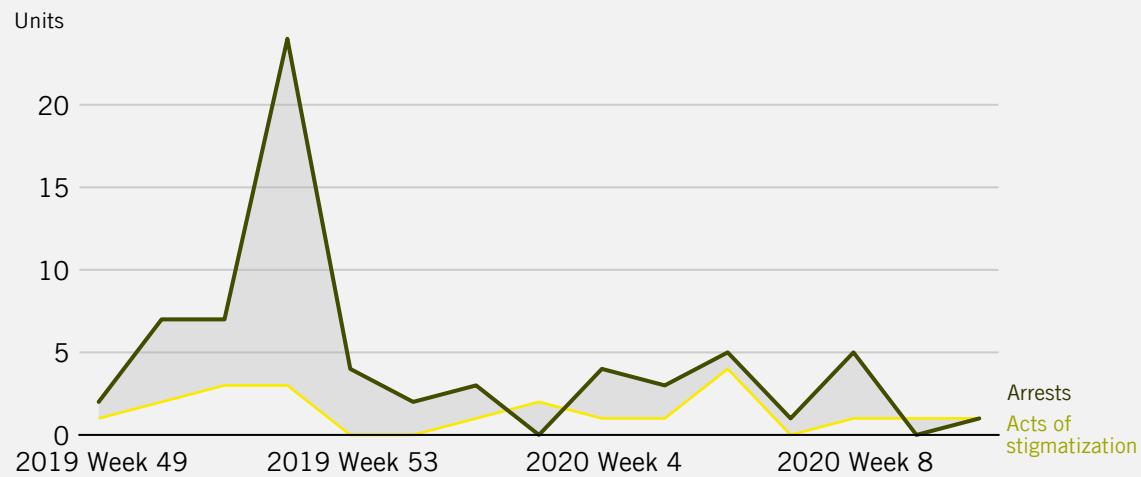


Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS FROM DECEMBER 2019 TO MARCH 2020

Number of acts of stigmatization vs. politically motivated arbitrary detentions in the period between December 2019 and March 2020, by calendar week

($r = 0.51$)

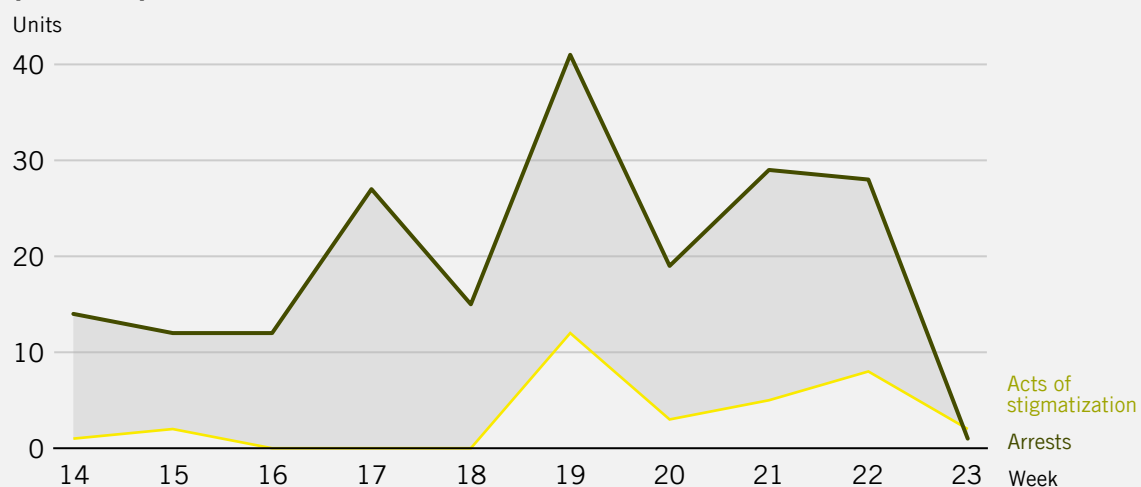


Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS FROM APRIL TO MAY 2020

Number of acts of stigmatization vs. politically motivated arbitrary detentions in the period between April and May 2020, by calendar week

($r = 0.88$)



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

The organizations have found that the events where human rights violations were exposed and reported at national and international levels usually provoke periods of repression with higher correlation in general. Thus, the announcements by the OHCHR, the Fact-Finding Mission and the International Criminal Court have had an impact on the greater correlation between stigmatization and arbitrary detentions for political reasons, showing repressive peaks.

