



# UNCHECKED POWER

Police and Military Raids in Low-Income and Immigrant Communities in Venezuela

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Communities in Venezuela

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## Police and Military Raids in Low-Income and Immigrant Communities in Venezuela

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## Summary

Since July 2015, Venezuelan security forces have conducted more than 135 operations, including sweeps through low-income communities, as part of a program known as the “Operation to Liberate and Protect the People” (*Operación de Liberación y Protección del Pueblo*, OLP). Participating security forces have included the Bolivarian National Guard, the Bolivarian National Police, the Bolivarian National Intelligence Service (SEBIN), the Scientific, Penal, and Criminal Investigative Police (CICPC), and state police forces.

Government officials have at times described the aim of the OLP raids as combatting criminal gangs that contribute to the extremely high levels of violence in Venezuela. (The country’s official murder rate was 58 per 100,000 people in 2015, one of the highest in the world.) At other times, officials have characterized the OLP in more political terms, as an effort to rid the country of armed groups that the government has alleged have links to Colombian “paramilitaries” and rightwing politicians.

Whatever the ostensible purpose of the OLP raids, there is considerable evidence, detailed here, that the security forces conducting them have committed serious abuses. In interviews with the Venezuelan Human Rights Education-Action Program (PROVEA) and Human Rights Watch, victims, witnesses, and other interlocutors described violations including extrajudicial killings and other violent abuses, arbitrary detentions, forced evictions, the destruction of homes, and the arbitrary deportation of Colombian nationals often accused without evidence of having links to “paramilitaries.”

The scope of violations by security forces during OLP raids remains unclear, in large part because Venezuelan authorities have not adequately investigated the allegations. In addition, some witnesses and victims have been reluctant to talk about government abuses for fear of retaliation. Nonetheless, in research carried out by PROVEA and Human Rights Watch between July 2015 and February 2016, dozens of victims and eyewitnesses gave specific and detailed accounts of human rights abuses by security forces engaged in OLP operations, lending credence to the broader allegations of abuse.

A common denominator shared by these cases, and by government abuses we have documented in other contexts during the past decade in Venezuela, is the extent to which the victims—or their families—have been unable to challenge alleged abuses of state power, feeling they have nowhere to turn for protection of their fundamental rights.

Over the past decade, a concentration of power in the presidency and politicization of the courts have produced a dramatic erosion of human rights protections in Venezuela. As PROVEA and Human Rights Watch have each documented in multiple reports, the Venezuelan government has wielded virtually unchecked power against its critics and opponents—jailing politicians, blacklisting trade unionists, censoring and shutting down media outlets, harassing human rights defenders, and cracking down on peaceful protests. This broad and aggressive exercise of executive power has today left people of all political stripes—not only critics—defenseless in the face of abusive government policies and practices: the neighborhoods targeted by the OLP raids documented in this report include several vulnerable low-income and immigrant communities.

## **Extrajudicial Killings and Executions**

This report includes information on 20 alleged extrajudicial killings committed during OLP raids in 2015. In 11 of these cases, which occurred in three states and in Caracas, PROVEA or Human Rights Watch interviewed witnesses directly, reviewed written testimony of witnesses, or reviewed multiple sources that reported the same facts; another 9 cases were described in media reports.

PROVEA and Human Rights Watch are not in a position to determine whether authorities had reason to pursue any specific person for alleged wrongdoing; the purpose of our analysis is to assess allegations regarding whether members of security forces complied with the law and respected human rights during these operations.

A total of 245 people were killed during OLP raids in 2015, in incidents in which “members of different security forces participated,” according to the Attorney General’s Office. Government officials have routinely said that those killed during the raids died in the course of “confrontations” with armed criminals. But in the cases included in this report, the evidence we collected—including accounts by witnesses and family members—suggests that the individuals whom security personnel shot and killed were non-

threatening. In several of those cases, security personnel are alleged to have killed people they had taken into custody, and in at least one case as the alleged victim lay in his own bed. Several press reports likewise described security agents killing people who were not confronting them.

The sheer number of people killed by security forces during these operations raises concerns about whether and to what extent the use of lethal force by security forces has been justified. Public authorities have described many of these killings as armed confrontations between criminals and the police, and indeed, given the high levels of crime, some of the killings by security forces may well have involved legitimate use of force. However, the enormous disparity between the number of people killed by security forces and the number of security personnel who have themselves been injured or killed in OLP raids suggests that the unlawful use of lethal force may be significantly higher than the number of cases analyzed by PROVEA and Human Rights Watch. The government has not reported any total figures on the number of security personnel killed or injured, but PROVEA and Human Rights Watch, in reviewing official documents and media sources, found three instances in which security agents were reportedly killed and 14 instances in which security agents were reportedly wounded during OLP raids. (Dozens of police officers were killed in Venezuela in 2015, but a majority were off duty when they were killed, according to official sources.<sup>1</sup>)

## Arbitrary Detentions

PROVEA and Human Rights Watch also received information suggesting that security forces have arbitrarily detained hundreds of people during OLP raids, and have abused some of the detainees. Security agents reportedly carried out mass detentions indiscriminately and without presenting warrants, sometimes pulling people out of their homes when they were sleeping, according to residents. According to official sources, security agents temporarily detained more than 14,000 people between July 2015 and January 2016 to “verify” whether they were wanted for the commission of crimes, but fewer than 100 of those people were ultimately charged with any offense. The large disparity between the number of those

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<sup>1</sup> “Study shows that seven out of 10 killed police officers were off duty” (“Estudio mostró que 7 de cada 10 policías asesinados no estaban en funciones”), *Correo del Orinoco*, April 26, 2015, <http://www.correodelorinoco.gob.ve/tema-dia/estudio-mostro-que-7-cada-10-policias-asesinados-no-estaban-funciones/> (accessed March 22, 2016).

rounded up and those brought before prosecutors to be charged with a crime suggests that many of the detentions, quite likely the majority, were indiscriminate and arbitrary.

In some cases reviewed by PROVEA and Human Rights Watch, the agents subjected detainees to physical abuse, including beatings, witnesses said. Some agents also reportedly stole money, laptop computers, cell phones, and basic goods such as food and diapers from homes while searching them or detaining their residents.

## **Forced Evictions and the Destruction of Homes**

PROVEA and Human Rights Watch obtained evidence indicating that government agents arbitrarily evicted thousands of people and destroyed hundreds of houses during OLP raids. Under both international and Venezuelan law, authorities must notify people prior to evictions and grant them an opportunity to challenge the validity of eviction orders. Yet residents of two communities subject to mass evictions in Miranda and Carabobo states, as well as residents of government-funded housing in other locations, reported that they had been granted neither prior notice nor any opportunity to contest the government's decision to evict them. During two OLP raids, security forces allegedly bulldozed hundreds of homes. Residents said that they had a right to live in the homes from which they were evicted, but said they were not given the opportunity to present such information to competent authorities before the evictions or to obtain adequate remedies after the fact.

## **Arbitrary Deportations**

Since August, Venezuela has deployed security forces in Táchira state on the Colombian border, following President Maduro's authorization of OLP implementation there. More than 1,700 Colombians have since been deported, and at least 22,000 more have left Venezuela fearing abuses or deportation, according to the United Nations Office for the Coordination of Humanitarian Affairs. None of the more than 700 Colombians interviewed by Colombia's Ombudsman's Office after being deported from Venezuela said that they were given a hearing to afford them an opportunity to challenge their removal. Many said that they had legal permits to live in Venezuela. More than 400 of the Colombians who returned to Colombia had either requested asylum or been granted refugee status by Venezuela, according to the Global Protection Cluster in Colombia.

In addition to arbitrary deportations, Colombians expelled from Venezuela complained of abuses by security forces. The Inter-American Commission on Human Rights reported that many Colombians who had been deported from Venezuela told its members that Venezuelan security forces used excessive force to evict them from their Venezuelan homes, which were subsequently destroyed, and that security agents subjected them to physical abuse and forceful separation from their families.

Government accusations that Colombians have links to paramilitaries and are responsible for high crime rates in Venezuela may have contributed both to security-force excesses and to the flight of Colombians in fear of random acts of violence.

## **Lack of Human Rights Protections**

As PROVEA and Human Rights Watch have each documented in multiple reports, victims of security force abuses in Venezuela have little chance of securing redress or meaningfully challenging government actions given that, after more than a decade of assaults on its independence, the Venezuelan judiciary has ceased to function as an independent branch of government and has routinely upheld abusive government policies and practices.

In the case of the forced eviction of an entire community in Miranda state, residents reported that representatives of the Attorney General's Office were present as "passive spectators" while security agents forced them out of their homes, stole their belongings, and bulldozed 100 houses. In an alleged extrajudicial execution case in Nueva Esparta state, the victim's mother said she was harassed by security forces after she filed a complaint with a prosecutor's office. She told Human Rights Watch, "I am looking for justice, and I can't find it anywhere." Many deported Colombians reported that they were not allowed to challenge their deportations.

While the government's 2014 crackdown on protests, as well as other abusive practices previously documented by PROVEA and Human Rights Watch, primarily targeted critics of the government, many of the alleged victims of violations during the OLP were people who considered themselves to be supporters of the government's "Bolivarian Revolution." One of the residents evicted in Miranda state told PROVEA and Human Rights Watch that the community had always supported "true socialism" but that the security officers who

conducted the eviction “did not give us any explanation” or show “any document by any institution, by the state, or by any court, to act as brutally as they did.”<sup>2</sup> Another resident said, “The problem is impunity. As long as there is impunity, the mistreatment by authorities will continue.”<sup>3</sup>

Since July, PROVEA staff members have met three times with the attorney general or her representatives to provide them with information on alleged abuses during OLP raids.<sup>4</sup> In her 2015 annual report, however, the attorney general mentions the OLP only once, enumerating the deaths of citizens during raids and saying that these cases are being investigated. Representatives of the attorney general’s office told PROVEA that 25 security agents are under investigation, but they did not provide further information, such as which agents, in which cases, and for which crimes.<sup>5</sup> PROVEA is aware of two investigations opened by the Attorney General: one for an alleged extrajudicial execution in the state of Zulia and another to investigate the claims of forced evictions in a community in the state of Miranda.<sup>6</sup> At the time of writing, in mid-March 2016, the office had also not responded to a letter sent by Human Rights Watch in February requesting detailed information on the status of investigations into alleged abuses committed during OLP raids.<sup>7</sup>

## Key Recommendations

The government of Venezuela should ensure that all public security operations are carried out in accordance with its international human rights obligations, as well as Venezuelan law. The government should ensure thorough and independent investigation of all allegations of extrajudicial killings and maltreatment of detainees, and ensure that perpetrators are held to account. Authorities should also ensure that detentions carried out in the course of public security operations are not arbitrary, as has been alleged in several of the raids investigated by PROVEA and Human Rights Watch. In cases in which

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<sup>2</sup> PROVEA and Human Rights Watch interview with Carlos Ramírez (pseudonym), Miranda state, November 5, 2015. Pseudonyms are used in this report to protect the identity of victims and residents who fear suffering reprisals.

<sup>3</sup> PROVEA and Human Rights Watch interview with Martín Vásquez (pseudonym), Miranda state, November 5, 2015.

<sup>4</sup> PROVEA interview with Jesús Peña Rolando, director of procedural actions at the Attorney General’s office, and Juan Carlos Tavares, director of fundamental rights at the Attorney General’s Office, Caracas, July 17, 2015; PROVEA interview with Attorney General Luisa Ortega Díaz, Caracas, December 15, 2015; PROVEA interview with Juan Carlos Tavares, director of fundamental rights at the Attorney General’s Office, Caracas, February 10, 2016.

<sup>5</sup> PROVEA interview with Juan Carlos Tavares, director of fundamental rights at the Attorney General’s Office, Caracas, February 10, 2016.

<sup>6</sup> PROVEA and victims provided information to the Attorney General in these two cases.

<sup>7</sup> Human Rights Watch letter to Attorney General Luisa Ortega Díaz, February 9, 2016.

there is a legitimate legal basis for evictions, the government should ensure that affected people are provided with prior notice, an opportunity to contest the evictions through established legal processes, and when appropriate, with compensation. And finally, the government should ensure that deportations are not arbitrary and that no asylum seekers or refugees are returned to situations where they face persecution and abuse. The Attorney General's Office should be fully transparent about the nature and progress of ongoing investigations into alleged abuses linked to OLP operations.

Ultimately, a strong, independent judiciary is essential to prevent abuses and ensure accountability and redress for the kinds of abuses alleged in this report. PROVEA and Human Rights Watch therefore call on President Nicolás Maduro, the National Assembly, and the Supreme Court to take urgent steps to restore the judiciary's role as an independent guarantor of fundamental rights.

