DETENTIONS WITHOUT A TRACE

(THE CRIME OF ENFORCED DISAPPEARANCE IN VENEZUELA

AMNESTY

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The Venezuelan authorities have committed, and continue to commit, enforced disappearances as part of their policy of repression of dissidents and those they perceive as such. This report analyses the situation of 15 disappeared persons since the presidential election of 28 July 2024 up to 15 June 2025. Together with its research over the last decade, Amnesty International concludes that this serious human rights violation and international crime is being committed as part of a systematic and widespread attack in Venezuela and would constitute a crime against humanity.

1. INTRODUCTION

Venezuela is undergoing a profound human rights crisis. Amnesty International has denounced that, since at least 2014, crimes against humanity would have been committed – and would continue to be committed – against political opponents, government critics, activists and, in general, anyone perceived as a dissident.¹

Among the most serious human rights violations identified are extrajudicial executions, arbitrary detentions, torture and political persecution, all of which are part of a state policy aimed at punishing those who question the government. This report documents the widespread use of enforced disappearance following the presidential election that took place on 28 July 2024 as part of said policy.

Following the official announcement by the National Electoral Council (CNE), which for the third consecutive time granted victory to Nicolás Maduro, thousands of people took to the streets to express their rejection of this result. The state's response was immediate and marked a new critical point as it intensified its repressive policy against those who questioned the election results and demanded political change, as well as against people who were perceived as critics of the government. At least 25 people were killed, including two children, and all but one were killed by gunfire.²

Likewise, the week after the elections, the authorities acknowledged the arrest of 2,229 people.³ It is presumed that practically all of these detentions were arbitrary and politically motivated. To this end, indiscriminate raids and arrests were carried out in areas and neighbourhoods where protests had taken place; searches were performed without a warrant; the homes of political dissidents or those who were perceived as such were marked; passports were abruptly cancelled;⁴ and the mobile application "VenApp", used to manage social programs, was modified so that the population could report alleged dissidents and protestors in order to facilitate their arrest. ⁵

We have 2,000 prisoners detained, and from there they go to [the prisons of] Tocorón and Tocuyito. Justice! This time there will be no pardons. This time there will be no forgiveness. This time what there will be is Tocorón!" President Nicolás Maduro in a public speech on 3 August 2024.

President Nicolás Maduro in a public speech on 3 August 2024.⁶

³Nicolás Maduro. "Great march of the grandparents." 6 August 2024. Available at: www.youtube.com/watch?v=rb-Q3hyTBcl

⁴IACHR. Venezuela: Serious human rights violations in connection with the elections. 7 January 2025. Doc. 253/24. p. 8.

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¹Amnesty International. Hunger for Justice. Crimes against humanity in Venezuela. 2019. AMR 53/0222/2019.

²The UN Independent International Fact-Finding Mission on Venezuela (FFM) stated that "Although insufficient evidence has been obtained at this stage to establish responsibility for those deaths, the mission can conclude that, in at least eight of the fatal incidents, members of the State security forces, as well as groups of civilians sympathetic to the Government, used firearms during the demonstrations." For more information see: UN Human Rights Council (UNHRC). Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, 14 October 2024. A/HRC/57/CRP.5. para. 59. See also: Inter-American Commission on Human Rights (IACHR). Venezuela: Serious human rights violations in connection with the elections. 7 January 2025. p. 35.

⁵VenApp was introduced by President Nicolás Maduro in 2022 ostensibly to receive public complaints on issues such as power outages and medical emergencies. Apparently, after Maduro's re-election was announced, it was modified with an additional function that enabled users to report protesters. See: Amnesty International. Venezuela: Tech companies set dangerous precedent with app for reporting anti-government protesters. 7 August 2024.

⁶El País. Maduro afirma que hay 2.000 detenidos en las protestas tras las elecciones (Maduro claims there are 2,000 detainees in the protests after the elections). 3 August 2024. Available at: www.youtube.com/watch?v=KoAcqbd9Xeo&t=8s

This increase in politically motivated arbitrary detentions was accompanied by a similar surge in the practice of enforced disappearances. During this period, multiple cases of torture and other cruel, inhuman or degrading treatment (ill-treatment) against persons deprived of their liberty, including children, were also documented.⁷

The government called these mass detentions "Operation Tun Tun", the stated goal of which was to neutralize alleged "terrorists" and "coup plotters".⁸ High-ranking state officials, including President Nicolás Maduro, made public and repeated accusations against dissidents, human rights defenders, journalists and protestors, calling them "terrorists" or "fascists".⁹

Although hundreds of people were released in December 2024, most continued to be subjected to precautionary measures that arbitrarily limited their liberty and other rights.¹⁰ At the time of writing, at least 926 people continue to be arbitrarily deprived of their liberty for political reasons¹¹ and subjected to torture and other ill-treatment, including unsanitary and precarious conditions of imprisonment or denial of medical care.¹²

Finally, between the end of July 2024 and the finalizing of this report, the deaths while in state custody of at least four individuals detained in the post-election repression were recorded. In all cases, the deaths were attributed to health conditions not addressed during their detention.¹³

⁷Amnesty International. "He felt he was dead": Torture against children for political reasons in Venezuela. AMR 53/8783/2024.

⁸Douglas Rico. Operación Tun-Tun apenas comienza (Operation Tun-tun is just beginning). 5 August 2024. Available at: www. instagram.com/reel/C-T9XPaIOUz/?igsh=ZjJzMjJsNzBIOXIj

⁹Nicolás Maduro. Gran Marcha Nacional por la Defensa de la Paz (Great National March for the Defence of Peace). 3 August 2024. View in: https://x.com/i/broadcasts/1djGXrbWgZLxZ

¹⁰Public Prosecutor's Office of Venezuela. Statement. The Public Prosecutor's Office has processed and executed 1369 measures linked (sic) to post-28J processes. Available at: www.instagram.com/p/DEN4dJ1Jj16/?utm_source=ig_embed&ig_rid=820f62e9-7ca9-464f-ad7d-e022eab2b132

¹¹Foro Penal. Presos políticos en Venezuela al 11 de junio de 2025 (Political Prisoners in Venezuela as of 11 June 2025). Available at: https://x.com/ForoPenal/status/1933178680127213753/photo/1

¹²Amnesty International. Venezuela: Release persons arbitrarily detained. AMR 53/9257/2025.

¹³According to the FFM, three of these people had been arrested between 29 July and 2 August and died in November and December 2024. The fourth person was arrested in January 2025 and died in February. See: UN Human Rights Council (UNHRC). Statement by Marta Valiñas, President of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 18 March 2025. p. 2.

2. METHODOLOGY

This report examines the practice of enforced disappearance in Venezuela in the context following the presidential election of 28 July 2024. Therefore, only events that occurred from 28 July 2024 to 15 June 2025, the cut-off date for this research, are considered.

For its drafting, Amnesty International documented 15 cases of people who were victims of enforced disappearance or who remain in a situation of enforced disappearance at the time of finalising this report. To this end, interviews were conducted with relatives and legal defence teams of those disappeared, and digital means were used to collect additional written documentation.

Amnesty International also carried out interviews with various civil society organizations and held meetings with members of international human rights protection mechanisms.

Although not analysed in this document, Amnesty International also relies in its conclusions on the findings of previous research included in two publications: 1) public statement *"He felt he was dead": Torture against children for political reasons in Venezuela*,¹⁴ on the torture suffered by children detained after the elections and which also documented the short-term enforced disappearance of several of them; and 2) urgent action *Venezuela: Release persons arbitrarily detained*,¹⁵ focusing on 16 members of the opposition, most of whom were also victims of enforced disappearance.

Amnesty International thanks all those who collaborated in this research, especially the families of forcibly disappeared persons.

¹⁴Amnesty International. "He felt he was dead": Torture against children for political reasons in Venezuela. AMR 53/8783/2024.



¹⁵Amnesty International. Venezuela: Release persons arbitrarily detained. AMR 53/9257/2025.

3. ENFORCED DISAPPEARANCES

The practice of enforced disappearances of persons as such is considered to have begun during World War II, when Hitler ordered the secret transfer of thousands of people to Germany from occupied territories in Europe under the Nazi decree known as "Nacht und Nebel" (Night and Fog).¹⁶ The decree established that since it was not possible to obtain information on the whereabouts and situation of the detainees, effective intimidation of the population would be achieved due to the paralyzing terror that would be unleashed.¹⁷

In the 1950s, the enforced disappearance of people reappeared with force in the American continent and subsequently spread to the rest of the world. Thousands of people were arrested and never seen again – or 'disappeared' without leaving a trace – as a state-led strategy to spread terror among the population. This practice was particularly entrenched in military regimes and authoritarian contexts where weak rule of law facilitated other crimes such as torture and extrajudicial executions.¹⁸

Given the special gravity of the crimes involved and the nature of the rights violated, the prohibition of the enforced disappearance of persons — and the corresponding duty to investigate and punish those responsible — has become *jus cogens*.¹⁹ In other words, it is a peremptory norm of international law that does not admit exceptions. In both customary and treaty law, no exceptional circumstances — including reasons of national security or the fight against 'terrorism' — may be invoked to justify the enforced disappearance of an individual.²⁰

3.1. ENFORCED DISAPPEARANCES IN INTERNATIONAL HUMAN RIGHTS LAW

The first international tribunal to issue a judgment on the enforced disappearance of a person was the Inter-American Court of Human Rights (IACtHR), in the case of Velásquez-Rodríguez v. Honduras in 1988.²¹

¹⁶Tullio Scovazzi and Gabriella Citroni. The Struggle against Enforced Disappearances and the 2007 United Nations Convention. 2007. p. 4.

¹⁷Tullio Scovazzi and Gabriella Citroni. The Struggle against Enforced Disappearances and the 2007 United Nations Convention. 2007. p. 4.

¹⁸Tullio Scovazzi and Gabriella Citroni. The Struggle against Enforced Disappearances and the 2007 United Nations Convention. 2007. pp. 4-20.

¹⁹Inter-American Court of Human Rights. Case of La Cantuta v. Peru. Merits, Reparations and Costs. Judgment of 29 November 2006. Series C No. 162. Parr. 157; Inter-American Court of Human Rights. Case of Tenorio Roca et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of 22 June 2016. Series C No. 314. Parr. 140.

²⁰UN. International Convention for the Protection of All Persons from Enforced Disappearance, of 20 December 2006. Article 1. See also: OAS. Inter-American Convention on Forced Disappearance of Persons, of 9 June 1994. Article 1. See also: Inter-American Court of Human Rights. Case of the Peasant Community of Santa Barbara v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of 1 September 2015. Series C No. 299. para. 188.

²¹Inter-American Court of Human Rights (IACtHR). Case of Velásquez-Rodríguez v. Honduras. Merits. Judgment of 29 July 1988. Series C No. 4.

In the following decade, several of the most important instruments of international human rights law on enforced disappearance would be adopted: the 1992 United Nations General Assembly Declaration on the Protection of All Persons from Enforced Disappearance,²² the 1994 Inter-American Convention on Forced Disappearance of Persons²³ and the 2006 UN International Convention for the Protection of All Persons from Enforced Disappearance.²⁴

The International Convention for the Protection of All Persons from Enforced Disappearance (CPED) defines enforced disappearance as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by the refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."25

Likewise, the regional instrument on this violation, the Inter-American Convention on Forced Disappearance of Persons (CIDFP), defines it in a very similar way as "the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees."²⁶

In other words, for an enforced disappearance to occur, three constituent elements must be present, and these three elements must be cumulative:

1) The lawful or unlawful deprivation of liberty of a person;

2) conducted by, or with the participation of, state agents, or of persons acting with the authorization, support, or acquiescence of the state;

3) and followed by the absence of information or the refusal to acknowledge such detention or disclose the whereabouts of that person, thereby removing them from the protection of the law and procedural guarantees.

It should be noted, therefore, that the duration of an enforced disappearance is not a constituent element of the definition established by international human rights law. As the UN Committee on Enforced Disappearances (CED) and the Working Group on Enforced or Involuntary Disappearances (WGEID) have specified, a minimum period of time is not required for an act to qualify as an enforced disappearance. As a result, these and other human rights mechanisms have referred to enforced disappearances that do not last for a prolonged period of time as "short-term" enforced disappearances.²⁷

²⁶CIDFP. Article 2.

²²UN. Declaration on the Protection of All Persons from Enforced Disappearance. 18 December 1992. Resolution 47/133. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-protection-all-persons-enforced-disappearance

²³OAS. Inter-American Convention on Forced Disappearance of Persons. 9 June 1994. Available at: https://oas.org/juridico/english/ treaties/a-60.html

²⁴UN. International Convention for the Protection of All Persons from Enforced Disappearance. (EDPB). 20 December 2006. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protectionall-persons-enforced

²⁵CEDP. Article 2.

²⁷CED. Joint statement on so-called "short-term enforced disappearances". 31 October 2024. CED/C/11. See also: IACHR. Venezuela: Serious human rights violations in connection with the elections. 7 January 2025.



The Bolivarian Republic of Venezuela (hereinafter referred to as Venezuela) signed the CPED in 2008, but has not ratified it to date.²⁸ Nonetheless, Venezuela is a state party to the CIDFP, which it ratified on 19 January 1999.²⁹ By virtue of this, the Venezuelan state has assumed specific treaty obligations regarding the prevention, protection, punishment and reparation of enforced disappearance, in accordance with the commitments established in the said regional treaty.

It should be noted that both the CPED and the CIDFP agree on the three essential elements that make up the definition of enforced disappearance, as well as on its absolute prohibition even in a situation of war, state of emergency or suspension of basic guarantees.

Although Venezuela has not ratified the CPED, this does not exempt it from its international human rights obligations deriving from other instruments to which it is a party, such as the International Covenant on Civil and Political Rights (ICCPR)³⁰ and the Convention against Torture, which establish the mechanisms necessary for the prevention and punishment of enforced disappearance.³¹

It should also be emphasized that the prohibition of enforced disappearance is part of customary international law and, as mentioned above, has even acquired the status of *jus cogens*, which makes it a binding norm for all states, regardless of their adherence to specific treaties.³²

Therefore, for the purposes of this report, the analysis of violations of international human rights law will focus mainly on the CIDFP, incorporating specific references to other international instruments and mechanisms, and without prejudice to the applicability of other norms, such as those derived from international custom.

3.2. ENFORCED DISAPPEARANCES IN INTERNATIONAL CRIMINAL LAW

The enforced disappearance of persons is a serious human rights violation that entails international responsibility of the state. In addition, it is also considered a crime under international law, which implies individual criminal responsibility for those who order, execute or conceal it, where certain requirements are met.