This trend has been reported by the Secretary General of the United Nations himself, in his report Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, in which he stated that:

“Multiple UN actors addressed allegations of intimidation and reprisals against human rights defenders and civil society that cooperated or were perceived as cooperating with the UN, in particular those implementing UN humanitarian programmes. They noted NGOs were labelled as “criminals”, “mercenaries”, “thieves”, “terrorists”, and “enemies of the State”, including in UN forums and on Government-affiliated online portals.”⁴⁷

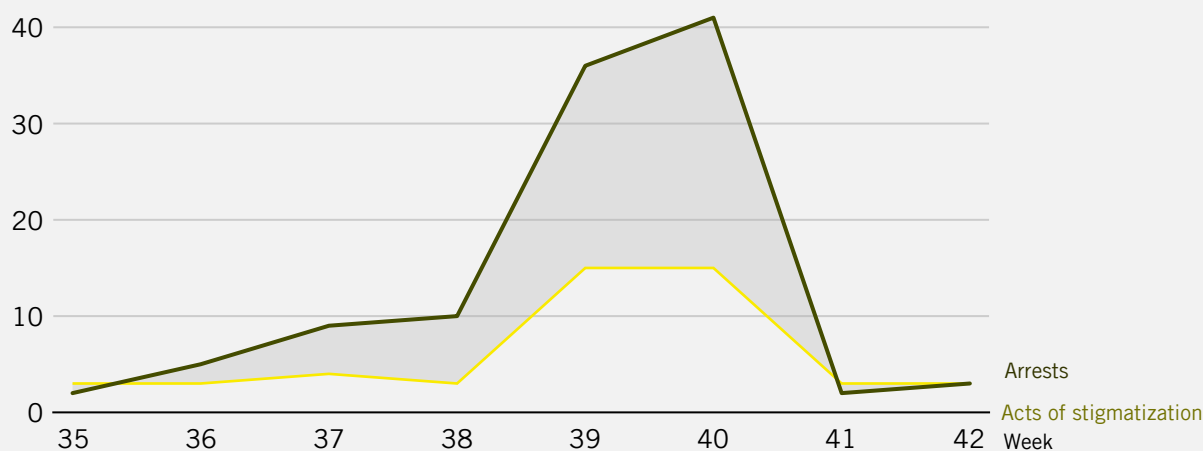
In this same document, concerns over how complaints and cooperation with the United Nations affect the guarantees and protection of the rights of detainees are noted.⁴⁸

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS FROM AUGUST TO OCTOBER 2020

Acts of stigmatization vs. politically motivated arbitrary detentions in the period between August and October 2020, by calendar week

($r = 0.98$)

