

Unofficial translation

General Distribution
July 5, 2019

Original: Spanish

Human Rights Council

41st period of sessions

June 24 – July 12, 2019

Item 2 of the agenda

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

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

Comments by the State*

* The original version of this document was not subject to official editorial review.

STATEMENTS ON FACTUAL ERRORS IN THE UNITED NATIONS HIGH COMMISSIONER'S REPORT ON THE HUMAN RIGHTS SITUATION OF THE BOLIVARIAN REPUBLIC OF VENEZUELA.

1. On June 28, 2019, the Office of the United Nations High Commissioner for Human Rights (OHCHR) submitted to the Government of the Bolivarian Republic of Venezuela an "advance, non-edited version", in English, of the Report of the United Nations High Commissioner for Human Rights on the human rights situation in Venezuela (A/HRC/41/18).
2. On that occasion, the OHCHR invited the Venezuelan Government to send its comments on the factual errors contained in the aforementioned report, in accordance with the institutional guidelines of that Office.
3. Through the present document, the Government of the Bolivarian Republic of Venezuela presents its comments on the advance, non-edited version submitted by the OHCHR.

General Considerations

4. The report presents a selective and an openly biased vision of the true situation of human rights in the Bolivarian Republic of Venezuela, which contradicts the principles that should govern the treatment of human rights issues, set forth in the Vienna Declaration and Action Program.
5. In a large part, this distorted vision of the report is the result of the important weaknesses present in the methodology used for its elaboration. In this document, sources lacking objectivity are excessively privileged and official information is almost entirely excluded, despite all the documents and elements contributed by the State to the Office of the United Nations High Commissioner for Human Rights.
6. Additionally, the report omits the statements from the Special Procedures of the Human Rights Council in relation to the situation in Venezuela, including the results of the visits made to the country.
7. In this sense, it is specially worrying that 82%¹ of the interviews carried out by the OHCHR to support its report correspond to persons located outside of the territory of the Bolivarian Republic of Venezuela, especially considering that the mentioned Office carried out two visits to the country during 2019, the first in the month of March with a duration of 12 days and the second, between the 19 and 22 of June, by the United Nations High Commissioner for Human Rights.
8. Likewise, it is unjustifiable that the OHCHR has prioritized in its analysis the testimonies gathered outside of Venezuela, without considering the elements that the personnel from that Office was able to directly witness during its visits to the country. It is worth remembering that, during the mission carried out in the month of March 2019, the OHCHR was able to visit, for instance, five detention centers², three hospitals³, an automated warehouse for the collection and distribution of medicine⁴, an urban residential complex of Venezuela's Great Housing Mission⁵ and two food distribution centers.⁶

¹ According to the Report, the OHCHR carried out 558 interviews, of which 460 were carried out in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru and Spain.

² Libertador New Men Formation Center (Carabobo), Sergeant David Vilorio New Men Formation Center (Lara), "Ramo Verde" National Center for Processed Military (Miranda), Sebin Helicoide (Capital District) and Zone N° 4 of the Bolivarian National Police (Miranda).

³ Dr. Enrique Tejera Hospital City (Carabobo), Dr. Pastor Oropeza Riera Hospital (Lara) and the "Che Guevara" Comprehensive Diagnosis Center (Capital District).

⁴ Jipana Automated Warehouse (Lara)

⁵ Alí Primera Urban Residential Complex (Lara)

⁶ Cecosesola Cooperative Market (Lara) and a private market located in the state of Lara.

9. On the other hand, the report totally omits the goals and advances achieved by the Bolivarian Republic of Venezuela in the area of human rights. On this point, one must keep in mind that the OHCHR is called upon, by international norms and principles, to carry out in its reports an objective and impartial evaluation of the human rights situation in the countries that make up the UN. This objectivity in the analysis can only be reached by carrying out a fair balance in the handling of the information sources, as well as the advances and challenges presented by a determined State subjected to evaluation.

10. An analysis is not impartial nor objective when negative indications are extremely privileged, and advances and measures adopted in the issue of human rights are made invisible or minimized. An evaluation is also not objective when references to the critical sectors abound and official information contributed by the State or positive references made by competent international organizations on the issue are omitted.