The international community also has an important role to play in pressing Venezuela's government to end its efforts to undermine the impartiality and integrity of the judicial branch. In particular, the Inter-American and United Nations human rights systems, as well as Latin American governments that share regional commitments to protect and promote human rights and basic democratic principles, should urge the Venezuelan government to act now to ensure the independence of the country's judiciary.

# Findings

## Background

In July 2015, the administration of President Maduro launched the “Operation to Liberate and Protect the People” (*Operación de Liberación y Protección del Pueblo*, or OLP). Since then, the government has deployed security forces including the Bolivarian National Guard, the Bolivarian National Police, the SEBIN, the CICPC, and state police in more than 135 OLP operations.<sup>8</sup>

One stated aim of the OLP has been to address the problem of violent crime. The country’s official murder rate was 58 per 100,000 people in 2015,<sup>9</sup> one of the highest in the world. Unofficial estimates put it even higher.<sup>10</sup> In interviews with PROVEA and Human Rights Watch, some residents of low-income communities complained that criminal gangs controlled their neighborhoods.

Another aim of the OLP, according to officials, is to rid the country of armed groups that the government has alleged have links to Colombian “paramilitaries.”<sup>11</sup> Officials have

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<sup>8</sup> Ministry of the Popular Power for Interior Relations, Justice, and Peace, “Minister González López: OLP has disbanded 144 gangs in 135 operations” (“Ministro González López: OLP ha desmantelado 144 bandas en 135 operaciones”), *press release*, February 1, 2016, <http://www.mpprij.gob.ve/prensa/5824-ministro-gonzalez-lopez-olp-ha-desmantelado-144-bandas-en-135-operaciones> (accessed March 7, 2016).

<sup>9</sup> Attorney General’s Office, “The attorney general presented her 2015 annual report” (“Fiscal General presentó informe de gestión 2015”), February 2, 2016, [http://www.ministeriopublico.gob.ve/web/guest/principal?p\\_p\\_id=101\\_INSTANCE\\_CZf9&p\\_p\\_lifecycle=0&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-3&p\\_p\\_col\\_pos=1&p\\_p\\_col\\_count=2&\\_101\\_INSTANCE\\_CZf9\\_struts\\_action=%2Fasset\\_publisher%2Fview\\_content&\\_101\\_INSTANCE\\_CZf9\\_urlTitle=fiscal-general-de-la-republica-presento-informe-de-gestion-2015-ante-lan&\\_101\\_INSTANCE\\_CZf9\\_type=content&redirect=%2Fweb%2Fguest%2Fprincipal%3Fp\\_p\\_id%3D101\\_INSTANCE\\_CZf9%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dmaximized%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-3%26p\\_p\\_col\\_pos%3D1%26p\\_p\\_col\\_count%3D2%26\\_101\\_INSTANCE\\_CZf9\\_delta%3D3%26\\_101\\_INSTANCE\\_CZf9\\_keywords%3D%26\\_101\\_INSTANCE\\_CZf9\\_advancedSearch%3Dfalse%26\\_101\\_INSTANCE\\_CZf9\\_andOperator%3Dtrue%26cur%3D5](http://www.ministeriopublico.gob.ve/web/guest/principal?p_p_id=101_INSTANCE_CZf9&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&p_p_col_id=column-3&p_p_col_pos=1&p_p_col_count=2&_101_INSTANCE_CZf9_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_CZf9_urlTitle=fiscal-general-de-la-republica-presento-informe-de-gestion-2015-ante-lan&_101_INSTANCE_CZf9_type=content&redirect=%2Fweb%2Fguest%2Fprincipal%3Fp_p_id%3D101_INSTANCE_CZf9%26p_p_lifecycle%3D0%26p_p_state%3Dmaximized%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-3%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_CZf9_delta%3D3%26_101_INSTANCE_CZf9_keywords%3D%26_101_INSTANCE_CZf9_advancedSearch%3Dfalse%26_101_INSTANCE_CZf9_andOperator%3Dtrue%26cur%3D5) (accessed February 26, 2016).

<sup>10</sup> “Venezuela: a nation in a state,” *Economist* blog, February 18, 2016, [http://www.economist.com/blogs/graphicdetail/2016/01/graphics-political-and-economic-guide-venezuela?fsrc=gp\\_en?fsrc=scn/tw/te/bl/ed/ingraphicsapoliticalandeconomicguidetovenezuelavenezuelaanationinastate](http://www.economist.com/blogs/graphicdetail/2016/01/graphics-political-and-economic-guide-venezuela?fsrc=gp_en?fsrc=scn/tw/te/bl/ed/ingraphicsapoliticalandeconomicguidetovenezuelavenezuelaanationinastate) (accessed February 26, 2016).

<sup>11</sup> Ministry of the Popular Power for Interior Relations, Justice, and Peace, “Operation to Liberate and Protect the People eradicates paramilitarism in four areas of the country” (“Operación de Liberación y Protección del Pueblo erradica paramilitarismo en cuatro zonas del país”), July 13, 2015, <http://cpnb.gob.ve/index.php/noticias/externas/1357-operacion-de-liberacion-y-proteccion-del-pueblo-erradica-paramilitarismo-en-cuatro-zonas-del-pais> (accessed February 26, 2016); “Authorities apply OLP in Santa Rosa de Agua in Maracaibo” (“Autoridades aplican OLP en sector Santa Rosa de Agua en

repeatedly blamed “paramilitaries” for high crime rates, and accused them of buying cheap oil and basic goods that are available at a subsidized cost in state-controlled markets in Venezuela and smuggling them across the border into Colombia, where goods are unsubsidized and thus more expensive. When talking about OLP raids, officials have accused “right-wing political sectors” of “supporting the insertion of paramilitarism” into Venezuela.<sup>12</sup> In the past, government authorities have similarly accused opposition politicians or the “right” of intending to destabilize Venezuelan democracy when they have engaged in such activities as calling for anti-government protests.<sup>13</sup>

## Extrajudicial Killings

PROVEA and Human Rights Watch reviewed allegations of extrajudicial killings in the 2015 shooting deaths of 20 individuals during OLP raids. In 11 of those cases, which occurred in Caracas and in three states—Nueva Esparta, Zulia, and Mérida—PROVEA and Human Rights Watch interviewed witnesses directly, reviewed written testimony of witnesses, or were able to access multiple sources that reported the same facts. In another nine cases, the allegations came from media reports.

Venezuela’s attorney general has reported that the security forces killed a total of 245 civilians during OLP raids in 2015.<sup>14</sup> Dozens of people were reportedly killed during OLP

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Maracaibo”), *Venezuelan News Agency*, September 14, 2015, <http://www.avn.info.ve/contenido/autoridades-aplican-olp-sector-santa-rosa-agua-maracaibo> (accessed February 26, 2016).

<sup>12</sup> Bolivarian Government of Carabobo, “Ameliach: We cannot permit that politicians from the right with links to paramilitarism get to power” (“Ameliach: No podemos permitir que lleguen al poder políticos de derecha ligados al paramilitarismo”), n.d., <http://www.carabobo.gob.ve/ameliach-no-podemos-permitir-que-lleguen-al-poder-politicos-de-derecha-ligados-al-paramilitarismo/> (accessed March 1, 2016); Bolivarian Government of Carabobo, “Political factors of the right have supported the insertion of paramilitarism in Venezuela” (“Factores políticos de derecha han apoyado inserción de paramilitarismo en Venezuela”), n.d., <http://www.carabobo.gob.ve/factores-politicos-de-derecha-han-apoyado-insercion-de-paramilitarismo-en-venezuela/> (accessed March 8, 2016).

<sup>13</sup> “Venezuelan opposition member Leopoldo López calls for new protests” (“Opositor venezolano Leopoldo López convoca a nuevas protestas”), *Correo del Orinoco*, February 17, 2014, <http://www.correodelorinoco.gob.ve/nacionales/opositor-venezolano-leopoldo-lopez-convoca-nuevas-protestas/> (accessed March 16, 2016); “The only electoral campaign of the right is chaos, violence, and pain, Maduro said,” (“La única campaña electoral de la derecha es el caos, la violencia y el dolor, aseguró Maduro”), *Venezolana de Televisión*, August 3, 2015, <http://www.vtv.gob.ve/articulos/2015/08/03/la-unica-campana-electoral-de-la-derecha-es-el-caos-la-violencia-y-el-dolor-aseguro-maduro-4220.html> (accessed March 16, 2016).

<sup>14</sup> Attorney General’s Office, “Annual Report to the National Assembly 2015” (“Informe Anual a la Asamblea Nacional 2015”), n.d., [http://www.mp.gob.ve/c/document\\_library/get\\_file?uuid=010ba734-247c-4da1-859f-1ae55772d7b5&groupId=10136](http://www.mp.gob.ve/c/document_library/get_file?uuid=010ba734-247c-4da1-859f-1ae55772d7b5&groupId=10136) (accessed March 22, 2016), p. 56.

operations in 2016.<sup>15</sup> The sheer number of people killed by security forces during these operations raises concerns about whether and to what extent the use of lethal force by security forces has been justified. Public authorities have described many of these killings as armed confrontations between criminals and the police, and indeed, given the high levels of crime, some of the killings by security forces may well have involved legitimate use of force. However, the disparity between the number of people killed by security forces and the number of security personnel who have themselves been injured or killed in OLP raids suggests that the unlawful use of lethal force may be significantly higher than the number of cases analyzed by PROVEA and Human Rights Watch. The government has not reported any total figures on the number of security personnel killed or injured, but PROVEA and Human Rights Watch, in reviewing official documents and media sources, found three instances in which security agents were reportedly killed and 14 instances in which security agents were reportedly wounded during OLP raids.

The killings by security forces took place in the context of massive raids announced by the government for purposes that ranged from fighting violent crime to the “recovery” of basic essentials supposedly being hoarded, smuggled, or sold on the black market. The shooting deaths we investigated, and the cases in which people were last seen in police custody and later found dead, generally took place in the dark of night, as security agents rounded up scores of people and ransacked homes, sometimes all the homes in entire neighborhoods. In some cases, witnesses described security agents shooting victims point blank. In others, they reported last seeing victims in custody of security agents. Victims and their families have routinely been denied access to an effective recourse.

### *Margarita, Nueva Esparta state*

On August 17, 456 security agents participated in an OLP raid in Villa Zoita, a neighborhood in Margarita, Nueva Esparta state. The official reason for the raid was to “liberate the people;” officials did not specify from what.<sup>16</sup> Authorities said they “recovered” such scarce “basic essentials” as toilet paper, toothpaste, butter, tomato

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<sup>15</sup> Angelina Estrada, “More than 50 criminals have been killed in January during an OLP in Zulia” (“Más de 50 hampones han sido abatidos en enero durante OLP en el Zulia”), *Panorama*, January 29, 2016, <http://www.panorama.com.ve/sucesos/Mas-de-50-hampones-han-sido-abatidos-en-enero-durante-OLP-en-el-Zulia-20160129-0051.html> (accessed March 27, 2016).

<sup>16</sup> Tweet by Justice Minister González López, August 17, 2015, [https://twitter.com/GonzalezMPPRIJP/status/633243653390139392?ref\\_src=twsrc%5Etfw](https://twitter.com/GonzalezMPPRIJP/status/633243653390139392?ref_src=twsrc%5Etfw) (accessed February 26, 2016).

sauce, coffee, and mayonnaise.<sup>17</sup> According to a resident interviewed by Human Rights Watch and to other residents interviewed by local human rights defenders, security agents ransacked homes, beat people whom they took into temporary custody, and extrajudicially executed a young man.<sup>18</sup>

Nueva Esparta Governor Carlos Mata Figueroa said that the operation was executed “with severity but with absolute respect for human rights.”<sup>19</sup> Authorities acknowledged that “one citizen was killed” but said it happened “when he confronted security forces.”<sup>20</sup>

Olga Meza, a 38-year-old Villa Zoita resident, gave the following account of the killing.<sup>21</sup>

Meza said that at 2:30 a.m. on August 17, approximately five men dressed in black with their faces covered but wearing badges of the CICPC raided her home.

Meza, her husband, and her two sons were sleeping, while Meza’s 19-year-old daughter was breastfeeding her 6-month-old baby. The agents pulled Meza and her husband out of bed and forced him to lie down on the living room floor, where they beat him and threatened to kill him, Meza said. An agent forced Meza to stand against the wall in a corridor, placing his knee on her stomach and putting a gun in her mouth. From that position, Meza said, she watched another agent storm into the room where her daughter was breastfeeding and take the baby. The agents then beat and kicked Meza’s daughter.

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<sup>17</sup> “OLP in Nueva Esparta ends with the recovery of 23 homes” (“Finaliza OLP en Nueva Esparta con la recuperación de 23 viviendas”), *Correo del Orinoco*, August 17, 2016, <http://www.correodelorinoco.gob.ve/regiones/finaliza-olp-nueva-esparta-recuperacion-23-viviendas/> (accessed February 26, 2016).

