



Corruption

during pandemic

Venezuelan tragedy beyond COVID-19

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CORRUPTION DURING PANDEMIC: VENEZUELAN TRAGEDY BEYOND COVID-19

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INTRODUCTION

In the last decades, over 230 investigations have been opened and processed by national and international authorities, due to the irregular use of Venezuelan public funds. Conservative estimations indicate that only in half of those cases over USD \$50.000 million have lost. Great and simple corruption have installed in a large proportion of interactions within public and private entities, with a guaranteed impunity thanks to kidnapping of judicial and control systems by economic and political power.

Against this background, it turned out difficult to think that the arrival of COVID-19 pandemic, in March 2020, could increase corruption risks in Venezuela or to exacerbate plundering to national public treasury cases. It also seemed to be way uphill to try to quantify if during the sanitary emergency new corruption mechanisms came up, or in new segments, given the high levels of opacity within public management, the repeated threats against who denounce and governing impunity.

However, analyzing the emergency decrees approved before and during the pandemic; follow up and classification of official declarations; tracking public contractings; compilation of reports and investigations from organizations and trustable media; systematization of corruption denounces presented by the Public Ministry and the ones received by Transparencia Venezuela lawyers, as well as performing interviews to representatives in key sectors, reveal the increasement of already alarming corruption risks and the upturn of small and great corruption, which vulnerates Venezuelan's rights even more.

The investigation carried out to present this report evidences the enormous information gaps surrounding public contractings made to attend pandemic, as well as opportunities to abuse. From March 2020 to March 2021, it was known that 25 airplanes arrived with personnel, materials and supplies to face the emergency, coming from allied countries such as China, Russia, Turkey, Cuba and Iran. But the conditions surrounding those deliveries are unknown. The government did not clarify if products received were donations, honored purchases or a new debt acquired by the country. There is also no continuous and complete information regarding contracts signed for acquisition of vaccines.

The report also deepens about authorities designated to attend the pandemic in Venezuela, of which at least five of them have been sanctioned by several countries for allegedly contributing to undermine democracy in Venezuela, violation of human rights, corruption and drug traffic. Besides, a count of active positions in health sector shows an absence of order, control and transparency around entities, organs and authorities of the area, which enables to register irregularities in public management.

The present analysis allows to deduce that decisions taken by the Executive Power to affront COVID-19, as well as weak and chaotic institutional reactions, gave opportunity to uprise new illegal practices and increasement of the existing. There are registers that evidence an increasement of illegal charges, known as "matraqueo", in



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military and police control points, installed to restrict circulation during quarantine. Charges are being made in foreign currency to issue safe-conducts that allow free mobilization. There are requests of illegal payments to solve failures on the most demanded public services during pandemic. There are also charges to issue appointments in public sector offices, closed as precaution measure, among others.

Lastly, the report shows how official decisions taken during pandemic, joined to opacity and institutional weakening, not only contributed to increasement of corruption in different ways but also to infringement of other human rights such as freedom of speech and mobilization. The state alarm decree deepened the pre-existent violation of Venezuelans human rights and it also became another tool to neutralize political enemies and restrain conflictive actions like protests, due to failure in public services and lack of gas, an issue that gained more visibility as soon as confinement started.



**COVID-19 and corruption
Venezuela among
two pandemics.**

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In emergency contexts such as the one raised by spread of SARS-CoV-2 virus, causing COVID-19, the expense made by every State receives more relevance. In these circumstances, extraordinary resources are approved to attend urgent needs of goods and services that were not considered before, and if the use given to those funds is not efficient, it directly impacts human rights.

During the first months of pandemic, Latin American chapters of Transparencia Internacional presented a guide¹ with minimum elements that governments must consider to assure integrity of allocations made during the emergency. On the text, there is a special reference to resources that were destined to attend the sanitary situation and its use must be informed entirely, in a continuous, opportune, veracious, verifiable way and in a civil language.

Information regarding purchases and contractings in emergency periods must be published in open data format and it is necessary to ensure its accessibility for different types of audiences.

However, contractings and acquisitions made in Venezuela during the pandemic are marked by opacity, a common characteristic in Hugo Chávez and Nicolás Maduro's governments. It favors discretion, increases corruption risks, promotes misinformation and deepens anxiety levels on population.

Since the first two COVID-19 cases were confirmed in Venezuela, on March 13th, 2020, Nicolás Maduro dictated an alarm² state decree that allowed the Executive Power to adopt discretionary measures, sheltered in urgency, to purchase medicines, biosecurity suits for medical personnel, nurses and other officers from the public health system, also for medicine manufacturing and hospital buildings. The national Constitution establishes that this extraordinary measure has a validity of 30 days only, being able to prorogue for 30 days more, but this measure has been extended during the whole pandemic time.

The alarm state endorsed to exception state and economic emergency³ decrees, existing since January 2016. These give the Executive authority, among others, to approve and subscribe contracts of public interest and its amendments, in order to obtain financial resources, technical advisory or utilization of strategic resources for the economic development of the country without the approval of other Public Powers⁴; determination of priority areas for State acquisitions and direct currency assignment for its purchase⁵; besides, the establishment of guidelines in matter of national or international procurement of goods or essential supplies (...) in the frame of commercial or cooperation agreements, through exceptional application of expedite mechanisms of contractor selections and its ulterior contracting...⁶.

- 1 Transparencia Internacional. "Contrataciones públicas en estados de emergencia. Elementos mínimos que los gobiernos deben considerar para asegurar la integridad de las adjudicaciones que realicen durante contingencias". March 2020. Available in: <https://transparencia.org.ve/transparencia-internacional-identifica-riesgos-de-corupcion-en-el-marco-del-covid-19/>
- 2 Decree No. 4.160 through which alarm state is decreed in the whole national territory. See Extraordinary Official Gazette No. 6.519 of March 13th, 2020
- 3 On January 14th, 2016, mandatory Nicolás Maduro published in Official Gazette No. 6.214 decree No. 2.184 of economic emergency all around the national territory. Since then and till March 2021, 16 decrees of this nature have been approved, with its respective prorogues. Both the emergency state and the alarm state are previewed in articles 337 and 338 of the National Constitution, but were dictated without accomplishing the law requirements, among them counting the approval of the National Assembly and also have been extended in time, disrespecting validity lapses previewed on the Magna Carta.
- 4 Numeral 16 of article 2 of the state of exception and economic emergency decree.
- 5 Numeral 29 of article 2 of the state of exception and economic emergency decree.
- 6 Numeral 32 of article 2 of the state of exception and economic emergency decree.

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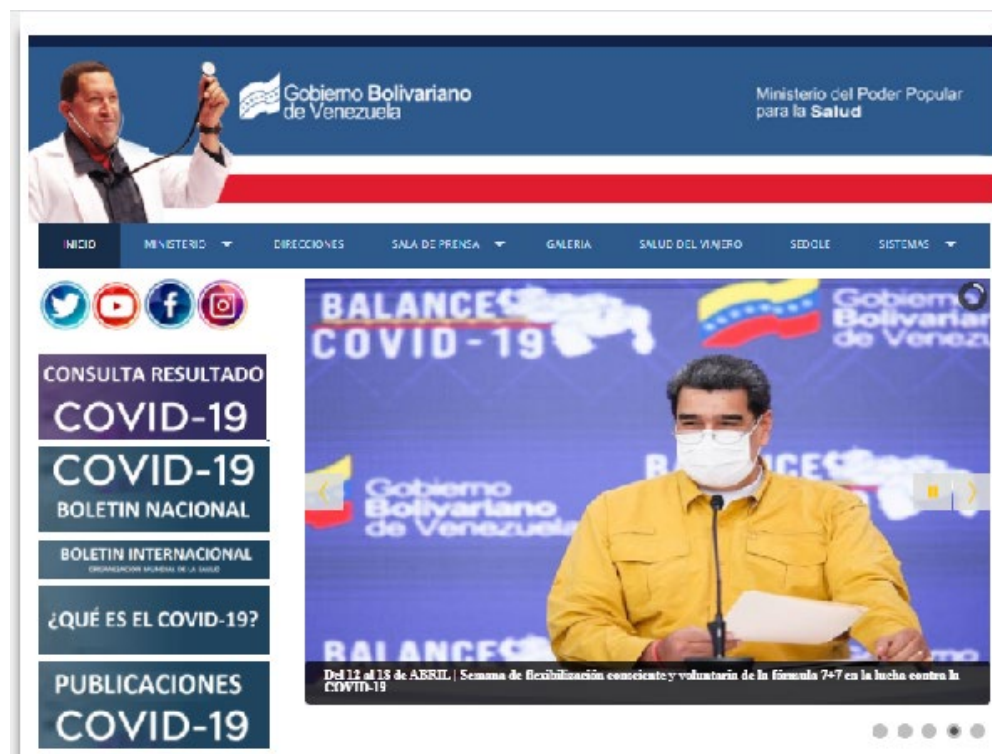
Covered by decrees of national alarm and economic emergency, the government representatives have done contractings and acquisitions of which Venezuelans know little about. Since March 2020 till March 2021, it has been made public the arrival of more than 30 airplanes with materials and supplies to attend the COVID-19 sanitary emergency, but condition and compromises acquired by Venezuela to receive those deliveries are unknown.

During the first year of pandemic, Venezuela received nine loads of humanitarian aid, coordinated by international organisms such as United Nations and International Red Cross. Also arrived 22 airplanes with medical personnel, supplies and vaccines from other nations, but national authorities not always clarified if products were donations, purchases already honored or if it was about a new acquired debt.

On State portals is not possible to find organized and complete information regarding contracts made to affront the sanitary emergency by COVID-19. Details are unknown about legal instruments subscribed for execution, work plans, total amount of resources assigned, prices, payment means or

conditions, execution terms, quantity and quality of equipments and services, as well as its status and evaluation.

Only through register and systematization of official declarations, which are usually loaded with political propaganda, an approximation of personnel and supplies arrived to Venezuela during that time can be made, and those have possibly been the result of contracts signed by the Republic. Little information available does not allow to measure if there are non-accomplishments on the contract, overprices, or if low quality materials or equipment were delivered. There is neither the possibility to prove if products are deviated to illegal market.



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1.1 Arrival of personnel and supplies to palliate COVID-19 emergency.

Two days after being confirmed the first two cases of COVID-19 in Venezuela, on March 15th, 2020, an airplane from Cuba arrived in the country, with a brigade of "International Contingent of Doctors Specialized in Disaster Situations and Serious Epidemics Henry Reeve". According to official declarations⁷, the arrival of these specialists was achieved thanks to the Integrative Convention of Cooperation between Cuba and Venezuela, an agreement impossible to audit created in year 2000 and through which goods and services have been received from Cuba, paid with Venezuelan oil.

Contracts signed for works execution, acquisition of goods or rendering services sheltered by this kind of cooperation conventions, as well as the ones financed

by a foreign State, foreign financial entity or multilateral organism, are excluded from application of the Law of Public Contractings as a result of the modification made to this legal instrument in year 2000 and it gave a wide margin to opacity, discretion and control absence.

After the first arrival of Cuban doctors, it was made public the arrival of three other flights with more health personnel to face COVID-19 pandemic. According to official declarations, these medical personnel would integrate to mission Barrio Adentro and the National Public System of Health.



⁷ Telesur. "Brigada cubana llega a Venezuela para luchar contra la Covid-19". March 16th, 2020. Available in: <https://www.telesurtv.net/news/brigada-cubana-llega-venezuela-lucha-coronavirus-20200316-0008.html>

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Arrival of Cuban doctors to affront COVID-19 pandemic in Venezuela

| Arrival date | Quantity of specialists | Venezuelan official to receive them | Cuban official present | Agreement |
|--------------|--|---|--|--|
| 03/15/2020 | 2 experts in intensive medicine 1 epidemiologist 1 microbiologist 1 doctor creator of Interferon alfa 2-B | Rander Peña , vice-minister of Venezuela for Latin America | Luis Herrera , representative of the Genetic Engineering and Biotechnology of La Habana | Integrative Convention of Cooperation between Cuba and Venezuela |
| 03/20/2020 | 137 cuban doctors | Carlos Alvarado , minister of health | Dr. Reynol Delfín García Moreiro , Chief of Cuban Medical Mission in Venezuela | Integrative Convention of Cooperation between Cuba and Venezuela |
| 08/16/2020 | 230 cuban doctors | Carlos Alvarado , minister of health | Dagoberto Rodríguez , ambassador of Cuba in Venezuela | Integrative Convention of Cooperation between Cuba and Venezuela |
| 09/25/2020 | 150 cuban doctors | Armando Marín , vice-minister of Hospitals and Unique Authority of Health in Caracas | Dagoberto Rodríguez , ambassador of Cuba in Venezuela | Integrative Convention of Cooperation between Cuba and Venezuela |

During the first year of pandemic, 21 airplanes arrived with materials and supplies to affront emergency. Those did not take part on the humanitarian plans of international organizations. Most of flights were coming from China, a country with which was established a permanent air bridge for reception of supplies during the sanitary emergency⁸.

Since Hugo Chávez reached power in Venezuela in 1999, the bilateral relationship with China became relevant like never before. On the more than 20 years that have passed since then, the two countries have subscribed over 500 agreements and the Asian giant sent more than USD 68.000 million, most of it in shape of loans, which Venezuela compromised to pay with oil under opaque and unfavorable conditions⁹.

8 Health Ministry. "Venezuela activó puente aéreo permanente con China para la recepción de insumos contra el COVID-19". March 19th, 2020. Available in: <http://www.mpps.gob.ve/index.php/sala-de-prensa/notnac/362-venezuela-activo-puente-aereo-permanente-con-china-para-la-recepcion-de-insumos-contra-el-covid-19>

9 Transparencia Venezuela. "Negocios Chinos. Acuerdos que socavaron la democracia en Venezuela". July 2020. Available in: <https://transparencia.org.ve/project/negocios-chinos/>

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According to Minister of Foreign Affairs Jorge Arreaza's¹⁰ declarations, during the first year of pandemic, 2,21 million of coronavirus detection fast tests arrived from China, around 1,3 millions of PCR diagnostic kits with same amount of reactivities, more than 10 million masks, 1,6 million pairs of disposable gloves, 142.000 isolation suits for medical personnel, 23.000 infrared thermometers, 16.000 protective lenses, 5 ambulances with negative pressure isolation, 5 portable thermo recyclers, 70 invasive ventilators, 34 positive pressure fans, 15 sterilizers and air purifiers, as well as 50 oxygen generators. But these quantities have not been able to be independently corroborated.

