

ASSESSING VENEZUELA'S POLITICAL CRISIS: HUMAN RIGHTS VIOLATIONS AND BEYOND

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

MAY 8, 2014

Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PUBLISHING OFFICE

94-361 PDF

WASHINGTON : 2017

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON FOREIGN RELATIONS

ROBERT MENENDEZ, New Jersey, *Chairman*

BARBARA BOXER, California	BOB CORKER, Tennessee
BENJAMIN L. CARDIN, Maryland	JAMES E. RISCH, Idaho
JEANNE SHAHEEN, New Hampshire	MARCO RUBIO, Florida
CHRISTOPHER A. COONS, Delaware	RON JOHNSON, Wisconsin
RICHARD J. DURBIN, Illinois	JEFF FLAKE, Arizona
TOM UDALL, New Mexico	JOHN McCAIN, Arizona
CHRISTOPHER MURPHY, Connecticut	JOHN BARRASSO, Wyoming
TIM KAINE, Virginia	RAND PAUL, Kentucky
EDWARD J. MARKEY, Massachusetts	

DANIEL E. O'BRIEN, *Staff Director*

LESTER E. MUNSON III, *Republican Staff Director*

CONTENTS

	Page
Corker, Hon. Bob, U.S. Senator from Tennessee	2
Duddy, Hon. Patrick D., visiting faculty, The Fuqua School of Business, Duke University, Durham, NC	31
Prepared statement	34
Jacobson, Hon. Roberta S., Assistant Secretary of State for Western Hemi- sphere Affairs, U.S. Department of State, Washington, DC	3
Prepared statement	5
Malinowski, Hon. Tomasz P., Assistant Secretary of State, Bureau of Democ- racy, Human Rights, and Labor, U.S. Department of State, Washington, DC	7
Prepared statement	8
Menendez, Hon. Robert, U.S. Senator from New Jersey	1
Naim, Moises, Ph.D., senior associate, International Economics Program, Car- negie Endowment for International Peace, Washington, DC	37
Prepared statement	39
Vivanco, Jose Miguel, executive director, Americas Division, Human Rights Watch, Washington, DC	43
Prepared statement	44
ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD	
Letters Sent to Senators Robert Menendez and Bob Corker from Roberta Jacobson re: The Role of Sanctions in Venezuela's Policy	65

ASSESSING VENEZUELA'S POLITICAL CRISIS: HUMAN RIGHTS VIOLATIONS AND BEYOND

THURSDAY, MAY 8, 2014

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Robert Menendez (chairman of the committee) presiding.

Present: Senators Menendez, Durbin, Kaine, Markey, Corker, Rubio, Johnson, and McCain.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order.

Before I welcome our panelists, let me welcome Senator Nelson of Florida who has expressed to the Chair a very deep interest in what is happening in Venezuela, and we welcome him here today to be with us.

Let me welcome today's panelists from the Department of State, Duke University, the Carnegie Endowment, and Human Rights Watch, which this week released a deeply troubling report on the scale of human rights violations in Venezuela, a report documenting human rights abuses far worse than I had anticipated.

The report documents how Venezuelan security forces, often in collaboration with colectivos, armed pro-government gangs, have systematically violated the rights of students, women, men, members of the political opposition, and journalists. They have severely beaten unarmed Venezuelans, and fired live ammunition, rubber bullets, and tear gas canisters indiscriminately into crowds.

The report documents Venezuelan security forces subjecting detained protestors to severe physical abuse. I will not go into great detail, but I urge those who are interested to read the report. In one case, members of the National Guard detained a young protestor and, quoting from the report, kicked him, beat him and fired a rubber pellet from point-blank range into his right thigh. He was driven to a military installation where a guardsman who saw his bleeding leg inserted his finger into the open wound, removed it, and then inserted it again.

The report goes on to say that the guards handcuffed him to a metal pole, gave him electric shock treatments, kicked him, and called him a fascist.

Apparently, in some cases, prosecutors and judicial officials have been complicit in these reported human rights violations, and when governments degrade and politicize a justice system long enough, as the Chavez and Maduro administrations have done, the rule of law is abandoned and the judiciary becomes yet another tool of oppression.

In fact, not a single member of the security forces have been sentenced for their role in these widespread human rights violations, but the courts have been used to remove and jail opposition mayors and imprison opposition leader Leopoldo Lopez.

We should not overlook the fact that there has been violence on both sides, but we should be perfectly clear that the primary responsibility for the excessive, unjustified use of force rests with the Maduro administration.

We must also be perfectly clear that a foreign power is acting openly in Venezuela, fueling the country's instability and economic and political crisis. The Cuban Government, its advisors, and its intelligence officers have penetrated and are influencing senior levels of the Venezuelan Government. This cannot be overlooked.

Today's hearing is an opportunity for us to understand what role the United States has played and should play, given the current crisis in Venezuela.

In the face of widespread human rights abuses in Venezuela and the lack of accountability for those crimes, I have introduced legislation, along with Senator Rubio and Senator Nelson, which calls for targeted sanctions on individuals responsible for rights violations.

We also need to analyze what, in my view, has been a very weak response from the Organization of American States, look at what other South American governments are doing to mediate dialogue between the Venezuelan Government and members of the opposition, and explore other options, including action at the United Nations.

We must also look at the future implications of the deteriorating political and economic conditions in Venezuela, and its potential impact on Caribbean and Central American nations that have benefited from Venezuelan subsidized oil shipments.

Finally, we must assess the destabilizing role that Cuba is playing in Venezuela and the very real security challenges from transnational criminal enterprises operating in the country, as well as the signs of their collusion with members of the Venezuelan Government.

With that, let me recognize the distinguished ranking member, Senator Corker, for his remarks.

**OPENING STATEMENT OF HON. BOB CORKER,
U.S. SENATOR FROM TENNESSEE**

Senator CORKER. Well, thank you, Mr. Chairman, and thank you for your leadership on this issue and for having this hearing.

I want to thank Senator Nelson for his interest and being here. I know he used to be on the committee. I think that is correct. Anyway, we appreciate having him here.

And I want to thank the witnesses for being here today.

All of us, I think, have had briefings on the human rights violations that are taking place under the Maduro government, and they are quite startling, no doubt, especially with this most recent report. So thank you for shedding light on that today.

We have had a number of foreign policy meetings, as we always do, and it has been difficult at times to understand exactly what the administration's policies are toward the areas where we are having issues. And so I do look forward today to the testimony to help understand us what the administration's core policy goals are as it relates to Venezuela.

And again, I thank the witnesses for being here.

Venezuela is a deeply troubled country. Forty-one people are dead. The stories of torture and other abuses that our chairman so eloquently laid out certainly cause all of us to be concerned and want to be involved in helping shape a better future there.

The economy is in shambles. The country is very divided right now, which makes it even more difficult, I know, to move ahead in a way that makes a lot of sense.

So I do look forward to the testimony today, and hopefully it will shed light on us here in America putting forth a coherent policy that helps the country move ahead, although we understand they are going to have to do that themselves but with our help. So thank you very much for being here. I look forward to your testimony.

The CHAIRMAN. Thank you, Senator Corker.

Well, let me introduce our first panel today. We have Assistant Secretary of State for the Western Hemisphere Roberta Jacobson; and Assistant Secretary of State for the Bureau of Democracy, Human Rights, and Labor Tom Malinowski. I believe this is your first appearance before the committee. So, we welcome you to your relatively new post.

And with that, let me say that both of your statements will be fully included in the record, without objection. We ask that you summarize your statements in about 5 minutes or so, so that we can have in a dialogue with you. Madam Secretary, we will start off with you.

STATEMENT OF HON. ROBERTA S. JACOBSON, ASSISTANT SECRETARY OF STATE FOR WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ms. JACOBSON. Thank you very much, Chairman Menendez, Ranking Member Corker, members of the committee. Thank you for this opportunity to speak with you about Venezuela.

As you know, we continue to be very concerned about the situation in Venezuela where legitimate political, economic, and social grievances and a lack of adequate democratic space and respect for human rights have brought protests and, unfortunately, violence. The United States has called on the Venezuelan Government to respect human rights, uphold the rule of law, and engage in peaceful, inclusive dialogue with Venezuelans across the political spectrum to alleviate the tension. We have consistently called on the Venezuelan Government to release those it has unjustly jailed, lift restrictions on freedom of the press, and respect freedom of assembly.

Assistant Secretary Malinowski will discuss the human rights situation in greater depth, while I will discuss what we are doing diplomatically to bring an end to the violence and encourage respect for democratic processes and human rights. I know this committee shares our concern, and we welcome your strong support for democracy in Venezuela.

This is not a United States-Venezuela issue. It is an internal Venezuelan issue. We have been clear all along that the future of Venezuela is for the Venezuelan people to decide, and we have strongly resisted attempts to be used as a distraction from Venezuela's real problems. Our focus has been to encourage an end to the violence and an authentically inclusive dialogue to address the Venezuelan people's legitimate grievances. We have been actively engaging international partners to find a peaceful solution. We are encouraged by the Union of South American Nations-led initiative with Vatican participation involving meetings between the government and many parties of the political opposition.

While we are encouraged by the UNASUR (Union of South American Nations) and Vatican efforts, we must have realistic expectations. The Venezuelan Government has so far resisted obvious demonstrations of good will: the release of political prisoners or disarming of the government-sponsored vigilante groups. Nevertheless, those opposition elements engaged in the dialogue are, for the first time in a long time, able to speak truth to power in a setting where the government must listen. That is not a panacea, but it could be a beginning.

We also need to recognize that the Venezuelan opposition is not monolithic. Important elements of that opposition and student leaders remain outside the dialogue and are deeply skeptical of it. Protestors remain on the streets. They too need to be heard. We should respect the diversity of opinion within the Venezuelan opposition, meaning both those who have declined to enter the dialogue and those who believe that by doing so they can achieve some progress regarding human rights, democracy, and Venezuela's economic and social problems. This may be a slow process, and it may fail. But for now, significant elements of the opposition consider the effort worthwhile.

Brazil, Colombia, Ecuador, and the Vatican are expending significant effort to facilitate this dialogue, and we believe it behooves us to respect the effort. If this dialogue does not begin to solve Venezuela's chronic problems, then the country's long-term outlook for stability is extremely poor. Leaving aside the ongoing political turmoil, Venezuela's economy is stalling, the government is struggling to meet its financial obligations, and massive fiscal adjustments are urgently needed. The failure of the current dialogue process would result in an even more troubled Venezuela and would redouble its need for honest brokers from the international community to help Venezuela find its way.

We share the concern of many in the region that the current dynamics, especially economic, raise doubts about Venezuela's long-term stability. However, I want to emphasize the following: While we regard the current dialogue underway with cautious optimism, one thing we will not do is remain silent in the face of Venezuelan Government assaults on fundamental freedoms. Freedom of expres-

sion and peaceful assembly are universal human rights. They are essential to a functioning democracy.

Venezuela's problems cannot be solved by criminalizing dissent. There must be space in Venezuelan society for those who do not agree with the government to express their views.

We have strong historic and cultural ties with the Venezuelan people, and we remain committed to our relationship with them. But the future of Venezuela is for the Venezuelan people to decide. And they have real concerns that must be addressed. Venezuela's serious and worsening and economic and social problems require democratic solutions.

We remain committed to working with member states to utilize the OAS in conjunction with other regional and subregional, as well as international efforts to advance real dialogue in Venezuela. The OAS, as the region's premier multilateral institution, can and should assume a greater role to find a peaceful resolution to the crisis in Venezuela, consistent with its mandate to promote peace, democracy, and respect for human rights in member states, as expressed in its charter and in the Inter-American Democratic Charter.

Mr. Chairman, I would like to end by saying that I sincerely appreciate the support that the Senate Foreign Relations Committee has provided to our core foreign policy interests in Venezuela and in the hemisphere. We all seek to advance democracy, human rights, social development, security, and economic prosperity in the region.

Thank you very much, and I look forward to answering your questions.

[The prepared statement of Ms. Jacobson follows:]

PREPARED STATEMENT OF HON. ROBERTA S. JACOBSON

Chairman Menendez, Ranking Member Corker, members of the committee, thank you for this opportunity to speak with you about Venezuela. I appreciate your interest in Venezuela and your support for U.S. assistance and our policies and engagement there.

We continue to be preoccupied by the situation in Venezuela, where legitimate political, economic, and social grievances and a lack of adequate democratic space and respect for human rights have brought protests and, unfortunately, violence. The United States has called on the Venezuelan Government to respect human rights, uphold the rule of law, and engage in a peaceful, inclusive dialogue with Venezuelans across the political spectrum to alleviate the current tension. We have consistently called on the Venezuelan Government to release those it unjustly jailed, lift restrictions on freedom of the press, and respect freedoms of assembly and association. Assistant Secretary Malinowski will discuss the human rights situation in greater depth, while I will focus on what we are doing diplomatically to bring an end to the violence and respect for democratic processes and human rights. I know this committee shares our concerns, and we welcome your strong support for democracy in Venezuela.

This is not a U.S.-Venezuela issue, it is an internal Venezuelan issue. We've been clear all along that the future of Venezuela is for the Venezuelan people to decide. We have strongly resisted attempts to be used as a distraction from Venezuela's real problems. Our focus has been to encourage an end to the violence and authentically inclusive dialogue to address the Venezuelan people's legitimate grievances. We have been actively engaging international partners to find a peaceful solution. We are encouraged by the Union of South American Nations (UNASUR)-led initiative with Vatican participation involving meetings between the government and many parties within the political opposition.

While we are encouraged by the efforts of UNASUR and the Vatican, we must have realistic expectations. The Venezuelan Government has so far resisted two obvious demonstrations of good will: the release of political prisoners and disarming

the government-supported vigilante groups. Nevertheless, those opposition elements engaged in the dialogue are, for the first time in a long time, able to speak truth to power in a setting where the government must listen. That of course is not a panacea, but it could be a beginning. We also need to recognize the Venezuelan opposition is not monolithic. Important elements of the opposition, and student leaders, remain outside the dialogue, and are deeply skeptical of it. Protestors remain on the streets. They, too, all need to be heard. We should respect the diversity of opinion within the Venezuelan opposition—meaning both those who have declined to enter the dialogue and those who believe that by doing so they can achieve some progress regarding human rights, democracy, and Venezuela's economic and social problems. This may be a slow process; it may fail, but for now significant elements of the opposition consider the effort worthwhile.

Brazil, Colombia, Ecuador, and the Vatican are expending significant time and effort to facilitate this dialogue. It behooves us to respect and to support, as we have been doing, this effort. If this dialogue does not begin to solve Venezuela's chronic problems, both democratic and economic, then the country's long-term outlook for stability is extremely poor. Leaving aside the ongoing political turmoil, Venezuela's economy is stalling, the government is struggling to meet its financial obligations, and massive fiscal adjustments are urgently needed. The failure of the current dialogue process will result in an even more troubled Venezuela, and will redouble its need for honest brokers from the international community to help Venezuela find its way.

We share the concern of many in the region that current dynamics, especially economic, raise doubts about Venezuela's long-term stability. However, I want to emphasize the following: While we regard the dialogue currently underway with cautious optimism, one thing we will not do is remain silent in the face of Venezuelan Government assaults on fundamental freedoms.

Freedoms of expression and peaceful assembly are universal human rights. They are essential to a functioning democracy, and the Venezuelan Government has an obligation to protect fundamental freedoms and the safety of its citizens, including those who engage in peaceful protest.

Venezuela's problems cannot be solved by criminalizing dissent; there must be space in Venezuelan society for those who do not agree with the government to express their views.

We are not alone—the U.N. Secretary General, the U.N. High Commissioner for Human Rights and six U.N. special rapporteurs, the EU High Representative for Foreign Affairs, and others—have called on the Venezuelan Government to respect the universal human rights and fundamental freedoms of its citizens.

We have strong historic and cultural ties with the Venezuelan people, and we remain committed to our relationship with them. But the future of Venezuela is for the Venezuelan people to decide. They have real concerns that deserve to be addressed. Venezuela's serious and worsening economic and social problems require democratic solutions.

We defend human rights activists and fundamental freedoms around the world, including in Venezuela. Our commitment to democracy and human rights is unwavering and remains the center of gravity for our strategy in the region.

We remain committed to working with member states to utilize the OAS, in conjunction with other regional and subregional efforts, to advance real dialogue in Venezuela. The OAS, as the region's premier multilateral institution, can and should assume a greater role to find a peaceful resolution to the crisis in Venezuela, consistent with its mandate to promote peace, democracy, and respect for human rights in member states, as expressed in its Charter and in the Inter-American Democratic Charter.

Mr. Chairman, I would like to end by saying that I sincerely appreciate the support that the Senate Foreign Relations Committee has provided to our core foreign policy interests in Venezuela and the hemisphere. We are united in our core strategic goals. We all seek to advance democracy, human rights, social development, security, and economic prosperity in the region. There is strong, bipartisan cooperation where it matters most between the State Department and this committee, as well as among this committee's members and staff, to the great benefit of our country.

The CHAIRMAN. Secretary Malinowski.

**STATEMENT OF HON. TOMASZ P. MALINOWSKI, ASSISTANT
SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN
RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE, WASH-
INGTON, DC**

Mr. MALINOWSKI. Thank you, Mr. Chairman, Ranking Member Corker, Senator Rubio. Thank you for having us here today and for all of your efforts to make sure that the spotlight continues to shine on Venezuela, even as we face so many other crises around the world.

I want to start by putting this in a broader context and remarking that in the last several decades, democracy and respect for human rights have spread dramatically in Latin America. This has been one of the most extraordinarily positive transformations that we have seen anywhere in the world. As a result of it, we have been able to resolve armed conflicts. Prosperity has grown and is benefiting more people throughout the region. There are more opportunities for countries in the Americas to cooperate than ever before.

And the United States has worked extremely hard to support this progress over the years and to push back when it is challenged. We have done so with countries that are our friends like Mexico and Colombia. We have done so with countries with which we have more strained relationships. We have done so by providing direct support to empower local communities and give citizens a voice in government. We have done so by championing the Inter-American institutions that are supposed to protect this progress and to hold every country in the region to the same high standards.

But democracy is still under threat in Latin America. This progress is still under threat. And what is happening in Venezuela illustrates the threat perfectly. Venezuela reminds us that democracy is nothing without checks on government power. It requires a strong, independent judiciary, a free press, separation of powers, and respect for individual rights. The idea that winning an election gives the winner the power to impose his will without any institutional limits is as dangerous to democracy as a military coup, a point that we have occasion to make in many parts of the world these days. If that idea is legitimized in Venezuela, the region could go back to a time when states and societies were in conflict, as we are seeing on the streets of Venezuela today.

So those are the stakes for us. That is why this is important.

Well before the current crisis, as you know, successive rulers in Venezuela eroded respect for democratic principles in several stark ways, engineering the takeover of television stations, blocking Internet sites, stripping opposition parliamentarians of their immunity, politicizing the judicial system and using it to intimidate and punish selectively critics of the government. When judges have resisted government pressure, they have been punished, for example, the case of Judge Maria Afiuni who was imprisoned, abused, spent 4 years under house arrest, and remains on trial as we sit here today because she tried to do her job and enforce the law in Venezuela.

The protests in February began as a reaction to increased crime, but they quickly evolved into a movement to restore the democratic freedoms that Venezuelans have lost. The government has re-

sponded, as you mentioned, with tear gas, with plastic bullets, leaving more than 40 people dead and hundreds injured. It has empowered armed civilian thugs to intimidate and kill those Venezuelans who continue to march, harassed and intimidated television and radio stations, newspaper staffs and independent journalists, prosecuted political opponents like Leopoldo Lopez, shut down the Colombian television station NTN24 to stop its widely viewed live broadcasts of opposition protests.

The administration has consistently condemned these human rights abuses and called for the restoration of democratic rights and freedoms in Venezuela. Just yesterday, Secretary Kerry did so again saying that the people in the streets have legitimate grievances that deserve to be addressed.

We have encouraged constructive pressure and involvement by other countries in the region, and to that end, Mr. Chairman, I want to thank you for your help in raising Venezuela with Mexico's President during your visit there in February. We have pressed the case at the OAS, at the U.N. We have continued to support targeted programs in Venezuela that promote democratic participation and help people overcome restrictions on freedom of expression, and we will not be deterred from continuing those programs.

As Assistant Secretary Jacobson described in detail, the United States has also supported the mediated talks led by UNASUR with Vatican engagement. But we do not view dialogue as endless or as an end in itself. It is a means to an end, the restoration of the rights and freedoms Venezuelans have been denied for a generation. As Secretary Kerry said yesterday we will not stop defending those rights.

So, Mr. Chairman, let me close by thanking you and others on this committee for raising awareness of the crisis. We are grateful for your longstanding commitment to advancing human rights and democracy in this hemisphere, and I would be happy to join Assistant Secretary Jacobson in answering any questions you have. Thank you.

[The prepared statement of Mr. Malinowski follows:]

PREPARED STATEMENT OF HON. TOM MALINOWSKI

Chairman Menendez, Ranking Member Corker, members of the committee, I am glad for this opportunity to appear before you today to discuss the deteriorating human rights situation in Venezuela. I join my friend Roberta Jacobson in welcoming your strong support for human rights, democracy, and rule of law in Venezuela.

In the last several decades, democracy and respect for human rights have spread dramatically in Latin America. Dictatorships have fallen, and civil society has risen. As a result, a number of armed conflicts have been resolved. Prosperity has grown and is benefiting more people. There are more opportunities for countries in the Americas to cooperate to grow our economies and increase the security of our people than ever before.

The United States has worked hard to support this extraordinary democratic progress, and push back when it is challenged. We've done so with friends such as Colombia and Mexico as well as with countries where our diplomatic relationships have been more strained. We have done so by providing direct support to people and nongovernmental organizations working across the hemisphere, from the bottom up, to empower local communities and give citizens a voice in government. Under Roberta's leadership, we have done so by championing the Inter-American institutions, including the OAS and its Inter-American Commission on Human Rights and Inter-American Court, which protect this progress and hold every country in the region to the same set of standards.

But democracy is still under threat in Latin America, and what is happening in Venezuela illustrates the threat perfectly. Venezuela reminds us that democracy is nothing without checks on government power; it requires a strong, independent judiciary, a free press, separation of powers, and respect for individual rights. The idea that winning an election gives the winner the power to impose his will on society without institutional limits is as dangerous to democracy as a military coup. This idea is at war with the basic principles that champions of human rights in Latin America have fought to enshrine in their national constitutions, and in Inter-American institutions. We have a stake in standing up for the principle, as President Obama put it speaking in Santiago, Chile, “that simply holding power does not give a leader the right to suppress the rights of others, and that leaders must maintain power through consent, and not coercion.” If that principle is undermined, the region could go back to a time when states and societies were in conflict, as we are seeing in Venezuela today.

