

AMNESTY INTERNATIONAL – PUBLIC STATEMENT

28 November 2024 Index: AMR 53/8783/2024

VENEZUELA: “HE FELT HE WAS DEAD”: TORTURE AGAINST CHILDREN FOR POLITICAL REASONS

Following the contested proclamation of Nicolás Maduro as the winner of the 28 July election, the authorities carried out unprecedented mass arrests. In less than a month, 2,000 people were arrested, according to official figures,¹ including children, several of whom seemingly have been subjected to torture. It is presumed that all these detentions are arbitrary and are part of the political persecution of Nicolas Maduro's government against any perception of dissent. These facts should be considered by the Office of the Prosecutor of the International Criminal Court in its ongoing investigation into crimes against humanity in Venezuela.

In total, at least 198 children were detained, of whom more than 100 were released in September and around 25 in November,² although they are still subject to precautionary measures and criminal prosecution on terrorism charges.³ Amnesty International condemns their arbitrary detentions, possible enforced disappearances, torture, and lack of judicial guarantees, and demands the immediate release of the -at least- 69 children who remain deprived of their liberty.⁴

The organization also believes that these events should be added to the ongoing investigation by the Office of the Prosecutor of the International Criminal Court, with special emphasis on members of the judiciary and the chain of command that order and enable this attack against children in Venezuela.

POST-ELECTION PERSECUTION: THE GREATEST PEAK IN THE POLICY OF REPRESSION

Amnesty International has documented the implementation of a policy of repression by Nicolas Maduro's government to silence any form of dissent since at least 2014.

The evidence collected during this decade by the organization has shown that human rights violations in this country occur as part of a widespread and systematic policy and that they could constitute crimes against humanity.⁵

On 28 July 2024, the presidential election was held, the lead up to which already generated concerns about the respect for and guarantee of the right to political participation, due to the multiple obstacles and attacks against contenders in the campaign, human rights defenders, journalists and the media, among others.⁶

On the night of 28 July, the National Electoral Council issued a partial bulletin that announced Nicolas Maduro as the winner of the election for a third presidential term. This announcement was contested by opposition political actors, but also by international organizations,⁷ states in the region,⁸ and the European Union,⁹ among others, who requested that the detailed and disaggregated results be published and that the possibility of auditing them in an impartial and independent manner be granted. Both the UN Panel of Experts and the Carter Center, the only international actors invited by the government to observe the election, concluded that it did not conform to international standards of transparency and

¹ El País. YouTube: *Maduro says 2,000 people have been arrested in post-election protests*. 4 August 2024.

² Amnesty International. *Interviews with children's human rights organizations*. November 2024.

³ Other organizations such as Foro Penal set the total at 158 children detained since 29 July 2024. Amnesty International takes the highest figure documented by civil society organisations as its reference so as to ensure the highest protection possible.

⁴ Amnesty International uses the latest figures published by the organization Foro Penal, which total 69 children between 14 and 17 years old, still in detention.

⁵ Amnesty International. Report, *Hunger for justice: Crimes against humanity in Venezuela*, (Index: AMR 53/0222/2019).

⁶ Amnesty International. Press Release. *Venezuela: After an electoral period marked by repression, a commitment to human rights is imperative*. 25 July 2024.

⁷ OHCHR. *Venezuela must end human rights violations after the elections*. 4 September 2024.

⁸ BBC. *"Hard to believe": the international questioning of the results that gave Maduro the winner in Venezuela*. 29 July 2024.

⁹ EEAS. *Declaration by the High Representative on behalf of the European Union on post-election developments*. 5 August 2024.

electoral integrity due to the lack of transparency of the National Electoral Council, the failure to meet deadlines, the obstacles to the registration of candidates, voter participation or supervision of voting by witnesses.¹⁰

MASS ARRESTS IN THE DAYS FOLLOWING THE ELECTIONS

After the announcement by the National Electoral Council, people throughout the country mobilized in protest of the announced results.

