

Advance Version

General distribution  
5<sup>th</sup> July 2019

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Human Rights Council Forty-first session

24 June - 12 July 2019

Agenda item 2

**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the United Nations High Commissioner for Human Rights of the High Commissioner and the Secretary-General**

**Report of the United Nations High Commissioner for Human Rights  
on the situation of human rights in the Bolivarian Republic of  
Venezuela**

**Comments made by the State\***

(\* The original version of this document was not formally edited.)

Original in Spanish: <http://mppre.gob.ve/wp-content/uploads/2019/07/Documento-en-rechazo-a-informe-de-la-Alta-Comisionada-de-la-ONU-para-los-DDHH-MB-.pdf>

## COMMENTS ON FACTUAL ERRORS IN THE REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS ON THE HUMAN RIGHTS SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA.

1. On 28 June 2019, the Office of the United Nations High Commissioner for Human Rights (OHCHR) submitted to the Government of the Bolivarian Republic of Venezuela an "unedited advance version" of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Venezuela (A/HRC/41/18).
2. On that occasion, OHCHR invited the Venezuelan Government to send its written comments on factual errors contained in the above-mentioned report, in accordance with the Office's institutional guidelines.
3. The Government of the Bolivarian Republic of Venezuela hereby submits its comments on the unedited advance version submitted by OHCHR.

### **General considerations**

4. The report presents a selective and openly biased view of the true human rights situation in the Bolivarian Republic of Venezuela, which contradicts the principles that should govern the treatment of human rights issues contained in the Vienna Declaration and Programme of Action.
5. To a large extent, this distorted view of the report is the result of significant weaknesses in the methodology used to prepare it. This document overemphasizes sources lacking in objectivity and excludes almost all official information, despite all the documentation and elements provided by the Venezuelan State to the Office of the United Nations High Commissioner for Human Rights.
6. In addition, the report omits the pronouncements of the Special Procedures of the Human Rights Council regarding the situation in Venezuela, including the results of the visits made to the country.
7. In this regard, it is particularly worrying that 82 per cent<sup>1</sup> of the interviews used by OHCHR to substantiate its report correspond to persons located outside the territory of the Bolivarian Republic of Venezuela, especially in view of the fact that the Office made two visits to the country in 2019, the first in March lasting 12 days and the second between 19 and 22 June, by the United Nations High Commissioner for Human Rights.
8. In the same way, it is unjustifiable that the OHCHR has prioritized in its analysis the testimonies gathered outside Venezuela, without considering the elements that the staff of that Office was able to appraise directly in their visits to the country. It is worth recalling that, during the mission carried out in March 2019, OHCHR was able to visit, for example, five detention centres<sup>2</sup>, three hospitals<sup>3</sup>, a robotized warehouse of collection

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<sup>1</sup> According to the Report, OHCHR conducted 558 interviews, of which 460 were conducted in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru and Spain.

<sup>2</sup> Centro de Formación Hombres Nuevos Libertador (Carabobo), Centro de Formación Hombres Nuevos Sargento David Vilorio (Lara), Centro Nacional de Procesados Militares "Ramo Verde" (Miranda), Sebin Helicoide (Capital District) and Zone No. 4 of the Bolivarian National Police (Miranda).

<sup>3</sup> Dr. Enrique Tejera Hospital City (Carabobo), Dr. Pastor Oropeza Riera Hospital (Lara) and "Che Guevara" Comprehensive Diagnostic Centre (Capital District).

and distribution of medicines<sup>4</sup>, an urbanism of the Great Mission Housing Venezuela<sup>5</sup> and two centres of sale of food.<sup>6</sup>

9. On the other hand, the report omits in its entirety the achievements and progress made by the Bolivarian Republic of Venezuela in the area of human rights. On this point, it should be borne in mind that the OHCHR is called upon by international norms and principles to make an objective and impartial evaluation of the human rights situation of the countries that make up the UN in its reports. This objectivity in the analysis can only be achieved by making a fair balance in the management of the sources of information, as well as of the advances and challenges that a specific state subject to evaluation presents.

10. It is neither objective nor impartial to carry out an analysis that gives extreme priority to negative signals and makes invisible or minimizes the progress and measures adopted in the area of human rights. Nor is it objective an assessment that abounds in references from critical sectors and omits official information provided by the State or to positive references made by competent international organizations on the issue.