- The government has shut off all avenues of recourse, politicizing the judicial system, and using the judiciary to intimidate and selectively prosecute political, organized labor, and civil society leaders who were critical of government policies or actions. One judge who tried to rule according to law, Judge Maria Afuni, was imprisoned, abused, spent 4 years under house arrest and remains on trial as we sit here today. Her crime? Ordering the release of a prisoner who had already served the maximum sentence without ever having been tried.
- Last May the government engineered a takeover of the opposition-oriented Globovision television station by a company with government ties. Globovision has now, of course, lost its editorial independence.
- In November, President Maduro announced that the government blocked seven Internet sites that post dollar- and euro-currency exchange rates other than the government’s official rate. Maduro accused these Web sites of creating economic instability and stated his intent to crack down on businesses that inflate prices to equal the unofficial rate.
- Also in November, the National Assembly revoked the parliamentary immunity of opposition National Assembly Deputy Maria Aranguren and charged her with corruption, money laundering, and embezzlement. That action paved the way for President Maduro to pass a bill authorizing him to rule by decree for 1 year.

The Department has for the last several years consistently highlighted the steady erosion of democracy and human rights in Venezuela, first under the Chavez and now Maduro administrations. The annual Country Reports on Human Rights submitted to Congress each year documents this trajectory publicly.

In the current crisis, the government has intensified its assault on the rights of citizens to organize and express themselves freely. This time around President Maduro has made the media a particular focus of suppression, recognizing that an informed Venezuelan populace would present a threat to the government’s power and control.

Though protests in February were launched primarily as a reaction to increased crime, they have since spurred a full-fledged movement aiming for the restoration of democratic institutions, and for some, the resignation of President Maduro.

The government has in turn responded with tear gas and plastic bullets, leaving more than 40 people dead and hundreds injured. The government has harassed and intimidated television and radio stations, newspaper staff, and independent journalists, along with political activists and opposition leaders.

- The Maduro administration continues to persecute political opponents, such as Leopoldo Lopez, who last week spent his 43rd birthday in a military prison after surrendering himself to authorities nearly 3 months ago. He still awaits a hearing, and is all but guaranteed to be found guilty for spurious charges fabricated by the government.
- In February, the government shut down the Colombian television station NTN24, to stop its widely viewed live broadcasts of opposition protests. The station is now only available via the Internet.
- The Maduro government stripped National Assembly Deputy Maria Corina Machado of her seat in retaliation for her presence at the OAS in March.
- The government has jailed two opposition mayors, Daniel Ceballos and Enzo Scarano, the first sentenced to a year in prison on charges of “civil rebellion” and “conspiracy”; the second sentenced to 10 months in prison for failing to dismantle barricades.

While dismantling the independent media and jailing local officials who dare to dissent, the Maduro government is simultaneously empowering armed civilian thugs, or “colectivos” to intimidate and kill those Venezuelans who continue to march.

In turning to what we can do in response to the worsening situation in Venezuela, I remind this committee of Secretary Kerry's speech before the OAS in November 2013, where he stated that "Successful democracies depend on all citizens having a voice and on respecting those voices, and all governments having the courage and the capacity to listen to those voices." The United States as Assistant Secretary Jacobson has described in detail continues to call for a dialogue with all Venezuelans in a climate of mutual respect. In that vein, we are encouraged by the mediated talks led by UNASUR, with Vatican engagement.

Constructive involvement by Venezuela's neighbors will be essential to helping this highly polarized society reconcile. Regional civil society and media can also play a valuable role in supporting Venezuelan efforts for democracy and reporting on government abuses. One encouraging example was when several news outlets in Colombia shipped newsprint to Venezuela, after local newspapers were unable to restock their supplies due to government currency controls. We encourage Latin American civil society to continue supporting the Venezuelan people and to advocate their own governments to speak out as the situation deteriorates. To that end, Mr. Chairman, I want to thank you for your help in raising the situation in Venezuela with Mexican President Enrique Peña Nieto during your visit in February.

We also press Venezuela diplomatically in the multinational arena. During the March session of the U.N. Human Rights Council, we raised Venezuela several times. We are hopeful that the Inter-American Commission on Human Rights can bring regional pressure to bear. Last month, the Commission released its 2013 report, which included special reports on the situations of some member states, including Venezuela. The Commission declared that the Venezuelan Government is in serious breach of the core requirements and institutions of representative democracy outlined in the Inter-American Democratic Charter, and detailed the abuses and deterioration of democracy I have mentioned already. In March, the Commission held hearings on the situation in Venezuela, at which human rights defenders and other members of civil society were able to formally report the violations they have witnessed.

In close coordination with our other State Department colleagues, my Bureau, DRL, focuses on generating and providing support for human rights and democratic governance in Venezuela. We continue to run targeted programs that promote public participation in democratic processes and highlights restrictions on the freedom of expression. Our programs are available to all individuals regardless of political affiliation, and their fundamental purpose has been and will continue to be to promote the universal freedoms and rights Venezuelans have been denied for almost a generation.

Mr. Chairman, let me close by thanking you and others on this committee for raising awareness of the crisis in Venezuela, which is often overshadowed by other world crises.

We are grateful for your longstanding commitment to advancing human rights and democracy in this hemisphere. I am happy to answer any questions you may have.

The CHAIRMAN. All right. Well, thank you both for your testimony.

Madam Secretary, I know that the Obama administration, as is evidenced again today by your testimony, has supported the UNASUR-mediated negotiations between the Venezuelan Government and the opposition. And while expectations may have been very high during the public initial meetings, very few results have been produced.

Meanwhile, members of the opposition, including Leopoldo Lopez, remain in prison. We now have documented evidence of systemic human rights abuses and cases of torture, and just this morning—this morning—250 students were arrested in Caracas.

So can you tell me the specific diplomatic efforts beyond that which you testified? I hear that we have things going on behind the scenes. Well, what is going on that we have faith in?

I heard you say—and I understand when you say we do not want to be a distraction, meaning we, the United States. We do not want the Maduro government to use the United States as a distraction. At the same time, we will not remain silent as it relates to human

rights. It seems to me that we run the risk of doing what many of our South American neighbors do, which is that we do not want to, "intervene in the internal affairs of another country." In the interim, people get arrested, tortured, and jailed. I do not know how long I am personally willing to wait for those set of circumstances to continue without pursuing a more vigorous action such as the sanctions that several of us have called for.

So talk to me in the context of that set of circumstances.

Ms. JACOBSON. Thank you, Mr. Chairman.

I think all of us are frustrated in the sense that—you are right—there were very high expectations as the two sides sat down to talk, really the first time in at least a decade that the opposition and the government had the opportunity—certainly that the opposition had the opportunity to sit down and talk about some of the grievances that they had on democracy, on human rights and, indeed, in the first meeting that they had to do so on live broadcast TV and have those grievances heard by the majority of Venezuelans. And so that raised a lot of expectations.

Those expectations have clearly not been met with results quickly. And I think that there is impatience from the international community and from Venezuelans themselves that some results need to be seen. And you are absolutely right. So far, we have not seen results. We have seen the arrests this morning of students who were protesting in four different locations in Caracas, and I think we have got to condemn those arrests in the strongest possible terms. Those were peaceful protests.

But we also have to recognize that the Brazilian and Colombian and Ecuadorian Foreign Ministers who are helping to support this process and mediate this process, as well as the Vatican Nuncio, are actively engaged in working on all four parts of the agenda that the two sides have agreed to, that they believe there continue to be reasons for optimism, that movement is possible, as do the opposition members taking part in the technical working groups on the different agenda items. Again, I do not think—and I want to emphasize that the process is important because it is the first time they have had such a process, but it cannot be endless.

The CHAIRMAN. Well, that is my point. That is what I want to know.

How many more people have to be tortured? How many more have to be arrested? How many more have to be fired upon before we say, well, guess what, the process is not working? Because when you are in the midst of supposedly a dialogue and you arrest 250 peaceful protestors, you are not sending a message that such dialogue is moving in a direction in which you intend to ultimately ensure that a possibility for a negotiated settlement will be achieved. And when President Maduro puts op-eds here in the United States that say, please, do not intervene, while he systematically abuses the rights of his own citizens, I just think that we are at a point in time where the actions belie the words.

And so I appreciate what those countries are doing, even though I must say in the case of some of those countries, you know, it is difficult for Colombia when there are several million Colombians in Venezuela and when they are hosting the discussions with the FARC under the auspices, even though they are not hosting it—the

Cubans are hosting it, the discussions with the FARC—for them to pressure the Venezuelan Government very much.

Ms. JACOBSON. You know, I think one of the things that is most important, as these talks move forward, is whether or not significant elements of the opposition remain committed to those talks. What we do not want to do is something that would abandon their effort in those talks. You are absolutely right. The actions taken by the Venezuelan Government today do not support the efforts at the dialogue table. They are not the kinds of efforts that members in a dialogue, in a negotiation take to give confidence to that process. And I want to be clear about that. And you are right. We need to be clear about that regardless of whether that is viewed as interference. So we are not going to—

The CHAIRMAN. Where is the administration's calibration? Where is the point or sense—I am not asking for a redline because that creates all types of trouble. But I am asking for some sense of when is it that we say, well, you continue to arrest students, you continue to torture people, you use the judiciary system as a system of oppression, not a system of justice, you can have dialogues endlessly while you go ahead and do all those things—when is it that we think that it is time to take a more affirmative stance such as targeted sanctions?

Ms. JACOBSON. I think that point comes—and I do not know that I want to lay out the exact criteria that would be the equivalent of a redline. But I do think it does not come 1 month after they started, which is what we are at. I also do not think it comes while there are significant members of the opposition believing that there still is a possibility for positive movement. So I think it comes in consultation with people who are engaged in the talks themselves.

The CHAIRMAN. Is time the question? Let us give it 2 months, 3 months, 4 months? Is it the number of people who get arrested? Is it when those who are participating say, you know what, this is not going anywhere?

Mr. MALINOWSKI. I think there are many factors, Mr. Chairman, but the most important factor for me, as I approach these problems, whether it is in Venezuela, whether it is in Russia, whether it is in Burma, whether it is in any country that is undergoing this kind of internal conflict over fundamental issues of democracy and human rights—for me, the most important question is the judgment of the people who are trying to help on the ground. And that is also not a black and white question because, as we all know, there are differences within the opposition.

But I can say that the judgments that we have made and that we are making on literally a day-by-day basis are informed by consultation with very, very brave and dedicated people in Venezuela who have chosen for now to give this dialogue a chance and who may not choose to give it a chance next week or the week after if these arrests continue. So I think it is fundamentally their judgment to make, first and foremost, at what point do we as an opposition give this dialogue another day, another week, given what is happening, and in consultation with them, informed by their judgment, we will make our judgment.

The CHAIRMAN. Do you believe that Venezuela's student movement and other sectors of civil society should be included in the dialogues between the government and the opposition?

Ms. JACOBSON. We have been very clear, and I think I mentioned this in the testimony. We absolutely believe that they have to be heard. They are a very important voice. They are not at the table. Including those who are at the table, the MUD (Democratic Unity Roundtable), the members of the opposition who are participating in the dialogue have said they believe the voices of the students have got to be heard in this discussion. So absolutely, their voice is critical.

The CHAIRMAN. Well, let me just say, as I turn to Senator Corker, my personal patience is waning. I do not want to sit by and see hundreds arrested, people tortured. I think the human rights report, unless you want to dispute it here, is pretty exacting. We will hear from them in the second panel.

I would really urge members to read the report because if you can read the report and believe that nothing should be done, then there is something wrong.

Senator Corker.

Senator CORKER. Thank you, Mr. Chairman, again for having this hearing, and I appreciate the leadership you and Senator Rubio have shown on this issue and causing this to happen. And I especially appreciate having a hearing in that I know there is some legislation that is proposed right now. I know the administration officials always come in here and thank us for our help, but they really do not want it at the end of the day and do what they can to keep that from occurring.

So what I would like to ask today, because I know at some point we will need to be dealing with some legislation that has been put forth, is to, first, understand where we are today, where it is that if you had the ability to affect—I know we have this dialogue underway. I know the country is deeply divided. I know they have got all kinds of economic issues. And it is really at a critical juncture.

What are the steps that you would like to see the country move through over the course of the next 6 months? What is it you are trying to make happen over this next 6 months?

And then I want to move to some of the tools that Menendez and Rubio have put forth and understand how they would or would not be effective from your standpoint.

Ms. JACOBSON. Thank you, Senator Corker.

Let me start out by saying that the central goal that we have is to help Venezuelans move their country toward democracy, toward respect for human rights. Ultimately the steps that are taken to get there are for Venezuelans to decide, but you can see in the agenda item of this dialogue some of the issues that we would like to see move forward. They are things like a real discussion and movement on the political prisoners, the many people who have been detained and should be released, a real discussion on the incidents of violence that took place during these protests. That is the reason a truth commission has been set up as part of—or will be set up as part of the dialogue.

There is also the issue—and I think this was a crucial one as part of the dialogue. It has been called the “rebalancing” of public

institutions, the notion that positions on the Supreme Court, the electoral tribunal, indeed, the management of the national assembly are vacant because the government has not allowed elections to be held for those jobs and they have packed those entities with government officials such that the opposition has no voice in those institutions who run the branches of government in the elections that are held in Venezuela. So a level playing field is critical for future elections and legislation.

Those are some of the kinds of steps. Obviously, commitments to respect human rights, to reduce the violence are critical as we move forward. Easing and ending the restrictions on freedom of expression, freedom of association and assembly, the crackdown on civil society I will leave to Tom who is a greater expert on some of those aspects. But those are the kinds of steps that have to be taken, it seems to us, for us to achieve the goal. Again, that is for the Venezuelans to have a discussion on moving towards greater democracy.

Senator CORKER. So, for instance, we, as you well know, have had discussions about Ukraine and sanctions. We actually passed some out of this committee and may be looking at more. I hope we are. But the discussions have been around really sort of tangible things that you can see and touch and feel and you understand whether they are happening or not.

The things you just laid out, obviously, are very, very important. There is no fine line in each of those. In some cases, maybe the release of prisoners and that kind of thing. That is a fine line.

So as you look at two members of our committee that care deeply about this and others who want to make sure we understand the issue more fully and want to look seriously at what it is they propose, sanctions are one of the tools that have been put forth. And could you talk to me a little bit about how from your perspective targeted sanctions—first of all, what kind of targeted sanctions would you believe, if any, would work in this case? And again, what would be those things that you would measure relative to whether they were being effective or needed to be applied? A little bit of a twist on the question that Chairman Menendez asked.

Ms. JACOBSON. You know, I would like to ask Tom to address this as well because he has a great deal of experience.

One of the specific issues, obviously, that has been raised in the draft legislation is the use of sanctions in the specific area of human rights abuses and those who have either directed or been part of human rights abuses. We have certainly looked at and have been very forthright about the fact that we are obviously considering and consider part of the tools of our foreign policy and diplomacy sanctions, if you will, such as revocation of visas and other economic sanctions, whether it is asset blocking or other things, under the authorities that we have, that we already have.

Senator CORKER. I think sometimes, you know, Congress feels like that even though you have those authorities, which we are witnessing in other countries right now, they are not utilized, and sometimes Congress wants to push you along. So if we were going to nudge you along, how would you like to be nudged in that regard?

Ms. JACOBSON. Well, I think you will not necessarily be surprised to hear me say that we actually think we do not necessarily need the nudge. We are considering these things. We do think that right now they would be counterproductive, that they would enable the Venezuelan Government to go back to that sort of victim mentality using us, but there may well come a time at some point in the future when they would be useful if there has not been movement at the table. I may leave to my colleague to express when he believes they would be useful. Targeted sanctions have been useful around the issue of human rights in other cases. But I think they would have to be very specific, and we would have to be looking at a sticking point in an area of negotiation where things were not moving forward.

Senator CORKER. So you would be concerned that they today might be a unifying thing within the government versus something that would be helpful towards moving them along, before we move to Tom.

Ms. JACOBSON. Absolutely. Unfortunately, I do think they would be a unifying factor in the government, and I think they would serve to reinforce the narrative of this being about the Venezuelan Government standing up to the United States, unfortunately, which is not a narrative we want to see. This is about the Venezuelans standing up for their own rights.

Mr. MALINOWSKI. I am a big believer in targeted sanctions, as many of you know. We have employed them in a number of contexts that are not entirely different from this one. I would point to Burma over the years as a place where targeted sanctions were particularly effective in not just highlighting human rights abuses, because that is symbolic, but in empowering an opposition to pursue success in dialogue with an authoritarian regime. We are employing them in Russia and Ukraine in a somewhat different context but one that is rooted in a human rights crisis. They work in some places. They do not work everywhere. Timing is extremely important.

And as I mentioned before, I think one of the most important factors that we have to consider, again on a day-by-day, week-by-week basis, is what are the people on the ground telling us. What is going to be helpful to them? What is going to empower them? What do they think is going to be effective as a way of dividing the government in question from its support base? What is going to give them leverage?

So for me, this is really a day-by-day, week-by-week question in Venezuela. I have absolutely no objection in principle to the use of targeted sanction, and I have got no objection to being nudged because that is Congress' role. But I do want to make sure that if we do this, we do it at a time—

The CHAIRMAN. This is refreshing.

Mr. MALINOWSKI [continuing]. That is going to give us the best chance of achieving our objectives.

Let me suggest one other factor, and that is that wherever we have used targeted sanctions, it has been extremely important to try to make the pressure that we apply as multilateral as possible, whether that is getting other countries to apply sanctions of their own or just diplomatic pressure. And that is another element of the

timing here. I want to make sure that if and when we take this step, if we feel that we need to, we do it at a moment where it will be best timed to generate multilateral pressure. And I think a question that some of our partners will ask is have we given this dialogue enough of a chance. Now, one may feel that that time has come. One may feel that that time has not yet come yet, but that is an extremely important consideration I think we have to take into consideration.

Senator CORKER. Mr. Chairman, thank you.

I want to thank you, Tom, for the tremendous efforts you have put forth in other arenas relative to human rights. It seems to me there may be a little daylight between the two of you in your presentations today, and my guess is other members of the committee may exploit that. But we thank you both for being here and we look forward to—

Mr. MALINOWSKI. We both agree that this is not the time to use the tool, and I think we both agree that it is a potentially effective tool. It is a question of picking the right time to make sure that we achieve the effect that we want.

The CHAIRMAN. Before I call on Senator Durbin, let me just make two observations—I cannot resist—especially for the ranking member, who I think will appreciate one of these observations.

I have never had the administration—this or other ones, not just this administration, to be very fair—ever look at me on the question of sanctions and suggest to me that it is not a unifying factor for the government that is targeted. I heard that about Iran. We have heard it to some degree about Russia. So that question of a unifying factor for the government that is targeted is always going to be a reality. They will always feel like this is the United States and others trying to impact us. So I am not greatly moved by that.

And to the extent they will consider themselves victims, well, the only victims are the members of civil society who are suffering in jails. The only victims being tortured are members of civil society. The only people who are victims are political leaders who are in jail simply because they have a different view than the government. They are the ultimate victims here. So I am not too worried about Maduro feeling like a victim, although I do appreciate the issue of timing, but we may have a difference at some point in time as to when that is the appropriate time.

Senator Durbin.

Senator DURBIN. Thanks, Mr. Chairman.

Thank you for your testimony.

Senator McCain and I and others on the panel visited Ukraine 6 or so weeks ago, and I came back to Chicago to report to the Ukrainian Americans—and we have a lot of them, maybe the most in the country—in Ukrainian Village, a section of Chicago. And I have noted that there were many, many Ukrainians, 500 or more, Poles, Lithuanians, Latvians, Estonians, Georgians, and Venezuelans. And we talked for a few minutes afterward, and I could not help but be struck by some parallels and similarities when we look at realpolitik in the 21st century between Nicolas Maduro and Vladimir Putin. Both of them have the military and the police force behind them, but their club, their political club, their source of extortion is energy.

And then I take a look at the vote in the United Nations when it comes to condemning Vladimir Putin's aggression in Ukraine. And the list of the nations that voted against us on the side of Putin include Argentina, Bolivia, Brazil, Cuba, Dominica, Ecuador, El Salvador, Guyana, Jamaica, Nicaragua, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Uruguay, and Venezuela. Many of these nations have suffered under military regimes, but they were prepared to look the other way when it came to Vladimir Putin in the Ukraine. And I think it has a lot to do with the fact that they are under the same pressure when it comes to energy and when it comes to Venezuelan oil.

We saw the same thing in the closing of the OAS meeting which I think was an indication that they feel the pressure that comes on them from the oil exports from Venezuela.

I would like to ask you, either or both, to comment on that, but I would like you to also comment on something else. One of the major customers when it comes to Venezuelan oil and the purchase of that commodity is the United States of America. How do we reconcile this notion that we are trying to at least indirectly pressure Venezuela into positive political change while we subscribe to—or at least while we are part of the support of his economy through the purchase of oil? Would that not be very obvious for us to lessen our dependence on Venezuelan oil as an indication of our feelings about their political regime?

Ms. JACOBSON. Thank you, Senator Durbin.

Let me start out by saying that, not being an expert on oil or the administration's point person on energy policy, I have long ago recognized that I dare not venture too far into making comments about our energy policy or who we purchase oil from to mess up the energy market. So I am going to be a little tentative there.

But I will say that one of the things I think is important over the last couple of years is you have seen a steady downward trend in imports from Venezuela, United States imports of Venezuelan oil, a steady downward trend. I believe the percentage over the last decade or so is 10 percent or more reduction in Venezuelan oil coming into the United States. And I think that is likely to continue as U.S. production increases.

So I do think that our dependence and our purchase of Venezuelan oil is likely to continue to decrease. It is one of the reasons the Venezuelans have been seeking other markets, including the Chinese.

On the question of the vote in the United Nations, in particular, and also in the OAS, let me say that in the U.N., the countries that you mentioned—I would split them a little bit because the ones that I think we are really talking about are the Caribbean countries and some of the Central American countries who are highly dependent on imported oil, which has been a serious problem for those countries for a long time. It has been a problem because of cost, which is why they are so attracted to subsidized heavy oil, but it has also been a problem because of simple dependence on one source of energy. And it has been something that we have been working with those countries on for a long time, but I think it has become a more acute problem as we have all realized over the last

few years that it is not just an economic problem and an environmental problem. It is also a political problem.