Units



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

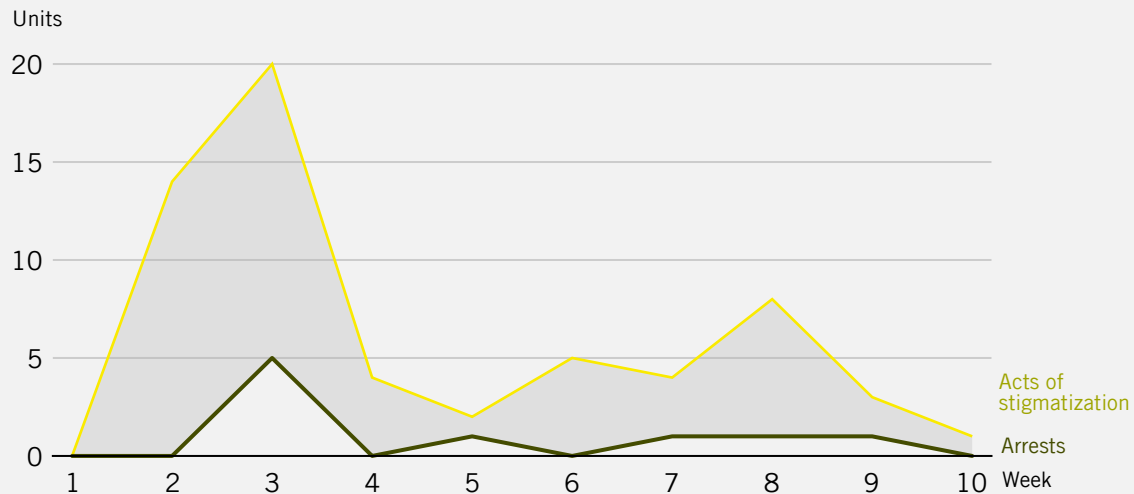
⁴⁷ UN Secretary-General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, UN document number: A/HRC/48/28, 17 September 2021, para. 122.

⁴⁸ UN Secretary-General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, UN document number: A/HRC/48/28, 17 September 2021, para. 123.

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS FROM JANUARY TO MARCH 2021

Acts of stigmatization vs. politically motivated arbitrary detentions in the period between January and March 2021, by calendar week

($r = 0.7$)

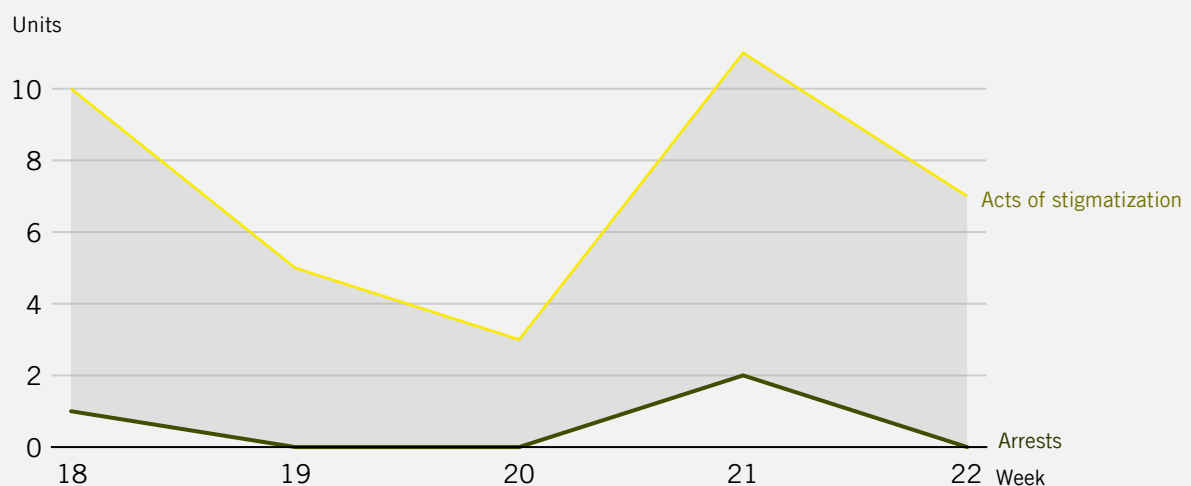


Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. Amnesty International Centro para los Defensores y la Justicia, Foro Penal (2022)

CORRELATION BETWEEN ACTS OF STIGMATIZATION AND ARRESTS IN MAY 2021

Acts of stigmatization vs. politically motivated arbitrary detentions in May 2021, by calendar week

($r = 0.87$)



Source: Venezuela: Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions (2022)

3.7 CONCLUSIONS ON PATTERNS OF CORRELATION BETWEEN STIGMATIZATION AND ARBITRARY DETENTION IN VENEZUELA

Each period analysed has shown different trends and patterns of repression. This means that in most cases it cannot be concluded that the policy of repression in Venezuela is static and is constantly initiated and executed by the same actors.