11. The Government of Venezuela reiterates its rejection of the methodology used by OHCHR to prepare the report on the human rights situation in the country. There are countless inaccuracies, errors, decontextualizations and false assertions made by OHCHR as a result of the inappropriate use of available sources. The following paragraphs will highlight, by way of example, some of these errors.

### **Report factual errors**

12. In paragraph 11, the report omits to refer to other measures implemented by the Government of Venezuela that have a positive impact on the purchasing power of the Venezuelan people. These measures include: the system of monthly monetary allocations through the Carnet de la Patria<sup>7</sup>, the general subsidy for the costs of public services (water, electricity, domestic gas, transport, Internet), free education and health care, as well as universality in the social security pension system, among others. All this information was provided to the OHCHR during its visit to Venezuela.

13. In paragraph 12, the report indicates various factors that allegedly affect the situation of the right to an adequate standard of living in Venezuela. In that reference, it omits to include the impact generated by the unilateral coercive measures adopted by the Government of the United States against the country.

14. In the same paragraph, the report states that members of the Government would have recognized certain aspects of the "humanitarian crisis"<sup>8</sup>. This assertion is erroneous because no authority has recognized the existence of a "humanitarian crisis" in Venezuela, since the assumptions required in international law for this purpose are not met. The Government has recognized that acts of aggression against Venezuela are having a negative social impact and has put in place mechanisms to receive humanitarian technical assistance to deal with those effects.

15. In any case, the lightness with which the OHCHR uses the term "humanitarian crisis" in its report is worrying, especially considering that it does not present data or

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<sup>4</sup> Robotized Warehouse Jipana (Lara)

<sup>5</sup> Urbanization Ali Primera (Lara)

<sup>6</sup> Cecosolesa Cooperative Market (Lara) and a private market located in the state of Lara.

<sup>7</sup> The Carnet de la Patria system covers more than 80% of the country's adult population and includes monthly monetary allowances for amounts close to or equivalent to a national minimum income.

<sup>8</sup> This statement is repeated in paragraph 60 of the report.

elements that would objectively allow to maintain such a characterization of the country's situation. At this point, it is worth recalling what the Independent Expert said about the promotion of a democratic and equitable international order regarding its mission to the Bolivarian Republic of Venezuela:

*The "crisis" in the Bolivarian Republic of Venezuela is an economic crisis, which cannot be compared to the humanitarian crises in Gaza, Yemen, Libya, the Syrian Arab Republic, Iraq, Haiti, Mali, the Central African Republic, South Sudan, Somalia, Myanmar, among others. Significantly, when in 2017 the Bolivarian Republic of Venezuela requested medical assistance from the Global Fund to Fight AIDS, Tuberculosis and Malaria, the demand was rejected because "it remains a high-income country ... and, as such, does not qualify for such assistance". During his mission, the Independent Expert discussed the problems of food and medicine shortages with FAO experts and obtained relevant data from the Economic Commission for Latin America and the Caribbean. FAO's December 2017 and March 2018 reports list food crises in 37 countries. The Bolivarian Republic of Venezuela is not among them.*

16. In paragraph 13, the report states that Venezuela has not demonstrated that it has used all the resources at its disposal to ensure the progressive realization of the right to food. This assertion is erroneous because the State provided OHCHR with abundant information on the measures taken to guarantee the right to food.

17. In fact, in the response to the questionnaire sent by OHCHR, the Government of Venezuela reported that, in addition to the programme of the Local Supply and Production Committees (CLAP), it invests public resources for the progressive realization of the right to food, through the following programmes:

*School Feeding Program (PAE). It consists of the distribution of varied and balanced food to more than 4,000,000 children in the school system.*

*Food Houses. This programme provides two meals a day to 750,000 socially vulnerable people throughout the country.*

*Nutritional Vulnerability Care Plan. It is the monthly distribution of food supplements to 163,000 people with nutritional vulnerability at the national level, among children under five years of age, pregnant women and the elderly. It includes specialized nutritional care for children less than five years of age with therapeutic foods, vitamins, minerals and in education and nutritional recovery services.*

*People's Dining Rooms. This initiative distributes a daily, varied and balanced meal to more than 6,000 people in a state of social vulnerability.*

*Food Service to People under the Guardianship of the State. It includes the supply of food supplies for penitentiaries, health centres, old people's homes and shelters for pregnant women, children and adolescents.*

