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MADE BY MADURO: THE HUMANITARIAN CRISIS IN VENEZUELA AND U.S. POLICY RESPONSES

HEARING

BEFORE THE

SUBCOMMITTEE ON
THE WESTERN HEMISPHERE, CIVILIAN SECURITY, AND TRADE

OF THE

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HOUSE OF REPRESENTATIVES

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CONTENTS

Page

WITNESSES

Escobari, Marcela, Senior Fellow For Global Economy and Development, Center for Universal Education, Brookings Institution 21
Canton, Santiago, Former Executive Secretary, Inter-American Commission on Human Rights 30
Rendon, Moises, Associate Director and Associate Fellow, Americas Program, Center for Strategic and International Studies 38

STATEMENTS SUBMITTED FROM COMMITTEE MEMBERS

Hon. Albio Sires, chairman of the subcommittee 3
Representative Yoho for Ambassador Rooney 7
Representative Meeks 13

APPENDIX

Hearing Notice 59
Hearing Minutes 60
Hearing Attendance 61

ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD

Amensty International letter submitted from Representative Levin 62

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Question submitted to Ms. Marcela Escobari from Chairman Sires 70
Question submitted to Mr. Santiago Canton from Representative Levin 73

MADE BY MADURO: THE HUMANITARIAN CRISIS IN VENEZUELA AND U.S. POLICY RESPONSES

Tuesday, February 26, 2019

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
CIVILIAN SECURITY, AND TRADE
COMMITTEE ON FOREIGN AFFAIRS
Washington, DC

The committee met, pursuant to notice, at 2:08 p.m., in Room 2172 Rayburn House Office Building, Hon. Albio Sires (chairman of the subcommittee) presiding.

Mr. SIRES. This hearing will come to order.

This hearing titled Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses will focus on the political, economic, and human rights crisis in Venezuela, and ways for the international community to support the Venezuelan people.

Without objection, all members may have 5 days to submit statements, questions, extraneous material for the record, subject to the length limitation in the rules. I will now make an opening statement and then turn it over to the ranking member for his opening statement.

Good afternoon, everyone, and thank you to our witnesses for being here today for such a timely and important topic. This is our first subcommittee hearing of the 116th Congress, and I just want to say that I am looking forward to working with every member of this committee, including Ranking Member Rooney and Vice Chair Meeks, to bring much-needed attention to the Western Hemisphere.

Today the Venezuelan people are suffering under a humanitarian crisis caused by authoritarian leader Nicolas Maduro. Since Maduro came to power in 2013, he has consistently repressed human rights. Under his command, security forces have arbitrarily detained and abused thousands of protesters, committed acts of torture and forced disappearances, and carried out hundreds of brutal killings, all with the single goal of eliminating any and all opposition.

Just yesterday we saw another assault on democracy when Maduro detained American journalist Jorge Ramos for hours just because he did not like the questions he was being asked.

Maduro has caused an economic collapse that has left nearly 90 percent of Venezuelans in poverty, and forced over 3 million Venezuelans to leave their country. While average Venezuelans suffer from crippling inflation and shortages of food and medicine,

Maduro and his cronies have enriched themselves through drug trafficking and money laundering.

Maduro's illegitimate reelection last year cemented his position as a dictator. If there was any doubt, one just needs to examine this weekend's event when Maduro thugs burned tons of boxes of food and medicine. He would rather see his people starve and suffer than face the truth.

It is clear from the massive demonstrations that have been taking place that Venezuelans have had enough. They are demanding an end to Maduro's reign of terror. At this pivotal moment the United States must stand by the Venezuelan people and on the side of democracy. I have joined many of my colleagues in recognizing the interim President Juan Guaido and calling for swift elections that are free, fair, and transparent.

I believe the U.S. must work closely with allies in Latin America and Europe to help the Venezuelan people reclaim their fundamental rights and restore democracy. And we must take note of the regimes that are enabling Maduro.

Cuba continues to provide intelligence support to Maduro to prevent military officials from defecting to the side of democracy. And Russia and Turkey are providing financial lifelines to keep Maduro afloat. The international community should be unified in calling for an immediate peaceful transition that swiftly leads to free and fair elections in which every political party is allowed to participate in fully competitive conditions, as guaranteed by international observers.

To achieve that goal, we must apply maximum diplomatic and economic pressure on Maduro and do all we can to support the Venezuelan people. That is why I have joined my colleagues in working to hold Maduro accountable, while providing aid to address the humanitarian crisis. I have joined Congressman Soto in calling for the U.S. to grant temporary protected status to Venezuelans fleeing this crisis. And I cosponsored legislation proposed by Congresswoman Mucarsel-Powell which will authorize the President to direct $150 million in humanitarian assistance to the people of Venezuela.

As we ramp up the pressure under Maduro, we need to be thinking also about the day after he is gone and how we can support the Venezuelan people to rebuild not just their democracy but their economy.

I look forward to hearing from the experts with us today about what further steps the U.S. Government can take in close coordination with our allies to help the Venezuelan people reclaim their democracy.

Thank you. And I now turn to the ranking member for his opening statement, Congressman Yoho.

[The prepared statement of Mr. Sires follows:]

House Committee on Foreign Affairs **Chairman Albio Sires (D-NJ)**
Western Hemisphere Subcommittee

Opening Statement – "Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses"
Tuesday, February 26, 2019

- **Good Afternoon everyone and thank you to our witnesses for being here today for such a timely and important topic.**
- **This is our first subcommittee hearing of the 116th Congress, and I just want to say that I am looking forward to working with every member of this committee, including Ranking Member Rooney and Vice Chair Meeks, to bring much needed attention to the Western Hemisphere.**
- **Today, the Venezuelan people are suffering under a humanitarian crisis caused by authoritarian leader Nicolás Maduro.**
- **Since Maduro came to power in 2013, he has consistently repressed human rights.**
- **Under his command, security forces have arbitrarily detained and abused thousands of protesters, committed acts of torture and forced disappearances, and carried out hundreds of brutal killings, all with the single goal of eliminating any and all opposition.**
- **Just yesterday, we saw another assault on democracy when Maduro detained American journalist Jorge Ramos, for hours, just because he didn't like the questions he was being asked.**
- **Maduro has caused an economic collapse that has left nearly 90 percent of Venezuelans in poverty and forced over 3 million Venezuelans to leave their country.**
- **While average Venezuelans suffer from crippling inflation and shortages of food and medicine, Maduro and his cronies have enriched themselves through drug trafficking and money laundering.**
- **Maduro's illegitimate re-election last year cemented his position as a dictator.**
- **If there was any doubt, one just needs to examine this weekend's events when Maduro's thugs burned tons of boxes of food and medicine.**
- **He rather see his people starve and suffer than face the truth.**

- **It is clear from the massive demonstrations that have been taking place that Venezuelans have had enough.**
- **They are demanding an end to Maduro's reign of terror.**
- **At this pivotal moment, the United States must stand by the Venezuelan people and on the side of democracy.**
- **I have joined many of my colleagues in recognizing the Interim President, Juan Guaidó, and calling for swift elections that are free, fair and transparent.**
- **I believe the U.S. must work closely with allies in Latin America and Europe to help the Venezuelan people reclaim their fundamental rights and restore democracy.**
- **And we must take note of the regimes that are enabling Maduro.**
- **Cuba continues to provide intelligence support to Maduro to prevent military officials from defecting to the side of democracy.**
- **And Russia and Turkey are providing financial lifelines to keep Maduro afloat.**
- **The international community should be unified in calling for an immediate peaceful transition that swiftly leads to free and fair elections, in which every political party is allowed to participate, and fully competitive conditions are guaranteed by international observers.**
- **To achieve that goal, we must apply maximum diplomatic and economic pressure on Maduro and do all we can to support the Venezuelan people.**
- **That is why I have joined my colleagues in working to hold Maduro accountable while providing aid to address the humanitarian crisis.**
- **I have joined Congressman Soto in calling for the U.S. to grant Temporary Protected Status to Venezuelans fleeing the crisis.**
- **And I cosponsored legislation proposed by Congresswoman Mucarsel-Powell, which would authorize the President to direct $150 million in humanitarian assistance to the people of Venezuela.**

- **As we ramp up the pressure on Maduro, we need to be thinking also about the day after he is gone and how we can support the Venezuelan people to rebuild not just their democracy, but their economy.**
- **I look forward to hearing from the experts with us today about what further steps the U.S. government can take, in close coordination with our allies, to help the Venezuelan people reclaim their democracy.**
- **Thank you, I now turn to the Ranking Member for his opening statement.**

Mr. YOHO. Mr. Chairman, I appreciate it. And I am going to read Ambassador Rooney's opening statement.

Thank you, Mr. Chairman. The current humanitarian and economic catas—thank you, catastrophe, that word, plaguing Venezuela is unprecedented in our hemisphere. The socialist policies, corruption, and economic mismanagement by the Maduro regime have destroyed what was once the most prosperous, the most prosperous country in Latin America and created one of the greatest exoduses of people, wealth, and talent in recent historical memories. Up to 3 million people have fled Venezuela.

We said this on a news conference yesterday. You know, if it is doing so well, the Maduro regime is doing so well, why would 3 million people of your own country want to leave, destabilizing the region and most severely impacting our strong ally Colombia, and all of South America?

Of course, an illegitimate dictator like Maduro refuses to accept responsibility for the current crisis. Blaming the United States will never explain hyperinflation exceeding 2 million percent I read the other day—I do not know how that is possible—or an average Venezuelan losing over 20 pounds in body weight due to malnutrition. Instead, Maduro ignores the suffering of the Venezuelan people and continues to block humanitarian aid from entering his country.

I comment the Trump administration for leading the effort to bring humanitarian assistance to the Venezuelan people in response to interim President Guido's request.

I also applaud Colombian President Duque, who we met with last week, and Brazilian President Bolsonaro for their support and strong commitment to democracy and freedom for the Venezuelan people. The Maduro regime also refuses to listen to the request of the Venezuelan people, and has violently cracked down on peaceful dissent and committed serious human rights violation and abuses, including torture and death.

Just this past weekend security forces are believed to have killed at least 25 people and injured more than 285 because they dared to protest. He has usurped the power of the democratically elected National Assembly and destroyed Venezuela's democratic institutions, while ignoring condemnation from the international community. The Maduro regime is not one elected officials chosen by—is not one of elected officials chosen by the Venezuelan people but criminals who run a mafia-like enterprise to enrich themselves at the expense of ordinary Venezuelans.

Just last week we had a meeting where we found out that over $11 billion was pilfered off of the petroleum companies that have enriched the upper echelons of the Maduro regime at the expense of the Venezuelan people.

The mafia State has not risen to power on its own. U.S. adversaries—and keep in mind it goes back to what our parents taught us as kids, you become who you hang around with—U.S. adversaries like Russia, Cuba, China, Iran, and Morales of Bolivia support the Maduro regime. That should tell you right there they are on the wrong side. Cuban officials are embedded in the Venezuelan military to the point where Maduro relies on the security forces of the Cuban regime for support because he cannot trust his own people.

Russia and Iran see Venezuela as a disruptive thorn in the side of the United States. And China exploits a corrupt regime for discounted oil and access to resources. This is the real foreign interference we should be talking about. The illegitimate Maduro regime also has ties to drug trafficking and other illicit activities, and the Venezuelan people are the first victims of this corruption and cronyism. Over the last month the Venezuelan people have stood up to the Maduro regime and demanded the return of Venezuela to the prosperous, free nation it once was.

President, interim President Juan Guaido has certified a united movement against the Maduro regime, and it has gained the recognition of over 50 countries. Maduro wants to blame the U.S. for this, but this is 50 international companies—countries that have stood up to this. Again, I commend the Trump administration's strong support for Guaido and the Venezuelan people, and support the calls for free and fair elections in Venezuela as soon as conditions allow for them. And I strongly support the continuation of sanctions against the Maduro regime and the use of all economic tools at our disposal to hold them accountable for the crimes.

There is much work to be done for Venezuela to regain its freedom, and freedom they will regain because the Venezuelan people grew up in this generation of liberties and freedoms and he is trying to snatch that away from them. They will not tolerate that. And that on itself is enough to change that regime.

I am encouraged by the efforts of the administration and Special Representative Elliott Abrams to achieves these goals and coordination with our regional allies, and further hope my Democrat and Republican colleagues here in Congress will work together to present a united front against the Maduro regime that will encourage other nations to be on the right side of history.

I look forward to the hearing. And, Mr. Chairman, I yield back. Thank you.

[The prepared statement of Mr. Rooney follows:].

AMBASSADOR ROONEY OPENING STATEMENT

Opening Statement – WHEM Hearing, 26 Feb 2019

Made by Maduro: The Humanitarian Crisis in Venezuela and US Policy Responses

Thank you, Mr. Chairman. The current humanitarian and economic catastrophe plaguing Venezuela is unprecedented in our hemisphere. The socialist policies, corruption, and economic mismanagement by the Maduro regime have destroyed what was once the most prosperous country in Latin America created one of the great exoduses of people, wealth, and talent in recent historical memory. Up to 3 million people have fled Venezuela, destabilizing the region, and most severely impacting our strong ally, Colombia.

Of course, an illegitimate dictator like Maduro refuses to accept responsibility for the current crisis. Blaming the United States will never explain hyperinflation exceeding 1 million percent, or an average Venezuelan losing over 20 pounds in body weight due to malnutrition. Instead, Maduro ignores the suffering of the Venezuelan people and continue to block humanitarian aid from entering the country.

I commend the Trump Administration for leading the effort to bring humanitarian assistance to Venezuela in response to interim President Guaido's request. I also applaud Colombian President Duque and Brazilian President Bolsonaro for their support and strong commitment to democracy and freedom for the Venezuelan people.

The Maduro regime also refuses to listen to the demands of the Venezuelan people and has violently cracked down on peaceful dissent and committed serious human rights abuses, including torture. He has usurped the power of the democratically-elected National Assembly and destroyed Venezuela's democratic institutions while ignoring condemnation from the international community.

The Maduro regime is not one of elected officials chosen by the Venezuelan people, but criminals who run a mafia-like enterprise to enrich themselves at the expense of ordinary Venezuelans. This mafia-state has not risen to power on its own. US adversaries like Russia, Cuba, China and Iran all support the Maduro regime. Cuban officials are

embedded in Venezuela's military and support human rights abuses; Russia and Iran see Venezuela as a disruptive thorn in the side of the United States; and China exploits a corrupt regime for discounted oil and access to resources. This is the real foreign interference we should be talking about. The illegitimate Maduro regime also has ties to drug trafficking and other illicit activities and the Venezuelan people are the first victims of this corruption and cronyism.

Over the last month, the Venezuelan people have stood up to the Maduro regime and demanded the return of Venezuela to the prosperous, free nation it once was. Interim President Juan Guaido has created a united movement against the Maduro regime, and has gained the recognition of more than fifty countries in the process.

I commend the Trump Administration's strong support for Guaido and the Venezuelan people, and support the calls for free and fair elections in Venezuela as soon as conditions allow for them. I also strongly support

the continuation of sanctions against the Maduro regime and use of all economic tools at our disposal to hold them accountable for their crimes.

There is much work to be done for Venezuela to regain its freedom, and even more work will be needed to rebuild the country. However, I am encouraged by the efforts of the Administration and Special Representative Elliott Abrams to achieve these goals in coordination with our regional allies. I further hope my democrat and republican colleagues here in Congress will work together to present a united front against Maduro that will encourage other nations to be on the right side of history.

I look forward to hearing the testimonies and opinions of all witnesses today. **Thank you, Mr. Chairman. I yield back the balance of my time.**

Mr. SIRES. Thank you. Thank you, Congressman Yoho.

We are going to open it up for 1-minute remarks by the members. Vice Chair Meeks, you have it.

Mr. MEEKS. Thank you, Mr. Chairman. And I am going to submit my full statement for the record. I will summarize it real quickly in this 1 minute.

You know, clearly, to see what is happening to the people of Venezuela is heartbreaking to witness. When we talk about the scenario and human lives being lost in many instances and people going hungry, and no one wants to stand by and see such tragedies. But I do believe that it is important that the Lima Group and some of our allies in the region take the lead on this. It is just too much, I think, that it seems as though with our past history in the region, in Central and South America, and some of the bellicose talks that are going on about military threats, that hurts getting things done.

I appreciate the fact that I see how and such with not a lot of bellicose that Peru, and Colombia, and Brazil, those border States have been dealing with. I look forward to questioning the witnesses and going and pursuing this a little bit further.

But I submit my full statement for the record.

[The prepared statement of Mr. Meeks follows:]

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
Subcommittee on the Western Hemisphere, Civilian Security, and Trade

Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses

Tuesday, February 26, 2019
Remarks

Congressman Gregory W. Meeks

Thank you Mr. Chairman for calling this hearing.

What is happening to the people of Venezuela is heartbreaking to witness. This hearing is an important part of the process of examining the options for alleviating the suffering and addressing humanitarian needs at this time of crisis.

One of my paramount worries when it comes to assisting with this crisis is the effect of America's tarnished history in the region and the reputation of our current president. Those are factors that I know shape our nation's ability to help. I am a big believer in multilateral action whenever possible. With the current humanitarian and political upheaval in Venezuela, multilateral action isn't just a preference, it's essential. I've met with representatives from the Lima Group, and I appreciate that regional leaders are committed to continued assistance. That assistance so far has been crucial.

With over 5000 Venezuelans crossing the border seeking refuge each day, neighboring nations have shown their willingness to stretch above and beyond their capacity to handle the influx. Yet they do so with a level of grace that we can all learn from. Colombia, Peru, Brazil, and many other regional partners are deeply engaged in the effort to address the humanitarian needs on the ground.

They have done so, to my knowledge, without fanfare, and without over politicizing their efforts. They understand that they are interconnected with what's at stake, the entire hemisphere is. Eradicated diseases are making a comeback in Venezuela. Malnutrition is alarmingly high, and most Venezuelans are now too poor to change that.

There is never a time to politicize suffering. In that regard, I am uncomfortable with what I see coming from this White House. It is very hard to lead with aid when there is bellicose talk coming from the White House. Flagrantly threatening military action in Venezuela; that isn't leadership, it's exploitation.

I believe that Congress must play an important role in the effort to assist and counterbalance harmful rhetoric or policies that come from the executive branch. I look forward to the perspective our witnesses today, as my colleagues and I seek the best policies to help.

I don't want to see any more civilians that seek refuge and care subjected to violence. That is why I categorically condemn the senseless attacks on innocent civilians at the Venezuelan border. I remain dismayed that humanitarian aid is being blocked at multiple border checkpoints. Securing food and basic necessities should never be greeted with a barrage of bullets by soldiers. At the same time, providing aid when life hangs in the balance for so many should never be about scoring political points.

I will never forget my visits to Venezuela over the years, and the warmth, strength, and pride of the Venezuelan people. As a long-time member of the Boston Group – a bipartisan US-Venezuela group of officials – I was deeply moved when Venezuelans, who historically felt disenfranchised by their own government, found their voice with their democratically elected president, Hugo Chavez. They were hopeful, many felt they had a voice in their government for the first time. As things slipped into far less hopeful circumstances there, I have tried my best to be a bridge between the Venezuelan government and the United States. I've watched with dismay the slide away from democracy in the ranks of the Venezuelan government, but I've never lost my faith in the will of the Venezuelan people to bring their nation back from the brink. That faith tells me that Venezuela will get back to a bedrock of democracy. As I see it, the role of the international

community is to support that, not get in the way. My prayers remain with the people of Venezuela.

END

Mr. SIRES. Thank you, Congressman.

Congressman Yoho, 1-minute remark.

Mr. YOHO. One minute. You know, we look at this. And we met with the interim Ambassador that has been placed in that position that we recognize, and what I see is not, this is just not about Venezuela. This is about the other nations that we talked about, Cuba, China, Russia, Iran, Bolivia. These are all anti-western democracies. And the Rubicon is Venezuela. If the Maduro regime fails, so does Cuba because they have invested so much over the course of the years, and the same with Russia.

This is something that we have over 70 million displaced refugees around the world because of conflict. We have the potential, having millions more that we have never seen in this country coming through our southern border. And this is something that we need to have a peaceful resolution as soon as possible.

And I look forward to this hearing.

Mr. SIRES. Thank you. Congressman Espaillat.

Mr. ESPAILLAT. Thank you, Mr. Chairman.

Although I have in the past been outspoken against any form of military intervention by our nation—we cannot continue to be the policeman of the world—I am very distressed to see what is occurring in Venezuela, particularly yesterday. We saw how Jorge Ramos and his Univision crew were detained for 2 hours when he showed Maduro a film of the children, Venezuelan children eating off a garbage truck. That has been protested by the entire world, including Mexico who has been somewhat ambivalent about what is happening in Venezuela, they protested this.