<sup>18</sup> Human Rights Watch interview with Olga Meza, Caracas, November 20, 2015; Human Rights Watch interview with human rights defenders in Nueva Esparta, March 3, 2016.

<sup>19</sup> “OLP deploys 476 officials this Friday in Nueva Esparta” (“OLP active 476 funcionarios este viernes en Nueva Esparta”), *Venezuelan News Agency*, August 21, 2015, <http://www.avn.info.ve/contenido/olp-activa-476-funcionarios-este-viernes-nueva-esparta> (accessed February 26, 2016).

<sup>20</sup> “OLP in Nueva Esparta ends with the recovery of 23 homes” (“Finaliza OLP en Nueva Esparta con la recuperación de 23 viviendas”), *Correo del Orinoco*, August 17, 2016, <http://www.correodelorinoco.gob.ve/regiones/finaliza-olp-nueva-esparta-recuperacion-23-viviendas/> (accessed February 26, 2016).

<sup>21</sup> Human Rights Watch interview with Olga Meza, Caracas, November 20, 2015. All the details in this case are based on this interview, unless otherwise noted. The interview was conducted with the support of the Venezuelan nongovernmental group Committee of Family Members of Victims of Events of February 27 to Early March 1989 (Comité de Familiares de las Víctimas de los sucesos ocurridos entre el 27 de febrero y los primeros días de marzo de 1989, COFAVIC).

The agent holding Meza grabbed her face and forced her to look towards the room where her two sons, a 16-year-old and a 6-year-old, were in bed with the lights off. Meza said that she witnessed a CICPC agent enter the room and shoot her 16-year-old, Ángel Joel Torrealba. She recalled hearing four shots before the agent turned on the lights. Then he turned over Torrealba's dead body, saw his face, looked at the agent who was holding Meza, rolled his eyes, and shook his head, she said, implying that Torrealba was not the person for whom they were searching.

Security agents ransacked all 172 homes in the neighborhood that night, Meza said. Her neighbors told her that they stole food, television sets, air conditioners, and fans, and that they asked residents if they knew a 22-year-old man named Ángel Rodríguez—the same first name as Meza's son, but a different last name and a different age.

After killing Torrealba, the officers forced Meza and the rest of her family out of their home, she said, still in their nightclothes. Meza heard several more gunshots, and an officer shouted, "A shootout! He was armed!"

Meza told Human Rights Watch that she believes the intent of the latter gunshots and the shouting was to make it seem as though her son had died while attacking officers. Such details would coincide with the later, official version that the person who died during the OLP in Villa Zoita had confronted security forces.

About an hour later, Meza saw two members of the National Guard take her son's body, covered with the sheet from his bed, out of the house and load it into a white truck.

At around 3:30 a.m., Meza, her 6-year-old son, and her daughter with the baby were forced into a vehicle, along with a female neighbor. Meza told Human Rights Watch that three members of the National Guard drove them to a nearby hill and forced the three women to lie face down on the ground. For about two hours, members of the National Guard insulted them, beat them, stepped on them, and threatened them with a gun.

As dawn began to break around 5:00 a.m., other members of National Guard brought food for those who were guarding the three women. The officers kicked their captives one last time before heading off a few meters to eat. Meza told Human Rights Watch that the three women agreed, whispering, to run away. Meza picked up her son, her daughter grabbed

the baby, and they all ran about a kilometer to a road. Meza heard shots behind them but is not sure if they were aimed at them or fired in the air.

A man stopped his car and drove them to the hospital, where Meza was hoping to find her son. He was not there. They went to the morgue, where officials told her that the only body that had arrived that night was of a 22-year-old man, implying it could not be her son. They didn't let Meza see him. Meza insisted on verifying whether it was her son, Torrealba, and an official from the morgue surreptitiously showed her a picture of the corpse. It was her son. A death certificate reviewed by Human Rights Watch confirms that Torrealba was killed by gunshot on the morning of August 17.

That same day, Meza filed a complaint at the 9<sup>th</sup> Prosecutor's Office of Nueva Esparta state, requesting an investigation into Torrealba's death, a lawyer for an organization working on her case, the Committee of Family Members of the Victims of Events of February 27 to Early March 1989 (*Comité de Familiares de las Víctimas de los sucesos ocurridos entre el 27 de febrero y los primeros días de marzo de 1989*, or COFAVIC), told Human Rights Watch.

Meza said that since she filed the complaint, security agents have harassed both her and some of her neighbors who have spoken openly about the killing. Security agents have cruised slowly past her home in official vehicles, Meza said, and stopped her and her family members to search them. They have said these searches were part of a neighborhood "operation," but have not stopped and searched anyone else, and they have followed her on visits to her son's tomb, she said. Security agents have also threatened Meza and the neighbors who have supported her in her quest for justice with eviction from their homes, she said. The complex in which they live was built and is owned by the government.

As of February 2016, Meza was unaware of any significant developments in the criminal investigation into Torrealba's killing, according to the COFAVIC lawyer working on her case.

### *Santa Rosa de Agua, Zulia state*

On September 14, security agents conducted an OLP raid in Santa Rosa de Agua, a neighborhood in Maracaibo, Zulia state. The governor of Zulia, Francisco Arias Cardenas,

tweeted at 5:19 a.m. that the objective of the operation was to “return peace and tranquility to the people.”<sup>22</sup> Later that day, at a press conference, he said that the operation had successfully “disbanded criminal groups” that were responsible for “threats, bribery, killings, and robbery.”<sup>23</sup>

Testimony gathered by PROVEA and Human Rights Watch points to alleged abuses by security agents during the raid, including arbitrary beatings; theft; violent, unauthorized entry into homes; and extrajudicial executions. A local human rights group reported five killings during the raid.<sup>24</sup>

Human Rights Watch reviewed official testimony given by witnesses to two alleged extrajudicial executions. Yamileth Karina Núñez Morillo gave the following account to the 11th Prosecutor in the Judicial Circuit of Zulia state, regarding the death of her husband.

At approximately 4 a.m., Núñez said in her written testimony, she and her husband, Jonathan Luis Olivares, heard gunshots and the sounds of someone breaking into their home.<sup>25</sup> They jumped out of bed and ran into the bathroom with their 4-year-old daughter. Núñez called her husband’s brother, Jorge Olivares Calixto, who lived nearby, to tell him “criminals” were entering their home.

But when a voice in the hall ordered them to open the bathroom door, they found about 25 uniformed men pointing guns at them, Núñez said. The agents ordered Jonathan Olivares to crawl to the living room, Núñez said, and then they argued with one another about whether Jonathan was “him.”

When she asked what was happening, an officer pulled her hair and pushed her out of the house with the child, she said. She heard gunshots in the house but was not allowed to

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<sup>22</sup> Tweet by Governor Francisco Arias, September 14, 2015, <https://twitter.com/PanchoArias2012/status/643398600488321024> (accessed February 26, 2016).

<sup>23</sup> “Arias Cárdenas on OLP in Santa Rosa de Agua” (“Arias Cárdenas sobre OLP en Santa Rosa de Agua”), uploaded on September 14, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=oQMv6NofuTM> (accessed February 26, 2016).

<sup>24</sup> CODHEZ, “Report on the deployment of the Operation to Liberate and Protect the People in Zulia state” (“Informe sobre despliegue de la Operación Liberación y Protección del Pueblo (OLP) en el Estado Zulia”), n.d. This report was provided to Human Rights Watch in Caracas on November 5, 2015. Copy on file at Human Rights Watch.

<sup>25</sup> Written testimony by Yamileth Karina Núñez Morillo to the 11th Prosecutor of the Judicial Circuit of Zulia state (Fiscal Décima Primera del Ministerio Público de la Circunscripción Judicial del Estado Zulia), September 24, 2015.

reenter. At about 5:30 a.m., Nuñez watched a white CICPC truck pull up to her house and leave quickly. Hours later, after the officers who participated in the OLP left the area, she reentered the house, she told prosecutors. Her husband was gone. There was blood in the living room. Personal belongings, including valuables, were missing.

The family would later find Olivares's body at the morgue. They believe that officials executed him in the living room and took his body away in the white truck.

Elizabeth Coromoto Nava García gave the following written statement to the 45<sup>th</sup> Prosecutor in the Judicial Circuit of Zulia state on the death of her husband, Jorge Olivares, the brother of Jonathan Luis Olivares.<sup>26</sup>

After receiving the alarming phone call from Núñez, Jorge Olivares told his wife to hide in the house with their 2-year-old and 9-year-old daughters while he went for help. Coromoto hid in the bathroom. She heard gunshots, she told prosecutors, and she heard people breaking in. Someone ordered her to come out of the bathroom, which she did. Several police officers then forced her and the children into a room whose door the officers had broken. She found her purse open and the money gone.

Through a hole in the broken door, Coromoto watched as officers destroyed belongings and drank beverages from the refrigerator. Officers ordered her into the kitchen to wash glasses for them so that they could drink water, but she refused, she said.

From the room, Coromoto heard a gunshot outside and her husband's voice moaning, "Ay! Ay!" The officers left after holding her in the house for about four hours. The family would later find Jorge Olivares's body at the morgue.

Elvimar Olivares, the sister of Jonathan and Jorge Olivares, told Human Rights Watch that during the raid, she was blocked from entering the area of her brothers' homes, but she could see white trucks without license plates entering and leaving the area.<sup>27</sup> She said that a neighbor told her he had seen officers taking Jorge Olivares away, still alive.

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<sup>26</sup> Written testimony by Elizabeth Coromoto Nava García to the 45<sup>th</sup> Prosecutor of the Judicial Circuit of Zulia state (Fiscal Cuadragésimo Quinto del Ministerio Público de la Circunscripción Judicial del Estado Zulia), September 24, 2015.

<sup>27</sup> Human Rights Watch interview with Elvimar Olivares, sister of Jonathan and Jorge Olivares, Caracas, November 5, 2015.

It was Elvimar Olivares who went to the morgue later that morning and learned that both Olivares brothers were dead. When she went to a CICPC (investigative police) office to request an investigation into the killings, she said, CICPC officers told her that the “CICPC family is very big, and we do not go after one another.”

In addition to the Olivares brothers, security personnel killed three more people during the OLP raid in Santa Rosa de Agua, according to the nonprofit Human Rights Commission of the State of Zulia (Comisión de Derechos Humanos del Estado de Zulia, or CODHEZ). Security agents from the Bolivarian National Guard, CICPC, and state police forces entered numerous homes violently without judicial warrants, CODHEZ said, beat residents, and stole their belongings.<sup>28</sup>

On October 21, a lawyer working for CODHEZ asked the Attorney General’s Office to take several specific steps in investigating the killings of the Olivares brothers, such as obtaining the testimony of three police officers who participated in the alleged “shootouts” and providing a copy of the death certificates. As of February 2016, the Olivares family had been unable to obtain a copy of the judicial file of the investigation into the killings, a lawyer working for CODHEZ told Human Rights Watch.<sup>29</sup> In March 2016, CODHEZ reported that the Attorney General’s Office had two investigations open (one at the national level and another at the state level), but neither had yielded an effective response to family members.<sup>30</sup>

### *Other Alleged Extrajudicial Executions*

- On July 13, Minister of Interior Relations, Justice, and Peace Gustavo González López said that security agents had killed 14 “criminals” in “confrontations” during an OLP raid that day in the Cota 905 neighborhood of Caracas.<sup>31</sup> Family members of at least four people killed during the raid told news outlets that security forces took

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<sup>28</sup> CODHEZ, “Report on the deployment of the Operation to Liberate and Protect the People in Zulia state.”

<sup>29</sup> Human Rights Watch interview with CODHEZ staff members, February 10, 2016.

<sup>30</sup> CODHEZ, “Six months after the Operation to Liberate the People in the Santa Rosa de Agua area in Maracaibo, there is no conclusive response by the Attorney General’s Office” (“A seis meses de la Operación Liberación del Pueblo en el sector Santa Rosa de Agua de Maracaibo, no se recibe una respuesta concluyente del Ministerio Público”), March 19, 2016, <https://codhez.wordpress.com/2016/03/19/a-seis-meses-de-la-operacion-liberacion-del-pueblo-en-el-sector-santa-rosa-de-agua-de-maracaibo-no-se-recibe-una-respuesta-concluyente-del-ministerio-publico/> (accessed March 21, 2016).