11. The Government of the Bolivarian Republic of Venezuela reiterates its rejection to the methodology employed by the OHCHR in order to evaluate the report on the human rights situation in the country. The imprecisions, errors, lack of context and false affirmations that the OHCHR makes, are uncountable, due to the inadequate use of the available sources. In the following paragraphs, we will point out, examples of some of those errors.

Factual Errors in the Report

12. In paragraph 11, the report omits making reference to other measures implemented by the Government of Venezuela that positively impact the Venezuelan people's purchasing power. Among these measures are: the monthly money assignment system through the Homeland Card⁷, the general subsidy to the costs of public services (water, electricity, domestic gas, transportation, Internet), the gratuity of the education and healthcare systems, as well as the universality of the social security pension system, among others. All of this information was provided to the OHCHR during its visit to Venezuela.

13. On paragraph 12, the report points out various factors that supposedly impinge upon the situation of the right to an adequate living standard in Venezuela. Said reference fails to include the impact generated by the unilateral coercive measures adopted by the Government of the United States against the country.

14. In that same paragraph, the report affirms that members of the Government have recognized certain aspects of the "humanitarian crisis."⁸ This affirmation is erroneous given that no authority has recognized the existence of a "humanitarian crisis" in Venezuela, as the conditions required for it in international law have not been met. The Government has recognized that the aggressions against Venezuela are generating negative impacts on the social situation and has put in place mechanisms to receive technical humanitarian assistance in order to face those effects.

15. In any case, it is worrying the lightness with which the OHCHR uses the term "humanitarian crisis" in its report, especially considering that it does not present data or elements that allow for the objective substantiation of such a characterization of the country's situation. On this point, it is worth noting what was pointed out by the Independent Expert on the promotion of a democratic and equitable international order, in regard to its mission in the Bolivarian Republic of Venezuela:

The "crisis" in the Bolivarian Republic of Venezuela is an economic crisis, that cannot be compared with the humanitarian crises in Gaza, Yemen, Libya, the Syrian Arab Republic, Iraq, Haiti, Mali, the Central African Republic, South Sudan, Somalia or Myanmar, among others. It is significant that when, in 2017, the Bolivarian Republic of Venezuela requested the medical assistance of the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the request was rejected because it "continues to be a high-income country... and, as such, it does not qualify for such assistance". During his mission, the Independent Expert spoke about the

⁷ The Homeland Card system covers more than 80% of the country's population and includes monthly money assignments, with a sum close or equal to a month's national minimum wage.

⁸ This claim is repeated in paragraph 60 of the report.

problems of food and medicine scarcity with FAO experts, and obtained pertinent data from the Economic Commission for Latin America and the Caribbean. In the FAO reports of December 2017 and March 2018, the food crises of 37 countries are numbered. The Bolivarian Republic of Venezuela is not among them.

16. In paragraph 13, the report holds that Venezuela has not demonstrated having used all of the resources at its disposal to guarantee the progressive exercise of the right to food. This affirmation is wrong because the State provided OHCHR ample information on the measures adopted to guarantee the right to food.

17. Indeed, in the response to the questionnaire sent by the OHCHR, the Government of Venezuela informed that, in addition to the program of the Local Committees for Supply and Production, it invests public resources towards the progressive fulfillment of the right to food through the following programs:

School Feeding program (PAE). Consists in the distribution of varied and balanced food to over 4,000,000 children in the school system.

Food Centers. This program provides food care with two meals a day to 750,000 people in a situation of social vulnerability, throughout the national territory.

Care Plan for Nutritional Vulnerability. Consists in the monthly distribution of food supplements to the 1630,000 people with nutritional vulnerability at a national level, including children under five, pregnant women and seniors. Provides specialized nutritional care to children under five with therapeutic food, vitamins, minerals, educational services and nutritional recovery services.

Soup Kitchens. This initiative distributes daily, varied and balanced food to over 6,000 people in a situation of social vulnerability.

Food Service to People as Wards of the State. Consists in the provision of food inputs to penitentiary centers, health centers, nursing homes and shelters for women, children and adolescents.

Food Component for Indigenous Peoples. This initiative provides food for 338 indigenous community, belonging to 24 indigenous peoples. Balanced food is provided to 30,000 people.