And yesterday Jorge Ramos and his crew were deported from, forcefully moved from Venezuela. That is, Mr. Chairman, troubling because the eyes of the world must be on what is happening there. The whole world must be watching what is happening there. We cannot be blindfolded to that. And that is an egregious act against humanity.

Mr. SIRES. Thank you, Congressman.

Congressman VARGAS.

Mr. VARGAS. Thank you very much, Mr. Chair. And thank you for holding this hearing.

I have to say that I am very distressed with what is happening in Venezuela. Venezuela has been a very proud country. In fact, has the largest oil reserves in the world. It has been a country that has historically been very wealthy in Latin America and on the move. And to see what has happened to it under Maduro is tragic. It has become a failed state.

And also to reiterate what has happened to Jorge Ramos, a lot of us see Jorge Ramos as the Walter Cronkite of Spanish news. Someone that we always trust. He is very straightforward in what he says. And to see him, see what happened to him and his crew, how they were manhandled, and mishandled, and mistreated was really tragic because we need to see with the eyes, I think, of a very honest newsperson like himself what is going on there.

So, again, I am very happy that we are having this hearing today. And I want to thank you, Mr. Chairman and the ranking member.

Mr. SIRES. Thank you, Congressman.

Let me introduce first Ms. Marcela Escobari, Senior Fellow in the Center for Universal Education at Brookings where she is leading the Workforce of the Future Initiative. She spent the last year of President Obama's administration as an assistant administrator of the U.S. Agency for International Development's Bureau for Latin America and the Caribbean, focusing its initiatives on poverty, inequality, citizen security, and governance.

Since 2007, Ms. Escobari served as the Executive Director of the Center for International Development at Harvard University. She has also worked as head of the Americas Region at the OTF Group where she advised governments on poverty alleviation through private enterprise.

We welcome you again. Thank you.

We will then hear from Mr. Santiago Canton who currently serves as Secretary of Human Rights for the Province of Buenos Aires. In 2017, he was appointed by the Organization of American States' Secretary General Luis Almagro as one of three experts to join an independent panel to examine the human rights situation in Venezuela. Mr. Canton was formerly director of RFK Partners for Human Rights at the Robert F. Kennedy Center for Justice and Human Rights.

Before joining the RFK Center, Mr. Canton was the Executive Secretary of the Inter-American Commission on Human Rights for 11 years, after serving as the first Special Rapporteur for Freedom of Expression in the Inter-American System. He also served as Director for Latin America and the Caribbean for the National Democratic Institute for International Affairs as a political assistant to former United States President Jimmy Carter.

Welcome.

Finally, we will hear from Moises Rendon, Associate Director and Associate Fellow of the Center for Strategic and International Studies, Americas Program. His research focuses on Latin American States in transition, trade and investment, governance and transparency, and U.S. foreign policy toward Latin America, with particular emphasis on Venezuela. He is a native Venezuelan.

Thank you all for being here. Now we will go to testimony. Ms. Escobari, you have 5 minutes.

STATEMENT OF MARCELA ESCOBARI, SENIOR FELLOW FOR GLOBAL ECONOMY AND DEVELOPMENT, CENTER FOR UNIVERSAL EDUCATION, BROOKINGS INSTITUTION

Ms. ESCOBARI. Thank you, Chairman Sires and members of the committee for calling this hearing and for the opportunity to testify today. I will be summarizing my views and ask that my full testimony be placed in the record.

Venezuela presents a complex situation for a humanitarian response, where there is a legitimate, widely recognized, and democratically elected entity in the National Assembly, and now interim President Juan Guaido . However, he does not, as of now, have the command of the military forces or the government bureaucracy. So, while the official request of humanitarian aid from the National Assembly has started to be answered by the international community, it is a contested environment, where the delivery of aid is being explicitly blocked by Nicolas Maduro and the military.

So, the situation calls for a two-tiered response.

One, is what to do during this impasse.

And, two, what to do in case of a much-needed democratic transition.

Alleviating the human suffering and the refugee crisis looks different under these two scenarios. In the status quo we need to deliver aid in a politically neutral way to those that need it the most. This may involve engaging the United Nations, funding exisiting local and multinational NGO's on the ground, and using a variety of delivery channels, from cash transfers to air drops of supplies. As the need is and will be massive, both inside Venezuela and the neighboring countries affected by the refugee crisis.

I would like to be clear that while important and necessary, given the extent of the humanitarian crisis, this approach is palliative. In the case of a democratic transition, Venezuela can engage in the profound reforms that are needed: Stabilizing the currency, rebooting the private provision of goods, massive cash transfers to alleviate acute shortages, and investing in public services from the replenishment of hospitals to citizen security. This transition will involve significant aid and, likely, the largest IMF package in its history.

So, what is the situation? Venezuela has seen one of the most dramatic economic contractions in human history. Inflation has surpassed 1 million percent in the last year. If Venezuelans used to buy a carton of milk with $1 in January, in December it cost them $10,000. Obviously, salaries have not kept up.

GDP has contracted over 50 percent in the last 5 years, the largest contraction in the world in 2017. It has over $150 billion in debt, while oil output, which is 95 percent of exports, has gone down 64 percent in the last 20 years due to mismanagement and corruption.

Poverty has gone from 48 percent to 91 percent in the last 4 years. Venezuela is one of the most violent countries in the world. Parts of Venezuela have become lawless refuge for the FARC, the ELN, and non-state actors who engage in narcotrafficking, illegal mining, and contraband of gasoline.

There are shortages of almost every basic medication. The Ministry of Health reported on a hundredfold increase in neonatal death. We have seen the rise of diseases previously eradicated, from malaria where we have seen over 500,000 cases, as well as Zika, polio, diphtheria, and measles. Shortages of vaccines means that this problem is likely to aggravate and spread, given the refugee crisis which has reached 3.4 million Venezuelans which have left their country, an average of 5,000 Venezuelans who cross the border every day.

Diseases do not respect borders and pose a regional security threat.

To conclude, our unwavering support of the Venezuelan people is critical in this moment. There are two distinct strategies at play. One involves exerting maximum economic and political pressure on the regime that increase the chances of a bloodless transition.

The second is a humanitarian response which is distinct from the political and diplomatic strategy, and should be neutral and target the most vulnerable. We should also be prepared to commit the re-

sources that are commensurate with the needs, which will be multiples of the current commitment.

In both of these fronts we need to maintain a multilateral approach. We are stronger and wiser when we work with others. And what makes this moment remarkable is the global support coalescing behind the new government and the humanitarian response. The Grupo de Lima, the OAS, most of the European Union make up the over 50 countries recognizing Guaido and pressing for a democratic transition. It is this coalition, ideally led by the Grupo de Lima, and supported by the U.S. that represents a hope for the Venezuelan people who have suffered too long under a brutal and corrupt regime.

I wish to sincerely thank you for calling this hearing on the Venezuelan crisis and for inviting me to testify today.

[The prepared statement of Ms. Escobari follows:]

Statement of Marcela Escobari
Senior Fellow, Brookings Institution

U.S. House of Representatives Committee on Foreign Affairs
Subcommittee on the Western Hemisphere, Civilian Security, and Trade

Hearing on:
Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses
February 26, 2019

Chairman Sires, Ranking Member Rooney, and Members of the Committee,

Thank you for convening this important hearing on The Humanitarian Crisis in Venezuela and U.S. Policy Responses.

I am grateful for the opportunity to participate in this hearing. I have devoted my career to international development. I have worked advising countries on how to spur economic growth that is inclusive and built the capacity of governments to work more effectively and promote the use of evidence in the delivery of programs in education, health, and economic development. I spent almost a decade as executive director of an international development research center at Harvard University, and most recently served as Assistant Administrator for the Bureau for Latin America and the Caribbean at the United States Agency for International Development (USAID), until Jan 2017. During my time at USAID, the LAC Bureau oversaw the response to Hurricane Matthew in Haiti, strengthened our Central American operations to tackle poverty and insecurity, and supported the Colombian government through its peace process and reintegration efforts of former guerillas. During my time at USAID, we also developed a strategy on how to respond to the growing humanitarian crisis in Venezuela, exploring the options of assistance under different scenarios.

Venezuela presents a complex situation for a humanitarian response -- where there is a legitimate, widely-recognized, and democratically-elected entity in the National Assembly, and its leader, Juan Guaidó, who was sworn in as interim president. However, he does not, as of now, have the command of the military forces or the government bureaucracy. So, while there has been an official request of humanitarian aid from the National Assembly and a response from the multilateral community, it is a contested environment, where the delivery of aid is being explicitly blocked by Nicolas Maduro and the military.

The stakes could not be greater for Venezuela. A man-made crisis due to corruption, repression and incompetence has plunged a once-prosperous country to the brink of starvation and destitution. The regime overseeing this disaster remains in place through military force and political repression.

The U.S. joins over 50 countries, led by the Lima Group of Latin American nations and Canada, and most of the European Union, in their support for Juan Guaidó as interim president and calls for an expedient democratic transition through elections. The current U.S. government strategy appears to seek to exert maximum economic and political pressure on the regime, while the interim president Juan Guaidó promotes an Amnesty Law encouraging the military to abandon Maduro. As this strategy plays out, the U.S. government should project an unwavering commitment to helping the people of Venezuela, provide humanitarian aid in the immediate term, and prepare for larger scale engagement to stabilize and restore hope for millions of Venezuelans.

Alleviating the human suffering and the refugee crisis looks different under the status quo and under a critically needed change of government.

The current situation suggests a two-tiered response:

1. During the current impasse, we need to deliver aid in a politically neutral way to those most in need. This may involve funding existing local and multinational NGOs on the ground and providing vital medicines through existing channels. The US government and allied nations should think creatively about a variety of delivery channels, from cash transfers to airdrops of supplies looking at all available channels, as the need is and will be massive. Let's be clear, that while important and necessary given the extent of the humanitarian crisis, this approach is palliative.

2. In the case of a democratic transition, Venezuela can engage in the profound reforms that are needed: stabilization of the currency, rebooting the private provision of goods, massive cash transfers to alleviate acute shortages among the poor, the replenishment of hospitals and clinics, and the provision of citizen security.

What I hope to cover in this testimony is:
- What is the humanitarian situation in Venezuela?
- How did we get here?
- What does a recovery plan involve?

What is the situation in Venezuela?
In deciding how to move forward with conviction, it is important to understand how we got here, and the conditions on the ground today.

Venezuela has seen one of the most dramatic economic contractions in human history, more so considering that this has been a man-made disaster, outside of a war zone (even if the statistics resemble a war zone).

Economy.
Inflation has surpassed over 1 million percent in the last year. This means that if Venezuelans used to be able to buy a carton of milk for $1, now it costs them $10,000. Obviously, salaries have not kept up with this inflation. The minimum salary (6 years ago in 2012) used to cover 2000 daily calories, and now it buys 600. In other words, a daily salary for a Venezuelan does not buy 2 eggs.

GDP (gross domestic product) has contracted over 50% in the last 5 years, the largest contraction in the world in 2017. Venezuela has over $150 billion in debt, which is over 5 times its exports. In the country with the largest oil reserves in the world, output has gone down 64% since 1999, from 3.5 million barrels per day to 1.2 million barrels per day due to mismanagement and corruption.

Poverty has gone from 48.4% in 2014 to 91% in 2017. This is measured by ENCOVI, an academic effort by Venezuelan universities to replicate the standard household survey, after the national statistical agency stopped measuring poverty for political reasons. 6 out of 10 Venezuelans have involuntarily lost 19 pounds in one year, and 1.3 million people suffer from malnutrition.

Health.
There are shortages of almost every basic medication, and hospitals have less than 30% of the needed stock of medication. In 2015, the Ministry of Health reported a 100-fold increase in neonatal deaths in the last three years due to lack of basic infrastructure. We have seen the rise of diseases previously eradicated, according to the Center for Disease Control (CDC). In the case of malaria, Venezuela was one of the first countries to eradicate it, and now it is back with a vengeance, with over 500,000 cases, and it already has claimed 820 lives as of June 2018.

Zika, polio, diphtheria (particularly affecting the Andean region), measles, which are primarily affecting indigenous populations, are all diseases whose prevalence has skyrocketed. Diseases do not respect borders. The rise of these diseases poses a national security threat throughout the region. Shortage of vaccines means that this problem is likely to aggravate and spread given the refugee crisis.

According to the UN agencies, 3.4 million Venezuelans have left their country, with 2.7 million having left since 2015. An average of 5,000 people cross the border every day, mostly to Colombia.

Security
Venezuela is one of the most violent countries in the world, at 89 homicides per 100,000 individuals, with 26,000 violent deaths in one year. It has a repressive government that in the last month has killed over 40 people and detained 800, including minors, who have been charged with terrorism.

At the same time, there is a state of lawlessness in the country. To keep the loyalty of the army, the government has given them control of the ports, customs, borders (giving them access to bribes and narcotrafficking). Parts of Venezuela have become lawless refuge for the FARC/ELN and non-state actors to engage in illegal mining, narcotrafficking and contraband of gasoline. It is presumed that the military sells illegally over 100,000 barrels per day to Colombia, which is money (between $2-$3 billion) not spent on the needs of the Venezuelan people.

How did Venezuela get here?

Venezuela sits on the largest oil reserves in the world, and for decades was the wealthiest country in Latin America. The Venezuelan collapse is a story of mismanagement and corruption. The economy has suffered from a decade of expropriations, underinvestment in the oil industry, massive foreign indebtedness and the gradual undermining of institutions overseeing government expenditures.

The expropriation and nationalization of companies in every sector from oil to agriculture have led many companies to shut down, leading to shortages and price hikes for almost all basic necessities. The oil boom of 2004-12 was misused to fund consumption through imports while dismantling the productive capacity of the country.

As oil production declined by lack of investment and mismanagement, and without the exports to attract foreign exchange, the government started to print money to finance purchasing power. Instead of investing in PDVSA, the national oil company, which comprises 95% of Venezuelan exports, it used its proceeds to pay its cronies and political elite in exchange for loyalty and subsidize food. The regime uses stockpiles of food in exchange for political loyalty, but even that is only reaching less than 30% of the population.

Unable to fund the subsidies and social programs, Maduro has continued to print money, driving up inflation and making products unaffordable for average Venezuelans. He instituted price controls and fixed the exchange rate (giving preferential rates to his allies). Lack of foreign exchange has impaired the capacity of the domestic productive apparatus to produce, making goods scarce, and goods more unaffordable. This cycle has predictably spiraled out of control leading to the humanitarian crisis through a mix of a scarcity of medication and food, weakened markets – and the crime and lawlessness that scarcities have fueled.

What can be done to alleviate the humanitarian crisis?

Venezuela was once an upper middle-income country with a thriving private sector made up of local and international firms. The goal of any transition effort would be to restore market mechanisms for the provision of goods and services and provide massive humanitarian relief to the most vulnerable segments of the population during a transition period.

There are two current scenarios that the US government should be prepared for:

I. **Status Quo:** Where the National Assembly and interim president Guaidó has requested aid but does not yet have the support of the military nor government distribution apparatus at its disposal. In coordination with the ever-growing international community pledging aid, the US government should explore all ways to supply the most critical aid to the most vulnerable sectors of the population. Vital medicines for immunization, maternal-child health, mosquito borne diseases, and the most prevalent chronic, degenerative diseases are scarce or nonexistent and should be prioritized. Mechanisms for delivery include the multilateral organizations including the UN agencies like PAHO, UNICEF and global NGOs like the Red Cross, as well as local NGOs that are active in the country. The US government can work with hundreds of NGOs currently on the ground, both local and international, and strengthen their capacity to support the most needed communities, which could come in the form of cash and goods. About 20% of imports are currently coming through the private sector so there are some goods that are available but not affordable for most of the population. For most other critical goods- they are either scarce or non-existent and should be delivered through all available channels, including air drops if the impasse prolongs itself. An equally robust effort should be deployed to help refugees in border countries to provide relief and limit their destabilizing effects on neighboring economies.

   Consistent with best practices, delivery of aid should be neutral and apolitical. This involves avoiding the military and government mechanism that have historically used food to maintain control and loyalty, and also making sure any new aid goes to those most in need, irrespective of political affiliation, and through discreet channels.

   This is a challenge in Venezuela, given that Maduro has historically rejected aid, and the political climate for aid has become more heated as Guaidó has openly challenged Nicolas Maduro's legitimacy asking the military to switch allegiances, and called for new fair and free elections. The new PDVZA sanctions and the coalescing of international support for interim government have further put pressure on the Maduro government. It is further difficult to disentangle the humanitarian crisis and the political crisis, as they are deeply interconnected. The government policies have caused the humanitarian distress, and our ability to help are also hampered by the current regime.

In this tense and rapidly changing situation it is important to keep two principles present in the response:

1. A focus on helping the Venezuelan People. On the humanitarian front this means using as much as possible the best practices in contested environment to get aid in apolitical, discreet ways, and being prepared to commit the resources that are commensurate with the need, which should be multiples of currently committed aid.

2. Maintaining a Multilateral Approach. What makes this moment remarkable is the global support coalescing behind the interim president Guaidó and the humanitarian response. The Grupo de Lima (which include Argentina, Brazil, Canada, Chile, Colombia, Peru, Paraguay among others), the OAS and most countries in the European Union make up the over 50 countries that have come together recognizing Guaidó and pressing for a democratic transition. Maintaining that multinational coalition, ideally led by the Grupo de Lima, will be crucial for the political reforms sought in Venezuela, as well as the humanitarian response and reconstruction of the country.

II. Under a Democratic Transition and New Government in Venezuela.

When there is a change in government, Venezuela will need to go through comprehensive reforms, and will require a concerted, and unified support of global players. Comprehensive reform will involve relaxing price and currency controls, reigniting productive capacity of companies to make goods and restoring property rights and credit to encourage investments. It will be critical to restructure the massive national debt to give Venezuela enough room to recuperate and invest in selected high priority sectors. It will be crucial to revive the oil industry through major foreign investments and restore expertise in the PDVZA company ranks. The recovery will also require what will likely be the largest IMF package in its history.

To tackle the humanitarian crisis would require a massive cash transfer to the poor that both matches and encourages the local provision of goods, and gets markets working again. This will restore the availability of goods, but also much needed jobs and sources of livelihood. Restocking hospitals and clinics with vaccines, critical medicines and capacity will also be important. It will also be important to support citizen security for the effective distribution of aid, and overall security of the population. In coordination with other funder countries, USAID should develop an intense 3-5-year transition program as the IMF funds are incorporated into the economic apparatus, and structural reforms restore credit and production. USAID's programs should focus on the most vulnerable populations, whose savings and earnings have vanished, strengthen citizen security and support institutional strengthening.

To conclude, this is a moment where the question for all of us should be, how does the U.S. and international community maximize the chances of success of this full-on pressure strategy, so we can help Venezuela move from the palliative to the needed structural reforms required to restore prosperity to all Venezuelans.

The current government under Nicolas Maduro has consistently been willing to use the dwindling resources of the nation to enrich a corrupt political elite and buy loyalty to keep itself in power at the expense of the suffering and hunger of its people. The strategy of maximum economic and political pressure on the regime, including the recent U.S. sanctions on PDVZA,

will make it hard for the Maduro government to continue to fund itself and press the military to defect, in what everyone hopes is a bloodless transition. As this strategy plays out, the U.S. government should project an unwavering commitment to helping the people of Venezuela, and to democratic principles of governance in unison with the growing global coalition of nations.

The strategy should also involve a humanitarian response – that is distinct from the political and diplomatic strategy- that complies with international law and the Geneva convention protocols, and that it is both neutral, apolitical and targeting those most in need.

Our unwavering support to the Venezuelan people in this critical moment, reinforces who we are as a country and what works when we use development and diplomacy to support stability and prosperity around the globe.

We are not passive in response to great suffering. Americans everywhere, from all faiths, are not idle when we see despair and trauma at this scale, when so many innocent lives are on the line. From local church groups, to philanthropy, to our support for U.S. government aid, when we see suffering, we do our part to help. We have been watching the demise of a great nation for over a decade. As humanitarian conditions reach crisis level, we can and must step up our response, consistent with our values as a free, prosperous and generous people.

We believe, and history has proven us right, that the security and stability of our neighbors makes us more prosperous. The crisis in Venezuela creates health, security, and geopolitical risks for the whole continent.

We are stronger and wiser when we work with others. The challenges for Venezuela are and will be great, and will require the commitment, ingenuity and action of the multilateral coalition that has gained incredible momentum. The U.S. should act in concert with other countries.