*Food Component for Native Peoples. This initiative consists of the supply of food to 338 indigenous communities belonging to 24 indigenous peoples. A balanced diet is provided for 30,000 people.*

*Breastfeeding. It includes actions to promote, protect and support breastfeeding, as the first act of Food Sovereignty. In Venezuela, the prevalence of breastfeeding is 71 per cent, exceeding the WHO recommendation (50 per cent). This indicator shows progress in meeting the objectives of Agenda 2030.*

18. Similarly, the report fails to mention that Venezuela allocates, on average, 75% of the budget to investment in the social area, as was mentioned to the technical mission

that visited Venezuela in March 2019 and to the United Nations High Commissioner during her stay in the country.

19. As evidence of the foregoing, it should be noted that the Venezuelan Government invests US\$3.906 million annually in the purchase of food to be distributed to the population. This amount includes US\$2,826 million for the purchase of products under the CLAP programme and US\$1,080 million for the importation of various food items not produced in the country. All these data were submitted to the OHCHR mission during its stay in Venezuela.

20. In this context, it is inexplicable that the OHCHR has omitted all the information provided by the State and makes the statement contained in paragraph 13 of its report with complete lightness and without a technical basis to support it.

21. In paragraph 14, the report makes an analysis of the "scarcity" and availability of food, based on interviews conducted mostly outside the territory of Venezuela. However, this analysis omits the information gathered directly by OHCHR during its visit to two food establishments in Venezuela.<sup>9</sup> During these visits, OHCHR was able to ascertain the wide availability of existing food, leaving the statements contained in paragraph 14 of the report without empirical support.

22. In paragraphs 16 to 20, the report assesses the situation of the right to health based on interviews conducted mostly outside Venezuela. This analysis is erroneous because it omits the information collected directly by OHCHR staff during their visit to the country, as well as the data provided by the State to that Office and the impact generated by the unilateral coercive measures.

23. During its mission to Venezuela in March 2019, OHCHR visited three public health facilities (supra 8). During these visits, OHCHR staff were able to see first hand that the situation in these establishments does not correspond to the diagnosis contained in report A/HRC/41/18. OHCHR had access to emergency rooms, medicine depots, dialysis rooms, hospitalization areas and imagenology areas, among other areas, noting the care provided and the real levels of availability of equipment, supplies and medicines, as well as personnel.

24. The Government also informed OHCHR<sup>10</sup> that between 2011 and 2019, 29,057 comprehensive community doctors graduated under the principles of primary health care, in addition to approximately 2,000 per year who graduate as surgeons. Similarly, it was indicated that between 2015 and 2019 the Ministry of People's Power for Health has registered the entry to the staff of 128,324 professionals in various areas, including 30,841 graduates in nursing and 21,968 surgeons.

25. In paragraph 17, the report refers to the resurgence of previously controlled and eliminated diseases. However, it omits the information provided by the Government in the response to the questionnaire sent by OHCHR concerning the absolute control of Zika arbovirolosis from 2017. After reporting 2,370 confirmed cases in 2016, Venezuela closed 2018 without any confirmed cases of Zika.

26. In paragraph 18, the report indicates that there would have been an alleged increase in the maternal mortality rate. According to official information, the maternal mortality rate fell by 13.76 points between 2016 and 2018.

27. In paragraph 19, the report states that 20,000 children "*will die as a direct consequence of the crisis.*" This assertion has no technical support to back it up and affects the credibility of the report. In any case, if the OHCHR formulates its reports

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<sup>9</sup> OHCHR visited two food retail outlets located in Lara State. One of the establishments, of public character, located in a popular zone of the state and another, of private nature, located in a sector of middle class.

<sup>10</sup> Response to the questionnaire sent out by OHCHR in follow-up to its visit to Venezuela.

based on estimates made by civil society organizations, it should assess the report published by the Centre for Economic and Political Research (CEPR), according to which 40,000 Venezuelans have died as a result of unilateral coercive measures adopted by the Government of the United States of America.<sup>11</sup>

28. Similarly, in paragraph 19, the report states that 40 patients died as a result of "power cuts". This assertion is erroneous because during the electrical sabotage in March 2019, no loss of human life was recorded that could be attributed to the lack of electricity. The vast majority of hospitals in the country have back-up power plants. In those health facilities where there is no backup plant or failures were recorded, a contingency plan was successfully activated.