On 29 July, reports of widespread repression of protests were made public, including the first deaths (of a total of at least 24 linked to events that occurred between 29 and 31 July) and arbitrary detentions of demonstrators, human rights activists, and political leaders at the hands of state forces and *colectivos* (pro-government armed groups).¹¹

On 4 August, President Nicolas Maduro announced the arrest of 2,000 people who were to receive the "maximum punishment."¹² The use of the mobile application 'VenApp' through which social programs are managed was also announced, so that the population could report alleged dissidents and demonstrators in order to facilitate their arrest.¹³

Civil society organization Foro Penal managed to confirm the arrest of almost 1,600 people during the first 30 days following the elections, at least 114 of whom were children.¹⁴ The Venezuelan authorities themselves admitted to the detention of children in the context of the protests, stigmatizing them and justifying criminal proceedings against them for their alleged participation in violent demonstrations.¹⁵ At the time of writing this public statement, the number of people deprived of their liberty was 1,848, of whom 69 were children.¹⁶

Among the profiles of those detained, in addition to political activists and human rights defenders, there were a large number of peaceful demonstrators, passers-by in the vicinity of the protests, or even extreme -but not exceptional- cases of people detained for sharing content on social networks or messaging services after being illegally searched by police and military checkpoints.¹⁷

CHILDREN'S HUMAN RIGHTS: BEST INTEREST

Given the particularities of childhood, international human rights law provides special protection to children, defined as persons under 18 years of age. The Convention on the Rights of the Child, to which Venezuela is a state party, as well as the General Comments of the UN Committee on the Rights of the Child (CRC), among other international law standards, form the basis for the protection of children, and create states' obligation to give differential treatment to this population.

The Convention on the Rights of the Child expressly prohibits the unlawful or arbitrary deprivation of liberty of the child and provides that "(t)he arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."¹⁸

Moreover, the CRC has established that: *"Every child arrested and deprived of his or her liberty should be brought before a competent authority within 24 hours to examine the legality of the deprivation of liberty or its continuation. The Committee also recommends that States parties ensure that pretrial detention is reviewed regularly with a view to ending it. In cases where conditional release of the child at or before the first appearance (within 24 hours) is not possible, the child should be formally charged with the alleged offences and be brought before a court or other competent,*

¹⁰ UN. UN News. *The management of electoral results in Venezuela did not meet the standards of transparency necessary to be credible*. 14 August 2024. See also: Carter Center. *Carter Center Statement on Venezuela Election*. 30 July 2024.

¹¹ PROVEA. *The repression escalates in a brutal attempt to stifle citizen demands*. 2024. See also: New York Times. *Venezuelans Mourn Loved Ones Killed in Protests, and Last Shreds of Democracy*. 18 August 2024. See also: Euronews. *At least 24 dead and more than 2,200 arrested in protests against the results in Venezuela*. 17 August 2024.

¹² El País. *Maduro claims that there are 2,000 arrested in the protests after the elections*. 4 August 2024.

¹³ Amnesty International. Press release. *Venezuela: Tech companies set dangerous precedent with app for reporting anti-government protesters*. 7 August 2024.

¹⁴ X. Foro Penal. *Balance of #PoliticalPrisoners in Venezuela as of 26/08/2024*.

¹⁵ Report it now. Diosdado Cabello admitted that they have children in prison. 14 November 2024.

¹⁶ X. Foro Penal. *Balance of #PoliticalPrisoners in Venezuela as of 11/11/2024*.

¹⁷ UN. Human Rights Council. *Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela*. 14 October 2024.