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²⁸UN. Status of ratifications. Venezuela. Available at: https://indicators.ohchr.org/

²⁹OAS. Signatories and current status of ratifications of the Inter-American Convention on Forced Disappearance of Persons. Venezuela. Available at: https://www.oas.org/en/iachr/mandate/Basics/disappearancerat.asp

³⁰The International Covenant on Civil and Political Rights (ICCPR) establishes key rights for the prevention of enforced disappearance, such as the right to liberty and security of person (article 9); the right to integrity and the prohibition of torture (article 8) or the right to due process and judicial guarantees (article 14). Likewise, in one of its first decisions, Quintero vs. Uruguay (1983) the Human Rights Committee condemned an enforced disappearance and recognized the mother's suffering as inhumane treatment.

³¹In 2015, Venezuela was convicted of torture by the UN Committee against Torture (CAT) in the Francisco Larez case, considering that Mr. Larez's enforced disappearance was itself a form of torture. CAT. Decision concerning Communication No. 456/2011. 2015. CAT/C/54/D/456/2011.

³²IACtHR. Case of Tenorio Roca et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of 22 June 2016. Series C No. 314. para. 140. See also: Tullio Scovazzi and Gabriella Citroni. The Struggle against Enforced Disappearances and the 2007 United Nations Convention. 2007. p. 249.

This crime has been recognized in both conventional and common law and its prohibition is considered a rule of jus cogens, meaning that it is non-derogable under any circumstances.

On the one hand, human rights conventions such as the CPED³³ and the CIDFP³⁴ establish that the widespread or systematic practice of enforced disappearance of persons constitutes a crime against humanity.

Therefore, for an enforced disappearance to constitute a crime against humanity as defined by the CPED or the CIDFP, it is sufficient that the three elements making up the enforced disappearance are present and that such enforced disappearance occurs as part of a "systematic pattern" or a "practice that is applied or tolerated by the State."³⁵

On the other hand, for a crime against humanity to occur pursuant to the Rome Statute of the International Criminal Court (ICC), additional criteria are required. Article 7 provides that a crime against humanity shall be understood as a series of acts (as defined in that article),³⁶ including the enforced disappearance of persons, when committed "as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack".³⁷

The concept of "attack" in this context does not necessarily imply armed aggression, but mustconsist of "a course of conduct involving the multiple commission of acts" prohibited by article 7.1, "against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack".³⁸ In addition, the attack must be widespread or systematic, or both (these requirements are alternative, not cumulative). Importantly, these elements apply to an attack against the civilian population, not to the prohibited act committed by an individual perpetrator, such as enforced disappearance.

The term "widespread" refers to the massive scope or scale of the acts and the number of victims, although no specific minimum is not required, with each situation being assessed in the context of the particularities of the case.³⁹ The ICC Pre-Trial Chamber II considered it sufficient that the attack had been "massive, frequent, carried out collectively with considerable seriousness and directed against a large number of civilian victims".⁴⁰ One element that the attack had been perpetrated in different geographic areas of the country.⁴¹

³⁷Rome Statute of the International Criminal Court (ICC). 1 July 2002. Article 7(1)

³⁸Rome Statute of the ICC. Article 7(2)(a).

³³CPED. Preamble and article 5.

³⁴CIDFP. Preamble.

³⁵To interpret these elements, the IACtHR has been inspired by definitions of different international courts such as the International Criminal Court, which is analysed below, without going into detail on the definitions of both characteristics. See: Case of Contreras et al. v. El Salvador. Merits, Reparations and Costs. Judgment of 31 August 2011, para. 83.

³⁶The acts referred to in the Rome Statute in its article 7(1) are: a) murder; b) extermination; (c) enslavement; (d) deportation or forcible transfer of population; (e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) torture; (g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) 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; (i) enforced disappearance of persons; (j) the crime of apartheid; (k) other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health.

³⁹ICC, Situation in Darfur, 'Warrant of Arrest against AI Bashir', Pre-Trial Chamber I, 4 March 2009, ICC-02/05-01/09, para. 81.

⁴⁰ICC, Prosecutor v. Ruto, Koshey and Sang, "Decision on the Confirmation of Charges", ICC-01/09-01/11, 23 January 2012, paras 176-177.

⁴¹ICC decision in Bemba, Case No. ICC-01/05-01/08, Judgment pursuant to article 74 of the Statute, Trial Chamber III, 21 March 2016, paras 688-9.

That it is "systematic", on the other hand, implies the existence of organized action, which follows a regular pattern, is based on a common policy and involves significant public and private resources.⁴² The ICC Pre-Trial Chamber II in *Muthaura, Kenyatta and Ali* found that "the precise identification of targets by the attackers is indicative of the planned and systematic nature of the violence."⁴³ To determine whether an attack was "systematic", it is necessary to assess whether a series of repeated actions were carried out seeking to produce the same effects on a civilian population and, consequently, to consider whether: (i) identical or similar criminal practices can be identified; (ii) the same modus operandi was used; or (iii) victims were treated in a similar manner across a wide geographic area.⁴⁴

According to Article 7(2)(a) of the Rome Statute, an attack must be committed "pursuant to or in furtherance of a State or organizational policy to commit such attack".⁴⁵ The purpose of this "policy" requirement is to ensure that "the multiple acts forming the course of conduct are linked. It ensures that acts which are unrelated or perpetrated by individuals acting randomly on their own are excluded."⁴⁶ In addition, there is no requirement that a "formal design exist".⁴⁷ The ICC has clarified that it is not necessary for a state policy to have been formed before an attack against the civilian population begins, as some aspects of the policy carried out against the civilian population will only crystallize and develop as the actions of the perpetrators are initiated and carried out.⁴⁸

Article 7(2)(i) of the Rome Statute states that enforced disappearance of persons shall be understood as: "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time".⁴⁹

Thus, the distinguishing elements of this definition with respect to other sources of international law are: that the crime against humanity of enforced disappearance is "part of a widespread or systematic attack directed against any civilian population"; and the need to demonstrate "intention" to keep the person outside the protection of the law for an extended period of time.

For Amnesty International, this last requirement does not mean that a specific amount of time must have elapsed for an enforced disappearance to occur. In other words, the crime of enforced disappearance, as defined in the Rome Statute, can be committed even if the deprivation of liberty ceases within a short period of time, provided the malicious intent to keep the person outside the protection of the law for a prolonged period of time is proven.



⁴²ICC, The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, Trial Chamber X, Judgment, 26 June 2024, para. 1114.

⁴³ICC, Prosecutor v. Muthaura, Kenyatta and Ali, "Decision on Confirmation of Charges", ICC-01/09-02/11, 23 January 2012, para. 176.

⁴⁴ICC, The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, Trial Chamber X, Judgment, 26 June 2024, para. 1114.

⁴⁵Since the element of "organizational policy" refers to the actions of non-state actors, the rest of the analysis will consider only the element of "State policy".

⁴⁶ICC, The Prosecutor v. Dominic Ongwen, Trial Chamber IX, Judgment, 4 February 2021, para. 2678.

⁴⁷ICC, The Prosecutor v. Germain Katanga, Trial Chamber II, Judgment, 7 March 2014, para. 1108.

⁴⁸ICC, The Prosecutor v. Dominic Ongwen, Trial Chamber IX, Judgment, 4 February 2021, para. 2679.

⁴⁹ICC Rome Statute. Article 7 (2)(i)

For example, the crime is considered to have been committed even if the victim's remains are discovered shortly after the disappearance, or if the efforts of the victim's relatives lead the authorities to reveal the victim's whereabouts in a short period of time. This interpretation is confirmed in the "Elements of Crimes" adopted by the Assembly of States Parties to the ICC, which expressly state that: "the perpetrator intended to remove such person or persons from the protection of the law for a prolonged period of time" and "the perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population".⁵⁰

In conclusion, the definition of crimes against humanity in international law differs from that contained in the Rome Statute. The more restrictive definition envisaged by the latter, applicable to the crime of enforced disappearance, is valid only for the purposes of prosecution before the ICC and does not limit or modify the definition of enforced disappearance set out in other international treaties or customary international law. Thus, states exercising universal jurisdiction or other forms of extraterritorial jurisdiction can prosecute cases of enforced disappearance that do not meet the threshold of a crime against humanity -while the ICC only has jurisdiction when the enforced disappearance meets that definition-, and they can also prosecute enforced disappearance as a crime against humanity without having to demonstrate the additional element of specific intent required by the Rome Statute.

VENEZUELA BEFORE THE ICC

Venezuela deposited its instrument of ratification of the Rome Statute on 7 June 2000. Consequently, the ICC may exercise jurisdiction over crimes under the Rome Statute committed in Venezuelan territory or by Venezuelan citizens from 1 July 2002 onwards, that being the date of entry into force of the statute.⁵¹

On 27 September 2018, several states parties to the Rome Statute (Argentina, Canada, Colombia, Chile, Paraguay and Peru) referred the situation in Venezuela to the Office of the Prosecutor of the ICC, requesting an investigation on crimes against humanity allegedly committed in the country since February 2014. Uruguay and Ecuador joined this referral on 6 September 2024⁵² and 9 January 2025,⁵³ respectively.

In 2020, the Office of the Prosecutor concluded that there were reasonable grounds for an investigation into crimes against humanity since at least April 2017. On 3 November 2021, the Office of the Prosecutor announced the conclusion of the preliminary examination and the formal opening of an investigation.⁵⁴

⁵⁰ICC. Elements of Crimes. 2011. Article 7(2)(i), paras 6 and 8. Available at: https://asp.icc-cpi.int/sites/asp/files/asp_docs/ Publications/Compendium/ElementsOfCrime-ENG.pdf

⁵¹ICC. States parties to the Rome Statute. Latin America and the Caribbean. Available at: https://asp.icc-cpi.int/states-parties/ latin-american-and-caribbean-states

⁵²Ministry of Foreign Affairs of Uruguay. Uruguay joins the request before the ICC to investigate possible crimes against humanity in Venezuela. 6 September 2024. Available at: www.gub.uy/ministerio-relaciones-exteriores/comunicacion/comunicados/uruguayse-incorpora-solicitud-ante-cpi-investigar-posibles-crimenes-lesa

⁵³Presidency of the Republic of Ecuador. Official Letter T445-SGJ-24-0447 of 19 December 2024. Available at: www.icc-cpi.int/ sites/default/files/2025-01/2025-01-09-venezuela-I-referral-ecuador.pdf

⁵⁴ICC. ICC Prosecutor, Mr Karim A.A. Khan QC, opens an investigation into the Situation in Venezuela and concludes Memorandum of Understanding with the Government. Venezuela I. ICC-02/18. Available at: www.icc-cpi.int/news/icc-prosecutor-mr-karim-aa-khan-qc-opens-investigation-situation-venezuela-and-concludes

During the investigation process, the Venezuelan state objected, requested its suspension and generally challenged the steps taken by the ICC's Office of the Prosecutor. The Venezuelan authorities invoked the principle of complementarity as a basis to prevent the investigation from continuing. Despite the fact that the ICC provided ad hoc technical cooperation to increase domestic capacity for criminal investigations in Venezuela, the Office of the Prosecutor itself acknowledged the inadequacy and lack of genuineness of the domestic criminal proceedings and insisted that its investigation own investigation should continue.⁵⁵ In June 2023, Pre-Trial Chamber I authorized the Office of the Prosecutor to resume its investigation. In March 2024, the Appeals Chamber upheld this decision.⁵⁶

For now, the ICC would be investigating the crimes against humanity of imprisonment or other severe deprivation of physical liberty; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; and persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible.⁵⁷

3.3. ENFORCED DISAPPEARANCES SINCE THE JULY 2024 ELECTION

The government's strategies to supress expressions in favour of political change in the country after the election of 28 July 2024 followed a recurring pattern: people were unlawfully deprived of liberty, and in many cases immediately held incommunicado,⁵⁸ with their detention, fate and whereabouts being denied or concealed. They were also denied due process and the right to a fair trial; deprived of the right to an adequate defence, to be heard by an impartial judge and to know the charges or evidence against them; as well as being accused of serious and ambiguous crimes such as "terrorism" for allegedly exercising opposition or criticism of the government. In cases of enforced disappearance, individuals were immediately placed outside the protection of the law, putting their lives and physical and mental integrity at high risk and causing acute suffering for their relatives.⁵⁹



⁵⁵According to the Rome Statute, the ICC is complementary to national criminal jurisdictions. Specifically, Article 17 (1) provides that the Court shall rule on the inadmissibility of a case when: (a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to do so; (b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute; (c) The person concerned has already been tried for conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3; (d) The case is not of sufficient gravity to justify further action by the Court.

⁵⁶ICC. Situation in Venezuela: ICC Pre-Trial Chamber I authorizes the resumption of the investigation. Venezuela I. ICC-02/18. Available at: www.icc-cpi.int/news/situation-venezuela-icc-pre-trial-chamber-i-authorizes-resumption-investigation

⁵⁷ICC. Decision authorising the resumption of the investigation pursuant to Article 18(2) of the Statute. 27 June 2023. No. ICC-02/18. Available at: www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd1804e8166.pdf

⁵⁸Incommunicado detention refers to the practice of isolating a detainee from all contact with the outside, including family members and lawyers.

⁵⁹UNHRC. Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela. 14 October 2024. A/HRC/57/CRP.5. pp. 20-51. See also: IACHR. Venezuela: Serious human rights violations. 27 December 2024. Doc. 253/24. pp. 48-82.

Following the election of 28 July, Amnesty International observed a dramatic increase in the practice of enforced disappearances – and short-term enforced disappearances in particular – by the Venezuelan authorities against dissidents or those perceived as such. The UN Independent International Fact-Finding Mission on Venezuela (FFM)⁶⁰ and civil society organizations have corroborated this trend. According to FFM reports, allegations of "short-term" enforced disappearance of dissidents or those perceived as such reached levels in 2024 that had not been recorded since the repression and political crisis of 2019.⁶¹ The organization Foro Penal reported that at least 67 people remained disappeared at the end of April, the highest number recorded since 28 July 2024.⁶²

Amnesty International has documented that, in many cases, following their detention by the authorities, an individual could disappear for hours, days, weeks or months. The authorities failed to provide information, denied their detention, or concealed their fate and whereabouts. At the time of finalizing of this report, at least 46 people were still disappeared, possibly forcibly so, according to information gathered by Foro Penal.⁶³

Amnesty International has investigated 15 cases that highlight the modus operandi of this serious human rights violation and crime under international law allegedly being committed in a widespread and systematic manner by the Venezuelan authorities as part of their policy of repression and persecution of real or perceived dissidents. These cases relate to Alfredo Díaz, Andrés Martínez (Spanish), Damián Rojas, Danner Barajas (Colombian), Dennis Lepaje, Eduardo Torres, Eudi Andrade, Fabián Buglione (Uruguayan), Jorgen Guanares, Jose María Basoa (Spanish) Lucas Hunter (French American), Raymar Pérez, Rory Branker, Rosa Chirinos and Yevhenii Petrovich Trush (Ukrainian).