Besides Cuba and China, during the pandemic also arrived at Venezuela flights from Russia, Turkey and Iran, all of them allied governments in Maduro's management. In most cases, Venezuelan officials in charge of receiving such loads did not give details about specific quantities that had been purchased, nor the ones that had been donated. There is no information either about the total amounts on contracts or how much was the unit price, or execution percentages.

Reception of supplies to affront COVID-19

| Flight date | Country of origin | Content | Foreign official who delivers | Venezuelan official who receives | Terms |
|-------------|-------------------|--|---|--|--|
| 03/19 2020 | China | <ul style="list-style-type: none">4.000 diagnosis test kits.Medicines and reactivities.Biosecurity suits.Protective glasses.Gloves.Air purifiers. | Li Baorong, ambassador of China in Venezuela | Delcy Rodríguez, vice - president of Venezuela | Bilateral Cooperation - Donation |
| 03/23 2020 | Russia | <ul style="list-style-type: none">10.000 diagnosis test kits. | Serguéi Melik-Bagdásarov, ambassador of Russia in Venezuela | Jorge Arreaza, minister of Foreign Affairs | Bilateral Cooperation - humanitarian technical aid |

¹⁰ Multimedios VTV. "Arriban a Venezuela 32 toneladas de equipos médicos provenientes de la República Popular China". March 30th, 2021. Available in: <https://www.youtube.com/watch?v=OOKED9U8FBM>

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| Flight date | Country of origin | Content | Foreign official who delivers | Venezuelan official who receives | Terms |
|-------------|-------------------|--|---|--|---|
| 03/28 2020 | China | 55 tons of: <ul style="list-style-type: none"> • 550.000 fast test kits and • 50.000 PCR test kits. • 5 million masks. • 100.000 isolation suits. • Glasses, gloves and safety shoes. • Fans, tomographs, defibrillators. • 30.000 units of chloroquine. • 70.000 infrared thermometers. | Li Baorong , ambassador of China in Venezuela | Delcy Rodríguez , vice - president of Venezuela | Bilateral Cooperation -Donation and purchase |
| 03/30 2020 | China | <ul style="list-style-type: none"> • 500.000 fast test kits. • Also arrived doctors and scientists from China. | Li Baorong , ambassador of China in Venezuela | Jorge Arreaza , minister of Foreign Affairs | Bilateral Cooperation – Donation and purchase |
| 04/11 2020 | China | 30 tons of: <ul style="list-style-type: none"> • 15.000 PCR diagnostic test kits. • Masks. • Biosecurity suits. • Protective glasses. • Gloves. • Medications. | Li Baorong , ambassador of China in Venezuela | Delcy Rodríguez , vice - president of Venezuela | Bilateral Cooperation– humanitarian technical aid |
| 05/08 2020 | Rusia | <ul style="list-style-type: none"> • 500.000 insulin pens (1) | Serguéi Melik-Bagdásarov , ambassador of Russia in Venezuela | Carlos Alvarado | Bilateral Cooperation – Contract between companies Espromed BIO and Geropharm |

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| Flight date | Country of origin | Content | Foreign official who delivers | Venezuelan official who receives | Terms |
|-------------|-------------------|---|--|---|---|
| 05/12 2020 | China | 46 tons of: <ul style="list-style-type: none"> • 3,8 million masks • 80.000 diagnosis tests • 51.000 protection suits • 11.000 disposable gloves • 3.000 protection glasses, among other non-detailed materials. | Li Baorong, ambassador of China in Venezuela | Jorge Arreaza, minister of Foreign Affairs | Bilateral Cooperation – Donation and purchase |
| 06/06 2020 | China | 74 tons of: <ul style="list-style-type: none"> • 800.000 fast tests. • 2 million masks. • Medical gowns, glasses and other biosecurity protection elements. Machines and accesories to process PCR tests. | Li Baorong, ambassador of China in Venezuela | Delcy Rodríguez, vice - president of Venezuela | Bilateral Cooperation – ¿? |
| 06/08 2020 | Iran | <ul style="list-style-type: none"> • COVID-19 diagnostic test kits. • Medical supplies. | Hojjatollah Soltani, ambassador of Iran in Venezuela | Ricardo Menéndez, sectoral vice – president of Planning | Bilateral Cooperation – humanitarian technical aid |
| 07/11 2020 | Russia | <ul style="list-style-type: none"> • 840.000 insulin pens (1) | N/I | N/I | Bilateral Cooperation – Contract between Espromed BIO and Geropharm |

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| Flight date | Country of origin | Content | Foreign official who delivers | Venezuelan official who receives | Terms |
|-------------|-------------------|--|---|--|--|
| 07/17 2020 | Turkey | 15 tons of: <ul style="list-style-type: none"> • 25 mechanical fans • Hospital beds • 40.000 mollecular test kits • 100.000 masks • 200.000 gloves • 35.000 biosecurity equipment. • 1 unit for newborns and other for burnt patients | Şevki Mütevellioğlu, ambassador of Turkey in Venezuela | Jorge Arreaza, minister of Foreign Affairs | Humanitarian technical aid - Donation |
| 09/04 2020 | Russia | <ul style="list-style-type: none"> • 850.000 insulin pens (1) | Serguéi Melik-Bagdásarov, ambassador of Russia in Venezuela | Yván Gil, vice - minister for Europe | Bilateral Cooperation - between Espromed BIO and Geropharm |
| 09/08 2020 | China | <ul style="list-style-type: none"> • Fast tests. • PCR tests. • Mechanical fans. • Anti-virals. • Traditional Chinese Medicine. | Li Baorong, ambassador of China in Venezuela | Delcy Rodríguez, vice - president of Venezuela | Bilateral Cooperation - ¿? |
| 09/29 2020 | China | 15 tons of: <ul style="list-style-type: none"> • 300.000 Fast tests. • 200.000 PCR test kits. • 3 thermal cyclers. • 105.000 medicines for intensive therapy. • 55 Mechanical fans. • 50 oxygen concentrators. | Li Baorong, ambassador of China in Venezuela | Carlos Alvarado, minister of Health | Cooperación bilateral - S/I |

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| Flight date | Country of origin | Content | Foreign official who delivers | Venezuelan official who receives | Terms |
|-------------|-------------------|---|--|--|----------------------------------|
| 12/22 2020 | China | <ul style="list-style-type: none"> COVID-19 detection tests. Breathing machines Oxygen concentrators. | Li Baorong , ambassador of China in Venezuela | Delcy Rodríguez , vice - president of Venezuela | Bilateral Cooperation - ¿? |
| 02/23 2021 | China | 25 tons of: <ul style="list-style-type: none"> Medications (anti-virals, anti-coagulants, esterooids). Medical - surgical equipment Personal protective equipment and analysis equipment (gloves, masks, shoe protective covers, biosecurity suits) 20 equipments for oxygen in blood analysis. | Li Baorong , ambassador of China in Venezuela | Jorge Arreaza , minister of Foreign Affairs | Bilateral Cooperation - Purchase |
| 03/30 2021 | China | 35 tons of: <ul style="list-style-type: none"> 540.000 medication for intensive care, among others. | Li Baorong , ambassador of China in Venezuela | Jorge Arreaza , minister of Foreign Affairs | Bilateral Cooperation - ¿? |

Legend: N/I: no information available.

(1) The Ministry of Foreign Affairs assured that loads with insulin coming from Russia are considered as aid to affront pandemic, as it is about a medication for diabetic patients, especially vulnerable to the virus.
<http://vicepresidencia.gob.ve/?p=2783>

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1.2 Contracting purchase of vaccines against COVID-19

During the first year of pandemic there has not been either clear, continuous nor complete information regarding signed contracts and management made by the national government for acquisition and administration of vaccines against COVID-19.

On December 29th, 2020, Nicolás Maduro announced the signature of a contract for acquisition of the Russian vaccine Sputnik-V, which would allow to immunize around 10 million people against virus¹¹. He assured that the doses would arrive in 90 days but by the end of March 2021 only arrived four airplanes with 750.000 vaccine doses, 250.000 from Russia and 500.000 from China. Around its distribution and application there has been a great secrecy and discretion.

Regarding the contract with Russia, the amount compromised was not informed, nor the total amount of doses included. However, it can be deduced that if the goal was to vaccine 10 million people, there would have to be 20 million doses available, given that two injections of Sputnik-V are needed per person in order to guarantee immunization.

Nonetheless, in February 2021, Nicolás Maduro assured that Venezuela had destined USD 200 million to purchase 10 million doses from Sputnik-V. Besides, he affirmed that he was forwarding arrangements to access the Covax mechanism by The Pan-American Health Organization (OPS) and acquire more vaccines and that the payment would be made with USD 300 million, deposited on the Bank of England. It is about a money that is going through a legal dispute in the United Kingdom, in which it is sought to establish if it corresponds to Maduro or Juan Guaidó, president of the elected in 2015 National Assembly and recognized in that country as interim president, to dispose of those resources.

The exceptional situation around Maduro's legitimacy is also a factor that has been present when acquiring vaccines for Venezuela. OPS affirmed at beginning of February 2021 that Venezuela had reserved between 1,4 million and 2,4 million vaccine doses from AstraZeneca, which cost would oscillate between USD 140 million and USD 240 million¹². The National Assembly of Venezuela elected in 2015, which has access to resources non available for Maduro, approved the funds for payment of vaccines¹³, but later Maduro's administration said that they would not accept vaccines from AstraZeneca, alleging that it produces "serious adverse effects on individuals"¹⁴.

11 "Maduro: Vacunas Sputnik V se aplicarán a quienes vivan en Venezuela sin importar su nacionalidad". Youtube. December 29th, 2020. Available in: <https://www.youtube.com/watch?v=3eYT9PrnF-8>

12 France24. "Venezuela tiene reservadas hasta 2,4 millones de vacunas AstraZeneca, dice OMS". February 02nd, 2021. Available in: <https://www.france24.com/es/minuto-a-minuto/20210202-venezuela-tiene-reservadas-hasta-2-4-millones-de-vacunas-astrazeneca-dice-oms>

13 VOA. "La oposición venezolana acuerda financiar el acceso a vacunas". March 19th, 2021. Available in: <https://www.vozdeamerica.com/venezuela/aprueban-acuerdo-financiamiento-para-el-acceso-de-venezuela-covax>

14 Efecto Cocuyo. "Venezuela escogerá la vacuna que aplicará a través de mecanismo Covax, advierte Delcy Rodríguez". March 24th, 2021. Available in: <https://efectococuyo.com/politica/venezuela-escogera-la-vacuna-que-aplicara-a-traves-de-mecanismo-covax-advierte-delcy-rodriguez/>

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On April 10th, 2021, Maduro's government announced that Venezuela managed to deposit around USD 64 million, which would represent more than 50% the amount required to be beneficiary of Covax mechanism. This would guarantee supply of 20% necessary vaccines to immunize Venezuelans against coronavirus¹⁵, and they said they would choose which doses would arrive.

Maduro's management informed that in July 2021 will start massive vaccination against COVID-19 with the candidate Cuban vaccine Abdala, despite the drug, at the moment of announcement, had not been submitted to all clinical essays¹⁶.

Reception of vaccines against COVID-19

| Date | Country | Vaccines received | Foreign official who delivers | Venezuelan official who receives | Terms |
|------------|---------|---|---|--|----------|
| 02/13 2021 | Russia | 100.000 doses of Russian vaccine Sputnik-V, developed by Gamaleya Institute | Serguéi Melik-Bagdásarov, ambassador of Russia in Caracas | Delcy Rodríguez, vice - president of Venezuela | Contract |
| 03/01 2021 | China | 500.000 doses of Vero Cell vaccine, developed by the state Chinese company Sinopharm. | Li Baorong, ambassador of China in Venezuela | Delcy Rodríguez, vice - president of Venezuela | Donation |
| 03/06 2021 | Russia | 100.000 doses of Russian vaccine Sputnik-V, developed by Gamaleya Institute | Serguéi Melik-Bagdásarov, ambassador of Russia in Caracas | Jorge Arreaza, minister of Foreign Affairs | Contract |
| 03/29 2021 | Russia | 50.000 doses of Russian vaccine Sputnik-V, developed by Gamaleya Institute | Serguéi Melik-Bagdásarov, ambassador of Russia in Caracas | Jorge Arreaza, minister of Foreign Affairs | Contract |

15 AP. "COVID-19: Venezuela cubre 50% de monto requerido por COVAX". Abril 10th, 2021. Available in: <https://apnews.com/article/noticias-e0f4b8dadb807fd9d4861cc4627efa67>

16 National Contractors Service. "Venezuela iniciará inmunización masiva con vacuna cubana Abdala en julio". March 26th, 2021. Available in: <http://www.snc.gob.ve/noticias/venezuela-iniciara-inmunizacion-masiva-con-vacuna-cubana-abdala-en-julio>

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1.3 Unequal distribution

Information gaps widen when trying to determine what has occurred to supplies that already arrived to the country during the first year of pandemic. There is no public information at all regarding the final destination given to those materials or equipments, purchased or donated. It is unknown, for example, what public institutions received it, to which hospitals were assigned, which was the procedure followed to do the delivery, what was the prioritization criteria when sending it, among other aspects.

In December 2020 it was known that national authorities had failures on distribution of 340.000 antigen tests and 35 reading equipments that had arrived from the Pan – American Health Organization (OPS) in October that year. Ciro Ugarte, director of Emergencies at OPS, informed that national authorities had only applied 1.600 tests till then and that they reported they had issues regarding availability of fuel, electricity, water and also difficulties to train the areas staff¹⁷.

The first of March 2021, the office for Coordination of Humanitarian Affairs of United Nations in Venezuela (OCHA) revealed that despite counting on equipment to process PCR type tests in 24 states of the country, analyses were centered only in Táchira, Zulia, Yaracuy, Capital District and Miranda states¹⁸.

In view of opacity surrounding attention to pandemic, and given the difficult situation faced by the Venezuelan population in the midst of a complex humanitarian emergency, Transparencia Venezuela presented a questionnaire¹⁹ to sanitary authorities, with the aim to clear all doubts about contractings and actions taken to face virus. Likewise, the organization addressed a request of information to the Ministry of Health and the Presidential Commission²⁰ for attention to pandemic, to know negotiations made in order to access vaccines. By the end of March 2021 there were no answers.



17 Efecto Cocuyo. "Venezuela ha realizado solo 1.600 pruebas de antígenos, reporta la OPS". December 16th, 2020.

Available in: <https://efectococuyo.com/salud/pruebas-de-antigenos-venezuela-ops-1600/>

18 El Nacional. "ONU: Solo cinco estados en Venezuela tienen acceso directo al procesamiento de pruebas PCR". March 04th, 2021.