While in 2019 the existence of massive demonstrations marked a year of repression by producing, in turn, arbitrary detentions in large numbers carried out by the GNB, the role of the national intelligence security forces had a close relationship with the arbitrary detentions that happened following stigmatization in media linked to the government of Nicolás Maduro.

By 2020, the security forces whose detentions had the highest correlation with the acts of stigmatization were the PNB and the FAES. It is difficult to speculate on the reasons why this correlation was higher in that year than that of the intelligence agencies, but this shows -once again- that arbitrary detentions are not isolated events and that their political content is directed and guided by a state policy.

The same happened in the first half of 2021, in which there was an almost complete correlation between stigmatization and arbitrary detentions carried out by the FAES, the municipal police, and the CICPC, which suggests that there was a decentralization of repression that was possibly also related to the continued effects of the Covid-19 pandemic.

The data analysis also allowed us to observe the differentiated correlation between different perpetrators of stigmatization and the security forces that carried out the arbitrary detentions, in addition to the correlation between the courts in charge of the cases, revealing that in 2019 the arbitrary detentions that were processed by special courts with jurisdiction over 'terrorism' had a 68% degree of correlation to stigmatization, and that the greatest perpetrator of stigmatization was Misión Verdad.

Also, for 2020, the degree of correlation between the detentions that were processed by military courts and that had been carried out by military officials and the acts of stigmatization is almost complete (94%), with the greatest source of stigmatization being the television programme Con el Mazo Dando.

These trends that emerge from the analysis have consequences in the identification of the patterns in which human rights violations and crimes under international law are committed in Venezuela. Therefore, the organizations will now analyse the impact of these findings on people's rights in Venezuela.

3.8 PATTERNS OF STIGMATIZATION AS A SIGN OF POLITICAL PERSECUTION

Persecution is a crime against humanity set forth in Article 7(1)(h) of the Rome Statute of the International Criminal Court describing it as “Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court.”⁴⁹ For its part, Article 7(2)(g) of the Statute defines the crime as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity”.

For an act to be considered a crime against humanity, it is necessary not only for it to be framed within the specific elements of the criminal offence (both objective and subjective), but also that the contextual elements contained in the Rome Statute are included, which in this case are that the acts occur or are “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”.⁵⁰

Within the Elements of the Crime of Persecution are:

- ▶ That the perpetrator has seriously deprived one or more persons of their fundamental rights in contravention of international law;
- ▶ That the perpetrator has directed their act against that person or persons by reason of the identity of a group or collectivity or against the group or collectivity as such;
- ▶ The act was directed against such persons on political, racial, national, ethnic, cultural, religious or gender grounds, as defined in article 7, paragraph 3, of the Statute, or on other grounds universally recognized as unacceptable under international law;⁵¹
- ▶ Contextual elements (part of a widespread or systematic attack against a civilian population).

While the contextual nature of these events has been widely documented by human rights authorities, it is important to analyse the specific elements of the type of persecution in light of the evidence presented in this report.

⁴⁹Rome Statute of the International Criminal Court. Articles 7(1)(h) and 7(2)(g). On the accessory nature of the crime of persecution, see: Amnesty International, The problematic formulation of persecution under the Draft Convention on crimes against humanity, 30 October 2018, IOR 40/9248/2018.