3.3.1 DEPRIVATION OF LIBERTY

Article 2 of the CIDFP establishes that the first requirement or cumulative element of enforced disappearance (the deprivation of liberty) can occur "in whatever way", whether through lawful or unlawful detention.⁶⁴

In most of the cases documented by Amnesty International, detentions were allegedly arbitrary because they lacked legal basis: the authorities did not have an arrest warrant issued by a judge, or the detained persons were not caught in the act of committing a crime.⁶⁵ In some cases, Amnesty International has been unable to obtain evidence as to how the detention took place, given that the individuals are still disappeared or incommunicado and their families lack information.

⁶⁰The Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM) is an investigative mechanism established by the United Nations Human Rights Council through resolution 42/25, adopted on 27 September 2019. Its mandate is to investigate serious human rights violations committed in Venezuela since 2014, including extrajudicial executions, enforced disappearances, arbitrary detentions and torture and ill-treatment, in order to establish the facts and determine responsibilities.

⁶¹UNHRC. Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, 14 October 2024. A/HRC/57/CRP.5. para. 59.

⁶²Foro Penal. Presos políticos en Venezuela al 28 de abril de 2025 (Political Prisoners in Venezuela as of 28 April 2025). Available at: https://x.com/ForoPenal/status/1918315417082229071/photo/1

⁶³Foro Penal. Presos políticos en Venezuela al 11 de junio de 2025 (Political Prisoners in Venezuela as of 11 June 2025). Available at: https://x.com/ForoPenal/status/1933178680127213753

⁶⁴CIDFP. Article 2. See also: I/A Court H.R. Case of Tenorio Roca et al. v. Peru. Preliminary Exceptions, Merits, Reparations and Costs. Judgment of 22 June 2016. Series C No. 314. para. 148; I/A Court H.R. Case of González Medina and Relatives Vs. Dominican Republic. Preliminary Exceptions, Merits, Reparations and Costs. Judgment of February 27, 2012. Series C No. 240. paras 129 and 221.

⁶⁵The UN Working Group on Arbitrary Detention has defined arbitrary detention as that where 1) there is no legal basis whatsoever to justify deprivation of liberty; 2) deprivation of liberty results from the exercise of certain rights or freedoms set out in international human rights treaties; 3) there is a serious violation of the right to a fair trial; 4) asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial remedy; and 5) deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth, national, ethnic or social origin, language, religion, economic status, political or other opinion, gender, sexual orientation, disability or other circumstance. Available at: https://www.ohchr.org/en/about-arbitrary-detention

In practically all cases, it is suspected that the motivation was political. Individuals were detained for participating in protests, for being found near protests or in politically relevant areas, for transporting high-profile political figures, for belonging to opposition political parties, or for being activists, critical journalists or human rights defenders.

■ For example, it is presumed that the detention of Rory Branker, editor of the La Patilla media outlet, was intended as a punishment for the outlet's critical editorial stance towards the government. During his programme *Con el Mazo Dando*,⁶⁶ broadcast on 26 February, Diosdado Cabello, Minister of Popular Power for Interior Relations, Justice and Peace (hereinafter Minister of the Interior), stated: "Alberto Federico Ravell⁶⁷ is very concerned about Rory Branker, the journalist from *La Patilla* who was captured for extortion through the publication of false information, among other crimes."⁶⁸

• The lawyer and trade union activist Eduardo Torres was detained in retaliation for his human rights work and his links with the non-governmental organization PROVEA. A week after his detention, the interior minister stated that PROVEA and other organizations such as Foro Penal, United Doctors of Venezuela and Maracaibo were part of an alleged "terrorist" network.⁶⁹

It should be noted that in April 2024 the Inter-American Commission on Human Rights (IACHR) had extended the precautionary measures granted to PROVEA in 2015 to 16 additional members of the organization, including Eduardo Torres.⁷⁰

■ In the case of Jorgen Guanares, Amnesty International has been unable to establish with certainty how, when or where his deprivation of liberty occurred. However, given the circumstances in which contact was lost on 2 August 2024, there are indications that it could be related to his openly anti-government stance and his participation in both demonstrations and vote-counting activities on election day.⁷¹

⁶⁶ TV programme by Minister of the Interior Diosdado Cabello, broadcast by Venezuelan state television (VTV). Amnesty International has documented how the Minister of the Interior stigmatizes, criminalizes and announces the detention of political opponents and people considered critical of the government from this platform. For more information, see: Amnesty International, Foro Penal and Centro para los Defensores y la Justicia. Calculated Repression: Correlation between stigmatization and politically motivated arbitrary detentions. 2022. AMR 53/5133/2022.

⁶⁷Alberto Federico Ravell, a journalist with extensive experience and currently in exile, is co-founder of the digital media outlet La Patilla. Throughout his career, he has remained a critical figure of the governments of Hugo Chávez and Nicolás Maduro.

⁶⁸NoticieroDigital.com. Cabello sobre detención de periodista de La Patilla: "Ravell debe rendir cuentas" (Cabello on detention of journalist from La Patilla: "Ravell must be held accountable"). 27 February 2025. Available at: https://www.youtube.com/ watch?v=rzE1yJgpE-A

⁶⁹Telesur. 28 May 2025. Available at: https://www.telesurtv.net/venezuela-expone-planes-terroristas-25m/

⁷⁰IACHR. Resolution 26/2024. Precautionary Measures 438-15 of 29 April 2024.

⁷¹As established by the Inter-American Court of Human Rights, "enforced disappearance is characterized by its clandestine nature, which requires the State to comply with its international obligations in good faith and to provide all necessary information insofar as it is the State which has control over the mechanisms to investigate incidents that took place within its territory. Consequently, any attempt to shift the burden of proof to the victims or their next of kin is contrary to the obligation imposed upon the State". See: Case of Gómez-Palomino v. Peru. Merits, Reparations and Costs. Judgment of 22 November 2005. Series C No. 136.

He had apparently received threats. He was posting a lot on social media on everything that was going on. He took many photos of the "guarimbas" (demonstrations) and of how young people were mistreated... He denounced everything. He went to San Cristóbal to see Maria Corina [Machado, who led the campaign against the reelection of Nicolás Maduro as president] and posted a video on his personal media.

Family member of Jorgen Guanares

Alfredo Díaz, former governor of the island state of Nueva Esparta and leader of the Democratic Action political party, was deprived of his liberty on 24 November 2024. Days later, the interior minister confirmed his detention, claiming that it was linked to alleged plans to sabotage the elections.⁷² The politician had publicly criticized the election results and had long been subjected to threats and surveillance by security agencies.

In several cases, the detention was allegedly motivated by the nationality of the victims, a practice reportedly used by the government of Nicolás Maduro to justify narratives of alleged foreign conspiracies and attacks,⁷³ and primarily also as a bargaining chip in negotiations with third countries.⁷⁴

In January 2025, President Nicolás Maduro declared that more than 150 "foreign mercenaries" had been detained for their alleged links to "terrorist" plots.⁷⁵

Yevhenii Petrovich Trush, a 19-year-old Ukrainian living with Autism Spectrum Disorder (ASD) and Attention Deficit Hyperactivity Disorder (ADHD), was detained without apparent cause while seeking refuge at the Atanasio Girardot International Bridge, in the state of Táchira on the border with Colombia. Yevhenii, a chemistry student, had arrived in Venezuela with the intention of starting a new life with his Venezuelan partner, after being forced to leave his country of residence due to Russia's war of aggression against Ukraine.

⁷²Polyanalítica. Diosdado Cabello aseguró que la detención de Alfredo Díaz puede desvelar los planes de María Corina (Diosdado Cabello stated that the detention of Alfredo Díaz could reveal María Corina's plans). 28 November. Available at: https://www. youtube.com/watch?v=LyOKK5v_T9g&t=19s

⁷³According to the FFM, the government has invoked the existence of conspiracies and destabilizing plots, real or fictitious, to justify repression against real or perceived opponents. Between December 2023 and July 2024, the FFM recorded 10 conspiracies, which resulted in at least 93 people being detained. See: UN Human Rights Council (UNHRC). Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, 14 October 2024. p. 18.

⁷⁴Another factor that supports this premise is the release of United States nationals who were arbitrarily detained for political reasons following the visit of Richard Grenell, Donald Trump's special envoy for Special Missions, in January 2025. There was also an "exchange" of releases in 2023, when 10 people who were arbitrarily detained for political reasons in Venezuela were released after a government representative of Nicolás Maduro who had been extradited and faced money laundering charges in the United States was released. El País, Maduro libera a seis presos estadounidenses después de reunirse con un enviado de Trump (Maduro releases six American prisoners after meeting with a Trump envoy), 31 January 2025. Available at: https://elpais.com/america/2025-01-31/trump-manda-un-enviado-especial-a-caracas-espera-que-maduro-reciba-de-vuelta-a-los-criminales-venezolanos-que-estan-en-estados-unidos.html. AP News, US, Venezuela swap prisoners: Maduro ally for 10 Americans, plus fugitive contractor 'Fat Leonard', 21 December 2023. Available at: https://apnews.com/article/venezuela-maduro-saab-detained-americans-biden-d7148a34dd009d5bab3d5f50c28ed93e.

⁷⁵Venezuela 24 horas. Nicolás Maduro aseguró que los organismos de seguridad en Venezuela han capturado a 150 conspiradores extranjeros en los últimos meses (Nicolás Maduro claims that security agencies in Venezuela have captured 150 foreign conspirators in recent months). 9 January 2025. Available at: https://www.instagram.com/reel/DEnMoh7xSmg/

In the case of Spanish nationals Andrés Martínez and Jose María Basoa, who arrived in Venezuela on a flight from Madrid as tourists, the interior minister announced at a press conference that they had been detained for being part of a network of mercenaries whose purpose was to attack the Venezuelan government. He claimed that among the evidence for this were the contact details of a woman from the Vente Venezuela party (a political party that led the opposition against the candidacy of Nicolás Maduro) and of the "comanditos of [the city of] Upata" (election oversight structures organized by the aforementioned opposition party), found on their mobiles. He also showed photos of the young woman participating in a demonstration, and claimed that "they were planning the killing of the mayor of Upata... a revolutionary woman ... " with her. He also stated that the two men had links with Spain's National Intelligence Centre (CNI), which was supposedly acting under the orders of the United States intelligence agency (CIA).⁷⁶ The Spanish government has denied any link between these two young men and the CNI.77

3.3.2 INVOLVEMENT OF AGENTS OF THE STATE

The CIDFP requires that for an enforced disappearance to occur, it must be "perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support or acquiescence of the state".⁷⁸



⁷⁶Luigino Bracci TV. Diosdado Cabello: 400 fusiles y armas decomisadas, agentes de EEUU, españoles y checos detenidos (Diosdado Cabello: 400 rifles and weapons seized, US, Spanish and Czech agents detained). 14 September 2024. Available at: https://www.youtube.com/watch?v=urZYIAF-h38

⁷⁷RTVE Noticias. Venezuela: España niega que los detenidos sean del CNI y pide verificar su identidad y acusaciones (Venezuela: Spain denies that the detainees are from the CNI and requests that their identity and the accusations are verified). 15 September 2024. Available at: https://www.youtube.com/watch?v=UcMjP3eGrbQ

⁷⁸CIDFP. Article 2. See also: IACtHR. Case of Chitay Nech et al. v. Guatemala. Preliminary Objections, Merits, Reparations and Costs. Judgment of 25 May 2010. Series C No. 212. para. 85; IACtHR. Rodríguez Vera et al. (The Disappeared from the Palace of Justice) v. Colombia. Preliminary objections, Merits, Reparations and Costs. Judgment of 14 November 2014. Series C No. 287. para. 365

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According to the information analysed, in most cases the officials who carried out the detentions wore official uniforms, or the vehicles they were using were marked with the logo of a state security body. This was so mainly in the detentions perpetrated at land borders, such as in the cases of Fabián Buglione and Yevhenii Petrovich Trush, who were detained at the Anastasio Girardot Bridge in the state of Táchira (in the west of the country on the border with Colombia); Raymar Pérez and Rosa Chirinos, detained at the Peracal crossing, also in the state of Táchira; and Lucas Hunter, detained at the Paraguayachón crossing, in the state of Zulia, a state bordering with Colombia in the northwest of the country. These detentions mainly involved officials from the Administrative Service for Identification, Migration and Aliens (SAIME), the General Directorate of Military Counterintelligence (DGCIM) and the Bolivarian National Guard (GNB).

In other cases, such as that of Eudi Andrade, who was detained while providing a motorcycle taxi service in the city of Caracas, some of the authorities involved in the detention were dressed in civilian clothes, while others wore DGCIM uniforms.

In at least two cases recorded by Amnesty International, the detentions were carried out by unidentified public officials, although the security body they belonged to subsequently became known.

For example, Damián Rojas was detained by multiple persons dressed in civilian clothes and using unmarked vehicles and motorcycles. His family confirmed that the operation was carried out by anti-drug police from the state of Lara because, in the middle of the operation, one official abandoned their motorcycle at the site of the detention. The family sheltered her in their home and when another agent came to pick her up, they said they belonged to said anti-drug body.

Rory Branker was in his car with his partner when he was detained by two armed persons in civilian clothing riding on a motorcycle. They asked for his identification and, upon confirming that it was Rory, one of the individuals got off the bike and into the driver's seat of his car, placing Rory and his partner in the back of the vehicle. Later, one of the individuals stated that they would be taking Rory to the headquarters of the Bolivarian National Intelligence Service (SEBIN) in Caracas, known as El Helicoide.

In several cases, such as that of Eduardo Torres, Amnesty International is unable to determine how the detention occurred, but presumes that it was carried out by the authorities, given that days after his disappearance, wardens at El Helicoide acknowledged that Eduardo was deprived of his liberty in their facilities.

The case of Jorgen Guanares is the only one where the organization does not know who carried out the detention. However, Amnesty International has well-founded suspicions that he may be in state custody due to his political activism and the fact that the Ministry of People's Power for Prison Services (Ministry for Prison Services) confirmed his detention, but later retracted and denied it.⁷⁹

⁷⁹Due to the widespread and systematic situation of enforced disappearance for political reasons, Amnesty International believes that this case should be investigated as an enforced disappearance. See also footnote 70.