¹⁸ UN Convention on the Rights of the Child. Article 37 (b). 20 November 1989.

independent and impartial authority or judicial body for the case to be dealt with as soon as possible but not later than 30 days after pretrial detention takes effect."¹⁹

It also stipulates that persons under the age of 18 in state custody must be separated from adults at all times, unless it is considered contrary to the best interests of the child, including when they are in police cells or jail cells. Every child has the right not to be subjected to solitary confinement, to enjoy recreational and educational activities, to receive adequate physical and mental health care, as well as to always be prosecuted in specialized child justice systems, by a competent, independent and impartial court, among other rights.²⁰

The CRC highlights that *"(t)he child must have access to legal or other appropriate assistance, and should be supported by a parent, legal guardian or other appropriate adult during questioning. The court or other judicial body, when considering the voluntariness and reliability of an admission or confession by a child, should take all factors into account, including the child's age and maturity, the length of questioning or custody and the presence of legal or other independent assistance and of the parent(s), guardian or appropriate adult."*²¹

With regard to the presence of a family member or legal guardian who accompanies the child at all times, the CRC has established that *"(p)arents or legal guardians should be present throughout the proceedings "* unless such presence does not respond to the best interests of the child.²²

Likewise, international human rights law establishes the absolute prohibition of torture. In the case of children, the CRC places particular emphasis on its prohibition, stating that *"(s)tates parties must ensure that a child is not compelled to give testimony or to confess or acknowledge guilt. The commission of acts of torture or cruel, inhuman or degrading treatment in order to extract an admission or confession constitutes a grave violation of the child's rights (Convention on the Rights of the Child, art. 37 (a)). Any such admission or confession is inadmissible as evidence (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 15)."*²³

Lastly, it establishes that *"(c)oercion leading a child to a confession or self-incriminatory testimony is impermissible. The term "compelled" should be interpreted broadly and not be limited to physical force. The risk of false confession is increased by the child's age and development, lack of understanding, and fear of unknown consequences, including a suggested possibility of imprisonment, as well as by the length and circumstances of the questioning."*²⁴

SITUATIONS DOCUMENTED BY AMNESTY INTERNATIONAL

After interviewing Venezuelan human rights organizations and relatives of detained children, Amnesty International gathered information on the arbitrary detention and apparent torture of six children²⁵ between 29 and 31 July, which show patterns of systematic violations of the rights to personal integrity and liberty, to due process and fair trial guarantees, and to the special protection of children. Due to the request of some families not to publish details of the interviews for fear of reprisals from the authorities, only three out of the six cases are profiled below.

COLLECTIVE ARBITRARY DETENTIONS

While Amnesty International has documented cases of children arbitrarily detained for political reasons in Venezuela in previous years,²⁶ the current widespread scale of detentions is unprecedented, reaching 198 children detained in early September. It is also alarming that, for the first time, Amnesty International has recorded the indictment on terrorism charges, the subjection to unfair judicial processes, and the deprivation of liberty for prolonged periods of time of persons

¹⁹ UN Committee on the Rights of the Child. *General Comment No. 24 on children's rights in the child justice system*. Paragraph 90. 2019.

²⁰ UN Committee on the Rights of the Child. *General Comment No. 24 on children's rights in the child justice system*. 2019.

²¹ UN Committee on the Rights of the Child. *General Comment No. 24 on children's rights in the child justice system*. Paragraph 60. 2019.

²² UN Committee on the Rights of the Child. *General Comment No. 24 on children's rights in the child justice system*. Paragraph 56. 2019.

²³ UN Committee on the Rights of the Child. *General Comment No. 24 on children's rights in the child justice system*. Paragraph 58. 2019.

²⁴ UN Committee on the Rights of the Child. *General Comment No. 24 on children's rights in the child justice system*. Paragraph 59. 2019.

²⁵ According to the United Nations Convention on the Rights of the Child, a child is understood to be all people who have not reached 18 years of age. Article 1.

²⁶ Amnesty International. Report, *Hunger for justice: Crimes against humanity in Venezuela*, (Index: AMR 53/0222/2019).

under 18 years of age. The organization notes that there are people living with disabilities and neurodivergent individuals among the detainees, some of whom are children.

In all the cases documented by Amnesty International, the detentions were arbitrary as they did not respond to arrest warrants issued by a judge, nor were they carried out in flagrante delicto. The children's fate remained unknown for several days, without their families knowing their whereabouts, and their appearances before a judge exceeded the limit set by national ²⁷ and international law, a maximum of 24 hours.