Available in: <https://www.elnacional.com/venezuela/onu-solo-5-estados-en-venezuela-tienen-acceso-directo-al-procesamiento-de-pcr/>

19 Transparencia Venezuela. "Transparencia Venezuela exige a las autoridades información precisa y confiable sobre el avance del coronavirus en el país". February 2020. Available in:

<https://transparencia.org.ve/transparencia-venezuela-exige-a-las-autoridades-informacion-precisa-y-confiable-sobre-el-avance-del-coronavirus-en-el-pais/>

20 Transparencia Venezuela. "Transparencia Venezuela solicita información sobre vacunas contra el COVID-19". February 24th, 2021.

Available in: <https://transparencia.org.ve/transparencia-venezuela-solicita-informacion-sobre-vacunas-contra-el-covid-19/>



**Designated authorities to
face pandemic.
Politics sanctioned**

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The first decree of alarm state dictated by Nicolás Maduro when presence of COVID-19 in Venezuela was confirmed, provided the creation of the Presidential Commission for Coronavirus Prevention and Control, an organ in charge of coordinating and advising about all the related to implementation of measures to slow down and control virus spread²¹.

According to the normative text, the presidential commission is integrated by 13 individuals: the executive vice – president of the Republic (who is chairperson), 11 ministers (Health, Internal Affairs, Justice and Peace, Defense, Science and Technology, Education, University Education, Industry and national Production, National Commerce, Economy and Finances, Indigenous Communities, communes and Social Movements and transport) and a representative of the National Coordinating Committee for Civil Protection and Disaster Administration. Currently, the Executive Vice – president of the Republic, Delcy Rodríguez, also exercises the position of Minister of Economy, Finances and Foreign Trade, which means that the commission is actually formed by 12 persons.

By the end of March 2021, the rest of constituents were Carlos Humberto Alvarado González (Health), Carmen Teresa Meléndez Rivas (Internal Affairs, Justice and Peace), Vladimir Padrino López (Defense), Gabriela Jiménez-Ramírez (Science and Technology), Aristóbulo Istúriz (Education),

César Gabriel Trómpiz Cecconi (University Education), Tareck El Aissami (Industry and National Production), Yamilet Mirabal Calderón (Indigenous Communities), Noris Herrera Rodríguez (Communes and Social Movements), and Hipólito Antonio Abreu Páez (Transport).

Five integrants of the presidential commission to face COVID-19 have received international sanctions. They are accused, among other charges, of undermining democracy in Venezuela, vulnerating human rights and committing corruption acts: Delcy Rodríguez (is sanctioned by United States, Canada, the European Union, Switzerland and United Kingdom), Carmen Meléndez (by United States, Canada and Panama), Aristóbulo Istúriz (by Canada), Vladimir Padrino (by United States and Canada), Tareck El Aissami (by United States, Canada, the European Union, Switzerland and United Kingdom)²². The last two, also have accusations on the United States justice system for allegedly using their power position on international drug trafficking.

The twelve integrants of this commission, according to the decree of alarm state, must:

- Advice the President of Venezuela about measures to be taken to prevent and fight COVID-19

²¹ The figure of presidential commissions is established in article 73 of the Decree with Rank, Value and Force of Public Administration Organic Law, as an authority created by the President of the Republic, which must be formed by officials and specialized persons, in order to the examination and consideration of the matter that is determined in the Decree of creation or for the coordination of criteria and the joint review of matters assigned to different ministries. Its conclusions and recommendations will be adopted by an absolute majority of votes. This makes the commission the highest-ranking entity for the treatment of pandemic and its members as the main responsible.

²² Transparencia Venezuela. Sanciones internacionales ¿Origen o fin de la crisis? December 2020. Available in: <https://transparencia.org.ve/wp-content/uploads/2020/12/Sanciones-Internacionales-TV-.pdf>

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- Coordinate that all organs and entities involved adopt protocols emitted by OMS,
- Coordinate the due provision for health centers officially established for pandemic control, both relative to patients and for personnel working there,
- Coordinate implementation of necessary measures to avoid spread of virus
- Monitor database updates and information related to diagnosed and in observation cases
- Coordinate acting of all citizen security organs, and in a residual basis, and
- "Other duties assigned by the president of the Republic".

As to the Venezuelan Public Health System, the rectory is officially exercised by the Ministry of Health (MPPS), which for March 2021 had Carlos Alvarado in charge, designated since June 25th, 2018.



Alvarado is the eighth minister of health designated by Nicolás Maduro since 2013 and the person who has stayed the longest in this ministerial office. While he has exercised the position of

minister of Health, he has also exercised as president of Misión Barrio Adentro foundation²³, president of the Foundation of Hospital Buildings and Equipments (Fundeeh)²⁴ and member of the Autonomous Institute University Hospital of Caracas²⁵. The designation of a same person for multiple positions is a common practice in the management of Maduro and his predecessor, Hugo Chávez. This puts into question those officials capacity to do comptrollership and rendition of accounts.

Despite Alvarado is Minister of Health, president of Misión Barrio Adentro and integrates the Presidential Commission for Coronavirus Prevention and Control, during the first year of contagion only in two occasions he was in charge of publicly offering official numbers²⁶.

In terms of public entities under control of the ministry Alvarado is directing, MPPS²⁷ website indicates there are seven:

- National Public Health System
- Misión Milagro
- UCV University Clinical Hospital
- Latin American Children's Cardiologic Hospital
- Misión José Gregorio Hernández
- Misión Niño Jesús and Social
- Pharmacies Foundation

23 See Official Gazette No. 41.430 of June 29th, 2018.

See Official Gazette No. 41.592 of February 22nd, 2019.

24 See Official Gazette No. 41.592 of February 22nd, 2019.

25 See Official Gazette No. 41.567 of January 18th, 2019.

26 Runrunes. "365 días viviendo con el virus". March 2021.

Available in: <https://alianza.shorthandstories.com/Covid-19-en-Venezuela/365-dias-viviendo-con-el-virus/index.html>

27 Official website of Ministry of Health <http://www.mpps.gob.ve/index.php/ministerio>

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There is no specification on the website about which entities and organs integrate the “National Public Health System”, but on the paragraph corresponding to addresses, 11 public entities ascribed to the Ministry²⁸ are mentioned:

- Autonomous Institute University Hospital of Caracas (HUC)
- Foundation Misión Barrio Adentro,
- Foundation Latin American Children’s Cardilogic Hospital “Dr. Gilberto Rodríguez Ochoa”
- Autonomous Service of Sanitary Comptroller (SACS)
- Amazonian Center of Control and Tropical Diseases “Simón Bolívar” (Sacaiset)
- Pharmaceutical Preparations (Sefar), the Civil Society Directorate for Control of Endemic Diseases and Indigenous Health Assistance
- The Executive Direction of High Studies Institute “Dr. Arnoldo Gabaldón” (Maracay)
- The Biomedicine Institute “Dr. Jacinto Convit”
- The Socialist Company for Biologic Medicines Production Espromed-BIO and the Foundation of Hospital Buildings and Equipments (Fundeeh)

Previous data indicate that MPPS would have at least 15 public entities or organs under their control. However, despite belonging to the “National Public Health System”, some of these entities are also ascribed to other ministries and due to out-of-date information published, it is not possible to determine precisely which organ has control.



As an example, Fundeeh was ascribed to the Vice – presidency of the Venezuelan Republic through official gazette N° 41.598 of March 14th, 2019, but it currently is on the list of entities ascribed to MPPS and Vice – presidency at the same time. It also occurs with Misión Milagro²⁹.

²⁸ Official website of Ministry of Health. <http://www.mpps.gob.ve/index.php/direcciones>

²⁹ Official website of Vice-presidency of the Republic. <http://vicepresidencia.gob.ve/>

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There are other public entities linked to the health system that do not appear reflected on the MPPS official website as ascribed to this office, but designation of the highest authority for some of those instances was in charge of the ministry of health. Following stand out:

- Seven companies property of the state:
 - » Corporación de Servicios de Estado “Venezolana de Servicios Tecnológicos para Equipos de Salud, S.A. (Vensalud)”
 - » Corporación Nacional de Insumos para la Salud, C.A. (Consalud)
 - » Farmapatria, C.A.
 - » Laboratorios Miranda, C.A.
 - » Productos Farmacéuticos para el Vivir Viviendo (Profarmacos)
 - » Lambrica
 - » Quimbiotec
- Two foundations:
 - » Fundación Venezolana de Donaciones y Trasplante de Órganos, Tejidos y Células (Fundavene)
 - » Fundación del Estado Sucre Para la Salud (FundaSalud)³⁰.

- One Institute:
 - » National Institute of Hygiene.
- Autonomous Services and integral systems, such as:
 - » The University Hospital of Maracaibo
 - » The Biomedicine Institute (SAIB)
 - » The Integral System of Emergency Medical Care (Siamu).

There is also a group of organizations or authorities whose nature and competences are not well-established but with responsibilities on public health system. Among the registered there is Community Areas of Integral Health (ASIC)³¹, the Táchira Protectorate, the Campaign Hospital Poliedro de Caracas (an area meant for events and shows that was set up to attend people infected with COVID-19), the so-called unique health authorities on each state and the figure of hospital directors.

Additionally, during the pandemic was created a National Ethics Committee for COVID-19³² investigation, integrated by five persons with the mission to evaluate, dictate and approve investigation protocols in human beings, animals or crops or/ and any experimentation that intends to work with virus; a National Committee for Introduction and Deployment of Vaccines against COVID-19 and corresponding Technical Sub – Committees³³, formed by nine individuals, with the aim to assume management and operation for vaccine

30 Foundation of Sucre state for health. “¿Que son las ASIC?”. Available in: http://www.fundasaludsucre.org.ve/blog/public/ASIC_definicion?i=1

31 Ministry of Health. “Áreas de Salud Integral Comunitaria participan en la Construcción del Sistema Público Nacional de Salud”. August 30th, 2019. Available in: <http://www.mpps.gob.ve/index.php/sala-de-prensa/notnac/185-areas-de-salud-integral-comunitaria-participan-en-la-construccion-del-sistema-publico-nacional-de-salud>

32 See Official Gazette No. 41.962 of September 10th, 2020.

33 See Official Gazette No. 42.046 January 13th, 2021.

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application; and a Multi-disciplinary Team of Response to COVID-19 Sanitary Emergency (EMES/COVID-19) of Táchira state³⁴, regional connection with the Ministry of Health and attention to sanitary emergency.

The Committee integrants and representatives were designated by the Minister of Health and in its majority occupy or occupied other positions inside the own ministry or its ascribed entities.

The National Ethics Committee is integrated by:

- **María Esperanza Martínez**
(with directive functions in Vensalud, at the National Hygiene Institute and at the Autonomous University Institute of Caracas)
- **Esperanza Briceño**
(with directive functions at the National Hygiene Institute)
- **José Rodríguez**
- **Juan Vicente Quintana**
- **Alexander Laurentin**

The National Committee for instruction and display of vaccines is formed by María Esperanza Martínez (with directive functions in Vensalud, at the National Hygiene Institute and at the Autonomous University Institute of Caracas), Nuramy Josefa Gutiérrez González (exercising a directive function at the National Hygiene Institute) Janina Colmenares (directive at Vensalud y Espromed Bio), Marisela

Antonia Bermúdez Barrios (vice – minister of Collective Networks of Health), Gerardo Briceño (serving as directive at Fundeeh and the Autonomous University Institute of Caracas, José Manuel García (director of Espromed Bio), Rosa George, Rosa Rodríguez and Omar Caldera.

This makeshift disorder and lack of control, added to the existence of interest conflicts and little transparency surrounding entities, organs and authorities of different type with responsibility in health sector, shows the fragmentation and weakness of an entity that supposed to govern in the National Public Health System, which, with no doubt propitiates corruption practices, besides influencing negatively on the guarantee of human rights protection for Venezuelan's health and life.

³⁴ See Official Gazette No. 41.866 April 24th, 2020.



**Venezuela in pandemic:
corruption is not
confined**

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Since the beginning of pandemic in Venezuela, not only increased the risks of corruption related directly to contractings and acquisitions to face the emergency. The rest of sectors in social life have also been affected by the increasement of cases of small and great corruption, according to a register made since March 2020 by Transparencia Venezuela.

The search and systematization of corruption facts whose investigation was announced by the Venezuelan Public Ministry; gathering denounces of irregular facts received by Transparencia Venezuela through the application Dilo Aquí; tracking corruption denounces made through communication media and social networks; added to data obtained in focalized interviews in more than 10 sectors, allow to affirm that the decisions taken by the Executive Power to affront COVID-19 and the weak and chaotic institutional reactions gave space for the rising of new illegal practices and increasement of the existent.

Data obtained evidence that, with the free transit restriction and suspension of economic and labor activities, corruption on institutions in charge of rendering pubic services has deepened, as well as in sectors in which working hours were limited or restrictions and inspections of any kind were established, such as telecommunications, electricity, gas, registries, notaries, tribunals, transit, commerce, basic services , gasoline and of course health sector.

Military officers, police and public company officials, specially Pdvsa and Cantv had the most participation in these corruption facts. In almost all sectors, justification from officials to incur in these practices is that their salaries on public administration is not enough and that those irregular managements help them to survive.

Following data, classified by sector, allow to support the conclusions presented in this report:



TRANSIT

Testimonials compiled refers that one of the corruption means that increased the most during pandemic is charging amounts of money (specially dollars) from police and Bolivarian National Guard (GNB) officers, in order to allow people to circulate during the weeks of the so-called "radical quarantine". It includes limitations to free transit among municipalities and states. These offences were detected in established control points (alcabalas) inside cities and in frontiers.

A Venezuelan doctor denounced³⁵ that on January 02nd and 03rd, 2021, he travelled from Ciudad Bolívar in the south of the country to Caracas, north, and on the way he found 43 "alcabalas", including mobile ones, mostly settled by GNB. He declared that in seven of them they made him get off the vehicle, and in four he had to give "some" money as "contribution". The doctor added that "members of GNB refer to themselves as 'el comando' and they ask to whom they stop ¿how are you going to collaborate with the commando?".

35 Efecto Cocuyo. "Párese a la derecha": Más de 40 alcabalas para viajar de Bolívar a Caracas". January 17th, 2021.
Available in: <https://efectococuyo.com/la-humanidad/parese-a-la-derecha-mas-de-40-alcabalas-para-viajar-de-bolivar-a-caracas/>

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“One of them even added that they needed help because they are unattended”, said the specialist.