And so we have been talking to those countries about how they diversify their sources of energy, about how we can help them with that process. And we have also begun to talk with neighbors who can play a role in that process. When the President was in Toluca in Mexico in March for the North American Leaders Summit, he talked extensively with the leaders of Canada and Mexico about how we could work together to help the countries of Central America and the Caribbean because all of us are increasing our energy production. And the countries in those two subregions can only really increase their own attractiveness to investors, whether it is in other forms of fossil fuel like natural gas or it is in renewables, as a regional market.

Senator DURBIN. You are taking this off in an area which is very interesting and should be the subject of a hearing. What I am asking you is when it comes to our importing Venezuelan oil—you have said we have lessened our imports because we are producing more. We now have an intervening situation, post-Chavez. We have a situation in Venezuela that we are trying to show some leadership in suggesting they democratize their own nation. I do not think the natural diminishing of our imports, as we have more fracking in the United States, is what I am talking about. I am talking about whether or not we make a statement or prepare to make a statement that if Venezuela is not going to be more forthcoming in negotiations or in democratization, we are going to start not gradually but eliminating our import of Venezuelan oil. Why would we not say that?

Ms. JACOBSON. Senator, I do not know what the cutoff in our purchase of Venezuelan oil would do to oil and gas prices in the United States, and I do not know what our policy—the impact on our economy would be of no longer purchasing Venezuelan oil. We have a long, and our oil companies have long, commercial relationships with Venezuela. So I just cannot tell you that that would be something that economically from one day to the next would be something we would do.

Senator DURBIN. You have just made such an argument against sanctions by saying this could hurt our country if we impose sanctions on Venezuela. How are we ever going to rally countries around the world to join us in any sanctions regime related to Ukraine or related to Venezuela if the first line of defense is, please, I do not want to inconvenience us? Now you have just said sanctions are really not going to be worth the conversation. We cannot have it both ways. I do not want to see our military engaged around the world. I want to see effective sanctions regimes, but if you start saying, you know, we may feel this if we impose some sanctions, for goodness sakes, is that not what it is all about, that we feel it, at least temporarily to solve a problem so we avoid sending in military force?

Mr. MALINOWSKI. In the conversation about sanctions, energy sanctions are the nuclear option in all of these contexts, and it is true in the Russia-Ukraine situation as well, as you know, Senator, where we have started with targeted individualized sanctions on individuals, then on entities, then on companies, and have made

clear that we are prepared to go to much deeper sanctions against sectors, one of which, in the case of Russia, is the energy sector, if the situation demands it, but recognizing that of all the sanctions that one can consider in a situation like that, that would be the one with the greatest economic costs, not just for us but for the global economy. All sanctions have costs, and absolutely you cannot have an effective sanction that does not hurt anybody. But one does have to take into account the costs, and I think in any of these situations, if we go down the sanctions route, I think we would probably begin with carefully targeted and calibrated sanctions which I think generally tend to be effective on their own.

Senator DURBIN. Thank you.

Ms. JACOBSON. Can I have one more point? I am sorry, Senator.

That is exactly right. But part of the reason that we have not looked at that is really not just about us. It is about the Venezuelan people that would be hurt by such a cutoff as well.

Senator DURBIN. I think you continue to make arguments against sanctions. And I have to ask you, What is your alternative? I mean, as Senator Menendez has said, every time we start to impose sanctions, they say, well, you are just going to unify the country that we are targeting for sanctions. And if we start with the premise that we cannot do anything that might affect the Venezuelan economy because it will hurt innocent people, we find ourselves, at the end of the day, saying, well, there just are not many sanctions. You know, prohibiting John McCain from visiting Russia I am sure was a great blow, but he has somehow weathered that storm. But we have to think in terms of if we are not going to use military force, what are sanctions that might result in a positive outcome.

The CHAIRMAN. Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman and the ranking member, for holding this hearing.

I want to bring some clarity to this hearing. I appreciate very much Senator Durbin's voice on this issue, and I agree with just about everything he has said. But I want to refocus us back on what this hearing is about.

The purpose of this hearing is that there has been a bill filed in the Congress to sanction individuals related to and in the Government of Venezuela for human rights violations committed against their own people. People have been murdered in Venezuela. People are detained indefinitely in Venezuela. Even as we speak, Leopoldo Lopez—his hearing has, once again, been indefinitely postponed. There was a young man sodomized in Venezuela by government forces. Women have been threatened, threatened with rape in Venezuela by government forces and those aligned with the government.

What we are talking about here are sanctions against individuals responsible for human rights violations. It is typical in this process to set up these straw men, oh, we are not going to send boots on the ground, we are not going to sanction the oil industry. The bill we have filed does not do any of that. We have filed a piece of legislation, and the purpose of this hearing is to call attention to human rights violations in Venezuela. And what we are saying is we should sanction human rights violators who, by the way, happen to

be people that travel to the United States with impunity, buy properties in the United States, laugh at us along the way, invest in our banks, send their kids to our schools. They have zero respect for this Government.

What I have heard here today in responses, we do not want to sanction these people because it might unite them against us. Let me give you a brief bulletin: They are already united against us, other than when they come here to benefit from our free society on weekends in Miami and then go back and live off their newfound millions and billions that they have stolen from the people of Venezuela.

This is not a hearing on oil sanctions. There is no bill before us to sanction oil in Venezuela. This is a bill that we are hopefully going to get to to sanction human rights violators in Venezuela. What I heard today is we should not sanction human rights violators because it might disrupt the process that is going on in Venezuela. Well, we sanctioned human rights violators in Russia. Why is what is happening in Russia more important than what is happening in Venezuela? We sanction human rights violators all the time, personally, individually, and we have their names. These are not even hard to find. These people brag about what they are doing in Venezuela. The only difference between those sanctions, those people and others, is they spend their weekends in Miami. They spend their weekends in Florida.

Mr. Malinowski, you have in your statement—you talk about Globovision, which was once an independent television operation in Venezuela that actually covered news. What happened to Globovision? It was given over to allies of the Maduro regime and the Chavez regime. It is now a propaganda arm of Venezuela. Do you know where they live? Do you know where they live? They live in Miami. They own a multimillion dollar mansion in Cocoplum, in a very exclusive neighborhood in Miami. They drive up and down the streets in their fancy cars. They laugh at you and they laugh at us because they know they can get away with these things.

So, let me ask you this. Who in the opposition in Venezuela has asked you not to impose sanctions against human rights violators because it might disrupt the dialogue? Who has asked you not to do that? Either one of you. Who has asked you not to impose sanctions against human rights violators among the opposition in Venezuela?

Ms. JACOBSON. Senator, I am just not comfortable sitting here and giving you individual names. Members of the MUD who are participating in the dialogue have discussed this with us.

Senator RUBIO. Listen to what you just told me: You are not comfortable telling me their names because you fear for their safety. What kind of dialogue is that? What kind of dialogue is that where the people that are involved in the dialogue cannot tell you what they really believe? That is a fake dialogue.

So is it the policy now of the United States that as long as this dialogue is somewhat successful, we are going to forget the human rights violations? So we will just send a statement to condemn them, but we will not do anything about it.

Ms. JACOBSON. Absolutely not, and I think we have both said that we will speak out, we will make statements, but we will also

consider those sanctions. As Assistant Secretary Malinowski said, we will keep considering that and we will use those when we think the time is right.

Senator RUBIO. So there is a timing element when it comes to human rights violations? In essence, there is a time when human rights violations are ripe?

Ms. JACOBSON. There is a timing element when it comes to the response of a particular tactic on human rights violations, not our condemnation.

Senator RUBIO. Give me an example where we have held back on human rights violations sanctions because of timing anywhere else in the world. Give me an example of when the United States has said, we know you have committed human rights violations, but we are not going to sanction you because we are waiting for something else to happen. Give me an example of when we have done that successfully. Mr. Malinowski, you have been involved in this.

Mr. MALINOWSKI. I mentioned Burma as a case where we have applied sanctions very effectively over time. There are still human rights violations going on in Burma, but we have a process. We have a democratic process, a process of dialogue. And in consultation with the opposition, we have not continued to impose additional targeted sanctions over the last couple of years but remain ready—

Senator RUBIO. Why did the dialogue happen in Burma?

Mr. MALINOWSKI. In Burma?

Senator RUBIO. Yes. What was one of the things that led to the dialogue being successful?

Mr. MALINOWSKI. As I acknowledged a few moments ago, sanctions in that case did. We had an opposition in Burma that made very, very clear that at that point it was important and useful and effective for the United States—

Senator RUBIO. I agree with what you said. This is not a United States-Venezuela issue. This is for the Venezuelan people to decide what they want to do with the future of their politics. The purpose of our policy here is not the change the government of Venezuela, despite Maduro's claims. That is not for us to decide. That is for the people of Venezuela to decide. What we are saying is we have individuals that benefit greatly from the economy of the United States, particularly in my State. They benefit greatly from what they do in this country with our banks, our schools, our businesses. They invest with impunity throughout Florida and the country. These people also happen to be human rights violators or the associates of human rights violators. And all I am saying is we should sanction them for what they did. This is not about changing the government in Venezuela. That is up to the people of Venezuela to decide. This is about punishing and shaming individuals responsible for human rights violations.

And I guess, to your point, Mr. Malinowski—I mean, I know your reputation. The first time we met was in a prison in Libya. We were not living there, either one of us. I mean, we met there, as we were touring it. [Laughter.]

This is what you have dedicated your life to. I know you are not here today to argue that we should somehow look the other way on human rights sanctions—

Mr. MALINOWSKI. I am not.

Senator RUBIO [continuing]. Until the appropriate time.

Mr. MALINOWSKI. Sanctions serve two purposes in a situation like this.

One is accountability, and there are times when we impose sanctions on people who have done horrible things because they have done horrible things and because it is the only thing we can do to make sure that they pay a price.

There are other times when we impose sanctions and we determine the timing of the imposition of sanctions because we think there is a chance to make the kind of political progress that will end those human rights violations.

Now, in a country like North Korea, for example, there is not a scintilla of a chance that I see of political progress that is going to free people from concentration camps. In a situation like that, the role of sanctions is to highlight the problem and to impose accountability.

On Russia, there is no dialogue.

Senator RUBIO. I know, but I cannot believe that your position, given your history, is that the United States must now—so now our message to the people of Venezuela and to those who have suffered at the hands of these brutal oppressors is I am so sorry that you were sodomized by a pipe or by the butt of a rifle, but we think, for the sake of your country, that we are going to hold off shaming the people and sanctioning the people responsible for ordering that because we think there might be some sort of dialogue that may one day allow you to own one newspaper that is free in Venezuela, or we think there might be a day where you might technically allow them to let you protest somewhere at a time of their choosing and of their way.

How can that be our policy? How can the United States not firmly be on the side of people who are being violated in this systemic way? I just do not understand how our foreign policy can be about that.

We are not asking for sanctions. We are not calling for an oil embargo or anything of that nature. We are calling on identifying human rights violators in Venezuela, naming them by name, and sanctioning them for what they have done. And I just do not understand how we can sit here and say that the time is not right to do that. I do not understand how we can say we should wait for some point in the future when the timing might be right to do that because by admission, what you are saying is that if the Venezuelan Government does certain things over the next few months, that day may never come. And I just do not understand how that could be our foreign policy.

The CHAIRMAN. Senator Kaine.

Senator KAINE. Thank you, Mr. Chairman.

And to the witnesses, I hope I do not trod ground that was on before I walked in. But I am a little interested in your take on the Venezuelan economy right now. I view much of the unrest as being driven by kind of an autocratic, oil-dominated economy where corrupt people at the top skim off a lot, but it is probably an unsustainable economic model. And I would view that as driving increasing political unrest and creating a demand for and oppor-

tunity for political change in Venezuela. But if you could begin there. Talk a little bit about the state of the economy in the early months of this new Maduro government.

Ms. JACOBSON. I think that the economic situation, Senator, is indeed increasingly unsustainable. You have a situation in which I think the latest inflation figures are 57.3 percent, and continuing to go up, among the highest in the world.

Senator KAINE. In a world where inflation is generally very, very low right now.

Ms. JACOBSON. Correct. And you have recent wage increases that have been granted, which cannot possibly keep up with inflation like that and, therefore, will not really satisfy the needs of Venezuelans. But moreover, you have a situation in which Venezuelans cannot find basic foodstuffs. A country with among the largest, if not the largest oil reserves in the world where people cannot find basic goods on the shelves, even if they had the money to buy them.

So you also have a situation in which foreign businesses cannot get the exchange to take their—

Senator KAINE. Holdings out of the country.

Ms. JACOBSON. Foreign exchange out of the country. They cannot operate productively in the country.

Senator KAINE. So foreign direct investment must have slowed.

Ms. JACOBSON. It is drying up significantly. There is really a serious problem that foreign businesses are having, but Venezuelan businesses are having difficulty. That is why there is an economic dialogue that is taking place at the same time to try and come up with solutions, but so far the government's exhortations in that conversation have largely been to increase national production. There is no incentive at this point to do so. Major economic changes have to be made, and I am sure you will hear from Moises Naim a bit more about that. It is not sustainable.

Senator KAINE. And the changes generally do not get made if the autocrats feel like they can use their natural resource revenues to just kind of keep things limping along. You have all kinds of structural changes that need to be made.

Ms. JACOBSON. Right, and I think high oil prices, obviously, have enabled this to continue, and most of the analysts suggest that this is not a situation that can change overnight. This is going to take serious structural changes in Venezuela and some time. And I am concerned that without a democratic space in which people feel they have an opportunity to express their opinion, to speak freely, hard economic changes are not going to be accepted by people if you cannot have a debate and a dialogue about them.

Senator KAINE. What is the current government saying about making economic reforms or doing fundamental economic change? Is it just not even on the radar screen?

Ms. JACOBSON. I have to tell you so far we are seeing very little acceptance that real change is necessary. There is a willingness for the first time to acknowledge discussion has to be had. What we are not seeing yet is a willingness to discuss real economic policy change. As I say, so far there has been an exhortation to greater national production by manufacturers and industry, not yet really changes in economic policy, which we have understood to have been

urged by many of their neighbors as well because this is impacting the region too.

Senator KAINE. What is the current practice of the government with respect to oil subsidies to other nations? They seemed like they were purchasing foreign policy alliances through subsidized oil. But with a challenged economy and inflation being high and people not having basic foodstuffs, devoting resources to adventurism in foreign policy would seem to be less and less tenable economically. Is the Maduro government changing the Chavez practice with respect to trying to buy friends through subsidized exports?

Ms. JACOBSON. My understanding is that that is a fundamental part of Venezuelan policy that continues, Petro Caribe continues, although it is difficult to sustain economically. It has been cut back. There have been reductions in the amount of oil that some countries are receiving under Petro Caribe. There has been a reduction in the generosity of terms that new agreements have provided, and some countries have chosen not to go into the agreement because of that, but it continues in many cases. And it clearly puts a strain on the government in some cases to continue these kinds of deals.

Senator KAINE. Here is a question that is probably impossible to answer, but to kind of get me just oriented, I would like each of your opinions.

The civil unrest in Venezuela is driven primarily by resistance to an autocratic government that abuses human rights or driven primarily by popular understanding that the economy is in real trouble and people do not have the economic opportunities that they want?

Ms. JACOBSON. My answer would be absolutely both, and I think the two, unfortunately, are now in a very bad reinforcing cycle.

Mr. MALINOWSKI. It is the interplay between the two I think. People protest when they feel that the economic conditions that they are suffering are, in part, the result of not having representation, not having accountability, not having transparency when they sense there is a political cause for economic suffering.

Senator KAINE. So there is a political cause for economic suffering and the leaders are not taking the steps needed and not tackling the fundamental changes necessary to change the economic situation. That will continue to embolden opposition, deepen the roots—

Ms. JACOBSON. And there is no political space. None of the institutions give the opposition political space to represent those views.

Senator KAINE. When the elections were held and Maduro won over the opposition, I think I was in a tiny camp that was not sure it would be a good for the opposition to win these elections because the accumulated economic challenges were so massive that there was going to be some kind of a collapse and then a blame game, and it would be better for the people to get blamed who actually put in place all the economic policies that are fomenting the collapse rather than have somebody get in and then be blamed for a collapse that they frankly did not create. I am not 100 percent sure of my confidence level of my own opinion about that because, obviously, you see all the things that the Maduro government is doing that are so horrible.

But I think the economic situation we are seeing is going to continue to get worse and worse and worse. There is going to be a resistance to change and an attempt to use kind of strong words and charisma as a substitute for policy change. It is going to continue to make the economy worse and worse, and that is going to create even more momentum on the opposition side. And we have to find the policies where we can—again, it is for the Venezuelan people to decide. But this opposition is going to just assume more and more momentum because of these economic factors, and if there is a targeted set of strategies that we can embrace to paint a different vision for the Venezuelan economy, I think that would be a good thing for us to do.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman.

Senator Kaine just used the words “it is for the Venezuelan people to decide,” but what prospect do they really have of actually making an informed decision?

Senator Durbin made the connection, and I was with him in Ukraine and also with Senator McCain in Moldova. And one of the takeaways from those trips is that the propaganda of Vladimir Putin is incredibly effective and that America, the West, has pretty well unilaterally withdrawn from efforts of trying to inform those populations that are subjected to that propaganda. So let me really start there.

To what extent is there any free press still existing in Venezuela?

Mr. MALINOWSKI. Well, I think as we both outlined in our testimony, one of the central strategies of the Venezuelan Government under both Chavez and Maduro has been to steadily dismantle the free press, particularly on television, which is what, as in many countries, most people get their news from, by shutting down stations, by forcing them to take new ownership, through threats, intimidation, by beating up people on the streets who are taking video which eventually is then evidence that the TV stations use of abuses that are being committed. And that creates a climate in which the government is able to act with greater impunity and fewer checks.

Senator JOHNSON. Correct. My question is, Is there an existence of any counter to that within Venezuela or from without?

Ms. JACOBSON. The only thing that I would say is there are—I mean, one of the reasons you saw Colombia’s NTN24 expelled and then reinvited into Colombia—I am not sure if they are operating at this point—is that foreign stations were, of course, still operating. And so for those who had cable or had packages that had foreign stations, they were still able to see Venezuelan news being broadcast by foreign stations. This is not the way Venezuelans should be getting their news, obviously. So there are ways still or via the Internet or other things. But in terms of the mass of Venezuelans to have complete access to media within Venezuela, it is very difficult. There are still ways, but it is not massive and broadcast.

Senator JOHNSON. Again, so I agree with Senator Rubio that I think targeted sanctions to highlight these gross abuses of human rights is a good thing. We should implement them immediately.

But the point I am trying to make is I think a statement by—one of the witnesses said we have to speak out, we have to make statements. Well, that is good for speaking out and making statements here in America, but how does it get to the people in Venezuela? What is the United States doing not only just in Venezuela but also in the rest of South America and Central America where certainly over my lifetime my impression is we are not moving in a direction of democracy? We are moving away from democracy. We are moving toward greater socialism. What is America doing in terms of a robust effort to provide information to the population of those countries so they are not subject to the propaganda?

Mr. MALINOWSKI. There are some things that we can do and we do actually have programs inside Venezuela—I do not want to go into detail here, but we can come and talk to you about them—that do help civil society groups, NGO's, activists get access to information, particularly online. They do get information through social media. That is not shut down. My Twitter feed today is full of messages from Venezuelans who know about this hearing, and they are going to know every word that was spoken here. So it is not a closed information space. This is a contested space in which the Venezuelan opposition and civil society with support from their friends outside of Venezuela are still holding their own.

Senator JOHNSON. What is the percentage of the population of Venezuela that has access to social media?

Mr. MALINOWSKI. I do not have a number for that, but I think among activists, it is extremely high. This is how they organize.

Senator JOHNSON. But, I mean, the general population that are going to be voting—how many of those individuals actually have access to that type of information? I mean, is it high? Is it 90 percent? Is it 10 percent? And I guess my point was should we not know?

Is there any attempt to broadcast over the airwaves, either TV or radio, more information in a far more robust fashion? And do you think that would be a good idea and not only in Venezuela, into other areas of South and Central America? Should America start broadcasting its values of freedom and democracy to the rest of the world? Have we withdrawn from the world from that standpoint? That is the impression I get.

Ms. JACOBSON. Senator, there is still a great of information that we get out, whether it is through Voice of America, Spanish language throughout the hemisphere, whether it is statements and other things that we get picked up on commercial stations throughout the hemisphere. I think our message is being picked up throughout the hemisphere both on commercial and other media. And I think it is absolutely true, as Tom says, that there are still media that people have access to in Venezuela. I do think also that the word gets around throughout Venezuelan society when we say things and when we make statements beyond activists in the population.

Senator JOHNSON. Is it your impression that our efforts are winning that information war?

Ms. JACOBSON. No, I would not say that we are winning that information war yet because it is one of the reasons why, obviously, we continue to be disturbed about the restrictions on press freedom. It is not as open, obviously, a society as it should be.

Senator JOHNSON. So that is my point. I think we are losing the information war whether it is in Eastern Europe, whether it is eastern Ukraine, whether it is in South and Central America, or whether it is in Venezuela. We are losing the war. I think we have to recognize that reality, and I think we have to beef up our efforts to a far greater extent. Would you agree or disagree with that?

Mr. MALINOWSKI. I would agree that we need to do more in Eastern Europe, for example, where we have a new threat that 5, 10, 15 years ago, following the fall of the Berlin Wall, many people in the United States hoped we would not face again. I was just in the Baltic States. I know it is not the subject of this hearing, but people were talking about this, the propaganda coming from Russia and the need for all of us to come together with a plan to counter it. We are doing a great deal, but as the threat rises, we need to do more. There is no question.

Senator JOHNSON. Anyway, my point to the authors of the bill would be I think that would be a good component of this bill. Add a section there for more robust activity in terms of information into Venezuela.

Thank you.

The CHAIRMAN. Thank you, Senator Johnson.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

I thank the witnesses.

I would note I just noticed that this morning there were four camps of protestors that were broken up and 283 students arrested. The repression of the government continues.

I thank you, the witnesses, for being here.

I would point out that on the issue of sanctions, the Burma sanctions originated in the Congress. The Iran sanctions initiated with the Congress over the objections of the administration. The North Korea sanctions were relaxed during the Bush administration in a vain hope that there would be an agreement on North Korea. We have now relaxed sanctions on Iran in what I believe will be the failed mission to achieve an enforceable and viable agreement with Iran on nuclear issues.

So it sometimes is a bit entertaining when administration witnesses come forward and talk about how tough various administrations have been on sanctions when, by and large, they have initiated with the Congress. I particularly point to the Iran sanctions were vigorously opposed by the administration.