<sup>31</sup> “González López: 14 criminals die in the Cota 905, operations in Betania and Ciudad Tiuna” (“González López: Mueren 14 maleantes en Cota 905, operativos en Betania y Ciudad Tiuna”), uploaded on July 13, 2015, video clip, YouTube, [https://www.youtube.com/watch?v=\\_Vd3TEAC16I](https://www.youtube.com/watch?v=_Vd3TEAC16I) (accessed February 26, 2016).

the victims away alive and that families later found them dead at the morgue.<sup>32</sup> Family members of Edison Alcalá, 21, one of the dead, said to Venezuelan news media that neighbors saw security forces detain him alive. Alcalá's family went to several police and military headquarters to see if Alcalá was being held, but they found him on the morning of July 14 at the morgue.<sup>33</sup>

- Security agents killed five people during an OLP raid in Mérida state on September 11, 2015, Alexis Ramírez, the state governor, said. Various security forces reportedly deployed a total of 117 agents in the raid. Ramírez and the head of the investigative police (CICPC) in Mérida said the victims were “criminals” who belonged to a “very dangerous gang” that had committed various crimes, including robbery and drug trafficking.<sup>34</sup> A human rights advocate who interviewed witnesses and requested anonymity told Human Rights Watch that CICPC agents forcefully entered the home of one of the victims at 4 a.m. They kept the victim's family in a separate room, from where family members heard several shots. The victim was taken away wounded but alive, witnesses told the advocate. Firefighters tried to provide him with medical care, but the CICPC agents allegedly stopped them. The agents reportedly pointed a gun at the firefighters while kicking and beating the victim, who died later at a hospital. In another case, the human rights advocate obtained testimony of witnesses who said that CICPC agents forcefully entered a home at 4 a.m. and handcuffed two victims, before taking them to another floor of the house. Family members remained on a different floor and heard several shots, the

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<sup>32</sup> The names of the alleged victims are Carlos Luis Castro, Kevin Jesús Istúriz, Edison Alcalá, and Denny Jesús. Vanessa Moreno Losada, “People detained by the Bolivarian National Police in the Cota 905 were found dead in the Bello Monte morgue” (“Detenidos por la PNB en la Cota 905 fueron localizados muertos en la morgue de Bello Monte”), *Contrapunto*, July 14, 2015, <http://contrapunto.com/noticia/pnb-impide-declarar-a-familiares-de-los-abatidos-en-operativo-en-la-cota-905/> (accessed February 26, 2016); Sandra Guerrero, “Family members of four people killed in Cota 905 deny that there was a shootout” (“Familiares de 4 muertos en Cota 905 niegan que hubo enfrentamiento”), *El Nacional*, July 16, 2015, [http://www.el-nacional.com/sucesos/Familiares-muertos-Cota-niegan-enfrentamiento\\_o\\_665333658.html](http://www.el-nacional.com/sucesos/Familiares-muertos-Cota-niegan-enfrentamiento_o_665333658.html) (accessed February 26, 2016).

<sup>33</sup> “This is what the Bello Monte morgue looked like after the incidents in Cota 905” (“Así permaneció la morgue de Bello Monte tras sucesos de la Cota 905”), uploaded on July 14, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=s9WHnRMdPG4> (accessed February 26, 2016); Jesus Alberty Yajure, “My brother was taken alive and he appeared dead in the morgue” (“A mi hermano se lo llevaron con vida y apareció muerto en la morgue”), *Runrunes*, July 14, 2016, <http://runrun.es/nacional/212885/a-mi-hermano-se-lo-llevaron-con-vida-y-aparecio-muerto-en-la-morgue.html> (accessed February 26, 2016); Yohana Marra, “A young man detained in Cota 905 is found dead” (“Encuentran muerto a muchacho detenido en la Cota 905”), *Crónica Uno*, July 14, 2015, <http://cronica.uno/encuentran-muerto-a-muchacho-detenido-en-la-cota-905/> (accessed February 26, 2016).

<sup>34</sup> “Five criminals killed during an OLP in Mérida” (“Cinco delincuentes abatidos durante OLP en Mérida”), *Globovisión*, September 11, 2015, <http://archivo.globovision.com/cinco-delincuentes-abatidos-durante-olp-en-merida/> (accessed February 26, 2016).

advocate said, and CICPC agents later told them that the victims had belonged to a criminal gang and had died during a “shootout.”

- On October 28, security agents from several forces, including SEBIN, CICPC, and the Bolivarian National Police, participated in an OLP raid in El Cementerio, an area adjacent to Cota 905, a resident told Human Rights Watch. The resident said that security agents forcefully entered a home, took a man from inside, forced him to kneel, and shot him. The agents also stole personal belongings from houses in the neighborhood and detained two other residents who were not committing crimes, he said.<sup>35</sup>

In addition to the cases of alleged unlawful killings described above, local newspapers have reported on at least nine cases in which security forces allegedly executed people during OLP operations, including the following:

- On August 21, brothers Yoel Eduardo Páez, 21, and Jonathan Ronaldo Páez, 19, were shot and killed by security agents during an OLP raid in Naguanagua, Carabobo state, while they were running away from the agents, according to family members. The family members told local media that they were not allowed to see the bodies.<sup>36</sup>
- On August 31, members of the National Guard allegedly raided a house and detained Luis José Márquez Cedeño, 14, during an OLP raid in Bolívar state. That was the last time he was seen alive, according to his mother. She said eyewitnesses saw her son taken away alive. His body was found later.<sup>37</sup>
- On September 3, security agents killed Héctor Luis Díaz Zerpa, 23, during an OLP raid in Puerto La Cruz, Anzoátegui State. Authorities said he had opened fire against security agents, but residents told a local newspaper that Díaz did not

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<sup>35</sup> Human Rights Watch interview with Felipe Gómez (pseudonym), Caracas, November 3, 2015.

<sup>36</sup> “Two brothers killed in OLP in Naguanagua” (“Dos hermanos abatidos en OLP en Naguanagua”), *El Carabobeño*, August 21, 2015, <http://gentedehoy.com/actualidad/sucesos/dos-hermanos-abatidos-en-olp-en-naguanagua> (accessed February 26, 2016).

<sup>37</sup> Pableysa Ostos, “They took my son alive and he appeared dead” (“Se llevaron vivo a mi hijo y apareció muerto”), *Correo del Caroní*, September 10, 2015, <http://www.correodelcaroni.com/index.php/sucesos/item/36810-la-olp-se-llevo-vivo-a-mi-hijo-y-aparecio-muerto> (accessed February 26, 2016).

confront the security agents. Díaz's sister said he got scared when he saw the raid starting, and the agents shot him while he was running to seek refuge.<sup>38</sup>

- On October 8, security forces killed Kellber Giovanni Mogollón, 27, and Wilmer Alexander Suárez, 21, after what authorities described as two separate “shootouts” during an OLP raid in Barquisimeto, Lara state. Family members of the deceased told media the men were killed, unresisting, inside the homes.<sup>39</sup>
- On October 14, security forces killed brothers José Luis Maita Ramos, 25, and Diómedes Morales Maita, 23, during an OLP raid in two municipalities in the states of Anzoátegui and Sucre, according to official sources.<sup>40</sup> Official sources called the encounter a confrontation. However, family members of the dead said that both men were killed while sleeping in the home they shared.<sup>41</sup>
- On December 11, security forces killed Gustavo Mariozzi Simanca, 17, whom the Bolivarian National Police had accused of killing a police officer in Caracas.<sup>42</sup> A member of Mariozzi's family told a news outlet that he was buying a soda when agents of CICPC, the National Bolivarian Police, and SEBIN entered the store. Mariozzi ran away, along with four others, the family member said, and the officers killed them all in a warehouse.<sup>43</sup>

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<sup>38</sup> Elisa Gómez, “Young man was killed during OLP in El Paraíso” (Joven cayó abatido en la OLP de El Paraíso), *El Tiempo*, September 4, 2015, <http://eltiempo.com.ve/sucesos/homicidio/joven-cayo-abatido-en-la-olp-de-el-paraiso/193496> (accessed February 26, 2016).

<sup>39</sup> “Two people killed during OLP in Pavia” (“Dos abatidos durante la OLP en Pavia”), *El Impulso*, October 9, 2016, <http://www.elimpulso.com/noticias/sucesos/dos-abatidos-durante-la-olp-en-pavia-fotos> (accessed February 26, 2016).

<sup>40</sup> “Criminal gangs in the coast of Sucre and Anzoátegui were disbanded” (“Desarticularon bandas delictivas en eje costero de Sucre y Anzoátegui”), *Correo del Orinoco*, October 14, 2015, <http://www.correodelorinoco.gob.ve/regiones/desarticularon-bandas-delictivas-eje-costero-sucre-y-anzoategui/> (accessed February 26, 2016).

<sup>41</sup> Yraida Núñez, “Three people dead and one injured after OLP in Playa Colorada” (“Tres muertos y un herido tras OLP en Playa Colorada”), *El Tiempo*, October 14, 2015, <http://eltiempo.com.ve/sucesos/operativo/tres-muertos-y-un-herido-dejo-olp-en-playa-colorada/198018> (accessed February 26, 2016).

<sup>42</sup> Tweet by the Bolivarian National Police, December 12, 2015, [https://twitter.com/cpnb\\_ve/status/67574544425781248](https://twitter.com/cpnb_ve/status/67574544425781248) (accessed February 26, 2016); Ministry of the Popular Power of Interior Relations, Justice, and Peace, “OLP disbanded gang that killed police officers in Caracas” (“OLP desmanteló banda mata policías en Caracas), December 11, 2015, <http://www.mpprij.gob.ve/prensa/5224-olp-desmantelo-banda-mata-policia-en-caracas> (accessed February 26, 2016).

<sup>43</sup> Armando Altuve, “A young man is killed in the OLP” (“Un joven es abatido en la OLP”), *2001*, December 14, 2015, <http://www.2001.com.ve/en-la-calle/118381/un-joven-es-abatido-en-la-olp-.html> (accessed February 26, 2016).

## Arbitrary Detentions, Forced Evictions, and Destruction of Homes

Venezuelan authorities have said that during the OLP raids of 2015, security forces detained some 14,000 people, ostensibly in order to “verify” whether any of them were wanted for crimes. Of those, 1,400 were arrested and fewer than 100 were actually brought before prosecutors to be charged with a crime, a review of official sources conducted by PROVEA and Human Rights Watch revealed. The low number of people brought before prosecutors to be charged with crimes compared to the total initially rounded up—approximately one in 140—suggests that the mass temporary detentions were indiscriminate.

Witnesses to some of these mass detentions alleged that security agents failed to present warrants, ransacked the homes of those rounded up, and beat and kicked people in custody.

Those rounded up were held for as long as 14 hours, during a “citizens’ verification process” in which security agents checked to see whether the detainees were under criminal investigation, according to research conducted by PROVEA.<sup>44</sup> In some cases, residents said, security agents stole cell phones, laptop computers, and such basic goods as food and diapers from homes while the residents were being held in custody.<sup>45</sup>

Large-scale forced evictions have also been an alleged feature of many OLP raids. PROVEA and Human Rights Watch received testimony from residents of private communities in Miranda and Carabobo states, and from residents of government-owned housing complexes elsewhere, who said they were evicted from their homes during OLP raids without prior notice and without being offered relocation options or compensation. During the 2015 raids, government agents evicted thousands of people and destroyed more than 800 houses, according to residents.<sup>46</sup>

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<sup>44</sup> PROVEA interviews with residents in the communities of Cota 905 and Brisas del Hipódromo, as well as with residents living in government-housing complexes in Caracas and the states of Miranda and Vargas, who were detained during OLP raids in 2015.

<sup>45</sup> See, e.g., Human Rights Watch interview with Pablo Jiménez (pseudonym), Caracas, November 5, 2015; PROVEA interview with Marta Giménez (pseudonym), Caracas, July 18, 2015; PROVEA interview with Juana Perez (pseudonym), Caracas, July 18, 2015; PROVEA interview with Paula Rojas (pseudonym), Caracas, July 18, 2015

<sup>46</sup> In addition to the 500 houses destroyed in Brisas del Hipódromo and Panamericana Highway, and the claims of Colombian citizens regarding the destruction of their homes, which are described in this report, there are other claims of destruction of homes in states such as Nueva Esparta and Táchira, reported by official sources and media outlets. See e.g., Ministry of the Popular Power for Interior Relations, Justice, and Peace, “A gang is dismantled and the capture of a wanted

All Venezuelans are entitled under international law to be protected from forced eviction. Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Venezuela has ratified, guarantees the right to housing.<sup>47</sup> The United Nations Committee on Economic, Social, and Cultural Rights, which interprets the ICESCR, has said that “all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”<sup>48</sup> The evictions alleged to have taken place during OLP operations—occurring without warning and without giving residents recourse to any legal process—constitute forced evictions within the meaning of Venezuelan and international law, if the facts alleged are true.

