



March 5, 2019

Sen. Marco Rubio
Chair
Senate Foreign Relations Committee
Subcommittee on Western Hemisphere,
Transnational Crime, Civilian Security,
Democracy, Human Rights, and Global
Women's Issues

Sen. Ben Cardin
Ranking Member
Senate Foreign Relations Committee
Subcommittee on Western Hemisphere,
Transnational Crime, Civilian Security,
Democracy, Human Rights, and Global
Women's Issues

RE: Amnesty International Statement for Hearing on “U.S.-Venezuela Relations and the Path to a Democratic Transition”

Dear Chairman Rubio, Ranking Member Cardin, and Members of the Subcommittee:

On behalf of Amnesty International¹ and our more than two million members and supporters in the United States, we hereby submit this statement for the record.

Amnesty International is an international human rights organization with national and regional offices in more than 70 countries, including in the U.S. and in Venezuela. Our organization has been monitoring the situation in Venezuela for many years and wishes to share its grave concerns with the Committee regarding the mass violations of human rights in the country, as well as recommendations to improve the the dire situation and alleviate the tremendous human suffering taking place there.

I. The Venezuelan Government Has Engaged in Brutal Crackdowns on Political Dissent.

The institutional crisis in Venezuela – fueled by deep political polarization and marked social deterioration in the country – has had a devastating impact on human rights. In 2017, Venezuela's highest judicial authority, the Supreme Court of Justice, took on the powers of the National Assembly (which was, and continues to be, led by the opposition). This led to a wave of protests between April and July 2017 which were violently repressed by the government of Nicolas Maduro. Between April and July 2017,

¹ Amnesty International was awarded the Nobel Peace Prize in 1977.

more than 120 people were killed and around 1,958 injured in conjunction with the protests; an additional 5,000 people were detained.²

Amnesty International has been steadily reporting on-the-ground from Venezuela and has uncovered disturbing information about the Government’s complicity in violence, arbitrary detentions, and extrajudicial killings over the years.

In the wake of the 2017 protests and their deadly aftermath, Amnesty International published three reports documenting the deteriorating human rights situation in the country. The first, *Silenced by Force: Politically Motivated Arbitrary Detentions in Venezuela*, relied on interviews with a panoply of current and former detainees and their lawyers to conclude that the government had engaged in the “abusive and arbitrary use of criminal law as a mechanism by which to detain and prosecute people who hold opinions critical of the Venezuelan government’s policies.”³ The second, *Nights of Terror: Attacks and Illegal Raids on Homes in Venezuela*, documented a pattern of government security forces engaging in indiscriminate raids of civilian homes, frequently demanding to know the whereabouts of political dissidents and terrorizing individuals into acquiescing to the government’s demands.⁴ The third, *This is No Way to Live: Public Security and Right to Life in Venezuela*, confirmed that the Government of Venezuela has engaged in violations of the right to life both by engaging in extrajudicial executions and adopting military methods to respond to crime as well as by failing to prevent or investigate skyrocketing homicides between private individuals.⁵

Since Amnesty International published these reports, the crackdown on political dissent in the country has further deteriorated. Just over a month ago, on January 22 and 23,

² Amnesty International, “Q&A on the Human Rights Crisis in Venezuela,” Feb. 7, 2019, <https://www.amnesty.org/en/documents/amr53/9809/2019/en/>.

³ Amnesty International, “Silenced by Force: Politically Motivated Arbitrary Detentions in Venezuela,” 2017, available at: <https://www.amnesty.org/download/Documents/AMR5360142017ENGLISH.PDF>.

⁴ Amnesty International, “Nights of Terror: Attacks and Illegal Raids on Homes in Venezuela,” 2017, available at: <https://www.amnesty.org/download/Documents/AMR5372852017ENGLISH.PDF>.

⁵ Amnesty International, “This Is No Way to Live: Public Security and Right to Life in Venezuela,” 2018, available at: Amnesty International, “Nights of Terror: Attacks and Illegal Raids on Homes in Venezuela,” 2017, available at: <https://www.amnesty.org/download/Documents/AMR5372852017ENGLISH.PDF>.

2019, there were numerous mass protests against the government of Nicolas Maduro, particularly in working-class areas where pro-government armed groups (called “*colectivos*”) are concentrated. In response to the protests, the Venezuelan state responded by deploying armed tactical police, and there have been reports of significant human rights violations against political dissidents.

An Amnesty research team in February 2019 concluded that **in January 2019, Venezuelan security forces under the command of Nicolas Maduro engaged in a campaign of extrajudicial executions, arbitrary detention, and uses of excessive force.**

The team documented six extrajudicial executions at the hands of the Venezuelan Special Action Forces; two young men killed and one young man wounded by firearms deployed by the Bolivarian National Guard and the Bolivarian National Police; and the arbitrary detention of over 137 children and adolescents who were called “terrorists” and “*guarimberos*” (protesters who use violence), exposed to irritant substances, deprived of sleep, and threatened with death.⁶ What did all of these individuals have in common? All had been linked to peaceful protests demanding regime change and a safer, more prosperous Venezuela.