29. In the case of patients receiving dialysis in private facilities without a backup power plant, the State proceeded to relocate patients to public health facilities. In addition, electricity plants were provided free of charge to private centres. In any case, from a medical point of view, it is untenable to say that the loss of a dialysis session is the cause of a patient's death. It should be remembered that patients receive 3 dialysis sessions per week.

30. In paragraph 20, the report alleges that the State violated its international obligations with regard to the right to health. This assertion is bereft of the slightest technical support, as no analysis is made of the measures taken by the State in fulfilment of its obligations to respect, protect and fulfil, to the maximum of available resources. Furthermore, the impact generated in this right by unilateral coercive measures is not analysed.

31. In paragraph 22, the report questions the coverage of the programme of the Local Supply and Production Committees. However, it omits to mention the data provided by the State on the scope of this programme. As indicated in the response to the questionnaire sent by OHCHR, a 400 per cent increase in distribution levels has been achieved since the implementation of the CLAPs.

32. In 2018, 119,822,921 food combos were supplied, equivalent to 1,797,344 MT. Between 1 January and 15 March 2019, 21,606,278 food boxes, equivalent to 324,094 MT, were delivered. Currently, 6,000,000 households are served monthly by this programme, equivalent to 24 million people.

33. In paragraph 23, the report argues that the lists of persons who benefited through the Carnet de la Patria are administered by "local structures of the ruling party". This assertion is erroneous. The various State institutions responsible for each of these programmes determine who the beneficiaries of the different Carnet de la Patria programmes are. In these lists are incorporated, without discrimination, all persons who meet the requirements for it.

34. In paragraph 25, the report refers in part to unilateral coercive measures taken against Venezuela. In this reference, the report omits the coercive measures adopted by Executive Order No. 13827 of 19 March 2018, which prohibited transactions with the crypto currency "Petro", and Executive Order No. 13850 of 1 November 2018, which prohibited the development of operations with gold from the Bolivarian Republic of Venezuela.

35. Similarly, the report makes no reference to the "Notice" issued to the international financial system by the United States Department of the Treasury on 20 September 2017.<sup>12</sup> Through this notice, all banking operations carried out by the Venezuelan Government's agencies and state-owned enterprises were classified as suspicious, generating "over compliance" practices that result in the delay or rejection of

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<sup>11</sup> 11 Available at <http://cepr.net/images/stories/reports/venezuela-sanctions-2019-04.pdf>

<sup>12</sup> FinCEN Advisory FIN-2017-A006 of September 20, 2017.

operations and the freezing of assets. To date there are US\$5,470 million, belonging to Venezuela, held in various banking institutions around the world. This amount is higher than the total of resources invested during a whole year for the acquisition of food for the Venezuelan people (supra 19)

36. In paragraph 26, the report refers to the denunciation by the Government of Venezuela of the negative impact of unilateral coercive measures. At this point, OHCHR omits the various statements made on this subject by the Special Rapporteur on the impact of unilateral coercive measures on the enjoyment of human rights and the Independent Expert on the promotion of a democratic and equitable international order. The latter special procedure, in his report to the Human Rights Council, indicated:

*The effects of the sanctions imposed by Presidents Obama and Trump and the unilateral measures implemented by Canada and the European Union have directly and indirectly aggravated the shortage of medicines such as insulin and antiretroviral drugs. To the extent that economic sanctions have led to delays in distribution and were thus another factor causing many deaths, the sanctions violate the human rights obligations of the countries imposing them. On the other hand, sanctions can constitute crimes against humanity under article 7 of the Rome Statute of the International Criminal Court. Such a Court might carry out an investigation, but its geopolitical submission may prevent it from doing so.*<sup>13</sup>

37. In paragraph 27, the report argues that the Venezuelan economy was already in crisis before the imposition of unilateral coercive measures in 2017. In this analysis, the OHCHR omits to consider the impact generated by the dramatic reduction in the price of a barrel of oil from 2014, as a result of the actions taken by the Government of the United States to manipulate the price of oil, through the increase in the production of shale oil.

38. As a consequence of the fall in the price of oil, the Republic's income fell from US\$43.69 billion in 2013 to US\$38.109 billion in 2014, US\$10.634 billion in 2015, US\$4.65 billion in 2016 and US\$5.198 billion in 2017. It is pertinent to remember that 95% of the foreign currency that enters Venezuela corresponds to oil exports. This information was provided to the OHCHR during its visit to the country.