I wish to sincerely thank the Sub-Committee for your focus on the Venezuelan crisis and the humanitarian response and extending me the privilege of testifying today.

Mr. SIRES. Thank you.
Mr. CANTON.

STATEMENT OF SANTIAGO CANTON, FORMER EXECUTIVE SECRETARY, INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Mr. CANTON. Mr. Chairman, Ranking Member Rooney, and members of the committee——

Mr. SIRES. Can you please turn your mike on. Thank you.

Mr. CANTON. Thank you for the opportunity to testify today.

The Secretary General of the Organization of American States, Luis Almagro, has recently stated: "The regime in Venezuela is responsible for what has become one of the worst humanitarian crisis the region has experienced. This crisis is man-made and a direct result of inhumane actions by leaders who do not care about the suffering of their people, allowing their citizens to die of hunger and preventable diseases."

In 2018, the U.N.'s Food and Agriculture Organization indicated that between 2015 and 2017, 11 percent of Venezuela's population, 3.7 million people, were undernourished, up from less than 5 percent between 2008 and 2013.

The 2018 National Survey of Hospitals showed that the capacity of the national network of hospitals has been gradually dismantled over the last 5 years. The survey reports 88 percent of shortages of medicine and 79 percent of shortages of surgical supplies.

Indicators such as the increase of maternal mortality by 60 percent, and infant mortality by 30 percent from 2014 to 2016, the lack of access to adequate and regular treatment for more than 300,000 patients with chronic diseases, or the outbreak of malaria and diphtheria all point to a dramatic deterioration of the healthcare system.

The Office of the High Commissioner of Human Rights at the U.N. observed that women are particularly affected by the health crisis. For instance, the number of maternal deaths rose from 368 in 2012 to 756 in 2016.

Last year, as mentioned by the chairman, I was appointed by the OAS to a panel of three independent international experts that, after evaluating the information on the humanitarian crisis, concluded that the use of the crisis as an instrument to pressure a segment of the population that is considered as dissident or that is identified as such, constituted multiple violations of fundamental rights, such as the right to life, right to humane treatment, the right to health, and the right to food, making it a crime of persecution for political reasons.

The humanitarian crisis has created more demonstrations, and the government response to the demonstrations was a policy of systematic violations which between 2014 and 2018 left thousands of extrajudicial executions, 12,000 arbitrary detentions, 289 cases of torture, 192 cases of rape of persons under State control, and a number of enforced disappearances.

The panel of experts found reasonable grounds to believe that these acts against the civilian population of Venezuela constituted crimes against humanity, in accordance with Article 7 of the Rome Statute of the International Criminal Court, including the crimes of murder, imprisonment, torture, rape and other forms of sexual

violence, persecution, and enforced disappearances. Finally, the case that the panel worked on was sent by five countries to the ICC.

In 2001, the countries of this hemisphere approved the world's first democratic charter with the goal of defending democracy and human rights. Unfortunately, due to regional politics, the Inter-American Democratic Charter has clearly failed. Mr. Chairman, this is not about politics, this is not about the Latin American left or the Latin American right, populism or fascism, this crisis is about the personal greed, corruption and organized criminal activity of the mafia that under the banner of nationalism and sovereignty is killing, torturing, persecuting, and detaining its own people.

In the year 2000, the Canadian Government established a commission to respond to a question of the U.N. Secretary General Kofi Annan on when the international community must intervene for humanitarian purposes. The Canadian Commission stated that sovereignty entails not only rights, but also the responsibility to protect its people from major violations of human rights. Basically, Mr. Chairman, the principle of non-intervention yields to the international responsibility to protect. In this situation, it means to exercise the responsibility to protect the Venezuelan citizens facing grave human rights violations.

And that is where we are now, Mr. Chairman. The international community, not any country individually, should work together, particularly with the countries from the Lima Group, but also with those who have not joined the Lima Group to return to the Venezuelans the democracy, the human rights, and the dignity that the group of organized criminals took away from them.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Canton follows:]

Statement of Santiago A. Canton
Former Executive Secretary Inter American Commission of Human Rights

U.S. House of Representatives Committee on Foreign Affairs
Subcommittee on the Western Hemisphere, Civilian Security, and Trade

Hearing on:
Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses
Tuesday, February 26, 2019

Chairman Sires, ranking member Rooney, and members of the Committee: thank you for the opportunity to testify today.

The Secretary General of the Organization of American States has recently stated: "The Regime in Venezuela is responsible for what has become one of the worst humanitarian crises the region has experienced. This crisis is man-made and a direct result of inhuman actions[1] by leaders who do not care about the suffering of their people, allowing their citizens to die of hunger and preventable diseases. The severity of the humanitarian crisis is not simply the consequence of negligence, but it has become part of the broader strategy of repression in the country that is guided by ideological and political interests. The economic crisis is a direct result of the economic mismanagement and corruption of a regime that is driven by ideological and personal greed. The resulting humanitarian crisis has been repeatedly denied to the international community, and all offers of assistance that would greatly ease the suffering of the Venezuelan people have been consistently rejected. Instead, this regime has weaponized the seriously deteriorated living conditions in Venezuela, using what little supplies are available to reward those actively loyal to the regime and in turn, withhold resources as punishment to those who have been deemed their enemy. Food, medicines, and other basic necessities have become tools of political and social control, weapons with which to persecute their own people".[2]

This humanitarian crisis has produced and continues to enable grave violations of human rights. Since 2003, international human rights organizations and organs, such as the Inter-American Commission on Human Rights, have been condemning the human rights violations committed in Venezuela.

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[1]Cfr. OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 45.
[2]GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 235.

In 2018, the United Nations' Food and Agriculture Organization indicated that between 2015 and 2017, 11.7 percent of Venezuela's population — 3.7 million people — was undernourished, up from less than 5 percent between 2008 and 2013. Another national survey carried out by a consulting firm in August 2018 found that 40 percent of those surveyed had eaten twice a day, while 12.5 percent had only eaten once. More than half were unable to go to work because they had to go and search for food, 38.1 percent said their children had to skip school because they did not have enough food to feed them, and 33.6 percent said their children had to skip school to accompany their parents to find food. A total of 85.3 percent of those surveyed feared they would not have enough food in their homes to feed their families[3]. The consequences of the scarcity of food are clear: more than 70% of the people surveyed by a local NGO indicated that in 2016 they had lost weight, on average 8.7 kilograms, and 9 kilograms in the case of persons living in extreme poverty.[4]

In relation with the right to health, the 2018 National Survey of Hospitals showed that the capacity of the national network of hospitals has been gradually dismantled over the last five years. The survey reported 88 per cent of shortages in medicines and 79 per cent of shortages of surgical supplies in 2018.[5] The National Survey also highlighted that only 7 per cent of emergency units and 8.4 percent of operating rooms were functional and that 70 per cent of emergency units and 76 per cent of operating rooms had reported intermittent failures.[6]

According to Human Rights Watch, these supplies shortages include: gloves and sterile gauze, antiseptics, medical alcohol, scalpels, needles, catheters, intravenous solutions, nebulizers, and surgical sutures, as well as basic sanitizing and cleaning products.[7] This NGO also explains that staff must ask patients or their families to purchase elsewhere what is needed for their treatment. For example, patients needing surgery—including cancer operations or c-sections—are required to bring essentials such as anesthetics, IV fluids, and scalpels. Yet given the shortage in medicines and supplies in pharmacies, it is often extremely difficult or even impossible for the patients or their families to obtain the needed medicines and supplies.[8]

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[3]Human Rights Watch, "Venezuela's Humanitarian Crisis: Severe Medical and Food Shortages, Inadequate and Repressive Government Response," October 2016, page 46.
[4]ENCOVI, "Encuesta Nacional de Condiciones de Vida Venezuela 2016 - Alimentación", 2016.
[5]OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 41. The National Survey of Hospitals 2018 was conducted by a network of resident medical doctors in 104 hospitals covering 22 states. It has been conducted annually for the last five years and its results were shared with OHCHR.
[6]OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 41.
[7] Human Rights Watch, "Venezuela's Humanitarian Crisis: Severe Medical and Food Shortages, Inadequate and Repressive Government Response," October 2016.
[8]Human Rights Watch, "Venezuela's Humanitarian Crisis: Severe Medical and Food Shortages, Inadequate and Repressive Government Response," October 2016, page 29.

Lack of water and hygiene supplies have also caused pervasive infection problems.[9] As a consequence, over the last few years, around 50 per cent of doctors and 37 per cent of nurses emigrated to other countries of the region, mainly due to their low wages and the lack of conditions to provide adequate health services.[10]

Indicators, such as the increase of maternal mortality by 60 per cent and infant mortality by 30 per cent from 2014 to 2016, the lack of access to adequate and regular treatment for more than 300,000 patients with chronic diseases, or the outbreak of malaria and diphtheria (diseases which had previously been eradicated), all point to a dramatic deterioration of the health care system.[11]

Medicine shortages were also widespread in pharmacies. From September 2017 to April 2018, a mechanism monitoring pharmacies' stocks in five of the main cities of the country reported an 84.23 per cent shortage of medicines essential to treat four of the most recurrent causes of morbidity in the country, i.e. diarrhea, respiratory tract infections, diabetes and high blood pressure.[12] Although some pharmaceutical companies have the capacity to produce medicines, the Government must first sell them the foreign exchange currency to pay the international suppliers; a dependency that is a derivative of the state controlled exchange market that was brought into force in Venezuela in 2003.[13]

The Office of the High Commissioner of Human Rights observed that women are particularly affected by the health crisis. For instance, the number of maternal deaths rose from 368 in 2012 to 756 in 2016, revealing how preventive health care had rapidly deteriorated. No related public information has been released since 2017. Women's sexual and reproductive health has also been jeopardized as the majority of them did not have regular access to contraceptive methods. In 2017, Venezuela registered the second highest rate of adolescent pregnancies in the Americas, mainly due to lack of access to contraceptive methods and sexual and reproductive education.[14]

Last year, I was appointed by the OAS to a Panel of three Independent International Experts that, after evaluating the information on the humanitarian crisis, considered that the use of the crisis as an instrument to pressure a segment of the population that

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[9]OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 41.
[10]OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 40.
[11]OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 39.
[12]OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 41.
[13]GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 242.
[14]OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 44.

is considered as dissidents[15] or that is identified as such, constituted multiple violations of fundamental rights, such as the right to life, the right to humane treatment, the right to health, and the right to food, making it a crime of persecution for political reasons in connection with the other crimes analyzed by the Panel.[16]

The scarcity of food and medicine is one of the main causes of the forced emigration of Venezuelans.[17] It is estimated that more than three million people have fled Venezuela since 2015, equivalent to 10% of the population, according to UN International Organization for Migration figures. The majority has sought refuge in Colombia, Ecuador, Peru, Brazil, Chile and Argentina.

Unfortunately, the consequences of the humanitarian crisis in terms of human rights go way beyond the infringement of the right to food and health. The humanitarian crisis has triggered increased social conflict. The Venezuelan Observatory of Social Conflictivity (OVCS) estimates that in 2017 there were, on average, 816 protests monthly, or 27 per day. According to OVCS, the key factors sparking the protests are the discriminatory allocation of social benefits; the lack of a democratic institutional framework; the economic and political crisis; and militarization. One of the main demands from those participating in the 2017 protests was the opening of a channel for humanitarian assistance.[18]

The Government's response to the social unrest and demonstrations was the imposition of a policy of excessive use of force, which, between February 12, 2014 and May 2018, left thousands of extrajudicial executions; 12,000 arbitrary detentions; 289 cases of torture and 192 cases of rape of persons under State control; and a number of enforced disappearances. With this information, the Panel of Experts found reasonable grounds to believe that these acts against the civilian population of Venezuela constitute crimes against humanity, in accordance with Article 7 of the Rome Statute of the International Criminal Court, including the crimes of murder, imprisonment, torture, rape and other forms of sexual violence, persecution, and enforced disappearances. Finally, the case of Venezuela was referred to the Office of the Prosecutor of the ICC by 5 countries.

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[15] Carnet de la Patria is a type of national identity card that is required in to get access to government services and products. Experts in food security have expressed concern over the fact that it is anguish and desperation that force people to accept the Carnet de la Patria, so they can access basic food and goods in exchange for their political loyalty to the Revolution.

[16] GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 407.

[17] Other reasons for leaving the country have included threats of violence or outright violence by armed groups (both civilian and military); fear of reprisals for expressing political opinions; violence; as well as the lack of access to essential services.

[18] GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 240.

As you know, demonstrations in Venezuela continue and so does the excessive use of force by the Venezuelan brutal regime. During 2018, the "Foro Penal Venezolano", a local NGO, documented 509 arbitrary detentions, 36 people were held to military jurisdiction and up to November 30th, there were 288 political prisoners.[19]

From January 21st to 25th 2019, numerous demonstrations were registered, many of them in impoverished areas, where protests had not been so visible before. In just five days, at least 41 people died during these protests, all of them from gunshot wounds. More than 900 were arbitrarily detained, and just on January 23rd, 770 arbitrary arrests were reported (the single highest figure recorded in only one day in recent Venezuelan history).[20]

As a first step, as you Mr. Chairman said during the hearing of February 13th, "we need to keep looking for ways to get the assistance to those who need it but without provoking a confrontation that could lead to loss of lives".

In 2001, the countries of this hemisphere — Latin America, the Caribbean, Canada and the US — approved the world's first democratic charter with the goal of defending democracy and human rights. Unfortunately, due to regional politics, the Inter American Democratic Charter has clearly failed. Mr. Chairman, this is not about politics, this is not about the Latin American left or the Latin American right, or populism or fascism, this crisis is about the personal greed, corruption and organized criminal activity of a mafia that under the banner of nationalism is killing, torturing, persecuting and detaining its own people.

In 2000, the Canadian Government established a Commission to respond to a question of the then UN Secretary General Kofi Annan, on when the international community must intervene for humanitarian purposes. The Canadian Commission stated that sovereignty entails not only rights, but also the *responsibility to protect* its people (RtoP) from major violations of human rights. When a government clearly fails to protect its people, the responsibility shifts to the international community. Basically Mr. Chairman, the principle of non-intervention yields to the international responsibility to protect. In this situation, it means to exercise the responsibility to protect the Venezuelan citizens facing grave human rights violations and a humanitarian crisis. In my view, at this stage the approach should be one of humanitarian assistance, and not of military intervention.

And that is where we are now Mr Chairman. The international community, not any country in particular, should work together to return to the Venezuelans their dignity with the protection of their basic human rights (life, personal integrity, right to food,

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[19] Foro Penal Venezolano, Reporte sobre la represión en Venezuela, November, 2018.
[20] Amnesty International, "Venezuela: Hunger, punishment and fear, the formula for repression used by authorities under NicolásMaduro", 20 February 2019.

and right to health) that a group of organized criminals has took away from them -and it is even violating on a systematic and gross pattern.

Mr. Chairman,

Let me finish by asserting that the guaranty and protection of human rights in Venezuela will only be possible with the prompt transition to democracy and the rule of law and by holding free elections in accordance with international standards, under the observation of the international community, including the OAS.

Mr. Chairman, thank you for inviting me here today and thank you for the continue interest and support that this Committee has shown for the protection of human rights and democracy in Venezuela. I am happy to take any questions you may have.

Mr. SIRES. Thank you.

Votes have just been called so, Mr. Rendon, can you do your 5 minutes and then we will go into recess and come back so we can ask you some questions. And thank you for your patience.

STATEMENT OF MOISES RENDON, ASSOCIATE DIRECTOR AND ASSOCIATE FELLOW, AMERICAS PROGRAM, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Mr. RENDON. Thank you. Mr. Chairman and ranking member, distinguished committee members, thank you for the opportunity to share my thoughts on the crisis in Venezuela. My colleagues already talked about how we got here, including the most important humanitarian and economic indicators, so I will highlight some issues on how the U.S. and the international community can nonviolently support Venezuelans to reclaim their democracy from this kleptocratic mafia state.

It is important to emphasize that interim President Guaido did not proclaim himself as president, as has been reported. After January 10th of this year, Maduro lost any legitimacy left to continue in office. The Presidential elections held last May were not only unfree and unfair, but also illegally called by the illegitimate constituent assembly and organized by an unconstitutionally named national council, election council. This is why more than 50 countries, together with the National Assembly and the Supreme Court in exile did not recognize the results, and now recognize Guaido in lines of articles 233, 333, and 350 of the Venezuelan Constitution.

The next step should be supporting the path that Guaido himself has announced to restore the country's democracy: Stop Maduro's usurpation of power, set up Guido's interim government such that free and fair elections can be held.

The events this past Saturday, on February 23d, prove once again that the regime does not care that its own people faces starvation, and is not willing to leave power even if it means committing crimes against humanity. The rejection of humanitarian aid, including with the use of force, has been part of Maduro's policy and has been systematically enforced for many years in Venezuela.

I want to briefly talk about the role of Cuba, China, and Russia. Venezuela has not been a truly sovereign nation for years. The presence of Cuban State actors in different sectors in Venezuela, including in the intelligence, military, and property registration offices, violates the Venezuelan Constitution and international law.

China has propped up Maduro, has propped up the Maduro regime, lending nearly $70 billion, and possessing large oil fields in the Orinoco Belt where most of the Venezuelan oil is.

Russia's influence in Venezuela, on the other hand, is driven both by economic and foreign policy objectives.

I can comment more on this and other issues later but I want to turn now to where we go from here.

I think a military intervention would be catastrophic, Mr. Chairman. Let me be clear, the threat of military involvement is a worthwhile strategy when it exists only as a threat or political language. However, actual boots on the ground or military activity will send the country deeper into chaos. The FARC members, ELN, gangs, and other paramilitary groups operate in this lawless envi-

ronment. All of these groups are in peace right now. But as soon as one military action comes to Venezuela they will panic and it will cause even greater security concerns.

What's more, the international community does not support military intervention as of now. We have not yet exhausted all peaceful policy options. Saturday was the first attempt that humanitarians had attempted to enter into the country. This happened because Juan Guaido has been recognized as the interim president of Venezuela, and together with the National Assembly urgently requested aid.

Now that there is a consensus today within the international community that there is no time to waste in Venezuela, the path to limit the suffering of the Venezuelan people and help Venezuelans restore their democracy could be accelerated if the following steps are taken in the short term:

One, provide much-needed humanitarian assistance within Venezuela. Again, Saturday was the first time this was attempted. And the planning and execution needs to be improved moving forward.

Second, help Guido's government get off the ground by recovering the republic's assets from Maduro's control and transferring them to the Guaido and the National Assembly control.

Third, recognize the new Ambassadors appointed by Guido's interim government and revoking diplomatic visas to those members of the regime and their families, including visas, the older visas, because revoking the older visas is also very important.

Fourth, back the National Assembly's amnesty law for current and former military officials who decide to help restore the country's democracy and let the humanitarian aid in.

Fifth, increase pressure on Maduro and his inner circle with legal sanctions, especially by countries who have not imposed sanctions yet.

And, sixth, prohibit any further international agreements or oil payments to the Maduro regime and transfer those payments to Maduro's government and the National Assembly.

And to finalize, this is, there is no silver bullet to resolve the Venezuelan crisis, Mr. Chairman. However, from the humanitarian and international law perspective the provision of humanitarian aid needs to be the top priority. The more the U.S. works together with the OAS and the Lima Group which, by the way, Venezuela formally joined the Lima Group just yesterday, we will have a better chance to find a peaceful solution.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Rendon follows:]

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Statement Before the

House Committee on Foreign Affairs

Subcommittee on the Western Hemisphere, Civilian Security, and Trade

"Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses"

A Testimony by:

Moises Rendon

Associate Director & Associate Fellow, Americas Program
Center for Strategic & International Studies

February 26, 2019

2172 Rayburn House Office Building

Dear Mr. Chairman, Ranking Member, distinguished committee members of the committee, thank you for the opportunity to share my thoughts about Venezuela. My interpretation of the Venezuelan Constitution holds that Mr. Juan Guaidó is the rightful and constitutionally-mandated interim president of Venezuela, and I will refer to him as such in my remarks.

I was born in a free Venezuela that was a modern, sophisticated, and increasingly middle-class country.

Venezuela has the largest proven oil reserves in the world and among the largest reserves of natural gas. The country is also blessed with minerals, such as gold and uranium, beautiful beaches and part of the Amazon Rainforest. And more importantly, it has significant human capital.

The country was on its way to becoming one of the leading nations in the hemisphere. Instead, it is facing one of the worst humanitarian, economic, political, and institutional crises in the region's history. And these disasters are all man-made.

How did we get here?