Breastfeeding. Consists of actions for the promotion, protection and support of breastfeeding, as a first step towards Food Sovereignty. The prevalence of breastfeeding in Venezuela is 71%, exceeding the WHO recommendation (50%). This indicator demonstrates the progress made towards the fulfillment of the 2030 Agenda goals.

18. By the same token, the report avoids mentioning that Venezuela allocates, on average, 75% of its budget to social investment, 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 above, it is worth highlighting that the Venezuelan Government invests 3.906 billion dollars a year in the purchase of food to be distributed to the people. This amount includes 2.826 billion dollars for the acquisition of products through the CLAP program and 1.08 billion dollars for importing diverse food items not produced in the country. All of this information was provided to the OHCHR mission during its stay in Venezuela.

20. In this context, it is therefore inexplicable that the OHCHR has omitted all of the information furnished by the State and makes the claim in paragraph 13 of its report so loosely and without a technical base to support it.

21. In paragraph 14, the report analyzes the “shortage” and availability of food based on interviews principally held outside of Venezuelan territory. Furthermore, the analysis omits information gathered directly by the OHCHR during its visit to two food retail establishments

in Venezuela.⁹ During these visits the OHCHR could witness the wide availability of food, leaving no empirical support for the claims contained within paragraph 14 of the report.

22. In paragraphs 16 through 20, the report evaluates the situation of the right to health based on interviews principally held outside of Venezuela. This analysis is erroneous as it omits information gathered directly by OHCHR staff during its visit to the country, as well as data given by the State to this office and the impact created by the unilateral coercive measures.

23. During the mission to Venezuela held in March 2019, the OHCHR visited three public health care establishments (supra 8). In these visits, OHCHR staff was able to directly assess that the situation of these establishments did not correspond to the diagnosis made in the report A/HRC/41/18. The OHCHR accessed emergency rooms, medicine storeroom, dialysis rooms, hospitalization areas, and imaging centers, among other spaces, thereby ascertaining that care provided at real levels of availability of equipment, inputs and medicines, as well as staff.

24. Similarly, the Government informed the OHCHR¹⁰ that 29,057 comprehensive community doctors graduated between 2011 and 2019; these were trained according to the principles of primary health care and are joined by approximately 2,000 per year who graduate as medical surgeons. Likewise, it was noted that between 2015 and 2019, the Ministry of People's Power for Health registered new staff consisting of 128,324 professionals in diverse areas, including 30,841 with nursing degrees and 21,968 medical surgeons.

25. In paragraph 17 the report refers to a resurgence of previously controlled and eradicated diseases. Nevertheless, it omits information provided by the Government in response to the questionnaire sent by the OHCHR relating to the absolute control of the Zika arbovirus since 2017. After reporting 2,370 confirmed cases in 2016, Venezuela ended 2018 without a single confirmed case of Zika.

26. In paragraph 18, the report indicates that there was an alleged increase in the rate of maternal mortality. This is mistaken given that according to official information, between 2016 and 2018 the maternal mortality rate fell 13.76 points.

27. In paragraph 19, the report affirms that 20 thousand children “*will die as a direct consequence of the crisis.*” This assertion has no technical basis to support it and affects the credibility of the report. In any case, if the OHCHR is going to develop its reports using estimates from civil organizations, it should take into account the report made by the Center for Economic and Policy Research (CEPR), according to which 40,000 Venezuelans have died as a result of the unilateral coercive measures adopted by the Government of the United States of America.¹¹

28. Likewise, paragraph 19 of the report claims that 40 patients died as a result of “*power outages.*” This contention is not the case, as during the electric sabotage that occurred in 2019, no loss of human life was registered that can be attributed to a lack of electricity. The immense majority of the country's hospital had backup power generators. In the health care centers that had no backup generators or that had backup failures, a contingency plan was successfully activated.

29. In the cases of patients who receive dialysis in private centers with no backup generators, the State proceeded to relocate those patients to public health centers. Furthermore, electric generators were provided to private centers free of charge. In any case, from a medical point of view it is unsustainable to claim that the loss of a dialysis session can be the cause of a patient's death. It is worth noting that patients receive 3 dialysis sessions per week.

⁹ The OHCHR visited two food retail establishments located in the state of Lara. One of those establishments, a public one, is located in a working-class area of the state and the other, a private one, in a middle class area.