39. In addition, in paragraph 27, OHCHR mentions the need to adopt measures to overcome the economic crisis in Venezuela. However, it refrains from emphasizing the duty to lift the unilateral coercive measures imposed on the country, as requested by various special procedures of the Human Rights Council. That omission was worrying and inexplicable, especially since OHCHR had recognized that:

*Unilateral coercive measures in the form of economic sanctions can have far-reaching implications for the human rights of the general population of target States.*

*The primary victims of these measures are often the most vulnerable classes, including women, children, the infirm and older persons, as well as the poor. These groups suffer more acutely as a result of denial of access to life-saving equipment and medications, basic food products and educational equipment.*<sup>14</sup>

40. In paragraph 28, the report highlights the alleged closure of media outlets and the expulsion of journalists from national territory. In this approach, OHCHR omits information provided by the State in connection with the renewal process of concessions

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<sup>13</sup> Report of the Independent Expert on the promotion of a democratic and equitable international order on his mission to the Bolivarian Republic of Venezuela and Ecuador. A/HRC/39/47/Add.1. para. 36.

<sup>14</sup> Thematic study by the Office of the United Nations High Commissioner for Human Rights (A/HRC/19/33)

and the rules that regulate the exercise of the work of journalism for foreign professionals not residing in the country.

41. In its response to the OHCHR questionnaire, the Venezuelan Government reported that, between 2018 and 2019, 32 new radio concessions and one television concession have been granted. In addition, 12 radio and television concessions have been renewed.

42. Similarly, the Government indicated that between 2018 and 2019, three foreign journalists were deported due to non-compliance with immigration regulations. These journalists entered Venezuela on a tourist visa and were carrying out paid work in the country, in clear contravention of the applicable legal framework.

43. In paragraph 30, the report accuses the Venezuelan Government of developing a policy of repression and persecution of dissent. This allegation is false. Furthermore, in its analysis OHCHR omits to mention the various acts of violence and against the Constitution of the Bolivarian Republic of Venezuela, undertaken by sectors of the Venezuelan opposition since 2002.

44. In paragraph 33, the report states that the Venezuelan State has not investigated allegations of alleged human rights violations. That statement was erroneous, as demonstrated by the information provided to OHCHR in response to the questionnaire sent by that Office.

45. Indeed, the Government informed OHCHR that, to date, there are 44 persons deprived of liberty for their suspected responsibility in the crime of homicide, in the context of the demonstrations that took place between 2017 and 2019. In addition, there are 33 arrest warrants issued for the same matter.

46. Similarly, OHCHR was informed that the Public Prosecutor's Office is aware of 72 cases of alleged torture or cruel, inhuman or degrading treatment, to the detriment of 174 persons deprived of their liberty in the context of the demonstrations held between 2017 and 2019.

47. In paragraph 37, the report analyses the criminal proceedings instituted against deputies of the National Assembly. In this study, OHCHR omits to mention the attempted assassination of the President of the Republic on 4 August 2018, organized by deputies of the National Assembly. Similarly, when referring to the events of 30 April 2019, the Office omits to point out that the deputies not only called on the armed forces to "defect and defy the government", but also they occupied positions on a public road with high-powered weapons of war, aimed at the civilian population, in an attempted coup d'état. Nor does the report highlight the constant calls for foreign military intervention.

48. In paragraph 39, the report refers to demonstrations in Venezuela in recent years. However, it does so on the basis of unofficial information, ignoring the data provided by the State on this matter. As reported in the reply to the questionnaire sent out by OHCHR, 12,913 demonstrations were recorded throughout the country in 2017, of which 5,975 were violent demonstrations of a political nature. In 2018 there were 7,563 demonstrations and up to May 2019 there were 3,251 registered demonstrations.

49. Likewise, in paragraph 39, OHCHR omitted to mention the different expressions of violence by demonstrators, especially during the years 2013, 2014 and 2017, as well as the consequences of that violence and the cases of deaths and injuries. The High Commissioner was able to gather a great deal of information on this issue during her visit to the country. In addition, in its response to the OHCHR questionnaire, the Government indicated that at least 9 state functionaries died and 1,263 others were injured between 2017 and 2019 as a result of violence by the opposition during public demonstrations.