With regard to the security forces involved in the disappearances, in 12 of the 15 cases analysed in this investigation there are indications of direct participation of the DGCIM. This body has already been identified by the FFM as a central actor in state repression, highlighting its role in the commission of acts of torture and other ill-treatment.⁸⁰ The SEBIN and the GNB allegedly participated in at least six of the arbitrary detentions.

3.3.3 DENIAL OF THE DEPRIVATION OF LIBERTY OR CONCEALMENT OF FATE AND WHEREABOUTS

The CIDFP completes the definition of the type of enforced disappearance by establishing that the deprivation of liberty perpetrated by agents of the state, or with their authorization, support or acquiescence, must be "followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees".⁸¹

Both the said CIDFP and the Declaration and CPED state that one of the cumulative elements of the definition of enforced disappearance is 1) refusal to acknowledge the deprivation of liberty, or 2) concealment of the fate or whereabouts of the disappeared person. In other words, both elements may be present in the same case, but either one of them suffices for a disappearance to be established.

The CIDFP also sets a higher protection threshold than the CPED, since the "lack of information" on the detention, fate and whereabouts of a person by the state is sufficient.⁸²

The CED's decision in the case of Yustra v. Argentina stated that an enforced disappearance also occurs in cases where the authority acknowledges the detention but does not provide information on the person's whereabouts, even if this is done some days later.⁸³

Finally, the CIDFP provides that "States Parties shall establish and maintain official up-todate registries of their detainees and, in accordance with their domestic law, shall make them available to relatives, judges, attorneys, any other person having a legitimate interest, and other authorities", thus making it mandatory for the Venezuelan authorities to register all detainees and submit comprehensive information on their whereabouts.⁸⁴

In all of the cases documented by Amnesty International, the authorities provided no information or refused to acknowledge the whereabouts of the detained person. In at least two cases – those of Fabian Buglione and Lucas Hunter – the authorities have failed to report the detention, despite the fact that there are indications that the individuals concerned were detained by state agents. In the case of Jorgen Guanares, there is also no information regarding his detention, although it is believed that it may have been carried out by the state based on contextual analysis and the apathy with which,

⁸⁴CIDFP. Article 11.

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⁸⁰UNHRC. FFM. Crimes against humanity committed through the State's intelligence services: structures and individuals involved in the implementation of the plan to repress opposition to the Government. A/HCR/51/CRP.3 https://www.ohchr.org/sites/default/ files/documents/hrbodies/hrcouncil/ffmv/2022-09-20/FFMV-CRP-3-English.docx

⁸¹CIDFP. Article 2.

⁸²The IACHR has made it clear that "the act of disappearance and its execution begin with the deprivation of liberty of the person and the subsequent lack of information about that person's fate and continues until the whereabouts of the disappeared person are known and his or her identity is established". There is thus no requirement for a "denial" that would imply active behaviour. See: IACtHR. Case of Rochac Hernández et al. v. El Salvador. Merits, Reparations and Costs. Judgment of 14 October 2014. Series C No. 285. para. 92.

⁸³CED. Views for communication No. 1/2013*. 12 April 2016. CED/C/10/D/1/2013.

in the cases of Damián Rojas, Rory Branker, Andrés Martínez, Jose María Basoa, Danner Barajas, Dennis Lepaje, Yevhenii Petrovich Trush and Eudi Andrade, state authorities have confirmed the detentions, but their whereabouts are unknown at the time of closing this report.

Amnesty International examines below the painful journey undertaken by the families of disappeared persons as they attempt to confirm their detention or determine their whereabouts through various means, including formal proceedings before the justice system.

In the case of Damián Rojas, detained on 20 January in Barquisimeto, in the state of Lara, his family immediately went to look for him at the facilities of the anti-drug unit of the Bolivarian National Police (PNB), the agency that had carried out his detention. Although they managed to locate him, he was reportedly transferred to Caracas the following day, with no information being provided to his family on the reasons for his detention or transfer. His family then searched for him in detention centres in Caracas, such as SEBIN's El Helicoide or the DGCIM's Boleíta. They filed a complaint with the Office of the Public Prosecutor and the Ombudsperson's Office and attempted to submit a writ of *habeas corpus* to the judiciary, but the latter was not admitted. None of these actions yielded a response on the reasons for Damián's arrest or his whereabouts.

Almost a month later, on 13 February, interior minister Diosdado Cabello publicly announced his detention for allegedly being part of a "terrorist operation" to "undermine peace in Venezuela".⁸⁵ This was the first news of Damián his relatives had received. Months later, his name appeared assigned to one of the terrorism courts,⁸⁶ thus enabling the family to contact his assigned public defender, who reported that he was being held at the DGCIM headquarters in Boleíta, Caracas. However, as of the closing date of this report, neither the DGCIM authorities nor any other prison centre have confirmed that Damián is in their custody.

Following the detention of La Patilla journalist Rory Branker on 20 February 2025, potentially by SEBIN officials, his family and friends visited several SEBIN centres, including the headquarters in El Helicoide, and PNB offices, but were unable to establish his whereabouts. On 25 February, his family attempted to file a *habeas corpus* petition that was rejected without justification. Seven days after his detention, on 27 February, the interior minister appeared publicly on his programme Con el Mazo Dando and alleged that Rory Branker had been arrested for extortion and other crimes. He did not, however, provide information on where he was being held. Almost a month later, the interior minister again publicly accused the journalist without revealing his whereabouts.⁸⁷

Over the months of March, April, May and June, his partner, family and

⁸⁵Globovision. Diosdado Cabello anuncia desmantelamiento de "operación terrorista" para "atentar contra la paz en Venezuela" (Diosdado Cabello announces the dismantling of a "terrorist operation" to "undermine peace in Venezuela").

¹³ February 2025. Available at: https://www.instagram.com/reel/DGBR11ARz02/?utm_source=ig_embed&ig_rid=1be26375-c503-4ad4-b461-209cd79ce6a8

⁸⁶The special anti-terrorism courts were created by the Supreme Court of Justice in 2012 and deal with cases based on the Law against Organized Crime and Terrorist Financing. They have been questioned for their lack of independence and for being part of the state's repressive machinery against dissidents and those critical of the government.

⁸⁷Impacto Venezuela. El tun tun está activo (The tun tun is active). 15 May 2025. Available at: https://www.instagram.com/reel/ DJraz2ytdyD/



friends searched tirelessly, repeatedly visiting detention centres such as El Helicoide (SEBIN), Maripérez (PNB), Boleíta (DGCIM) and Zone 7 Preventive Detention Centre (PNB); going to the Public Prosecutor's Office for information and to the judiciary to find out if his name appeared in any case file. Despite all their efforts, at the closing of this report no response had been obtained on Rory's whereabouts.

Former governor and political leader Alfredo Díaz lost contact with his family on 24 November 2024 while on his way to the state of Portuguesa to leave the country by land, due to the threats he was receiving. On 28 November, the interior minister appeared publicly to confirm his detention and claimed that he was being held at the SEBIN headquarters in El Helicoide. That same day, his family went to El Helicoide and obtained confirmation of his admission, and a sheet of paper with a list of things he needed, such as food and medicines. However, it was not until 15 December that his family was able to fully ascertain his whereabouts, by corroborating his handwriting on a note.

It was only because I cried out of desperation and begged (the guard) to please show me the letter with his handwriting... From that day on I was sure that he was there... In many cases they say they are in one place, and then they are not. 77

Relative of Alfredo Díaz^{88.}

In the case of Spanish nationals Andrés Martínez and Jose María Basoa, contact with their families was lost on 2 September 2024, while in the border town of Puerto Ayacucho. Both had a flight back from their holiday to Spain scheduled for 7 September, but they never showed up for the flight. In the absence of news, their families were deeply concerned.

On 10 September, local news media Inírida En Vivo, from the Colombian municipality of Inírida, near the border with Venezuela, reported that both men had been detained by the DGCIM.⁸⁹ The following day, INTERPOL (the International Criminal Police Organization) officially informed their relatives of their detention.

On 14 September 2024, twelve days after their disappearance, the interior minister confirmed the detention of Jose María Basoa and Andrés Martínez at a press conference, accusing them of belonging to the CNI and of having entered Venezuela with the intention of overthrowing the government of Nicolás Maduro.⁹⁰ No information was provided as to where they were being held. On 27 September, the Spanish Ministry of Foreign Affairs informed the families that, for the first time, the Venezuelan government had officially acknowledged their detention.

In January 2025, the Spanish consul to Venezuela managed to contact their assigned public defender, who said that both men were being held in the Rodeo I prison but offered no further details. However, when the

⁸⁸ Amnesty International interview with the family of Alfredo Díaz, 7 May 2025.

⁸⁹Inirida Live. Turistas españoles fueron detenidos en Puerto Ayacucho y luego fueron trasladados Caracas (Spanish tourists detained in Puerto Ayacucho and then taken to Caracas). 10 September 2024. Available at: https://www.facebook.com/ reel/845080274422231

⁹⁰Luigino Bracci TV. Diosdado Cabello: 400 fusiles y armas decomisadas, agentes de EEUU, españoles y checos detenidos (Diosdado Cabello: 400 rifles and weapons seized, US, Spanish and Czech agents detained). 14 September 2024. Available at: https://www.youtube.com/watch?v=urZYIAF-h38

consul visited the facilities, they denied that the young men were there. For eight months, neither the families nor the Spanish authorities received any additional information on their whereabouts or state of health. On 15 May 2025, Jose María Basoa was finally able to speak with his family by phone, but gave no information as to where he was. Days later, the consul of Spain returned to Rodeo I, where he was again denied information. As of the closing date of this report, the family of Andrés Martínez was still unable to contact him or confirm his whereabouts.

Danner Barajas, a young Colombian man, was detained for no apparent reason on 7 November 2024, when he was about to cross the border between Colombia and Venezuela via the José Antonio Páez International Bridge to spend a few months with his family in the state of Cojedes, in Venezuela. That same day, his relatives travelled to the area to try to obtain information from the border authorities, who recommended that they go to the headquarters of the DGCIM in Boleíta, Caracas. His family reported his disappearance before the Public Prosecutor's Office and the Ombudsperson's Office; they went to the courts in an effort to ascertain whether he had appeared at a hearing, and attempted to file a habeas corpus appeal on several occasions, without success. They also visited several detention centres in Caracas, but were denied that Danner was being held. On 15 May 2025, Danner was able to contact his family from the Rodeo I detention centre. However, when his family went to take things to him there, they were told that he was not in the facilities. Amnesty International therefore considers that he continues to be in a situation of enforced disappearance.

Dennis Lepaje, a driver from the Tumeremo area in the state of Bolivar, was detained by GNB officials on 17 February 2025, after helping to transfer injured persons from Puerto de Turumban to the local hospital. According to his family, although he had previously informed the GNB about the injured persons when going through a checkpoint, he was arrested and handed over initially to the Scientific, Criminal and Forensic Investigation Corps (CICPC) and subsequently to the DGCIM in Tumeremo. On 20 February, his relatives were informed that he had been transferred, but were not told where to.

After searching in several nearby towns, such as Puerto Ordaz and Ciudad Guayana, they travelled to Caracas where, on 25 February 2025, officials from the Public Prosecutor's Office and the Ombudsperson's Office told them that he was in Rodeo I on charges of terrorism, carrying weapons, membership of a criminal organization and involvement in a plot with opposition leader María Corina Machado. In May, when attending one of the Attorney General's public meetings, a relative managed to talk to one of his assistants, who insisted that Dennis was in Rodeo I. However, his family visited sectors I, II and III of the Rodeo prison and other detention centres on numerous occasions, and received denials regarding Dennis' imprisonment there.

Yevhenii Petrovich Trush, the 19-year-old Ukrainian living with ASD and ADHD, landed in the city of Cucuta, in Colombia's state of Norte de Santander, on 20 October 2024, where he was met by his mother-in-law. She was with him until the moment of his detention, which took place at the migration office on the Simón Bolívar Bridge marking the border between the state of Táchira (Venezuela) and Colombia, where he had gone to request asylum in Venezuela. According to his testimony, the migration officials (SAIME) enquired as to his nationality and took his passport. The PNB then took him to the migration office on the Atanasio Girardot International Bridge ("Las Tienditas"), supposedly for an interview. Once there, DGCIM agents took Yevhenii to an office, where they interrogated him and confiscated his suitcases and identity documents. They then put him into a black vehicle and took him away, with no explanation being given to his mother-in-law. Since then, his whereabouts are unknown.

His in-laws tried to find him at the various public agencies in the state of Táchira, but were unsuccessful. Between 21 and 24 October 2024, they went to the migration office on the Atanasio Girardot International Bridge, the migration office on the Simón Bolívar International Bridge, the INTERPOL offices, the offices of the prosecutor and the ombudsperson of the state of Táchira, and the offices of the CICPC of San Cristóbal in Táchira, all to no avail.

On 24 October, his mother-in-law was contacted by the Ombudsperson's Office of the state of Táchira and informed that Yevhenii was being held at the central DGCIM facilities in Caracas. However, when she went there the next day to verify the information, the officials denied having him in custody.

His mother-in-law claims that, since 2 November 2024, she has been going to the DGCIM facilities in Boleíta (Caracas) every other day, but has been unable to confirm that the young man is there. Nor has she received a positive response from the SEBIN facilities in Caracas, or any of the other prisons in the country, including Rodeo I. None of the actions she has filed have yielded information on the fate and whereabouts of Yevhenii.

My daughter is hugely distressed. She's not at all well. For many months now we do not know where Yevhenii is, how he is... The child has suffered a lot. He is a good, innocent boy. He has ASR and sometimes people treat him badly because they do not understand his condition.

Mother-in-law of Yevhenii Petrovich Trush

Friends Raymar Pérez and Rosa Chirinos, both Venezuelan nationals, were detained on 22 September 2024 at the Peracal checkpoint in the state of Táchira, when preparing to cross from Colombia to Venezuela together with Rosa's partner, a Peruvian national, and the two taxi drivers they had hired.⁹¹ According to the information received, upon realizing that a foreign citizen was traveling with them, the DGCIM had detained all five persons.