Venezuelan law provides for protections that are broadly in accordance with international standards. An eviction is only allowed after a legal proceeding usually by the Ministry of Housing, in which the person who is to be evicted can defend him or herself. Under Venezuelan law, such proceedings are not required when a house is going to be lawfully demolished or under other specified circumstances, but authorities must always provide the evicted people a provisional or permanent relocation option.<sup>49</sup>

As detailed below, PROVEA and Human Rights Watch found serious allegations of forced evictions, destruction of homes without due process, and inadequate access to legal recourse after the evictions or destruction of homes. As described in this report, the

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person is the result of the OLP in Nueva Esparta” (“Una banda desmantelada y la captura de un solicitado es el resultado de la OLP en Nueva Esparta”), *press release*, September 18, 2015, <http://www.mpprij.gob.ve/index.php/prensa/4087-una-banda-desmantelada-y-la-captura-de-un-solicitado-es-el-resultado-de-la-olp-en-nueva-esparta> (accessed March 27, 2016); “Neighbors of the Los Olivos area complain about police abuse”, (“Vecinos del sector Los Olivos denuncian “atropello policial”) *Diario Caribazo*, n.d., <http://www.diariocaribazo.net/noticia.php?id=21011#VvfcD0lrKUI> (accessed March 27, 2016); Ministry of the Popular Power for Interior Relations, Justice, and Peace, “OLP Táchira: Five people detained for different crimes in the municipality of Bolívar” (“OLP Táchira: Cinco personas aprehendidas por diferentes delitos en el municipio de Bolívar”), *press release*, August 30, 2015, <http://www.mpprij.gob.ve/mas-noticias/3852-olp-tachira-cinco-personas-aprehendidas-por-diferentes-delitos-en-el-municipio-bolivar> (accessed March 27, 2016).

<sup>47</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Venezuela in 1978, art. 11. Similarly, Article 17 of the International Covenant on Civil and Political Rights, which Venezuela has also ratified, protects against “unlawful or arbitrary interference” with people’s homes. International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, ratified by Venezuela in 1978, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 59, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 17.

<sup>48</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, The right to adequate housing (art. 11 (1) of the Covenant), U.N. Doc. E/1992/23 (1991), para. 8(a).

<sup>49</sup> Law against Arbitrary Evictions from Homes (Ley Contra el Desalojo y la Desocupación Arbitraria de Viviendas), arts. 5-14, 18.

Ombudsman’s Office, the Attorney General’s Office, and other competent authorities do not appear to have adequately responded to complaints filed by victims.

### *Cota 905, Caracas*

At dawn on July 13, 2015, security agents from the National Guard, the SEBIN, the CICPC, and the National Bolivarian Police carried out an OLP raid at the Cota 905, a low-income neighborhood in Caracas.<sup>50</sup> Later that day, Interior Relations, Justice, and Peace Minister Gustavo González López said in a press conference that 134 people, including 32 foreigners “with direct ties to Colombian paramilitaries” had been detained during the operation and that 14 “criminals” had been killed during “confrontations” with security forces.<sup>51</sup> President Nicolás Maduro said that 40 “foreign paramilitaries” had been detained.<sup>52</sup> Attorney General Luisa Ortega Díaz claimed that security personnel had acted with “full respect for human rights.”<sup>53</sup>

Despite this last claim, more than 20 residents interviewed by PROVEA and Human Rights Watch gave accounts strongly suggesting that security forces committed abuses during the raid.<sup>54</sup> Some residents said that security agents—without showing warrants, saying that they were “acting pursuant to a presidential order”—forcefully entered dozens of homes during the dawn hour when most people were sleeping. The residents said that the agents stole cell phones, money, and food, among other goods. Dozens of residents disputed the government’s tally of 134 people detained, telling PROVEA that security agents detained

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<sup>50</sup> “Report of the first OLP in the country” (“Reporte del despliegue del primer OLP en el país”), uploaded on July 27, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=9U2Q5hrfUiM> (accessed February 26, 2016); “Cabello warns that NGOs attempt to discredit security plans” (“Cabello advierte que ONG pretenden desacreditar planes de seguridad”), *Venezuelan News Agency*, July 23, 2016, <http://www.avn.info.ve/contenido/cabello-advierte-que-ong-pretenden-desacreditar-planes-seguridad> (accessed February 26, 2016); “Ministry of Interior and Justice announces results of forceful operation in the Cota 905” (“MIJ anuncia resultado de contundente operativo en la Cota 905”), uploaded on July 13, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=KFZpygoGJ8s> (accessed February 26, 2016).

<sup>51</sup> “Ministry of Interior and Justice announces results of forceful operation in the Cota 905.”

<sup>52</sup> “In contact with Nicolás Maduro 34” (“En Contacto con Nicolás Maduro 34”), uploaded on July 15, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=6kG9-T9tPUg> (accessed February 26, 2016).

<sup>53</sup> Attorney General’s Office, “Attorney General: 19 people detained in the security operation in the Cota 905 will be presented [before a judge]” (“Fiscal General: serán presentadas 19 personas detenidas en el operativo de seguridad en la Cota 905”), July 15, 2015, [http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal\\_content/56/10136/8964196](http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/8964196) (accessed February 26, 2016).

<sup>54</sup> Human Rights Watch interviewed three of the residents in Caracas, and PROVEA interviewed the rest (PROVEA taped seven of those interviews, which were also reviewed by Human Rights Watch).

what they estimated to be more than 200 people, including some who were held for an entire day and subject to beatings.<sup>55</sup>

The agents took several detainees uphill to an open area called “The Field” (*La Cancha*), where they forced them to kneel in the sun for several hours, according to residents interviewed by PROVEA and Human Rights Watch. For example, Pedro Beltrán, a resident, told PROVEA that security agents broke into his home in the early morning and took him and his son outside wearing neither shoes nor shirts. The officers then allegedly forced them to lie on the ground for four hours, and beat them when they raised their heads. Beltrán said that the officers then took them to La Cancha and forced them to kneel in the sun, without water, until 4 p.m. The officers allegedly placed their boots on the men’s heads and accused them of being paramilitaries.<sup>56</sup>

José Vega, another resident, told PROVEA in a taped interview that security agents stormed into his house when he was getting ready to go to work, beat him, and threatened to kill him. Vega said that the agents pressed the muzzle of a gun to his forehead and forced his fingers to grip another gun, telling him they could kill him in a “confrontation” if he didn’t provide information on who the “criminals” were. They eventually let him go without explanation, Vega said.<sup>57</sup>

Ana Correa told Human Rights Watch that when she was walking to work at around 7 a.m., she saw about 30 uniformed CICPC agents, their faces covered by ski masks, asking around for people by name.<sup>58</sup> Correa said that she saw the officers entering homes, beating people, and detaining “anyone” they found.

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<sup>55</sup> PROVEA interviews with residents of Cota 905, Caracas, July 17-18, 2015.

<sup>56</sup> PROVEA interview with Pedro Beltrán; “Cota 905: Organized community denounces threats, searches, massive robbery, and arbitrary detention during OLP” (“Cota 905: Comunidad organizada denuncia amenazas, allanamientos, robos masivos y detenciones arbitrarias durante OLP”), July 20, 2015, <http://www.derechos.org.ve/2015/07/20/cota-905-comunidad-organizada-denuncia-amenazas-allanamientos-robos-masivos-y-detenciones-arbitrarias-durante-olp/> (accessed February 26, 2016).

<sup>57</sup> PROVEA interview with José Vega; “Cota 905 residents denounce police abuse during OLP” (“Habitantes Cota 905 denuncian atropellos durante Operativo Liberación del Pueblo”), uploaded on July 18, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=dMsaZGx-Odk> (accessed February 26, 2016).

<sup>58</sup> Human Rights Watch interview with Ana Correa (pseudonym), Caracas, November 3, 2015.

The vast majority of the 134 people that authorities recognize as having been detained during the OLP raid on July 13 were never charged with any offense. On July 15, the attorney general confirmed that only 19 of the detainees had been brought before a judge; the 19 were accused of having committed crimes such as homicides, robbery, and drug trafficking.<sup>59</sup>

The national ombudsman (*Defensor del Pueblo*) told the press on July 16 that his office would work with the Attorney General's Office to investigate allegations that security personnel had committed abuses during the operation. In the same press conference, he said that the security agents were "confronted" when they entered the Cota 905 to conduct the OLP raid. He did not specify by whom or in what way.<sup>60</sup>

PROVEA sent a letter to the ombudsman on October 1, 2015, providing information on alleged abuses committed in the Cota 905 raid. As of March 2016, the office had not responded.

Security forces conducted at least two subsequent raids in the Cota 905 in 2015, according to residents. On July 20, 2015, members of the National Guard broke into Juan Pérez's home at 5:30 a.m. while he was sleeping, according to testimony he provided to *COFAVIC*.<sup>61</sup> Pérez said that the officers told him to grab his identity card and forced him outside, and that he saw security agents stealing food and goods from other houses. The officers forced several more men and teenagers who Pérez estimated were about 14 years old out of their homes and told them to sit on the pavement, keeping their hands behind their backs. Pérez said that the officers eventually rounded them all up and loaded them onto several public buses. They did not tell the detainees where they were being taken.

The buses unloaded them at a National Guard base where some 200 men were being held, Pérez said, and nobody was allowed to get in touch with family. Pérez said that during the nearly 24 hours that he was there, he saw men forced to kneel for long periods. He also

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<sup>59</sup> Attorney General's Office, "Attorney General: 19 people detained in the security operation in the Cota 905 will be presented [before a judge]."

<sup>60</sup> "William Saab: We have not received any complaints from family members of people killed in the Cota 905" ("William Saab: No hemos recibido denuncias de familiares de fallecidos en la Cota 905"), *Correo del Orinoco*, July 16, 2015, <http://www.correodelorinoco.gob.ve/nacionales/william-saab-no-hemos-recibido-denuncias-familiares-fallecidos-cota-905/> (accessed February 26, 2016).

<sup>61</sup> Written testimony provided by Juan Pérez (pseudonym) to COFAVIC, n.d.

saw men beaten, denied water, and refused access to the bathroom, he said. He alleged that in one particularly harsh episode, members of the National Guard loaded three men into a police car and beat them. At around 3 a.m. the following day, members of the National Guard let Pérez go, he said, but threatened to detain him again and bring criminal charges, without specifying under what circumstances or with what crimes he might be charged.

Four residents told PROVEA in taped interviews that during another OLP raid on September 25, 2015, a group of CICPC officials started a fire in the Cota 905 that burned 15 houses, destroying 10 of them entirely.<sup>62</sup>

### *Pan-American Highway, Miranda state*

On July 27, Gustavo González López, the interior relations, justice, and peace minister, announced that 1,447 security agents had participated in an OLP raid three days earlier near the Pan-American highway, which connects Caracas with Miranda state. González López said that during the operation, security forces demolished 299 homes and detained 18 people, including 15 foreigners.<sup>63</sup> President Nicolás Maduro said that a “paramilitary cell” operating there had been dissolved.<sup>64</sup>

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<sup>62</sup> PROVEA interview with Jessica González, n.d., video clip, YouTube, <https://www.youtube.com/watch?v=grX-KAFDZE4> (accessed February 26, 2016); PROVEA interview with Karina Andrade, n.d., video clip, YouTube, <https://www.youtube.com/watch?v=idFdViokfcw> (accessed February 26, 2016); PROVEA interview with Richard Rangel, n.d., video clip, YouTube, [https://www.youtube.com/watch?v=MX8Tgh9\\_YVo](https://www.youtube.com/watch?v=MX8Tgh9_YVo) (accessed February 26, 2016); PROVEA interview with resident, n.d., video clip, YouTube, <https://www.youtube.com/watch?v=1RhtMNUcErQ> (accessed February 26, 2016).

<sup>63</sup> “Learn about the OLP results in 15 days” (“Conozca los resultados de la OLP en 15 días”), *Venezolana de Televisión*, July 28, 2015, <http://www.vtv.gob.ve/articulos/2015/07/28/conozca-los-resultados-de-la-olp-en-15-dias-8209.html> (accessed February 26, 2016); “Minister González López gives results of OLP in Montalbán and the Panamerican Highway” (“Ministro González López da resultados de OLP en Montalbán y la Panamericana”), uploaded on July 27, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=yZ8J5TZYyoU> (accessed February 26, 2016); Ministry of the Popular Power for Interior Relations, Justice, and Peace, “More than 200 people detained during OLP in Montalbán III” (“Más de 200 personas detenidas durante OLP en Montalbán III”), July 27, 2015, <http://www.mpprij.gob.ve/component/content/article?id=3426:vigilancia-y-patrullaje-permanente-en-agencias-bancarias-de-caracas&catid=3:newsflash> (accessed March 22, 2016).