50. In paragraph 41, the report reproduces data on persons allegedly detained "for political reasons" provided by non-governmental organizations. However, it omits the information provided by the Government in relation to the cases of persons detained in the country. In this context, it is alarming that OHCHR does not stop to review each case in detail and classifies as "politically motivated" detainees police officers convicted of human rights violations, persons prosecuted for burning human beings and detainees arrested for the murder of civilians or security officials, among other particularly serious events.

51. In paragraph 45, the report analyses the conditions in the country's detention centres. In this study, OHCHR ignores the great progress made by the State in the area of the penitentiary system, which was noted by OHCHR staff during their visit to the Ministry of the People's Power for the Penitentiary Service and to two prisons in the country. This progress was even recognized by the High Commissioner herself at the meeting held in Venezuela with the authorities on civil and political rights.

52. With all the information provided by the Government and that gathered directly by OHCHR in the detention facilities themselves, it is incomprehensible that the Office should not make any distinction between remand centres, where there are still challenges admitted by the State and the country's prisons.

53. In paragraph 46, the report states that there is only one women's detention centre in Venezuela and therefore the system would not comply with gender-specific standards. That assertion was wrong. Venezuela has 17 women's prisons<sup>15</sup> under the supervision of the Ministry of the People's Power for the Penitentiary Service. All of these establishments have the new prison system, in strict compliance with applicable national and international standards.

54. In paragraphs 47 to 52, the report examines the development of citizen security operations in the country. In this section, OHCHR omits the information provided by the Government on the steady decline in crime indicators in the country, especially homicide. This data is relevant for an objective analysis of the Venezuelan situation.

55. Indeed, as mentioned in the response to the questionnaire sent by OHCHR, 2016 closed with a total of 17,407 homicides (56 per 100,000 inhabitants), 2017 with 14,665 homicides (47 per 100,000 inhabitants) and 2018 with 10,598 homicides (33 per 100,000 inhabitants). As can be seen, there is a marked downward trend in this important indicator.

56. In the same way, in the analysis of the development of citizen security operations, the official data provided by the State in relation to the investigation and sanctioning of complaints of human rights violations in the framework of these operations were ignored.<sup>16</sup>

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<sup>15</sup> The 17 women's prisons are as follows: 1) Instituto Nacional de Orientación Femenina; 2) Centro de Formación Femenino "Las Crisálidas"; 3) Anexo Femenino del Centro Penitenciario de Aragua; 4) Centro de Reclusión Femenino de Carabobo; 5) Anexo Femenino de la Penitenciaría General de Venezuela; 6) Anexo Femenino de la Comunidad Penitenciaria de Coro; 7) Anexo Femenino de la Comunidad Penitenciaria Fénix Lara; 8) Centro de Formación Femenino "Ana María Campos I" ; 9) "Ana María Campos II" Women's Training Centre; 10) Independencia Women's Training Center; 11) Women's Annex of the Barinas Judicial Prison; 12) Women's Annex of the Western Penitentiary Centre; 13) Women's Annex of the Andean Region Penitentiary Centre; 14) Female Penitentiary Centre of the Insular Region; 15) Female Annex of the Judicial Detention Centre of Sucre; 16) Female Annex of the Judicial Detention Centre of Monagas and 17) Female Annex of the Sargento David Viloria Penitentiary Centre.

<sup>16</sup> The same omission is repeated in paragraph 77 of the report.

57. According to the data sent to OHCHR, the Public Prosecutor's Office is aware of 292 cases in which 388 officials of the FAES, attached to the Bolivarian National Police, are linked during the years 2017 to 2019, for the crimes of homicide, cruel treatment and violation of the home. To date, five FAES officials have been convicted of the crimes of attempted homicide, improper use of organic weapons and simulation of a punishable act, within the framework of events that occurred in 2018.

58. In paragraph 56, the report accuses the Public Prosecutor's Office of failing to fulfil its obligation to investigate and sanction human rights violations.<sup>17</sup> This assertion is erroneous and to sustain data provided by the State, both in the response to the OHCHR questionnaire (supra 42, 43 and 54) and in the two visits made by that Office to the country in 2019, is omitted.