For instance, in the case of at least three cases which Amnesty International was directly aware of, their families did not know their whereabouts for almost three days, during which they were tirelessly searching for them. When they managed to locate and visit them, the children had not eaten or had water since their arrest.

TORTURE AND ILL-TREATMENT

In the hours and days following their arrests and until their appearances before a judge, at least five of them were allegedly subjected to torture through beatings with punches and kicks, electric shocks, asphyxiation and threats of sexual violence or death, with the intent of forcing them to confess. They were charged with terrorism and other serious crimes without presenting relevant evidence, and seemingly in no case did the judge in charge ask questions nor inform the public prosecution upon hearing the allegations of torture reported by the minors.

In the case of the 16-year-old boy C.D., according to his mother, soldiers beat him with a baseball bat on his back and torso, put a bag over his head to suffocate him, and gave him electric shocks on his nipples, losing consciousness at least twice. In addition, they lined him up on the ground together with other detainees, so that military officers would kick them, one at a time, all of which was done with the intent of recording a video where he would say that he had been paid to attack state facilities. Terrified after seeing another detainee soaked in blood from the beatings, he agreed to be recorded. When his mother saw him after his arrest, he had not eaten or had water for two days and had a bruise on his face and blisters on his chest as a result of the electric shocks.

"He told me crying that he had been tortured. He cried and cried. I hugged him, but wherever I touched him for a hug, it hurt (...). My son told me that after all the electricity he felt like he was dead."

Mother of boy C.D.

According to what the 17-year-old boy E.F. told his relative, officials from the National Bolivarian Police (PNB, in Spanish) repeatedly put a hood with pepper spray over his head to suffocate him. They also violently pulled his hair, knocked him to the ground, and kicked him numerous times in the torso, legs and head, and gave him electric shocks through his hand. In addition, a female police officer began to beat him in the ear claiming that what he lacked were the blows of a mother, alluding to E.F.'s mother who died years before. Because of the intensity of these blows, E.F. reportedly spent four days being almost unable to hear.

"He told me that he managed by holding his breath. That they'd take off the hood, he'd take a breath, and they'd shout 'record it!', and then the hood was on again. They'd do that for a while. (...). He told me that he felt his jaw shift from the electricity."

E.F.'s relative

Similarly, relatives informed Amnesty International that the conditions of detention in which the children were held further added to their suffering. In all cases, overcrowding and unsanitary conditions were reported.

According to the testimony of the mother of G.H., a 16-year-old child, her son had scabies as a result of the unsanitary conditions of imprisonment. Urine fell from the floor above the cell and, due to overcrowding, they were not able to lie down to sleep. In the case of C.D., he told his mother that they slept handcuffed and tied with tape, on stones and debris, together with adult detainees.

In addition, in most cases, family members were the ones who guaranteed their daily food intake, as well as their medicines if required, even in cases of the injuries resulting from the torture inflicted during detention.

²⁷ National Assembly of the Bolivarian Republic of Venezuela. *Organic Law for the Protection of Children and Adolescents*. Article 557. 10 December 2007.

MISUSE OF CRIMINAL LAW AND UNFAIR JUDICIAL PROCESSES

The hearings before the judiciary were summary, collective and, in many cases, took place after the legal time limit. In all the documented cases, the judge in charge during the preliminary hearings allegedly pressed them to plead guilty in exchange for reducing their sentences from 10 years in prison, to six years and eight months, and without the possibility of parole or other precautionary measures. None of them admitted to being guilty.

In the case of the boy C.D., his remote appearance hearing before the First Special Court of Control with Special Jurisdiction on Terrorism in Caracas was held through a cell phone on speaker, which prevented him or his mother from adequately hearing what the prosecutor, the judge and the public defender argued. He was charged with terrorism, incitement to hatred, and obstruction of a public road. In the subsequent preliminary hearing, the judge allegedly pressed her to plead guilty to reduce her sentence.