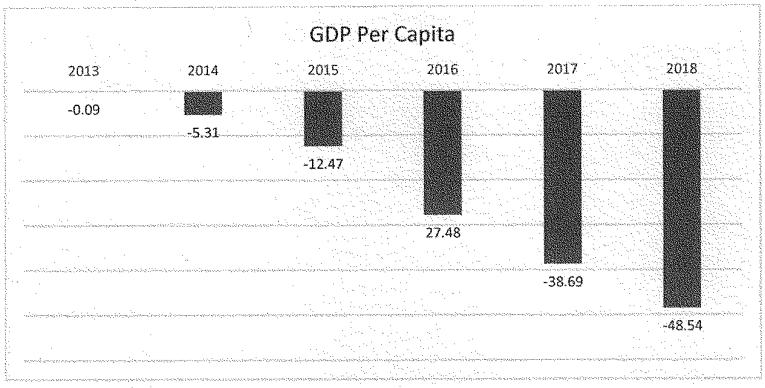
Two of the most notable architects of this disaster are presidents Hugo Chávez and Nicolás Maduro.

Over time, Chávez's government progressively became authoritarian, populist, militaristic, repressive, incompetent, and highly corrupt.

At first, everything seemed to be working, mostly because the price of oil increased steadily to more than $100 in 2012. With those resources, the regime started both spending and borrowing massive amounts of money. The immense oil revenues and loans funded multiple popular social programs, but they also fueled corruption. When Chávez died, his Vice President Maduro got stuck with extravagant bills to pay and collapsing oil prices.

In 1999, the country owed $37 billion, and by 2016 was more than $150 billion in debt.

In the last 20 years, free market mechanisms were dismantled, and draconian price and currency exchange controls were imposed. The private sector was rapidly suffocated. Hundreds of private companies, both national and foreign, were expropriated and lands seized.



Source: IMF, own estimates (for 2018 a GDP decline of 15 percent is assumed)

When Maduro took over in 2013, he continued and intensified the path set by his predecessor and mentor Chávez. Today, Venezuela suffers under a non-traditional dictatorship; it is a full-blown kleptocratic mafia state. The regime is involved in a wide range of illicit activities, including drug trafficking, massive corruption, and money laundering, as demonstrated in the indictments brought by U.S. prosecutors and cited in the justifications for multiple sanctions issued by the U.S. Department of the Treasury. Non-state actors, such as armed colectivos, the ELN, dissident FARC members, and other mafia groups operate in a completely lawless environment.

Complicit in a wide range of smuggling and trafficking activities, Maduro's inner circle has helped to dismantle the country's institutions and rule of law. Seventy-five public officials, including former Venezuelan vice president Tareck El Aissami, and Venezuelan citizens have been targeted by U.S. and international sanctions for corruption and drug trafficking activities. Venezuela is in many ways a failed state, threatening the security and stability of its neighbors and the region.

Here are some quick facts about the situation on the ground:

- The average Venezuelan has lost 24 pounds in the last year;
- Previously eradicated diseases have emerged again, such as malaria and measles;
- About 300,000 children are at risk of dying due to malnutrition;
- A baby born today in Venezuela has a lower chance of survival than one in Syria;
- There are reports of Venezuelans breaking into zoos in search of food out of desperation;
- In 2019, the IMF predicts inflation could reach 10 million percent;
- In the past four years, GDP has been cut in half, rivaling the Great Depression in the 1930s of the United States;
- Since Maduro took office, oil production has collapsed from 2.8 million barrels/day to 800,000 barrels/day today;
- The poverty rate today is 90 percent, up from 27 percent in 2007;

- More than 3 million people have fled Venezuela in the last few years, and the UN expects 2 million more by the end of this year.

I can't even begin to scratch the surface of the full catastrophe and the dire situation that Venezuelans are living in. The conditions inside of the country, are similar to a war-like scenario, except there is no war.

This is not just a humanitarian crisis, but also a matter of regional security; the Venezuelan exodus is expected to reach more than 5.3 million by the end of this year. Maduro's regime has moved from a dictatorial regime that violates civil liberties to a mafia state that actively participates in illegal activities.

And this takes me to the now legitimate interim government, led by Juan Guaidó.

The Importance of Recognizing Interim President Juan Guaidó

It is important to emphasize that interim President Guaidó did not proclaim himself as president, as has been reported. After January 10th of this year, Maduro lost any legitimacy left to continue in office. The presidential elections held last May were not only unfree and unfair, but also illegally called by the illegitimate constituent assembly and organized by an unconstitutionally-named national elections council. This is why more than 50 countries, together with the legitimate National Assembly and Supreme Court, did not recognize the results.

The Venezuelan Constitution prepared for a moment such as this. When this situation happens, articles 233, 333 and 350 of the Venezuelan Constitution indicate that the National Assembly will preside over the government on an interim basis –until free and fair elections can be held. This is why the overwhelming majority of Venezuelans and more than 50 countries have recognized Guaidó, who became president of the national assembly on January 5, as interim president of Venezuela.

It was not only essential politically to recognize Juan Guaidó as legitimate president of Venezuela, but it was in fact the only alternative left according to the Venezuelan Constitution. The next step should be supporting the path he has announced to restore the country's democracy: stop Maduro's usurpation of power, set up Guaidó's provisional government, and then host free and fair elections.

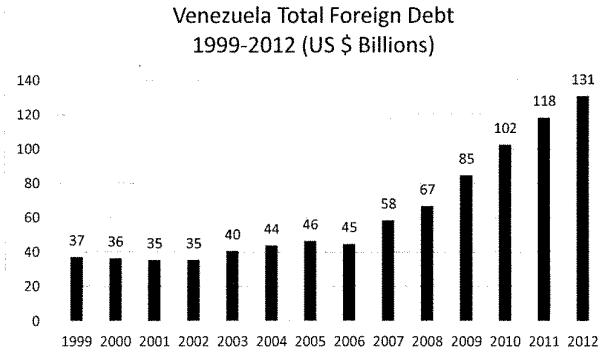
The events this past Saturday, February 23, proved once again that the regime does not care that its own people face starvation and is not willing to leave power, even if it means committing crimes against humanity. The rejection of humanitarian aid, including with the use of force, has been part of Maduro's policy and has been systematically enforced for many years.

The United States together with the Lima Group and other countries should continue supporting President Guaidó's calls in providing more humanitarian aid.

The Role of Cuba, China, and Russia:

Venezuela has not been a truly sovereign nation for years. The presence of Cuban state actors in different sectors in Venezuela, including in the intelligence, military, and property registration offices, violates the Venezuelan Constitution and international law.

China's influence in Latin America is neither transparent nor market-oriented, and no country has felt the consequences more than Venezuela. Through loans and outbound direct investments, China has poured funding into Venezuela at the cost of Venezuela's citizens and long-term success. China has propped up the Maduro regime, lending nearly 70 billion dollars and possessing large oil fields in the Orinoco Belt, where most of Venezuelan oil is. Furthermore, any transactions since January 2016 are invalid since under the Venezuelan Constitution, no external debt or other financial obligation can be assumed without the approval of the National Assembly—which did not occur.



Source: ECLAC

As I have written before, there are four main issues that should concern the United States regarding China's role in the Maduro-ruled Venezuela: (1) China is propping up Maduro's undemocratic and repressive narco-regime; (2) China's investments fail to bring long-term benefits to Venezuela; (3) Chinese loans and agreements are not transparent and in some cases are illegitimate; and (4) China's agreements create energy and security concerns.

Russia's influence in Venezuela, on the other hand, is driven both by economic and foreign policy objectives. Through its state-owned oil company, Rosneft, it has acquired exploration rights (again without approval of the National Assembly) and receives crude oil as payment for loans. Additionally, it has taken a substantial share in refineries in the US, previously owned by PDVSA. Both the Russian government and Rosneft have given Venezuela approximately $17 billion in loans and credit lines since 2006. Russia's anti-U.S. foreign policy objectives are further demonstrated by the periodic visits of Russian strategic bombers in Venezuela.

The 'Day After' in Venezuela

(CSIS' Venezuela's Postcrisis Recovery and Reform Framework)

The path to restoring Venezuela's democracy and stability will undoubtedly be long and arduous. Venezuela will require international support to relieve the suffering of its people. Extensive and immediate political, economic, and institutional reforms, backed by significant international humanitarian aid and technical and financial assistance, will be essential for the stabilization and recovery of Venezuela. The priority, precedence, timing, appropriateness, and execution of such tasks will be essential.

First, initial stability and recovery efforts will be needed. The National Assembly must begin coordinating with international organizations to facilitate the provision of humanitarian aid to the Venezuelan people. Second, the National Assembly must develop a strategy for addressing the security situation the country currently faces. This means working with the military—once it has been brought under the control of the National Assembly—and the international community to address the threats posed by non-state actors such as colectivos and drug cartels.

Only once the humanitarian and security situations in Venezuela have been stabilized and Guaidó is widely recognized in his role as interim president of Venezuela, will the National Assembly be able to begin its final task: holding elections under an independent Electoral Council. When Venezuela has a legitimate, democratically-elected administration, it will face the challenges of institutionalizing long-term social programs, establishing the foundation for long-term economic development, developing legitimate and transparent security institutions, restoring law and order, rebuilding Venezuela's institutions, providing transitional justice, and integrating the Venezuelan diaspora as it returns home.

The role of the private sector during a 'Day After' scenario will be essential to help rebuild Venezuela. One of the challenges will be restoring trust while incentivizing private investments to return to the country. As with resolving today's crisis, Venezuela won't be able to do this alone. The actions and support of the United States and the international community will determine whether and how rapidly Venezuela's economy will recover and once again be able to provide jobs, services and opportunity to its people.

I want to turn now to where we go from here to get to the 'Day After':

Military Intervention

A military intervention would be catastrophic.

Let me be clear, the threat of military involvement is a worthwhile strategy when it exists only as a threat or political language. However, actual boots on the ground or military activity in Venezuela could send the country deeper into chaos. There are FARC and ELN members, gangs, and other paramilitary groups operating in this lawless environment. All of these groups are operating in a state of peace right now. But as soon as foreign military action comes to Venezuela, they will panic, and it will cause even greater security concerns. Furthermore, the international community does not support military intervention.

We have not yet exhausted all peaceful policy options. Saturday was the first time it was attempted to bring humanitarian aid into Venezuela. This happened because of the recognition of Juan Guaidó as the interim president of Venezuela and because he, together with the National Assembly, urgently requested aid.

What should be Next for the United States and the International Community?

There is consensus today within the international community that there is no more time to waste in Venezuela. The path to limit the suffering of Venezuelans and help Venezuelans restore their democracy could be accelerated if the following steps are taken in the short-term:

1. Provide much-needed humanitarian assistance within Venezuela; again, Saturday was the first time this was attempted, and the planning and execution needs to be improved moving forward;
2. Help Guaidó's government get off the ground by recovering the Republic's assets from Maduro's control and transferring them to Guaidó and the National Assembly;
3. Recognize the new ambassadors appointed by Guaidó's interim government and revoke diplomatic visas to regime members and their families;
4. Similarly, revoke other visas to regime officials and their families;
5. Back the National Assembly's amnesty law for current and former military officials who decide to help restore the country's democracy and let humanitarian aid in;
6. Increase pressure on Maduro and his inner circle with individual sanctions, especially by countries who have not imposed sanctions yet;
7. Prohibit any further international agreements or oil payments to the Maduro regime, and transfer those payments to Guaidó's interim government.

There is no silver bullet to resolve Venezuela's crisis. However, from a humanitarian and international law perspective, the provision of humanitarian aid needs to be the top priority. The more the United States works together with the OAS and Lima Group (which Venezuela formally joined yesterday), the more chances we will have to find a peaceful resolution to this crisis.

Thank you, Mr. Chairman, I yield my time.

Mr. SIRES. Thank you. We will recess now. We have floor votes. We will be right back.

Thank you.

[Recess.]

Mr. SIRES. We are going to start because I know, Mr. Canton, you have to leave. And we will start with the questioning. And I will start.

You know, I get asked this question all the time. And the question basically is this:

Are there any other methods for us delivering humanitarian aid that have been used in other places that we could try in Venezuela? Ms. Escobari, is there? I mean, obviously this past weekend did not go well. And I do not know, quite frankly, how to answer that.

Ms. ESCOBARI. No, it is a great question. And I think what we saw this weekend is that Venezuelans are desperate to find ways out of this repressive regime. And they also need to bring food in. And these two goals were conflated this weekend, and most of the aid did not go through.

But I think there is a lot more that we can try. It is difficult in a contested environment. But it involves working with international NGO's like the Red Cross, working with local NGO's. There are hundreds of local NGO's. And thinking creatively about ways to bring in goods, sometimes we need goods but also cash, because around 20 percent of the goods are still provided by the private sector. It is just that most Venezuelans cannot afford them.

And I do think there is an opportunity for the U.N. to step up their game and help——

Mr. SIRES. They have been pretty quiet about this.

Ms. ESCOBARI. Yes. I think the U.N. has played a brokering role in many of these politically contested environments, from Yemen to Sudan. And my colleague Jeremy Konyndyk who used to work at USAID, has suggested the U.N. needs to challenge Maduro's denial of the crisis. And Maduro's refusal of the aid has left the U.N. with no funding appeal for Venezuela, no humanitarian coordinator appointed within the U.N. system.

OCHA, which coordinates aid, does not even include Venezuela as a contry of focus. And so I think that that is an opportunity to find a political mediator in this crisis.

Mr. CANTON. Thank you, Mr. Chairman.

Unfortunately I would say that, many of the questions you have are the same questions that we all have. And we all also do not have an answer. There are no clear answers to many of the problems we are facing in Venezuela.

One thing that at least I believe is very important, particularly for the U.S. Government, is to follow the Lima Group. There is a dialog going on there and if there is any possibility of finding a solution, very likely may come from the Lima Group.

And in addition to the Lima Group I would say let's not forget about Mexico, let's not forget about Uruguay. Although those two countries have not recognized Guaido, that does not mean that they do not want to collaborate. And you always need, particularly in situations like this one that this, you know, is very close, you need some interlocutors that can talk, that can talk to the govern-

ment. And those are going to be more likely Mexico and Uruguay than in the Lima Group.

So, the combination of the work of other Latin American countries which Latin America has a history, sometimes good, sometimes bad, but it does have a history of trying to find solutions to this big crisis. The Contadora group back in the '80's, and there are some experiences like that. They should take the lead. And it is important that the U.S. understands that and takes the lead of the decision of the Lima Group.

Mr. RENDON. Thank you, Mr. Chairman for the question. I have done some research on finding new methods to try to provide humanitarian aid in Venezuela. Very interestingly, the use of new technology, specifically the use of cryptocurrency, is already playing a role in Venezuela. We brought groups on the ground in Venezuela that are receiving donations through cryptocurrency, and they are using those donations to buy food and medicine and distribute it within Venezuela.

This is increasingly happening because Venezuela has hyperinflation and the donations to get into the country is really limited, really repressive; right? So that is where the use of cryptocurrency is shedding a light of how we can use that as a method to get aid in a way that we probably have not seen before. So, I think looking into those.

And the benefits are countless. I mean, it is transparent, censorship-resistant, it is borderless, and it is empowering the people to use their own resources, right, because it is direct. So I would look at that as a way to, because again we need to think out of the box here, and I think that is one of those tools that can maybe help.

Mr. SIRES. Thank you. My time is up.

Congressman GUEST.

Mr. GUEST. Thank you, Mr. Chairman.

Mr. Rendon, would you agree that the Maduro regime is a corrupt regime? I think you mentioned that in your report or your transcript on page 2. Would you agree with that?

Mr. RENDON. I am sorry, what is that? Would you repeat that, please?

Mr. GUEST. Would you agree that the current regime is a corrupt regime?

Mr. RENDON. Yes.

Mr. GUEST. Being involved, I believe you say, in illicit activities, including drug trafficking, massive corruption, and money laundering?

Mr. RENDON. Yes. Correct.

Mr. GUEST. And would each of you also agree with that as well, with that, with that assessment of the current regime? And to each of you, would you agree that the current regime is an illegitimate regime based upon the sham elections that were held earlier last year?

Mr. RENDON. Correct.

Mr. GUEST. And would you also agree that the current regime has created both a political crisis and a humanitarian crisis in Venezuela?

Mr. RENDON. Correct.

Mr. GUEST. All right. So, with that, what can be done, short of military intervention, what can be done to remove Maduro from currently presiding over the people of Venezuela? I believe, Mr. Rendon, you talked in one of your statements that we must increase pressure on his inner circle. What methods could we use that we are currently not to increase pressure on his inner circle to have him step down?

Mr. RENDON. Yes, thank you for that question.

So, there are many tools that we have not yet accomplished yet. One of those, for example, is to work with other countries like Cuba, China, Iran, Russia to make sure that they do not support Maduro.

Mr. GUEST. All right, let me ask you, I hate to interrupt you,——

Mr. RENDON. Yes.

Mr. GUEST [continuing]. But would you agree that that is highly unlikely that we are going to convince China, and Russia, and Cuba——

Mr. RENDON. Yes.

Mr. GUEST [continuing]. Not to support this regime?

Mr. RENDON. Yes. It is going to be a difficult task.

Mr. GUEST. OK. All right, go ahead. I am sorry, I did not mean to interrupt you.

Mr. RENDON. No, no. No.

Mr. GUEST. But just wanted to make sure.

Mr. RENDON. No, that is a fair question.

And, second, I think now that we have a new recognized government led by Juan Guaido we should be supporting him, trying to get his government get off the ground as quick as possible. How? Making sure to freeze those bank accounts, those assets that Maduro still controls today, not only within the U.S. through restriction but also on those countries who recognize Guaido as the president.

And also transfer those bank accounts to Guaido and the National Assembly. That is a very key point but I do not think we are there yet. And I think that is an important task to empower the legitimate government and try and find a resolution. Right?

So I will add that, Congressman Guest.

Mr. CANTON. Thank you for, thank you for your question.

I would start by saying that your question assumes that military intervention is the solution.

Mr. GUEST. No, I said in light of that. What can we do——

Mr. CANTON. OK. Right, OK.

Mr. GUEST [continuing]. Because I think no one wants the United States military to go into Venezuela and forcibly remove Mr. Maduro.

Mr. CANTON. Right. Right.

Mr. GUEST. And so what can we do short of that——

Mr. CANTON. Right. All right, OK.

Mr. GUEST [continuing]. To accomplish that purpose? Because I believe once he is removed and we are going to see humanitarian aid begin to flow into Venezuela, I believe he is the roadblock controlling the military——

Mr. CANTON. Correct.

Mr. GUEST [continuing]. That is creating this crisis. And we all want to see him removed but no one wants to use any military force.

Mr. CANTON. Correct.

Mr. GUEST. So that is the question, what are we not currently doing that would promote regime change in Venezuela?

Mr. CANTON. Right. I do not think that anybody has the magic solution and the, you know, the great answer to that question. But there is one thing that is different now than before. For the last 20 years, and I have been following Venezuela as secretary, Secretary of the Inter-American Commission on Human Rights for, you know, 15 years, this situation has been going on and on and on for easily 15 years but the international community, particularly Latin American community did not pay attention to it.

There are several reports of the Inter-American Commission on Human Rights, and most NGO's on human rights denouncing grave violation of human rights in Venezuela at least since 2005. And the Latin American countries did not pay attention to it for whatever reason.

Right now for the first time that is happening. So there is a big difference between now, the Lima Group, the political negotiations that are going on, to everything else that was tried before. So, there is a need to give time, to give chance to the political negotiations, to give chance to diplomacy, to give chance to the U.N. This is the time to do it. What is going on right now it just started but all the failures are from the last 20 years. So we need to give a chance to this situation right now.

Mr. GUEST. And in addition to what we are currently doing is there any additional pressure that we can put on that regime that, again, you talk about freezing assets and about putting pressure on his inner circle, and what I was wanting from each of you, what can we do as a government to make sure that we are putting as much political pressure on Maduro to resign as possible?

Mr. CANTON. I, you know, this might sound—I am not a U.S. citizen, I am from Argentina and it might sound a little bit I am getting involved into something that is not my affair. But, you know, I live in this country for 30 years. And the U.S. should be, that is why I used that word before, following what the Lima Group decides rather than pushing the Lima Group to do something. That negotiation has taken place. And when the U.S., you know, makes the decision to keep, you know, it is the U.S. Government particularly, but it is important to let the Latin American countries that now for the first time in 20 years are doing something, it is important to support them and to followup on their decisions.

Mr. SIRES. Congressman Vargas.

Mr. VARGAS. Thank you very much, Mr. Chairman. And thank you again to the witnesses for being here today.