A report from the border state of Táchira³⁶, west of the country, refers that on that entity the most affected by extortion in alcabalas are who travel on motorbikes, same as public transport drivers, who must pay between USD10 and USD15 on each control point in order to keep going. There are around 90 alcabalas in that state, therefore, for citizens it is extremely expensive to travel through a country where minimum monthly salary is about two dollars. Transparencia Venezuela also received denounces from motorbike drivers who are requested to pay daily USD10 or USD20 for minor faults, under the threat of vehicle retention.

A representative of the agricultural sector³⁷, who preferred not to reveal his name, agreed that during the pandemic illegal charges in points of control increased and

that among the most affected are the ones who transport foods. “Producers can have all their permissions updated but even then they are stopped on alcabalas and are requested for dollars or a part of the harvests they transport. If someone refuses to pay, they detain them, and if they are carrying vegetables, there is the possibility that their load can get damaged. At the end, among all the requests of bribery they have to pay around 30% of what they are transporting”, he said.

A source with more than a decade in the area of customs and tributes also pointed³⁸ that there is an illegal charge made to the workers of that sector who must take transportation to fulfill their duties. He detailed that, even though on the decree of alarm state it is established that these workers do not merit to pay a safeguard to circulate during pandemic, they equally are detained in alcabalas and are requested to pay money in order to let them circulate.

On borderline zones there are reports of corruption cases against persons who desire to leave the country due to the critical situation. The past December 28th, 2020, the Ministry of Transport prohibited entry or exit from Táchira state. However, particular vehicles known as “piratas”, move persons to the frontier and outside the state, and they charge



36 Tal Cual. “Denuncian operación matraca en alcabalas de Táchira durante semana de cuarentena radical”. March 20th, 2021.

Available in: <https://talcualdigital.com/denuncian-operacion-matraca-en-alcabalas-de-tachira-durante-semana-de-cuarentena-radical/>

37 Interview to unionist of agricultural sector.

38 Interview to worker of customs and tributary sector.

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exorbitant prices, without accomplishing any biosecurity measure and before the sight of security officials from the State³⁹.

The closure of airports in Venezuela and limitation on the number of people who can transit during the week through the humanitarian corridor on the land border with Colombia, have also rendered opportunities for corruption, according to denounces made in September 2020 in a communication media⁴⁰.



| Cases | DATE | PUBLIC ENTITY |
|---|---------------|------------------|
| Alcabalas were forbidden in Zulia state due to a denounce in which they were charging up to USD 50 ⁴¹ . | 01/19 2021 | |
| Freddy Bernal admitted the existence of illegal charges by military and police officers in control points of Táchira ⁴² state. | 03/20 2021 | |
| In Táchira state control points, police agents not only request a safe-guard to drivers but also request money in dollars or pesos ⁴³ . | 03/10 2021 | |
| Command chiefs tell their subordinates to "go and see what you get" ⁴⁴ . | 11/29 2020 | |
| A Policaracas officer was arrested because he allegedly requested money to a public transport driver in Caracas, in order to let him work ⁴⁵ . | 08/13 2020 | Municipal Police |

39 Crónica uno. "Conductores piratas cobran cifras millonarias para viajar a la frontera". 26 de enero de 2021.

Available in: <https://cronica.uno/conductores-piratas-cobran-cifras-millonarias-para-viajar-a-la-frontera/>

40 BBC News. "Coronavirus en Venezuela: el lucrativo negocio de los que ayudan a cruzar las fronteras cerradas para regresar al país". 09 de septiembre de 2020. Disponible en: <https://www.bbc.com/mundo/noticias-america-latina-54066723>

41 Diario La Nación. "Prohíben alcabalas en Zulia por denuncia de cobros de hasta \$50". 19 de enero de 2021. Available in:

<https://lanacionweb.com/nacional/prohiben-alcabalas-en-zulia-por-denuncia-de-cobros-de-hasta-50/>

42 Diario La Nación. "Llamadas a combatir la «matraca» autoridades militares y policiales". 20 de marzo de 2021. Available in:

<https://lanacionweb.com/regional/llamadas-a-combatir-la-matraca-autoridades-militares-y-policiales/>

43 Tal Cual. "Denuncian operación matraca en alcabalas de Táchira durante semana de cuarentena radical". 20 de marzo de 2021. Disponible en:

<https://talcualdigital.com/denuncian-operacion-matraca-en-alcabalas-de-tachira-durante-semana-de-cuarentena-radical/>

44 Tal Cual. "El matraqueo es la mejor cosecha que hacen policías y militares". 29 de noviembre de 2020. Available in:

<https://talcualdigital.com/el-matraqueo-es-la-mejor-cosecha-que-hacen-policias-y-militares/>

45 Public Ministry of Venezuela. "Privado de libertad oficial de Policaracas que solicitó dinero a conductor de transporte público". 13 de agosto de 2020.

Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17823168

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| Cases | DATE | PUBLIC ENTITY |
|--|---------------|---------------|
| PNB officers requested a corn flour bag and an antibacterial gel to a citizen at an alcabala in Francisco Fajardo ⁴⁶ highway, Caracas. | 04/06 2020 | PNB |
| In Zulia state, a citizen said that they practically do not let him work... "from CORE 3 they stop us, they request for money, they request the PCR test for COVID-19 and if you don't have it they ask for more money". An individual who was travelling to Maracaibo commented that in all control points from Paraguachón border to Guajira "all officers request for money all the way, in one point (control point) I paid 20 dollars, in other, 15.000 pesos..." ⁴⁷ . | 12/01 2020 | |
| A Young woman who was travelling to Mérida due to health issues was stopped in an alcabala and "she was put in a separated room and a policewoman checked her, found USD 120 in her jacket. That is when the request of bribery started. The woman said that she needed the money for her medical tests and that she was not going to give it to the officer. She came out of that place crying and saying that they were going to be arrested. They kept us there for about an hour and after much insisting, they let us go" ⁴⁸ . | 10/11 2020 | |
| On a control point in Anzoátegui state, a military officer stopped a vehicle, requested the safeguard and the citizens explained that they were going to Caracas to get onboard a humanitarian flight. "well chief, ¿how are we going to save you? Asked the military officer to the driver. The man gave him 10 dollars and kept going. They passed 8 alcabalas, they were stopped on five and were requested for money in three of them" ⁴⁹ . | | |

46 Efecto Cocuyo. "Harina, antibacterial, dinero y gasolina, lo que exigen algunos policías en las alcabalas". 06 de abril de 2020. Available in: <https://efectococuyo.com/la-humanidad/harina-antibacterial-dinero-y-gasolina-lo-que-exigen-algunos-policias-en-alcabalas/>

47 Radio Fe y Alegría. "Transportistas de Guajira denuncian matraqueo en las alcabalas". 01 de diciembre de 2020. Available in: <https://www.radiofeylegrianoticias.com/transportistas-de-guajira-denuncian-matraqueo-en-las-alcabalas/>

48 Crónica uno. "Viajar por el país en transporte público saca ronchas". 11 de octubre de 2020. Available in: <https://cronica.uno/viajar-por-el-pais-en-transporte-publico-saca-ronchas/>

49 Prodavinci. "El país de Neyla". 09 de septiembre de 2020. Available in: <http://factor.prodavinci.com/elpaisdeneyla/index.html>

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SAFEGUARDS

On interviews made for this report, denounces by the Public Ministry, as well as reports on communication media reveal as new way of corruption the illegal charge to perform COVID-19 fast diagnosis tests in order to deliver safeguards that allow transit within the national territory.

| Cases | DATE | PUBLIC ENTITY |
|--|---------------|---------------|
| 12 individuals, four GNB officers among them, were arrested for allegedly integrating an organization that promoted through social media a travel pack to enter Venezuela irregularly. "They offered accommodation, transport, food, safeguards and fast COVID-19 detection tests for USD 1.800, from Miami to Venezuela". "Evidence was seized from the detained, such as formats for COVID-19 tests issued by public health centers (that are now being investigated)" ⁵⁰ . | 09/09 2020 | GNB |
| A citizen mentioned that there was a waiting list to get safeguards, but that if it was needed urgently it was necessary to contact a military officer ⁵¹ . | 10/11 2020 | GNB |
| Two people were detained for selling safeguards for USD \$15. These safeguards were made by customer's request, previously delivering the requested documents, identity card, and car documents ⁵² . | 01/27 2020 | |
| Citizens denounced the charge of safeguards in San Antonio, Monagas state. The affected assure that the majority demands payment of 100.000 bolivars in cash to enter and exit the municipality with the document, which is valid only for two days from the moment it is issued ⁵³ . | 12/28 2020 | |

50 Public Ministry of Venezuela. "Fiscal General Tarek William Saab anunció detención de médico colombiano por vender en dólares medicamentos gratuitos para Covid-19". 09 de septiembre de 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17825191

51 Crónica uno. "Viajar por el país en transporte público saca ronchas". 11 de octubre de 2020. Available in: <https://cronica.uno/viajar-por-el-pais-en-transporte-publico-saca-ronchas/>

52 Public Ministry of Venezuela. "Fiscal General Tarek William Saab informó detención de 19 personas por tráfico de 4,2 toneladas de cocaína". 27 de enero de 2021. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17838385

53 El Pitazo. "Habitantes denuncian cobro de salvoconducto en San Antonio de Monagas". 27 de mayo de 2020. Available in: <https://elpitazo.net/oriente/habitantes-denuncian-cobro-de-salvoconducto-en-san-antonio-de-monagas/>

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TELECOMMUNICATIONS

The information gathered for this investigation also concludes that corruption has increased as well in telecommunications sector. Quarantine established as one of the measures to stop pandemic brought with it the increasement of demand on telephone and internet services, in order to attend school and labor needs. But shut down of state companies operating on the area during radical weeks and absence of a special attention plan in the midst of the contingency has left many users unprotected before the constant interruption of services, and some workers increased the amount of illegal charges to solve failures.

An active worker of the state phone company Cantv⁵⁴ explained that during the pandemic, the amount of irregular charges increased by technicians who repair breakdowns. "Before pandemic there was rumor that charges were from 5 to 20 dollars, but now they charge 50 to 60 dollars for repairs, and the last I heard is that they requested 350 dollars". Communication media have denounced that this is the most recurrent irregular practice on the state telecommunication company and that the repair cost depends on the geographic zone and type of problem⁵⁵.

VSpokespersons from Cantv declared in February 2021 that the company has investigated 155 cases related to irregular charge during service re-connection works and that, in cooperation with police corps, managed to arrest 27 people⁵⁶. Nonetheless, the active official from Cantv pointed that that type of investigation is not enough nor objectives. "All of them are involved on this, even managers. When they arrest somebody, it is because that person has problems with managers. When people denounce, what normally happens is that the officials involved request for their retirement or inscribe on the labor union and they get re-inserted on the job", said.

The official also explained that at the beginning of pandemic when closure of all offices was ordered due to quarantine, on Instagram appeared a parallel Cantv, and as people was at home and needed to increase their speed on internet, this parallel Cantv, together with workers from the real Cantv, started to charge from USD 10 to USD 30 to do improvements on the speed. "You didn't have to go to the office, you could do it from home. In April a denounce was made and all workers who were able to do changes on speed were blocked. It only could be done through two or three individuals and later you received a call asking who had done the change for you".

⁵⁴ Interview made to an active official of Cantv company.

⁵⁵ EFE. "Empresas estatales de Venezuela, corrupción a pie de calle". December 28th, 2020.

Available in: <https://www.efe.com/efe/america/economia/las-empresas-estatales-venezolanas-corrupcion-a-pie-de-calle/20000011-4428672>

⁵⁶ Ultimas Noticias. "Cantv ha investigado 155 casos por cobro irregular". February 04th, 2021.

Available in: <https://ultimasnoticias.com.ve/noticias/mas-vida/cantv-ha-investigado-155-casos-por-cobro-irregular/>

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She also said that there are workers who “steal” lines from customers and after three months they assign it to other persons who pay for it. The client who was robbed makes a claim and the line gets returned and then they charge again to the person who remained without line. It also occurs that they “rob” ABA ports and assign it to other persons. A “service” for which they charge up to USD 100.

Corruption in this sector has generated a great damage over the right to work, education and recreation of Venezuelans. Citizens have lost employment opportunities due to limitations on connectivity and many boys, girls and teenagers have not been able to assist to virtual lessons, which affects their growth and development.

| Cases | DATE | PUBLIC ENTITY |
|--|---------------|---------------|
| A Cantv technician can charge up to USD 300 to repair a failure ⁵⁷ . | 12/28 2020 | Cantv |
| Technicians subtract all related to phone lines and internet. They disconnect one sector and connect another. When they do it, the affected claim, but nothing happens. It is there when the “technicians” appear and negotiate the restitution in dollars, but the failure appears again in two or three months ⁵⁸ . | 11/04 2020 | Cantv |
| Technicians offer connectivity issues repair service to entire communities, but charge exorbitant tariffs and in dollars, reaching up to USD 100 for re-established connection ⁵⁹ . | 10/27 2020 | Cantv |
| According to denounces from Cantv customers, the company disconnects services for “no reason” and technicians charge up to USD 200 to reactivate it ⁶⁰ . | 27/07 2020 | Cantv |

57 EFE. “Empresas estatales de Venezuela, corrupción a pie de calle”. December 28th, 2020.

Available in: <https://www.efe.com/efe/america/economia/las-empresas-estatales-venezolanas-corrupcion-a-pie-de-calle/20000011-4428672>

58 Prensa América. “Denuncian fallas sin solución y técnicos corruptos en la compañía telefónica Cantv en Venezuela. November 04th, 2020.

Available in: <http://nuevaprensaamerica.com/2020/11/denuncian-fallas-sin-solucion-y-tecnicos-corruptos-en-la-compania-telefonica-cantv-en-venezuela/>

59 El Pitazo. “Usuarios denuncian pésimo servicio y corrupción de técnicos de Cantv”. October 27th, 2020.

Available in: <https://elpitazo.net/tecnologia/usuarios-denuncian-pesimo-servicio-y-corrupcion-de-tecnicos-de-cantv/>

60 Venepress. “Lo que deben pagar usuarios de Cantv para restaurar servicio”. July 27th, 2020.

Available in: <https://venepress.net/lo-que-deben-pagar-usuarios-de-cantv-para-restaurar-servicio/>

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REGISTERS AND NOTARIES

Testimonials compiled during the first pandemic year also refer to corruption increasement on registers and notaries, due to stoppage of activities, cumbersome processes and low salaries of civil servants.

The president of Lawyers College, José Luis Machado declared to a regional media⁶¹ that there is corruption in registers and notaries since a long time, but during the pandemic it intensified. He explained that to process certain paperwork there is maximum number of document reception and this situation gives opportunity for everyone to try to “solve”, the official who obtains its commission and also the citizen who needs to obtain their documents relatively “fast”.