<sup>64</sup> “Security forces disbanded paramilitary cell that operated in the Panamerican highway” (“Fuerzas de seguridad desarticularon célula paramilitar que operaba en la carretera Panamericana”), *Venezuelan News Agency*, July 25, 2015, <http://www.avn.info.ve/contenido/fuerzas-seguridad-desarticularon-c%C3%A9lula-paramilitar-que-operaba-carretera-panamericana> (accessed February 26, 2016); “OLP disbanded a paramilitary cell that operated in the Panamerican Highway” (“OLP desarticuló célula paramilitar que operaba en la carretera Panamericana”), *Venezolana de Televisión*, July 21, 2015, <http://www.vtv.gob.ve/articulos/2015/07/26/fuerzas-de-seguridad-desarticularon-celula-paramilitar-que-operaba-en-la-carretera-panamericana-165.html> (accessed March 1, 2016).

The communities where the raid took place—La Ensenada, Divino Niño, and Bosque Verde—are small residential areas at the edge of the Pan-American highway, where families had settled starting in 1982. The neighborhoods grew, and in 2006, residents founded a communal council.<sup>65</sup>

Residents told PROVEA and Human Rights Watch that at 5 a.m. on Friday, July 24, approximately 300 members of the National Guard evicted 106 families from their homes in the three communities. The residents alleged that without prior notice and without showing an official document to justify the eviction, members of the National Guard entered the homes, roused sleeping residents, and told them that they had a “presidential order” to evict. The officers told residents that they were being evicted because they had “invaded” the land where they had built their homes.<sup>66</sup>

Residents said they believed they had a legitimate right to live there, and provided PROVEA and Human Rights Watch with copies of documentation in which the Venezuelan government had, for example, transferred funds to the Communal Council.

The members of the National Guard only allowed residents to take with them what they could grab in an hour or so, several residents told PROVEA and Human Rights Watch. They allegedly forced them out of their homes, beating men, women, and children. They made them stand by the highway, and residents said that they watched officers take electronics and food from their homes and place them in official vehicles. As they worked, the officers sang “Dear Fatherland,” residents said, the anthem that President Hugo Chávez sang during his last televised address.<sup>67</sup>

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<sup>65</sup> Communal councils, which exist in different parts of the country, are bodies created by a 2009 law to “implement public policies and projects that aim at responding to the needs” of local communities. Law on Communal Councils (Ley de los Consejos Comunales), art. 2. “Chief of state recommended increasing the creation of communal councils” (“Jefe de Estado recomienda acentuar creación de Consejos Comunales”), *Bolivarian News Agency*, February 2, 2006, [http://aporrea.blogspot.com.ar/2006/02/jefe-de-estado-recomienda-acentuar\\_02.html](http://aporrea.blogspot.com.ar/2006/02/jefe-de-estado-recomienda-acentuar_02.html) (accessed February 26, 2016); “Communal councils are the means to reach socialism, said Chávez” (“Los consejos comunales son la vía para llegar al socialismo, afirma Chávez”), *Bolivarian News Agency*, May 6, 2006, <http://www.aporrea.org/actualidad/n77195.html> (accessed February 26, 2016). Communal Council La Ensenada, “History of the Community La Ensenada” (“Historia del Barrio Comunidad La Ensenada”), March 10, 2015, copy on file at Human Rights Watch.

<sup>66</sup> Human Rights Watch interview with eight residents, Pan-American Highway, November 5, 2015.

<sup>67</sup> *Ibid.*

Representatives of the Attorney General’s Office and the Ombudsman’s Office were sent to witness the OLP raid, residents told PROVEA and Human Rights Watch, but they acted only as “passive spectators.”<sup>68</sup>

National Guard officers detained several people arbitrarily, residents said. They took people who had not been detained to a nearby warehouse and allowed them to leave the few objects that they had been able to take from their homes there for safekeeping. But many of the items that residents left at the warehouse were missing when they went to pick them up later, the residents said.

Residents said that National Guard officers subsequently demolished 100 homes—81 in La Ensenada, seven in Divino Niño, and 12 in Bosque Verde—where 106 families had lived.<sup>69</sup> PROVEA and Human Rights Watch did not interview people from nearby El Cují community, but residents of the other three hamlets said security agents destroyed another 220 homes there during the same operation.

In November 2015, former residents showed PROVEA and Human Rights Watch the debris left where their homes used to stand.

As of February 2016, the government had not provided evicted residents with any compensation or relocation assistance, the residents told PROVEA.

### *Brisas del Hipódromo, Carabobo state*

At 4 a.m. on August 17, 800 members of the National Guard and CICPC began an OLP that combined mass detentions and destruction of homes in Brisas del Hipódromo, a low-income neighborhood in Valencia, Carabobo state. The Interior Ministry called the raid in Valencia part of the greater OLP plan to “fight paramilitary criminals.”<sup>70</sup>

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<sup>68</sup> Ibid.

<sup>69</sup> Ibid. Although PROVEA and Human Rights Watch are not in a position to evaluate the merits of the residents’ home ownership claims, residents of La Ensenada showed us government-issued certificates that they claimed showed prior government recognition of their rights to live there.

<sup>70</sup> Tweet by Justice Minister González López, August 17, 2015, [https://twitter.com/GonzalezMPPRIJP/status/633233429258223616?ref\\_src=twsrc%5Etfw](https://twitter.com/GonzalezMPPRIJP/status/633233429258223616?ref_src=twsrc%5Etfw) (accessed February 26, 2016).

While authorities said that residents were evicted from “improvised housing in the area,”<sup>71</sup> residents told PROVEA that some of the houses were made of concrete, some residents had lived at that location for at least four years, and the government had previously recognized their community through the establishment of government-sponsored committees. Residents said the operation destroyed the homes of 400 families, including the homes of people who had protested the government’s failure to uphold an earlier promise to grant them housing in a nearby government-funded housing complex, “Ciudad Chávez.”<sup>72</sup>

National Guard officers detained about 200 people, including most of the men and boys over 15 years old, several residents told PROVEA in taped interviews. Officers told those arrested that they were being held to verify whether they were wanted for crimes, William Alexander Serrano, one of the detainees, told PROVEA. Officers took the detainees to a regional headquarters of the National Guard, held them until after 4 p.m., then drove them to a bus terminal and released them without explanation.<sup>73</sup>

While the men were in detention, officers participating in the OLP ordered women and children out of their homes and bulldozed the homes, along with whatever was left inside. Lorenys García, who was pregnant, told PROVEA in a taped interview that National Guard officers started destroying her home while she was still inside. PROVEA visited the area two weeks later, and Human Rights Watch reviewed photographs of the destroyed homes.

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<sup>71</sup> Ministry of the Popular Power of Interior Relations, Justice, and Peace, “OLP captured six wanted individuals in Brisas del Hipódromo, Carabobo state” (“OLP capturó seis sujetos solicitados en el sector Brisas del Hipódromo del estado Carabobo”), *press release*, n.d., <http://ven911.gob.ve/index.php/home/1-latest-news/1004-olp-capturo-seis-sujetos-solicitados-en-el-sector-brisas-del-hipodromo-del-estado-carabobo> (accessed February 26, 2016).

<sup>72</sup> See, e.g., PROVEA, “Testimonies – demolition and forced evictions in the Brisas del Hipódromo community” (“Testimonios - Demolición y desalojos forzosos en comunidad Brisas del Hipódromo”), uploaded on September 10, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=xqEol9rcaAQ> (accessed February 26, 2016); “Venezuela: Protest for housing outside of Ciudad Chávez for 11 days” (“Venezuela: Protesta por viviendas fuera de Ciudad Chávez cumplió 11 días”), *Entorno Inteligente*, August 4, 2015, <http://www.entornointeligente.com/articulo/6609836/VENEZUELA-Protesta-por-viviendas-fuera-de-Ciudad-Chavez-cumplio-11-dias-04082015> (accessed March 27, 2016); “All Ciudad Chávez apartments have already been granted” (“Apartamentos de Ciudad Chávez ya fueron adjudicados todos”, *Notitarde*, March 25, 2015, <http://www.notitarde.com/Valencia/Apartamentos-de-Ciudad-Chavez-ya-fueron-adjudicados-todos-2379139/2015/03/26/503212/> (accessed March 27, 2016).

<sup>73</sup> PROVEA, “Testimonies – demolition and forced evictions in the Brisas del Hipódromo community” (“Testimonios - Demolición y desalojos forzosos en comunidad Brisas del Hipódromo”), uploaded on September 10, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=xqEol9rcaAQ> (accessed February 26, 2016); PROVEA, “Demolition and forced evictions in the Brisas del Hipódromo community” (“Demolición y desalojos forzosos en comunidad Brisas del Hipódromo”), uploaded on September 7, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=loUOxorU-DI> (accessed February 26, 2016).

Members of the National Guard physically assaulted at least four journalists who were covering the evictions and demolitions, according to the National Press Workers Union.<sup>74</sup> A Venevisión journalist said that a high-ranking official from the National Guard ordered her cameraman to stop filming and told other members of the National Guard to take away his camera, which they did after a scuffle.<sup>75</sup>

The Interior Ministry reported that officials evicted 258 people and detained only six<sup>76</sup>—far fewer evictions and detentions than residents reported to PROVEA. In none of the cases did authorities provide prior notice or immediate relocation options, according to interviews with residents conducted by PROVEA.<sup>77</sup>

While some of those evicted eventually were offered relocation, residents told PROVEA that the vast majority, as of February, had not been relocated or provided with any kind of compensation.<sup>78</sup>

In September 2015, PROVEA wrote to the Ombudsman’s Office asking the office to investigate the cases and help victims obtain redress, and detailing the alleged abuses committed in Brisas del Hipódromo. PROVEA had not received a response and was unaware of any significant action by the office as of late March 2016.

### *Evictions from Government-funded Housing Complexes*

In 2011, President Chávez launched a government-funded housing program, “The Great Venezuela Housing Mission” (*Gran Misión Vivienda Venezuela*, or GMVV), to help families

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<sup>74</sup> Tweet by the National Union of Press Workers, August 18, 2015, <https://twitter.com/sntpvenezuela/status/633685387177783301> (accessed February 26, 2016).

<sup>75</sup> “Journalists attacked and Venevisión camera destroyed by the Bolivarian National Guard” (“Atacados periodistas y destrozada cámara de Venevisión por la GNB”), uploaded on August 19, 2015, video clip, YouTube, <https://www.youtube.com/watch?t=12&v=Z4MJ8x7bkxg> (accessed February 26, 2016).

<sup>76</sup> Ministry of the Popular Power of Interior Relations, Justice, and Peace, “OLP captured six wanted individuals in Brisas del Hipódromo, Carabobo state.”

<sup>77</sup> PROVEA, “Testimonies – demolition and forced evictions in the Brisas del Hipódromo community” (“Testimonios - Demolición y desalojos forzosos en comunidad Brisas del Hipódromo”), uploaded on September 10, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=xqEol9rcaAQ> (accessed February 26, 2016); PROVEA, “Demolition and forced evictions in the Brisas del Hipódromo community” (“Demolición y desalojos forzosos en comunidad Brisas del Hipódromo”), uploaded on September 7, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=loUOxorU-DI> (accessed February 26, 2016).

<sup>78</sup> PROVEA telephone interviews with Brisas del Hipódromo residents, February 10, 2016.

who had lost their homes after heavy rains. The program was subsequently extended to the rest of the population that could not afford to buy homes.<sup>79</sup> As of April 2015, 700,000 families lived in GMVV homes.<sup>80</sup>

Under Venezuelan law, GMVV beneficiaries are entitled to live in the homes granted to them through the program, but they do not own them. The law establishes a set of tenant duties that includes a vaguely defined provision to “abstain from carrying out any activity that generates a risk to affect or undermine public goods or those of third parties.”<sup>81</sup> The government is empowered to evict a tenant who is not in compliance, following the same legal requirements for any eviction.

Research by PROVEA has found that, in practice, many GMVV residents have had difficulty obtaining the paperwork that recognizes them as legitimate tenants. This makes them vulnerable to eviction without due process.<sup>82</sup> As of March 2016, a legislative proposal to grant property rights to tenants of the GMVV was pending before the National Assembly.<sup>83</sup>

On August 12, 2015, Interior Relations, Justice, and Peace Minister Gustavo González López reported that during the first month of the OLP, security agents and housing officials

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<sup>79</sup> Official website of The Great Venezuela Housing Mission, n.d., [http://www.granmisionviviendavenezuela.gob.ve/index.php?option=com\\_content&view=article&id=46&Itemid=79](http://www.granmisionviviendavenezuela.gob.ve/index.php?option=com_content&view=article&id=46&Itemid=79) (accessed February 26, 2016).