All of the children from whom information was obtained had a public lawyer who lacked independence imposed on them, effectively denying them the right to a defense. They were all unaware of the facts or the evidence that the public prosecution had provided against them, and, in several cases, the judge alleged that she had not received any evidence from the defense to prove their innocence, despite the fact that the families had provided it. In several cases, the children's families were not even informed that the hearings were taking place and were warned of the negative consequences of their complaints in the press and social networks.

"The (public) defender told me that because I had made public complaints about my son's case, now everything was going to be delayed. That it was my fault."

Mother of boy C.D.

The appearance hearing for E.F. before the same First Special Court of Control with Special Jurisdiction on Terrorism abovementioned in C.D.'s case, was held in an express manner along with 50 other adolescents. Instead of defending E.F., the public defender imposed on him claimed that she did not object to the investigation against him because she considered that the public prosecution still had evidence to gather. E.F. was kept in custody under the crimes of terrorism, incitement to hatred and aggravated theft.

In several cases, family members were not informed of the hearings. For example, in the case of G.H., his mother was unable to attend either of the two hearings that have been held so far: the first time because she did not have a means of transportation, and the second because she was not notified. G.H. is accused of terrorism, incitement to hatred, resistance to authority, and qualified theft.

In addition, in all cases, the children were allegedly held for several days in adult detention centers and in state security and intelligence facilities, which is contrary to international standards.

At the time of writing this public statement, at least 69 children remain arbitrarily detained and are facing unfounded criminal charges. Most of the released children are still subject to judicial proceedings with precautionary measures including regular reporting before the court and other restrictions on their liberty.

SUICIDAL THOUGHTS AND DEPRESSION

Of the total of almost 200 children detained over the months from July to November, Amnesty International has become aware of the attempted suicide of at least two of them. Others have suffered facial paralysis and nervous breakdowns, depression, panic attacks, or self-isolation.²⁸

In all of the six cases that Amnesty International is directly aware of, the children's relatives were distressed by the depressive state of the minors, as a result of their confinement, prison conditions, and torture to which they were subjected. At least five of the minors expressed their desire to die or take their own lives.

"He has told me that he is going to commit suicide, that he wants to take his own life. I know him and he's very depressed, he's very thin."

E.F.'s family member

"My son was crying. And he told me that he couldn't sleep. That he closed his eyes and had nightmares where they tortured him again."

Madre de C.D.

²⁸ Amnesty International. *Interviews with children's human rights organizations*. November 2024.

IMMEDIATE ACTIONS

Given the seriousness of the facts reported, Amnesty International demands:

TO THE GOVERNMENT OF NICOLAS MADURO AND OTHER OFFICES OF THE VENEZUELAN STATE:

- Immediately and unconditionally release all children arbitrarily detained so far following the elections on 28 July 2024.
- Refrain from torturing and subjecting children deprived of their liberty to cruel, inhuman and degrading treatment, as well as from subjecting them to unfounded and unfair criminal proceedings.
- Refrain from acts of retaliation against family members, lawyers, human rights defenders, and journalists who denounce the critical situation of unjustly imprisoned people.
- Immediately cease the persecution and policy of repression against those considered critical of the government, including arbitrary detentions, torture and other ill-treatment, enforced disappearances, extrajudicial executions, and stigmatizing actions against civil society.

TO MEMBERS OF THE INTERNATIONAL COMMUNITY:

- Provide all available diplomatic measures and channels to achieve the release of all children arbitrarily deprived of liberty, as well as to guarantee their right to personal integrity while they are deprived of liberty.
- Publicly and privately support international monitoring and investigative mechanisms on the situation in Venezuela and contribute financially so that they carry out their work independently and effectively.
- Continue to exercise universal jurisdiction in order to investigate crimes under international law and serious human rights violations committed in Venezuela and, if there is sufficient admissible evidence, that the alleged perpetrators be tried impartially, imposing penalties proportionate to the seriousness of the facts.

TO THE OFFICE OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT:

- Add these facts to the ongoing "Venezuela I" investigation and expedite any pending proceedings, so that the judicial process advances promptly towards justice, truth and comprehensive reparation, including guarantees of non-repetition.