¹⁰ Response to the questionnaire sent by the OHCHR as a follow-up to its visit to Venezuela.

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

30. In paragraph 20, the report alleges that the State violated its international obligations regarding the right to health. This allegation lacks even the barest technical support, as no analysis was carried out regarding the measures adopted by the State in compliance with its obligations to respect, protect and fulfill this right to the maximum extent of available resources. In addition, no analysis was made regarding the impact on this right generated by the unilateral coercive measures.

31. In paragraph 22, the report questions the coverage of the Local Committees for Supply and Production program. However, it omits mentioning data provided by the State regarding the program's scope. As was indicated in the response to the questionnaire sent by the OHCHR, since the implementation of the CLAPs, there has been a 400% increase in the levels of its distribution.

32. In 2018, the CLAPs provided 119,822,921 food combo kits, equivalent to 1,707,344 metric tons. Between January 1 and March 15, 2019, the CLAPs delivered 21,606,278 food combo kits, equivalent to 324,094 metric tons. Currently 6,000,000 homes per month receive provisions through this program, which is equivalent to 24 million people.

33. In paragraph 23, the report alleges that the lists of people who benefit through the Homeland Card are administered by "*local structures of the governing party*." This claim is false. Beneficiaries of the different programs of the Homeland Card are determined by the diverse State institutions responsible for each of the programs. These incorporate, without discrimination, every person who fulfills the requirements for said programs.

34. In paragraph 25, the report mentions, partially, the unilateral coercive measures adopted against Venezuela. In this reference, the report fails to mention the coercive measures adopted through Executive Order 13827 of March 19, 2018, that prohibited transactions with the "Petro" cryptocurrency and Executive Order 13850 of November 1, 2018, which prohibits gold transactions with the Bolivarian Republic of Venezuela.

35. In the same way, the report makes no mention of the "Advisory" made to the international financial system by the Treasury Department of the United States of America on September 20, 2017.¹² As a result of this advisory, every banking operation carried out by agencies and state enterprises of the Venezuelan Government is labelled as suspicious, resulting in overcompliance practices that delay or deny operations or in the freezing of assets. To date, there are 5.470 billion U.S. dollars, that belong to Venezuela, retained in diverse banking institutions around the world. This amount is superior to the total amount of resources invested for an entire year for the acquisition of food for the Venezuelan people (supra 19).

36. In paragraph 26, the report refers to a denunciation made by the Government of Venezuela on the negative impact of the unilateral coercive measures. On this point, the OHCHR omits various statements made on this issue by the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights and by 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 applied by Canada and the European Union have aggravated the shortages of medicines such as insulin and antiretrovirals both directly and indirectly. To the extent that the economic sanctions have caused distribution delays and, in that manner, constitute another causal factor in many deaths, the sanctions violate the human rights obligations of countries that impose them. Moreover, the sanctions could constitute crimes against humanity, according to article 7 of the Rome Statute of the International Criminal Court. It would be up to said Court to undertake a corresponding investigation, but it is possible that its geopolitical submission would impede it from doing this.*¹³

¹² FinCEN Advisory FIN-2017-A006 of September 20, 2017.

¹³ Report by the Independent Expert on the promotion of a democratic and equitable international order regarding his visit to the Bolivarian Republic of Venezuela and Ecuador. A/HRC/39/47/Add.1. Par.

37. In paragraph 27, the report claims that the Venezuelan economy was already in crisis before the imposition of the 2017 unilateral coercive measures. In this analysis, the OHCHR omits consideration of the impact created by the drastic reduction in the price of oil as of 2014, as a result of actions taken by the United States Government to manipulate the price of oil by increasing the production of shale oil.

38. As a consequence of the fall in the price of oil, the Republic's income decreased from 43.690 billion dollars in 2013 to 38.109 billion dollars in 2014, to 10.634 billion dollars in 2015, to 4.650 billion dollars in 2016 and 5.198 billion dollars in 2017. It is important to note that 95% of the foreign currency that enters Venezuela corresponds to its oil exports. This information was provided to the OHCHR during its visit to the country.