I am curious. The witnesses, either one, would like to say—Cuba is heavily involved in Venezuela and in their activities. Maybe you could give the committee a quick readout on what the Cubans are doing in Venezuela.

Ms. JACOBSON. Well, what I can tell you, Senator, is that obviously what we know from media reporting, including Venezuelan-influenced government reporting—

Senator MCCAIN. I hope you have information besides what is in the media.

Ms. JACOBSON. The information that I have besides what is in the media I probably cannot discuss in this setting.

But what we do know is that there are about——

Senator MCCAIN. Let me get this straight. You cannot discuss what Cuba is doing in Venezuela in an open hearing?

Ms. JACOBSON. To the extent that there was information that we have from intelligence sources, no, I would not. But the extent that we have information from other sources, that is what I am going to tell you.

Information that we have is that there are about 40,000 Cuban advisors in Venezuela. Those advisors are doctors, teachers. They are in military and other areas. The Maduro government has made clear that they will continue what they consider a strategic alliance with the Cuban Government. So, we know there are a lot of Cuban officials and Cuban citizens in Venezuela. We do not know exactly what other fields they may be active in, but we do know there are a lot of Cuban officials in Venezuela and they are very, very active, including within the government.

Senator MCCAIN. And that is an issue of significant concern?

Ms. JACOBSON. Yes, certainly.

The CHAIRMAN. Senator McCain, would you yield for a moment?

Senator MCCAIN. Please.

The CHAIRMAN. Let me tell you what the State Department seems unwilling to tell you. If you travel to Venezuela, at the airport you will probably go through Cuban security agents to get into the country. Rapid response brigades, which are perfected in Cuba, where state security dressed as civilians to make it look like the civilian population is responding to protests, are actively engaged on behalf of the Venezuelan Government in these activities. And that is just the beginning of the list. So, to your question, it is a very prominent role and it is not just about advisors either.

Senator MCCAIN. Well, I thank you, Mr. Chairman. I want to thank you and Senator Rubio for your active involvement and commitment to trying to see that Venezuelan people are given a better government. Our witnesses have testified that the economy continues to deteriorate. That is not because of anything the United States has done. It is because of the corrupt government and the Chavezista, I think was what it was called. Tom, I have forgotten the exact name.

Mr. MALINOWSKI. Your Spanish is better than mine, I am afraid.

Senator MCCAIN. You gave a book to President Obama at one of the gatherings early in the administration. I am sure that the President got a lot out of it.

Here is the situation I think as my two colleagues stated in a far more articulate fashion than I can. We see a deteriorating situation. We see further arrests. We see further repression. We see penetration of Cuba throughout Venezuela, including in their, quote, "law enforcement and military activities." And yes, it has been overshadowed by Ukraine and Syria and other issues. But in our own hemisphere, it seems to me that we should be paying a lot more attention. We should be considering a lot more actions without asking you to draw red lines.

But is it not really unusual for us to basically sit and watch the situation in Venezuela continue to deteriorate to the great suffering

of the people of Venezuela, not to mention suppression of all those freedoms?

So I would argue that maybe the message that we are trying to send is that if you do not act in some fashion, then again this committee will probably feel that we are forced to act. And I do not count votes very well, but under the leadership of our chairman and Senator Corker and Senator Rubio's active involvement, I think a strong case has been made for us to at least consider sanctions. And I think it would be far better for us to work together in that effort rather than to just say, well, we are going to wait and see.

So I thank you, Mr. Chairman, and I thank the witnesses.

The CHAIRMAN. Thank you.

I have just one final question. There is a vote going on, so I would like to finish with this panel, bring up the next, start the testimony, and then recess for a little bit.

Madam Secretary, President Obama has determined that Venezuela has failed to meet its obligation under international narcotics agreements. The Treasury Department has designated members of the Venezuelan Government and military as kingpins, and the drugs flowing out of Venezuela have debilitating effects on levels of violence, governance, and the rule of law in Central America and the Caribbean. Given widespread signs of collusion between drug trafficking and the Venezuelan Government, does the situation in Venezuela constitute a national security threat to the United States?

Ms. JACOBSON. Thank you, Senator, for that question because it is a great concern.

I think the answer to that question is that it is a very serious concern to us, a national security threat. I think the answer is we are extremely concerned about the amount of drugs coming out of Venezuela. We are particularly concerned about the impact on countries in Central America, Honduras in particular, but frankly Hispaniola, both the Dominican Republic and Haiti. There is a lot more that needs to be done.

The CHAIRMAN. So does it constitute a national security threat?

Ms. JACOBSON. To the United States?

The CHAIRMAN. Yes. If you have drugs flowing out of Venezuela into the hemisphere and I would say ultimately, from the routes of trafficking that I have seen, ultimately make it to the United States, either through ports or through boundary crossings or whatnot, is it a national security threat to the United States when elements of the government itself are involved, not because I say it, but because the administration says it?

Ms. JACOBSON. I think we have said often that the amount of drugs coming from the region, the effect of those drugs on governments and societies in terms of the corruption, the violence that they bring with them overall in the hemisphere is certainly a threat to the United States, a national security threat.

The CHAIRMAN. Is the money that we are spending in Central America not—why? Because we are concerned about the violence, about the narcotics trafficking, about the gangs that all flow from this. Do we not view that as a threat to the national security of the United States?

Ms. JACOBSON. Yes. That is what I just said at the end of my statement, that I think if you look at the impact of the drug issue writ large and the impact it has, whether it is Central America, Mexico, the Caribbean, it is in fact a national security threat. That is why we spend the funds we do because it hollows out governments, institutions because it provokes the violence on the streets, because of the impact it has on our own society on the streets of the United States.

The CHAIRMAN. Do you think that it affects the security of other countries in the region?

Ms. JACOBSON. Certainly.

The CHAIRMAN. And do you think those countries understand that threat?

Ms. JACOBSON. Yes, I do.

The CHAIRMAN. Let me ask you one final question. Without naming names, because I know in response to Senator Rubio, you said you were reticent to name names, can you tell the committee under the testimony that you have given that you have been specifically asked by members of the civil society that are in negotiations or not in negotiations not to pursue human rights sanctions?

Ms. JACOBSON. We have been specifically asked not to pursue sanctions at this time.

The CHAIRMAN. No, I did not say that.

Ms. JACOBSON. I am sorry. Not to pursue them—

The CHAIRMAN. Let me repeat it because maybe my English is a little difficult. Have you been asked by members of civil society, whether those who are at the negotiating or those who are not, not to pursue human rights violations sanctions? Yes or no?

Ms. JACOBSON. I am not sure exactly what you mean, if you mean as the bill now stands, economic sanctions against human rights—for human rights violators? Is that what you mean?

The CHAIRMAN. Sanctions against human rights violators.

Mr. MALINOWSKI. The qualification is “at this time.”

Ms. JACOBSON. The answer is yes, if you mean, yes, they have asked us not to pursue them at this time.

The CHAIRMAN. Human rights violations sanctions.

Ms. JACOBSON. Yes.

Mr. MALINOWSKI. Those are the sanctions that are on the table.

Ms. JACOBSON. That are on the table, yes.

The CHAIRMAN. Well, in a different setting then, we are going to find out who are the people who asked you. And I would love to hear from the civil society inside of Venezuela that they do not want to see sanctions against human rights violators. I would find that incredible, but if that is what the leadership of Venezuela of civil society wants, then I would be happy to hear it.

Ms. JACOBSON. I would never characterize it as civil society in Venezuela because I am well aware that there are many who do, and I respect that view as well.

The CHAIRMAN. Okay. So now I am confused. Is it that there are some members of civil society who say do not violate civil rights and there are others who do say violate?

Ms. JACOBSON. Yes. There is a diversity of opinion on that subject.

The CHAIRMAN. That is a little different.

Ms. JACOBSON. Yes. I would certainly acknowledge that.

The CHAIRMAN. With the appreciation of the committee, this panel is excused.

Let me call up a very important panel that we have, and I would like to get them set up. I welcome Patrick Duddy, who is the former U.S. Ambassador to Venezuela and visiting faculty at the Fuqua School of Business at Duke University, Mr. Ambassador, thank you for joining us; Moises Naim, who is a senior International Economics Associate of the Carnegie Endowment for International Peace; and Jose Miguel Vivanco, who is the executive director of the Americas Division at Human Rights Watch. Thank you all for being here.

Let me remind all of you that your full statements will be included in the record, without objection.

We have got what I hope will be about 10 minutes or so before our deadline to catch the first vote. So I think we can get the first of the testimony here, and then we will have to have a brief recess and come back for the rest.

And with that, Ambassador Duddy, we will start with you.

**STATEMENT OF HON. PATRICK D. DUDDY, VISITING FACULTY,
THE FUQUA SCHOOL OF BUSINESS, DUKE UNIVERSITY, DUR-
HAM, NC**

Ambassador DUDDY. Thank you, Mr. Chairman, members of the committee, Senator Rubio. I appreciate having the opportunity to share my observations today on the current situation.

As we have heard, since President Chavez's death last March, circumstances in Venezuela have markedly deteriorated. The economy, in particular, was in terrible shape when Maduro took over. It is worse now. The murder rate in 2012, for instance, was startlingly high. By the end of 2013, it was even higher. In February of this year, the popular discontent with the deteriorating conditions boiled over into the most widespread antigovernment demonstrations the country has seen in more than a decade. The government of President Nicolas Maduro was clearly alarmed by the scope and intensity of the mass rallies and reacted brutally to the demonstrators.

Now, in response to rising levels of international concern and the determination of the antigovernment protestors to continue to demonstrate, the Maduro administration agreed to participate in the talks we have heard referenced today, mediated by the Union of South American Nations, UNASUR, and the Vatican. Like most observers, I hope that this effort is successful in ending the violence and that it facilitates the development of a genuine dialogue. I do believe it is going to be difficult and the arrests, which again were mentioned this morning, underscore just how very difficult that may well be.

Not all of the leadership of the opposition is participating, and the government continues to demonize the opposition and to suggest that the country has been the target economic warfare. And even since the beginning of these UNASUR-sponsored talks, the Chavista-dominated Supreme Court announced a ruling asserting that the right to peacefully protest, quote/unquote, "without prior permission" is not absolute, notwithstanding the language of article

68 of the Venezuelan constitution, a move which analysts have characterized as a clear effort to criminalize dissent.

As we consider the current situation in Venezuela, I think it is important to recognize some of the factors that militate against an early solution. In this context, the dismal state of the economy is critical. Last year, Venezuela grew, according to some estimates, at an anemic 1.3 percent. I have seen estimates that were even lower. Most analysts expect the economy to be worse next year. The Central Bank's own figures for inflation suggest it has now climbed to 59 percent. And the scarcity of basic consumer goods has become so acute that standing in lines to buy foodstuffs has become a part of the daily routine for millions of Venezuelans. I might add to that as we consider the issue of the opposition, but also the larger public, staying in the street and continuing to put pressure on the government—this is one of the things that scarcity is doing.

Now, recent polling suggests that the Venezuelan public is overwhelmingly unhappy with the current state of the country. According to a Datanalysis poll released just the other day, their unhappiness is at approximately 79.5 percent, and by a large majority, about 59.2 percent, they blame the Maduro administration for the mess.

Increasingly, however, according to most of the polling I have seen, the public's unhappiness has not yet evolved into unambiguous majority support for the opposition. While support for Maduro has fallen, Chavismo retains a strong base even if it does not now enjoy majority support. Support for the opposition is also solid but not monolithic. And emblematic of their situation is the fact that some groups are not participating in the UNASUR-mediated dialogue.

The bottom line, however, I think for our purposes is that Venezuela remains both deeply polarized and also nearly equally divided. Supporters of the government are not just vested but dependent on the social programs of the government. Supporters of the opposition are united in their belief that the government is taking the country in the wrong direction, that the country's political institutions have been compromised, and that the economy is in a freefall.

They have yet, however, to articulate convincingly an economic alternative that would reassure both the business community and the Chavista base. And I want to stress that I think these economic considerations are fundamental as we look toward the possibility or the prospects for the future. I think the likelihood of further clashes is great and is alarming, and it is particularly alarming because of how the government has responded to the protests to date.

So where does this leave the United States? What are our interests? What are our options? We have spent decades in the hemisphere trying to restore and consolidate democracy. We have made human rights a cornerstone of our political engagement. The hollowing out of Venezuela's political institutions is cause for deep concern, as well as the reports of systematic human rights abuse. The government's use of force with the demonstrators, the refusal to disarm the colectivos, the increasing hostility toward the independent media should, of course, be a concern not just for us but for all of the hemisphere. It is also true that we have tried to pro-

mote the notion of hemispheric cooperation, and it remains to be seen if the UNASUR can and will foster a genuine dialogue. Certainly the vote recently at the OAS, which closed the session in which the Venezuelan legislator Maria Carina Machado was scheduled to speak, was I think very disappointing to many of us.

In the meantime, we need to be aware that the Maduro administration and indeed——

The CHAIRMAN. Ambassador, I am going to ask you to just hold there. I want you to finish your statement, but the time for the vote has expired. They are just holding it for Senator Rubio and I. So we will recess. There are three votes. This is the first. So it will be another 20 minutes. So we will recess for about 20 minutes. We will return and listen to the rest. To the extent that you need to make any calls, it might be a good time. The committee stands in recess subject to the call of the chair.

[Recess.]

The CHAIRMAN. This hearing will come back to order. With apologies to our witnesses, unfortunately, there were more votes than I thought. We regret the delay, but your testimony is very important to us. So, Ambassador Duddy, you were concluding, and I want to hear your conclusions.

Ambassador DUDDY. Thank you, sir.

I left off saying with the question where does the current situation leave us, what are our interests, what are our options. I noted that we have spent decades working on democracy and human rights in the region, but also on the concept or on mechanisms for collective action. And I noted my concern that the recent vote at—or my observation that the recent vote at the OAS was very disappointing.

A couple of things that I would like to just revisit. We need to be aware that as the Maduro administration and, indeed, Chavez's whole Bolivarian experiment have foundered, Maduro and company have looked to blame the United States. And, indeed, anti-Americanism has long been a central tenet of the Bolivarian revolution. In the current circumstance, the Maduro government would clearly love to turn their domestic crisis into a bilateral one, and we should not be sucked into that dynamic by taking steps unilaterally at this point that would validate Maduro's wild accusations. After 15 years in power the government owns this crisis. They made it and it is theirs. Unilateral action would risk rallying both the Chavista base and much of the region.

So I know that there are some who have already dismissed the notion of economic sanctions, and that, sir, is not on your agenda. But I did want to touch on one or two things before ceding to my fellow panelists.

It is true that the United States still has a robust trade relationship with Caracas. 2013 bilateral trade apparently totaled more than \$45 billion, and Venezuela remains the fourth-largest foreign supplier of oil to the United States. But the total volume of oil sales to the United States fell to less than 800,000 barrels a day last year and with increased production, reduced domestic consumption and increased supplies from Canada and elsewhere, Ven-

ezuela's oil imports to the United States are substantially less important to us than they used to be.

They remain, however, immensely important to Venezuela's economy, and the country's very vulnerability on that score is one of the reasons I think why we probably do not want to use a doomsday tactic like economic sanctions against that sector to coerce the Venezuelan Government into changing its behavior. Economic sanctions could well collapse an already staggering, imploding economy and cause great suffering to the Venezuelan people, as well as harming many of the smaller nations of the Caribbean which, through the Petro Caribe program, depend on Venezuela's concessionary financing for oil imports. And more importantly, such a course would not necessarily yield an improved human rights situation, greater respect for the Venezuelan opposition's political rights, or restore the country's debilitated political institutions.

So does that mean we can do nothing? No. We can aggressively hold individual political and military figures responsible for promoting violence, condoning or committing human rights violations or, in extremis, attempting to subvert democracy. We can hold them responsible. We can identify key organizations complicit in abuse and hold all of their members responsible. This would put them on notice that even association with certain behaviors will make them into international pariahs. Beyond this, I think we could and should continue to work with the institutions of the inter-American system to bring pressure to bear on the Venezuelan state.

I think how we do both parts of what I recommend will be critically important. Obviously, it is my view that unilateral action would not be successful. At the same time, it seems to me that after decades of engagement on human rights, making clear that certain activities are beyond the pale is consistent with our own foreign policy and our own interests, and I think that we can engage others in the hemisphere to work with us to try and change the reality on the ground.

Thank you, sir.

[The prepared statement of Ambassador Duddy follows:]

PREPARED STATEMENT OF HON. PATRICK DUDDY

Chairman Menendez, Ranking Member Corker, members of the committee, thank you for giving me this opportunity to share my observations on the current situation in Venezuela. It is an honor to appear before you today.

Since President Chavez's death in March of last year, circumstances in Venezuela have markedly deteriorated. By the end of 2013, inflation had spiked to over 56 percent. The Central Bank's own scarcity index confirmed that more than 25 percent of basic goods, including, importantly, many food items, were not available at any given time. The country with the world's largest conventional oil reserves had proven itself demonstrably incapable of keeping the shelves in the local grocery stores stocked. Hard currency was in short supply and the dollar was trading on the black market at 10 times the official rate. Criminal violence was at alarming levels with one major survey ranking Venezuela the second most violent country in the world. Caracas was arguably the world's most dangerous capital city. The economy was in bad shape when Maduro took over; it's in worse shape now. The murder rate in 2012 was startlingly high. By the end of 2013 it was even higher.

In February of this year, popular discontent with the deteriorating conditions in the country boiled over into the most widespread antigovernment demonstrations the country has seen in more than a decade. The government of President Nicolas Maduro was clearly alarmed by the scope and intensity of the mass rallies. Maduro, who was sworn in after a disputed special election victory last April following

Chavez's death, characterized the demonstrators as "fascists" allied with right-wing elements in exile and encouraged by the United States. The government's response to the demonstrators was not just vilification but bullyboy repression. Since February more than 40 people have been killed, hundreds injured and many more arrested. Several important opposition leaders have been jailed. Another has been expelled from the Chavista controlled legislature and stripped of her parliamentary immunity. Reports of human rights abuses and even torture of demonstrators who were detained by security forces have circulated widely. Video footage of uniformed security forces and armed gangs of government supporters on motorcycles generally called "motorizados" or "colectivos" violently repressing unarmed protestors have alarmed concerned observers in Venezuela and around the world.

Although events in Venezuela have largely been overshadowed by crises elsewhere, calls for restraint have been issued by a number of legislative bodies as well as by a variety of NGOs. In response to the rising level international concern and the determination of the antigovernment protestors to continue to demonstrate, the Maduro administration agreed to participate in talks mediated by the Union of South American Nations (UNASUR) and the Vatican. Like most observers I hope that this effort is successful in ending the violence and that it facilitates the development of genuine dialogue.

It is going to be difficult. Not all of the opposition leadership is participating. Leopoldo Lopez is still in jail. The government continues to demonize the opposition and to suggest that the country has been the target of economic warfare. Even since the beginning of the UNASUR sponsored talks, the Chavista-dominated Supreme Court announced a ruling asserting that the right to peacefully protest "without prior permission" is not absolute, notwithstanding the language of Article 68 of the Venezuelan Constitution, a move analysts have characterized as an effort to criminalize dissent.

President Maduro has publically warned that the response of the Chavista base to the defeat or replacement of the Bolivarian Revolution would be a general uprising ("pueblo en armas" *El Universal*, May 1). Maduro has also repeatedly cited evidence of conspiracy and accused the United States of interfering in Venezuela's internal affairs and plotting the overthrow of the government and the jettisoning of the Chavez-era social programs.

As we consider the current unsustainable situation in Venezuela I think it is important to recognize some of the factors that militate against an early solution. In this context, the dismal state of the economy is critical. Last year, Venezuela grew by an anemic 1.3 percent. Most analysts expect the economy to be worse this year and probably next. Scarcity of basic goods and the need to stand in long lines to buy consumables—when they can be found—has become daily routine for millions of Venezuelans. The latest Central Bank figures for inflation suggest it continues to climb and is likely already running at an annualized rate of 59 percent. In what will almost certainly prove to be another failed effort to get the unraveling retail sector under control and prevent hoarding, the government has eased some price controls and announced plans to introduce what they are calling a "Secure Food Supply" card, essentially a ration card intended to suppress and control consumption.

One might assume that the problems with scarcity, inflation, and currency flight would compel the government to walk back from the economic policies that have eviscerated most of the nonpetroleum industries and resulted in stagnation even in the vitally important oil sector. While the government has, in fact, reached out to the private sector and tried to reassure business leaders and enlist them in efforts to reverse the trend lines, there has been no serious reconsideration of the direction in which Maduro and company are taking the country. Arguably this is in part because the direction was set by Chavez and Maduro ran as Chavez's anointed successor. Even if one accepts the official government figures on the April vote count, Maduro barely squeaked out a win despite Chavez's endorsement and the fact that he began the abbreviated campaign with a double digit lead in the polls. Maduro may believe he does not have the political capital within Chavismo to change course. Further to that point, Chavez and Maduro have vastly expanded the number of Venezuelans who depend directly or indirectly on the government. As a consequence, the base would be alarmed if substantial economic or political concessions are made to an opposition that Maduro himself has accused of plotting to dismantle Chavista-era social programs in order to restore their own economic fortunes.

Recent polling suggests that the Venezuelan public is overwhelming unhappy with the current state of the country (79.5 percent according to *Datanalisis* as cited by *El Universal* on May 5) and by a large majority (59.2 percent) blame the Maduro administration for the mess. Interestingly, however, according to most of the polling I've seen, the public's unhappiness has not yet evolved into unambiguous majority

support for the opposition. While support for Maduro has fallen, Chavismo retains a strong base, even if it does not now enjoy majority support. Support for the opposition is also solid but not monolithic. Emblematic of their situation is the fact that some groups are participating in the UNASUR mediated dialogue and some are not. The bottom line, however, is that Venezuela remains both polarized and nearly equally divided. Supporters of the government are not just vested but dependent on the social programs of the government. Supporters of the opposition are united in their belief that the government is taking the country in the wrong direction, that the country's political institutions have been compromised and that the economy is in free fall. They have yet, however, to articulate convincingly an economic alternative that would reassure both the business community and the Chavista base.

The current situation in Venezuela is unsustainable. The opposition and government have settled into a sullen standoff. The economy is sinking and an economic collapse is not unthinkable. As circumstances get worse on the ground, as people become more and more frustrated with shortages, blackouts, and violent crime, further demonstrations demanding a more honest, competent, and democratic government are likely if the dialogue now under way fails to deliver results. The prospect of further clashes is alarming, as this government's response to legitimate protest to date does not augur well for the future.