When I always thought of Venezuela I always thought of it as a very stable democracy, just like Mexico, Colombia, a number of the large Latin American countries. And it really is tragic and almost unbelievable what has happened to Venezuela. Now we have, Ms. Escobari, as you call it, a contested environment. I never would have expected that.

Now, in the situation that we find ourselves—they find themselves in, it is a humanitarian crisis that we seldom see in our hemisphere. And, again, as being someone who is not in favor in any way of military intervention, I am not in favor of that, but at the same time we have to move this thing along because the suffering of the people is so dramatic, and not getting better.

I mean, how can we help? I mean, we are attempting to humanitarian—I have listened to all your testimoneys today—and humanitarian help first and a whole bunch of other things, but is there anything else that we can do, and again not using military force which I am not in favor of it, is there anything else we can do without hurting the people? In other words, moving toward a transition but without doing more damage to these poor people who have been hurt so badly.

Ms. ESCOBARI. To add to this question and to what my fellow panelists have said, I think the strategy is twofold. And it involves strengthening both of those strategies. It is widely accepted that the government uses oil to distribute rents to the military officers and maintain itself in power. So the sanctions are meant to limit his ability to do so can be strengthened.

We can work with the international community so that all of Latin America and the European Union enforce these sanctions fully. And use diplomatic avenues so that Maduro, if we are going to go for this short-term dramatic strategy, that Maduro does not have options to sell its oil, and that we use our diplomatic leverage with India, and Turkey, and others.

And while it is true that Russia and China may not be our allies, at the end they want to get paid. And they are deciding right now whether Maduro is the right person to bet on. And those, I think are calculations that are changing by the minute.

And there are other stronger actions and escalations that we can engage in, short of military intervention.

Mr. VARGAS. But also short of hurting people. I mean, one of the things that I have great concern about is oftentimes when we have sanctions placed on countries, you know, we try to target them to hit the culprits. But oftentimes it ends up hurting the people in general. We do not want to starve the people of Venezuela. I mean, that does concern me.

Ms. ESCOBARI. Yes.

Mr. VARGAS. Because 95 percent of the exports is oil.

Ms. ESCOBARI. Yes.

Mr. VARGAS. I mean, if we cutoff all oil and we cannot get humanitarian aid into the country, I mean how are the people going to eat? I mean, how are they going to survive?

Ms. ESCOBARI. Yes, exactly. And this is why when we think of it as humanitarian aid, the effort should be massive and using all possible ways, including negotiating corridors, safety corridors and finding all ways because exactly of the calculus that you are, that you are describing.

Mr. VARGAS. That is very hard in a contested environment. I mean, you are the one that mentioned it actually in your testimony, you said this is a contested environment. I mean, it is hard to do that. I mean, we saw what happened with a little bit of aid and literally Maduro's thugs did not allow most of the aid in.

And how do you negotiate it when they have armed thugs preventing the aid from coming in? Anyone else want to try that?

Mr. CANTON. I have a very, very short answer which I mentioned it before. Give it a try. It just happened now. You know, when we tried for the last 20 years, nothing happened. But this is not the first time it is happening. And the Latin American countries are serious about it. So let's give it a try.

Mr. VARGAS. OK. The last thing, last question I did want to ask is this, one of the things that I fear. What if Maduro rolls the tanks? I mean, what if at the end of the day he decides that he is just going to go to try to put down these massive demonstrations with massive assault on the people, then what do we do? Because this is not unheard of. I mean, this has happened, of course. Dictators have done this throughout history.

Do not be afraid of the question. Somebody answer. Mr. Rendon, go ahead.

Mr. RENDON. So far it has not been the experience in Venezuela. And, you know, I have, again, I have followed it since 2000. I met Chavez. I met Maduro. I spoke with them for the last, you know, many occasions. That has not happened. Really very great things have happened, but not that.

Mr. VARGAS. Well, let's pray that it does not happen. My time is over. Let's pray that it does not happen.

Thank you.

Mr. SIRES. Thank you.

Congressman MEEKS.

Mr. MEEKS. Thank you, Mr. Chairman.

Mr. Canton, you have particularly some of what my concerns are. There is no question in my mind, and I, like you, have been down to Venezuela and I have been going down there for the last 20 years. Knew Chavez when he was there, and Maduro was part of the National Assembly.

My concern, though, is with the United States being in front of everything, as opposed to Lima Group and other allies, and particularly those, the Lima Group, who are in the region, who surround the borders, what is happening is, as opposed to some of these other countries, or other NGO's, or other ones who are trying to get that humanitarian aid in, it seems as thought it is a political fight to a degree where it is the United States that has taken the front of this as opposed to the back and supporting other groups from behind in that regard, as opposed to making it look like, you know, it is—and the threat of military aid, military intervention.

And so the boasterous talk is going, taking place. But that helps hinder helping the Venezuelan people who needs help. The focus should be on the help. And one thing that I have not heard, what we need to make sure is done in this conversation, is bringing forth elections, democratic, free, and fair elections so it does not just look like you are trying to put somebody in an topple a government. We are saying, and I agree, that the prior election of Nicolas Maduro was not free, was not fair, was not, and so therefore he was not legitimately elected.

But what we should be advocating for is for the legitimate elections, not just putting someone in. And that is what the Ven-

ezuelan people want because they do believe in democracy. I have seen it.

When I was over in Europe just, you know, last week, our European allies they believe it is an illegitimate government. But they do not want, they want others, they want to make sure that there are others that are involved in this. And when I look at what is taking place at the border it is just the United States. China forced their way in. And when I look at, you know, I am told from some, they, you know, have questions with Elliott Abrams, just the imagery because of what our past history is. That is a problem. And then some of the rhetoric that is taking place here with the Colombians, and the Brazilians, and others, you know, millions of people are running across. And these governments are welcoming then. And so they did not ask whether this is part of it or not, but they do ask, well, how does the United States gets involved when you have people who are suffering and hurting.

And Central America, and our country is saying not accept them, put up a wall to stop them from coming here. Send them back. Thank God Colombia and Brazil is not doing that. Thank God they are not doing that because then what would happen to those people?

And that gives us a problem from leading in front because of the problems that we have with other areas on the hemisphere.

So, would it not make sense, or am I just, you know, crazy here, that we allow Lima, the Lima Group, we allow OAS, we allow and get more involved so it is another party, and we do all we can to support those groups? So it is not us trying to be the big guys coming in, the whatever Maduro calls us now. Does that make any sense to you?

Mr. CANTON. Yes, of course. I agree with you. And I do have in my presentation, you know, calling for elections. You know, the 5-minutes time did not allow me to reach the end. But I do, I do think that that should be the way out. Although I am not very optimistic about it, I have to recognize that. But it should be a natural way out and peaceful way.

The U.S. has a difficult role, no question about that. And it has a history of relationship with Latin America which was up and down along the decades, but it is an very important role the U.S. can play.

But at this stage I agree with you and I insist for the first time in many, many years when the issue of Venezuela comes up, for the first time the Latin American countries, most of them are working together. It is critical for the U.S. to support that process and let the Latin American countries, the OAS, the United Nations, I would include Mexico as well, and I would include Uruguay as well, work with them to try to find a solution.

Mr. MEEKS. Ms. Escobari, we still have time here.

Ms. ESCOBARI. I agree. And I mentioned in my testimony that we should let the Grupo de Lima lead but—we need to support them. And our capabilities are massive, both in our ability to help in aid and otherwise. But we should let the Grupo de Lima lead.

And in support, President Guaido in terms of directing, you know, the carrots and sticks.

Mr. MEEKS. Thank you.

Mr. SIRES. Congressman Phillips.

Mr. PHILLIPS. Thank you, Mr. Chairman. Thank you to our witnesses, and also thank you to my colleague Mr. Meeks who referenced elections.

And I want to turn our attention a little bit prospectively to a post-transition, hopefully peaceful transition. And I would like to hear from each of you relative to what specific conditions you believe the international community and this U.S. Congress should ensure are satisfied to ensure that Venezuela has free, and open, and fair elections after a transition.

And also, what timeframe you think would be most appropriate thereafter.

Mr. CANTON. I am sorry I answer first, but I have to leave because I——

Mr. PHILLIPS. Please.

Mr. CANTON [continuing]. Need to take a flight.

I would say credible international observers which the last elections in Venezuela and these last two elections, you probably know better than I do, there was no credible international election observation. And the OAS was not allowed to go. And most important NGO's doing election observations were not allowed to go. The European Union was not allowed to go.

So, you need election observations.

And the timeframe, the timeframe is now. But, you know, you cannot call for a snap election because that is not helpful. But a reasonable time for all the political parties to be able to participate freely, so you have to have months.

Mr. PHILLIPS. Months.

Mr. RENDON. Yes, just to briefly add on that. You also need to work the conditions on the ground. Maduro has been proved to be intimidating the Venezuelan people using food as a weapon. And so when you are calling elections you need international observers but you also need to work the conditions on the ground by providing humanitarian aid and disempowering the regime by using this tool, this food program called CLAP, which is the main political tool that they have to use. But it is linked to the national I.D. and to the way you vote and the way you are politically affiliated.

So, in a way it is like the Chinese credit system but with lower technology. So, if you want to set up free and fair elections in the future, that CLAP program needs to be one of the first things that need to be out. And among the many others, right, because now we—I mean, I agree, elections are the first step but you need to announce a new electoral system. The current electoral system right now is highly corrupt, so you need to have a new council and as well.

Mr. PHILLIPS. And any thoughts on who is in a position to initiate such a new system?

Mr. RENDON. The only institution based on the Venezuelan Constitution is the National Assembly. They are the only ones who can announce elections at this point and also a new electoral system——

Mr. PHILLIPS. The infrastructure.

Mr. RENDON [continuing]. That can promote free and fair elections.

Mr. PHILLIPS. OK, thank you.

Ms. ESCOBARI.

Ms. ESCOBARI. And just to add to that, which I agree with, I think you need a minimum of stabilization and citizen security to hold elections. And the National Assembly has actually approved guidelines on the transition and thinks that this might take around a year.

Mr. PHILLIPS. OK, a full year.

All right, thank you. I yield the rest of my time.

Mr. SIRES. Congressman Levin.

Mr. LEVIN. Thank you, Mr. Chairman.

I want to explore a little the question of amnesty and human rights violations. And now I will direct this to Ms. Escobari. But I am curious to hear both of your thoughts.

Reports indicate that under Maduro Venezuelan military officials have committed grave human rights abuses. The U.N. Office of the High Commissioner for Human Rights has reported the use of "excessive force to deter demonstrations, crush dissent, and instill fear." It is my understanding that the Venezuelan National Assembly has enacted legislation to provide amnesty to public officials, including security forces, that abandon the Maduro regime and support the transition, you know, the transitional government.

President Trump relayed a similar message himself last week during a speech at Florida International University in Miami. He delivered what he called a "message for every official who is helping keep Maduro in place," and he said the following:

"You can choose to accept President Guido's generous offer of amnesty, to live your life in peace with your families and your countrymen. President Guaido does not seek retribution against you, and neither do we."

There is a long history of impunity for human rights abusers in the Western Hemisphere and other parts of the world. And, you know, on the other hand there have been some examples of truth commissions and efforts to hold people accountable which, in my view, are necessary for the development of healthy democracies.

So, can you provide a little more detail on the kinds of human rights abuses that may have been perpetrated by Venezuelan military officials to start with?

Ms. ESCOBARI. Yes. I wish our colleague was here because he had a long list and the list includes torture, and imprisonment, and the killings that we witnessed this weekend. And I think, the amnesty law and the proposal by Guaido is powerful because it is part of the strategy of getting the military to defect. However, there will be, there will be a determination on those who have committed crimes against humanity, and that amnesty law cannot protect those.

Mr. LEVIN. It cannot protect those under Venezuelan law or under international law you are saying?

Ms. ESCOBARI. I think neither.

Mr. LEVIN. That is something that is in Venezuelan law, in the constitution, in the statute? Where is that? Or is that just an aspirational kind of statement?

Mr. RENDON. Yes.

Ms. ESCOBARI. Sorry, go on.

Mr. RENDON. According to the Venezuelan Constitution there cannot be any pardon on human rights violations. And so when I think of this amnesty law I think not of the top generals who have—who are the responsibles of committing human rights violations, I am thinking more of the bottom, the bottom soldiers who are just following orders from their generals. Right? And that is where the strategy can be found.

Now, there is a tricky part here because when it comes to crimes against humanitarian, following orders is not an excuse.

Mr. LEVIN. Exactly. I mean, I you, if I, if you are my commander and you tell me to torture Mr. Phillips, I may not torture Mr. Phillips and, if I do so, I am committing a grave human rights violation.

Mr. RENDON. That is——

Mr. LEVIN. So I do not understand the point about generals and soldiers on the ground.

Mr. RENDON. That is correct. There are soldiers who have either not committed crimes against humanity who can be saved by this amnesty law. And that is where I think this law can provide a bridge to some of those to support Guaido and the democracy of Venezuela. And I think it is a tool together with the whole pressure that we are trying to use toe facilitate the democracy in Venezuela within, led by Venezuelans. Right? So, I think it is a powerful tool and I think we need to support that as much as possible.

Mr. LEVIN. Well, thank you. I will just say that given the almost complete disregard for human rights of the current occupant of the White House in everywhere from South America to North Korea, this body has a responsibility to step up and proclaim American—America's long dedication to, imperfect, but our dedication to human rights. And as urgent as the situation is in Venezuela, we need to proceed in a way that holds the respect of human rights sacrosanct.

Thank you. And I yield back my time.

Mr. SIRES. Thank you, Congressman.

We are going to have another round of questioning. I and maybe they have another question.

It was recently stated that India now has stepped up and bought the oil from Venezuela. And they did it pretty quickly. What can we do to stop that? Because that is basically the funding for Maduro.

Mr. RENDON. Yes, I think that is a critical point, Mr. Chairman. And I think we need to engage the Indians. That cash is being used by Maduro to keep up the repressive regime; right?

And but that has a specific purpose to that trade, and that is fueling the domestic gas in Venezuela. And Venezuela is running out of gas. And people would not—are not going to be able to fill their own cars with gas if the Indians are not sending that cash to Maduro.

I think the more we empower, again, Guido's government, providing those oil payments to Guido's government and the National Assembly, providing those trade agreements to Guido's government and National Assembly is not only the only constitutional, legitimate way forward, but it is the right thing to do. And I think we need to as much as possible transfer those to Guaido.

So, when the U.S. talks to India, that is the direction that we need to be engaging, recognizing Guaido and engaging the Guido's government.

Mr. SIRES. Can the Lima Group talk to India?

Mr. RENDON. That is a good question. I think they are under the authority to do it. And they should be, they should be pursuing that route.

Ms. ESCOBARI. They probably can, but we probably hold more leverage. And I think for India it is completely an economic decision.

If we think about the numbers, last year Venezuela sold about $20 billion but most of the cash came from the U.S. Now that the U.S. is not going to be providing that, they are going to be selling it at a deep discount.

But just think about the magnitude of the need. I think there still would be around $5 billion that would, that would not reach the Maduro government. And I think that number is also important when we think about our humanitarian package.

Mr. SIRES. Thank you.

Congressman Levin, do you have a second question?

Mr. LEVIN. Yes. Thank you, Mr. Chairman.

I would just like to followup actually on the PDVSA sanctions situation. And I would like to get your all's take on, you know, the possibility of unintended consequences.

As you know, the Trump administration put sanctions on PDVSA, presumably in hopes that cutting off Maduro's money supply would force him to exit. But as I said during our last hearing on this subject, I am worried about what is going to happen to the Venezuelan people while this strategy plays out or does not.

The New York Times ran a story earlier this month on this very question, and I think the headline said it all: "U.S. Sanctions Are Aimed at Venezuela's Oil. Its Citizens May Suffer First."

So, my question is, could these particular sanctions worsen the humanitarian crisis that has already gotten so bad in Venezuela? And either, I am interested in either of your answers.

Ms. ESCOBARI. Yes, I think the strategy is one to be able to starve Maduro of his ability to continue to maintain himself in power. And that cannot happen without an equally robust strategy on the humanitarian side. And these are the orders of magnitude that we should be talking about.

Mr. RENDON. Yes, in a way it is going to limit Maduro to keep importing food and other products. It is the only way the Venezuelan people are getting fed, by imports. So, Maduro is no longer going to be able to import as much as people are needing.

Mr. LEVIN. So we are sort of playing a game of chicken with him where we, at the risk of the people starving?

Mr. RENDON. I think the key part here, again to the point of Guido's government, is to make sure that he has the power to keep, and the National Assembly to import now. And if we are now recognizing Guaido as the only legitimate president, we need to give him that power. And I think providing humanitarian aid is the first step. We should be trying to keep pushing humanitarian aid, not only to the Colombian border but to every, every single border in the country.

And we only tried once. Let's keep trying, let's keep trying because, again, Venezuelans are starving. So I think that is the——

Mr. LEVIN. Do you think it is fair to say that we politicized humanitarian aid in this situation, that the U.S. is saying, well, this is the government over here and they, and given the long history of the Yanqui intervention in the hemisphere in many countries, overthrowing democratic governments, that it is problematic for us——

Mr. RENDON. Yes.

Mr. LEVIN [continuing]. To be playing the role, even the, you know, a good strategy in, you know, in other circumstances?

Mr. RENDON. I will argue because of the National Assembly and President Guaido himself requested aid, and also this was a multilateral approach. No, it is not about the U.S. sending aid, it is about Canada, Colombia, Argentina, Chile, Peru, Ecuador, and even Uruguay sending medical supplies, the European Union, following the National Assembly and Guido's request for aid.

And on top of that the one politicizing, using food as a weapon here is Maduro. He has been doing this for years. So when I see Saturday's event I do not think aid's being politicized, I think it is following, again, the only constitutional route that we have today to support the Venezuelan people. And I think we should be continuing that path.

Yes, there is room for improvement. I think the execution of Saturday's humanitarian aid can be improved in many ways. We only saw that happening in three points, crossing points in that border. That is a border that has 250 unofficial crossing points. So, if we want to——

Mr. LEVIN. Unofficial or?

Mr. RENDON. Unofficial.

Mr. LEVIN. OK.

Mr. RENDON. Called trochas, which are, you know, your regular path where people—which, by the way, 50 percent of the people crossing the border are using those unofficial paths. So, if we want to really send humanitarian aid we can, we need to find those ways and we need to keep continuing that pursuit following the National Assembly request and President Guido's request.

Mr. LEVIN. Thank you. I really, I really appreciate that.

I mean, Mr. Chairman, I do not say any of this to support, you know, the Maduro regime one iota. I just worry about finding the most effective way forward given, you know, given our country's history, and whether us playing such a prominent role and, of course, threatening force is the most effective way.

I yield back. Thank you.

Mr. SIRES. Thank you, Congressman.

Congressman Dean Phillips.

Mr. PHILLIPS. Thank you, Mr. Chairman.

We spend a lot of time talking about what we should do, perhaps not enough time listening to what people want or need. I would welcome both of your perspectives, to the extent that you can share them, about what both the National Assembly, members of the Assembly, specifically independent of aid, because when you are hungry and in need it does not matter where it comes from, independent of that what would the National Assembly if they were

here, as many as possible in front of us, what would they want from us right now? And what would the people of Venezuela, those that remain in country, what would they be asking us for right now if we could listen to them?

Mr. RENDON. I think the National Assembly has a clear priority right now which is the same as President Guaido, stopping usurpation, Maduro's usurpation of power is priority No. 1.

Second, letting Guaido set up——

Mr. PHILLIPS. May I interrupt you? And how?

Mr. RENDON. Yes. I think going back to the points we have discussed, humanitarian aid is one, but also supporting the amnesty law that the National Assembly passed. I am sure they will be asking the U.S. to support that amnesty law in ways that can be legal; right? I am not supporting a violation against international law and human rights. But there is room to support this law that is kind of the only bridge that many military members have to get out of their situation; right?

So, that would be another.

I think the day after scenario is a crucial issue that the National Assembly has been trying to put effort and energy on that. I think that would be in our request. They would be asking the U.S. and the international community to keep in mind that the day after they are going to be, the role of the U.S. and the international community is going to be crucial from economic, financial, security, social, institutional point of view. Everything needs to be done in Venezuela. It is going to be a blank sheet. It is a completely destroyed country.

And the only institution able, legitimate to pursue that route, is the National Assembly. But they cannot do it alone. They need the support of the U.S. and other countries. So that would be I am sure another, another request that they would be asking if they were here.

And among many other priorities, right, and going back to the bank accounts and the assets, and they need to operate as a government. They cannot do it right now because Maduro is limiting them financially and economically. So they will be probably asking the U.S., hey, we need, we need access to bank accounts and to assets so we can operate as a government.