A lawyer with years of professional exercise explained⁶² that appointment systems for paperwork open on Sundays around 6:00 to 8:00 pm, but they close automatically so people is forced to turn to an official, who charge in dollars to give appointments and habilitate procedures. She said that to process a citizen’s birth certificate they

charge up to USD100 if the document is needed for the same day. If a person needs the birth certificate “without habilitation” must pay USD60. “before the pandemic they charged USD20 and gave it to you in three days”, added.

The lawyer revealed that in the month of February 2021 a friend was processing his nationality and he was requested a birth certificate. An official said that he does not work during the “radical week” but if he needed the document urgently, he could set the appointment on Sunday and the next day he would deliver the certificate, he charged USD 100 to do so. He shared that another person took a copy of his birth certificate to the main registry and an official said that the page delivered did not correspond to the one on the book, the official never showed the book but said that if he gave him USD 50, he would “solve” the issue.

Another lawyer interviewed by Transparencia Venezuela for this report, assured that on mercantile registers they do illegal charges to process paperwork in a fast way and without need for the involved to go sign. She



61 El informador. “Lara | La pandemia disparó la corrupción en los registros y notarías”. January 20th, 2020.

Available in: <https://www.elinformadorvenezuela.com/venezuela/lara-la-pandemia-disparo-la-corrupcion-en-las-instituciones-publicas/>

62 Interview made to a Venezuelan lawyer.

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pointed that the cost depends on the process and varies between USD 70 and USD 90 per process.

This lawyer added that each notary office has its own tariffs, and it depends on if it is “radical week” or “flexible”. If it is radical week the cost is much higher. Everything is paid with dollars in cash or through

Zelle application. “You pay for fast service or process because otherwise revision is exaggerated and awfully slow. You always work with the same officials due to trust and security during the process. You already have special tariffs due to continuity”, detailed.

| Cases | DATE | PUBLIC ENTITY |
|--|---------------|---------------|
| On the Autonomous Service of Registers and Notaries (Saren), officials request for money openly. They have set tariffs and assume it as a regular practice. Simple paperwork is valued in USD 30. Others overpass this price and there is no other way to obtain documents ⁶³ . | 10/23 2020 | Saren |
| Public officials were arrested for allegedly charging for paperwork and document management at the Municipal Office of Civil Registry, in San Cristóbal, Táchira state ⁶⁴ . | 09/10 2020 | Saren |



Subtraction of goods and medical supplies in different medical centers and health institutions and its illicit sale in dollars, as well as undue request of money in public assistance centers has possibly aggravated during the pandemic, due to an increasement of persons who require medical treatment and supplies and due to the low salaries of health personnel, who render services in precarious conditions, no biosecurity equipment and putting their own lives at risk.

Among the most frequent denounces there is register of charges in foreign currency, by health personnel at hospitals, to allow entry of persons and to apply the necessary care or treatments, as well as performing tests or surgeries. This money is asked for under the figure of “collaboration”.

A worker from one of the biggest hospitals in Caracas informed⁶⁵ that, in his health center, illegal charges have been made to COVID-19 patient relatives to get them flow meters or wall – mounted oxygen manometers, that are used to connect equipments of mechanical breathing

⁶³ El Pitazo. “Trujillo | Abogado denuncia cobros en dólares en organismos públicos para trámites gratuitos”. October 23rd, 2020.

Available in: <https://elpitazo.net/los-andes/trujillo-abogado-denuncia-cobros-en-dolares-en-organismos-publicos-para-tramites-gratuitos/>

⁶⁴ VTV. “Detienen a funcionarios públicos que cobraban por trámites y gestión de documentos en Registro Civil de San Cristóbal”.

September 10th, 2020. Available in: <https://www.vtv.gob.ve/detienen-funcionarios-publicos-cobran-tramites-registro-civil-tachira/>

⁶⁵ Interview to a worker of health sector in Caracas.

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to the pipes with medicinal gases. "The deterioration of many equipments and little restitution has made this kind of supply scarce. On the other hand, some workers get the few there are in public health centers and rent them to patient relatives who are on the same installations. Salary crisis pushes many people to do this kind of thing", said.

Another source from the sector reported⁶⁶ that illegal payments are being made in health centers to alter death certificates of persons who died from the virus and avoid cremations. "There are workers who charge for changing the death cause, so the family does not have to cremate them, which is what has to be done in those contexts".

Among the new corruption modalities existing in the health area there is register of alleged charging in foreign currency to issue COVID-19 certificates without the due protocols⁶⁷, or to perform fast tests. It was also registered cases of alleged influence traffic to obtain COVID-19 vaccine, as well as denounces against health personnel which subtracts medicines and supplies from the public health system.

| Cases | DATE | PUBLIC ENTITY |
|---|---------------|--------------------------------------|
| A man was apprehended for subtraction of medicines in a Coro hospital ⁶⁸ . | 08/18 2020 | Hospital Alfredo Van Griken |
| A pharmacist was arrested for medication subtraction from Popular Clinic of El Valle, in Caracas ⁶⁹ . | 09/03 2020 | Popular Clinic of El Valle |
| Two workers from Dialysis Unit Juan Pablo II ascribed to IVSS, were detained for illicit sale of medicines in Caracas ⁷⁰ . | 09/07 2020 | IVSS |
| A Hospital "Doctor Miguel Pérez Carreño" waitress was apprehended for illegal appropriation of a monitor ⁷¹ . | 09/10 2020 | Hospital Doctor Miguel Pérez Carreño |
| A pharmacy auxiliar was arrested for subtraction of medicines from an ambulatory in Punto Fijo, belonging to IVSS ⁷² . | 09/11 2020 | IVSS |

66 Interview to a worker of health sector in the central region of the country.

67 La Nación web. "Detenidos dos médicos del Antituberculoso por cobrar certificado covid-19". October 23rd, 2020.

Available in: <https://lanacionweb.com/regional/detenidos-dos-medicos-del-antituberculoso-por-cobrar-certificado-covid-19/>

68 Public Ministry of Venezuela. "Privado de libertad hombre por sustracción de medicamentos de hospital en Coro". August 18th, 2020.

Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17822917

69 Public Ministry of Venezuela. "Privado de libertad farmaceuta por sustracción de medicamentos de la Clínica Popular de El Valle en Caracas".

September 03rd, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17824604

70 Public Ministry of Venezuela. "Privado de libertad a dos trabajadores del IVSS por venta ilícita de medicamentos en Caracas". September 07th, 2020.

Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17824937

71 Public Ministry of Venezuela. "Privado de libertad a camarera del Hospital Doctor Miguel Pérez Carreño por apropiarse de un monitor en Caracas".

September 10th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17825246

72 Public Ministry of Venezuela. "Privada de libertad auxiliar de farmacia por sustracción de medicamentos de ambulatorio en Punto Fijo".

September 11th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17825534

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| Cases | DATE | PUBLIC ENTITY |
|---|---------------|--|
| A Colombian doctor was arrested for selling free medicine for COVID-19 ⁷³ in dollars. | 09/09 2020 | |
| Privation of liberty for a first lieutenant of the National Guard and a civilian for taking from the Ministry of Public Works USD 7.000, that were going to be destined to infrastructure projects in Central Hospital of Maracay ⁷⁴ . | 11/10 2020 | <ul style="list-style-type: none"> Central Hospital of Maracay GNB Ministry of Public Works |
| Charge in dollars to COVID-19 ⁷⁵ patients at the hospital. | 09/22 2020 | Hospital of San Cristóbal |
| Community Integral doctor was apprehended for alleged charge in dollars to allow entry to the hospital ⁷⁶ . | 07/10 2020 | |
| A hospital director from social security in San Cristobal was accused for robbery of medicines, surgery materials, supplies and medical equipment against public assets ⁷⁷ . | 01/16 2020 | IVSS |
| Charge of up to USD 160 for surgeries in Barinas Ambulatory. | 03/10 2020 | Barinas Ambulatory |
| University Hospital of Caracas has a VIP area for coronavirus patients who pay in dollars ⁷⁸ . | 03/22 2020 | Hospital Universitario de Caracas |
| Two Cuban doctors deserted from the Cuban Health mission in Venezuela for alleged deceit in the handling of COVID-19 statistics, corruption and sexual harassment ⁷⁹ . | 10/17 2020 | |
| Transparencia Venezuela received a denounce about nurses who allegedly request for money to patients and relatives to apply treatments against COVID-19, which are subtracted from the public system and should be administrated to renal patients. | March 2020 | |

73 Public Ministry of Venezuela. "Fiscal General Tarek William Saab anunció detención de médico colombiano por vender en dólares medicamentos gratuitos para Covid-19". September 09th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17825191

74 Public Ministry of Venezuela. "Privados de libertad primer teniente de la GNB y un hombre por sustracción de 7.000 dólares del Ministerio de Obras Públicas". October 10th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17831758

75 Diario los Andes. "Autoridades de Hospital de San Cristóbal investigan cobro en divisas a pacientes COVID-19". September 22th, 2020. Available in: <https://diariodelosandes.com/site/autoridades-de-hospital-de-san-cristobal-investigacion-cobro-en-divisas-a-pacientes-covid-19/>

76 Punto de Corte. "Lara | Detienen a médico integral comunitario por presunto cobro en dólares para permitir ingreso al hospital". October 07th, 2020. Available in: <https://puntodecorte.com/lara-detienen-a-medico-integral-comunitario-por-presunto-cobro-en-dolares-para-permitir-ingreso-al-hospital/>

77 El Estímulo. "Director del hospital del IVSS en Táchira tiene nexos con Delcy Rodríguez". January 16th, 2020. Available in: <https://elestimulo.com/director-del-hospital-del-ivss-en-tachira-vinculado-con-delcy-rodriguez/>

78 NTN24. "Denuncian "trato especial" y pago en dólares en un piso del Hospital Universitario de Caracas". March 22nd, 2021. Available in: <https://www.ntn24.com/america-latina/venezuela/denuncian-trato-especial-y-pago-en-dolares-en-un-sector-del-hospital>

79 El Nacional. "Corrupción y acoso sexual obligaron a desertar a dos médicos de la misión cubana en Venezuela". October 17th, 2020. Available in: <https://www.elnacional.com/venezuela/corruptcion-y-acoso-sexual-obligaron-a-desertar-a-dos-medicos-de-la-mision-cubana-en-venezuela/>

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COMMERCE

Investigations announced by the Public Ministry and reports from communication media coincide that, both policemen and military officers have been requesting

money or goods to salespersons in order to allow them open their businesses and stores, or to continue working during the weeks of “radical quarantine”.

| Cases | DATE | PUBLIC ENTITY |
|---|---------------|------------------|
| Two police officers from Simón Rodríguez municipality, Anzoátegui state, were arrested for allegedly requesting USD 30.000 to a businessman to let him work ⁸⁰ . | 04/07 2020 | Municipal Police |
| Transparencia Venezuela received a denounce of a citizen who affirmed that policemen from the passenger terminal of San Cristobal, Táchira state, they request one to three kilos of white cheese every time he arrives from the country's interior. He pointed that policemen argue lack of sanitary permissions for product to transportation. “They say if we don't give them some kilos they retain the whole load. He added that it's not only the policemen from the terminal, but in alcabalas at the interior of the state they have to pay with cheese or money, under threat that they will seize the goods”. | March 2020 | |
| A citizen denounced before Transparencia Venezuela that officials who work at Libertador municipality only let work people who pay up to USD10 weekly, as it is the case of Chinese stores. There is a big store that remains open till late every day, no matter the quarantine, because they pay to the police. | June 2020 | |



GASOLINE

Denounces gathered also coincide that amid gas scarcity intensified during pandemic, military officers, policemen and state officials from Petróleos de Venezuela (Pdvs) and gas station operators, allegedly illegally appropriate of gas and sold it in an irregular way, many times over the official price. Additionally, denounces were received about influence traffic to supply gas and inducement to corruption from customers.

The most frequent denounces are related to charges in dollars from military to civilians who need gas or wanted to avoid the long lines to obtain it. A citizen denounced to Transparencia Venezuela that in Guárico state, center of the country, fuel supply is a monopoly carried by Bolivarian National Guard (GNB). “Everybody is afraid to talk or say something publicly because ¿how

⁸⁰ Public Ministry of Venezuela. “Privan de libertad a directivos y otros dos funcionarios de la Policía Municipal de El Tigre por solicitar dólares a un comerciante”. April 07th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17812064

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do you denounce the same authority?”. In Portuguesa state, another citizen denounced that she has never been able to put gas on her vehicle despite being a farmer and assured that: “there are persons who put gas several times during the week and then re-sale it”.

Similar testimonials have been collected in communication media. “I was desperate. ¡I needed gas to go to work! Not even getting into a line I was able to fill up the tank. But a WhatsApp status was my salvation. ‘I have gas at two dollars per liter’. A National Guard that I know wrote that”, refers a note from Crónica Uno⁸¹. The estimates about the percentage of gas deviated to black market vary, but according to the economist Asdrúbal Oliveros, director of Ecoanalítica firm, it may reach 60%.

These irregularities are related to pandemic in the sense that, with declaration of alarm state, presence of military increased, to exercise functions of inspection and control. These facts have caused a great damage to the most vulnerable population. “It is common to read news and citizen reports according to which women give birth on the streets because of lack of transportation, or chronic disease patients claiming for a little gasoline to assist to their medical centers. In Trujillo, firemen have had to push the official vehicle because it has run out of fuel. There have been more extreme cases, such as persons who lose their lives while waiting for days on the line at the gas station”⁸².

81 Crónica Uno. “La gasolina es un negocio estrictamente militar”. October 12th, 2020. Available in: <https://cronica.uno/la-gasolina-es-un-negocio-estrictamente-militar/>

82 Idem.

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Citizen Council for fuel in Lara state (Consecom), which groups a great number of organizations from civil society, business associations, and groups of people with renal diseases, also registered testimonials of individuals who had to pay in dollars to State security forces personnel to purchase gas that was not possible to obtain legally.

"In September 2020, scarcity of gas became critical in Lara state and the price in black market reached USD 5 per liter, compared to official price at USD 0,50 per liter. Denounces received indicate that allegedly there was participation of military officers and policemen in these operations", affirmed Nelson Freitez, representative of Consecom.

When shortage was greater, said Freitez, regional authorities assigned tickets to workers of health sector and to persons with renal diseases to whom it was urgent to

move during the emergency. Those tickets allowed to purchase up to 30 liters of gas every three or four weeks, but distribution of tickets was made with discretion.