On 25 September, relatives went to the Peracal checkpoint looking for answers and were reportedly informed that the five detainees had been transferred to DGCIM facilities. However, when they arrived at such facilities in the state of Táchira, they received denials that they were being held there. According to information received, on 1 October a complaint was filed with the Ombudsperson's Office in the state of Táchira regarding the enforced

⁹¹Amnesty International only interviewed the relatives of Rosa Chirinos and Raymar Pérez, so this report does not go into detail on the cases of the other three individuals. However, the organization is aware that they may also have been victims of enforced disappearance. If this situation is confirmed, their whereabouts must be revealed immediately and, if there is no legal basis for their detention, the authorities must release them immediately.







disappearance of the two women and their companions. Two days later, a *habeas corpus* appeal was submitted before a criminal circuit court of the same state. On 8 October a complaint regarding the disappearance was filed with the Ombudsman's Office in Caracas and, a day later, a *habeas corpus* appeal was again submitted before the court, this time in Caracas. The next day, however, this court rejected the appeal, on grounds that jurisdiction corresponded to the courts of Táchira. No response from any of these actions was obtained.

On 17 October, the interior minister appeared at a press conference accusing several individuals, including Rosa's partner, of conspiring against the president of the Republic, but made no mention of the other persons detained with him.⁹²

Days later, on 22 October, a complaint was filed with the Human Rights Directorate of the Public Prosecutor's Office in Caracas, who allegedly stated that "there was nothing they could do". From October to January, the families of the two women visited several detention centres, including the DGCIM in Caracas, but all of them denied that they were being held there. In January 2025, DGCIM staff finally contacted the families to report that they were being held in that institution. In May 2025, the families of both women were able to visit them in the La Crisálida Prison Training Centre in the state of Miranda, to where they had recently been transferred.

• Eudi Andrade left his home on his motorcycle on Wednesday 29 January at 07:30 to pick somebody up and take them to Plaza Altamira, in Caracas. According to his family, he occasionally offered this motorcycle taxi service to generate additional income. However, upon arrival at their destination, they were intercepted by two black vans, one of them with DGCIM lettering. Both individuals were loaded into one of the vehicles and his family is unaware of Eudi's whereabouts since that day.

Eudi's mother filed a complaint with the CICPC when she lost contact with him. The police officers there showed her footage from a camera in the area that had recorded the moment of the detention and confirmed the participation of the DGCIM. They therefore suggested that she should look for him at their facilities in Boleíta. However, numerous visits to the centre yielded no response.

C The first day I went [to the DGCIM] I told them I had already seen the video footage at the CICPC and already knew [that they had detained him]. [I asked them] to tell me where my son was. And they laughed at me and simply told me that they didn't have him there. 7

Mother of Eudi Andrade 💈

⁹²Luigino Bracci TV. Diosdado Cabello anuncia captura de 19 mercenarios e incautan 71 armas de fuego, plan conspirativo (Diosdado Cabello announces the capture of 19 mercenaries and the seizure of 71 firearms, conspiracy plot. 17 October 2024. Available at: https://www.youtube.com/watch?v=EVy3tsOSj-M

Despite this denial, his mother continued to visit Boleíta and other centres such as El Helicoide, Yare or Rodeo I to rule out that her son could be in any one of them.

After multiple and unsuccessful visits to the courts, in April 2025 she went to the Palace of Justice where a special anti-terrorism court informed her that her son had appeared in a hearing on 28 March and was being held in Rodeo I, and also identified the public defender assigned to him. This person told her that she had seen him at the hearing and that she was "not to worry", since her son was in excellent health at Rodeo I. After going to the prison and again receiving denials regarding her son, his mother turned to the Ministry for Prison Services. When she claimed there that her son had been detained by the DGCIM, "the face of the person I was talking to immediately dropped, and they said, 'ah, no, give us your number and we'll call you back'".

In April, she managed to get the court to accept a *habeas corpus* appeal, but has again received no response to date. She has also filed several complaints with the Public Prosecutor's Office, to no avail. The last time she went there, an official reportedly told her: "There is nothing I can do. I can only ask you to be patient and not kick up a fuss."

■ The last time anyone saw young Jorgen Guanares was on 2 August 2024, after leaving his home in the town of Rubio, in Táchira, at 23:00. He was nervous and told his partner that he had to leave the house urgently. His family believes that he was receiving threats for having actively participated in the protests that had taken place four days earlier, after the elections.

His family filed a complaint for disappearance with the Prosecutor's Office in Rubio, in the state of Táchira. A month later, the file was referred to the Prosecutor's Office in San Antonio, also in the same state, with no information as to what procedures had been carried out. The case was then transferred to Caracas where, in October, they were informed that it had been discovered that Jorgen had been receiving calls from unknown numbers. They did not expand on this the information.

After one of the family's visits to prison centres in Caracas in their efforts to locate him, and following numerous complaints before the Prosecutor's Office, the Ombudsperson's Office and the courts, they received a call from the Ministry of Prison Services to report that Jorgen was being held in Tocorón prison, in the state of Aragua. However, days later, when his family appeared at the Tocorón facility, they denied that he was there. Faced with this denial, the family went back to the Ministry offices in Chacao, Caracas, where they were told that there had been a mistake and that Jorgen was not in Tocorón. They were also told that there was no record of him in any other centre.

His family has tried on multiple occasions to file a *habeas corpus* appeal without success. At the closing of this report, his whereabouts are unknown.

– Fabián Buglione, a Uruguayan national residing in the United States, was detained on 19 October 2024 at the Cúcuta-Ureña border checkpoint when entering Venezuela via the Atanasio Girardot International Bridge, in the state of Táchira. After being interrogated by immigration authorities, his belongings were confiscated, he was placed in incommunicado detention



and was later transferred by the DGCIM. Since then, his whereabouts are officially unknown.

His family, with the support of PROVEA, filed complaints with the Ombudsperson's Office and a *habeas corpus* appeal, which was rejected due to "orders from above". No judicial information on his case was found in either Táchira or Caracas.⁹³ In October, the Uruguayan government confirmed that it was unaware of his whereabouts.

On 6 January 2025, the interior minister informed of the detention of foreign nationals, including "Uruguayan nationals", for alleged terrorist plots. The Uruguayan government confirmed that this referred to Buglione, the first time that his family had any concrete news about his detention for two months. Shortly afterwards, the Attorney General publicly linked him to criminal activities, dismissing his version of personal travel and accusing him of acting as a "mercenary".⁹⁴

My boy, you have been indicted for what you are, wicked people... If you are from that country, stay in your country. What are you coming here to do, commit criminal acts outside the law...?.

Interview with Attorney General Tarek William Saab, broadcast on 10 January 2025 on the "La Posta Uruguay" programme

Eduardo Torres, a lawyer for the human rights organization PROVEA and a beneficiary of AICHR precautionary measures, allegedly disappeared at the hands of SEBIN after leaving a work meeting on 9 May 2025. He had been in touch with his wife just before that, but never made it home.

His wife and work team went round the different police detention centres in Caracas, such as the SEBIN facilities in El Helicoide, several PNB facilities in Maripérez, Boleíta and Petare, and the DGCIM in Boleíta, but were unable to find him.

On 11 May 2025, they attempted to submit a *habeas corpus* petition before an appeals judge, but this was rejected after waiting seven hours. The following day they tried at the Supreme Court of Justice (TSJ), where the appeal was admitted but no response was received.

On 13 May, PROVEA publicly denounced this enforced disappearance at a press conference.⁹⁵ Hours later, the Attorney General confirmed his detention and accused Torres of being part of an alleged conspiracy to generate violence during the elections.

⁹³Ministry of Foreign Affairs of Uruguay. Recomendación a ciudadanos uruguayos de no viajar a Venezuela (Recommendation to Uruguayan nationals against travel to Venezuela). 13 November 2024. Press release No. 86/24. Available at: www.gub.uy/ ministerio-relaciones-exteriores/comunicacion/comunicados/recomendacion-ciudadanos-uruguayos-viajar-venezuela

⁹⁴La Posta Uruguay. El Uruguayo y otros están presos por ser personas infames (The Uruguayan national and others are in prison for being wicked people. 10 January 2025. Available at: https://www.youtube.com/watch?v=BGNv5ExPzXM

⁹⁵PROVEA. DóndeEstáEduardo: pronunciamiento sobre la desaparición del defensor y miembro de PROVEA (WhereIsEduardo: statement on the disappearance of defender and member of PROVEA). 13 May 2025. Available at: https://www.youtube.com/ watch?v=HyjGoViIOMA

Post on the Attorney General's Instagram account

On the following day, they attempted to deliver a brief to the Attorney General but were unsuccessful. On 16 May, the Document Reception and Distribution Unit (URDD) confirmed that there was no record of detention in Eduardo's name. After further visits to SEBIN and DGCIM with no results, on 17 May wardens at El Helicoide finally confirmed his imprisonment there, but said that he was not allowed to have visitors or any contact with his family or his lawyers.

Lucas Hunter, a 37-year-old French American citizen, travelled as a tourist from Paris to Colombia to practice kitesurfing on the country's northern coast. On 7 January 2025, he was detained in Paraguachón, department of La Guajira (Colombia), near the border with Venezuela, apparently after becoming disoriented while riding a motorcycle. According to messages sent to his sister, he was intercepted by "military personnel" on Colombian territory and transferred to Venezuela, with no explanation. Since then, his whereabouts are unknown.

At 13:30 on 7 January 2025, Lucas Hunter informed his sister, via WhatsApp, that he had been detained for four hours in a "police station", where he had been questioned, but hoped to be released shortly. At 16:44, he told her that he would possibly be transferred to Caracas for a three-day interrogation. At 17:42, he finally confirmed that he was not being allowed out and expressed confusion, as he did not speak Spanish. It is suspected that the DGCIM may also have participated in his arrest.

On 21 January, somebody who knew Lucas spoke with a SAIME official at the border, and was reportedly told that the young man had been taken to Caracas, with no further details. At the end of January, the French embassy in Venezuela informed his family that they had sent three official requests to the Venezuelan authorities for information on Lucas, but had received no response.

In February and March 2025, lawyers hired by the family informed the governments of France and the United States of his detention and visited various DGCIM, SEBIN and Rodeo I facilities, but were unable to find him. They also attempted to file complaints of enforced disappearance with the Ombudsperson's Office and the Public Prosecutor's Office, but both institutions refused to admit such complaints, claiming that an immediate family member should be present. On 11 February, they attempted to file a *habeas corpus* appeal before the courts of Caracas, but this was also refused. Despite the efforts made by Lucas' family since his detention, they have been unable to obtain official information on his whereabouts.

⁹⁶Public Prosecutor's Office. Fiscal General Tarek William Saab rechazó acusaciones temerarias del coordinador general de Provea (Attorney General Tarek William Saab denied reckless accusations by Provea's general coordinator). 13 May 2025. Available at: https://www.instagram.com/p/DJm4H4qpVKS/?igsh=Zmw2ZHUwdWV5am9I

Pursuant to the cases examined, Boleíta (DGCIM), El Helicoide (SEBIN) and Rodeo I (Prison Services) are the detention centres most frequently used by the state to hold those who have been forcibly disappeared.

In conclusion, in all of the cases documented by Amnesty International, the three elements of an enforced disappearance as per the standards of international law are present.

NAME	NATIONALITY	PROFILE RELEVANT To the detention	DATE OF Deprivation of liberty	AUTHORITY INVOLVED			
				ALLEGED Participation**	PUBLIC STATEMENT REGARDING THE DETENTION	DISAPPEARANCE /DURATION	CURRENT SITUATION
ALFREDO DÍAZ	VENEZUELAN	FORMER GOVERNOR AND POLITICAL LEADER	24/11/2024	SEBIN and GNB	MINISTER OF THE INTERIOR	WHEREABOUTS DENIED / 4 DAYS	DETAINED AT EL HELICOIDE
ANDRÉS MARTÍNEZ JOSE MARÍA BASOA	SPANISH	SPANISH NATIONALS	02/09/2024	DGCIM	PRESIDENT AND MINISTER OF THE INTERIOR	WHEREABOUTS DENIED / ONGOING	REMAINS Forcibly Disappeared
DAMIÁN ROJAS	VENEZUELAN	EX-MILITARY	20/01/2025	PNB AND DGCIM	MINISTER OF THE INTERIOR	WHEREABOUTS DENIED / ONGOING	REMAINS Forcibly Disappeared
DANNER BARAJAS	COLOMBIAN	COLOMBIAN NATIONAL	07/11/2024	GNB AND DGCIM	N/A	WHEREABOUTS DENIED / ONGOING	REMAINS Forcibly Disappeared
DENNIS Lepaje	VENEZUELAN	DRIVER	17/02/2025	GNB AND DGCIM	N/A	WHEREABOUTS DENIED / ONGOING	REMAINS Forcibly Disappeared
EDUARDO TORRES	VENEZUELAN	LAWYER WITH PROVEA	09/05/2025	SEBIN	MINISTER OF THE INTERIOR AND ATTORNEY GENERAL	WHEREABOUTS DENIED / 8 DAYS	DETAINED AT E HELICOIDE
EUDI ANDRADE	VENEZUELAN	MOTORCYCLE TAXI DRIVER	29/01/2025	DGCIM	N/A	WHEREABOUTS DENIED / ONGOING	REMAINS Forcibly Disappeared
FABIAN BUGLIONE	URUGUAYAN	URUGUAYAN NATIONAL	19/10/2024	SAIME AND DGCIM	ATTORNEY GENERAL	WHEREABOUTS DENIED / ONGOING	REMAINS Forcibly Disappeared
JORGEN GUANARES	VENEZUELAN	OPPOSITION ACTIVIST	02/08/2024	NO INFORMATION	N/A	NO INFORMATION	REMAINS Forcibly Disappeared
LUCAS HUNTER	FRENCH-US	FRENCH AMERICAN CITIZEN	08/01/2025	GNB, SAIME AND DGCIM	N/A	WHEREABOUTS DENIED / ONGOING	REMAINS FORCIBLY DISAPPEARED
raymar Pérez	VENEZUELAN	COMPANIONS OF A Foreign National					
ROSA CHIRINOS			22/09/2024	DGCIM	N/A	WHEREABOUTS DENIED / 4 Months	DETAINED AT LAS CRISÁLIDAS
RORY Branker	VENEZUELAN	EDITOR OF "LA PATILLA"	20/02/2025	SEBIN	MINISTER OF The Interior	WHEREABOUTS DENIED / ONGOING	REMAINS Forcibly Disappeared
YEVHENII PETROVICH	UKRAINIAN	ASYLUM SEEKER	20/10/2024	SAIME, PNB AND DGCIM	N/A	WHERE ABOUTS Denied	REMAINS Forcibly Disappeared

3.3.4 DEPRIVATION OF THE PROTECTION OF THE LAW AND The Justice System's mechanisms to facilitate a Disappearance

The CIDFP states that, in cases of enforced disappearance, "recourse to the applicable legal remedies and procedural guarantees" is prevented.⁹⁷ This aspect should be understood as a natural consequence of the other three constitutive elements of the crime of disappearance – as analysed in sections 3.3.1, 3.3.2 and 3.3.3 – rather than as an independent or autonomous requirement.