39. Additionally, in paragraph 27, the OHCHR mentions the need to adopt measures to overcome the economic crisis in Venezuela. Nevertheless, it abstains from stressing the need to lift the unilateral coercive measures imposed upon the country, as has been requested by various special procedures of the Human Rights Council. This omission is worrisome and inexplicable, particularly considering that the OHCHR has recognized that:

Unilateral coercive measures in the form of economic sanctions can have wide-ranging repercussions on the human rights of the population in general of States that such measures are applied to.

The primary victims of these measures tend to be the most vulnerable classes, particularly women, children, the sick and the elderly, as well as poor people. These groups suffer the most from the effects of the lack of access to supplies and medicine that could save their lives, basic food products and educational material.¹⁴

40. In paragraph 28, the report highlights the alleged closure of media outlets and the expulsion of journalists from the national territory. In this perspective, the OHCHR omits information provided by the State relating to the process of renewing concessions and the norms that regulate the exercise of journalism for foreign journalists that do not reside in the country.

41. In response to the OHCHR questionnaire, the Venezuelan Government informed that between 2018 and 2019, it granted 32 new radio concessions and one television concession. Furthermore, another 12 radio and television concessions were renewed.

42. Similarly, the Government indicated that in 2018 and 2019 three foreign journalists were deported due to a lack of compliance with migration regulations. The journalists entered Venezuela with tourist vistas and were found to be engaging in paid labor in the country, which is a clear violation of the applicable legal framework.

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

44. In paragraph 33, the report claims that the Venezuelan State had not investigated denunciations of alleged human rights violations. This claim is mistaken, as is evidenced by the information given to the OHCHR in response to the questionnaire it sent.

45. In effect, the Government informed the OHCHR that, to date, 44 people are deprived of their liberty for their alleged responsibility in the crime of homicide in the context of the protests that took place in 2017 and 2019. Additionally, another 33 arrest warrants have been issued for these crimes.

46. Similarly, it was noted to the OHCHR that the Office of the Public Prosecutor is aware of 72 accounts of alleged torture or cruel, inhumane or degrading treatment, relating to 174 people deprived of their liberty in the context of the protests that took place in 2017 and 2019.

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

47. In paragraph 37, the report analyzes the criminal processes initiated against deputies of the National Assembly. In its study, the OHCHR neglects to mention the attempted assassination of the President of the Republic on August 4, 2018, that was organized by National Assembly deputies. Furthermore, in referring to the events of April 30, 2019, the Office fails to include that the deputies not only called for the armed forces to “desert and defy the government”, they also positioned themselves on a public road with high grade military weapons, aimed at the civilian population, in an attempted coup d’état. It also fails to stress their repeated calls for foreign military intervention.

48. In paragraph 39, the report refers to demonstrations held in Venezuela during the past several years. However, these references are based on unofficial information and they disregard data provided by the State on this matter. As was noted in the response to the questionnaire sent by the OHCHR, in 2017 there were 12,913 demonstrations throughout the national territory, of which 5,975 were violent protests of a political nature. In 2018, there were 7,563 demonstrations, and as of May there have been 3,251 demonstrations in 2019.

49. Likewise, in paragraph 39 the OHCHR fails to mention the different expressions of violence carried out by the demonstrators, particularly in 2013, 2014 and 2017, as well as the consequences of said violence and the case of people killed or injured. The High Commissioner was able to gather abundant information on this subject during her visit to the country. Furthermore, in the response to the OHCHR questionnaire, the Government indicated that at least 9 officials died and another 1,263 were wounded in 2017 and 2019 as a result of the violence carried out by the opposition sector during public demonstrations.

50. In paragraph 41, the report cites figures of people allegedly detained “for political reasons” provided by non-governmental organization. However, it omits information provided by the Government in relation to cases of people detained in the country. In this context, it is alarming that the OHCHR did not review each of these cases in detail and characterizes police officials who have been convicted for violating human rights, people sentenced for burning human being alive, and others detained for the homicide of civilians or security officials, among other particularly serious crimes, as being detained “for political reasons.”

51. In paragraph 45, the report analyzes the conditions of the country’s detention centers. In this study, the OHCHR ignores the major advances achieved by the State in the penitentiary system, which were observed by the Office’s personnel during its visit to the Ministry of People’s Power for Penitentiary Services and to two penitentiaries in the country. Moreover, this progress was recognized by the High Commissioner herself in a meeting held in Venezuela with experts on civil and political rights.