"Besides, there were doctors and patients who went to the gas stations and when they got to the pump, they were told that those quotas did not exist because somebody else had used it".



| Cases | DATE | PUBLIC ENTITY |
|---|---------------|---------------|
| A couple was arrested for trying to obtain gas irregularly in Táchira, by pretending to be protocol personnel for the president of Productora y Distribuidora Venezolana de Alimentos (Pdval), to obtain some benefit ⁸³ . | 05/29 2020 | |
| Approximately 100 individuals were detained for illegal appropriation and commercialization of fuel during pandemic ⁸⁴ . | 06/16 2020 | GNB |
| Operators allegedly associated with particulars to charge money to customers in exchange of privileges to supply gas in the place ⁸⁵ . | 06/16 2020 | |
| Two Pdvsa employees were apprehended for alleged gas smuggling. An anonymous denounce informed the existence of a network that commercialized it in exchange of foreign currency ⁸⁶ . | 09/09 2020 | Pdvsa |

83 Public Ministry of Venezuela. "Privan de libertad a una pareja por intentar obtener abastecimiento de gasolina de manera irregular en Táchira". May 29th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17816183

84 Public Ministry of Venezuela. "Fiscal General Tarek William Saab anunció que casi 100 personas han sido detenidas por venta irregular de combustible". June 16th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17817182

85 Idem.

86 Public Ministry of Venezuela. "Privados de libertad supervisor, operador de planta de PDVSA y una mujer por contrabando de combustible en Nueva Esparta". September 09th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17824560

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| Cases | DATE | PUBLIC ENTITY |
|---|---------------|------------------|
| A man was arrested for his alleged induction to corruption in Barinas with the aim to avoid getting in line for gas supply ⁸⁷ . | 09/10 2020 | |
| Five Pdvsa workers and a man were detained for alleged subtraction of 511 liters of fuel ⁸⁸ . | 08/18 2020 | Pdvsa |
| Three men were arrested for alleged smuggling 1.100 liters of gas ⁸⁹ . | 02/26 2020 | |
| GNB detained five individuals who were charging gas in dollars in a subsidized gas station, Bolívar state ⁹⁰ . | 09/21 2020 | |
| GNB apprehended a citizen for intend bribery in a gas station, Bolívar state ⁹¹ . | 02/02 2020 | |
| GNB officials charge USD 20 to enter the gas station and then charge USD 4 for each liter supplied ⁹² . | 04/08 2020 | GNB |
| A sergeant was arrested for charging USD 30 in exchange of gas ⁹³ . | 04/09 2020 | GNB |
| Between USD 5 and USD 10 charge in diverse gas stations with subsidized prices in which, even create parallel lines for who wish to supply gas faster ⁹⁴ . | 11/15 2020 | GNB |
| Américo De Grazia denounced that the mayor of El Palmar municipality in Bolívar state, is re-selling gas to citizens with overprice ⁹⁵ . | 08/25 2020 | Mayor in Bolívar |
| Venezuelans pay gas in black market at Hong Kong prices: 2 dollars per liter ⁹⁶ . | 05/26 2020 | |

87 Public Ministry of Venezuela. "Privados de libertad a hombre por inducción a la corrupción en Barinas". September 09th, 2020.

Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17825232

88 Public Ministry of Venezuela. "Privados de libertad cinco funcionarios de Pdvsa y un hombre por sustracción de combustible en Barinas".

August 18th, 2020. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17825887

89 Public Ministry of Venezuela. "Privados de libertad tres hombres por contrabando de 1.100 litros de combustible en Sucre".

February 26th, 2021. Available in: http://www.ministeriopublico.gob.ve/web/guest/buscador/-/journal_content/56/10136/17840979

90 Venezolana de Televisión. "GNB detiene cinco ciudadanos por cobro de gasolina en dólares en estación de servicio subsidiada". November 21st, 2020.

Available in: <https://www.vtv.gob.ve/gnb-detiene-cinco-ciudadanos-por-cobro-de-gasolina-en-dolares-en-estacion-de-servicio-subsidiada/>

91 Venezolana de Televisión. "GNB detiene ciudadano por intento de soborno en estación de servicio en estado Bolívar". February 02nd, 2020.

Available in: <https://www.vtv.gob.ve/gnb-detiene-ciudadano-intento-soborno-estacion-servicio-bolivar/>

92 El Nacional. "Ciudadanos enfrentaron a guardias nacionales por cobro de gasolina en dólares". April 08th, 2020.

Available in: <https://www.elnacional.com/venezuela/vanessa-neumann-denuncio-cobro-en-dolares-de-combustible-en-caricuao/>

93 La Prensa Lara. "Detienen a sargento por cobrar en dólares a cambio de gasolina". April 09th, 2020.

Available in: <https://www.laprensalarara.com.ve/nota/14935/2020/04/detienen-a-sargento-por-cobrar-en-dolares-a-cambio-de-gasolina>

94 El Pitazo. "Usuarios en redes sociales denuncian cobro en dólares para surtir gasolina más rápido". November 15th, 2020.

Available in: <https://elpitazo.net/gran-caracas/usuarios-en-redes-sociales-denuncian-cobro-en-dolares-para-surtir-gasolina-mas-rapido/>

95 0800 noticias. "Bolívar | Denuncian que alcaldesa en El Palmar está revendiendo gasolina". August 26th, 2020.

Available in: <https://800noticias.com/video-bolivar-denuncian-que-alcaldesa-de-el-palmar-esta-revendiendo-gasolina>

96 Efecto Cocuyo. "Venezolanos pagan gasolina en el mercado negro a precios de Hong Kong". May 26th, 2020.

Available in: <https://efectococuyo.com/la-humanidad/venezolanos-pagan-gasolina-en-el-mercado-negro-a-precios-de-hong-kong-2-dolares-por-litro/>

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TRIBUNALS

On the justice system and particularly on Venezuelan tribunals the situation is more complicated to determine, due to impenetrability proper of these instances and high levels of corruption already known in judicial power, integrated in its majority by provisional judges. However, an interview to eight lawyers and judges who act in different jurisdiction of this public power allowed to have an approximation to what occurred during the first year of pandemic.

An alternate magistrate from the Criminal Cassation Chamber of the Supreme Court of Justice (TSJ), the highest rector authority of Venezuelan justice, affirmed that on the judicial system there are charges for everything. "Any paperwork or process, from a file distribution, emission of a notification, a transfer or release order and, of course, sentences. For a case to close in a determined tribunal USD 200 are

charged. For a release or transfer order, at least USD 300. For a sentence, the amount can be thousands of dollars". Another alternate magistrate affirmed that: "money is requested in exchange of decisions or even for simple things such as emission of certificated copies or general information on files".

A lawyer in exercise on criminal matter agreed with denounces and pointed that charges go from USD 50 to USD 30.000 per sentence. "We know about this. It is enough to ask how much earns officially a superior judge. It is possible that their salary is USD 15 monthly. Secretaries, scribes and constables earn even less. The Justice Palace of Caracas is called Ciudad Banesco", in reference to the headquarters of one of the biggest banks existing in Venezuela.



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The lawyer continued: “judges, secretaries and constables have their tariffs. They all charge, because if not, they do not survive. Not only judicial officials are corrupted, but also policemen and national guards who charge even for allowing relatives to talk to the accused”. However, this professional of laws does not consider that corruption on tribunals has aggravated with pandemic.

On the same idea, an ex-magistrate of the Appeals Court in Caracas (criminal tribunals) affirmed that “collection of tariffs on criminal tribunals that are not provided on the Constitution, dates from before the pandemic. The amounts I've heard go from 500 to 3.000 dollars. All officials who act of Judicial Power charge”.

Another active lawyer, also in criminal area, said that at the beginning of 2021 it was celebrated the presentation audience of a 70 old man, who was released after paying USD 2.000.

A lawyer who works in Civil, of Protection to Children and Adolescents, and Dispute tribunals said that at beginning of 2021 a judge communicated directly with his client (due to pandemic, the virtual office recently implemented requires to give lawyer and accused phone numbers), to warn him that he should change lawyer and that he recommended one who guaranteed success. He added that, on courts of Protection to Boys, Girls and Adolescents they ask around USD 5 to 10 per citation or notification. “In other courthouses, I've heard of percentages paid before decisions or measures are taken. I know that for actings such as inspections, a judge requested to the parties some

money to pay a professional photographer who charged USD 200 per hour”.

Another lawyer, who exercises in different areas, warned that corruption on tribunals is of superior dimensions. The access is direct with the judge or secretary. The amounts vary from USD 600 to the infinite and beyond, depending on the case and importance. A judicial inspection, which implies a request and transfer of the tribunal, can cost around USD 600. Any decision or cause in favor must be well coordinated and costs USD 20.000 or more, according to relevance. That is very subjective because it will depend on CICPC (Corps of Scientific Penal and Criminal Investigations) and policemen. Those amounts are criminal, stratospheric”.

Despite the compiled testimonials, it cannot be affirmed that stoppage on the judicial system activities, because of pandemic, has increased corruption. This type of irregularities was already happening in great magnitude before the declaration of alarm state.



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OTHER SECTORS

Since COVID-19 appeared in Venezuela, corruption increased in different ways, in public offices that emit essential documents for circulation or any other activity, according to the statements compiled.

The “alcabalas” and constant requests of money from policemen and Bolivarian National Guard (GNB) officials suggest that there is an increasement on payment of indebt money to servants ascribed to the National Institute of Land Transit (INTT) in exchange of obtaining the necessary official documents for vehicular circulation. A lawyer interviewed for this report informed that a driver’s license update costs USD 25 and it is done in only two days. “Transit revisions cost 55 dollars, they go to your house and give you the document the same day. If it is needed a vehicle title, a copy of the purchase document is sent and 85 dollars and they send it to you via email without having to go to the transit office”, indicated.

According to a declaration, at the National Integrated Customs and Tax Administration (Seniat) the emission or update of the Fiscal Information Registry (RIF) can cost USD 20 through irregular paths, as minimum fare. This document is also delivered without having to go to the office and it is remitted through WhatsApp application.

On the electricity area there are also registers of denounces of indebt charges in dollars from employees of the state company Corpoelec to do repairs⁹⁷. Nonetheless, this type of denounces was also present before the pandemic.

97 Diario La Nación. “Detienen camión de Corpoelec tras tres días sin energía eléctrica en Colón”. October 01st, 2020.
Available in: <https://lanacionweb.com/regional/detienen-camion-de-corpoelec-tras-tres-dias-sin-energia-electrica-en-colon/>



**Restriction of rights
during pandemic.
Silence imposed
with represión**

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During the first year of pandemic in Venezuela, not only raised the illegal charges from state officials in different entities or organs with a great impact over the exercise of citizens rights. Other types of crimes were registered, which aggravated the humanitarian emergency present in the country, that has caused devastation and impulsed millions of people to migrate.

Even when the decrees of emergency state, imposed since year 2016, and the decrees of alarm published since 2020 are measures allowed by National Constitution, those do not represent an excuse to limit guarantees, such as the right to life and cannot be used to prohibit communication, commit torture or non-accomplish due process. But in Venezuela, infringement of these and other guarantees date from long before the declared emergency due to coronavirus. According to the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, established by UN, since 2014 crimes against humanity have been committed in the territory⁹⁸.

The decree of alarm state deepened the pre-existent violation of Venezuelans rights and, besides, it became another tool to neutralize politic adversaries and stop conflictive actions that were about to boil in March 2020⁹⁹, for example protests for failures on basic public services and scarcity of gasoline, which was more evident when confinement was barely starting.



98 Suprema Injusticia. "Misión de la ONU acusa al TSJ de ser cómplice de los "crímenes de lesa humanidad" cometidos por Maduro". September 16th, 2020. Available in: <https://supremainjusticia.org/2020/09/16/mision-de-la-onu-acusa-al-tsj-de-ser-complice-de-los-crimenes-de-lesa-humanidad-cometidos-por-maduro/>

99 Transparencia Venezuela. "Escenario venezolano antes de la pandemia. Cuarentena: ¿Aislamiento social como anillo al dedo? Capítulo 1". June, 2020. Available in: <https://transparencia.org.ve/project/cuarentena-aislamiento-social-como-anillo-al-dedo-capitulo-1/>

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Among the measures taken on the Presidential Decree (N° 4.160) of alarm state, emitted for the first time in March 2020, are the restrictions to circulate; quarantine or isolation; use of masks; suspension of economic, labor, educational or academic activities; cease of any event that supposes gathering groups of people; reduction on services in stores related to food or drinks; closure of parks and water source recreational places; suspension of flights; inspection to individuals, vehicles or stores and other "immediate measures that guarantee mitigation or disappearance of any risk of contagion or propagation of coronavirus".

Many guarantees were emptied even more in its content and its violation became more evident since this decree started to rule, among them the right to protest, free transit, liberty of speech and even personal freedom. The Inter-American Commission on Human Rights (CIDH) warned in April 2020, just a month after the decree of alarm state was launched, that in countries like Venezuela, during the pandemic there was the risk of democratic guarantees reduction and other fundamental citizen guarantees¹⁰⁰, specially due to violations to freedom of speech and restrictions to the right to information.

Under the argument of containing the virus, local and regional authorities dictated restrictive and pecuniary measures that vary from state to state, submitting civilians to abuses that depend on the disposed by

the mayor or governor. This is possible due to the margin of discretion and empties left by the presidential decree of alarm by COVID-19¹⁰¹.

Some experts have analyzed the measures included on the alarm state and affirm that it adjusts perfectly to the authoritarian model already existing in Venezuela, and at the same time consider that a door is open to infringe other rights. On inspection to civilians, vehicles or stores underlies the affectation of right to inviolability of domicile, a matter that was not object of restrictions. Personal liberty is not restricted either, but this measure of inspection would enable detentions, same as mandatory quarantine¹⁰².

There are reports of cases of persons submitted to confinement in hotels and spaces destined for that, against their will and many times in unhealthy conditions¹⁰³. This forced reclusion "represents a privation of personal liberty that, of being admissible, requires of a specific legal basis and has to be enclosed by a group of guarantees"¹⁰⁴. To this is added the label of "bioterrorists" that the state gave to Venezuelans who emigrated and returned to their country in the midst of pandemic, after losing their jobs in other nations of South America¹⁰⁵, subjecting them to confinements of several weeks and attempting against their right to non-discrimination.

100 CIDH. "Resolución 01/2020, "Pandemia y Derechos Humanos en las Américas". April 10th, 2020.

Available in: <https://www.oas.org/es/cidh/decisiones/pdf/Resolucion-1-20-es.pdf>

101 Transparencia Venezuela. "¿Quién puede quedarse en casa? Cuarentena: ¿Aislamiento social como anillo al dedo? Capítulo 3". June 2020.