As the WGEID has pointed out, any enforced disappearance inevitably implies the exclusion of the detained person from legal protection. From a human rights perspective, therefore, it is not necessary to demonstrate or presume that the perpetrator specifically intended to place the victim outside the protection of the law.⁹⁸

In this section, in addition to analysing the consequences inherent to enforced disappearance, Amnesty International examines some of the mechanisms of the justice system facilitating disappearances in the context of Venezuela.

For years – and with increased intensity after the elections of 28 July 2024 – Amnesty International has documented the systematic violation of the procedural guarantees of detainees and the active role of the judicial system as part of the repressive machinery of the state.⁹⁹ This situation was thoroughly analysed by the FFM in its report of 2021.¹⁰⁰

In this context, the subordination of the justice system to government interests does not guarantee that judicial guarantees will be complied with (and these are rights precisely intended, among other purposes, to prevent enforced disappearance); rather, it contributes to allowing and covering up the commission of disappearance. In the specific case of forcibly disappeared persons, the violation of judicial guarantees is particularly egregious because one of the consequences of enforced disappearance is the deprivation of the protection of the law. Moreover, in the case of Venezuela, these guarantees are already intentionally limited.

RIGHT TO A DEFENCE AND TO AN IMPARTIAL JUDGE

C They all confess, every one of them, because there has been a strict legal process, led by the Attorney General's Office, with full guarantees, and everyone is convicted and has confessed.

Speech by Nicolás Maduro, 3 August 2024, Caracas¹⁰¹



⁹⁷CIDFP. Article 2.

⁹⁸As mentioned in section 3.2, this does not apply to the definition of enforced disappearance as a crime against humanity under the Rome Statute, where intent must be demonstrated. WGEID. Promotion and Protection of All Human Rights. 10 January 2008. A/HRC/7/2. p. 11. Available at: https://docs.un.org/en/A/HRC/7/2

⁹⁹Amnesty International: Silenced by Force, AMR 53/6014/2017; Hunger for Justice, AMR 53/0222/2019; Dying before a judge, AMR 53/2909/2020; Life detained, AMR 53/7077/2023; "He felt he was dead", AMR 53/8783/2024.

 ¹⁰⁰UNHRC. Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela. A/HRC/48/69.
18 December 2021. pp. 4-10.

¹⁰¹El País. Maduro afirma que hay 2.000 detenidos en las protesta tras las elecciones (Maduro claims there are 2,000 detainees in the post-election protests). 3 August 2024. Available at: https://www.youtube.com/watch?v=KoAcqbd9Xeo&t=8s

The right to a fair trial is essentially enshrined in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which establishes the right of all persons to equality before the law; to effective remedy; to be heard publicly and with due guarantees by a competent, independent and impartial tribunal; to the presumption of innocence; and to adequate defence through a lawyer of their choosing; among others.¹⁰² Venezuelan legislation provides these same guarantees, including the right to a defence of one's own choosing.¹⁰³

Of the 15 cases documented for this report, Amnesty International has found that in all of them individuals were deprived of the protection of the law. In those cases where the enforced disappearance subsequently ended, the victims were left virtually defenceless against a justice system that was subservient to the repressive machinery of the state.

Specifically, in all the cases in which information could be obtained, those affected were brought before courts with jurisdiction over terrorism and charged with serious crimes of ambiguous criminal typology, with a high degree of discretion in their application and severe penalties. Such crimes include incitement to hatred, terrorism, conspiracy, treason and conspiracy to commit a crime. These special courts, which appear to be used to prosecute dissidents and those perceived as such unfairly, have been criticized by civil society organizations and various human rights bodies due to their lack of independence and collusion with political power. In the cases of enforced disappearances for which information was obtained, these courts would be acting as facilitators by omitting their duty of control and oversight.¹⁰⁴ In addition, in cases where it was possible to ascertain that the disappeared person was subject to proceedings – and therefore included in a case file –, they were assigned a public defender that performed virtually no effective proceedings on their behalf.

I went to look for the public defender, and all they said to me was 'be patient and put your faith in God.' I never received any information. 7

Statement by a relative of Rosa Chirinos

In the case of Eduardo Torres, on 27 May his wife and members of PROVEA attempted to have two trusted lawyers sworn in before the Third Special Court of First Instance in matters of Terrorism. However, the court objected. When they managed to speak with the assigned public counsel, he barely provided any information and they were therefore unaware of the actions already carried out by counsel and of the information available in the file.

In some cases, even when the court or the defence counsel did provide information on the possible whereabouts of the detained person, this was denied by the prison authorities, which means that the enforced disappearance continues. There is no evidence to suggest that, in this situation, the defence counsel or the court have taken any action aimed at reversing the situation or clarifying the whereabouts of the individual concerned.

¹⁰²ICCPR. Article 14. American Convention on Human Rights. Article 8.

¹⁰³Constitution of the Bolivarian Republic of Venezuela, Article 49, Organic Code of Criminal Procedure, articles 127 and 139.

¹⁰⁴UNHRC. Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela. A/HRC/48/69. 18 December 2021. pp. 4-10. Available at: https://docs.un.org/es/A/HRC/48/69. See also: IACHR. Serious human rights violations in the electoral context. 27 December 2024. UN Doc. 253/24. pp. 42-44. See also: Amnesty International. Life detained: Politically motivated arbitrary detentions continue in Venezuela. 19 August 2023. AMR 53/7077/2023. p. 26.

In the case of Damián Rojas, his assigned public counsel informed relatives that he was being held at the DGCIM facilities in Boleíta, Caracas. However, family members have been there multiple times to confirm his whereabouts, and the authorities have denied that he is being held there. Moreover, the public counsel reportedly did not demand official confirmation of his whereabouts from the authorities. In other words, his enforced disappearance continues.

I managed to talk to the lawyer who is defending his case and asked her to show me [Eudi's] signatures to see that he is still alive. I wanted to get a proof of life. And the lawyer told me that it was enough for her to tell me that she had seen him. I said that wasn't enough for me ... I also asked her for a copy of the case file, to which she replied that even she didn't have copies... we're in a dictatorship and I have to wait.

DETENTION OVERSIGHT JUDGE

Mother of Eudi Andrade

The CIDFP provides that "every person deprived of liberty shall be held in an officially recognized place of detention and be brought before a competent judicial authority without delay, in accordance with applicable domestic law".¹⁰⁵ This right is also enshrined in the ICCPR.¹⁰⁶

The Organic Code of Criminal Procedure (COPP) of Venezuela establishes that all detainees must be brought before a judge within a period of no more than 48 hours, through what is known as a preliminary hearing. In it, the judge assesses the legality of the detention and decides whether the person should be subjected to criminal proceedings.¹⁰⁷

This hearing, which also assesses the physical and psychological integrity of the detainee, constitutes a basic judicial guarantee, especially in contexts of enforced disappearance, as it forces the authorities to physically bring the person before a court.

Therefore, in cases where – once the first two requirements are met – there is no information on the detention or where knowledge of the fate and whereabouts of a person is denied, failure to bring the detainee in a timely manner before an oversight judge constitutes, prima facie, an enforced disappearance.

Amnesty International has documented the ineffectiveness and manipulation of this procedural guarantee, which is used to give the appearance of legality to arbitrary detentions and enforced disappearances.¹⁰⁸ This structural lack of judicial independence places victims in a serious situation of defencelessness.¹⁰⁹

In most of the documented cases, family members were unaware whether a preliminary hearing had been held, as they had not been notified and the alleged hearing of their loved ones before a judge had not been held in public. In at least four cases, a public official (usually the defence attorney assigned to the case) informed the family that the detainee had already appeared before a judge, been notified of the charges against them, and been subjected to criminal prosecution.

Amnesty International considers that secret hearings – meaning that no person outside the state

AMNESTY INTERNATIONAL

¹⁰⁵CIDFP. Article 11.

¹⁰⁶UN. International Covenant on Civil and Political Rights, Article 9.3.

¹⁰⁷COPP. Article 373.

¹⁰⁸Amnesty International. Dying before a judge. AMR53/2909/2020.

¹⁰⁹In this regard, in its case law on enforced disappearances, the Court has repeatedly stated that this constitutes an unlawful act that generates a multiple and continuous violation of several rights protected by the CIDFP and places the victim in a state of complete defencelessness, resulting in other related crimes. IACtHR. Case of Goiburú et al. v. Paraguay. Merits, Reparations and Costs. Judgment of 22 September 2006. Series C No. 153.

apparatus has knowledge of or access to them – do not put an end to an enforced disappearance, because relatives and those close to the disappeared person cannot confirm their detention, whereabouts or state of health. In accordance with the provisions of the CIDFP, the crime persists "as long as the fate or whereabouts of the victim has not been determined."¹¹⁰

In the case of lawyer Eduardo Torres, the Attorney General of the Republic publicly declared that "he was brought before a judge within the established procedural time limits and granted the right to legal representation, with deprivation of liberty being imposed for the crimes of conspiracy, terrorism, treason and association".¹¹¹ However, no family member or person close to Eduardo was notified of the hearing, nor were they allowed to visit him. They were also unaware of his place of detention until 17 May, when it was reported that he was being held in El Helicoide.

• The family of Damián Rojas learned that he had appeared before a judge months earlier when his assigned attorney briefly showed them the legal case file and informed them that Damián had refused to talk to her and to testify at the hearing.

After being allowed to visit her at the Las Crisálidas prison, Rosa Chirinos told her family that her preliminary hearing was held behind closed doors on 16 December, three months after her detention and with no one outside the state apparatus being able to attend.

HABEAS CORPUS

The CIDFP states that "[i]n no case may exceptional circumstances such as a state of war, the threat of war, internal political instability, or any other public emergency be invoked to justify the forced disappearance of persons;"¹¹² that in any case the right to "expeditious and effective judicial procedures and recourse shall be retained as a means of determining the whereabouts or state of health of a person who has been deprived of freedom";¹¹³ and that the judicial authorities must have "free and immediate access to all detention centers... and to all places where there is reason to believe the disappeared person might be found including places that are subject to military jurisdiction".¹¹⁴

This form of legal recourse, which must be quick and effective, and therefore accessible with minimal formal requirements, is commonly known as *habeas corpus* (in Latin, "you have the body") or appeal for legal protection. In Venezuela, it is regulated by the Organic Law for the Protection of Freedom and Personal Security of 2021, which establishes, among other matters, that "it will be governed by the principles of orality, publicity, gratuity and speed, and without no formality whatsoever"; that in no case will the procedure exceed ninety-six hours from the submission of the appeal; and that the appeal for protection may be filed directly by any person, the Ombudsperson's Office, the Public Prosecutor's Office or human rights organizations.¹¹⁵

¹¹⁰CIPDF. Article 3.

¹¹¹Public Prosecutor's Office. Fiscal General Tarek William Saab rechazó acusaciones temerarias del coordinador general de Provea (Attorney General Tarek William Saab denied reckless accusations by Provea's general coordinator). 13 May 2025. Available at: https://www.instagram.com/p/DJm4H4qpVKS/?igsh=Zmw2ZHUwdWV5am9I

¹¹²CIPDF. Article 10.

¹¹³CIDFP. Article 10.

¹¹⁴CIPDF. Article 10.

¹¹⁵National Assembly. Organic Law for the Protection of Freedom and Personal Security. No. 6,651 Extraordinary. 22 September 2021.

Of the 15 cases documented in this report, the families attempted to file a *habeas corpus* or protection appeal before a competent judge in 12 of them. However, in four cases the appeal was not admitted for processing, while in the other eight cases, though eventually accepted for processing (some after multiple attempts), no response was ever received from the court.

In other words, none of the *habeas corpus* appeals processed proved to be an effective recourse, nor were they processed expeditiously as established by law.

■ In the case of Damian Rojas, his family spent a week attempting to file a *habeas corpus* appeal, but the URDD of the court repeatedly refused to accept it. For several days they claimed to be "verifying" the documentation, despite having no legal basis for doing so, and allowed time to run out until the office closed. Frustrated by this, the relatives approached the presidency of the judicial circuit to leave a formal record of what had happened. However, it was not until two or three months later that they managed to file the appeal, but it was ultimately declared inadmissible by the court.

• The relatives of Danner Barajas submitted a *habeas corpus* appeal to both the Public Prosecutor's Office and the Ombudsperson's Office. However, neither institution has yet provided information on how the courts are processing the appeal, despite being the competent authority for doing so. Similarly, when they attempted to file the appeal with the judiciary in Caracas, the secretary and other court staff gave evasive answers, assuring them that it would soon be granted. After waiting for hours, they were informed that they were not accepting documents of this type.

On 3 October 2024, the relatives of Rosa Chirinos and Raymar Pérez submitted a *habeas corpus* appeal before the appellate court in the state of Táchira. Failing to receive a response, on 8 October they filed a complaint with the Ombudsperson's Office in Caracas regarding the disappearance of the two women. On the following day, 9 October, a new *habeas corpus* appeal was submitted before an oversight court in Caracas, together with a detailed brief describing the circumstances of their enforced disappearance. On 10 October, however, the oversight court declined its jurisdiction and referred the case to the judiciary in the state of Táchira. No response was obtained.

In the case of Eudi Andrade, his mother was finally able to file a *habeas corpus* appeal on 4 April 2025, following several unsuccessful attempts in the preceding weeks. She made the first attempt in March, but the authorities refused to accept the appeal without providing an explanation. Despite the appeal being admitted in April and her constant visits to the court, as of the closing date of this report she had still not received a response and no progress had been made in the process.

On 11 May, the wife and lawyers of Eduardo Torres attempted to file a *habeas corpus* appeal before a criminal circuit court in Caracas. However, the judge refused to admit it, and they therefore filed the same appeal with the Supreme Court on the following day. Forty-eight hours after its submission, the only action taken by the Supreme Court was the assignment of file number 2025-420. PROVEA also attempted to file a writ with the Attorney General's Office, but on-call officials refused to accept the document. On 19 May, PROVEA again approached the Supreme Court, where it found that, eight days after the appeal had been filed, the case file contained only two



actions: the assignment of the case number and the appointment of the presiding magistrate. Seven weeks later, no measures had been taken to ascertain where Eduardo Torres was being held nor the reasons for his detention. As of the closing of this report, no progress had been made.

The family of Jorgen Guanares has attempted multiple times to file a *habeas corpus* appeal, but to no avail. At the courts in San Cristóbal, in the state of Táchira, they were reportedly told that "to file a protection appeal it is necessary to know who took him, and under these conditions the request cannot be admitted". As of the closing of this report, the whereabouts of their son remain unknown.