⁵⁰Rome Statute of the International Criminal Court. Article 7 (1)

⁵¹Official Records of the Review Conference of the Rome Statute of the International Criminal Court, Kampala, 31 May-11 June 2010 (International Criminal Court publication, RC/11. https://asp.icc-cpi.int/iccdocs/asp_docs/ASP9/OR/RC-11-ENG.pdf

3.9 DEPRIVING A SPECIFIC GROUP OF PEOPLE OF THEIR FUNDAMENTAL RIGHTS

This report has analysed the trends and correlation between politically motivated arbitrary detentions and stigmatization carried out by media outlets linked to the government of Nicolás Maduro, both public and private in Venezuela.

In addition, the nature of arbitrary detentions in Venezuela and the context in which they occur also seriously affect the right to fair trial guarantees and due process.

The jurisprudence of the Special Tribunal for the former Yugoslavia established that:

“Thus far, the Trial Chambers of the ICTY have found that the following acts may constitute persecution when committed with the requisite discriminatory intent: imprisonment, unlawful detention of civilians or infringement upon individual freedom, murder, deportation or forcible transfer, ‘seizure, collection, segregation and forced transfer of civilians to camps’ (...).”⁵²

Therefore, arbitrary deprivation of liberty and the manner in which the rights to fair trial guarantees and due process are denied could constitute acts of persecution.

In Venezuela, the arbitrary detentions that have occurred from 2014 onwards have a notorious aspect that has been documented in multiple reports. As mentioned above, there are objective criteria that have shown that most cases of arbitrary detentions in the country are highly politically motivated.

The trends of repression in Venezuela have been directed against a specific group of people: those perceived as dissidents or opponents of the government of Nicolás Maduro.

The people belonging to this group are all different, but it is possible to identify particular groups that have been especially targeted by the policy of repression, namely students, political activists, and human rights defenders.

⁵² International Tribunal for the former Yugoslavia, Prosecutor v. Kvočka et al., “Judgment”, IT-98-30/1-T, 2 November 2001, para. 186.

3.10 POLITICALLY MOTIVATED DISCRIMINATION

The element of discrimination is essential in order to define an event as an act of persecution. The document on the Elements of Crimes of the Rome Statute of the International Criminal Court states precisely that political motivation may be among those forms of discrimination behind the persecution. The jurisprudence of other international criminal courts has established that discrimination is one of the main characteristics that distinguishes the crime of persecution from other crimes against humanity, and therefore, if a crime is committed in a discriminatory manner, it could qualify as persecution, understanding that discriminatory factors may occur on political, racial, religious or other grounds.⁵³

In this report, the organizations have demonstrated how there is a policy of repression that stigmatizes people who may be perceived as opponents to the government of Nicolás Maduro and how this is accompanied by a policy of arbitrary detentions to silence dissidence.

Acts of stigmatization, which in themselves are defined as discriminatory acts and attacks that tend to entrench confrontational and 'them versus us' statements and narratives, are used as another tool for repression. Undoubtedly, stigmatization and its reflection in politically motivated arbitrary detentions point to the discriminatory factors that affect human rights in Venezuela and crimes under international law.

The public nature of stigmatization allows us to see the motivation of political discrimination behind these facts more clearly, but the way in which they are related to arbitrary detentions and the criminalization of political activists can be taken as an indicator of political persecution through arbitrary detentions and stigmatization in Venezuela.

The arbitrary nature of the detentions has been widely documented, but the findings of this report indicate with greater certainty the nature of the political discrimination behind them. The correlation between arbitrary detentions and stigmatization -which have an obvious political character- are an indicator that the policy of repression has a clear objective of political discrimination that severely affects the rights of people in Venezuela who think differently than the government of Nicolás Maduro.

In addition, the periods for which the analysis is carried out and even the courts in charge of the cases of arbitrary detentions are a strong indicator that the relationship between detentions and stigmatization could constitute acts of persecution as a crime against humanity.

⁵³ International Tribunal for the former Yugoslavia, Prosecutor v. Kvočka et al., "Judgment", IT-98-30/1-T, 2 November 2001, para. 194.