Available in: <https://transparencia.org.ve/project/cuarentena-aislamiento-social-como-anillo-al-dedo-capitulo-3/>

102 Casal, Jesús María. "Estado de excepción sin estado de derecho. Disponible en: Estudios jurídicos sobre la pandemia del COVID-19".

Available in: <http://allanbrewercarias.com/wp-content/uploads/2020/08/Pandemia-9781649214119-txt-WEB-ARBC.pdf>

103 CNN. "Pensé que iba a morir": dentro de los moteles de cuarentena obligatoria de Venezuela". September 15th, 2020.

Available in: <https://cnnespanol.cnn.com/2020/09/15/pense-que-iba-a-morir-dentro-de-los-moteles-de-cuarentena-obligatoria-de-venezuela/>

104 Casal, Jesús María. "Estado de excepción sin estado de derecho. Disponible en: Estudios jurídicos sobre la pandemia del COVID-19".

Available in: <http://allanbrewercarias.com/wp-content/uploads/2020/08/Pandemia-9781649214119-txt-WEB-ARBC.pdf>

105 The New York Times. "Venezuela enfrenta al coronavirus con la fuerza de sus agentes de seguridad". August 19th, 2020.

Available in: <https://www.nytimes.com/es/2020/08/19/espanol/america-latina/venezuela-represion-coronavirus.html>

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Suspension of any type of event with public capacity or which supposes gathering of people attempts against the right to assembly. This has also enabled many detentions, especially in parties qualified as “corona parties”. Only in January 2021, almost a year after the pandemic started, at least 107 persons were arrested for this reason in a National Guard procedure, in Barinas state, south of the country¹⁰⁶.

Pandemic and the State security forces

COVID-19 spread in Venezuela, more than a health issue, has been treated as a public security problem, for which repression keeps being one of the tools used by the state, now with the argument of saving Venezuelan’s health.

Extrajudicial executions

During pandemic, cases of extrajudicial executions have not decreased and recommendations from international organisms seem not to have the desired effect on authorities.

That is the case of Special Action Forces (FAES)¹⁰⁷, policemen allegedly linked to dozens of murderers. Its acting is so lethal that the UN High Commissioner for Human Rights, Michelle Bachelet, requested its dissolution in June 2019. But in 2021 this “elite group” is still actively functioning and was accused of perpetrating a massacre in a Caracas neighborhood at beginning of 2021, where 23 people died, according to a report from organization Provea¹⁰⁸.

106 Últimas Noticias. “Detienen a 107 personas en “Corona Party” en Barinas”. January 10th, 2021.

Available in: <https://ultimasnoticias.com.ve/noticias/sucesos/detienen-a-107-personas-en-corona-party-en-barinas/>

107 BBC. “Venezuela: la FAES, la polémica policía de élite creada por Nicolás Maduro a la que se acusa de ser un “grupo de exterminio”. December 11th, 2019. Available in: <https://www.bbc.com/mundo/noticias-america-latina-50677411>

108 Provea. “Masacre en La Vega y control social”. January 13th, 2021. Available in: <https://provea.org/opinion/masacre-en-la-vega-y-control-social/>

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It is about the highest number of fatal victims registered in a police action in the last 20 years. For this fact, the Inter-American Commission of Human Rights (CDH) also requested to Venezuelan authorities to dissolve FAES¹⁰⁹.

2019 and 2020 numbers show that the problem deepened. The United Nations Office for Human Rights informed that between 1st January and May 19th 1.569¹¹⁰ deaths were counted for “resisting authority” in police operations.

According to data from the High Commissioner for Human Rights, Michelle Bachelet, this number kept raising during pandemic. Their registers show that since January 2020 to August that year, 2.000 extrajudicial executions have occurred, its majority against Venezuelan young men¹¹¹.

In March 2011, the Independent International Mission to determine the Facts about the Bolivarian Republic of Venezuela, in its report to the UN Human Rights Council, denounced that in less than three months – January to March 2021 – 200 homicides were registered, committed by police forces. Investigations pointed to FAES and other security organs¹¹².

Different organizations have gathered information to determine existent patterns on these facts. Amnesty International stands out that the victims of these executions are young men from low-income areas, who were shot in the head, abdomen and specially areas near to the heart, which supposes a lethal mechanism to maintain social control¹¹³.



Demonstrations and arbitrary detentions

Restrictions due to pandemic, and specially the action of security forces against citizens, impact the number of protests registered in the country. Even when 2020 was one of the most conflictive five years of last two decades, there was a diminishing of street protests.

With pandemic, a tougher control was exercised over free transit and personal freedom of citizens. With the argument of controlling contagion, more intimidating and even pecuniary measures were taken for whom violated quarantine. These dispositions vary according to the will

109 Runrunes. “CIDH pide disolver las Faes tras masacre en La Vega”. January 12th, 2021.

Available in: <https://runrun.es/noticias/433424/cidh-pide-disolver-las-faes-tras-masacre-en-la-vega/>

110 Acnudh. “Informe de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos sobre la situación de los derechos humanos en Venezuela”. July 04th, 2019. Available in: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Documents/A_HRC_41_18_SP.docx

111 ABC. “Bachelet denuncia más de 2.000 ejecuciones extrajudiciales en Venezuela en 2020”. September 25th, 2020.

https://www.abc.es/internacional/abci-bachelet-denuncia-mas-2000-ejecuciones-extrajudiciales-venezuela-2020-202009251746_noticia.html

112 Statement of Marta Valiñas, president of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, on the 46th session of Human Rights Council. 10 de March de 2021.

113 International Amnesty. “Hambre de Justicia: Crímenes de Lesa Humanidad en Venezuela”. May 14th, 2019.

Available in: <https://www.amnesty.org/es/documents/amr53/0222/2019/es/>

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of local or regional authority, which has impacted the number of mobilizations on the streets. Added to this is the action of armed groups in the capital neighborhoods, specially at beginnings of the pandemic, that participated in actions to dissuade citizens to stay at home. All those elements potentialized social control exercised by the state¹¹⁴.

According to the Venezuelan Observatory of Social Conflict (OVCS), in 2020 there were 9.633 protests -26 daily-. An amount that represents a diminishing of 42% in comparison to 2019, when 16.739 demonstrations were registered.

Most of protests documented in 2020 (81%) occurred during the validity of decree of alarm state. In other words, 7.789 street actions took place between May 13th, and December 31st, 2020. Lack of gas, that

made confinement harder in Venezuela, impulsed protests in the interior of the country, where scarcity of fuel is worse than in the Venezuelan capital. According to OVCS, 923 protests were registered in Sucre, 829 in Anzoátegui, 774 in Mérida, 684 in Táchira and 633 in Bolívar¹¹⁵.

Regarding detentions due to Street demonstrations, Provea counted 628 persons arrested in protests under the alarm state, from March to December 2020. The organization also registered 6 people deceased due to their participation in manifestations during that same lapse¹¹⁶.

The amount contrasts with the one registered by the Criminal Forum the year before. The ONG estimated that the number of arrested on protests was 2.169 persons since January 01 till August 31st,



114 Transparencia Venezuela. "¿Quién puede quedarse en casa? Cuarentena: ¿Aislamiento social como anillo al dedo? Capítulo 3". June, 2020. Available in: <https://transparencia.org.ve/project/cuarentena-aislamiento-social-como-anillo-al-dedo-capitulo-3/>

115 Venezuelan Observatory of Social Conflict (OVCS). "Informe anual. Conflictividad Social, Venezuela 2020". January 25th, 2021. Available in: <https://www.observatoriodeconflictos.org.ve/destacado/informe-anual-situacion-de-la-conflictividad-en-venezuela-en-2020>

116 Provea. "Especial. Detenciones arbitrarias a la sociedad civil y manifestantes durante el estado de alarma". February 11th, 2021. Available in: <https://provea.org/publicaciones/boletines/detenciones-arbitrarias-a-la-sociedad-civil-y-manifestantes-durante-el-estado-de-alarma/>

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2019. The historic amount accumulated, according to this organization, is 15.160 detained from January 01st to August 31, 2019¹¹⁷.

Also, the number of murderers diminished if compared to 2019. El OVCS registered 61¹¹⁸ persons assassinated due to repression in protests during the first 6 months of 2019, while the United Nations Office for Human Rights pointed 66¹¹⁹ cases since January 01 till May 31, 2019. During sanitary emergency, register of non-government organizations indicated that, from January to September 2020, four Venezuelan hand been murdered in the context of street demonstrations¹²⁰.

There were arbitrary detentions that were not registered as protests, but that represented a point of inflexion, because it was about the first measure if that kind applied to representatives of non-government organizations, that have been object of a harassment process that has escalated since the end of 2020.

In February 2021, the Inter-American Commission on Human Rights (CIDH) and its Office of the Special Rapporteur for Freedom of Expression demanded the authorities "to propitiate an environment free of hostilities and respect for fundamental freedoms" in Venezuela, after threats against activists of non-

government organizations¹²¹, especially the apprehension of five integrants of Azul Positivo non-government organization. In 2020 were registered 303 attacks against activists and Human Rights organizations, according to a study made by the Center for Defenders and Justice (CDJ)¹²².



117 Foro Penal. "Reporte sobre la represión en Venezuela". September 15th, 2019. Available in: <https://foropenal.com/reporte-sobre-la-represion-en-venezuela-agosto-2019/#:~:text=2169%20es%20la%20cifra%20total,31%20de%20agosto%20de%202019%3B&text=15.160%20es%20la%20cifra%20acumulada,31%20de%20agosto%20de%202019.&text=Dentro%20de%20los%20presos%20pol%C3%ADticos%2C%20107%20son%20funcionarios%20militares>.

118 Venezuelan Observatory of Social Conflict. "Conflictividad Social en Venezuela durante el primer semestre 2019". July 15th, 2019. Available in: <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/10-477-protestas-registradas-en-el-primer-semestre>

119 Acnudh. "Informe de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos sobre la situación de los derechos humanos en Venezuela". July 04th, 2019. Available in: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Documents/A_HRC_41_18_SP.docx

120 Efecto Cocuyo. "Al menos cuatro personas muertas y 214 detenidas durante protestas en lo que va de 2020". September 26th, 2020. Available in: <https://efectococuyo.com/la-humanidad/durante-protestas-van-214-personas-detenido-y-cuatro-fallecidas-este-2020/>

121 Suprema Injusticia. "Las ONG en la mira de las autoridades venezolanas en 2021". January 26th, 2021.

Available in: <https://supremainjusticia.org/2021/01/26/las-ong-en-la-mira-de-las-autoridades-venezolanas-en-2021/>

122 Suprema Injusticia. "Denuncian "vertiginoso cierre de espacios democráticos" en Venezuela". February 09th, 2021.

Available in: <https://supremainjusticia.org/2021/02/10/denuncian-vertiginoso-cierre-de-espacios-democraticos-en-venezuela/>

Corruption during pandemic

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Freedom of speech and right to information in pandemic

Freedom of speech and right to information are two of the rights that have been most vulnerated in Venezuela during more than three decades, because silence on communication media has been a strategic element to exercise social control in Venezuela since the beginning of the self – denominated Bolivarian Revolution.

International Organizations have alerted that, with the measures taken since COVID-19 appearance, a whole wave of abuses against freedom of speech was released. Human Rights Watch denounced, in February 2021 that at least 83 governments around the world have used pandemic to justify violations to freedom of speech and pacific meeting, under the argument of preserving public health.

For HRW, Venezuela is included on that list, together with countries like China, Cuba, Egypt, India, Russia, Turkey and

Vietnam, in which government abuses affected hundreds of thousand people. Venezuela is also among the ones that criminalize spread of information about the infective disease and press coverage about pandemic, because allegedly these reports threat public well-being¹²³.

By comparing the happenings in Venezuela in 2019 against 2020, it shows a minor diminishing of abuses, but evidences an emphasis of criminalization of right to inform and persecution to journalists. The numbers reflect it. Espacio Público registered the detention of 73 journalists in 2019¹²⁴, a number that contrasts the offered by the National College of Journalists, which informed that in 2020 a total of 122 social communicators were object of this measure¹²⁵. This evidences an increasement on this kind of cases during the lapse of sanitary emergency, specially against communicators that offered information that objected the official version about pandemic.



In 2020¹²⁶ Espacio Público reported 994 cases of violations, (373 cases of intimidation, 184 censorship, 130 legal or administrative actions against communication media or journalists and 120 digital attacks).

123 HRW. "El Covid-19 propicia oleada de abusos contra la libertad de expresión". February 11th, 2021. Available in: <https://n9.cl/ky0w>

124 Espacio Público. "Informe 2019: Situación general del derecho a la libertad de expresión en Venezuela". April 29th, 2020.

Available in: <http://espaciopublico.org/informe-2019-situacion-general-del-derecho-a-la-libertad-de-expresion-en-venezuela/>

125 National College of Journalists. "CNP denunció más de 944 violaciones a la libertad de expresión en 2020". December 30th, 2020.

Available in: https://www.youtube.com/watch?v=VAWQZG2WIXA&feature=emb_logo&ab_channel=VPltv

126 Espacio Público. "Situación General del derecho a la libertad de expresión en Venezuela enero- diciembre 2020". January 30th, 2021.

Available in: Situación general del derecho a la libertad de expresión en Venezuela enero – diciembre 2020 (espaciopublico.org)

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Already in the first two months of 2021, Espacio Público summed up 38 violations to freedom of speech, being the most aggressive censorship, intimidation and administrative restrictions (28% affected are public workers, 24% journalists and 20% communication media)¹²⁷.

The institute of Press and Society (IPYS Venezuela) **noted that in 2020**

49 radio stations

6 ONG

28 tv stations

3 institutions

6 news agencies¹²⁸

Espacio Público also reported 3 journalists murdered during the exercise of their functions in 2019, and the same number was reported in 2020¹²⁹.

According to the oral report made by Independent International Fact-Finding Mission to the UN Human Rights Council,

since the beginning of COVID-19 pandemic at least 20 health workers were detained for sharing information or for having criticized the addressing of the sanitary crisis by the government¹³⁰.

On April 15th, 2020, Luis Araya, a gynecologist from Lara state, was arrested by officials from the General Directorate of Military Counterintelligence (Dgcm) and accused for the crime of

“instigation to hate”, for having complained through WhatsApp about deficiencies in public attention during pandemic¹³¹. In August 2020, Amnesty International reported 12 health workers apprehended for denouncing irregularities¹³².