Finally, in the case of Rory Branker, his partner made a first attempt to file a *habeas corpus* appeal on 25 February. This was rejected on the grounds that it was "a very long process" and that she would have to go there on several days, as the document had to be reviewed by the "boss's boss". A second attempt to file the appeal was made at the beginning of April, and this time was accepted by the court. However, the appeal remained in a state of verification, with no action being taken.

CONSULAR ASSISTANCE

The right to consular assistance is a right recognized in Article 36 of the Vienna Convention on Consular Relations, to which Venezuela is a party.¹¹⁶ It provides that, when a national of a state is arrested or detained in another country, they have the right to: 1) be informed promptly of their right to contact their consulate; 2) request that their consulate be notified of their detention; 3) receive consular visits, legal representation, and assistance for their defence.¹¹⁷

The CED has argued that the denial of information on the whereabouts of a disappeared person, including failure to notify the relevant consular authorities in cases involving foreign detainees, may facilitate acts of torture and could constitute a form of institutional cover-up.¹¹⁸

According to information received by the organization Foro Penal, at least 28 foreign nationals from 19 different countries were disappeared by Venezuelan authorities after the July 2024 elections.¹¹⁹

Amnesty International has documented the cases of six foreign nationals from Ukraine, Colombia, Uruguay, the United States, France and Spain.

Although Amnesty International has not requested information from the consular entities of these countries, the information received by relatives shows that consular assistance in most cases was virtually non-existent due to the obstacles put in place by the Venezuelan authorities.

¹¹⁶UN. Treaty Collection. Vienna Convention on Consular Relations. 1963. Available at: https://treaties.un.org/pages/viewdetails. aspx?src=treaty&mtdsg_no=iii-6&chapter=3

¹¹⁷Convention on Consular Relations. Article 36 (1).

¹¹⁸General Comment No. 1 (2023), on enforced disappearance in the context of migration

¹¹⁹According to the organization Foro Penal, the end of April saw the highest peak of individuals who remained forcibly disappeared, with a total of at least 67 people. Among these were a total of 28 foreign nationals, specifically from the countries of Colombia, Lebanon, the Czech Republic, Argentina, Italy, France, the United States, Spain, Ukraine, Peru, Cuba, Bolivia, Puerto Rico, the Netherlands, Germany, Guyana, Mexico, Ecuador and Uruguay. Foro Penal. Desaparecidos al 28 de abril de 2025 (Disappeared persons as of 28 April 2025). Private listing.
In the case of Yevhenii Petrovich Trush, because Ukraine is currently resisting a war of aggression by Russia and because it lacks consular representation in Venezuela, his situation of defencelessness was exacerbated. Despite contacting other embassies in the country, his partner's mother received no support.

According to the relatives of Fabián Buglione, efforts by his government to ascertain his whereabouts have been unsuccessful. Uruguay's consular representation was expelled from the country for not recognizing the election results that - according to government authorities - gave Nicolás Maduro the win, and has reportedly failed to establish effective communication with the Venezuelan authorities.¹²⁰ It was announced that relations between the two countries would be resumed from June 2025.¹²¹

The families of Spanish nationals Andrés Martínez and Jose María Basoa said that, despite the multiple efforts made by the government of Spain, the Venezuelan government had provided very limited and imprecise information regarding the fate and whereabouts of the two young men and no evidence to support the accusations against them. In this case, the consular authorities did manage to confirm the detention of both nationals after several weeks.

We spoke with the Colombian embassy in Venezuela, and they told us that they are sending diplomatic messages, but that [the Venezuelan authorities] never provide answers regarding the young [Colombian men who are missing]. 7

Relative of Danner Barajas.

Finally, in the case of French American citizen Lucas Hunter, his family sent the required authorizations for the diplomatic representatives of France and the United States to provide consular assistance on 3 and 6 February 2025, respectively. However, his family reported that they had been prevented from providing him with support and assistance.

3.3.5 DURATION OF AN ENFORCED DISAPPEARANCE

The CIDFP establishes that the crime of enforced disappearance "shall be deemed continuous or permanent as long as the fate or whereabouts of the victim has not been determined."¹²² In this sense, the Inter-American Court of Human Rights has reiterated that the disappearance continues as long as the whereabouts of the disappeared person are not known or their remains are identified with certainty.¹²³

As mentioned in section 3, the duration of an enforced disappearance is therefore not a constitutive element of its definition. Rather, enforced disappearance is configured once the three cumulative elements required by international law concur, regardless of its prolongation in time.

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¹²⁰Infobae. Canciller uruguayo sobre Venezuela: "Tenemos un uruguayo fallecido y no lo podemos sacar; no resiste más (Uruguayan Foreign Minister on Venezuela: "We have a deceased Uruguayan and can't get him out; he can't wait any longer). 9 June 2025. www.infobae.com/america/america-latina/2025/06/09/chancellor-uruguayo-on-venezuela-tenemos-un-uruguayo-fallecido-y-no-lopodemos-sacar-no-resiste-mas/

¹²¹DW. Venezuela y Uruguay acuerdan reanudar servicios consulares (Venezuela and Uruguay agree to resume consular services). 12 June 2025. Available at: https://www.dw.com/es/venezuela-y-uruguay-acuerdan-reanudar-servicios-consulares/a-72889296 ¹²²CIDFP. Article 3.

¹²³IACtHR. Case of Terrones Silva et al. v. Peru. Preliminary objections, Merits, Reparations and Costs. Judgment of 26 September 2018. Series C No. 360. para. 134.

In relation to the cases documented by Amnesty International, the whereabouts of 11 of the 15 disappeared persons are still unknown as of the closing date of this report. These are the cases of Andrés Martínez, Damián Rojas, Danner Barajas, Dennis Lepaje, Eudi Andrade, Fabián Buglione, Jorgen Guanares, Jose María Basoa, Lucas Hunter, Rory Branker and Yevhenii Petrovich Trush, who in turn are part of the at least 46 individuals still disappeared (possibly forcibly so) at the closing of this report.¹²⁴ Only in the case of four of them was it possible to establish their whereabouts: Alfredo Díaz, who was subjected to enforced disappearance for four days;¹²⁵ Eduardo Torres, for eight days; and Rosa Chirinos and Raymar Pérez, who were forcibly disappeared for four months.

As expressed by the CED and the WGEID, due to the complexity of so-called short-term enforced disappearance and the difficulty in identifying them, challenges may arise in establishing the exact duration of such disappearances.¹²⁶

In the case of Venezuela, a number of human rights bodies, including the IACHR, have denounced the profound degree of arbitrariness and informality with which the authorities report on the whereabouts of detainees. This practice seriously undermines the confidence and reassurance of families, who, as evidenced in this report, in many cases can only learn of the whereabouts of their loved ones through statements made by the authorities on television programmes, social networks or political rallies, or from wardens at the entrance of detention centres.

For example, the authorities confirmed the detention of Alfredo Díaz four days after it occurred, in October 2024. More specifically, the interior minister reported on his detention and whereabouts, and the family then almost immediately went to the detention centre to confirm this information and provide Alfredo with basic necessities. The wardens at El Helicoide prison acknowledged that Alfredo was in their custody and agreed to deliver the parcels. However, his family told Amnesty International that it was not until December that they could be certain he was actually being held where the authorities had announced, as they were only then able to verify his handwriting in a letter shown to them by a warden.

It is important to note that this report does not document any cases of enforced disappearance that have ended before the legal timeframe for appearing before a judge has elapsed. In the case of Venezuela, this is 48 hours.¹²⁷ However, Amnesty International has documented cases of this duration after the elections of 28 July, and believes it is important to reiterate that the expiration of the legal period within which a person must be brought before a judicial authority, in accordance with applicable domestic and international law, is not a decisive factor in establishing the existence of the crime of enforced disappearance. While legislation may differ from country to country, if an individual has not been brought before a judicial authority having oversight of the legality of their detention within the stipulated timeframe, it can only be concluded that they have been removed from the protection of the law and therefore subjected to enforced disappearance. Failure to bring a person before a judicial authority constitutes irrefutable proof that they have been removed from the protection of the law and are therefore disappeared, provided the three constituent elements outlined above are present. In other words, enforced disappearance can be established even before the period expires, as long as the constituent elements of the offence are present.

DETENTIONS THE CRIME OF ENFORCED WITHOUT A TRACE DISAPPEARANCE IN VENEZUELA

¹²⁴Foro Penal. Presos políticos en Venezuela al 11 de junio de 2025 (Political Prisoners in Venezuela as of 11 June 2025). Available at: https://x.com/ForoPenal/status/1933178680127213753

¹²⁵Although the detention and whereabouts of Alfredo Díaz were reported by the authorities in October 2024, his family claims that it was not until December (when they were able to see a handwritten letter from him in the detention centre) that they were certain he was being held in El Helicoide. It is important to mention that in a context of such high arbitrariness as is the case of Venezuela,

 ¹²⁶CED. Joint statement on so-called "short-term enforced disappearances". 31 October 2024. CED/C/11. pp. 1 and 4.
¹²⁷National Assembly. Organic Code of Criminal Procedure. 14 October 2011. No. 5558. Articles 250 and 373.

3.3.6 A MULTI-OFFENSIVE CRIME

Enforced disappearance involves the violation of multiple human rights, including the right to freedom, security and recognition of legal personality, and seriously endangers the right to life and personal integrity, which in many cases are harmed.¹²⁸

Amnesty International has denounced the inhuman and degrading conditions of detention centres in Venezuela, which exacerbate the suffering of victims of arbitrary detention and enforced disappearance when it is carried out through their imprisonment.

Amnesty International has also repeatedly highlighted the use of torture as part of the repressive policy of the government of Nicolás Maduro to obtain confessions and incriminating testimonies.¹²⁹ Based on a number of indicators compiled, such as statements by the authorities claiming that many of the disappeared detainees have confessed their crimes, there is concern that several of the individuals whose cases have been documented in this report may have been tortured to obtain or fabricate a confession, or to extract testimony that would incriminate others.

On 14 September 2024, the interior minister announced at a press conference the detention of several foreign nationals allegedly involved in a plot to overthrow President Nicolás Maduro, among them Jose María Basoa and Andrés Martínez. Regarding these two men he said: "We know they will deny it, say it is a lie. They have links with Spain's National Intelligence Centre... These Spanish gentlemen are in detention, they are providing statements, information..., their phones (reveal) the task they were coming to carry out in Venezuela, it is all very clear."¹³⁰

Co you want me to show you [the evidence]? There are phone conversations, interrogations... They are all collaborating with us, just so you know. They have all provided data, each one of them has led us to detain others... Their statements have really helped us to detain other people.

Interview with the Attorney General broadcast on 10 January 2025 as part of the programme "La Posta Uruguay" in relation to Fabián Buglione.¹³¹

¹²⁸IACtHR. Case of Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil. Preliminary objections, Merits, Reparations and Costs. Judgment of 24 November 2010. Series C No. 219. para. 122.

¹²⁹Amnesty International. Life detained: Politically-motivated arbitrary detentions continue in Venezuela. 29 August 2023. AMR 53/7077/2023. p. 16.

¹³⁰Luigino Bracci TV. Diosdado Cabello: 400 fusiles y armas decomisadas, agentes de EEUU, españoles y checos detenidos (Diosdado Cabello: 400 rifles and weapons seized, US, Spanish and Czech agents detained). 14 September 2024. Available at: https://www.youtube.com/watch?v=urZYIAF-h38

¹³¹La Posta Uruguay. El Uruguayo y otros están presos por ser personas infames (The Uruguayan national and others are in prison for being wicked people). 10 January 2025. Available at: https://www.youtube.com/watch?v=BGNv5ExPzXM



Similarly, on 13 February 2025, the interior minister held a press conference in which he referred to the so-called "Operation Aurora", allegedly conceived to carry out attacks against military units in the state of Bolivar, as part of a supposed plot by the "Venezuelan terrorist right". During his speech, Cabello showed a video in which Damián Rojas appeared to confess his participation in several military actions aimed at overthrowing the government.¹³² While Amnesty International does not intend to provide a comprehensive analysis of the impact on the indirect victims of enforced disappearances in Venezuela here, it is important to note that the disappeared person's relatives, loved ones and communities also suffer human rights violations as a direct consequence of these events.¹³³

In circumstances similar to those in Venezuela, where impunity for this type of crime is the norm, the Inter-American Court of Human Rights has also established that enforced disappearance generates "suffering and anguish, in addition to a sense of insecurity, frustration and impotence in the face of the public authorities' failure to investigate."¹³⁴

Thus, the Court has recognized that "the violation of those relatives' mental and moral integrity is a direct consequence of [his] forced disappearance"¹³⁵ and that "the continued denial of the truth about the fate of a disappeared person is a form of cruel, inhuman and degrading treatment for the close family".¹³⁶ For this reason, Amnesty International also defends the right of all people to search for their loved ones,¹³⁷ a right recognized by international legislation and case law.¹³⁸ Finally, Amnesty International has highlighted the leading role played by women in the search for missing persons, as well as the need to guarantee their protection and uphold their rights fully. The organization therefore believes that these women and their families must be protected from any form of attack or reprisal derived from their commitment to the search for truth and justice.

¹³⁴IACtHR. Blake v. Guatemala. Merits. Judgment of 24 January 1998. Series C No. 36. para. 114.

¹³⁶IACtHR Case of Trujillo Oroza v. Bolivia, judgment of 26 January 2000. para. 114

 ¹³²Globovision. Diosdado Cabello anuncia desmantelamiento de "operación terrorista" para "atentar contra la paz en Venezuela"
(Diosdado Cabello announces the dismantling of a "terrorist operation" to "undermine peace in Venezuela"). 13 February 2025.
Available at: https://www.instagram.com/reel/DGBR11ARz02/?utm_source=ig_embed&ig_rid=fea9301d-630d-4c67-ab2a-fe5742c0480f

¹³³IACtHR. Case of the 19 Merchants Vs. Colombia. Merits, Reparations and Costs. Judgment of 5 July 2004; IACtHR. Case of Bámaca Velásquez v. Guatemala. Merits. Judgment of 25 November 2000. Series C No. 91; Case of Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil. Preliminary objections, Merits, Reparations and Costs. Judgment of 24November 2010, para. 242; Contreras et al. v. El Salvador. Merits, Reparations and Costs. Judgment of 31 August 2011, para. 123; Case of Osorio Rivera and Relatives v. Peru. Preliminary objections, Merits, Reparations and Costs. Judgment of 26 November 2013, para. 228.

¹³⁵IACtHR. Blake v. Guatemala. Merits. Judgment of 24 January 1998. Series C No. 36. para. 114.