<sup>80</sup> “Maduro gives the house 700,000 of the Great Venezuela Housing Mission” (“Maduro entrega la casa 700 mil de la Gran Misión Vivienda Venezuela”), uploaded on April 21, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=IGsMNmM-EBE> (accessed February 26, 2016).

<sup>81</sup> Organic Law on Emergency for Lands and Housing (Ley Orgánica de Emergencia para Terrenos y Vivienda), 2011, <http://www.traviesoevans.com/gaceta/2011/01-enero/2011-01-29-6018-extraordinaria.pdf> (accessed February 26, 2016); Law that Regulates Property of Homes of the Great Venezuela Housing Mission (Ley del Régimen de Propiedad de las Viviendas de la Gran Misión Vivienda Venezuela), 2011, <http://www.psuv.org.ve/wp-content/uploads/2011/05/Ley-del-R%C3%A9gimen-de-Propiedad-de-las-Viviendas-de-la-Gran-Misi%C3%B3n-Vivienda-Venezuela.pdf> (accessed February 26, 2016).

<sup>82</sup> PROVEA, “Second report on the implementation of the Great Housing Mission Venezuela” (“Segundo Informe sobre la ejecución de la Gran Misión Vivienda Venezuela”), November 2013, <http://www.derechos.org.ve/pw/wp-content/uploads/2do-Informe-GMVV.pdf> (accessed March 27, 2016).

<sup>83</sup> National Assembly of the Bolivarian Republic of Venezuela, “Law to Grant Property Titles to Beneficiaries of the Great Venezuelan Housing Mission” (“Ley de Otorgamiento de Títulos de Propiedad a Beneficiarios de la Gran Misión Vivienda Venezuela”), n.d., [http://www.asambleanacional.gob.ve/uploads/documentos/doc\\_8284e8485b7636e42c595132921aaad7deao84d.pdf](http://www.asambleanacional.gob.ve/uploads/documentos/doc_8284e8485b7636e42c595132921aaad7deao84d.pdf) (accessed March 14, 2016).

inspected 8,244 GMVV homes as part of efforts to combat resident criminal gangs.<sup>84</sup> A month later, González López said that during the OLP authorities had “inspected” 12,000 homes, of which they had “recovered” 1,421.<sup>85</sup> According to a review of official sources by PROVEA, thousands of additional “inspections” were carried out in the following months.

Government officials said that evictions from GMVV housing were carried out where occupants were not legitimate tenants,<sup>86</sup> or where authorities believed that one of the residents had committed a crime.<sup>87</sup> There are serious questions, however, about whether residents were afforded due process. According to several residents interviewed by PROVEA, security agents evicted families without giving prior notice. Residents also reportedly had no opportunity to contest their evictions before competent authorities. According to resident testimony that PROVEA gathered, some officials participating in the raids stole goods from the homes, including laptop computers, cell phones, and cash.

PROVEA and Human Rights Watch gathered information on a number of such cases, including the following:

- Two Colombian brothers, José Miguel Herrera Teherán and Adalberto Herrera Teherán, were detained during an OLP raid in the “La Paz” GMVV housing complex in Caracas on July 31, 2015.<sup>88</sup> José Miguel Herrera Teherán was not allowed to call

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<sup>84</sup> “OLP recovered more than 1248 apartments, August 12, 2015” (“OLP recuperó más de 1248 apartamentos, 12 de agosto de 2015”), uploaded on August 12, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=mNO9zL3RXpQ> (accessed February 26, 2016).

<sup>85</sup> “Two months of OLP: Miranda [is] the state with more recovered firearms and homes” (“Dos meses de la OLP: Miranda el estado con más armas y viviendas recuperadas”), *Venezolana de Televisión*, September 14, 2015, <http://www.vtv.gob.ve/articulos/2015/09/14/dos-meses-de-la-olp-miranda-el-estado-con-mas-armas-y-viviendas-recuperadas-6778.html> (accessed February 26, 2016). Ministry of Popular Power for Interior Relations, Justice, and Peace, “In 60 days, 87 criminal gangs have been dismantled” (“En 60 días ha desmantelado 87 bandas criminales”), press release, September 14, 2015, <http://www.mpprij.gob.ve/prensa/21-noticias/plus-new/4028-en-60-dias-la-olp-ha-desmantelado-87-bandas-criminales> (accessed March 27, 2016).

<sup>86</sup> *Ibid.*; “A total of 505 homes were recovered by the OLP in Trujillo and Mérida” (“Un total de 50 viviendas fueron recuperadas por la OLP en Trujillo y Mérida”), uploaded on October 4, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=6c5mxFMCsqQ> (accessed February 26, 2016).

<sup>87</sup> “Two months of OLP: Miranda is the state with more recovered firearms and homes,” *Venezolana de Televisión*; “OLP captures 20 foreign criminals in Montalbán III” (“OLP captura 20 delincuentes extranjeros en Montalbán III”), *Venezolana de Televisión*, July 27, 2015, <http://www.vtv.gob.ve/articulos/2015/07/27/olp-captura-20-delincuentes-extranjeros-en-montalban-iii-6780.html> (accessed February 26, 2016).

<sup>88</sup> PROVEA, “Sebin holds a Colombian citizen incommunicado” (“Sebin mantiene incommunicado a ciudadano colombiano”), uploaded on September 7, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=g3YHztVeDYU> (accessed February 26, 2016). PROVEA interview with Adalberto Herrera Teherán and other family members of José Miguel Herrera Teherán, Caracas, September 7, 2015.

his family or lawyers during a detention that lasted 41 days at a local headquarters of the SEBIN, according to his family. Adalberto Herrera Teherán said that he was held for 28 days at a National Guard base. Neither man was taken before a judge during his detention, Adalberto Herrera Teherán told PROVEA, despite a legal requirement that detainees be brought before a judge within 48 hours of their detention.<sup>89</sup> José Miguel Herrera Teherán later returned to Colombia.

When the OLP raid ended that day, Minister of Interior Relations, Justice, and Peace Gustavo González López said that one of the people whom security agents had detained “possibly had links to paramilitaries,”<sup>90</sup> a conclusion he appears to have drawn from José Miguel Herrera’s having told officers that he had served in the Colombian military as a conscript, Adalberto Herrera Teherán said. In addition to the Herrera brothers, seven other foreigners were detained during the raid, according to the Ministry of Interior Relations, Justice, and Peace.<sup>91</sup>

- On August 24, 2015, state police officers and officials from the Vargas state office in charge of public housing evicted Omaira del Carmen Ramírez and the three children living with her from their home in the “Caribe” GMVV housing complex during an OLP in Tanaguarena, Vargas state.<sup>92</sup> Ramírez said she was not given prior notice or any opportunity to contest the eviction, and was told she had 20 minutes to leave the apartment and take her personal belongings with her. Ramírez told PROVEA that housing officials explained she was being evicted because her apartment looked too clean, so they presumed no one was living there. Dozens of other families were also evicted from the complex, Ramírez said. Ramírez told PROVEA and Human Rights Watch that she filed complaints with several offices, including the Ombudsman’s Office and the Attorney General’s Office. As of

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<sup>89</sup> Constitution of the Bolivarian Republic of Venezuela, art. 44; Organic Code of Criminal Procedures, arts. 234 and 373.

<sup>90</sup> “MG González López OLP,” uploaded on July 31, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=SlTZCHKYZ6o> (accessed February 26, 2016).

<sup>91</sup> Ibid; “OLP: Apartments are recovered and a gang is disbanded in a GMVV complex in La Paz” (“OLP: Recuperan apartamentos y desmantelan banda en urbanismo de la GMVV en La Paz”), *Venezolana de Televisión*, July 31, 2015, <http://www.vtv.gob.ve/articulos/2015/07/31/olp-recuperan-apartamentos-y-desmantelan-banda-en-urbanismo-de-la-gmvv-en-la-paz-2884.html> (accessed February 26, 2016).

<sup>92</sup> PROVEA, “Complaint of eviction in GMVV Tanaguarena during OLP” (“Denuncia de desahucio GMVV Tanaguarena en el marco de la OLP”), uploaded on September 11, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=8FnTKRr5HJs> (accessed February 26, 2016).

February, she had not received any response.<sup>93</sup> On February 19, 2016, Ramírez filed a constitutional challenge before the Supreme Court, which had yet to be admitted at the time of writing.

According to official sources, 470 agents from the National Guard, the Army, CICPC, SEBIN, and state and municipal forces participated in the OLP in Tanaguarena and “recovered” 96 homes.<sup>94</sup>

- On June 22, María Rojas, a Colombian national in the process of obtaining Venezuelan citizenship, was detained during an OLP raid in a GMVV housing complex in Ocumare del Tuy, Miranda state.<sup>95</sup> Rojas said a “military officer” threatened to deport her and threw away her identity card, issued by Venezuelan authorities. She said that officers then took her to Fort Guaicaipuro, a military installation, and finally to an immigration office. She was told that she was under investigation and had to report regularly to immigration authorities, she said. Rojas returned to Colombia.

## Arbitrary Deportations

When talking about the OLP, President Maduro and high-level officials have repeatedly accused Colombians and “paramilitaries” of committing crimes in Venezuela. This often discriminatory discourse, together with a presidential decree authorizing the deployment of security forces to implement the OLP in Táchira state, which borders Colombia, may have contributed to hundreds of cases of alleged abuse by security forces, including threats, physical abuse, detentions, and arbitrary deportations.

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<sup>93</sup> Human Rights Watch interview with Omaira Ramírez, Caracas, November 5, 2015. PROVEA taped interview with Omaira Ramírez, September 11, 2015.

<sup>94</sup> “OLP in Tanaguarena, Vargas state, verified 1,120 people and detained 11 wanted individuals” (“OLP en Tanaguarena estado Vargas verificó mil 120 personas y detuvo a 11 solicitados”), *Correo del Orinoco*, August 23, 2015, <http://www.correodelorinoco.gob.ve/regiones/olp-tanaguarena-estado-vargas-verifico-mil-120-personas-y-detuvo-a-11-solicitados/> (accessed February 26, 2016); “Vargas: OLP detained 11 wanted people and recovered 96 homes” (“Vargas: OLP detuvo a 11 personas solicitadas y recuperó 96 viviendas”), *Venezolana de Televisión*, August 24, 2015, <http://www.vtv.gob.ve/articulos/2015/08/24/vargas-olp-detuvo-a-11-personas-solicitadas-y-recupero-96-viviendas-2463.html> (accessed February 26, 2016).

<sup>95</sup> PROVEA interview with María Rojas (pseudonym), August 12, 2015.

### *Border with Colombia, Táchira state*

In August, after an incident in which the government said alleged “paramilitaries” attacked three members of the National Guard, President Maduro closed the border with Colombia. He said the border was “rotten” and that Venezuela was a “victim of the paramilitary capitalist model of the Colombian right.”<sup>96</sup>

At the same time, Maduro declared a state of emergency in six municipalities in Táchira state, suspending rights, including the requirement that authorities obtain a judicial order before searching homes.<sup>97</sup> The government then deployed security forces to conduct OLP raids in the area.<sup>98</sup>

Between August and September 2015, Venezuelan security forces deported more than 1,700 Colombians, and at least 22,000 more left Venezuela, according to the United Nations Office for the Coordination of Humanitarian Affairs.<sup>99</sup> The Inter-American Commission on Human Rights (IACHR) reported that Colombians had returned “out of fear and because of the grave situation in which they found themselves in Venezuela.”<sup>100</sup>

None of the more than 700 Colombians interviewed by Colombia’s Ombudsman’s Office after being deported from Venezuela said that they were given a hearing to afford them an

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<sup>96</sup> “Maduro attacked Colombians and justified deportations” (“Maduro arremetió contra los colombianos y justificó las deportaciones”), uploaded on August 24, 2015, video clip, YouTube, [https://www.youtube.com/watch?v=Z3cIFk\\_Bihk](https://www.youtube.com/watch?v=Z3cIFk_Bihk) (accessed February 26, 2016); “Venezuela closes its border with Colombia after a paramilitary attack” (“Venezuela cierra frontera con Colombia tras ataque paramilitar”), *Telesur*, August 19, 2015, <http://www.telesurtv.net/news/Maduro-anuncia-cierre-de-frontera-con-Colombia-tras-ataque-paramilitar-20150819-0085.html> (accessed February 26, 2016).

<sup>97</sup> Presidential Decree 1950, August 21, 2015. “Táchira: The frontier with Colombia will be closed until Saturday” (“Táchira: Hasta el sábado estará cerrada frontera con Colombia”), *Venezolana de Televisión*, August 20, 2015, <http://www.vtv.gob.ve/articulos/2015/08/20/comenzo-olp-y-cierre-por-72-horas-de-frontera-con-colombia-en-tachira-4513.html> (accessed March 22, 2016).