Where does this leave the U.S.? What are our interests? What are our options? We have spent decades trying to restore and consolidate democracy in the region. We have made human rights a cornerstone of our political engagement. The hollowing out of Venezuela's political institutions is cause for deep concern. The government's use of force with the demonstrators, the refusal to disarm the colectivos, the increasing hostility toward the independent media should concern all of the democratic governments of the hemisphere, not just us. And, it is also true that the U.S. has promoted the notion of hemispheric cooperation. It remains to be seen if the UNASUR can and will foster a genuine dialogue but it seems to me that we should all hope that effort is successful.

In the meantime, we need to be aware that as the Maduro administration and, indeed Chavez's Bolivarian experiment have foundered, Maduro and company have looked to blame the U.S. Indeed, anti-Americanism has long been a central tenet of the Bolivarian Revolution. In the current circumstance, the Maduro government would clearly love to turn their domestic crisis into a bilateral one. We should not be sucked into that dynamic by taking steps unilaterally at this point that would validate Maduro's wild accusations. After 15 years in power, the government owns this crisis: they made it; it's theirs. Unilateral action would risk rallying both the Chavista base and much of the region to Maduro's side.

So, should the U.S. consider levying economic sanctions on Venezuela if the current situation doesn't improve? At this point, I don't think so. It is true, of course, the U.S. still has a robust trade relationship with Caracas. In 2013 bilateral trade totaled more than 45 billion dollars and Venezuela remains the fourth-largest foreign supplier of oil to the U.S. But total volume of oil sales to the U.S. fell to less than 800,00 barrels per day last year and with increased U.S. production, reduced domestic consumption and increased supplies from Canada and elsewhere, Venezuela's oil exports to the U.S. are substantially less important to us than they used to be. They remain, however, immensely important to Venezuela's economy and the country's very vulnerability is one reason to refrain from what would certainly be seen as a doomsday tactic to coerce change in the Venezuelan government's behavior. We could well collapse what is already an imploding economy and cause great suffering to the Venezuelan people as well as harming many of the small economies of the region which have become Venezuela's Petro Caribe clients. And such a course would not necessarily yield an improved human rights situation, greater respect for the Venezuelan opposition's political rights or restoration of the country's debilitated political institutions.

So, does that mean we can do nothing? No. We can aggressively hold individual political and military figures responsible for promoting violence, condoning or committing human rights violations or, in extremis, attempting to subvert democracy. We can identify key organizations complicit in abuse and hold all of their members responsible; this would put them on notice that even association with certain behaviors will make them into international pariahs. Beyond this we could and should work with the institutions of the Inter American system to bring pressure to bear on the Venezuelan State. At the end of the day, I think collective action has the best chance of success.

The CHAIRMAN. Thank you.
Mr. Naim.

**STATEMENT OF MOISES NAIM, PH.D., SENIOR ASSOCIATE,
INTERNATIONAL ECONOMICS PROGRAM, CARNEGIE ENDOW-
MENT FOR INTERNATIONAL PEACE, WASHINGTON, DC**

Dr. NAIM. Thank you, Chairman Menendez, Senator Rubio. Thanks for inviting me here today.

Let me please start with a personal note. What is going on in Venezuela today is very personal for me. I will be as dispassionate as possible in my analysis and recommendations on United States policy toward Venezuela, but I come to this task today with a heavy heart. To witness how widespread human suffering mounts on a daily basis is nothing less than a personal tragedy for me, for my family, and of course, and most importantly, for the Venezuelan people.

Venezuela today has an authoritarian government that knows how to impersonate a democracy and tries to look democratic, and in many aspects, it has been successful at impersonating a democracy while rigging elections, stifling the media, repressing the opposition, and undermining checks and balances and concentrating as much power as possible.

Just one example to illustrate this is that in the 14 years of Chavez's rule and 1 year of Maduro's government, there is not one instance when the legislative or the judiciary branches have stopped the Government or the President from doing exactly what he wants when he wants it as he wants it.

More should be done to make it apparent to the rest of the world that Venezuela today just impersonates a democracy and is not a democracy.

It is important, however, to stress that I deeply believe what others have said here and that the needed changes in Venezuela can and should only be brought about by Venezuelans. And I deeply believe that the United States cannot and should not be a main protagonist of what is going on there.

I do have five concrete steps that I recommend, and they are aimed at clarifying a situation that the Venezuelan authorities are deliberately obscuring and also sanctioning those who are guilty of massive corruption and human rights violations.

Unfortunately, as we speak here today, there is another improbable and surprising external power calling the shots in Venezuela and interfering with the will of the people there, Cuba. I hope that this committee and you, Chairman Menendez, Senator Rubio, will do more to try to clarify to the rest of the world what is the role of the Cuban Government in Venezuela. Havana now controls very important functions of the Venezuelan state, and we need to understand better the extent and the scope of that interference and that presence of the Cuban authorities in Venezuela.

But the context for the concrete recommendations that I am going to offer is a severe and ill-understood human rights crisis. The most important clash in today's Venezuela is not that of the left versus the right, the rich versus the poor, the United States against others, or even good ideas versus bad ideas on how to run a country. No. The defining issue of current-day Venezuela is the wholesale, state-sanctioned, and amply documented violation of human rights of those who oppose the government.

We are very lucky to have today with us here Jose Miguel Vivanco. The organization, Human Rights Watch, as you know, just released yesterday a very significant and well-documented report to which he is going to refer, and therefore, I do not need to dwell on it.

The five recommendations I will suggest in this testimony are aimed at clarifying the deliberately obfuscated situation, as I said. Let me briefly describe each one of them.

First is fight lies with facts. The Venezuelan Government routinely manipulates and hides basic information about the situation of the country. Critical data about the economic, social, and political situation is either hidden or manipulated. After 15 years of the Chavez model of governing, it is still impossible to have an objective assessment of its impact.

I urge you to encourage different branches of the U.S. Government and use a vote that the United States has in organizations like the United Nations and the IDB, the World Bank, the IMF, and others to collect and present serious, systematic, and objective evaluations of the situation in Venezuela. I am referring to the societal impact of the Chavez style of governing and the approach. After 15 years, the Venezuelan people and others deserve to have a better understanding of what happens when a nation adopts the kinds of policies that have been in place in Venezuela for so long.

My second proposal is that the United States should help uncover and publicize the level of corruption and foreign interference in the current Government of Venezuela. Let us hear the names of individuals and groups most guilty of massive corruption in Venezuela and widespread violation of human rights there. These are the narcotraffickers and the government accomplices and the meddling Cuban authorities and their government associates and those that steal from the public funds. And of course, we want to know more and identify the perpetrators of the horrible human rights abuses that have become so common.

My recommendation in this sense is that the United States consider the possibility of having an audit of all intelligence and law enforcement reports that it has and that can illuminate the Venezuelan situation and that it releases the information that can be made public without damaging the intelligence community's need to protect sources and methods. I am sure that such audit will find that the U.S. Government holds secret information whose revelation can shed important light into the workings of the Venezuelan Government and its Cuban partners or the narcotraffickers in its midst without causing any lasting damage to the United States intelligence community.

Third, United States should target the Bolivarian oligarchs and their partners. And in this sense, I fully support the initiative that you and Senator Rubio have taken on sanctioning individuals and their associates that are guilty of corruption and other misdeeds.

The only additional thing that I will urge you is that when these individuals are sanctioned, it be very clear why. It is not enough to tell the world that a high-ranking government official has been denied a visa in the United States. It is very important that you explain and tell the world what is the evidence and what is the

kind of information that has led the United States Government to do such a thing.

Fourth, the United States must avoid the anti-imperialist trap. I strongly oppose and urge against any United States oil embargo of Venezuela. This action will be seen as a typical U.S. strong-arm tactic to harass poor Venezuela, a nation that, in quotes, is valiantly challenging this evil empire which longs to control its massive oil reserves. This is the narrative long nurtured by Chavez and his acolytes, and it is widely accepted and believed in Venezuela and firmly believed by millions of others around the world. If the United States imposes a unilateral total or partial oil embargo or generic economic sanctions, it will instantly incur the blame for all the ills that now befall Venezuela. United States sanctions will be a reward for the government of Caracas and the Government of Cuba.

No sanction imposed by the United States, no generalized sanctions imposed by this Government can cause more damage or be as politically destabilizing for the Venezuelan Government as the sanctions that are currently being imposed by the Maduro administration on the Venezuelans or what the Cuban Government is already extracting from the nation.

Fifth and to conclude, the United States should rally other Latin American leaders to condemn human rights violations in Venezuela and demand the freedom of political prisoners. A unified call from Latin American allies will be an important force in promoting liberty for those unjustly jailed and, in some cases, tortured. Those that are in jails include Leopoldo Lopez, obviously a prisoner of conscience, a well-known opposition leader of course, and Ivan Simonovis, a long-held political prisoner, and all of the young people who have been swept up by government forces. "Free the prisoners now" ought to become a rallying cry for all the freedom-loving governments in Latin America.

Venezuela's brutality should be a stain on the conscience of other Latin American nations that have looked the other way for too long. The United States should make indifference and inaction harder to sustain, and even if the United States must stand alone in denouncing these abuses, it can and should do so. Failure to do it will be an abdication of U.S. values and principles.

For the sake of Venezuela and the Venezuelan people I hold so dear, I hope that these and other actions can help make progress towards a better future possible.

Thank you for your leadership in holding this hearing.

[The prepared statement of Dr. Naim follows:]

PREPARED STATEMENT OF MOISES NAIM

Thank you, Chairman Menendez, Ranking Member Corker, and members of the committee, for inviting me to appear before you today. It is an honor to be here.

I would like to begin on a personal note. I spend most of my work days analyzing global economic and political trends and the capacity of nations to successfully accomplish their societal goals. The case of Venezuela is different for me. I grew up there, studied there, taught there and in the early nineties worked with an extraordinary team of government officials as Minister of Trade and Industry to bring prosperity to a country that had a defective but vibrant democracy. For over 40 years in Venezuela the results of elections were largely unpredictable, term limits were enforced and checks and balances helped contain the concentration of power.

I will be as dispassionate as possible in my analysis and recommendation on U.S. policy toward Venezuela. But I come to this task with a heavy heart. I see a country I love, and which gave so much to me and my family, spiral downward into economic chaos, fighting in the streets, a deeply divided society, massive government abuses and unimaginable corruption. To have this fine country acquire many of the characteristics common to much poorer and failed states, and to witness how human suffering mounts is nothing less than a personal tragedy for me, my family and, of course, and most importantly, for the Venezuelan people.

Venezuela today is not a democracy, and it clearly is an economic failure. Politically, it is a post-modern autocracy. What is this? It is an authoritarian government that knows how to look democratic while rigging elections, stifling the media, repressing the opposition and undermining checks and balances, thus concentrating power while keeping the appearance of a democracy. Just one example can illustrate this: in the 14 years of Chavez' rule and 1 year of Maduro's government, there is no single instance when the legislative or the judiciary branches have opposed a government initiative or stopped the president from doing exactly what he wants, when he wants.

The government has stealthily and effectively annulled any checks and balances on the power of the executive. Governmental accountability and transparency have been systematically eroded and, for all practical purposes, ceased to exist years ago. That said, I will share with you five practical steps I believe could be taken by the U.S. Government that would make a positive contribution to understanding the Venezuelan reality, alleviating this suffering and assisting an important nation in our hemisphere to move beyond this horrendous situation.

It is important, however, to stress that I deeply believe the conflicts in Venezuela can only be solved by Venezuelans, and that the United States cannot, and should not, be a protagonist in what is going on there. The steps I recommend are aimed at facilitating the resolution of the conflicts and at clarifying a situation that the Venezuelan authorities are deliberately obscuring.

Unfortunately, as we speak there is another improbable and surprising external power calling the shots in Venezuela and interfering with the will of the people there: Cuba. I hope that this committee will discuss Cuba's defining role in Venezuela in a future hearing.

The context for the steps I recommend is a severe and ill-understood human rights crisis. I am fully aware of the extent of arbitrary arrests, lack of judicial oversight, kidnappings, beatings, threats, restrictions of the media and the jailing of young protesters in horrible prisons for hardened criminals. I know you will receive a comprehensive and reliable report on these and other human rights violations from Jose Miguel Vivanco of Human Rights Watch so I will not enumerate them here, except to comment that my fondest hope was that these practices were left behind with the end of the dark days of brutal military dictatorships in Latin America. Sadly, they have come back in Venezuela. The most important clash in today's Venezuela is not that of the left versus right, rich versus poor, socialism versus capitalism, oligarchs versus the people or even good ideas versus bad ideas on how to run a country. No; the defining issue of current day Venezuela is the wholesale, state-sanctioned and amply documented violation of the human rights of those who oppose the government; violations carried out by the national guard and well trained and thuggish civilian militias, the infamous "colectivos."

Under these circumstances, it is a challenge for the U.S. to intervene in a constructive way. At best, the U.S. can take positive steps that will help support the central drivers of a change for the better: the Venezuelan people.

The five steps I recommend are:

- (1) Help Venezuelans and the world understand the real impact of 15 years of the model of governing that Hugo Chavez put in place;
- (2) Help uncover and publicize the level of corruption and foreign influence in the present government;
- (3) Sanction those responsible for human rights abuses, as well as the oligarchs connected to the Chavez elite who have amassed unimaginable fortunes through corrupt deals and criminal undertakings;
- (4) Prevent measures which will fuel the "blame others" tactic of avoiding responsibility for a failed state and a collapsing economy that the Venezuelan Government and its apologists at home and abroad so often use; and
- (5) Encourage Latin American allies to abandon their silence about government abuses in Venezuela that they would not tolerate in their own country. I am not asking Venezuela's neighbors or the Organization of American States (OAS) to intervene in Venezuela's politics. But it is absolutely valid to expect decent governments—and decent leaders—not to remain indifferent as the Venezuelan Government brutally represses its opponents.

Next, I will briefly elaborate on each of these five proposals.

(1) FIGHT LIES WITH FACTS

One of the most potent tools the Venezuelan Government has used is the manipulation and the hiding of social, economic, political, and institutional information.

To confront this reality, I recommend the U.S. Government exert the significant influence it has in international and national institutions which collect data and publish reports on the state of the country's economy, society, political liberties, international relations, and national and international security. Use the vote of the U.S. representatives in international organizations such as the United Nations, the World Bank, the International Labor Organization, the Inter-American Development Bank and even the shamefully ineffectual OAS to push for quality research on the Venezuelan reality. U.S. national institutions such as the Congressional Research Service, private foundations and NGOs could also be engaged.

The first casualty in a dictatorship is often truth. The Venezuelan reality is not being presented by the government as data is not reported, is manipulated or fabricated. There are legitimate doubts regarding the accuracy of the data concerning poverty and inequality, no objective assessment of the social programs has been carried out, the public ignores how much the massive foreign aid programs cost or the nature of the obligations the nation has acquired with countries like China, Russia, or Belarus. We don't even have reliable information about homicides, kidnappings, and crime. The government ably exploits for propaganda purposes its doctored figures and benefits from the information vacuum. Recently, for example, the Governor of the Central Bank announced that the data about scarcity of consumer goods and medicines would no longer be published.

Shining a light on the true conditions of poverty, inequality, labor practices, productivity, oil production, fiscal and monetary balances, censorship, and, of course, human rights will help reveal the failure of the Venezuelan leadership to pursue an economic and social path that serves its people.

I am not asking that the U.S. explicitly "classify" the Venezuelan Government as a dictatorship, but that the U.S. use its power to fight an abusive regime with the force of information: to get the real facts out for everyone to see and debate. It is imperative to make it harder for the regime and its apologists to lie about what is going on in the country and to hide the devastating impact of their policies.

(2) UNCOVER THE DIRTY SECRETS

Rumors, individual cases, whispered revelations, confessions by Venezuelan Government operatives, wild accusations and sporadic reports all tell of the Cuban influence on Venezuelan Government policies, of the enormous influence of narco-traffickers or their accomplices in the government and of the massive corruption in the use of government revenues and contracting. The U.S. security and financial agencies are well-informed on each of these realities. My recommendation is to conduct an information audit of all intelligence and law enforcement reports that illuminate the Venezuelan situation and to release the information that can be made public without threatening security assets or damaging the intelligence community's need to protect sources and methods. I am sure that such audit will find that the U.S. Government holds secret information whose revelation can shed important light into the workings of the Venezuelan Government and its Cuban partners (or the narco-traffickers in its midst) without causing any lasting damage to U.S. intelligence.

It is critically necessary to present information about the level of foreign influence, illegal money flows, government criminality and corrupt practices in Venezuela and to document how its government has become an important enabler of the illicit trade in drugs, people, and weapons. Under conditions of widespread media censorship and coercion, the potential for manipulating the public with false information is high. Again, the U.S. Government could take an important step in countering this misinformation by systematically revealing what it knows about these corrupt practices.

(3) TARGET THE BOLIVARIAN OLIGARCHS AND THEIR PARTNERS

The U.S. has a number of tools to sanction individuals who enter U.S. territory. It is well known that the same corrupt individuals who steal from government coffers, take kick-backs on contracts and launder drug money while loudly condemning the United States, also come here to enjoy this country's goods and services. These new billionaires, who have amassed unimaginable personal fortunes by criminally tapping into public funds, travel in private jets to the U.S., take advantage of top-flight U.S. health services, send their children to U.S. colleges and spend their holi-

days shopping in New York, skiing in Aspen or yachting in Florida. They are also heavy users of the U.S. banks and invest their misbegotten gains in real estate and other investment instruments under U.S. jurisdiction.

My concrete proposal is to broaden the scope and reach of the microtargeted sanctions against specific individuals and their families and business partners. Since Hugo Chavez came to power, 15 years ago, it has become almost impossible to thrive in the private sector in Venezuela without entering into business deals with the government. Rarely are these deals conducted at arm's length and without corruption. There is a long and growing list of obscenely and inexplicably affluent Venezuelans who pass for "business people" but are nothing more than criminals who enriched themselves on the backs of the Venezuelan poor that the Bolivarian Government so ardently claims to represent. These crooks and their associates should be targeted with individual sanctions. The U.S. government knows who they are.

Denying a visa, freezing bank accounts, and limiting the access of the Chavez oligarchs and their families to the U.S. will obviously have a direct impact on these individuals. As important, it will make public the corrupt nature of the regime and will identify some of its wealthy beneficiaries. Demonstrating that the U.S. does not condone this kind of corrupt and illegal behavior will show these individuals, and the world, what it stands for and what it stands against.

(4) AVOID THE ANTI-IMPERIALIST TRAP

There has been much discussion of using the oil trade with Venezuela as a tool to sanction the country. I strongly oppose this proposal for two reasons. First, as others have said, cutting off the most important source of revenue for the Venezuelan economy hurts all Venezuelans, most of whom have no influence in government decisions and certainly no ability to tap into public revenues for private gain.

Second, and in this politically charged environment a key factor, a U.S. oil embargo on Venezuela or any kind of nationwide economic sanction would instantly be painted as Yankee imperialism, intervention and a typical U.S. strong-arm tactic to harass poor Venezuela—a nation that is valiantly challenging this evil empire which longs to control its massive oil reserves. This is the narrative that Chavez and his acolytes in and outside Venezuela have nurtured for a long time. The tenets of this narrative are firmly believed by Latin Americans and millions of others around the world—it is also widely accepted in Venezuela. If the U.S. imposes a total or partial oil embargo or otherwise uses heavy-handed, generalized economic sanctions, it would be committing a clumsy and self-inflicted wound. The U.S. would instantly become the cause of all Venezuelan ills, from the lack of basic goods at the grocery store to the deaths of children in hospitals without medicines.

No sanction imposed by the U.S. can cause more damage or be as politically destabilizing for the Venezuelan government as the sanctions that the Maduro administration and its Cuban handlers are currently imposing on the Venezuelan people.

Oil sanctions by the U.S. Government would be a reward for the Caracas Government and its Cuban partners, since they are desperately looking for someone to blame for the economic crisis they have created.

So it is my strong recommendation NOT to do something that has been discussed by some Members of Congress. Don't fall into the Anti-Imperialist trap.

(5) RALLY LATIN AMERICAN GOVERNMENT VOICES TO CONDEMN OF HUMAN RIGHTS VIOLATIONS IN VENEZUELA AND DEMAND THE FREEDOM OF POLITICAL PRISONERS

Finally, I would like to make a recommendation for action in the area of human rights. Even though the U.S. has lost influence in Latin America, it still does have supporters and allies in the region. I recommend rallying these allies to get political prisoners such as Leopoldo Lopez, the opposition leader, Ivan Simonovis, the long-held political prisoner, and all of the young people who have been swept up by the government forces out of prison. A unified call for living up to the most basic of human rights, the right to due process under the law, from friends of the U.S. across the continent would be an important force in gaining liberty for those unjustly jailed and in some cases tortured.

U.S. leadership in mobilizing a group of countries to denounce the old but not forgotten tactic of governments to jail and harass their critics would be a loud voice in saying enough is enough. Release the prisoners!

Venezuela's brutality should be a stain on the conscience of other Latin American nations that have looked the other way for too long. The U.S. should make indifference and bystanding harder to sustain.

Additionally, the U.S. should engage and encourage in the very innovative process spontaneously taking place in Latin America where opposition forces are taking a

public stand against their governments' complacency toward the Venezuelan situation. In Brazil, Argentina, Chile, and Peru, elected legislators have openly challenged their own governments for their passive stand toward Venezuela. This is a process that should be welcomed and encouraged by the U.S. It is very important to have elected officials who are members of nonruling parties throughout Latin America shaming their own governments out of their silence regarding the abuses taking place in Venezuela.

To conclude, I would like to reiterate that these recommendations are based on the idea that real information and its broad dissemination are powerful tools in confronting deception and corruption. They embrace the idea that those culpable of wrongdoing should bear the brunt of punishment. They take into account the special role of the U.S. in the region and in the world, and they strive to bring nations together to defend modern practices of real democracies in protecting and defending all citizens. For the sake of Venezuela, and the Venezuelan people I hold dear, I hope these and other actions can help make progress toward a better future.

The CHAIRMAN. Thank you very much.

Let me, before I turn to Mr. Vivanco, say there is nothing in the legislation that Senator Rubio and I are considering that has anything to do with oil embargos, and that is very clear. So let us eliminate that right off the bat. I know that Senator Durbin mentioned it as an item, but there is nothing in our legislation that speaks about that, so that we do not begin to obfuscate the differences.

Mr. Vivanco.

STATEMENT OF JOSE MIGUEL VIVANCO, EXECUTIVE DIRECTOR, AMERICAS DIVISION, HUMAN RIGHTS WATCH, WASHINGTON, DC

Mr. VIVANCO. Thank you, Mr. Chairman, Senator Rubio.