Mr. PHILLIPS. Thank you.

Ms. Escobari?

Ms. ESCOBARI. I mean, I think to just reiterate, the situation is unbearable on the ground for most Venezuelans. And I think we have shared a lot of numbers. But these numbers do not reveal the sense of powerlessness of not having a voice to democratically choose another path.

And I think there is an incredible momentum around the world. Venezuelans want to know that we have their back and that we will not forget them, and that we will push as hard as we can as they see an opening right now.

Mr. PHILLIPS. So it is fair to say that the people of Venezuela want us to play a role in both promoting a transition and in, of course very importantly, rebuilding the Nation. And my question was more to the sentiment right now of the——

Ms. ESCOBARI. Absolutely.

Mr. PHILLIPS [continuing]. Venezuelan people vis-a-vis the United States of America and what role they want us to play.

Ms. ESCOBARI. Absolutely. And this is why I think they continue to go to the streets even though this country has been battered in this way.

Mr. PHILLIPS. OK. Thank you very much. I yield back.

Mr. SIRES. Thank you. I thank the witnesses and all members for being here today.

With that, the committee is adjourned. Thank you.

[Whereupon, at 4:18 p.m., the subcommittee was adjourned.]

APPENDIX

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on the Western Hemisphere, Civilian Security, and Trade

Albio Sires (D-NJ), Chairman

February 26, 2019

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on the Western Hemisphere, Civilian Security, and Trade in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at https://foreignaffairs.house.gov/):

DATE: Tuesday, February 26, 2019

TIME: 2:00 pm

SUBJECT: Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses

WITNESS:
Ms. Marcela Escobari
Senior Fellow for Global Economy and Development
Center for Universal Education
Brookings Institution

Mr. Santiago Canton
Former Executive Secretary
Inter-American Commission on Human Rights

Mr. Moises Rendon
Associate Director and Associate Fellow
Americas Program
Center for Strategic and International Studies

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON WESTERN HEMISPHERE, CIVILIAN SECURITY, AND TRADE HEARING

Day Tuesday Date 02/26/2019 Room 2172

Starting Time 2:05pm Ending Time 4:19 pm

Recesses 1 (2:42 to 3:36) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)
Chairman Albio Sires

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☑

Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING:
Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses

SUBCOMMITTEE MEMBERS PRESENT:
See attached.

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

HEARING WITNESSES: Same as meeting notice attached? Yes ☑ **No** ☐
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*
Rep. Gregory Meeks
Rep. Andy Levin, from Amnesty International

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 4:19 pm

Subcommittee Staff Associate

HOUSE COMMITTEE ON FOREIGN AFFAIRS

WHEM SUBCOMMITTEE HEARING

PRESENT	*MEMBER*
X	Albio Sires, NJ
X	Gregory W. Meeks, NY
	Joaquin Castro, TX
X	Adriano Espaillat, NY
X	Dean Phillips, MN
X	Andy Levin, MI
X	Vicente González, TX
X	Juan Vargas, CA

PRESENT	*MEMBER*
	Francis Rooney, FL
	Christopher Smith, NJ
X	Ted Yoho, FL
X	John Curtis, UT
	Ken Buck, CO
X	Michael Guest, MS

ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD

AMNESTY INTERNATIONAL

February 22, 2019

Rep. Albio Sires
Chair
House Foreign Affairs Committee
Subcommittee on Western Hemisphere, Civilian Security, Trade

Rep. Francis Rooney
Ranking Member
House Foreign Affairs Committee
Subcommittee on Western Hemisphere, Civilian Security, Trade

RE: Amnesty International Statement for Hearing on "The Humanitarian Crisis in Venezuela and U.S. Foreign Policy Responses"

Dear Chairman Sires, Ranking Member Rooney, and Members of the Subcommittee:

On behalf of Amnesty International[1] 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

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

AMNESTY INTERNATIONAL USA | 600 PENNSYLVANIA AVENUE SE, 5TH FLOOR | WASHINGTON, DC 20003
T 202.544.0200 | F 202.546.7142 | WWW.AMNESTYUSA.ORG

2017, 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]

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[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.

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, 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.

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[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/.

The skyrocketing rate of inflation – which currently stands at one million percent and is envisioned to increase tenfold by the end of 2019[7] – has left Venezuelans unable to 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

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[7] "Venezuela Crisis: How the Political Situation Escalated," BBC NEWS, Jan. 24, 2019, https://www.bbc.com/news/world-latin-america-36319877.

[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.

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 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.

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[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/.

[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/.

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 are likely to make life even harder than it already is for the people of Venezuela, given that the Venezuelan 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 House Foreign Affairs 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

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[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/.

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 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 futher 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 –

[15] Gisela Salomon, "Venezuelans Find U.S. Asylum Surprisingly Elusive," AP NEWS, 29 Aug. 2018, https://apnews.com/6af09ae70e554cab8403c29012ad00b1.

[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.

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;
- 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.

For more information, please contact Charanya Krishnaswami at +1 202 675 8766 or ckrishna@aiusa.org.

Sincerely,



Charanya Krishnaswami
Americas Advocacy Director
Amnesty International USA

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Questions for the Record Submitted to Ms. Marcela Escobari
Rep. Albio Sires
HFAC WHEM Hearing: Made by Maduro
February 26, 2019

Question:
Are there methods for delivering humanitarian aid that have been used in other contexts that could be tried in Venezuela?

Response from Ms. Escobari:

In coordination with the ever-growing international community pledging aid, the US government should explore all ways to supply the most critical aid to the most vulnerable sectors of the population and do so in a neutral way.

The aid commitment from the international community should be in $2-3 billion range. In 2018 Venezuela earned $20 billion in oil revenues, about $11 billion in hard currency (Venezuela sells oil to China and Russia as debt repayment). It is likely that the Maduro government may be able to generate half of that amount selling their oil to India at a deep discount. Thus, the sanctions are likely to reduce at least $5 billion in inflows of hard currency. If we assume half of that would normally go to the purchase of food and medicine, there will soon be a $2.5 billion deficit per year, in an already starved nation. A thorough needs assessment from the field will eventually provide the best estimates, but this calculation reinforces the notion that the Venezuelan crisis is approximating Syrian proportions.

The needs can come in three forms: basic nutritional food, medicines (prioritizing vital medicines for immunization, maternal-child health, mosquito borne diseases, and the most prevalent chronic, degenerative diseases), as well as cash.

Preferred methods of delivery and experience from other countries:

- **Involving the United Nations as a neutral broker.** Engaging the U.N. agencies like OCHA, PAHO, UNICEF will be important at this junction. The UN played a brokering role in similar contested environments, including Yemen, when aid risked becoming a proxy for security tensions between Iran and Saudi Arabia. The Iranians sought to use aid shipments to undermine the controversial Saudi blockade of Yemen, and the Saudis threatened retaliation out of suspicion that the shipments contained arms in addition to aid. The UN stepped in as an impartial aid provider. The UN has a long history of brokering aid access mechanisms between rival parties, such as the UN's "Operation Lifeline Sudan" which facilitated aid amidst Sudan's civil war. This same kind of neutral facilitator function is required today in Venezuela.

- **Local and International NGOs.** The US government can work with hundreds of NGOs currently on the ground, both local and international, and strengthen their capacity to

support the most needed communities, which could come in the form of cash and goods. International NGOs like the Red Cross, Caritas and others are operational in the country and can expand operations.

- **Cash Subsidies to Local NGOs.** About 20% of imports are currently coming through the private sector so there are some goods that are available but not affordable for most of the population. The hundreds of credible NGOs operating in the country could receive funding to materially increase their efforts with vulnerable populations. In Northern Syria after 2012, when having an enduring presence posed security risks for the UN and other international players, USAID worked with NGO partners that were able to fund local organizations to do aid distribution and supplied them with funds and in-kind resources.

- **Assistance at the Border.** An equally robust effort should be deployed to help refugees in border countries to provide relief and limit their destabilizing effects on neighboring economies. This involves not only assisting refugees but providing food and medical attention to the thousands of people that cross the border daily. It will be important to try all diplomatic channels to reopen the Colombian border to facilitate the movement of people and goods.

In case of severe escalation of the crisis and increased violence, other options exist, but each represents additional risks and challenges:

- **Forcible Delivery of Relief Supplies.** The U.S.-led coalition could escort convoys of humanitarian relief supplies from neighboring countries into Venezuela, ensuring that the Maduro government could not prevent their movement and distribution. To reach the preponderance of the Venezuelan population, this would be a daunting operation since some military opposition would have to be expected. In Somalia in the early 1990s, for example, the United States had several thousand troops backing up aid distribution--in a population of less than 10 million with no serious military opposition, yet still the mission morphed over time into the events of Black Hawk Down. This approach would require at least 20,000 or more foreign troops, including several brigade combat teams to ensure tactical superiority in any firefights that might occur, and including airpower to prevent the Venezuelan military from massing against any particular convoy or supply line. Less controversially, a humanitarian corridor could be negotiated with the government which would allow aid convoys to enter the country.

- **Airdrops of Relief Supplies**. A more controlled approach to forcibly deliver supplies into Venezuela could use American transport aircraft, escorted by fighter jets and attack aircraft, to drop supplies into Venezuela. However, making a meaningful difference in the well-being of 30 million Venezuelans over an extended period of time would be challenging. The volumes of aid that could be delivered via airdrop would be negligible

relative to the scale of need in Venezuela and would require a trusted recipient on the ground who can rapidly secure the aid and oversee distribution.

- **Safe Zone.** In the case of an escalating crisis and the eruption of violence, the international community could consider the creation of a safe zone somewhere in the country's west, perhaps, or elsewhere in the interior. This kind of location could be difficult for many Venezuelans to reach and would not suffice for the systematic relief of the suffering of the nation's population. But it could provide a sanctuary for dissidents, those defecting from the military, or serve as a possible safety valve for some of the deprived population. Safe zones carry many risks, including becoming a trap for vulnerable populations if the security of the zone cannot be guaranteed.

Question: Are the benefits and drawbacks of the approach adopted by the interim government of Juan Guaidó of attempting to get aid into the country?

The Maduro government has weaponized food for many years through the use of CLAPS, conditioning access to the CLAP food boxes on political support, and historically denying the humanitarian crisis and the entry of aid.

Aid has been trickling into the country from many sources- from remittances that people send to their loved ones, bringing medicines in suit cases, some inside containers (that have to pay bribes at the border), through NGOs that are able to cross the border back and forth. The amounts are small and not commensurate with the immense need.

On February 23, the opposition attempted to open a larger channel appealing to the humanity of the armed forces, hoping some would defect. This is a tall ask- the rank and file (160 who did defect that day, over 600 since) face retaliation to their families, and the many more who considered it have been detained and are being tortured as we speak.

Going forward, the Guaidó government (and allies like Colombia) needs to be able to provide both a safe haven for those that defect and their families, as well as to continue to put pressure on the government so that the military knows that the protections and benefits from aligning with Maduro will be short lived.

Venezuelans are desperate to find ways out of this repressive regime and bring food in – and these two goals were conflated during the February 23 attempt. Aid in the end did not go through, and thus Juan Guaidó's government, along with the international community need to explore other options, aside from stock piling goods at the border, to get aid into the country that are neutral and apolitical.

Questions for the Record Submitted to Mr. Santiago Canton
Rep. Andy Levin
HFAC WHEM Hearing: Made by Maduro
February 26, 2019

Question:

Reports indicate that, under Maduro, Venezuelan military officials have committed grave human rights abuses. The UN Office of the High Commissioner for Human Rights has reported the use of "excessive force to deter demonstrations, crush dissent, and instill fear."

It's my understanding that Venezuela's National Assembly has enacted legislation to provide amnesty to public officials – including security forces – that abandon the Maduro regime and support the transition government.

- Can you provide a little more detail on the kinds of human rights abuses that may have been perpetrated by Venezuelan military officials?
- Is there a danger in offering this "amnesty" to people who may very well be guilty of serious human rights violations?

Response from Mr. Canton:

The Panel of Independent International Experts documented that between February 12, 2014 and May 2018, at least, 131 murders; 8,292 cases of extrajudicial executions; 12,000 arbitrary detentions; 289 cases of torture and 192 cases of rape of persons under State control; and a number of enforced disappearances.[1] According to the information received by the Panel, most of these crimes against humanity were perpetrated by Venezuelan military officials. With this information, the Panel found reasonable grounds to believe that acts to which the civilian population of Venezuela was subjected to constitute crimes against humanity, in accordance with Article 7 of the Rome Statute of the International Criminal Court, including the crimes of murder, imprisonment, torture, rape and other forms of sexual violence, persecution, and enforced disappearances. Finally, the case was referred to the Office of the Prosecutor of the ICC by 5 states.

At proving the "policy" element of the contextual elements of crimes against humanity, the Panel established that "the State policy is [...] evidenced in the transformation of the Armed Forces into a tool to defend the ideology of the governing party, instead of serving the interests of the nation, and this is accomplished through the "Plan Sucre, General Guidelines of the Development Plan of the Bolivarian National Armed Forces for the Comprehensive Defense of the Nation".[2]

As examples of the participation of the military or quasi-military forces in the demonstrations that violated the human rights of thousands of people, the Panel also found the creation and use of different bodies, structures and legal tools: the People's Anti-Coup Command, the Bolivarian Workers Militia, the Special Brigade against the Actions of Groups Generating Violence, the "Shock Force" under the Strategic Operational Command, the People's System

[1] Cf. GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 449-450
[2] GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 322

for Protection of Peace, Resolution 008610 of the Ministry of the People's Power for Defense, Plan Zamora and the "colectivos".[3]

One of the most self-evident examples of the participation of the Venezuelan military officials as part of the attack directed against any civilian population that involved the multiple commission of acts against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack, is the implementation of the Zamora Strategic Plan in its "green phase".

The Panel documented that "on April 18, 2017, the President announced the implementation of the Zamora Strategic Plan in its "green phase," which converted the territory of Venezuela into a "theater of operations."Plan Zamora not only implies the participation of the national armed forces in security tasks, it also provides that all autonomous police forces of the states and municipalities take orders from the Guardia Nacional Bolivariana (GNB), which assumes the militarization of the activities of all security forces under the overall and sole command of the National Executive"[4].

At the hearing conducted by the OAS General Secretariat on September 15, 2017 before the OAS, Major General Hebert García Plaza explained that "the Plan Zamora is the military plan for integral defense of the nation. A military order, in military language, it distinguishes 'friendly and enemy' forces. Military plans are not conceived of in any other way." This former Vice-Minister of Defense recounted that the grounds set forth in the Zamora Strategic Plan for its implementation were: "disloyalty to the ideas and interests of the country," "destabilizing actions of opposition parties," or "pronouncements of national and international actors against the performance of the revolutionary government." Among the factors that are believed to contribute to the destabilization of the political system, the Plan includes "pronouncements of national and international actors against the performance of the Revolutionary Government"; "national and international media campaigns organized by opposition actors, planned by Hegemonic Powers, to discredit and repudiate the powers of the legitimately constituted Government"; "Incitement to strike, protests, and illegitimate street actions in sectors of civil society, by political actors of the far right wing"; and "media campaigns by economic and political actors of the far right to manipulate and misinform the population, creating uncertainty and doubts and attacking the Security of the Nation."[5]

One of the deepest sources of documentation of the human rights violation that took place in Venezuela in the last years has been undertaken by the Inter-American Commission on Human Rights (IACHR or "Commission"). In a 2017 report it precisely documented hundreds of human rights violations perpetrated by Venezuelan military officials[6].

Right to life

In the report titled "Democratic Institutions, the Rule of Law and Human Rights in Venezuela", the Commission noted "with concern the existence of a pattern of very serious violations of the human rights of persons who demonstrate or publicly espouse positions at variance with those

[3] Cf. GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, pages 322 - 330
[4] GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 327
[5] GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, pages 328
[6] IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017

of the Executive, which are backed by actions taken in other branches of government, for instance by the Tribunal Superior de Justicia (TSJ) and the Asamblea Nacional Constituyente (ANC). The Commission observes that such acts are not isolated and that they are directed against numerous dissidents at different levels in the power structure."[7]

According to the mentioned report, "between April 1 and July 31, 2017, the Public Prosecutors' Office (Ministerio Público - MP), registered 124 deaths linked to social protests, 46 of which corresponded to demonstrators who lost their lives as a result of the actions of the security forces, and 27 due to the actions of armed pro-government militia groups known as colectivos.[8] According to the same source, 15 children and 7 women were among those killed.[9] This official figure was announced while Attorney General Ortega was still in office; however, since her departure on August 5, 2017, there has been a lack of official information about the number of people killed in the protests. In that connection, the State has said that the deaths were the results of acts of violence and has even referred to them as hate crimes. In addition, it has highlighted that the deaths include 9 members of the security forces."[10]

The IACHR documented that "for its parts, the Foro Penal Venezolano recorded 136 killed in protests between April and August 2017.[11] In that regard, it said that 102 deaths were the consequence of acts of repression involving state officials or armed civilians acting with its acquiescence. None of these cases has apparently been condemned.[12] As of July 31, 2017, that organization said that 101 people were murdered as a direct result of the repression of the demonstrations. At least 83 percent of those killed in these cases died from gunshot wounds. At the same time, 32 people were said to have been killed in indirectly connected incidents."[13]

The Commission established that "another 4,000 people were reportedly injured.[14] By contrast, the State has reported that in this context, 1,455 people were wounded, 71 percent whom were said to have been members of State security agencies.[15] The situation is all the more serious when one considers the crisis affecting the health-care system, including a shortage of medicine and medical supplies State medical assistance groups, such as Protección Civil or Grupo de Rescate Venezuela, are reportedly unable to provide care in any situation unless given instructions to do so and, according to available information, such instructions apparently do not include providing assistance to wounded opposition supporters.[16] Civil society, in particular medical students, has had to organize and create the "Cruz Verde" (Green Cross).[17] The Commission condemns the fact that this organization's volunteers have been attacked in variety of ways by State officials, making it difficult for them to do their work."[18]

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[7] IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 163

[8] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 11. Prior to then, as of July 27, the Defensoría del Pueblo had recorded a total of 98 people killed in the demonstrations and at least 16 individuals who died as a result of acts of vandalism, such as looting of businesses [Defensoría del Pueblo, En defensa de la paz y por la verdad:Informe sobre sucesos Abril-Julio 2017, July 27, 2017, pp. 68-69].

[9] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 11.

[10] IACHR, Violence, Citizen Security, and Freedom of Expression in Venezuela, October 24, 2017, in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 210

[11] FPV, Reporte sobre la represión del Estado en Venezuela - Agosto 2017, September 2017, p. 1.

[12] IACHR, Violence, Citizen Security, and Freedom of Expression in Venezuela, October 24, 2017.

[13] FPV, Reporte sobre la represión del Estado en Venezuela, Julio 2017, August 8, 2017, p. 1, in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 211

[14] FPV, Reporte sobre la represión del Estado en Venezuela, Julio 2017, August 8, 2017, p. 1.

[15] IACHR, Violence, Citizen Security, and Freedom of Expression in Venezuela, October 24, 2017.

[16] El Tiempo, Cruz Verde, la brigada que rescata a los manifestantes en Venezuela, May 21, 2017.

[17] El Nacional, Cruz verde, la brigada de primeros auxilios en las protestas, May 26, 2017.