II. The Government’s Failure to Adequately Respond to the Socioeconomic Crisis Violates Venezuelans’ Human Rights.

The Venezuelan government’s failure to acknowledge the crisis of scarcity, let alone to put in place urgent and appropriate responses to guarantee Venezuelans’ rights to health and food, violates Venezuelans’ basic human rights. The lack of access to these basic rights has been a central issue in the ongoing political protests in the country as well as an impetus for the forced migration of over 3 million Venezuelans.

The skyrocketing rate of inflation – which currently stands at one million percent and is envisioned to increase tenfold by the end of 2019⁷ – has left Venezuelans unable to

⁶ Amnesty International, “Venezuela: Hunger, Punishment, and Fear, the Formula for Repression Used by Nicolas Maduro,” 20 Feb. 2019, available at: <https://www.amnesty.org/en/latest/news/2019/02/venezuela-hunger-punishment-and-fear-the-formula-for-repression-used-by-authorities-under-nicolas-maduro/>.

⁷ “Venezuela Crisis: How the Political Situation Escalated,” BBC News, Jan. 24, 2019, <https://www.bbc.com/news/world-latin-america-36319877>.

afford even basic goods. On top of that, Venezuela is experiencing a severe shortage of food products and essential medicines. As a result, Venezuelans are left both starving and sick: as of 2018, the country was missing eighty-five percent of essential medicines,⁸ and nearly two-thirds of its population had reported involuntary weight loss.⁹

The Venezuelan government’s refusal to act in the face of this severe lack of medicine and food violates its citizens’ human rights to adequate food and the right to health. The right to adequate food requires that food be available, accessible, and acceptable.¹⁰ The right to the highest attainable standard of health requires not just timely and appropriate health care but also access to the underlying determinants of health, including safe and potable water and adequate sanitation and an adequate supply of safe food and nutrition.¹¹ In failing to acknowledge the crisis of scarcity in the country, let alone take appropriate action to urgently secure the rights to food and health for its citizens, the Venezuelan government is violating these human rights tenets. The government’s failure to act calls into question its willingness to comply with its obligation to guarantee access to these rights for all, without discrimination of any kind. The great progress Venezuela had made in terms of economic and social rights until 2013 has been emphatically reversed.¹²

In some cases, **the grave socioeconomic situation has exacerbated the already deleterious violations of political rights in Venezuela, constituting what advocates have**

⁸ Samantha Raphelson, “Venezuela’s Health Care System Ready to Collapse Amidst Economic Crisis,” NPR NEWS, Feb. 1, 2018, <https://www.npr.org/2018/02/01/582469305/venezuelas-health-care-system-ready-to-collapse-amid-economic-crisis>.

⁹ Vivian Sequera, “Venezuelans Report Big Weight Losses in 2017 as Hunger Hits,” REUTERS, Feb. 21, 2018, <https://www.reuters.com/article/us-venezuela-food/venezuelans-report-big-weight-losses-in-2017-as-hunger-hits-idUSKCN1G52HA>.

¹⁰ Amnesty International, “Human Rights and Human Dignity: A Primer on Economic, Social, and Cultural Rights,” available at: <https://www.amnesty.org/download/Documents/8000/pol340012014en.pdf>, at 42.

¹¹ *Id.* at 48.

¹² Amnesty International, “Ten Things You Need to Know About the Crisis in Venezuela,” Feb. 18, 2019, <https://www.amnesty.org/en/latest/news/2019/02/10-things-you-need-to-know-about-venezuelas-human-rights-crisis/>.

termed a “double discrimination” against political activists in the country. For example, Amnesty International learned of the recent death of a young man named Virgilio, who was detained without cause after participating in a political protest.¹³ While in detention, he was presented with rotting food, sometimes filled with worms, and could not access potable water. He soon developed a fever for which he was denied treatment. Though he was eventually evacuated to a hospital in a severely dehydrated state, it was too late: Virgilio, just 20 years old, died of a hemorrhage on February 5, 2019 – a death directly attributable to the combination of his illegitimate detention and authorities’ refusal to provide him with adequate food, water, and medication while he was detained.

III. The United States Government’s Response to the Venezuela Crisis Must Account for Effects on Venezuelans’ Human Rights.

The United States has taken an active role in responding to the ongoing institutional crisis in Venezuela, including the imposition of sanctions and proposed provision of humanitarian assistance. Amnesty International takes this opportunity to remind the U.S. government of the paramount importance of considering the effect any such measures will have on the human rights of Venezuelans. Amnesty International provides its views as an impartial organization which does not take positions in support of or opposition to any particular political leader or party.