52. With the information provided by the Government and directly gathered by the OHCHR in detention centers, it is incomprehensible that the Office makes no distinction whatsoever between preventive detention centers, where there are still challenges that the State admits, and the country’s penitentiary centers.

53. In paragraph 46, the report claims that Venezuela has only a single detention center for women, and, as such, the system does not fulfill the specific standards on the issue of gender. This allegation is incorrect. There are 17 penitentiary establishments for women in Venezuela¹⁵ under the supervision of the Ministry of People’s Power for Penitentiary

¹⁵ The 17 penitentiary establishments for women are the following: 1) National Institute for Women’s Guidance (Instituto Nacional de Orientación Femenina); 2) Las Crisálidas Women’s Training Center (Centro de Formación Femenino “Las Crisálidas”); 3) Women’s Annex to the Aragua Penitentiary Center (Anexo Femenino del Centro Penitenciario de Aragua); 4) Carabobo Women’s Detention Center (Centro de Reclusión Femenino de Carabobo); 5) Women’s Annex to the General Penitentiary of Venezuela (Anexo Femenino de la Penitenciaría General de Venezuela); 6) Women’s Annex to the Coro Community Penitentiary (Anexo Femenino de la Comunidad Penitenciaria de Coro); 7) Women’s Annex to the Lara Fénix Community Penitentiary (Anexo Femenino de la Comunidad Penitenciaria Fénix Lara); 8) Ana María Campos I Women’s Training Center (Centro de Formación Femenino “Ana María Campos I”); 9) Ana María Campos II Women’s Training Center (Centro de Formación Femenino “Ana María Campos II”); 10) Independencia Women’s Training Center (Centro de Formación Femenino Independencia); 11) Women’s Annex to the Barinas Judicial Confinement Center (Anexo Femenino del Internado Judicial de Barinas); 12) Women’s Annex to

Services. All of these establishments function on the new penitentiary regime, in strict compliance with applicable national and international standards.

54. In paragraph 47 to 51, the report studies the development of citizen security operations implemented in the country. In this section, the OHCHR omits information presented by the Government regarding the sustained decrease in crime indicators in the country, particularly the homicide rate. This figure is relevant for an objective analysis of the Venezuelan situation.

55. Indeed, as is mentioned in the response to the questionnaire sent by the OHCHR, 2016 ended with a total of 17,407 homicides (56 for every 100,000 inhabitants), 2017 with 14,655 homicides (47 for every 100,000 inhabitants), and 2018 with 10,598 homicides (33 for every 100,000 inhabitants). As can be observed, there is a marked declining trend in this important indicator.

56. Similarly, the analysis on the development of citizen security operations disregarded official data provided by the State in relation to the investigation and punishment of human rights violations in the framework of said operations.¹⁶

57. According to data sent to the OHCHR, the Office of the Public Prosecutor is aware of 292 cases linking 388 officers from the FAES, which is assigned to the National Bolivarian Police Corps, from 2017 to 2019, for the crimes of homicide, cruel treatment and unlawful home entry. To date, 5 officials of the FAES have been convicted for committing attempted homicide, improper use of an official weapon and simulation of a punishable act, in the context of events that occurred in 2018.

58. In paragraph 56, the report accuses the Office of the Public Prosecutor of failing to comply with its obligation to investigate and punish human rights violations.¹⁷ This allegation is incorrect and in order to sustain it, data provided by the State must be omitted, both in the response to the OHCHR (supra 42, 43 and 54) and in the two visits made by the Office to the country in 2019.

59. In paragraph 58, the report mentions the measures taken for the comprehensive care of victims adopted by the Commission for Truth, Justice, Peace and Public Peace. However, it neglects to mention that the comprehensive care measures implemented by the Commission are not limited to monetary compensation, but also include legal advisory, psychological and/or psychiatric care, health care and social protection measures, including housing, employment and scholarships, among others.

60. In addition, said paragraph attempts to discredit the actions taken by the Commission, arguing that the “majority of families” that benefited consider the care provided as a form of “buying silence.” This accusation is completely false, and furthermore, it is methodologically unsustainable. The list of families that benefited from the Commission was unknown to the OHCHR until June 19, 2019, when it was provided by the Government. As such, it would have been difficult for the Office to interview said people for this report.