[18] According to the information provided by George Simon and Federica Dávila, members of the Cruz Verde, during the OAS hearings on November 16, 2017, Bolivarian National Guardsmen arrested Cruz Verde volunteers who were caring for injured protesters. In addition, in May 2017, tear gas bombs were fired at one of the Cruz Verde's SUVs that was there to offer aid. Also, a guardsman fired pellets at a Cruz Verde volunteer at pointblank range [Livestream, Public hearings before the OAS regarding Venezuela, OAS, November 16, 2017; and

The Commission also explained that "according to available information, the high numbers of dead and injured are the result of use of firearms and excessive deployment of less lethal weapons, such as teargas and bird shot.[19] Available information suggests that the Ministerio Público has received at least 1,958 complaints of injuries sustained in such contexts, 60 percent of which were allegedly inflicted by members of the security forces.[20] The security forces are alleged to have misused less lethal weapons. In particular, teargas was purportedly used directly against homes and buildings in residential areas, launched against civilians at close range, or fired directly at demonstrators.[21] For example, on April 8, during the protest staged at Henrique Capriles' headquarters prompted by his disqualification, teargas was reportedly used that is said to have caused a fire in those offices."[22]

The IACHR also expressed concern at the particular harm that excessive use of force has caused to the rights of children and adolescents, due largely to the significant involvement of the student movement in the demonstrations[23]. It documented that "according to the MP, 13 adolescents between the ages of 14 and 17 years old were killed during the recent protests. Cecodap recorded the deaths of six other minors, making 19 in all.[24] It is worth mentioning that at least 10 of those killed reportedly died from gunshot wounds.[25] Furthermore, the MP received 53 complaints of injuries sustained by children and adolescents during the protests.[26] In addition at least 356 children and adolescents reportedly lost their parents as a result of the repression of protests between May and July 2017 in Caracas."[27]

For the Commission, the attack was also reported on a maternal and child hospital in El Valle, Caracas, on April 20, 2017, which forced the evacuation from it of 54 newborns for safety reasons.[28] That led various civil society organizations to call for an inquiry into the indiscriminate and excessive use of teargas by State security personnel during that operation.[29]

There were also complaints of unlawful raids on homes in the context of the State's response to the protests. The information received by the IACHR mentioned operations conducted in

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Youtube video, Venezuela #31May GNB disparó contra un rescatista de la Cruz Verde UCV, El Acertijo Cretino, June 1, 2017]; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 212

[19] According to information from the FPV, at least 83% of the 133 deaths recorded between April 1 and July 31 were from gunshot wounds [FPV, Reporte sobre la represión del Estado en Venezuela - Julio 2017 August 8, 2017, pg. 1]. According to members of the Cruz Verde, initially, the injuries they attended to during the 2017 protests were suffocation from the use of tear gas. However, over time, the injuries they dealt with predominately changed to gunshot wounds [Livestream, Public hearings before the OAS regarding Venezuela, OAS, November 16, 2017.

[20] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 15, in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 213

[21] El Universal, Observatorio Venezolano de la Salud alerta sobre uso de gases lacrimógenos, May 29, 2017, Huffington Post, La policía venezolana dispersa con gases lacrimógenos una nueva marcha de la oposición a Maduro, May 3, 2017; and Runrun, El uso del gas pimienta en protestas es inconstitucional, April 4, 2017.

[22] Deutsche Welle (DW), Incendio en el comando de campaña de Capriles, April 8, 2017; and NTN24, Comando Capriles se incendió tras ser atacado con bombas lacrimógenas:El Cicpc se presentó en la madrugada para "investigar", April 8, 2017; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 214

[23] IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 215

[24] Entorno Inteligente, VENEZUELA:Cecodap registra 19 adolescentes muertos durante cuatro meses de protestas en Venezuela, July 29, 2017. Previously, Cedocap had recorded 14 deaths of adolescent in the context of the protests as at July 5 [Cecodap, Communication to the IACHR, September 2017, para. 18].

[25] Sinergia, Asociación Venezolana de Organizaciones de la Sociedad Civil, Sociedad Civil en la Mira: Informe sobre las garantías y ejercicio de los derechos de participación y asociación en Venezuela 2016-2017, p. 22; Diario Las Américas, Confirman muerte del joven herido de bala en manifestación opositora de Caracas, April 19, 2017; REDHNNA, Respeto y protección a los niños, niñas y adolescentes en el control del orden público y situaciones de conflictividad social, April 29, 2017; and Cecodap, Communication to the IACHR, September 2017, para. 17-19.

[26] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 15.

[27] Cecodap, Communication to the IACHR, September 2017, para. 13; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 215

[28] REDHNNA, Respeto y protección a los niños, niñas y adolescentes en el control del orden público y situaciones de conflictividad social, April 29, 2017; Noticias24, Bandas armadas contratadas por la oposición atacaron hospital materno-infantil de El Valle, April 20, 2017; and Resumen Latinoamericano, Venezuela:Extremista atacan Hospital Materno-Infantil en Caracas, April 21, 2017.

[29] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 216

residential areas involving the GNB, Servicio Bolivariano de Inteligencia Nacional (SEBIN), and Policía Nacional Bolivariana (PNB). Such operations were recorded in June in the states of Mérida, Lara, Táchira, Carabobo, Zulia, and Miranda, as well as in various parts of Caracas.[30] Residential buildings were directly attacked with teargas projectiles and live fire, while security personnel reportedly violently raided dozens of homes, causing property damage and robbing residents.[31] This information was confirmed in a report published by the Office of the High Commissioner of Human Rights (OHCHR) that mentioned that the demonstrations were accompanied by violent raids in housing compounds by security forces with the alleged objective of detaining protesters. The report also said that security forces carried out arbitrary, violent, illegal raids, breaking into homes by force, which particularly affected women—many of them heads of household and in charge of the domestic work—who were at home during the operations.[32]

The IACHR established that "there were also reports of acts of gender-based violence committed as part of the repression against demonstrators, in violation of women's fundamental rights."[33] The Commission was also troubled by reports of excessive force used against older persons in peaceful protests. According to the information received, the PNB has sometimes sprayed older persons with pepper gas.[34]

Finally, the Commission expressed that "groups of armed civilians are said to have taken part in the repression of the recent protests. According to available information, such groups are responsible for violent acts that have resulted in serious injuries and death to demonstrators and passersby, including children and adolescents.[35] They also said to have detained and physically assaulted people, and even of firing on demonstrators."[36]

Right to personal liberty

The Commission noted that unlawful and arbitrary detentions have continued in Venezuela.[37] It established that "according to the information, between January 1, 2014, and October 31, 2017, 11,993 individuals were arbitrarily detained, of which 7,040 have been released conditionally.[38] Likewise, as of November 19, the FPV had identified 317 individuals deprived of liberty for political reasons.[39] It is worth noting that that figure fluctuates constantly as a result of what has been termed the "revolving-door effect." That effect explains why the number of persons deprived of liberty in Venezuela remains roughly constant from month to

[30] IACHR, Press Release No. 084/17, IACHR Strongly Condemns Indiscriminately Repressive Military Operations in Venezuela, June 27.
[31] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 217
[32] A victim reported to the OHCHR that she was subjected to sexual assault in front of her two children, when a national guard touched her breasts during a raid. OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 18.
[33] Red Naranja, 100 Organizaciones rechazan la Violencia Sexual en el contexto de alta violencia e intolerancia política en Venezuela, July 28, 2017; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 218
[34] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 218
[35] IACHR, Press Release No. 093/17, IACHR Condemns Serious Acts of Violence at National Assembly in Venezuela, July 10, 2017.
[36] IACHR, Press Release No. 044/17, IACHR Urges the Protection of the Right to Protest in Venezuela and Respect for Freedom of Expression, April 11, 2017; UN, Press Release, Venezuela must allow peaceful protests and investigate killing of demonstrators, say UN experts, April 28, 2017; Amnesty International, Venezuela: Lethal violence, a state policy to strangle dissent, July 10, 2014; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 221
[37] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 237
[38] FPV, Reporte sobre la represión en Venezuela – October 2017, pg. 2. The FPV stated before the IACHR on October 24 2017, that as of that date, 11,989 people had been arbitrarily detained. This means that in one week, four more people were arbitrarily detained. At that time, the FPV also stated that 7,030 individuals had been granted conditional release [IACHR Violence, citizen security, and freedom of expression in Venezuela, October 24, 2017].
[39] FPV, Presos políticos, November 19, 2017.

month, since while new prisoners are detained, others are released.[40] Thus, as at July 31 there were 620 persons deprived of liberty due to political reasons in Venezuela,[41] whereas at August 31 that figure had dropped to 590.[42] The IACHR also notes with concern that several human rights defenders have been arrested and harassed for defending detainees or reporting on the situation in the country.[43] The Commission has also received information that 19 people have not been set free by the authorities in spite of having release orders."[44]

The Commission also noted that 90 percent of those detentions were allegedly made without a court order.[45] In that regard, the OHCHR found that security forces have often claimed after people were detained without an arrest warrant that they were caught *in flagrante delicto*.[46] However, according to the IACHR they were apparently arrested on their way to, during, or after demonstrations; others were arrested even though they were not demonstrating, but simply perceived to support the opposition.[47] Similarly, Amnesty International has alerted about the discretionary and arbitrary use of the concept of *in flagrante delicto* in which the person detained was very often going about their daily activities, which were not of a criminal nature.[48]

According to the report, the IACHR has been informed of circumstances that would appear to violate the rights of detainees[49]. The Commission said that "in the majority of cases they were allegedly not informed of the reasons for their detention until they were brought before a judge.[50] They were also not permitted to contact relatives or lawyers until that moment.[51] Cases have also been reported of incommunicado detention[52] and arbitrary transfers between detention centers during pre-dawn hours and without notice."[53]

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[40] FPV, Reporte sobre la represión del Estado en Venezuela - Julio de 2017, p. 6, note 5.
[41] FPV, Reporte sobre la represión del Estado en Venezuela - Julio de 2017, p. 6.
[42] FPV, Reporte sobre la represión del Estado en Venezuela - Agosto 2017, p. 5. In that same regard, it should be noted that according to FPV figures, as of October 24, 2017, there were 391 political prisoners [IACHR, Violence, citizen security, and freedom of expression in Venezuela, October 24, 2017]. While as of October 31, the figure had dropped to 380 [FPV, Reporte sobre la represión en Venezuela – Octubre de 2017, pg. 4].
[43] For example, the lawyer Abraham Cantillo, FPV Deputy Coordinator for the State of Lara, was robbed by armed civilians and threatened on July 20, 2017 outside the air force base where the Seventh Military Oversight Tribunal for the State of Lara is located. On July 27 he received death threats and was brutally beaten by men who referred to him as the "damned lawyer for the *guarimberos*" [FPV, Reporte sobre la represión del Estado en Venezuela - Julio de 2017, p. 9]. In addition, as mentioned, the IACHR granted precautionary measures in favor of the human rights defender Theresly Malavé, who has been harassed for her work representing detained leaders [IACHR, Resolution No. 1/17, Precautionary Measure No. 475-15, Members of the Voluntad Popular party regarding Venezuela]. The IACHR also requested Venezuela to provide protection to the FPV [FPV, CIDH solicitó al Estado venezolano garantizar protección a Foro Penal y demás ONG de DDHH, March 23, 2017].
[44] IACHR, Violence, Citizen Security, and Freedom of Expression in Venezuela, October 24, 2017; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 237
[45] Cfr, IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 239
[46] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 22.
[47] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 239
[48] Amnesty International, Silenced by force: Politically motivated arbitrary detentions in Venezuela, April 26, 2017, pp. 7-8.
[49] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 240
[50] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, pp. 22-23.
[51] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 23.
[52] The OHCHR reported that a man it interviewed was told by a SEBIN official: "You are kidnapped by the Government of Venezuela and no one will know anything about you." It also documented the case of Ángel Zerpa, who was arrested by the SEBIN on July 22 and only allowed to have contact with his family on August 19. In that context, it also reported the possibility of cases of forced disappearance. One woman interviewed by the OHCHR said that the authorities initially denied having any information about her son. The authorities only allowed her to see him after 40 days in detention [OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 21]. Amnesty International also drew attention to this problem and pointed to the case of Yon Goicoechea, who was arrested on August 29, 2016, and held incommunicado until September 1, 2016 [Amnesty International, Silenced by force: Politically motivated arbitrary detentions in Venezuela, April 26, 2017, pp. 14-15]. FPV has also alerted about the situation [FPV, Reporte sobre la represión del Estado en Venezuela - Agosto 2017, p. 2].
[53] According to information received by the Commission, former defense minister Raúl Isaías Baduel, who has reportedly been in detention since January 2017, was irregularly transferred from Ramo Verde Military Prison by the General Directorate for Military Counterintelligence in the early hours. According to information provided to the IACHR, the director of that facility approved the transfer, despite the absence of a court order or any prior notice. As a result, for a time the relatives did not know Mr. Baduel's whereabouts and the authorities allegedly refused to give them any information in that regard [IACHR, Request for precautionary measures presented on the half of Raúl Isaías Baduel,

Right to humane treatment

The Commission has been monitoring extremely troubling reports about alleged torture and cruel, inhuman and degrading treatment committed by agents of the State against persons deprived of their liberty in Venezuela. According to the IACHR, "prior to 2017 there were already complaints of such highly reprehensible acts. Specifically, in 2015, the IACHR received information about 51 cases of alleged acts of torture and cruel, inhuman and degrading treatment committed between January and June alone, marking a 28 percent rise relative to the year before.[54] In July 2016, it was alleged that since May the SEBIN and the GNB had detained 21 people, most of whom said they were tortured or suffered other ill treatment while in custody.[55] The IACHR also received information about the individual identification of 18 torture victims, which would represent an increase of 300 percent compared with 2015.[56] In 2016, 473 victims were identified of cruel, inhuman, or degrading treatment or punishment (320 less than in 2015) as well as "cases involving groups of more than 10 victims that occurred in incarceration facilities."[57]

According to information provided to the Commission, in the demonstrations since April 2017 the number of complaints of torture and other mistreatment rose markedly, which suggests the use of that practice as a tool to deter or punish social protest. The alleged torture is purportedly used for a number of purposes, including obtaining confessions, bringing charges against another person, or to send a repressive message[58]. The Commission documented that "CASLA says that it recorded at least 120 cases of people tortured between April 1 and June 12, 2017.[59] For its part, the FPV said in June that "[o]f the 3,880 people arrested since April, at least 15 percent have been subjected to torture or cruel and inhuman treatment."[60] By contrast, the Defensoría del Pueblo (DP) informed the OHCHR that between April 1, and July 10, 2017, it received 2 complaints of torture and 122 complaints of cruel, inhuman and degrading treatment."[61]

The IACHR established that "the alleged torture is reputedly carried out at government facilities by different security agencies, such as the SEBIN, the GNB, and the PNB, as well as regional or municipal police agents. In the case of the SEBIN, instances of torture were recorded at the Helicoide and Plaza Venezuela (known as *La Tumba* [The Tomb]) facilities.[62] As regards the GNB, alleged acts of torture were reported at the command center known as

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MC-629-17]; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 240

[54] IACHR, Press Release No. 120A/15, Report on the 156th Session of the IACHR, December 24, 2015; 2015 Annual Report, Chapter IV.B, Venezuela, para. 33.

[55] HRW, Venezuela:Dissidents Allege Torture, Coerced Confessions, July 27, 2016.

[56] PROVEA, Situación de los Derechos Humanos en Venezuela: Informe Anual Enero/Diciembre 2016, Derecho a la integridad personal, pp. 3, 6-8.

[57] PROVEA, Situación de los Derechos Humanos en Venezuela: Informe Anual Enero/Diciembre 2016, Derecho a la integridad personal, p. 3; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 244

[58] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 245

[59] Information provided by CASLA [Youtube video, Public hearings before OAS regarding Venezuela, OAS, September 14, 2017]. The same information was reported by the media [Infobae, Victimas y defensores de DDHH denunciaron ante la OEA 289 casos de tortura en Venezuela, September 14, 2017]. El Universal, Presentaron en La Haya nuevas denuncias de torturas en Venezuela, June 16, 2017; OAS Secretary General of the OAS, Third Report on the Continuing Crisis in Venezuela, OSG/ 285-17, July 19, 2017, p. 36.

[60] El Comercio, "En Venezuela están abusando sexualmente de algunos detenidos", July 16, 2017.

[61] OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 21; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 245

[62] UVAL, Informe sobre la situación de los derechos humanos de las personas privadas de libertad en las sedes del SEBIN del Helicoide y Plaza Venezuela, p. 4. The IACHR has also granted precautionary measures for detainees at SEBIN facilities [IACHR, Resolution 6/15, Precautionary Measure No. 223-13, Lorent Saleh and Gerardo Carrero regarding Venezuela, March 2, 2015].

"Ciudad Chavez,"[63] Command Center 433,[64] and La Ciega detention center.[65] Cases of torture have also been documented at the Cuerpo de Investigaciones Científicas, Penales y Criminalísticas (CICPC) offices in Villa del Rosario,[66] and at the PNB headquarters in Aragua State.[67] The IACHR has also received information about alleged torture at different prisons, including La Pica,[68] DESUR detention center,[69]CENAPROMIL (Ramo Verde) Military Prison,[70] Uribana prison, and 26 de Julio Remand Center.[71] Torture is also said to have been inflicted at improvised places of detention for holding demonstrators detained for hours, such as the Corporación Eléctrica Nacional (CORPOELEC) building in the Amparo sector and Fundación Servicio de Atención del Zulia (Funsaz 171) on Av. La Limpia, both in the city of Maracaibo, Zulia State.[72] The IACHR also received information of detained demonstrators being physically and psychologically mistreated at other moments, including in the course of their arrest and transfer to detention centers."[73]

The torture allegedly includes physical blows to all parts of the body using such instruments as sticks, metal bars, helmets, and firearms. Other alleged forms of torture are the application of electric shocks, forcing victims to assume inhuman positions (such as kneeling and being tied up for long periods, squatting, and being manacled by the hands and feet)[74]. There were also reports of teargas grenades being deployed in cells, in transport vehicles,[75] and even directly into detainees' faces[76]. There were reports of alleged smothering with bags impregnated with chemical substances, such as ammonia or insecticide,[77] and the use of *piroca* gas (which has

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[63] The FPV documented the case of E.M.G., who was apprehended on June 12, 2017, by GNB personnel outside his school and taken to the command center known as "Ciudad Chávez," where he was physically assaulted and threatened with a firearm, in addition to which two tear gas grenades were deployed [FPV, Reporte sobre la represión del Estado en Venezuela - Junio de 2017, p. 7].

[64] Wuilly Arteaga, who is known for demonstrating peacefully by playing his violin, alleged that he was tortured while detained at GNB Command Center 433 in the urbanization known as El Paraíso in Caracas [FPV, Reporte sobre la represión del Estado en Venezuela - Julio 2017, p. 5].

[65] Hely Huerta denounced that he was physically assaulted and psychologically mistreated when he was transferred to the GNB detention center known as La Ciega. Brandon Becerra denounced that he was physically assaulted and verbally abused by the GNB during his detention at La Ciega [CODHEZ and Aula Abierta, Informe preliminar sobre la situación de los derechos humanos en el estado Zulia en el marco de la protesta: Julio-Agosto 2017, September 2017, pp. 17-18].

[66] The case was recorded of 16 people detained by the GNB during a demonstration on May 5, 2017, who were held at the CICPC facility in Villa del Rosario, where they had a powder known as *piroca*, which has the same effect as teargas, thrown in their faces [FPV, Reporte sobre la represión del Estado en Venezuela - Mayo de 2017, p. 1].

[67] A group of 10 young people, detained on May 15, 2017, reported that they had been victims of torture and sexual violence at the PNB facility in Aragua State [BBC, "Gritaba y lloraba... tenía tanto miedo que me oriné": detenidos en protestas opositoras en Venezuela denuncian violaciones, golpizas y torturas, June 29, 2017]. CODHEZ and Aula Abierta reported complaints of cruel, inhuman, and degrading treatment being inflicted on people at military facilities, such as La Ciega and Desur in Maracaibo [CODHEZ y Aula Abierta, Informe preliminar sobre la situación de los derechos humanos en el estado Zulia en el marco de la protesta: Julio-Agosto 2017, September 2017, p. 16].

[68] The case was recorded of Orlando Moreno, who was detained during a protest on June 27, 2017, and taken to La Pica Prison, where he was suspended by handcuffs around his hands for 24 hours and beaten repeatedly to coerce him into accusing the political leader Maria Corina Machado [FPV, Reporte sobre la represión del Estado en Venezuela - Junio de 2017, pág. 8].

[69] CODHEZ y Aula Abierta, Informe preliminar sobre la situación de los derechos humanos en el estado Zulia en el marco de la protesta: Julio-Agosto 2017, September 2017, pp. 11-14.

[70] The opposition leaders Leopoldo López and Daniel Ceballos denounced that they were tortured at CENAPROMIL Military Prison (Ramo Verde) [PROVEA, Amnistía Internacional | Venezuela:Preso de conciencia Leopoldo López denuncia tortura, June 28, 2017; IACHR, Resolution 12/15, Precautionary Measure No. 335-14, Leopoldo López and Daniel Ceballos regarding Venezuela, April 20, 2015].

[71] Alexander Tirado and Raúl Emilio Baduel denounced that they were victims of torture at Uribana Prison, in the State of Lara. Baduel and Tirado also said that they were held in inhuman conditions at 26 de julio Remand Center [IACHR, Resolution No.1/17, Precautionary Measure No. 475-15, Members of the Voluntad Popular party regarding Venezuela, January 14, 2017].

[72] CODHEZ y Aula Abierta, Informe preliminar sobre la situación de los derechos humanos en el estado Zulia en el marco de la protesta: Julio-Agosto 2017, September 2017, p. 15].