▶ 4. CONCLUSIONS AND RECOMMENDATIONS

The Center for Defenders and Justice, Foro Penal and Amnesty International carried out a data analysis of acts of repression in Venezuela in which the different patterns showing how politically motivated arbitrary detentions are interconnected with stigmatizing attacks against human rights defenders.

This analysis led to different findings that form a series of signs and evidence regarding the functioning, sources and coordination between the different actors that form part of the repressive apparatus in the country.

These findings show how stigmatization and the use of discriminatory narratives against human rights defenders, and even against judicial authorities involved in the cases, have been part of the repressive policy, which on several occasions have been interrelated with politically motivated arbitrary detentions.

It was possible to identify how different trends correspond to other factors that are beyond the scope of this research, but that should be followed as lines of investigation in order to understand the individual and institutional responsibility behind the repression in Venezuela.

In 2019, a year marked by massive nationwide citizen protests, stigmatization in pro-government media had a particularly high correlation with the special courts on terrorism, while in 2020 this occurred with the military courts.

Similarly, the sources of stigmatization that played a more predominant role in the repression were Misión Verdad, Con el Mazo Dando, Lechuguinos and Zurda Konducta. Without minimizing the role of other very active sources of stigmatization, the analysis of the data showed that for several years these sources have accompanied in an almost synchronized manner the increase or decrease in arbitrary detentions.

The evidence on the security forces that acted in the different periods analysed and the very high correlation between the detentions carried out by SEBIN and DGCIM and the acts of stigmatization in 2019, and how then the DGCIM both in 2020 and 2021 became one of the security forces that acted more often in the three days following the stigmatization of human rights defenders, cannot be overlooked.

In light of all this numerical evidence, the organizations consider that the dependent relationship between the discriminatory narrative (stigmatization) and the human rights violations (arbitrary detentions and criminalization) could indicate the existence of the crime against humanity of persecution, for which the Venezuelan authorities, including at the highest level, should be investigated to determine their criminal responsibility in these acts.⁵⁴

Therefore, the organizations recommend:

- ▶ To the Office of the Prosecutor of the ICC
 - To include in its investigation into crimes against humanity in Venezuela the facts evidenced in this report, with a view to determining key actors, specific cases and possible participants in the crimes against humanity of arbitrary deprivation of liberty and politically motivated persecution.

⁵⁴ For the analysis of the lack of access to domestic resources to obtain justice, truth and reparation for these acts, see: Amnesty International, Hunger for Justice: Crimes against humanity in Venezuela, AMR 53/0222/2019, 13 May 2019, UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, UN Document Number A/HRC/48/69, 16 September 2021.

▶ To the international community

- To continue to support the International Independent Fact-Finding Mission in its mandate to contribute to accountability for human rights violations in Venezuela since 2014;
- To sustain and strengthen support for the International Criminal Court, both financially and politically, contributing to its work against impunity for crimes against humanity;

▶ To the international community to urge Maduro's government to:

- Refrain from continuing to apply various repressive tactics, and that the spaces of stigmatization, such as television programmes, web portals, in particular those named in this report and that are public in nature and publicly funded, be shut down;
- Put an end to the practice of politically motivated arbitrary detentions;
- Refrain from using special courts or courts with special competencies (in 'terrorism' and military jurisdiction) to criminalize people who oppose their policies;
- Extend and accept the in loco visits of the various special procedures of that Council aimed at improving the human rights situation in the country, including the possibility for the Fact-Finding Mission to visit Venezuela; In particular extending invitations to the Special Rapporteur on Human Rights Defenders, the Working Group on Arbitrary Detention, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Right to Freedom of Assembly and Association, among others.



**AMNESTY INTERNATIONAL IS A
GLOBAL MOVEMENT FOR HUMAN
RIGHTS. WHEN INJUSTICE
HAPPENS TO ONE PERSON, IT
MATTERS TO US ALL.**