¹³⁷Amnesty International. Searching without fear: International Standards for protecting women searchers in the Americas. 29 August 2024. AMR 01/8458/2024. p. 18.

¹³⁸CPED. Article 24.2. See also: CED. Guiding Principles for the Search for Disappeared Persons, CED/C/7, 8 May 2019, principle 5.1. See also: IACtHR. Case of Radilla Pacheco v. Mexico. Preliminary Objections, Merits, Reparations and Costs. Judgment of 23 November 2009. Series C No. 209. para. 336. IACtHR. Rodríguez Vera et al. (Disappeared from the Palace of Justice) v. Colombia. Preliminary objections, Merits, Reparations and Costs. Judgment of 14 November 2014. Series C No. 287. para. 564.

3.3.7 SYSTEMATIC AND WIDESPREAD

As already discussed in section 3.2, the widespread or systematic practice of enforced disappearance of persons constitutes a crime against humanity.¹³⁹

In addition, for a crime against humanity to be configured in accordance with the Rome Statute of the International Criminal Court (ICC), additional criteria are required. Firstly, that the forced disappearance of persons is committed "as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack".¹⁴⁰ And secondly, that it is carried out with the intention of removing people from the protection of the law for a prolonged period of time.¹⁴¹

In its 2019 report Hunger for Justice, Amnesty International concluded that crimes against humanity had been perpetrated in Venezuela since at least 2014, establishing the existence of a widespread and systematic attack against the civilian population.¹⁴² The organization identified arbitrary detentions, extrajudicial executions and deaths and injuries resulting from excessive use of force as elements of a state policy aimed at punishing dissent and political criticism. Since then, the organization has continued to document how this attack has been sustained over time, manifesting at different levels of intensity depending on the country's political milestones. Cases of arbitrary detention,¹⁴³ torture¹⁴⁴ and stigmatization for the purpose of persecution¹⁴⁵ affecting large numbers of people have continued to be analysed.

This report is set against the backdrop of a further intensification of the repressive policy of the government of Nicolás Maduro, coinciding with the 2024 elections.¹⁴⁶ At least 25 people have died, with more than 2,200 detained and hundreds presumed to have suffered enforced disappearances, most of them of short duration.¹⁴⁷

The attack therefore continues to be widespread, persisting as a massive, recurrent practice, executed with remarkable severity and directed against a large number of civilian victims. As discussed in previous chapters, these enforced disappearances occurred over a wide geographic area and were perpetrated by different security forces at the national level. In its latest report, the FFM stated that "the number of cases [of enforced disappearance] identified during the reporting period, together with those reported in previous mission reports, shows that such cases were neither isolated incidents nor the result of procedural errors. Rather, such practices have become a frequent instrument of repression against real or perceived opponents."¹⁴⁸

¹³⁹CPED. Article 5. And CIDFP. Preamble.

¹⁴⁰Rome Statute of the International Criminal Court (ICC). 1 July 2002. Article 7.1.

¹⁴¹Rome Statute of the ICC. Article 7.2.i.

¹⁴²Amnesty International. Hunger for Justice: Crimes against humanity in Venezuela. 13 May 2019. AMR 53/0222/2019

¹⁴³It is important to note that since 2014, the organization Foro Penal has recorded at least 18,400 arbitrary detentions for political reasons in Venezuela. Available at: https://x.com/ForoPenal/status/1933178680127213753. Amnesty International, Life Detained: Politically motivated arbitrary detentions continue in Venezuela, 29 August 2023, AMR 53/7077/2023.

¹⁴⁴Amnesty International. Venezuela: Dying before a judge: arbitrary detention, forced disappearance, torture and death of Rafael Acosta Arévalo, 4 September 2020, AMR 53/2909/2020. See also: Amnesty International. I felt like I was dead. Torture against children for political reasons in Venezuela. 28 November 2024. AMR 53/8783/2024

¹⁴⁵Amnesty International. Venezuela: Calculated repression: Correlation between stigmatizations and arbitrary detentions for political reasons. 10 February 2022. AMR 53/5133/2022

¹⁴⁶Given the high number of arbitrary detentions committed by the government of Nicolás Maduro since 28 July 2024 and the fact that in many cases known to the organization, they have been followed by short-term enforced disappearances, Amnesty International considers that the number of enforced disappearances during this period would also be high.

¹⁴⁷Given the high number of arbitrary detentions committed by Nicolás Maduro's government since 28 July 2024, and the fact that in many cases known to the organization they have been followed by short-term enforced disappearances, Amnesty International considers the number of enforced disappearances during this period to be high as well.

¹⁴⁸UNHRC. Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela. A/HRC/57/CRP.5. 14 October 2024. P. 2.

It also reaffirms once again the systematic nature of the attack, evidenced in the coordinated use of the security apparatus and the justice system to carry out enforced disappearances. Security forces, the Public Prosecutor's Office, public counsel, the judiciary and the prison services, among other institutions, act in an organized manner and with a common objective, using significant public resources to persecute and disappear dissidents or those perceived as such.

In this context, it is clear that enforced disappearances do not occur in isolation or randomly, but respond to a structured pattern, aimed at placing the victims in a situation of absolute defencelessness as a means to punish any challenges against the government.

The involvement of senior government figures in the stigmatization and dissemination of information on forcibly disappeared persons is notable. Specifically, in seven of the 15 cases documented by Amnesty International, individuals at the highest level, including the president, the attorney general and, more frequently, the minister of the interior, spoke publicly to stigmatize and confirm the detention of the victims (although in almost all cases without revealing their whereabouts).

Finally, with regard to the element of intention to remove the person from the protection of the law for a prolonged period of time, as required by the Rome Statute, Amnesty International believes that, while this must be assessed on a case-by-case basis, there is evidence to suggest that the government intends to prolong the disappearances for a sufficiently long period, both as a form of punishment and to use them as a bargaining chip. Additionally, as noted above, of the 15 cases documented here, the whereabouts of 11 disappeared persons remain unknown at the closing of this report, and therefore removed from the protection of the law for a prolonged period of time.¹⁴⁹

¹⁴⁹Amnesty International considers that short-term enforced disappearances may constitute crimes against humanity under Article 5 of the CPED and under the CIDFP. However, for them to be considered as such under the Rome Statute of the ICC, it must be proven that, despite their short duration, the perpetrator's intent was to remove the victim from the protection of the law for an extended period of time (Article 7(2)(i) of the Statute). For Amnesty International, most of the enforced disappearances documented in this report fall within this threshold, given their prolonged duration, and it is therefore presumed that this was the intention. In those cases that lasted several days, it must be proven that, despite their short duration, the intent was to keep the victim removed from the protection of the law for an extended period.





4. CONCLUSIONS

In Venezuela, enforced disappearances are part of the widespread and systematic attack on any form of political dissent that Amnesty International has been documenting for years.

Although this practice had already been denounced over the years by various human rights bodies, such as the IACHR, the FFM, the Office of the United Nations High Commissioner for Human Rights and civil society organizations, a new surge was observed after the election of 28 July 2024, marked by a drastic and sustained increase in enforced disappearances.

The 15 cases documented in this report show that, in general terms, the deprivations of liberty were arbitrary and politically motivated. In the case of foreign nationals, the detentions and subsequent enforced disappearances seem to be part of a strategy aimed at exerting political pressure on other states and reinforcing the official narrative of an alleged foreign conspiracy.

This investigation also found that enforced disappearances generally begin with an arrest conducted by agents of the state. In this sense, the DGCIM stands out as one of the main perpetrators, followed by SEBIN and GNB.

As a direct consequence of the situation of enforced disappearance – although not exclusively because of it – there was a systematic deprivation of judicial guarantees. This was achieved through the simulation of legal proceedings, which in turn created a mechanism with which to legitimize arbitrary state actions. This mechanism consists of a judicial façade, designed to give the appearance of legality to essentially illegitimate and unlawful proceedings. The most striking elements of this simulation include preliminary hearings held in secret, the imposition of public defenders or counsel who lack the will or effective capacity to perform their duties, courts that lack independence (such as the so-called 'anti-terrorism courts') and thus de facto rendering void the writ of *habeas corpus*, and the instrumentalization of the Public Prosecutor's Office as a tool for political persecution, under the guise of the fight against alleged terrorism.

In all cases, the deprivation of liberty was followed by a lack of information, refusal to acknowledge the detention and, in particular, the deliberate concealment of the fate and whereabouts of the victim. In most cases, only after days or even months had elapsed was the detention disclosed; however, no specific information was provided and the whereabouts of the person were denied, so that the only certainty that relatives had was that the victim was in state custody, in an unknown location and condition. At the time of finalizing of this report, of the 15 documented cases of forcibly disappeared persons, the fate and whereabouts of 11 remained unknown.

Based on the cases analysed in this report, as well as on other cases that are not part of this report but were previously documented by Amnesty International after the 28 July 2024 election, it is suspected that hundreds of people, out of the thousands arbitrarily detained for political reasons following the election, would have been in a situation of enforced disappearance at some point, even if for a limited period of time.

Amnesty International therefore concludes that the enforced disappearance of people – including short-term disappearances – would have been committed in a systematic manner since 28 July 2024. This is demonstrated by the high degree of organization, institutional coordination and state resources mobilized for this practice. The involvement of the most senior government figures in publicly identifying and stigmatizing the victims, as well as the subordination of the justice system to the policy of repression of the government of Nicolás Maduro, are key elements that can confirm its systematic nature.



In addition, short-term enforced disappearances have been not only systematic but also widespread, given the high number of persons reported as victims of this crime by international bodies and human rights organizations, and the fact that the cases occurred over a wide geographic area and were perpetrated by different security forces at the national level.

Based on the analysis presented, Amnesty International considers that these crimes committed by the state coincide with the elements of the crime against humanity of enforced disappearance.

Therefore, these enforced disappearances must be investigated as crimes against humanity, in accordance with the standards of the CPED and the CIPDF, and also as crimes against humanity under the Rome Statute, given that they are part of a broader, widespread and systematic attack against the civilian population. This is based on the fact that this attack has been ongoing since at least 2014, which is why the Office of the Prosecutor of the ICC should include these cases in its Venezuela I investigation.

Amnesty International believes that the responsibility for these crimes must be determined up to the highest levels within the structure of the state. This would include not only senior government officials but also members of the justice system who, by action or omission, have facilitated, concealed or enabled the application of this repressive policy.

AMNESTY INTERNATIONAL

5. RECOMMENDATIONS

TO THE VENEZUELAN AUTHORITIES

1. Immediately cease the practice of enforced disappearances, including short-term disappearances, in strict compliance with the state's international obligations.

2. Disclose in an urgent and transparent manner the fate and whereabouts of all forcibly disappeared persons, guaranteeing victims and their families the right to truth and justice.

3. Release all persons arbitrarily deprived of liberty for political reasons immediately and unconditionally, including dropping all charges, in compliance with constitutional guarantees and international law.

4. Immediately end incommunicado detention and all practices of torture or ill-treatment against detainees and guarantee dignified conditions of detention.

5. Allow and facilitate consular access to all foreign nationals deprived of their liberty, in accordance with the provisions of the Vienna Convention on Consular Relations.

6. Guarantee judicial independence and respect for due process, refraining from using the criminal justice system as an instrument for repression or political persecution.

7. Guarantee the effectiveness of the *habeas corpus* or protection appeal to locate a forcibly disappeared person in the shortest possible time.

8. Combat impunity, and investigate and prosecute, where there is sufficient evidence, those potentially responsible for crimes under international law, including enforced disappearances, in accordance with international human rights standards. Likewise, guarantee comprehensive reparation to the victims of serious human rights violations, including enforced disappearance and arbitrary detention, as well as to their families, also ensuring their protection and assistance.

TO STATES IN THE INTERNATIONAL COMMUNITY

9. Use all available diplomatic and multilateral mechanisms to exert effective pressure on the Venezuelan authorities to reveal the whereabouts of forcibly disappeared persons and demand that they are immediately brought before a court.

10. Intensify international efforts to secure the immediate and unconditional release of all those arbitrarily detained for political reasons.

11. Strengthen technical, political and financial support for human rights defenders, journalists and civil society organizations operating in high-risk environments inside and outside Venezuela.

12. States with arbitrarily detained or forcibly disappeared nationals are urged to strengthen the diplomatic and legal actions necessary to obtain their whereabouts and secure their release without delay.

13. Publicly and privately support, through public statements, diplomatic instruments and resource mobilization, international scrutiny and justice bodies, including the Fact-Finding Mission, the Office of the High Commissioner for Human Rights and the International Criminal Court.

14. Exercise universal jurisdiction or other forms of extraterritorial jurisdiction against any person suspected of being responsible for crimes under international law, including enforced disappearances.

TO THE INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON VENEZUELA

15. Continue to document serious human rights violations comprehensively and systematically, including short-term enforced disappearances and other forms of state repression.

16. Deepen analysis of the patterns of political repression and chain of command linking senior officials of the Venezuelan state to the commission of crimes under international law, including crimes against humanity.

17. Continue to analyse the role of the justice system as a tool for repression, including the role played by the public criminal counsel in the commission of crimes under international law.

18. Maintain and strengthen dialogue with victims, civil society organizations and human rights defenders inside and outside the country, safeguarding their protection.

TO THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

19. Strengthen technical assistance and seek unrestricted access to the country to monitor the human rights situation first-hand and actively support victims, relatives and human rights organizations.

20. Promote more firmly the accountability of the Venezuelan state before international bodies, especially with regard to the use of the criminal justice system for political repression.

21. Urge the Venezuelan state to release all arbitrarily detained persons and to guarantee the independent, impartial and effective investigation of allegations of crimes under international law and other serious human rights violations, including torture, enforced disappearances, arbitrary detentions and extrajudicial executions.

TO THE INTERNATIONAL CRIMINAL COURT

22. Continue to advance the proceedings in its investigation into the Venezuela I situation, including the potential request of arrest warrants against the alleged perpetrators up to the highest level.

23. In its investigation into the Venezuela I situation, consider the crime of enforced disappearances as a crime against humanity, insofar as they are part of a systematic and/or widespread attack against a civilian population.

24. Guarantee effective cooperation with civil society organizations, victims and their legal representatives, with special attention to the safety and protection of victims and human rights defenders.

AMNESTY INTERNATIONAL

Amnesty International is a movement of 10 million people which brings out the humanity in everyone and campaigns for change so that we can all enjoy our human rights.

Our vision is of a world where those in power keep their promises, uphold international law and are held to account.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our members and individual donations.

We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

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DETENTIONS THE CRIME OF ENFORCED WITHOUT A TRACE DISAPPEARANCE IN VENEZUELA