[73] CODHEZ y Aula Abierta, Informe preliminar sobre la situación de los derechos humanos en el estado Zulia en el marco de la protesta: Julio-Agosto 2017, September 2017, p. 10]; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 246

[74] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 248

[75] According to a report, when the minor E.M.G. was transferred from "Ciudad Chávez" to the CICPC, two teargas grenades were thrown into the vehicle as he was put in it and the doors were then closed, causing him to pass out [FPV, Reporte sobre la represión del Estado en Venezuela - Junio de 2017, p. 7].

[76] CODHEZ and Aula Abierta, Informe preliminar sobre la situación de los derechos humanos en el estado Zulia en el marco de la protesta: Julio-Agosto 2017, September 2017, p. 14]. Another detainee is also recorded as saying "they sprayed me with pepper gas and put a hood over my head" [BBC, "Gritaba y lloraba... tenía tanto miedo que me oriné": detenidos en protestas opositoras en Venezuela denuncian violaciones, golpizas y torturas, 29 de junio de 2017].

[77] UVAL, Informe sobre la situación de los derechos humanos de las personas privadas de libertad en las sedes del SEBIN del Helicoide y Plaza Venezuela, p. 21.

effects similar to those of teargas) on the face and anus.[78] The OHCHR also documented testimony of that nature.[79] It was also reported that the lack of water and food at detention facilities meant that relatives of detainees had to take them food and drink on a regular basis[80]. The food provided in detention was not fit for human consumption;[81] and, in some cases, detainees were forced to eat food off the floor.[82]

The IACHR has received extremely troubling information about allegations of sexual violence during detentions in the context of the recent social protests.[83] The Commission explained that "women's organizations informed the IACHR of at least six cases in which PNB and GNB personnel had groped or sexually violated women and men deprived of their liberty.[84]AVESA denounced 25 cases of sexual violence in the context of the repression of the demonstrations, in which 56 percent of the victims were women. According to the same source, the violence took different forms, including exposure to sexual violence (60 percent), groping (20 percent) and rape (16 percent). The assailants reportedly belonged to the PNB (68 percent), the Aragua Police (20 percent), and the GNB (12 percent).[85] Other sources also report different forms of violence inflicted by agents of the State.[86] At the same time, it is worth noting that there is a high level of underreporting of cases due to "victim shame or intimidation, non-recognition of offenses, and/or lack of human rights defenders and public officials trained in identifying them."[87]

Finally, according to the Commission, during the days of protest that began in April, there was also a pattern of acts of harassment, theft, and destruction of equipment and journalistic records

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[78] In May 2017, the FPV recorded the case of 16 detainees who had a powder known as piroca thrown in their faces [FPV, Reporte sobre la represión del Estado en Venezuela - Mayo de 2017, p. 11]. According to CODHEZ and Aula Abierta, "[t]he people detained in Villa del Rosario in Zulia State [...] reported that they were locked in a room and had a white powder (*piroca*) thrown at them which caused a powerful burning and stinging sensation, as well as making it hard for them to speak, and that they were later given water with the same powder that caused a much worse stinging sensation." In addition, some detainees "said that they were taken to a toilet, where there trousers were pulled down and *piroca* (pepper gas) was sprayed on their anuses" [CODHEZ and Aula Abierta, Informe preliminar sobre la situación de los derechos humanos en el estado Zulia en el marco de la protesta: Julio-Agosto 2017, September 2017, p. 13].

[79] One person interviewed by the OHCHR reportedly said: "They threw chlorine and salt in my mouth, they beat me with sticks and they fired tear gas grenades close to my face. I lost consciousness." Another victim said: "The guards would regularly throw tear gas grenades inside the cell and blocked the doors' bars with a mattress to prevent the gas from dispersing." Two women recounted how guards put a hood on their head with tear gas powder for two hours [OHCHR, Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017, 31 August 2017, p. 20].

[80] UVAL, Informe sobre la situación de los derechos humanos de las personas privadas de libertad en las sedes del SEBIN del Helicoide y Plaza Venezuela, p. 17.

[81] Alexander Tirado and Raúl Emilio Baduel alleged that at 26 de Julio remand center there was a lack of water and the food was unfit for human consumption. Delson Guárate, who is detained at El Helicoide, says that there is a lack of water there and the food is not fit for human consumption. Yon Goicoechea, who was detained on August 29, 2016, said that he is given decomposing food [IACHR, Resolution No.1/17, Precautionary Measure No. 475-15, Members of the Voluntad Popular party regarding Venezuela, January 14, 2017].

[82] It is alleged that while Raúl Baduel Alexander Tirado were being held in Uribana prison they had hot food delivered straight into their hands so that they were forced to drop it on the floor alongside the raw sewage that seeped into their cell [Amnesty International, Silenced by force: Politically motivated arbitrary detentions in Venezuela, April 26, 2017, p. 11]. A former detainee at La Tumba said that "the food they provided their was sometimes spoiled and I had to eat it off the floor with my hands" [UVAL, Informe sobre la situación de los derechos humanos de las personas privadas de libertad en las sedes del SEBIN del Helicoide y Plaza Venezuela, p. 28]. See Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 248

[83] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 252

[84] CEPAZ, Asociación Civil Mujeres en Línea, FREYA and AVESA, Informe sobre situación de los derechos de las mujeres en Venezuela, September 2017, pp. 29-31.

[85] AVESA, Violencia sexual en el contexto de represión política – Algunos datos de la prensa nacional, July 13, 2017; Corresponsales clave, Violencia sexual en medio de la represión política en Venezuela, July 18, 2017; Runrunes, 100 ONGs rechazaron violencia sexual en marco de represión, July 25, 2017.

[86] According to CASLA, 192 people alleged to have been victims of some type of sexual violence, while another 140 were allegedly threatened with it. According to the same source, seven people denounced attempted rape with pipes or other objects, while at least five people (four men and one woman) were reportedly raped. In addition, 77 people reputedly alleged to have been stripped naked while others said that they were partially stripped so as to force them to adopt stress positions.Youtube video, Public hearings before OAS regarding Venezuela, OAS, September 14, 2017. BBC, "Gritaba y lloraba... tenía tanto miedo que me oriné": detenidos en protestas opositoras en Venezuela denuncian violaciones, golpizas y torturas, June 29, 2017. 2001.com.ve, 70% de denuncias en La Haya por torturas en Venezuela incluyen abusos sexuales, July 1, 2017.

[87] CEPAZ, Asociación Civil Mujeres en Línea, FREYA and AVESA, Informe sobre situación de los derechos de las mujeres en Venezuela, September 2017, p. 29; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 253

- in many cases with physical aggression[88]. The IACHR received information about dozens of assaults[89] and theft of equipment that were perpetrated by public officials[90].

Is there a danger in offering this "amnesty" to people who may very well be guilty of serious human rights violations?

The Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, the organs of the United Nations, and other universal and regional organs for the protection of human rights have ruled on the non-compatibility of amnesty laws related to serious human rights violations with international law and the international obligations of States[91].

The Inter-American Court of Human Rights has ruled on the non-compatibility of amnesties with the American Convention in cases of serious human rights violations related to Peru (*Barrios Altos* and *La Cantuta),* Chile *(Almonacid Arellano et al.)*, Brazil *(Gomes Lund et al.*) and Uruguay *(Gelman),* among others. In these cases, the Court has developed the legal grounds of the standards.

This Court has established that "amnesty provisions, the statute of limitation provisions, and the establishment of exclusions of responsibility that are intended to prevent the investigation and punish those responsible for serious violations to human rights such as torture, summary, extrajudicial, or arbitrary executions, and enforced disappearance are not admissible, all of which are prohibited for contravening irrevocable rights recognized by International Law of Human Rights." [92]

According to the Court, "amnesty laws are, in cases of serious violations of human rights, expressly incompatible with the letter and spirit of the Pact of San José, given that they violate the provisions of Articles 1(1) and 2, that is, in that they impede the investigation and punishment of those responsible for serious human rights violations and, consequently, impede access to victims and their families to the truth of what happened and to the corresponding reparation, thereby hindering the full, timely, and effective rule of justice in the relevant cases. This, in turn, favors impunity and arbitrariness and also seriously affects the rule of law, reason for which, in light of International Law, they have been declared to have no legal effect."[93]

And added that "in particular, amnesty laws affect the international obligation of the State in regard to the investigation and punishment of serious human rights violations because they prevent the next of kin from being heard before a judge, pursuant to that indicated in Article 8(1) of the American Convention, thereby violating the right to judicial protection enshrined in Article 25 of the Convention precisely for the failure to investigate, persecute, capture, prosecute, and punish those responsible for the facts, thereby failing to comply with Article

[88] Cf. IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 287
[89] Sindicato Nacional de Trabajadores de Prensa, *14 trabajadores de la prensa han sido detenidos and 106 agredidos en el marco de las protestas*, April 24, 2017; La Nación, *Agredieron a tres periodistas durante cobertura a manifestación en Caracas,* April 22, 2017; *and* El Español, *Las manifestaciones en Caracas se vuelven contra la prensa: agreden a un periodista de Efe*, May 2, 2017; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 287
[90] El Carabobeño, *GNB amedrentó a dos periodistas en Aragua*, January 17, 2017; 800 Noticias, *GNB le quitó la cámara a periodistas del diario El Clarín de Aragua,* January 17, 2017;La Patilla, *La "gloriosa" GNB robó a tres periodistas en pleno ejercicio de su labor este #3May en Altamira*, May 3, 2017; and Diario Contraste, *GNB robó cascos, chalecos and teléfonos a periodistas durante protesta en Altamira #3May*, May 3, 2017; in IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, OEA/Ser.L/V/II., 31 December 2017, para. 287
[91] Cf. I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 195
[92] I/A Court H.R., *Case of Barrios Altos V Perú. Merits.* Judgment of March 14, 2001. Series C No. 75, para. 41; *and* I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 225
[93] I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 226

1(1) of the Convention.[94] Under the general obligations enshrined in Article 1(1) and 2 of the American Convention, the States Parties have the obligation to take measures of all kinds to assure that no one is taken from the judicial protection and the exercise of their right to a simple and effective remedy, in the terms of Articles 8 and 25 of the Convention, and once the American Convention has been ratified, it corresponds to the State to adopt all the measures to revoke the legal provisions that may contradict said treaty as established in Article 2 thereof, such as those that prevent the investigation of serious human rights violations given that it leads to the defenselessness of victims and the perpetuation of impunity and prevents the next of kin from knowing the truth regarding the facts."[95]

Finally, the Court concluded that "the incompatibility with the Convention includes amnesties of serious human rights violations and is not limited to those which are denominated, "self-amnesties," and the Court, more than the adoption process and the authority which issued the Amnesty Law, heads to its *ratio legis*: to leave unpunished serious violations committed in international law.[96] The incompatibility of the amnesty laws with the American Convention in cases of serious violations of human rights does not stem from a formal question, such as its origin, but rather from the material aspect in what regards the rights enshrined in Articles 8 and 25, in relation to Articles 1(1) and 2 of the Convention."[97]

In the same sense, the Inter-American Commission has concluded, in casesrelated to Argentina[98], Chile[99], El Salvador[100], Haiti[101], Peru[102] and Uruguay[103] its contradiction with international law. The Inter-American Commission recalled that it "has ruled on numerous occasions in key cases wherein it has had the opportunity to express its point of view and crystallize its doctrine in regard to the application of amnesty laws, establishing that said laws violate various provisions of both the American Declaration as well as the Convention" and that "[t]hese decisions which coincide with the standards of other international bodies on human rights regarding amnesties, have declared in a uniform manner that both the amnesty laws as well as other comparable legislative measures that impede or finalize the investigation and judgment of agents of [a] State that could be responsible for serious violations of the American Declaration or Convention, violate multiple provisions of said instruments."[104]

In the Universal forum, in its report to the Security Council, entitled *The rule of law and transitional justice in societies that suffer or have suffered conflicts,* the Secretary General of the United Nations noted that "the peace agreements approved by the United Nations cannot

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[94] I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 227

[95] I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 228

[96] *Cf. Case of Almonacid Arellano et al. V. Chile. Preliminary Objections, Merits, Reparations and Costs.* Judgment of September 26, 2006. Series C No. 154, para. 120, and *Case of Gomes Lund et al. (Guerrilha do Araguaia), supra* note 16, para. 175.

[97] I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 229

[98] *Cf.* IACHR. Report No. 28/92, Casos 10.147; 10.181; 10.240; 10.262; 10.309, and 10.311. Argentina, of October 2, 1992, paras. 40 and 41.

[99] *Cf.* IACHR. Report on the Merits No. 34/96, Casos 11.228; 11.229; 11.231, and 11.282. Chile, of October 15, 1996, para. 70, and IACHR. Report on the Merits No. 36/96. Chile, of October 15, 1996, para. 71.

[100] *Cf.* IACHR. Report on the Merits No. 1/99, Case of 10.480. El Salvador, of January 27, 1999, paras. 107 and 121.

[101] *Cf.* IACHR. Report No. 8/00, Case of 11.378. Haití, of February 24, 2000, paras. 35 and 36. While the Case is not specifically about the conformity with the Convention of amnesty laws, the Commission takes up its position on amnesty laws and analyzes it in light of the principle of continuity of the States.

[102] *Cf.* IACHR. Report on the Merits No. 20/99, Case of 11.317. Perú, of February 23, 1999, paras. 159 and 160; IACHR. Report on the Merits No. 55/99, Casos 10.815; 10.905; 10.981; 10.995; 11.042 and 11.136. Perú, of April 13, 1999, para. 140; IACHR. Report No. 44/00, Case of 10.820. Perú, of April 13, 2000, para. 68, and IACHR. Report No. 47/00, Case of 10.908. Perú, of April 13, 2000, para. 76.

[103] *Cf.* IACHR. Report 29/92. Case of 10.029, 10.036 and 10.145. Uruguay, of October 2, 1992, paras. 50 and 51.

[104] IACHR. Report No. 44/00, Case of 10.820. Perú, of April 13, 2000, para. 68, and IACHR. Report No. 47/00, Case of 10.908. Perú, of April 13, 2000, para. 76. In the same sense, *Cf.* IACHR. Report No. 55/99, Casos 10.815; 10.905; 10.981; 10.995; 11.042, and 11.136. Perú, of April 13, 1999, para. 140; in I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 197

promise amnesty for crimes of genocide, war, or crimes against humanity, or serious infractions of human rights."[105]

In the same sense, the United Nations High Commissioner for Human Rights concluded that amnesties and other analogous measures contribute to impunity and constitute an obstacle to the right to the truth in that they block an investigation of the facts[106] on the merits and that they are, therefore, incompatible with the obligations incumbent on States given various sources of international law. [107] More so, in regards to the false dilemma between peace and reconciliation, on the one hand, and justice on the other, it stated that "[t]he amnesties that exempt from criminal sanction those responsible for atrocious crimes in the hope of securing peace have often failed to achieve their aim and have instead emboldened their beneficiaries to commit further crimes. Conversely, peace agreements have been reached without amnesty provisions in some situations where amnesty had been said to be a necessary condition of peace and where many had feared that indictments would prolong the conflict." [108]

In line with the aforementioned, the Special Rapporteur of the United Nations "on the question of impunity of perpetrators of human rights violations", stated that "[t]he perpetrators of the violations cannot benefit from the amnesty while the victims are unable to obtain justice by means of an effective remedy. This would lack legal effect in regard to the actions of the victims relating to the right to reparation." [109]

Also in the universal forum, the treaty-based bodies' have maintained the same standards concerning the prohibition of amnesties that prevent the investigation and punishment of those who commit serious human rights crimes. The Human Rights Committee, in its General Comment 31, expressed that States should assure that those guilty of infractions recognized as crimes in international law or in national legislation, among others—torture and other acts of cruel, inhumane, or degrading treatment, summary deprivations of life, and arbitrary detention, and enforced disappearances—appear before the justice system and not attempt to exempt the perpetrators of their legal responsibility, as has occurred with certain amnesty laws.[110]

Also in the universal forum, in another branch of international law –that is- international criminal law, amnesties or similar norms have been considered inadmissible. The International Criminal Tribunal for the former Yugoslavia, in a case related to torture, considered that it would not make sense to sustain on the one hand the statute of limitations on the serious human rights violations, and on the other hand to authorize State measures that authorize or condone, or amnesty laws that absolve its perpetrators.[111] Similarly, the Special Court for Sierra Leone

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[105] Report of the General Secretariat of the Security Council of the United Nations. *The rule of law and transitional justice in societies that suffer or have suffered from conflict.* U.N. Doc S/2004/616, August 3, 2004, para. 10; in I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 198

[106] *Cf.* Report of the Office of the High Commissioner of the United Nations for Human Rights. *Right to the Truth.* UN Doc. A/HRC/5/7, of June 7, 2007, para. 20.

[107] *Cf.* Office of the High Commissioner of the United Nations. *Instruments of the rule of law in societies that have emerged from conflict.* Amnesties. HR/PUB/09/1, United Nations Publication, New York and Geneva, 2009, page V.

[108] *Cf.* Office of the High Commissioner of the United Nations. *Instruments of the rule of law in societies that have emerged from conflict, supra* note 207, page V, in I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 199

[109] Revised final report on the question of impunity for perpetrators of human rights violations (civil and political rights) prepared by Mr. Louis Joinet pursuant to decision 1996/119 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. U.N. DocE/CN.4/Sub.2/1997/20/Rev1 of October 2, 1997, para. 32; in I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 200

[110] *Cf.* H.R.C., *General Comment 31: Nature of the general legal obligation imposed on States Parties to the Covenant.* U.N. Doc. CCPR/C/21/Rev.1/Add.13, of May 26, 2004, para. 18. This General Comment broadened the content of Comment 20, which referred to acts of torture, and other seirous human rights violations. See also *Cf.* H.R.C. *General Comment 20: Replaces General Comment 7, prohibition of torture and cruel treatment or punishment (art. 7)*, U.N. A/47/40(SUPP), Annex VI, A, of March 10, 1992, para. 15; in I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 205

[111] *Cf.* I.C.T.Y., *Case of Prosecutor v. Furundžija.* Judgment of 10 December, 1998. Case No. IT-95-17/1-T, para. 155.

considered that the amnesty laws of said country were not applicable to serious international crimes.[112]

This universal tendency has been consolidated through the incorporation of the mentioned standard in the development of the statutes of the special tribunals recently created within the United Nations. In this sense, both the United Nations Agreement with the Republic of Lebanon and the Kingdom of Cambodia, as well as the Statutes that created the Special Tribunal for Lebanon, the Special Court for Sierra Leone, and the Extraordinary Chambers of the Courts of Cambodia have included in their texts clauses that indicate that the amnesties that are conceded shall not constitute an impediment to the processing of those responsible for crimes that are within the scope of the jurisdiction of said tribunals. [113]

Finally, the World Conference on Human Rights which took place in Vienna in 1993, in its Declaration and Program of Action, emphasized that States "should derogate legislation that favors the impunity of those responsible for serious human rights violations, [...] punish the violations," highlighting that in those cases States are obligated first to prevent them, and once they have occurred, to prosecute the perpetrators of the facts. [114]

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[112] *Cf.* S.C.S.L., *Case of Prosecutor v. Gbao*, Decision No. SCSL-04-15-PT-141, Appeals Chamber, Decision on Preliminary Motion on the Invalidity of the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court, 25 May 2004, para. 10; S.C.S.L., *Case of Prosecutor v. Sesay, Callon and Gbao*, Case No. SCSL-04-15-T, Judgment of the Trial Chamber, 2 March 2009, para. 54, and S.C.S.L, *Case of Prosecutor v. Sesay, Callon and Gbao*, Case No. SCSL-04-15-T, Trial Chamber, Sentencing Judgment, 8 April 2009, para. 253.

[113] *Cf.* Agreement between the UN and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon, Article 16 and Statute of the Special Tribunal for Lebanon, Article 6, Resolution 1757 of the Security Council of the United Nations. U.N. DocS/RES/1757 of May 30, 2007, Statute of the Special Court for Sierra Leone, January 16, 2002, Article 10, Agreement between the United Nations and the Royal Government of Cambodia for the Prosecution under the Cambodian Law of Crimes Committed during the Period of the Democratic Kampuchea, from March 6, 2003, Article 11 and Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, with amendments adopted on October 27, 2004 (NS / RKM, 1004/006), new Article 40; ; in I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 209

[114] World Conference on Human Rights, Declaration and Programme of Action. U.N. Doc A/CONF.157/23, 12 July 1993, Action Program, paras. 60 and 62; in I/A Court H.R., Case Gelman v. Uruguay. Merits and Reparations. Judgment of February 24, 2011 Series C No. 221, para. 202