I will respectfully request that Human Rights Watch's full report titled "Punished for Protesting" be included in the written record of this hearing.

The CHAIRMAN. Without objection.

Mr. VIVANCO. In late March, Human Rights Watch went to Venezuela to investigate reports of serious human rights violations committed in the context of massive public protests, which began on February 12. Our experts traveled to Caracas and three states, conducting more than 90 interviews with victims, the doctors who attended them, eyewitnesses, journalists, and human rights defenders. We also gathered extensive evidence, including photographs, videos, medical reports, and judicial documents.

The scale of rights violations we found and the range of security forces and justice officials committing them shows, without question, that these are not isolated incidents or the excesses of a few rogue actors. Rather, they are part of an alarming pattern of abuse that is the worst we have seen in Venezuela in years.

The most serious abuses we found are: first, the routine use of unlawful force against unarmed protestors and even bystanders, including severe beatings, firing live ammunition, rubber bullets, and tear gas indiscriminately into crowds, firing rubber bullets deliberately at pointblank range at unarmed individuals already in custody. The fact that these abuses were carried out repeatedly by multiple security forces, including the national guard, national police, and the state police, in multiple locations across the country and over the 6-week period we examined led us to conclude that these human rights violations were part of a systematic practice by Venezuelan security forces.

Second, we found a range of serious abuses committed against detainees who were often held incommunicado on military bases for 48 hours or more before being presented before a judge. This included beatings with helmets and firearms, electric shock and burns, being forced to squat or kneel without moving for hours at a time, being handcuffed to other detainees sometimes in human chains of over 30 people for hours at a time, and extended periods of extreme heat or cold. In at least 10 cases, we concluded the abuses we have documented constituted torture.

Third, we found that rather than fulfill its role as a safeguard against abuse of power, justice officials were party to serious due process violations. Virtually every victim we interviewed was denied access to a lawyer until minutes before their hearings, which were often scheduled in the middle of the night. Prosecutors and judges routinely turned a blind eye to evidence suggesting the detainees had been physically abused or that evidence against them had been planted by security forces.

Fourth, we found that security forces deliberately targeted journalists and others photographing and filming the repression against protestors.

And fifth, we found that security forces tolerated and sometimes collaborated directly with armed pro-government gangs that attacked protestors with total impunity.

Now, President Maduro and Attorney General Ortega have acknowledged that security forces have committed human rights violations, and they have pledged to investigate these cases. However, there are good reasons to doubt their credibility. Why?

First, because justice officials are themselves directly implicated in serious due process violations. So any proper investigation will require these institutions to investigate themselves, a recipe for impunity.

Second, because the Venezuelan judiciary has ceased to function as an independent branch of government.

And third, because the President and Attorney General Ortega have repeatedly made public statements downplaying the abuses while, at the same time, celebrating the security forces that have carried out systematic violations.

Given this reality, the international community should demand that people who have been unlawfully detained for exercising their fundamental rights should immediately and unconditionally be released; that President Maduro should cease all rhetoric that incites violence; that all human rights violations should be promptly and impartially investigated and those responsible brought to justice; and that Venezuela take steps to restore the independence of the judiciary beginning with the supreme court.

Thank you very much. I look forward to your questions, Mr. Chairman.

[The prepared statement of Mr. Vivanco follows:]

PREPARED STATEMENT OF JOSE MIGUEL VIVANCO

Mr. Chairman, committee members, thank you for the invitation to appear before the Senate Committee on Foreign Relations on behalf of Human Rights Watch (HRW) to discuss the alarming human rights situation in Venezuela today. On May 5, Human Rights Watch released a report titled "Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System." Based on

extensive research conducted on the ground in Caracas and three states, the report documents violations committed by Venezuelan security forces and justice officials in the context of protests since February 12, 2014. The findings of that report—the full version of which I have formally submitted to the committee, and which I would respectfully request be included in the record of this hearing—are the basis for my testimony today.

FINDINGS OF HRW REPORT “PUNISHED FOR PROTESTING”

On February 12, 2014, thousands of people across Venezuela participated in marches and public demonstrations to protest the policies of the government of President Nicolas Maduro. In Caracas and several other cities, violent clashes broke out between government security forces and protesters. Three people were killed, dozens seriously injured, and hundreds arrested. Since then, the protests have continued and the number of casualties and arrests has grown.

In the days and weeks after February 12, Human Rights Watch received reports of serious human rights violations, including abuses committed during government operations aimed at containing protest activity, as well as in the treatment of people detained at or near protests.

To investigate these allegations of abuse, Human Rights Watch carried out a fact-finding investigation in Venezuela in March. We visited Caracas and three states—Carabobo, Lara, and Miranda—and conducted scores of interviews with abuse victims, their families, eyewitnesses, medical professionals, journalists, and human rights defenders. We also gathered extensive material evidence, including photographs, video footage, medical reports, judicial rulings, and case files. In addition, we collected and reviewed government reports and official statements regarding protest activity and the response of security forces.

What we found during our in-country investigation and subsequent research is a pattern of serious abuse. In 45 cases, we found strong evidence of serious human rights violations committed by Venezuelan security forces, which included violations of the right to life; the prohibition on torture and cruel, inhuman and degrading treatment; the rights to bodily integrity, security, and liberty; and due process rights. These violations were compounded by members of the Attorney General’s Office and the judiciary who knew of, participated in, or otherwise tolerated abuses against protesters and detainees, including serious violations of their due process rights.

The accounts of the victims in these 45 cases—together with corroborating evidence assembled from a diverse range of sources—provided credible evidence that more than 150 people were victims of serious abuses in related incidents. (For more on how we conducted our research and documented cases, see the “Methodology” section in this report.)

In most of the cases we documented, security forces employed unlawful force, including shooting and severely beating unarmed individuals. Nearly all of the victims were also arrested and, while in detention, subjected to physical and psychological abuse. In at least 10 cases, the abuses clearly constituted torture.

In all three states, as well as in Caracas, security forces allowed armed pro-government gangs to assault unarmed civilians, and in some cases openly collaborated with them in the attacks, our research found.

The Venezuelan Government has characterized the protests taking place throughout the country as violent. There is no doubt that some protesters have used violence, including throwing rocks and Molotov cocktails at security forces. More than 200 security force members and government officials have been injured in the context of the protests, and at least nine have died, according to the government. All crimes—including those committed against security forces, protesters, and bystanders—require rigorous investigation, and those responsible should be brought to justice. Moreover, security forces have a responsibility to detain people caught in the act of committing crimes.

However, in the 45 cases of human rights violations we documented, the evidence indicated that the victims of unlawful force and other abuses were not engaging in acts of violence or other criminal activity at the time they were targeted by Venezuelan security forces. On the contrary, eyewitness testimony, video footage, photographs and other evidence suggest victims were unarmed and nonviolent. Indeed, some of the worst abuses we documented were committed against people who were not even participating in demonstrations, or were already in detention and fully under the control of security forces.

The nature and timing of many of these abuses—as well as the frequent use of political epithets by the perpetrators—suggests that their aim was not to enforce the

law or disperse protests, but rather to punish people for their political views or perceived views.

In many instances, the aim of the abuse appears to have been to prevent individuals from documenting the tactics being employed by security forces, or to punish those attempting to do so. In 13 of the cases we investigated, security forces targeted individuals who had been taking photographs or filming security force confrontations with protesters. Roughly half of these individuals were professional journalists, while the other half were protesters or bystanders using cell phones to document use of force by security forces.

In addition to the unlawful use of force and arbitrary arrests, nearly all of the 45 cases involved violations of due process guarantees. These included holding detainees incommunicado, denying them access to lawyers until minutes before they were presented to judges, and in several cases planting evidence on them before charging them with crimes. Judges often confirmed charges against detainees based on dubious evidence presented by prosecutors, without subjecting the evidence to rigorous review or inquiring into how suspects presented before them had sustained visible injuries.

Prosecutors and judges routinely turned a blind eye to evidence suggesting that detainees had been subject to abuses while in detention, such as ignoring obvious signs of physical abuse, or interrogating detainees in military installations, where it was clear they did not have access to lawyers.

High-ranking Venezuelan Government officials, including President Nicolas Maduro and the attorney general, have acknowledged that government security forces have committed human rights violations in responding to demonstrations since February 12. They have pledged that those responsible for abuses will be investigated and prosecuted, and the Attorney General's Office recently reported that it is conducting 145 investigations into alleged human rights violations and that 17 security officials had been detained for their alleged involvement in these cases. At the same time, President Maduro, the attorney general, and numerous others government officials have also repeatedly claimed that human rights abuses are isolated incidents, rather than evidence of a broader pattern of abuse.

While it was not possible for Human Rights Watch's investigation to determine the full scope of human rights violations committed in Venezuela in response to protests since February 12, our research leads us to conclude that the abuses were not isolated cases or excesses by rogue security force members, but rather part of a broader pattern, which senior officers and officials must or should have known about, and seem at a minimum to have tolerated. The fact that the abuses by members of security forces were carried out repeatedly, by multiple security forces, in multiple locations across three states and the capital (including in controlled environments such as military installations and other state institutions), and over the 6-week period covered in this report, supports the conclusion that the abuses were part of a systematic practice by the Venezuelan authorities.

Prosecutors and justice officials who should have operated independently from security forces—and whose role should have led them to identify and intervene to stop violations against detainees—instead turned a blind eye, and were in some cases actively complicit in the human rights violations being committed by security forces. Prosecutors contributed to various due process violations, such as participating in interrogations without a defense lawyer present, which is contrary to Venezuelan law. Both prosecutors and judges failed to scrutinize evidence that had been planted or fabricated by security forces, and held hearings to determine charges for multiple detainees who did not have prior adequate access to legal counsel.

The scope of the due process violations that occurred in multiple jurisdictions across several states—and that persisted, at the very least, over the 6-week period examined by this report—highlights the failure of the judicial body to fulfill its role as a safeguard against abuse of state power. It also reinforces the conclusion that Venezuela's judiciary has been transformed from an independent branch of government to a highly politicized body, as has been previously documented in multiple reports by Human Rights Watch.

VIOLENCE BY PROTESTERS

Human Rights Watch reviewed government statements alleging that protesters engaged in acts of violence and other crimes in various parts of the country since February 12. We also collected and analyzed media reports, video footage, and photographs posted online purporting to show acts of violence committed by protesters during demonstrations. As noted below, according to the Venezuelan Government there have been 41 fatalities connected to the protests, most of which the government attributes to protesters.

The most common crime attributed to protesters was the obstruction of roadways and other transit, either by fixed barricades or the presence of demonstrators who did not seek official permits for their activities. In addition, on multiple occasions, people participating in protests have attacked security forces with rocks, Molotov cocktails, and slingshots. In a handful of incidents, there were reports of protesters shooting homemade mortars.

For example, photographs taken by a Reuters photographer on April 6, 2014, show young men who appear to be protesters firing what looks like an improvised mortar device. The photograph's caption reads: "Anti-government protesters fire a rudimentary mortar at police during riots in Caracas April 6, 2014." Other photographs taken by the same photographer show different masked men holding and shooting what appear to be homemade mortar tubes on February 26 and 27, 2014. According to the photographs' captions, the men holding the mortar tubes were antigovernment protesters participating in protests in San Cristobal, Tachira state.

Human Rights Watch also found multiple photographs and videos that reportedly show antigovernment protesters throwing Molotov cocktails at security forces. Some images show the Molotov cocktails setting security force members or their vehicles on fire. For example, NTN24 posted online a cell phone video showing several people throwing Molotov cocktails at an armored government vehicle, setting it on fire. NTN24 reported that the vehicle had been shooting water and teargas as it aimed at demolishing street barricades in Caracas.

Another video posted on YouTube shows around a dozen security force members retreating on a street as rocks are being thrown at them. A flaming object lands at their feet and explodes, temporarily setting at least a few of them on fire. The video was uploaded on YouTube on February 21 by a user who said it was taken on February 18, 2014, in Tachira state, and described the explosive as a Molotov cocktail. The video does not show who threw the rocks or explosive, but several news reports that covered the video alleged that they had been thrown by protesters.

According to the Attorney General's Office, there have been 41 fatalities in the context of the protests since February 12. Those 41 deaths were classified as follows: 27 caused by firearms; 6 caused by motorcycle or car crashes attributed to the presence of barricades; 5 caused by "other circumstances" (which are not defined); 2 people killed by being run over by vehicles; and 1 person who died of stab wounds. Publicly available information indicates that of these 41 reported cases, 9 were members of the security forces or government officials, at least 10 were civilians who participated in or supported the protests, and roughly 4 were civilian government supporters.

President Maduro has blamed the opposition for most of the protest-related deaths. However, to date, the government has not made public evidence to support this claim. In fact, based on official reports and credible media accounts, there are strong reasons to believe that security forces and armed pro-government gangs have been responsible for some of the killings. Indeed, several security force members have been arrested for their alleged role in some of these cases.

In those cases where public officials have presented evidence purporting to demonstrate protesters' responsibility for killings, that evidence has been far from conclusive. For example, in one case, a governor affiliated with President Maduro's political party presented video footage showing two masked men on a rooftop who appear to be shooting a rifle or rifles in the direction of the street. The governor claimed the gunmen were antigovernment protesters and suggested they were responsible for the shooting death of a state worker, Juan Orlando Labrador Castiblanco. In a separate speech, President Maduro said Labrador had been killed by "right-wing snipers." The video shown by the governor does not indicate whether the men on the roof were antigovernment protesters, nor is it possible to determine based on the footage whether the shots apparently fired from the rooftop hit anyone (Labrador is not shown in the video). No evidence was supplied regarding the trajectory of the bullet or bullets that killed Labrador. Several press reports confirming Labrador's death during or around the time of a protest (which was taking place at the time on the Avenida Cardenal Quintero) included accounts—from neighbors and the mayor—claiming that armed pro-government gangs, allegedly acting in tandem with government security forces, had shot him dead. In the face of contradictory claims, the importance of a thorough, impartial, credible investigation that includes all available forensic and crime scene evidence and witness accounts is critical.

UNLAWFUL USE OF FORCE

Security forces routinely used unlawful force against unarmed protesters and other people in the vicinity of demonstrations. The perpetrators included members of the National Guard, the National Police, the Guard of the People, and various state police agencies. The most common abuses included:

- Severely beating unarmed individuals;
- Firing live ammunition, rubber bullets, and teargas canisters indiscriminately into crowds; and
- Firing rubber bullets deliberately, at point-blank range, at unarmed individuals, including, in some cases, individuals already in custody.

When the restaurant where he worked in a shopping mall in El Carrizal closed on March 5 due to nearby protests, Moises Guanchez, 19, left to go home. But he found himself trapped in an enclosed parking lot behind the mall with around 40 other people, as members of the National Guard fired teargas canisters and rubber bullets in their direction. When Guanchez attempted to flee the lot, a guardsman blocked his way and shot toward his head with rubber bullets. The shot hit Guanchez's arm, which he had raised to protect his face, and he was knocked to the ground. Though Guanchez offered no resistance, two guardsmen picked him up and took turns punching him, until a third approached and shot him point blank with rubber bullets in his groin. He would need three blood transfusions and operations on his arm, leg, and one of his testicles.

Willie David Arma, 29, was detained on March 7 in the street outside his home in Barquisimeto, a few blocks away from an antigovernment protest. He was shot repeatedly with rubber bullets, some at point-blank range, then subjected to a prolonged beating with rifle butts and helmets by three national guardsmen who asked him: "Who is your president?"

Under international law, government security forces may use force in crowd control operations as a last resort and in proportion to the seriousness of the offense they are seeking to prevent. They may use lethal force only as self-defense or defense of others against the imminent threat of death or serious bodily injury. They may use teargas only when necessary and in a proportionate and nondiscriminatory manner—and should not use it in a confined area or against anyone in detention or already under the control of law enforcement.

Human Rights Watch found that Venezuelan security forces repeatedly resorted to force—including lethal force—in situations in which it was wholly unjustified. In a majority of the cases documented by Human Rights Watch, the use of force occurred in the context of protests that were peaceful, according to victims, eyewitnesses, lawyers, and journalists, who in many instances shared video footage and photographs corroborating their accounts.

In several of the cases we investigated, small groups of individuals committed acts of violence at the protests, such as throwing stones or bottles, or burning vehicles. In some instances, the evidence suggests these acts were committed without provocation; in others, they appear to have been committed in response to aggression by security forces. Regardless, eyewitnesses and journalists who observed the protests consistently told Human Rights Watch that the people who committed acts of violence at protests were a very small minority—usually less than a dozen people out of scores or hundreds of people present.

Yet despite the fact that acts of violence were isolated to small groups, security forces responded by indiscriminately attacking entire demonstrations, and in some cases, bystanders. In at least six incidents we documented, the indiscriminate use of force endangered people in nearby hospitals, universities, apartment buildings, and shopping malls. These actions by security forces threatened the well-being of hundreds of bystanders—children among them.

Rodrigo Perez, 21, felt several rubber pellets strike his back and head as he was running away from state police officials who had opened fire with rubber bullets at demonstrators. The demonstrators had been partially blocking traffic in Puerto La Cruz on March 7 to protest the government. Perez—who was hit as he ran into a nearby mall's parking lot—hid in a store after being wounded, and saw several members of government security forces enter the mall's food court and fire at unarmed, fleeing civilians, injuring two others.

ARBITRARY ARRESTS

In the scores of cases of detentions documented by Human Rights Watch, the majority of the detainees were participating in protests at the time of their arrests. However, the government routinely failed to present credible evidence that these

protesters were committing crimes at the time they were arrested, which is a requirement under Venezuelan law when detaining someone without an arrest warrant. On the contrary, victim and eyewitness accounts, videos, photographs, and other evidence indicate that victims were participating peacefully in demonstrations and not engaging in any criminal activity.

Some of the people detained, moreover, were simply in the vicinity of protests but not participating in them. This group of detainees included people who were passing through areas where protests were taking place, or were in public places nearby. Others were detained on private property such as apartment buildings. In every case in which individuals were detained on private property, security forces entered buildings without search orders, often forcing their way in by breaking down doors.

Luis Augusto Matheus Chirinos, 21, was detained on February 21 in Valencia by approximately 10 members of the National Guard at the entrance of a housing complex (urbanización), where he was standing, waiting for a friend he had gone to pick up. An antigovernment demonstration was taking place nearby. He was taken to a military complex of the Guard of the People, where he was beaten, threatened, and told to repeat that Nicolas Maduro was the President of Venezuela. Matheus was held incommunicado for 2 days and subsequently charged with several crimes, based on what our research strongly suggests was planted evidence and a police report that says he was arrested two blocks away from where he was actually detained.

Pedro Gonzalez, 24, was visiting a friend on March 3 who lives in an apartment building near a public square in Caracas where a demonstration was taking place. When teargas began wafting into the apartment, Gonzalez went to the building's enclosed courtyard to get some air. Minutes later, police burst into the building's entrance, pursuing a protester. They grabbed Gonzalez, threw him to the ground, and dragged him out of the building, arresting him for no apparent reason.

Jose Romero, 17, was stopped on March 18 by national guardsmen when he was coming out of a metro station in downtown Caracas. A guardsman asked to see his ID and, when Romero presented it, slapped him across the face. Romero was detained without explanation and taken to a nondescript building, where he was held incommunicado, threatened with death, beaten, and burned.

TARGETING OF JOURNALISTS AND OTHERS DOCUMENTING THE VIOLENCE

In 13 of the cases of physical abuse documented by Human Rights Watch, security forces targeted individuals who had been taking photographs or filming protests. All but two were then arbitrarily arrested. Roughly half of these individuals were professional journalists, while the other half were protesters or bystanders using cell phones to document use of force by security forces.

In these cases, when assaulting or arresting the victims, security force members reprimanded them for taking pictures or filming. In several instances, security force members told victims they were getting what they deserved for trying to undermine the reputation of security forces, or told them they did not want the images circulating online.

Dayana Mendez Andrade, 24, a journalist, was covering a demonstration in Barquisimeto on March 20 wearing a vest with the word "Press" written in large letters across the front, when national guardsmen began firing teargas and rubber bullets at protesters. Mendez fled but was cornered together with a photographer—Luis Rodriguez Malpica, 26—by several guardsmen. When she and Rodriguez put up their hands and yelled that they were journalists, a guardsman responded, "You're taking photos of me! You're the ones that send the photos saying 'SOS Venezuela.' You cause problems for the National Guard." Then, from a distance of a few meters, the guardsman fired at them with rubber bullets, striking Mendez in her left hip and leg.

Angel de Jesus Gonzalez, 19, was taking photographs of a burnt out car after a march in Caracas on February 12 when he was approached by four armed men in plainclothes. One of the men told him to hand over his phone, which he did. Then the men (who Gonzalez later learned were government security agents) began to beat him for no apparent reason, and detained him.

In these cases—as well as others involving the detention of protesters and bystanders—national guardsmen and police routinely confiscated the cell phones and cameras of the detainees. In the rare instances when detainees had these devices returned to them, they routinely found that their photographs or video had been deleted.

COLLUSION WITH ARMED PRO-GOVERNMENT GANGS

Security forces repeatedly allowed armed pro-government gangs to attack protesters, journalists, students, or people they believed to be opponents of the government with security forces just meters away. In some cases, the security forces openly collaborated with the pro-government attackers.

(Armed pro-government gangs that carry out these attacks are often referred as “colectivos,” a term also used in Venezuela to refer to a wide range of social organizations that support and, in some cases, help to implement the government’s policies. The vast majority of these groups have not engaged in violent behavior. For this reason, this report uses the term “armed pro-government gangs” to refer to groups that carry out violent attacks that appear to be motivated by loyalty to the government. Where the term “colectivo” has been used, it is with the aim of accurately reflecting the way it was used by a source.)

The response of government security forces to armed pro-government gangs ranged from acquiescence and omission to direct collaboration. In some instances, security forces were present when armed gangs attacked protesters, but did nothing to disarm the gangs or protect their victims. Rather, security forces stood by idly, or left an area shortly before pro-government gangs attacked.

In other incidents, we found compelling evidence of uniformed security forces and pro-government gangs attacking protesters side by side.

National guardsmen and national police opened fire with teargas and rubber bullets on students who were demonstrating in and around the campus of the University Centro Occidental Lisandro Alvarado in Barquisimeto on March 11. Wladimir Diaz, 20, who participated in the protest, said government security forces operated side by side with more than 50 civilians, many of whom were armed with pistols and fired live ammunition at the students. Diaz was shot in the abdomen when a mixed group of government security forces and armed, masked civilians opened fire on the university building where he was taking shelter.