59. In paragraph 58, the report mentions the measures adopted by the Commission for Truth, Justice, Peace and Public Tranquillity to provide comprehensive care for victims. However, it omits to point out that the comprehensive care measures implemented by the Commission are not limited to monetary compensation, but include legal assistance, psychological and/or psychiatric care, health care and social protection measures, including housing, employment and educational scholarships, among others.

60. In addition, this paragraph is intended to discredit the actions taken by the Commission, arguing that "the majority of the beneficiary families" consider that the care measures seek to "buy their silence". This accusation is totally false and, moreover, methodologically untenable. The list of families benefited by the Commission was unknown to OHCHR until 19 June 2019, when it was handed over by the Government. Therefore these people could hardly have been interviewed by the Office for this report.

61. In paragraph 61, the report refers to the alleged presence of foreign armed groups within the territory of Venezuela. This assertion is erroneous. No foreign armed groups are present in the country. As is well known, Venezuela has historically suffered the consequences of the armed conflict that has existed for several decades in the Republic of Colombia.

62. In the same paragraph, the report denounces the alleged violation of the "collective rights of indigenous peoples to their lands", ignoring all the information provided by the Venezuelan Government on this subject. As explained to the OHCHR mission in Venezuela during the meeting held in March 2019 with the Minister of People's Power for Indigenous Peoples, to date 102 collective land titles have been handed over to indigenous peoples, covering 3,282,299 demarcated hectares. These titles have responded to 73 per cent of the requests for demarcation submitted, benefiting 683 indigenous communities.

63. In paragraphs 63 and 64, the report examines the situation of the Pemón indigenous people, especially in the context of the events of February 2019 in the State of Bolívar. In this assessment, OHCHR omits to indicate that the Pemón indigenous people are made up of different communities. Most of these communities decided not to participate in the process of receiving alleged humanitarian aid and maintain constructive dialogue with State institutions. Only two communities<sup>18</sup> actively participated in this activity and generated episodes of violence in the state.

64. Likewise, it avoids to incorporate the testimonies given by members of the Pemón indigenous people who met with the OHCHR technical mission in Bolívar state in March 2019, who told the Office about the acts of violence caused by some members of the two communities involved in the alleged entry of supposed "humanitarian aid". Besides, on that occasion, the OHCHR also conducted confidential interviews with several indigenous people of the Pemón people.

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<sup>17</sup> The same omission is reproduced in paragraph 79 of the report.

<sup>18</sup> Kumarakapay sector 5 and Manak Kru sector 6.

65. In paragraph 68, the report mentions the alleged number of Venezuelans who would have left the country. However, the figure given was erroneous and exaggerated, as the Venezuelan Government had informed the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration.

66. In paragraph 72, the report refers to the alleged obstacles to migration from Venezuela. On this point, OHCHR omits that, as referred to in the response to the Office's questionnaire, the Public Prosecutor's Office has recorded 85 cases where SAIME officials are involved in the period 2017 and 2019. These cases involve 196 officials investigated, 87 accused and 34 convicted of crimes foreseen in the Decree with Rank, Value and Force of Law against Corruption.

67. In paragraph 80, the report recommends that the Government take measures to address the human rights situation. On the other hand, there is nothing in that or any other paragraph about the need to lift the unilateral coercive measures illegally and illegitimately imposed on the country. This omission is serious and unjustified, since - among other things - it implies disregard for the decisions adopted by the Human Rights Council and the mandates given to OHCHR.

68. Indeed, in Resolution A/HRC/40/L.5, the Human Rights Council:

*1. Urges all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;*

*(...)*

*26. Recognizes the importance of the role of the Office of the United Nations High Commissioner in addressing the challenges arising from unilateral coercive measures and their negative impact on the human rights of peoples and individuals who wish to realize their economic and social rights, including the right to development;*

*(...)*

*29. Urges the High Commissioner, relevant special procedures of the Human Rights Council and the treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose rights have been violated as the result of unilateral coercive measures;*

69. In paragraph 81 (b), the report recommends the release of all persons detained "for political reasons". This recommendation is inapplicable and therefore erroneous, since in Venezuela there are no persons detained for that condition. In addition, the terminology used differs considerably from that adopted by the High Commissioner in her press statement at the conclusion of the visit to the country.

70. Finally, on the basis of all the information provided, the Government of the Bolivarian Republic of Venezuela requests the Office of the United Nations High Commissioner to take the necessary steps to correct the errors in report A/HRC/41/18 before its publication.