Regarding the **petroleum sanctions** imposed by the United States on January 28, 2019, Amnesty International reminds the U.S. government that sanctions should be targeted, with specific objectives and a clear timetable, and their effectiveness and humanitarian impact must be monitored. In this case, the sanctions imposed have made life even harder than it already is for the people of Venezuela, given that the Venezuelan

¹³ Vanessa Moreno Losada, “Tras sufrir una hemorragia, muere en Uribana joven detenido en protestas de 2017,” EFECTO COCUYO, Feb. 7, 2019, <http://efectococuyo.com/sucesos/tras-sufrir-una-hemorragia-muere-en-uribana-joven-detenido-en-protestas-de-2017/>.

economy is heavily dependent on oil exports and that the United States is one of its main trading partners.¹⁴

Regarding any threats of **military intervention**, a responsible approach to the current situation would focus on guaranteeing, without delay, the rights of the Venezuelan people, rather than unhelpfully diverting attention towards possible military intervention. The international community has an obligation to prevent escalation of the conflict in Venezuela. In particular, the U.S. government should work in concert with other governments to ameliorate the extreme shortages of food and healthcare that put the lives of millions of Venezuelans at risk.

Regarding **humanitarian assistance**, states that can provide assistance should do so when necessary, in a manner that comports with human rights, including consulting with civil society and ensuring that resources are distributed without discrimination. However, the widespread suffering of people in Venezuela should not be used as a lever in political negotiations or as a bargaining tool to exert political pressure on the government. Amnesty International opposes all conditions on international assistance and cooperation that result or may result in human rights abuses and encourages the Senate Foreign Relations Committee to carefully examine any conditions on U.S. humanitarian assistance to ensure that compliance with them does not lead to rights abuses.

Finally, regarding the **exodus of Venezuelan nationals** from the country, which already numbers over three million individuals and is expected to increase to five million by the end of 2019, Amnesty International encourages the United States to assist Venezuelan nationals seeking international protection, including nationals seeking protection within the United States, who now make up the largest group by nationality of individuals seeking asylum affirmatively in the United States.¹⁵ The widespread violations of human rights in Venezuela has put the lives, freedom, and safety of those fleeing the country at

¹⁴ Amnesty International, “Ten Things You Need to Know About the Crisis in Venezuela,” Feb. 18, 2019, <https://www.amnesty.org/en/latest/news/2019/02/10-things-you-need-to-know-about-venezuelas-human-rights-crisis/>.

¹⁵ Gisela Salomon, “Venezuelans Find U.S. Asylum Surprisingly Elusive,” AP News, 29 Aug. 2018, <https://apnews.com/6af09ae70e554cab8403c29012ad00b1>.

great risk. Amnesty is alarmed by recent reports that Venezuelans seeking protection in the United States are still being deported regularly to Venezuela, notwithstanding the U.S. government’s acknowledgment of the depth and seriousness of the crisis taking place there.¹⁶ The United States must immediately extend protections to Venezuelan nationals and should ensure that they are not forced to return to a country where they would face grave harm.

III. Amnesty International’s Policy Recommendations to Congress and the Executive Branch

Amnesty International believes that the international community, including the United States, has an obligation to prevent the escalation of the crisis in Venezuela, ensure that its actions do not violate international law or perpetrate further human suffering, and support national actors in creating conditions that will ensure the lasting enjoyment of human rights in Venezuela.

To that end, Amnesty International calls on Congress to:

- Denounce the policy of repression in Venezuela, which, in recent years, has manifested itself in politically motivated arbitrary detentions, torture and the excessive use of force by security forces;
- Work with relevant executive branch agencies to fulfill the United States’ obligation to provide humanitarian assistance to address shortages in food and essential medicines, symptoms of the debilitating socioeconomic crisis in the country. This assistance must be coordinated and without conditions, ensuring that it directly reaches those who are suffering as a result of the crisis – especially groups exhibiting particular vulnerabilities. The United States must exercise due diligence to ensure that any assistance provided does not result in human rights abuses of any kind;
- Defend and strengthen support for Venezuelan civil society organizations and human rights defenders;

¹⁶ Catherine E. Schoichet, “Trump is sending humanitarian aid to Venezuela. Venezuelans in the US say they need help, too,” CNN, 20 Feb. 2019, <https://www.cnn.com/2019/02/16/us/venezuelans-asylum/index.html>.

- Ensure that Venezuelans seeking international protection in the United States are granted unrestricted access to territory and protection from return;
- Assist in the safeguarding of specialized human rights mechanisms – including the Inter-American Commission on Human Rights and the UN Office of the High Commissioner for Human Rights – so that they have access to the country to document the human rights situation, produce reports, and engage discussions on how to guarantee human rights in Venezuela.

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Sincerely,



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