In May 2020, Diosdado Cabello, considered the government’s second strong man, threatened members of the Academy of Physical, Mathematical and Natural Sciences, after publishing an article regarding incapacity of Venezuela to face COVID-19 and discrepancies that this institution had regarding contagion numbers and the ones offered officially¹³³.



127 Espacio Público. “Febrero sumó 38 nuevas violaciones a la libertad de expresión”. 05 de March de 2021.

Available in: <http://espaciopublico.org/febrero-sumo-38-nuevas-violaciones-a-la-libertad-de-expresion/>

128 IPYS. “El Virus de la Censura”. March 01st, 2021.

Available in: <https://ipysvenezuela.org/2021/03/01/limitaciones-informativas-fueron-un-virus-en-2020-segun-reporte-anual-de-ipys-venezuela/>

129 Espacio Público. “Situación General del derecho a la libertad de expresión en Venezuela enero- diciembre 2020”. January 30th, 2021.

Available in: Situación general del derecho a la libertad de expresión en Venezuela enero – diciembre 2020 (espaciopublico.org)

130 Statement of Marta Valiñas, president of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, on the 46th session of Human Rights Council. March 10th, 2021.

131 Prodavinci. “Cubrir la pandemia: arrestos de periodistas y personal sanitario en Venezuela”. July 16th, 2020. Available in:

<http://factor.prodavinci.com/detencionperiodistas/index.html?7>

132 International Amnesty. “Venezuela: Las autoridades están reprimiendo y no protegiendo a los trabajadores de la salud mientras la pandemia de COVID-19 se agrava”. August 18th, 2020. Available in:

<https://www.amnesty.org/es/latest/news/2020/08/venezuelan-authorities-are-repressing-and-failing-to-protect-health-workers-as-covid-19-gathers-force/>

133 El Nacional. “Diosdado Cabello amenazó a la Academia de Ciencias Físicas, Matemáticas y Naturales”. May 14th, 2020.

Available in: <https://www.elnacional.com/venezuela/diosdado-cabello-amenazo-a-la-academia-de-ciencias-fisicas-matematicas-y-naturales/>

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Internet: blockings and censorship

Venezuela is one of the countries with worse internet connection of the world, a factor that has been considered with the state's tools to maintain social control on population, keeping at bay public opinion. Traditional media have suffered a permanent attack that has translated in definitive closures of radio stations, diaries, tv channels, leaving only digital opinion active¹³⁴.

Freedom House pointed on a report that in 2020, Venezuela was located between the 10 countries of Latin America with greatest restrictions regarding internet use to access information, with a regression of 40 points in the last 15 years¹³⁵. As per web freedoms, indicated that Venezuela locates in position 28/100, as government politics obstruct access to internet, there are limitations on the content published and user's rights are violated¹³⁶.

Organizations dedicated to this subject reveal numbers which allow to infer that censorship has deepened during the first year of pandemic.

Espacio Público NGO totalized, for 2019, at least 112 blocks and informatic attacks. It was also reported the use of more advanced and sophisticated technology on blocks¹³⁷. In its 2019 report, the Press and Society Institute (IPYS Venezuela)

concluded that the state company Cantv was the main actor on censorship with a block of 37%, followed by private companies such as Movistar 13% and Digitel with 30%¹³⁸.

In 2020, according to Espacio Público, Cantv blocked selectively portals and web sites, which caused a raise of 133% of blocks to digital media. Internet monitor Netblocks confirmed in April 2020 the blocking of platforms on YouTube, after publications made by opposition deputies from the National Assembly¹³⁹. It is highlighted that Cantv, and the private platform Movistar blocked all domains related to Juan Guaidó management, recognized by 50 countries as the interim president of Venezuela, with emphasis on those pages meant to do consultation about COVID-19 and health personnel, such as teleconsulta.presidenciave.org and the platform Héroes de la Salud. This last one was attacked with the phishing modality, changing the web site for a malicious one thanks to manipulation of Cantv DNS servers¹⁴⁰.

Organization Venezuela Sin Filtro pointed, in August 2020, that internet providers in Venezuela blocked digital tools with the aim to impede economic assistance to health workers impulsed by Guaidó, among them are Psiphon, Tunnelbear and proxy Anonymouse. Likewise, it was reported that

134 IPYS Venezuela. "IPYS: entre 2005 y 2017 han cerrado 99 medios en Venezuela, la mayoría son emisoras de radio", July 10th, 2018.

Available in: <http://www.fedecamarasradio.com/ipys-entre-2005-y-2017-han-cerrado-99-medios-en-venezuela-la-mayoria-son-emisoras-de-radio/>

135 Freedom House. Democracy under Siege. Available in: <https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege>

136 Freedom House "Map report. Venezuela". Available in: <https://freedomhouse.org/explore-the-map?type=fiw&year=2021&country=VEN>

137 Espacio Público. "Internet amurallado: acceso restringido en Venezuela". April 29th, 2020. <http://espaciopublico.org/internet-amurallado-acceso-138>

IPYS. "Intercortados 2019: Censura Masiva en Venezuela". December 12th, 2019.

Available in: <https://ipysvenezuela.org/2019/12/12/intercortados-2019-censura-masiva-en-venezuela/>

139 Espacio Público. "Abril: Detenciones buscan imponer el silencio". May 07th, 2020. Available in: <http://espaciopublico.org>

140 Espacio Público. "CANTV vuelve a bloquear el portal web de la AN sobre el Coronavirus". April 23rd, 2020. Available in: [Cantv vuelve a bloquear el portal web de la AN sobre el Coronavirus \(espaciopublico.org\)](http://espaciopublico.org)

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the web site Airtm was blocked, platform selected for delivering a USD 100 monthly benefit given by opposition Parliament and destined for medical personnel¹⁴¹.

Misinformation with official seal

In the midst of independent informative spaces closure and persecution of whom exercises their right to express, messages from Nicolás Maduro have come to have a bigger exposition in traditional media just as in digital platforms, but informing has not been his intention.

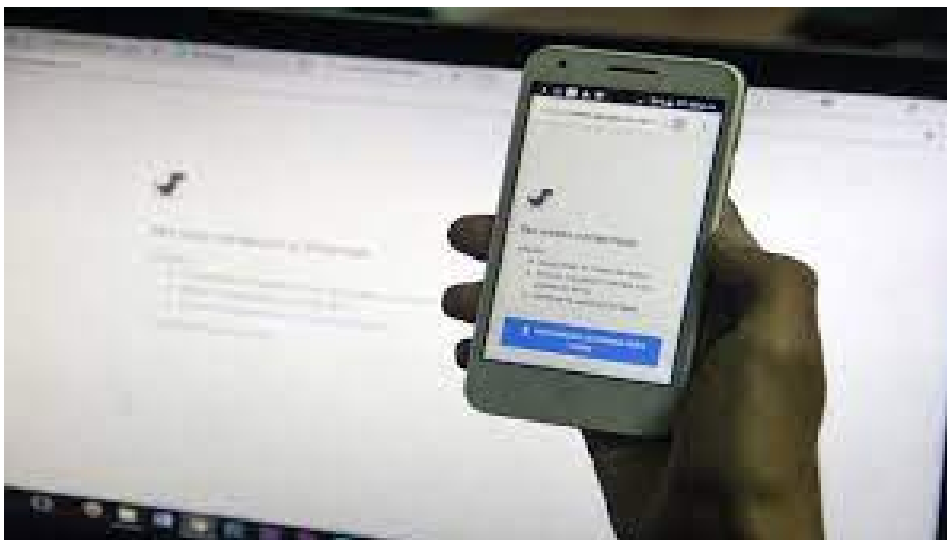
The Digital Environment Observatory ProBox published in its yearly report that, during pandemic, officialism dominated conversation on Twitter, with 37% of total tendencies registered in 2020. The

conglomerate of accounts aligned with chavismo generated 84% of tweets published during the year and in average, more than 60% of messages were made by possible bots or fake accounts¹⁴².

During pandemic, the Venezuelan government did not use its reach to diffuse veracious information, but instead systematically resorted to manipulation and misinformation.

According to the work made by verification portal EsPaja.com, since March 2020, when the first two COVID-19 cases were detected in the country and till the first two weeks of March 2021, 57% of communications from government spokesmen correspond to fake news, manipulated, misleading or that fall into the unknown and therefore are a unverifiable

mystery¹⁴³. Such was so that by end of March 2021 Facebook suspended Nicolás Maduro fan page for violating its politics of sharing wrong information about alleged treatments against COVID-19.



140 VE sin Filtro. "Bloquean VPNs y herramientas anti-censura para impedir acceso a beneficio para el personal médico". August 28th, 2020.

Available in: <https://vesinfiltro.com/noticias/2020-08-28-bloqueo-VPNs/>

141 Espaja.com. "Un año de pandemia | Oficialismo impuso sus mensajes en redes gracias a un "gran ejército" de bots". 18 de March 18th, 2021.

Available in: <https://espaja.com/explain/probox-los-bots-son-el-gran-ejercito-del-oficialismo-en-las-redes>

142 Espaja.com. "Un año de pandemia | Falsedad y opacidad es el sello del gobierno de Maduro en materia de COVID-19". March 19th, 2021.

Available in: <https://espaja.com/explain/un-ano-de-pandemia-falsedad-y-opacidad-el-sello-del-gobierno-de-maduro-en-materia-de-covid-19>

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Access to justice in pandemic

In Venezuela, processual delay intensified during pandemic, but that had been registered for years in Venezuelan tribunals due to closure of tribunals courts during more than half of year 2020. The guarantee of access to justice and due process are more affected during alarm due to COVID-19, due to serious lacks proper of the system, which difficult the possibility to advance in administration of justice through technologic tools, as it is trend in many countries.

Venezuela has one of the most deficient internet systems of the world and it registers constant interruptions on electricity – only in 2020 157.000 electric failures were counted¹⁴⁴, far from the little technologic capacity in judicial quarters, with obsolete equipments that do not guarantee at all the good functioning of digital justice¹⁴⁵.

Since March to October 2020, judicial headquarters kept closed by a Supreme Court of Justice (TSJ) decision, after declaring the alarm state. The re-opening of tribunals announced in October was partial. They worked only during the weeks that the National Executive declared “flexible” and it was ordered “to consider Mondays to Fridays as business days”¹⁴⁶. On the third trimester of 2020, TSJ activated the “virtual court”, which started to operate only on civil tribunals and boys, girls and adolescent’s protection.

By the end of January 2021, TSJ president, Maikel Moreno, said in the formal opening act of judicial year to which Nicolás Maduro attended, that despite pandemic, in 2020 the access to justice was guaranteed using electronic means to communicate or through videoconference system. But its balance was not exhaustive, and numbers offered show the contrary, at least in terms of efficiency of the supreme tribunal.

According to TSJ president, this instance dictated 1.215 sentences in 2020, but the number represents 58% less than in 2019, when the organism decided over 2.893 “matters”. This is a significant descent on the maximum tribunal performance, whose numbers are showing that since 2018 the instance is taking every time less decisions and receiving less requests from citizens¹⁴⁷.

The 2020 TSJ management balance did not include the numbers about cases processed and decided on the rest of Judicial Power during pandemic, therefore is difficult to point with precision how the alarm state affected justice administration.

When reviewing data offered by the Supreme tribunal itself in its 2019 balance, there can be a clear idea about the impact. That year judges received 368.283 causes and decided 435.229 in all competences and jurisdictions of the country. In 2021, Maikel Moreno only gave the number from

144 Efecto Cocuyo. “Comité de Afectados: Más de 157.700 apagones hubo en Venezuela durante el 2020”. January 15th, 2021.

Available in: <https://efectococuyo.com/la-humanidad/comite-de-afectados-mas-de-157-700-apagones-hubo-en-venezuela-durante-el-2020/>

145 Suprema Injusticia. “El Covid ha paralizado la justicia venezolana”. May 05th 2020.

Available in: <https://supremainjusticia.org/2020/05/05/el-covid-19-ha-paralizado-a-la-justicia-venezolana/>

146 Transparencia Venezuela. “El TSJ reabre parcialmente los tribunales tras casi siete meses cerrados por la pandemia”. October 06th, 2020.

Available in: <https://supremainjusticia.org/2020/10/06/el-tsj-reabre-parcialmente-los-tribunales-tras-casi-siete-meses-cerrados-por-la-pandemia/>

147 Transparencia Venezuela. “TSJ sentencia que será imponible contra diputados de la AN de 2015”. January 26th, 2021.

Available in: <https://supremainjusticia.org/2021/01/26/tsj-sentencia-que-sera-implicable-contra-diputados-de-la-an-de-2015/>

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criminal tribunals. He announced that in 2020 tribunals of that jurisdiction adopted 178.536 decisions. It is an extremely low number, considering that criminal tribunals are the majority of court houses existing in Venezuela and that they supposed to be working in “on guard” during the sanitary crisis¹⁴⁸.

But the Venezuelan justice system not only has to deal with its low performing. It was also the core of demands and pointings in 2020 from international organisms, which see TSJ as a determinant factor in violation of human rights in Venezuela.

In July 2020 the United Nations High Commissioner for Human Rights, Michelle Bachelet, in her report “Independence of Justice system and access to justice, including violations to economic and social rights in the Bolivarian Republic of Venezuela”, sustains that judges and attorneys do not act independently, but that follow political instructions.

Bachelet assured that the UN Human Rights Council, that “this situation prevents Judicial Power to exercise its fundamental function as independent actor in protection of Human Rights and contributes to generate impunity and persistency of violation of these rights”.

She also affirmed that “the information that Acnudh (High Commissioner) has, reflects the control owned by magistrates over decisions on lower tribunals all around the country, specially in criminal law matter. Individuals interviewed indicated that particularly in political relevance cases, judges wait to receive instructions from TSJ magistrates before taking a decision, in fear to be fired or suffer other kind of retaliation”¹⁴⁹.

In March 2021, during its oral participation before the Human Rights Council, the Independent International Mission for determination of facts about Venezuela, announced an investigation to the Venezuelan Judicial Power and its participation in violation of Human Rights and in perpetration of crimes to deepen impunity, either through it response by commission or omission¹⁵⁰.



¹⁴⁸ Idem

¹⁴⁹ Suprema Injusticia. “Bachelet acusa al Poder Judicial de generar violaciones de DDHH en lugar de castigarlas”. July 17th, 2020.

Available in: <https://supremainjusticia.org/2020/07/17/bachelet-acusa-al-poder-judicial-de-generar-violaciones-de-ddhh-en-lugar-de-castigarlas/>

¹⁵⁰ Statement of Marta Valiñas, president of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, on the 46th session of Human Rights Council. March 10th, 2021.



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