

United Nations Human Rights Council**Draft Resolution for Special Session on Situation of Human Rights in Venezuela**

The Human Rights Council,

Reaffirming the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling Human Rights Council resolution 5/1 and 5/2 of 18 June 2007,

Reaffirming that all States have an obligation to protect the rights to life, liberty and security of the person;

Emphasizing that, as a member of the Council, the Government of Venezuela is obliged, under General Assembly Resolution 60/251 of 15 March 2006, to uphold the highest standards in the promotion and protection of human rights,

Expressing outrage at the alarming number of civilian casualties caused by the escalating violence perpetrated by forces of the Government of Venezuela,

Condemning the illegal arrest and detention of hundreds of political prisoners, and demanding their immediate and unconditional release,

Condemning further the violent raid by Government forces, in the middle of the night of 1 August 2017, into the homes of pro-democracy leaders Leopoldo Lopez and Antonio Ledezma, the Mayor of Caracas, their detention for several days while being held incommunicado, and their continued house arrest; and welcoming, in this regard, the 1 August statement by the High Commissioner for Human Rights calling for their immediate release, and of all those being held for exercising their rights to freedom of peaceful assembly, association and expression,

Welcoming the Declaration of Lima of 8 August 2017 by Argentina, Brazil, Canada, Colombia, Costa Rica, Chile, Guatemala, Honduras, Mexico, Panama, Paraguay and Peru, which determined that Venezuela is no longer a democracy, and that the so-called National Constituent Assembly is illegitimate; condemned the systematic violation of human rights and fundamental freedoms, violence, repression and political persecution, the existence of political prisoners and the lack of free elections under independent international observation; expressed concern about the humanitarian crisis; and condemned the refusal of the Government of Venezuela to allow food and medicine to enter the country for the basic needs of the Venezuelan people,

Alarmed by the findings of the team deployed by the High Commissioner for Human Rights, which documented the Government of Venezuela's widespread and systematic use of excessive force and arbitrary detentions against demonstrators, and patterns of other human rights violations, including violent house raids, torture and ill-treatment of those detained in connection with the protests; security forces firing tear gas and buckshot at anti-Government protestors without warning; the systematic use of disproportionate force by security forces, mainly the National Guard, the National Police and local police forces, to instill fear, crush dissent, and to prevent demonstrators from assembling, rallying and reaching public institutions to present petitions; the role of pro-Government armed groups, or

armed *colectivos*, who routinely break into protests on motorcycles, wielding firearms and harassing or in some cases shooting at people, leading to at least 27 deaths; the arbitrary detention of more than 5,051 people from April through July of this year, with credible reports of cruel, inhuman or degrading treatment by security forces of such detainees, amounting in several cases to torture, using tactics such as electric shocks, beatings, including with helmets and sticks while handcuffed, hanging detainees by the wrists for long periods, suffocation with gas, and threats of killings, and in some cases threats of sexual violence against the detainees or their families; and the targeting by security forces of journalists to prevent them from covering demonstrations, including by shooting at them with tear gas canisters and buckshot, despite being clearly identified, and by detaining and threatening journalists, and on several occasions stealing their equipment,

Condemning the decision on 5 August 2017 by the so-called National Constituent Assembly to dismiss the Attorney-General,

Welcoming further the 4 August 2017 call for an end to the Government of Venezuela's systematic detention of protesters and use of military tribunals to try civilians, in the joint statement issued by the Chair of the Working Group on Arbitrary Detention, the Special Rapporteur on the freedom of expression, the Special Rapporteur on freedom of peaceful assembly and of association, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture,

Recalling the statement of the High Commissioner for Human Rights of 31 March 2017 expressing grave concern over continued restrictions by the Venezuela Government on the freedoms of movement, association, expression and peaceful protest; shortages of food and medicine, and spiraling prices, that have resulted in daily suffering for many Venezuelans; and at the lack of independence of national rule of law institutions in Venezuela;

Recalling the joint statement of 28 April 2017, by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Working Group on Arbitrary Detention, calling on the Government of Venezuela to facilitate peaceful protests and properly investigate the deaths caused in recent demonstrations; expressing grave concern about allegations of excessive and indiscriminate use of force during the protests, as well as arbitrary detentions and killings; recalling that hundreds of persons have also been injured and more than 850 people arrested in the protests; drawing particular attention to a new measure introducing an automatic military response to demonstrations, known as the Zamora Plan, which increases tensions and heightens the risk of injury and death; and emphasizing that demonstrations should ordinarily be managed with no resort to force, with any use of force strictly necessary and proportional to a specific threat;

Recalling that the Declaration of Lima decided to oppose any candidacy of Venezuela in regional and international mechanisms and organizations,

Recalling further that the Declaration of Lima determined that Venezuela is in breach of the requirements and obligations of members of the Human Rights Council,

Recalling General Assembly Resolution 60/251 of 15 March 2006, particularly OP 8, which provides that the General Assembly may suspend the rights of membership in the Human Rights Council of a member that commits gross and systematic violations of human rights,

1. *Requests* that the General Assembly suspend the rights of membership in the Human Rights Council of Venezuela;
2. *Strongly condemns* the extremely grave human rights violations committed in Venezuela, including extrajudicial killings, arbitrary arrests and detention of peaceful demonstrators, which if wide-spread and systematic, may amount to crimes against humanity;
3. *Strongly calls upon* the Venezuelan authorities to immediately put an end to all human rights violations, to stop any violations against civilians, and to fully respect all human rights and fundamental freedoms, including freedom of expression and freedom of assembly;
4. *Strongly calls* for the immediate release of all arbitrarily detained persons, including all political prisoners;
5. *Urges* Venezuelan authorities to immediately cease intimidation, persecution and arbitrary arrests of individuals including opposition leaders, human rights defenders and journalists;
6. *Further urges* Venezuelan authorities to do their utmost efforts to prevent further deterioration of the crisis and to promote a peaceful solution ensuring safety for all civilians and stability for the country;
7. *Urgently calls* for an open, inclusive, meaningful and national dialogue aimed at political reform and promotion and protection of human rights;
8. *Strongly calls upon* the Venezuelan authorities to cooperate fully with Special Procedures of the Council and guarantee access to human rights and humanitarian organizations including human rights monitors;
9. *Decides* to establish an independent and impartial Commission of Inquiry into gross and systematic human rights violations in Venezuela to ensure that there is full accountability for those responsible for violations;
10. *Requests* the High Commissioner to submit an interim report to the Council at its thirty-sixth session under agenda item 4 on the human rights situation in Venezuela, and to submit a follow-up report to the thirty-sixth session.