In some cases documented by Human Rights Watch, armed pro-government gangs detained people at or near protests, and then handed them over to security forces. Those security forces, in turn, falsely claimed to have caught the abducted individuals in the act of committing a crime, and prosecutors subsequently charged them before a judge.

Jose Alfredo Martin Ostermann, 41, and Carlos Spinetti, 39, were detained on March 12 by armed civilians as they walked near a pro-government rally in Caracas. The victims were taken in plain sight of three national guardsmen, who did nothing to intervene. The armed men beat Ostermann and Spinetti, shouted insults at them that were political in tone (for example, accusing them of being “traitors to the fatherland”), threatened to kill them, and photographed Spinetti holding a planted weapon, before handing them over to police. Rather than questioning the armed civilians, police detained the two victims.

Sandro Rivas, 30, left a demonstration and was getting a ride home on the back of a motorcycle when he and the driver were stopped by four armed men driving a pickup truck. The plainclothes men forced Rivas and the driver into the back of the pickup, where they punched and kicked them repeatedly and threatened to kill them. Then they drove them to a National Guard checkpoint, where they told officers the detainees had been “guarimbeando”—slang the government often uses to refer to protesters who block roads. The guardsmen arrested the two men without once questioning the armed men.

All of the people we interviewed who were abducted, or taken captive, or attacked by pro-government gangs told us they were beaten severely, or subjected to threats or insults that were political in nature.

Despite credible evidence of crimes carried out by these armed pro-government gangs, high-ranking officials called directly on groups to confront protesters through speeches, interviews, and tweets. President Maduro himself has on multiple occasions called on civilian groups loyal to the government to “extinguish the flame” of what he characterized as “fascist” protesters. For example, in a speech on March 5 transmitted live as a mandatory broadcast (cadena nacional), Maduro said: “. . . These groups of guarimberos, fascists and violent [people], and today now other sectors of the country’s population as well have gone out on the streets, I call on the UBCh, on the communal councils, on communities, on colectivos: flame that is lit, flame that is extinguished.”

Similarly, on February 16, the governor of the state of Carabobo, Francisco Ameliach, issued a tweet calling on the Unidades de Batalla Bolívar-Chavez (UBCh)—a civilian group formed, according to the government, as a “tool of the peo-

ple to defend its conquests, to continue fighting for the expansion of the Venezuelan Revolution”—to launch a rapid counterattack against protesters. Ameliach said the order would come from the president of the National Assembly, Diosdado Cabello, a close ally of President Maduro. The February 16 tweet, which was later deleted from his feed, said: UBCH get ready for the swift counterattack. Diosdado will give the order. #GringosAndFascistsShowRespect

ABUSES IN DETENTION FACILITIES

In most of the cases documented by Human Rights Watch, detainees were held incommunicado for up to 48 hours, before being presented to a judge. In many instances they were held in military installations.

During this period, security forces subjected detainees to severe physical abuse, including:

- Beatings with fists, helmets, and firearms;
- Electric shocks or burns;
- Being forced to squat or kneel, without moving, for hours at a time;
- Being handcuffed to other detainees, sometimes in pairs and others in human chains of dozens of people, for hours at a time; and
- Extended periods of extreme cold or heat.

Maurizio Ottaviani Rodriguez, 20, was detained on February 28 when he was leaving a demonstration in Plaza Altamira in Caracas. Despite having offered no resistance during the arrest, Ottaviani told Human Rights Watch, the guardsmen beat, kicked, and stepped on him. He was forced to board a school bus with more than 40 other detainees, including several women and three minors. Each detainee was handcuffed to the person on his or her side, and they were held on the bus for 2 hours, during which time they were not allowed to open the windows to alleviate the heat inside, which was stifling. The guardsmen hit people inside the bus with batons, threatened to throw a teargas canister inside the bus, and told detainees they would be sent to a violent prison. Detainees were then taken to the military base Fuerte Tiuna, where they were held for almost a day, and were not allowed to speak with their families or lawyers. As soon as they arrived, they were all taken to a chapel and separated into three groups: men, women, and the three minors. During this time, the men were handcuffed to each other in a human chain.

Detainees also described being subjected to intrusive physical exams by guardsmen, ostensibly to search for weapons or drugs, which involved removing their clothes and being forced to perform squats while naked. At least one of the detainees subjected to these degrading exams was a boy.

Detainees with serious injuries—such as wounds from rubber bullets and broken bones from severe beatings—were denied or delayed access to medical attention, exacerbating their suffering, despite their repeated requests to see a doctor.

In the few instances in which detainees with serious injuries were taken to a hospital or clinic, security officials interfered with their medical care. Security officials refused to leave restricted medical areas when asked; denied doctors the right to speak privately with patients or carry out medical procedures without national guardsmen or police present; and in some instances tried to take detainees out of facilities before they had received adequate treatment or their condition had stabilized, against doctors' advice.

On February 19, a national guardsman fired at the face of Gengis Pinto, 36, from point blank range with rubber bullets, despite the fact that he had already been detained and was offering no resistance. Pinto had been participating in an antigovernment rally in San Antonio de los Altos, where hundreds of protesters had blocked off part of a highway. Pinto raised his arm to block the shot, which struck his hand, badly mangling several of his fingers, and embedded several pellets in his forearm. Despite serious pain, loss of blood, and several requests, guardsmen refused to take Pinto to a doctor. Instead, they beat him, threatened to kill him, and took him to a military base for questioning. Approximately 6 hours after being shot, guardsmen took Pinto to an emergency clinic, where they refused to let the doctor examine him privately. Though the doctor told guardsmen that Pinto needed immediate specialty care that the clinic could not provide, guardsmen ignored his advice and took Pinto back to the military base. There, he was handcuffed to another detainee and made to sit in the sun for roughly 10 more hours before being taken to a private clinic where he was operated on.

In several cases, national guardsmen and police also subjected detainees to severe psychological abuse, threatening them with death and rape, and telling them they

would be transferred to the country's extremely violent prisons, even though they had yet to be charged with a crime.

In other cases, guardsmen and police warned victims not to denounce the abuses they had suffered, suggesting false stories that detainees should use to explain the physical injuries they had suffered at the hands of security forces.

In at least 10 cases, Human Rights Watch believes that the combination of abusive tactics employed by security forces constitutes torture.

Clipso Alberto Martinez Romero, 19, was participating in a demonstration in Valencia on March 20 when national guardsmen on motorcycles rode toward the crowd firing teargas and rubber bullets. He was knocked to the ground by guardsmen and kicked repeatedly, though he and several eyewitnesses said he offered no resistance. Then a guardsman stepped on Martinez's head and fired rubber bullets at point-blank range in his thigh. The shot struck a set of keys in his pocket, dispersing metal shards as well as rubber pellets into his leg. Despite the serious pain it caused, guardsmen forced Martinez to jog, then took him to a military facility where he was made to strip naked for an invasive body search. Officers repeatedly forced Martinez to clean his blood off of the floor with his own t-shirt. He repeatedly asked to see a doctor, but was instead forced to kneel with other detainees for several hours. The room where they were held was kept at a very cold temperature by an air conditioner. When Martinez asked an officer to turn it down, the officer responded by turning it up full blast. Guardsmen came into the room where Martinez was being held to mock him, and several took photographs of his bullet wound on their cell phones. He was not taken to an emergency medical clinic until roughly 3 hours after he had been shot. There, the medical professional said he was suffering from hypothermia and heart arrhythmia likely caused by trauma, and that he had lost so much blood that he would die if he was not immediately treated at a hospital.

Juan Sanchez, 22, was detained by national guardsmen when he was walking to the bank on the outskirts of Caracas on March 5. Earlier that day, Sanchez had participated in a protest in the neighborhood. Without warning, the guardsmen kicked him, beat him, and fired a rubber bullet from point-blank range into his right thigh. One of the guardsmen said, "Finally we got one. He'll be our trophy so these brats stop fucking around." Sanchez was driven to a military installation, where a dozen guardsmen forced him to take off his clothes. One guardsman, who saw his bleeding leg, asked: "Does this injury hurt?" and inserted his finger into the open wound, removed it, and then inserted it again. The second time he took something out of his leg, but Sanchez could not see if it was muscle tissue or a rubber bullet. Three guardsmen then handcuffed him to a metal pole, gave him electric shocks twice, and demanded that he tell them who his accomplices were. Afterward, the guardsmen took Sanchez to a patio where he was forced to fight with one of them, while the rest watched, laughing and cheering. Sanchez was taken to a hospital, where the guardsmen interfered with the doctor's efforts to treat him, and then was driven back to the military installation, where guardsmen called him a "fascist" and continued to kick him, threatening to send him to one of Venezuela's most violent prisons.

DUE PROCESS VIOLATIONS

Under Venezuelan law, a detainee arrested while committing a crime should be brought before a prosecutor within 12 hours of his or her arrest. The prosecutor has up to 36 additional hours to investigate the case and bring the detainee before a judge at a hearing, in which the detainee may be charged with a crime or released. During this period, detainees have the right to communicate with their families, lawyer, or person of trust, and to be immediately informed of the charges against them.

Human Rights Watch found that these fundamental due process guarantees were violated in the vast majority of cases documented in this report.

The detainees were routinely held incommunicado for extended periods of time, usually up to 48 hours, and sometimes longer. While, in a few exceptional cases documented by Human Rights Watch, detainees were released before being brought before a judge, in the overwhelming majority of cases prosecutors charged them with several crimes, regardless of whether there was any evidence the accused had committed a crime.

Six people, two of them children, were detained on February 18 for allegedly vandalizing the property of CANTV, the government telephone and Internet provider, in Barquisimeto. Yet while police reports claimed the accused were caught fleeing the CANTV offices, various witnesses and a video show at least four of the detainees were detained in a different location. Apart from the police report, the only evidence presented by the prosecutor against the detainees was an abandoned gas container

found near CANTV. In spite of the lack of evidence, a judge charged the detainees with eight crimes, including damages to public property, the use of an adolescent to commit a crime, and instigation to hate.

In virtually all of the cases we investigated, detainees were not permitted to contact their families during the initial 48 hours of their detention despite repeated requests to do so. Meanwhile, relatives of detainees were routinely denied access to information regarding whether family members had been detained and, even when they knew detentions had taken place, where they were being held. Family members described traveling from one security force facility to another in search of their loved ones, only to be told they were not there. In several instances, authorities deliberately misled families and lawyers regarding the whereabouts of detainees. When families were able to determine the location of detainees—most often through the unrelenting searches of lawyers and local human rights defenders—they were consistently denied access to them, even when those detained were adolescents.

Albany Ottaviani went to a military installation in Caracas on February 28 to inquire about the whereabouts of her brother, Maurizio Ottaviani Rodriguez, 20. He had been detained earlier that day at a protest by national guardsmen. At the installation, she said a colonel told her and 15 other family members waiting outside that they could be arrested for standing in a military zone. The family members promptly left for fear their presence might lead to retaliation against their relatives, who they believed were being detained on the base. The following morning, family members returned to the base, where guardsmen told them they would provide a bus to take the families to a courthouse, where the detainees were going to be tried. Families got on the bus, but guardsmen instead drove them around the city for several hours before dropping them off at a location that was not where hearings were to be held.

Angelica Rodriguez went to look for her husband, Jesus Maria Toval, on a military installation in Barquisimeto on February 21—the day after he had been detained by an armed pro-government gang and handed over to national guardsmen. She said a guardsman told her that there was no list with names of detainees being held there, so they could not tell her where her husband was on the base. Two hours later—only after Rodriguez broke down crying—a different guardsman approached her and quietly told her that Toval was indeed being held at the base. Yet Rodriguez and her husband's lawyer were not allowed to see Toval until 2 days later, when he was brought before a judge for his hearing.

Lawyers told Human Rights Watch that detainees were routinely moved from one detention center to another during their incommunicado detention—a practice referred to as “taxi driving” (ruleteo)—without informing detainees, their families, or lawyers where they were being taken, or when they would be taken before a judge.

Detainees were also denied access to legal counsel during their detention. Lawyers who were able to determine where detainees were being held—in many cases by deducing where they would be taken based on eyewitnesses’ accounts of where they had been detained, and by which security force—were not allowed to meet with them, despite repeated requests.

Virtually all detainees were not allowed to meet with their defense lawyers until minutes before their initial hearing before a judge. Lawyers and detainees alike told Human Rights Watch that these meetings usually occurred in the hallways outside of courtrooms, in front of police and court officials as well as other detainees (to whom they were sometimes handcuffed), denying their right to a private audience.

Lawyers, like detainees, usually learned of the charges against detainees at the hearings, or at the earliest, minutes before they began. They had virtually no time to review relevant court documents, such as police arrest reports or inventories of supposed evidence, which was critical to defend their clients. Lawyers told Human Rights Watch that this access was denied even in cases in which hearings were delayed for hours—time during which they could have met with detainees or reviewed case files.

Hearings were routinely and inexplicably held in the middle of the night, a practice that lawyers interviewed by Human Rights Watch had not experienced in other types of cases. Lawyers told Human Rights Watch that, night after night, they were forced to wait for hours in courts, in military facilities, or in other where places hearings were held, without receiving any plausible justification for the delay. This routine was physically exhausting, wasted time they could have dedicated to defending other detainees, and made it even harder for them to provide an adequate defense.

According to various lawyers and detainees—as well as judicial files to which Human Rights Watch had access—prosecutors’ accusations, and the eventual charges brought against detainees, were based almost exclusively on police reports

and, in several instances, on what detainees plausibly said was planted evidence. In addition, individuals who were detained separately, at different times or in different locations—and who in many cases did not even know each other—were sometimes charged by prosecutors in a single hearing with the same crimes, sometimes using the same piece of evidence for all of the accused, such as a piece of barbed wire.

Instead of thoroughly reviewing the evidence provided by prosecutors and detainees—the latter's physical appearance alone in many cases provided compelling evidence of abuse—judges routinely rubber-stamped the charges presented by prosecutors.

While most of those charged were granted conditional liberty in the cases we investigated, judges repeatedly placed conditions (*medidas cautelares*) on detainees' freedom that prevented them from exercising their fundamental rights to freedom of assembly and expression, such as prohibiting them from participating in demonstrations or talking to the media.

Marco Aurelio Coello, 18; Luis Felipe Boada, 25; Cristian Holdack, 34; Nelson Gil, 22; Demian Martin, 19; and Angel de Jesus Gonzalez, 19; were arbitrarily detained on February 12 in six different places in or around Carabobo Park in Caracas, where a largely peaceful demonstration ended in violent incidents that led to at least three deaths, dozens of people injured, and the burning of several official vehicles. The six men—who did not know each other before that day—were subject to severe physical abuse during their arrest and at the headquarters of the investigative police in the area, where they were all held incommunicado for 48 hours. During their detention, they did not have access to their lawyers and were not permitted to see their families. At 11 p.m. on February 14, they were brought before a judge and charged with several crimes based on evidence presented by the prosecution that included clothes that security officials had stained with gasoline, and photographs of unidentifiable individuals engaged in confrontations with security forces placed alongside the men's mug shots taken at the police station. At 5:30 a.m. on February 15, the judge confirmed the prosecution of the six men and ordered their pretrial detention. Four of them were granted conditional liberty on April 1, and released while awaiting trial.

Dozens of lawyers and human rights defenders told Human Rights Watch that, in a country where prosecutorial and judicial independence has been significantly undermined in recent years, they had grown accustomed to encountering obstacles to defending detainees. However, all said the situation had worsened dramatically after February 12. Never before, they said, had they encountered such a comprehensive battery of obstacles affecting so many cases.

OFFICIALS AND SECURITY FORCES WHO INTERVENED TO HELP DETAINEES

It is important to note that not all of the security force members or justice officials encountered by the victims in these cases participated in the abusive practices. Indeed, in some of the cases, victims told Human Rights Watch that security officials and doctors in public hospitals had surreptitiously intervened to help them or to ease their suffering.

In a few instances, national guardsmen quietly passed a cell phone to detainees being held incommunicado, so that they could call their families and tell them where they were, or snuck them food or water. Some security officials furtively told human rights lawyers the whereabouts of detainees, or tipped them off as to when the detainees would be brought before a judge. In several cases, doctors and nurses in public hospitals—and even those serving in military clinics—stood up to armed security forces, who wanted to deny medical care to seriously wounded detainees. They insisted detainees receive urgent medical care, in spite of direct threats—interventions that may have saved victims' lives.

FEAR OF REPORTING ABUSES

Many victims and family members we spoke with said they believed they might face reprisals if they reported abuses by police, guardsmen, or armed pro-government gangs. Victims also expressed fear that, were they to report abuses, the Attorney General's Office would fabricate charges against them, or—in cases in which victims had already been accused of crimes—that judges would punish them by wrongfully convicting them, or revoking their conditional liberty if it already had been granted.

A lawyer from the Catholic University Andres Bello, who coordinates the work of a team of criminal lawyers who have assisted hundreds of detainees in Caracas, told Human Rights Watch that “in almost no cases” do victims have the confidence to

file a complaint with the Attorney General's Office. He added, "People don't bring complaints because they don't trust institutions. They fear who will protect them if they do."

Many victims traced these fears to threats they received from security forces during their detentions. Not only were detainees subject to repeated death threats, but several victims of severe physical abuse said that security forces had explicitly told them not to say how they had been hurt. In several cases we investigated, government security forces even went so far as to suggest false stories that victims of abuse should use to explain how their injuries had been sustained. Others were told they would not be released unless they signed documents saying they had not been abused during their detentions. Victims saw these exchanges as a clear threat not tell the truth about what had happened to them.

Guardsmen told Gengis Pinto, 36, who had been beaten, given electric shocks, and shot at point-blank range by guardsmen after being detained at a protest, to say that he had run into a post and been hit in the face with a bottle by a fellow demonstrator.

Nelson Gil, 22, who was beaten by plainclothes police, was told by investigative police who observed his injuries to say he fell and was punched by fellow protesters.

Keyla Brito, 41, her 17-year old daughter, and six other women who were detained in a military installation where they were beaten and threatened by guardswomen, were forced to sign a document saying they had not been abused in exchange for authorities releasing them without charging them with a crime.

Lisandro Barazarte, 40, a photographer for the newspaper "Notitarde" in Valencia, said he feared for his life after his photographs of armed pro-government supporters firing pistols on protesters were published. Barazarte received multiple death threats after the photos appeared in the newspaper. "I live in suspense, because I don't know from where they are going to shoot at me," he said. "At any moment something could happen to me." At the time he spoke to Human Rights Watch, he had not placed a complaint about the threats with officials, out of fear he would be targeted for revenge attacks.

Several victims expressed fear that reporting crimes could lead to the loss of employment for them or their family members who worked for the government. In several instances, these threats were made explicit.

A victim who was beaten, shot, and threatened with death after being arbitrarily detained by national guardsmen told Human Rights Watch that, not long after he was released, members of the intelligence services (Servicio Bolivariano de Inteligencia Nacional, SEBIN) brought in his father for questioning. The victim said his father was a career officer in the Venezuelan military. SEBIN officers told the father that if his son continued to take part in demonstrations or filed a complaint, the father would be considered a "counterrevolutionary" and would lose his job. The victim said that he had stopped participating in demonstrations since his father's conversation with SEBIN, and would not file a complaint with authorities for the abuses he had suffered, for fear it would cost his father's job.

Another victim who was arbitrarily detained and beaten by an armed pro-government gang said one of the reasons he had not filed a complaint was out of concern he could lose his job. An employee of a government ministry, he told Human Rights Watch, "I know that at any moment they could fire me." He said he had intentionally steered clear of political activities since the incident.

The reluctance to report abuses is compounded by a deep and widespread distrust of the justice system itself. Victims and their lawyers were extremely skeptical that prosecutors and judges who belong to the same institutions as those who had violated their rights would act with impartiality and professionalism when handling their abuse claims.

Jose Alfredo Martin Ostermann, 41, who was abducted by members of an armed gang as he walked with a friend near a pro-government rally in Caracas, beaten in plain view of national guardsmen, and then handed over to police, said he did not plan to file a complaint with authorities because they were collaborating directly with his abusers. "I was beaten, threatened, and detained in front of the National Guard—which is supposed to be a state body—and they simply turned around and walked away." He added, "They know [about this] at the prosecutors' office and the police, and they are not doing anything." Placing a complaint, he said, "may even be counterproductive. It could lead to vengeance."

Victims' lack of confidence in the justice system was underscored by cases in which government officials informed detainees and their families that the cases against them were being pursued on political grounds.

OBSTACLES TO ACCOUNTABILITY

The Venezuelan state should ensure that any acts of violence or serious crimes are rigorously investigated and that those responsible for them are held accountable. These include crimes allegedly committed by protesters, as well as abuses committed by government security forces.

Under international law, the Venezuelan Government also has an obligation to conduct prompt, thorough, and impartial investigations of human rights violations, including those documented in this report, as well as other abuses reported by victims and local human rights defenders and abuses reported in the press.

President Maduro and Attorney General Luisa Ortega Diaz have acknowledged that security forces have committed human rights violations in the context of demonstrations since February 12. Both have pledged that those responsible for abuses will be investigated and prosecuted. According to the government, as of April 25, the Attorney General's Office was conducting 145 investigations into alleged human rights violations, in which 17 security officials had been detained for their alleged involvement in these cases.

While these investigations are a welcome start, there are good reasons to doubt the ability of Venezuelan authorities to ensure that the abuses are investigated in an impartial and thorough manner and that those responsible for them are brought to justice.

One reason is that many abuses are likely to go unreported because of the widespread and well-founded fear and distrust that victims feel toward the Venezuelan justice system.

Another reason is that, in many of these cases, the investigative police, the Attorney General's Office, and the judiciary are themselves implicated in serious due process violations, as well as in failing to intervene to address abuses by security forces against detainees. Consequently, any thorough investigation will require these institutions to investigate their own misconduct—which is likely to give rise to serious conflicts of interest and severely compromise the credibility of their findings.

A third reason is the fact that the Venezuelan judiciary has largely ceased to function as an independent branch of government. As Human Rights Watch has documented in past reports, the Supreme Court has effectively rejected its role as a guarantor of fundamental rights, with several justices publicly committing themselves to supporting the political agenda of the government. Lower-court judges are under intense pressure to avoid rulings that could upset government officials, as most have temporary or provisional appointments and risk being summarily fired by the Supreme Court if they rule in favor of people perceived to be opponents of the government.

Given the chronic underreporting of abuses and lack of independence of Venezuelan investigative and judicial institutions, it is troubling that the president, the attorney general, and other senior government officials—while acknowledging the need for accountability—have repeatedly said abuses against protesters have been rare and publicly defended the conduct of security forces. The attorney general, for example, claimed abuses by security forces were “isolated incidents” and that security forces generally “respect human rights.” Meanwhile, President Maduro said that only a “very small number of security forces personnel have also been accused of engaging in violence,” and that the government had “responded by arresting those suspected.”