<sup>98</sup> “Military and police security agents will be deployed in Táchira for special OLP” (“Cuerpos de seguridad militar y policial serán desplegados en Táchira para OLP especial”), *Venezuelan News Agency*, August 20, 2015, <http://www.avn.info.ve/contenido/cuerpos-seguridad-militar-y-policial-ser%C3%A1n-desplegados-t%C3%A1chira-para-olp-especial> (accessed March 1, 2016).

<sup>99</sup> UN OCHA, “Colombia: humanitarian situation in the Colombian-Venezuelan border” (“Colombia: Situación humanitaria en frontera colombo-venezolana”), September 25, 2015, [https://www.humanitarianresponse.info/en/system/files/documents/files/150925\\_informe\\_de\\_situacion\\_no\\_9\\_situacion\\_de\\_frontera\\_final.pdf](https://www.humanitarianresponse.info/en/system/files/documents/files/150925_informe_de_situacion_no_9_situacion_de_frontera_final.pdf) (accessed February 26, 2016).

<sup>100</sup> Inter-American Commission on Human Rights, “IACHR concludes visit to Colombia’s border with Venezuela,” September 28, 2015, [http://www.oas.org/en/iachr/media\\_center/PReleases/2015/109A.asp](http://www.oas.org/en/iachr/media_center/PReleases/2015/109A.asp) (accessed February 26, 2016).

opportunity to challenge their removal.<sup>101</sup> Of the Colombians who were deported from Venezuela or left the country in response to government crackdowns, 400 had either requested asylum or been granted refugee status in Venezuela, according to the Global Protection Cluster in Colombia, an organization that works to provide support and protect the rights of people affected by humanitarian emergencies. The same group reported that more than 2,000 of the Colombians who returned had been recognized by Colombia's Victims Registry as victims of the armed conflict.<sup>102</sup>

Hundreds of Colombians told representatives of the IACHR or the Colombian Ombudsman's Office that in 2015 they suffered forced eviction from their Venezuelan homes, which were subsequently destroyed. Many said that Venezuelan security forces subjected them to physical abuse and separated them from their families.<sup>103</sup>

In September, the IACHR visited the border area and interviewed Colombians who had been summarily deported or had left Venezuela for fear of reprisals, as well as representatives of nongovernmental organizations.<sup>104</sup> The IACHR reported that "many" deported Colombians said members of the National Guard had knocked on their doors, demanded to see their IDs, searched their homes, and taken them to a field where they forced them to "stand in the sun without water, food, or toilet facilities" for up to 12 hours.

Venezuelan authorities detained other Colombian nationals, including children and people with disabilities, for periods of up to 14 hours, according to the IACHR report, which was issued in September. They held them, without a court order and with no opportunity to

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<sup>101</sup> Colombian Ombudsman's Office, "Report with an analysis of complaints received by the Ombudsman's Office related to the crisis in the Colombian-Venezuelan border" ("Informe de Análisis de Quejas recepcionadas por la Defensoría del Pueblo con Ocasión a la Crisis en la Frontera Colombo-Venezolana"), November 2015, copy on file at Human Rights Watch.

<sup>102</sup> Global Protection Cluster – Colombia, "Situation of the Colombian-Venezuelan Border. Lack of Protection and recommendations" (Situación a la Frontera Colombia-Venezuela. Vacíos de Protección y Recomendaciones"), October 23, 2015, [http://www.globalprotectioncluster.org/\\_assets/files/field\\_protection\\_clusters/Colombia/files/cluster-de-proteccion-colombia-vacios-proteccion-frontera-2015-10.pdf](http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Colombia/files/cluster-de-proteccion-colombia-vacios-proteccion-frontera-2015-10.pdf) (accessed February 26, 2016).

<sup>103</sup> Colombian Ombudsman's Office, "2000 formal complaints were received by the Ombudsman's Office from deported Colombians and others who returned from Venezuela" ("2000 quejas formales ha recibido la Defensoría del Pueblo a través de los colombianos deportados y retornados desde Venezuela"), n.d., <http://www.defensoria.gov.co/es/nube/noticias/4031/Ascienden-a-451-las-quejas-formales-recibidas-por-la-Defensor%C3%ADa-del-Pueblo-a-trav%C3%A9s-de-los-colombianos-deportados-desde-Venezuela-Crisis-fronteriza-Venezuela-acompa%C3%B1amiento-humanitario-estado-de-excepci%C3%B3n.htm> (accessed February 26, 2016); Inter-American Commission on Human Rights, "IACHR concludes visit to Colombia's border with Venezuela."

<sup>104</sup> Inter-American Commission on Human Rights, "IACHR concludes visit to Colombia's border with Venezuela."

challenge their detentions, in facilities without access to drinking water or food. Venezuelan authorities subsequently expelled the detainees summarily and in groups, the IACHR said. People interviewed by the IACHR “consistently” complained that security agents stole money and personal belongings during the operations, and some said agents beat adults, mistreated children, and accused men of being “paramilitaries” and women of being “whores.”

An individual working for a nongovernmental organization that serves refugees in Colombia interviewed several alleged victims of abusive deportations. The accounts collected by that organization include the following:

On October 20, 2015, several members of the National Guard forcefully entered the home of María Gómez (pseudonym) while she was quarreling with her husband. When the officers realized Gómez was Colombian, they told her that she would be deported without her children, given that they had been born in Venezuela and were therefore “children of the Fatherland.” When Gómez started crying and shouting at the agents that she would stay with her children, other members of the National Guard entered the house and beat her in the face, legs, and abdomen. A female member of the National Guard subsequently let her go and told her she should not return. Gómez was recognized by an official registry in Colombia as someone who had been threatened by armed groups and displaced by the armed conflict in Colombia, the source said, yet after the National Guard attack, Gómez fled to Colombia with her children, fearing further abuses if she remained in Venezuela.

In August 2015, two members of the National Guard abruptly entered a hair salon where Marta López (pseudonym) was working and told her to give them 50,000 bolivares (approximately US\$7,000 at the official exchange rate at the time) to “avoid problems,” telling her they knew she did not have valid Venezuelan residency. The members of the National Guard left, but returned later that afternoon, broke into an adjacent apartment where López was staying, threatened her with a firearm, forced her to perform oral sex on one of them, beat her, and stole 27,000 bolivares (approximately US\$3,800 at the official exchange rate at the time). After the officers left, several neighbors told López that the National Guard was forcefully evicting Colombians and destroying their homes. López fled to Colombia.

## Recommendations

To curb security force abuses, it is critical to bring those responsible for human rights violations during OLP raids—and all security operations—to justice. To keep security forces accountable, prosecutors and judges should be able to investigate and adjudicate claims of abuse by security forces free from improper political influence.

Criminal cases alleging abuses by security forces have routinely been dismissed by Venezuelan courts. During the 2014 political crackdown, for example, prosecutors pursued criminal cases against opposition politicians and anti-government protesters, often on trumped-up charges and without meaningful due process, but failed to adequately investigate compelling evidence of widespread abuses committed by security forces against peaceful demonstrators and detainees—including beatings, torture, and arbitrary detentions.<sup>105</sup> The government's apparent failure to seriously investigate security forces for abuses allegedly committed during OLP raids, let alone hold anyone accountable, shows that impunity remains the norm.

To end abuses committed by Venezuelan security forces during OLP raids and in other instances, Human Rights Watch and PROVEA recommend that:

### President Maduro:

- Publicly order all security forces to refrain from conducting indiscriminate raids such as those carried out during the OLP, and to refrain from using unlawful force during public security operations.
- Promote broad civil society participation in the elaboration of public policies to address high crime rates and abuses in Venezuela, and ensure that the 2006 recommendations by the National Commission for Police Reform (Comisión Nacional para la Reforma Policial or CONAREPOL) are taken into consideration to create a new police model that respects human rights.

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<sup>105</sup> Human Rights Watch, *Venezuela – Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System*, May 2014, <https://www.hrw.org/report/2014/05/05/punished-protesting/rights-violations-venezuelas-streets-detention-centers-and> (accessed March 23, 2016).

- Implement the recommendation issued by the UN Committee Against Torture to “ensure that the institutions entrusted with maintaining public safety are civilian in nature, as stipulated by article 332 of the State party’s Constitution.”<sup>106</sup>
- Cooperate with international human rights monitoring bodies. Specifically, the Maduro administration should—
  - Immediately agree to the outstanding visit requests by all United Nations special rapporteurs and working groups that have asked to visit the country,
  - Allow the Inter-American Commission on Human Rights to conduct in-country research in Venezuela, and
  - Work with the National Assembly to reverse Venezuela’s withdrawal from the American Convention on Human Rights to ensure that Venezuela recognizes the jurisdiction of the Inter-American Court of Human Rights.
- Publish statistics on the number of complaints filed with different public institutions—such as the Attorney General’s Office, the Ombudsman’s Office, and the Ministry of Housing, among others—regarding alleged abuses committed during the OLP. This should include information on the type of cases that have been reported, as well as any actions the government has taken in response to those complaints, including the results of any investigations that have been undertaken.

### The Attorney General:

- Ensure that human rights violations described in this report, as well as those made public by victims and their families or raised by news media, are subject to prompt, thorough, and impartial investigations, and that any state agents found responsible be brought to justice.

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<sup>106</sup> UN Committee against Torture, “Concluding observations on the combined third and fourth periodic reports of the Bolivarian Republic of Venezuela,” CAT/C/VEN/CO/3-4, December 12, 2014, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/241/72/PDF/G1424172.pdf?OpenElement> (accessed March 27, 2016).

## The National Assembly:

- Take steps to remedy the damage done to the independence of the judiciary since the political takeover of the Supreme Court in 2004.<sup>107</sup> Specifically, the National Assembly should:
  - Repeal the provisions of the Supreme Court law that undermine the court's independence by allowing justices to be removed by a simple majority vote.
  - Adopt norms to ensure that lower court judges are appointed to permanent positions from which they cannot be removed without due process.
- Work with the executive branch to reverse Venezuela's withdrawal from the American Convention on Human Rights, to ensure that Venezuela recognizes the jurisdiction of the Inter-American Court of Human Rights.

## The International Community:

- Press the government of Venezuela to ensure that Venezuelan security forces responsible for abuses are brought to justice. In particular, international human rights monitors from the Inter-American and United Nations systems and foreign governments belonging to regional bodies to which Venezuela is a party—such as Mercosur, Unasur, and the Organization of American States—should press Venezuela, publicly as well as privately, to uphold its international commitments to protect and promote basic rights, including by ensuring the independence of the country's judiciary.

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<sup>107</sup> Human Rights Watch, *Tightening the Grip: Concentration and Abuse of Power in Chávez's Venezuela*, July 2012, <https://www.hrw.org/report/2012/07/17/tightening-grip/concentration-and-abuse-power-chavezs-venezuela> (accessed March 23, 2016).

# UNCHECKED POWER

## Police and Military Raids in Low-Income and Immigrant Communities in Venezuela

Since July 2015, Venezuelan security forces have conducted more than 135 operations, including sweeps through low-income communities, as part of the “Operation to Liberate and Protect the People” (OLP), with the alleged purpose of combatting criminal gangs that contribute to the extremely high levels of violence in Venezuela. Participating security forces have included the Bolivarian National Guard, the Bolivarian National Police, the Bolivarian National Intelligence Service, the Scientific, Penal and Criminal Investigative Police, and state police forces.

*Unchecked Power: Police and Military Raids in Low-Income and Immigrant Communities in Venezuela* describes considerable evidence that security forces conducting OLP raids have committed serious abuses. In interviews with the Venezuelan Human Rights Education-Action Program (PROVEA) and Human Rights Watch, victims, witnesses, and other interlocutors described violations including extrajudicial killings and other violent abuses, arbitrary detentions, forced evictions, the destruction of hundreds of homes, and the arbitrary deportation of Colombian nationals including refugees and asylum seekers, often accused without evidence of having links to “paramilitaries.”

A common denominator shared by these cases, and by government abuses we have documented in other contexts during the past decade, is the extent to which the victims—or their families—have been unable to challenge alleged abuses of state power, feeling they have nowhere to turn for protection of their fundamental rights.

The government of Venezuela should ensure that all OLP operations are carried out in accordance with its international human rights obligations, including the requirement to refrain from using unlawful force during public security operations. Ultimately, a strong, independent judiciary is essential to ensure accountability and redress for the kinds of abuses alleged in this report—and to prevent such abuses in the future. PROVEA and Human Rights Watch call on President Nicolás Maduro, the National Assembly, and the Supreme Court to take urgent steps to restore the judiciary’s role as an independent guarantor of fundamental rights, and on the international community to press Venezuela’s government to stop undermining the impartiality and independence of the judicial branch.



*Venezuelan soldiers detain men who allegedly had links to a Colombian paramilitary group during an OLP raid in Táchira state, Venezuela*

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