

**Statement of Assistant Secretary Tom Malinowski
Bureau of Democracy, Human Rights and Labor
Before the Senate Foreign Relations Committee
“Assessing Venezuela’s Political Crisis:
Human Rights Violations and Beyond”**

May 8, 2014

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 non-governmental 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 Afiuni, was imprisoned, abused, spent four 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. Globovisión 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 websites 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 one 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 three 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 ten 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 of 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 Pena Nieto during your visit in February.

We also press Venezuela diplomatically in the multi-national arena. During the March session of the UN 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.