It is also troubling that the government has repeatedly sought to blame its political opponents, or simply the opposition as a whole, for the violence without providing credible evidence. For example, on March 14, President Maduro said that, “[a]ll of the cases of people who have been killed are the responsibility of the violence from protests (la violencia guarimbera)—all of them—from the first to the last.” While, at that time, Maduro said the investigation into these and other crimes had made significant progress and provided numbers of alleged protesters detained, he did not indicate that anyone had been convicted for the crimes. On March 15, President Maduro said that, “practically all Venezuelans who have died, regretfully, are the responsibility of the violence of the right.”

Similarly, despite compelling evidence of attacks by armed pro-government gangs on civilians, ranking government officials have denied their existence, or accused them of pertaining to the opposition. For example, on April 13, President Maduro said that, “the opposition had not provided any evidence that shows that the revolu-

tionary colectivos are responsible for violent actions.” He added that, in contrast, the government had detained “supporters of the right [wing] for committing terrorist acts.”

Cabello also said on April 10 that the only “armed colectivos” belonged to the opposition, and are the ones “who kill people at the guarimbas.” His statement implied not only that there were no armed pro-government gangs, but also that killings at barricades had been committed by antigovernment armed groups, an assertion for which he did not provide proof, such as cases in which people had been convicted for these crimes.

In another example of blaming the opposition for the violence, the government accused Leopoldo Lopez, a prominent opposition leader, of being the “intellectual author” of the protest-related deaths on February 12. The Attorney General’s Office promptly sought his arrest for several alleged crimes—initially including homicide, a charge it was forced to drop when video footage appeared showing security force members shooting at unarmed protesters on the date in question. Lopez has been held in pretrial detention on a military base for more than 2 months despite the government’s failure to produce credible evidence that he committed any crime. The Attorney General’s Office has also obtained arrest warrants for Carlos Vecchio and other opposition figures, while the Supreme Court has summarily tried and sentenced two opposition mayors to prison terms, in judicial proceedings that violated basic due process guarantees. The Supreme Court’s rulings are not subject to appeal, which violates the right to appeal against a criminal conviction.

Mr. Chairman and committee members, thank you for your attention to this critical issue, and for including this submission.

[EDITOR’S NOTE.—To read the entire Human Rights Watch’s report, “Punished for Protesting: Rights Violations in Venezuela’s Streets, Detention Centers, and Justice System: <http://www.hrw.org/node/125192>. A copy of the report will also be maintained in the permanent record of the committee.]

The CHAIRMAN. Well, thank you all for your testimony.

And, Mr. Vivanco, thank you and your organization for what is an incredible piece of work that I think is eye-opening, and hopefully will shape the conscience of leaders within the hemisphere and beyond.

Let me ask you, given the broad pattern of behavior that you just described in your testimony, as well as in the report, how can the international community discern who is responsible for authorizing or encouraging the use of violence against protestors, specifically when not one member of the security forces has received a sentence for their role in human rights violations?

Mr. VIVANCO. Mr. Chairman, I think it is doable. You need to start by looking at who was in command in the location where abuses took place. We do have that information. We were able to include that information in our report. There are several testimonies of individuals who were subject to arbitrary detention and abuses and then they were moved to a military facility where they suffered additional abuses. And those names and the location of those security forces are in the record, are available, and I think they are mostly responsible—the officials who are in charge of those forces are clearly directly responsible for these abuses.

The CHAIRMAN. Now, let me ask you, given the fact that the report states that judicial officials did not provide a check on abuses committed by the Venezuelan security forces, and in some cases actually were complicit in human rights violations, can you provide some greater detail in the collusion between justice officials and the security forces?

Mr. VIVANCO. Mr. Chairman, in our report, we refer to several fundamental violations of due process like, for instance, prosecutors

who, according to the evidence that we collected, interrogated detainees while being held incommunicado in a military installation without a defense attorney, and judges and also prosecutors that openly ignore allegations and complaints about physical abuse, including torture. There is a clear failure on the part of the judiciary to conduct a rigorous and independent investigation on cases so far of obvious and evident abuse.

According to the report that we published, judges were holding hearings in the middle of the night and only 5 minutes before the hearing they gave access to the attorneys representing the victims their file and the evidence that was included in the file to support the charges against them.

Unfortunately, the judicial system in Venezuela—and that includes the prosecutors, not only the prosecutors but also the justice system—and I am referring to the judiciary in general—has been captured since 2004, thanks to a reform promoted by the administration of President Chavez. What they did in 2004 was to change the structure of the Supreme Court. The Supreme Court at that point had only 20 justices, and overnight using a slim majority that the government had at Congress at that time, six or seven votes, they managed to change the structure from 20 to 32 justices, and they added 12 justices who are clearly on the side of the government. Since then, the Supreme Court for more than 10 years has been ruling systematically every decision on the side of the government.

And on top of everything else, 80 percent of the judges in Venezuela are provisional judges. They do not have tenure in their position. They could be fired with basically no due process overnight, including the judge that is investing the case against Leopoldo Lopez is a provisional judge who could lose her job just by a decision of the Supreme Court which is completely on the side of the government.

The CHAIRMAN. So now, with the report, which I have some good sense of, and with all of your testimony, I would say to any one of you, all three of you actually, do you oppose targeted sanctions against individuals who can be documented to have committed human rights abuses at this time?

Mr. Vivanco.

Mr. VIVANCO. The targeted sanctions is certainly a valid option against those involved in human rights abuses, and that should be a public policy option for this country as well as any other democratic country in the world.

The key question is, How do you adopt a policy that could be effective on the ground and could change conditions there? My sense is that the ideal option is to strategize with democratic governments in the region and to try to develop a creative common ground, a unified vision with democracies in the region but also in other regions, in Europe specifically, that could exercise effective pressure on the government of Maduro to address these human rights abuses.

The CHAIRMAN. Mr. Naim.

Dr. NAIM. Yes, Chairman. As I said in my testimony, I strongly support targeted sanctions against individuals that are violators of

human rights but also those incurred in massive economic crimes and corruption.

The CHAIRMAN. Ambassador Duddy.

Ambassador DUDDY. I do not oppose targeted sanctions against individuals. I note, as did Senator Rubio earlier, that Venezuelans of all political stripes continue to enjoy access to the United States, and that, indeed, being singled out, as has happened with a number of people designated as kingpins, will in some cases result in shrill defiance but will be understood by the individuals involved as something that they are going to need to deal with. It would be a formidable step.

Once again, to return to an earlier point I made, how exactly we do and how we talk about it with our friends in the region will be critical. I think that we continue to enjoy very broad access with all of the democratic governments of the region, and as political officers, military attaches, and others engage with other governments in the region, I think we need to be clear that we are sanctioning behavior which should be objectionable, is indeed objectionable to all of us.

The CHAIRMAN. I would just make an observation here that, based on the OAS performance, I know we want to engage in a hemispheric response, but if you cannot even get the appropriate resolutions passed at the OAS, which are far from sanctions, you wonder where that hemispheric response is going to be. In my experience, for 21 years now between the House and the Senate, where I have pursued sanctions at different times as one of the handful of peaceful diplomatic tools that exist for any given country, if you are going to pursue nonmilitary options in any given set of circumstances in the world, you have the use of international opinion, to the extent that a country and/or a dictator or authoritarian figure will be moved by that international opinion. You have the use of your aid and trade to induce a country to act a certain way, and, in the absence of that achieving something, then you have the denial of aid or trade, which is in essence sanctions.

And the problem is that we consistently often have to lead to get other countries to then join us, such as with Iran. The European Union was not there first. It then joined us as we led an effort and showed that we were willing to engage. We are doing it in the question of the Ukraine, where we led with the first round of individual sanctions, and then the Europeans followed us.

So I certainly would love to see a stronger hemispheric response. I just do not know how long one waits upon other countries to get to the point that they will acknowledge and do something about what is vividly before their eyes in their own neighborhood.

Senator Rubio.

Senator RUBIO. Thank you again, Mr. Chairman, for holding this hearing, for all of you for being a part of it.

I would want to summarize what your testimony has been here today, and that is largely that in fact there are systemic human rights violations happening within Venezuela on behalf of the government as a part of a strategy.

Number two, you have stated that you do not find an objection—and in fact, many of you have advocated in favor of targeted sanctions against individuals responsible for these human rights viola-

tions. We have heard testimony from the State Department saying that they do not think it is the right time to do it. I strongly disagree, as I think most of the members who were here today would as well. It is never the wrong time to condemn and sanction individuals responsible for grotesque human rights violations.

And to that end, I wanted to use my time here today to share with you the name of 23 individuals in Venezuela who I think we should nominate for that sort of sanction based on many of the different things that you have all testified here today and others.

I begin with Gabriela Ramirez, an ombudsman, a person who is in charge of defending people and in fact has been cooperating with the government; next are two people involved with the Department of Armaments and Explosives, Aref Eduardo Richany Jimenez y Julio Cesar Morales Prieto, individuals who in my opinion should be sanctioned.

Third is one of the prosecutors there who has also acted unfairly and participated in these human rights violations, Luisa Ortega Diaz; the Chief of the Region number 8 of the National Armed Forces, Luis Alberto Arrayago Coronel; also the chief of a region of strategic defense, Miguel Vivas Landino.

Then a number of governors for regions where there has been an unbelievable amount of human rights violations who have been cooperative in those activities, Francisco Rangel Gomez of the State of Bolivar; the Governor of the State of Tachira, Jose Gregorio Vielma Mora; and the Governor of the State of Trujillo, Henry Rangel Silva.

Beyond that, there are a number of others, a commander of a regiment of what they call la Guardia del Pueblo, the commander of la Guardia del Pueblo regiment, Aquiles Rojas Patino. Another couple of individuals associated with the National Guard: Justo Jose Noguera Pietri; Sergio Rivero Marcano, the Director of Operations for that National Guard; also responsible for violations of human rights, Antonio Benavides Torres.

The Chief of Region No. 1 of the Regional Command of the Bolivarian National Guard, Franklin Garcia Duque; the Chief of Region No. 2 of the National Guard, Arquimedes Herrera Ruso; the Chief of Region No. 3 for the National Guard, Manuel Jose Graterol Colmenarez; the Chief of Region No. 4 of the National Guard, Octavio Chacon; the Chief of Region No. 5 for the National Guard, Manuel Quevedo.

One of the Ministers of Interior, Justice and Peace—there is anything but peace or justice in Venezuela today—who is directly responsible for many of these violations, not just encouraging them but looking the other way is Miguel Rodriguez Torres; another vice minister in the same Interior Ministry, Marcos Rojas Figueroa; the Director of the National Bolivarian Police, someone who has actively participated in controlling and directing human rights violations, Manuel Eduardo Perez Urdaneta.

The Director General of their intelligence system, which has been deeply involved in these activities is Gustavo Enrique Gonzalez Lopez, and associated with him as well, Manuel Gregorio Bernal Martinez.

These are just 23 names. The list goes on and we will continue to collect those names of individuals who I believe should be nominated for sanctions by this Government at multiple levels.

Beyond that, I would ask the comments of the panel. What about these individuals that have made themselves millionaires and billionaires because of the access they have to the government? What about individuals that have cooperated and enriched themselves as the process of that who now actively parade up and down the streets of the United States mocking us, quite frankly acting with impunity, in many instances openly laughing at this Nation's inability to reach them or do anything about it? Do you have any opinion on what we should do with private individuals who have facilitated what the government and these 23 individuals have been able to carry out within Venezuela?

Dr. NAIM. I support the sanctioning of individuals that have committed economic crimes, that are guilty of massive abuses and corruption. I, however, encourage that whatever sanctions are imposed on those individuals are well documented and let the world understand what have they done and why they are being sanctioned.

Ambassador DUDDY. I would simply add to that what we are seeing still in Venezuela is the greatest waste of an incredible era of windfall profits. I would emphasize that it is astounding, the country with the largest proven oil reserves in the world sees every morning millions of Venezuelans streaming out to find basic consumables in the supermarkets. So there is a really extraordinary set of circumstances on the ground.

I think that there is some real utility. Exactly how we do it, legally speaking, I am not sure, but there is some utility in underscoring the degree to which some people have pirated the resources of the state and, in doing so, frittered away an opportunity to Venezuela to make a real leap forward economically.

Mr. VIVANCO. Senator Rubio, even targeted sanctions could be in some cases counterproductive. So I agree with Moises Naim that if any country in the world used that option, it is essential to be as transparent as you can in order to explain what you justify to the public and disclose as much information why who have been sanctioned and exactly what are the grounds.

Senator RUBIO. And I hope we would as well because it makes them stronger.

By the way, let me just clarify that list is by no means comprehensive. It is a list of 23 people. I would list 50 people, if I could, today but at least 23 people that today I wanted to share with you and everyone that I believe should be candidates for sanctions. And certainly any sort of sanctions would carry with them strong evidence of what these individuals have been responsible for.

And I would just close by taking this moment, because I know that this will be listened to by government officials in Venezuela. I do believe there are people within the Government of Venezuela—in fact, I know there are people within the Government Venezuela that are quite uncomfortable with the direction that Nicolas Maduro and those around him have taken this country, not just because of the economic realities, but because of these viola-

tions. I know that there are professional military officers within the armed forces there that never signed up to be used as a way to repress their own people.

And I would just say to them the intention and the policy of the United States is not to interfere in the internal affairs of any nation. The future of Venezuela belongs to the people of Venezuela. They must determine the direction of that country and what sort of system of government and economics they want.

What we also want them to understand is that the United States will not stand by an idly watch as the rights of people, with whom we share this hemisphere, are systematically violated by an anti-American government, to top it all off, and ignore their plight. And we will endeavor to use and I think in a bipartisan way, I hope—and I know on this committee, that will be the case—to use the influence and the power of the United States of America to firmly line up on the side of those who aspire to liberty, to freedom, and to respect of human rights. And that is our intention here, and I pray and hope that that is the direction that we go in the weeks to come.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Two final questions, one to Mr. Naim and one to Mr. Vivanco.

You mentioned and have written repeatedly about Cuba's widespread detrimental influence in Venezuela. Can you provide a synopsis of the way that the Cuban regime and its advisors infiltrate the Venezuelan Government?

Dr. NAIM. At this point, what we have is evidence of the presence of Cuban public servants in Venezuela's Government. There is also ample evidence that the important functions of the Venezuelan state are being shaped or influenced or even decided by the Cuban Government.

The CHAIRMAN. And does that include security forces?

Dr. NAIM. Yes, sir.

The CHAIRMAN. Finally, Mr. Vivanco, maybe I am mischaracterizing this, so tell me if I am. In your answers, I hear a reticence to the question of even targeted sanctions against human rights abuses. So what is it that you think can happen that can be created both from these hearings, your organization's reports, as well as others, to change the course of events in Venezuela.

Mr. VIVANCO. Mr. Chairman, let me be as candid as I can. I hope that this type of hearing will encourage the administration to do more for democracy, for human rights, for the promotion of fundamental freedoms in this hemisphere. I think the administration has a chance and there is a space to develop a more robust policy toward the region and working closely with democratic governments, starting with the big ones, Mexico and Brazil—those governments have also responsibility to lead and to defend these freedoms and human rights. And I think the administration has not done enough so far to establish these goals as a clear priority in this region.

The CHAIRMAN. When we talk about engaging in democracy and human rights, what specifically would you want to see, because, you know, when I visit the hemisphere and I talk to leaders, there is this Latin American sense of non-interference in their neighbor.

So when we talk about hemispheric responsibility so that countries within the hemisphere who are democratic like Mexico, like Colombia, like Chile, just to mention some, feel, well, I should not talk about my neighbor even though I think they are doing horrible things. What is the U.S. going to do with that?

Mr. VIVANCO. Unfortunately, my sense is that you are right. The region is deeply fragmented. The basic consensus that was established in the 1990s in support of democracy and human rights to collectively defend those principles, unfortunately, is no longer present.

And if there is one democracy in the region that could reinforce these principles, it is the U.S. Government and the Obama administration. I think it is in a unique position to work much more closely with Brazil. Brazil has tremendous influence in South America, and Brazil is very reluctant to publicly take a position on these issues. As a matter of fact, on the Venezuelan crisis, it has been pretty silent, and that silence needs to be, I think, changed for not only statements but also action like, for instance, to demand the release of all of those ones who have been under arbitrary detention or have an open file against them just because they exercised their fundamental rights. And I think the administration could be more aggressive in terms of engaging in the region with a strategy that defends these fundamental freedoms and rights.

The CHAIRMAN. Last comments. I see you both have your hands raised. Mr. Naim.

Dr. NAIM. Mr. Chairman, you are right that there is the propensity of Latin American countries not to want to interfere in the domestic affairs of their neighbors.

But they have been very selective in doing that, and what we have seen, for example, in the case of Brazil that has maintained a very loud silence for all these years, there has not been one comment by the Brazilian authorities about what is going on in Venezuela even though Brazil is presided by a woman that, as a result of her opposition to a military government, was tortured and repressed. But we have not heard from her any comment about the same things that are happening to young women in Venezuela today.

But in the case of Brazil, for example, they have been very active in the crisis in Honduras, and they were very active in the crisis in Paraguay. So we have seen a certain selectivity in the case of Brazil.

But I want to point out a trend that I think is welcome and encouraging that is taking place in Latin America where opposition forces are taking a public stand against their government's complacency toward the Venezuelan situation. In Brazil, Argentina, Chile, and Peru, elected legislators have openly challenged their own governments for their passive stance towards Venezuela. This is a process that ought to be welcomed and encouraged. It is very important to have elected officials who are members of non-ruling parties throughout Latin America shaming their own governments out of their silence regarding the abuse that is taking place in Venezuela.

The CHAIRMAN. Ambassador Duddy.

Ambassador DUDDY. Yes, sir, just a final comment. First of all, I think that a hearing like this is useful, and as one of the earlier panelists said, I am sure that people in Venezuela will be following this. While we may be criticized collectively and individually for various things that have been said here this morning, the Venezuelan people will hear it.

I would encourage you and other elected officials to continue to travel to the region and not only just talk to leaders, but to speak with foreign media, emphasizing our concern with human rights, as well as with the deteriorating economic situation. And I return to the deteriorating economic situation, which I hope will become an increasing part of our official dialogue in private with governments around the region, because what we need for others to understand is that as the situation on the ground spins out of control, all of the region stands to be affected, the Caribbean arguably most immediately, but Brazil has many, many businesses on the ground, as do others. They will all be affected, and we need to make sure that to the extent that we can—and we are in the best position to do so—that folks understand that this is not merely a matter of the United States interfering in a domestic political squabble, that it is bigger and much more serious than that.

The CHAIRMAN. Well, I appreciate all of your insights.

Two final observations. One is it was my hope that the democratic charter of the OAS, the effort that was combined collectively, was going to be a vehicle for hemispheric engagement in promoting democracy and human rights within the region. That has been, unfortunately, not the vehicle that I anticipated it being. And it is up to the leaders of the hemisphere to make that a vehicle, which they agreed to and ratified as a vehicle for collective action, which is not the interference of one country or another, but the standards that are held hemispherically and, I would say, globally.

And the last point that I would make is that it is the intention of the committee that this not be the end of our engagement on the question of Venezuela. There are many, many different dimensions of that, and certainly the human rights issue, which has been the centerpiece of our focus today, is critical. I would suspect that the results of what we have heard here today will move some of us to action in a way that hopefully will be both constructive and, at the same time, give both the administration, as well as those in Venezuela who are committing human rights abuses, a clear knowledge of what is headed their way.

And with that and the appreciation of the committee, this hearing will remain open until the close of business tomorrow.

And this hearing is adjourned.

[Whereupon, at 1:15 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

LETTERS SENT TO SENATORS ROBERT MENENDEZ AND BOB CORKER FROM ROBERTA JACOBSON RE: THE ROLE OF SANCTIONS IN VENEZUELA'S POLICY



United States Department of State

Assistant Secretary of State
Bureau of Western Hemisphere Affairs

Washington, D.C. 20520-6258

May 9, 2014

Dear Mr. Chairman:

Thank you for the opportunity to testify yesterday about the situation in Venezuela. We fully share your concerns regarding the deteriorating conditions. We look forward to continuing to work with you and other Members of Congress to promote a return to respect for democracy and human rights.

We appreciate your strongly-held views that sanctions can play a valuable role in our Venezuela policy. It is important that violators of human rights be held accountable for their actions, and that the Venezuelan government understands its policies have consequences. We continue to believe, as I testified yesterday, that both the timing and substance of whatever we do with regard to sanctions should be calibrated in such a way as not to undermine the current UNASUR and Vatican-mediated dialogue so long as it offers a realistic chance of progress. It is that view which informs our belief that the timing is not right for sanctions. Nevertheless, we take nothing off the table.

I would like to clarify one point I made during the hearing. The opposition elements engaged in the current dialogue have not specifically suggested we refrain from sanctions against individuals guilty of human rights violations. What they have asked is that we not act in such a way as to undermine the dialogue.

Again, thank you for all you do to promote democracy and human rights in Venezuela and elsewhere.

Sincerely,

Roberta S. Jacobson

The Honorable
Robert Menendez, Chairman,
Committee on Foreign Relations,
United States Senate.



United States Department of State

*Assistant Secretary of State
Bureau of Western Hemisphere Affairs
Washington, D.C. 20520-6258*

May 9, 2014

Dear Senator Corker:

Thank you for the opportunity to testify yesterday about the situation in Venezuela. We fully share your concerns regarding the deteriorating conditions. We look forward to continuing to work with you and other Members of Congress to promote a return to respect for democracy and human rights.

We appreciate the strongly-held views of many Committee members that sanctions can play a valuable role in our Venezuela policy. It is important that violators of human rights be held accountable for their actions, and that the Venezuelan government understands its policies have consequences. We continue to believe, as I testified yesterday, that both the timing and substance of whatever we do with regard to sanctions should be calibrated in such a way as not to undermine the current UNASUR and Vatican-mediated dialogue so long as it offers a realistic chance of progress. It is that view which informs our belief that the timing is not right for sanctions. Nevertheless, we take nothing off the table.

I would like to clarify one point I made during the hearing. The opposition elements engaged in the current dialogue have not specifically suggested we refrain from sanctions against individuals guilty of human rights violations. What they have asked is that we not act in such a way as to undermine the dialogue.

Again, thank you for all you do to promote democracy and human rights in Venezuela and elsewhere.

Sincerely,

Roberta S. Jacobson

The Honorable
Bob Corker,
Committee on Foreign Relations,
United States Senate.

○