61. In paragraph 60, the report alludes to the alleged presence of armed groups of foreign nationalities within Venezuela’s territory. This allegation is incorrect. There is no presence of any armed foreign group in the country. As is well known, Venezuela has historically suffered the consequences created by 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 on their lands”, ignoring all of the information presented by the

the Western Penitentiary Center (Anexo Femenino del Centro Penitenciario de Occidente); 13) Women’s Annex to the Andean Region Penitentiary Center (Anexo Femenino del Centro Penitenciario Región Andina); 14) Island Region Women’s Penitentiary Center (Centro Penitenciario Femenino Región Insular); 15) Women’s Annex to the Sucre Judicial Confinement Center (Anexo Femenino del Internado Judicial de Sucre); 16) Women’s Annex to the Monagas Judicial Confinement Center (Anexo Femenino del Internado Judicial de Monagas) y 17) Women’s Annex to the Sergeant David Viloria Penitentiary Center (Anexo Femenino del Centro Penitenciario Sargento David Viloria).

¹⁶ This same omission is repeated in paragraph 77 of the report.

¹⁷ This same omission is repeated in paragraph 79 of the report.

Venezuelan Government on this issue. As was explained to the OHCHR mission to Venezuela, during a meeting held in March 2019 with the Minister of People's Power for Indigenous Peoples, to date 102 collective land property titles have been rendered to indigenous peoples, which consist of 3,282,299 demarcated hectares. With these titles, 73% of the requests presented for demarcation have been responded to, to the benefit of 683 indigenous communities.

63. In paragraphs 63 and 64, the report studies the situation of the indigenous Pemón people, particularly in the context of the events that occurred in February 2019 in the state of Bolívar. In its evaluation, the OHCHR fails to indicate that the indigenous Pemón people are comprised of different communities. The majority of these communities decided not to participate in the process of receiving the alleged humanitarian aid and maintain relations of constructive dialogue with State institution. Only two communities¹⁸ actively participated in that event and created episodes of violence in the state.

64. Furthermore, the testimonies given by members of the indigenous Pemón people, who met with the OHCHR technical mission in Bolívar in March 2019, are not incorporated into the report; they informed the Office of the violence sparked by some members of the two communities involved in the attempted entry of the alleged "humanitarian aid." On that occasion, the OHCHR also interviewed various members of the indigenous Pemón people in a confidential manner.

65. In paragraph 68, the report mentions the alleged number of Venezuelans who have left the country. Nevertheless, the cited figure is incorrect and exaggerated, as the Venezuelan Government has made known to the Office of the United Nations High Commission for Refugees and to the International Organization for Migration.

66. In paragraph 72, the report mentions the alleged obstacles in migration from Venezuela. On this point, the OHCHR omits that, as was mentioned in the response to the questionnaire sent by the Office, the Office of the Public Prosecutor has registered 85 cases that link SAIME officials in the 2017 to 2019 period. These cases involve 196 officials investigated, 87 accused and 34 convicted for crimes enumerated in the Decree with Scope, Effect and Force of Law against Corruption.

67. In paragraph 80, the report recommends that the Government adopt measures to address the situation of human rights. In contrast, neither that nor any other paragraph mentions the need to lift the illegal and illegitimately imposed unilateral coercive measures against the country. This omission is serious and unjustified because – among other things – it implies a disregard for the decisions adopted by the Human Rights Council and the mandates granted to the OHCHR.

68. In fact, Resolution A/HRC/40/L.5 of 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;

...

¹⁸ Kumarakapay sector 5 and Manak Kru sector 6.

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 granting liberty to all persons detained “for political reasons.” This recommendation is inexplicable and therefore misguided, given that there are no people detained under that condition in Venezuela. In addition, the terminology used is noticeably different than what was used by the High Commissioner in her declaration to the press upon concluding her visit to the country.

70. Finally, given the information provided, the Government of the Bolivarian Republic of Venezuela requests that the Office of the High Commission for Human Rights adopt the necessary measures to correct the errors in A/HRC/41/18 before its publication.
