

**Testimony of  
Ambassador Michael Kozak  
House Subcommittee on the Western Hemisphere  
June 22, 2016**

Chairman Duncan, Ranking Member Sires, and Members of the Committee, thank you for holding this timely hearing focused on the crisis in Venezuela. We are increasingly concerned about the deteriorating human rights climate in Venezuela, and are encouraging Venezuelan civil society to continue to defend human rights and fundamental freedoms despite significant challenges.

Since the opposition won a two-thirds “super-majority” in the National Assembly on December 6, 2015 the Assembly began to legislate an Amnesty and National Reconciliation bill that would have provided mechanisms for the release of political prisoners. Let me state here, once again, our view that the government should release immediately all those imprisoned for their political beliefs. Sadly, President Maduro’s United Socialist Party has used the executive and judicial branches of government to block all legislation and reduce National Assembly authorities. The Venezuelan Supreme Court declared the Amnesty and National Reconciliation bill unconstitutional.

The crisis in Venezuela is self-induced by the Maduro administration. The economic crisis results from years of bad decisions, and the political crisis is the product of the centralization of power. Maduro’s party has disregarded the rule of law, basic tenets of democracy, and international commitments to protect human rights and fundamental freedoms. President Maduro declared a full state of emergency to expand his powers and restrict freedom of assembly. In recent weeks, National Guard soldiers and police in riot gear have blocked roads and metro stations near National Electoral Council offices throughout the country.

Especially troublesome is the fact that Maduro and his party have politicized the judiciary. For example, take the case of Judge Maria Lourdes Afiuni, who was charged with corruption and abuse of authority after not convicting a prisoner on politicized charges. Since her arrest more than six years ago 13 hearings have been held despite no evidence that she committed a crime. Afiuni has never been convicted or sentenced, but continues to be subjected to conditional release that restricts her movement and ability to talk to media or use social media, although the law states that such measures may not last more than two years.

According to Venezuelan NGO Foro Penal, there is substantial evidence of a systematic scheme of government torture that involves judges, prosecutors, and jailers. Foro Penal counts 81 political prisoners behind bars, 26 of whom are in deteriorating health. We know that on September 10, 2015, Judge Susana Barreiros found Leopoldo Lopez, the opposition Popular Will party leader and former mayor of Caracas's Chacao municipality, guilty on counts of public incitement, damage to property, fire damage, and association for conspiracy related to the February 2014 protests. The judge issued a sentence of 13 years and nine months in prison, almost the maximum allowed by law. The 14-month trial was marked by lack of due process and shows abuse of the judicial system to punish government critics. Barreiros accepted more than 100 witnesses for the prosecution and rejected all but two for the defense. She deliberated less than one hour before announcing her decision to convict Lopez. We call once again for the immediate release of Lopez and all other political prisoners.

The ability of the press to publish freely and for Venezuelans to speak their minds has crumbled in the face of government actions. President Maduro's administration has used a potent combination of politicized libel laws, media content regulations, legal harassment, and physical intimidation to silence independent media, while the ruling party uses force and arbitrarily detains protesters who peacefully assemble to express their views. It controls media outlets, deprives newspapers of the newsprint needed to inform the public, and prosecutes journalists and editors.

On March 11, David Natera Febres, owner of Bolivar state's weekly newspaper *Correo del Caroní*, was sentenced to four years in jail for a series of investigative articles that uncovered corruption in the state-owned mining company. Natera is under house arrest and must check in with a judge every two weeks. The harassment of the independent newspaper and Natera started more than five years ago as government officials denied the newspaper access to dollars to purchase newsprint, forcing it to publish more infrequently.

In May 2015, a Venezuelan judge prohibited 22 news executives from three independent media outlets from leaving the country due to a defamation lawsuit filed by then-National Assembly President Diosdado Cabello, after the outlets reprinted a story from the Spanish daily *ABC* that linked him to drug trafficking.

These are only a few of the cases demonstrating how the judiciary has been politicized to suppress independent voices.

## **U.S. Policy**

The United States has consistently called for all sides within Venezuela to peacefully respect democratic norms and values, while U.S. officials at all levels have pressed the government of Venezuela to live up to its international human rights commitments and respect Venezuela's own constitution. We have called out the government's abuses, and are working with like-minded nations, and in multilateral fora such as the UN Human Rights Council, to press the government of Venezuela for reform.

In the midst of intimidation and aggression by the executive branch and Maduro's party, U.S. programs have strengthened the ability of civil society to advocate for human rights and press for government accountability. Our support facilitates the ability of civil society to give voice to social and economic concerns. Our assistance to Venezuela is nonpartisan, promoting democratic ideals and principles as opposed to political ideology or affiliation. We want the people of Venezuela to decide how their country is governed.

We are pleased that we have been joined by others in calling out abuses and urging the Venezuelan government to respect human rights. For example, the UN High Commissioner for Human Rights, the Inter-American Commission on Human Rights, the European Union, the governments of Canada, Italy, Norway and Spain, plus 24 Ibero-American presidents and Archbishop Desmond Tutu, as well as hundreds of parliamentarians, have all called for the release of political prisoners and respect for human rights in Venezuela.

We will continue to work closely with other governments in the region-- including Argentina, Brazil, Chile, Colombia, Paraguay, Peru, and Uruguay --to support greater political space in Venezuela, and to call on the Venezuelan government to live up to the hemisphere's shared commitment to democracy, as articulated in the OAS Charter, the Inter-American Democratic Charter, and other fundamental instruments related to democracy and human rights. This includes supporting the dialogue led by former Spanish Prime Minister Zapatero, former Dominican President Fernandez, and former Panamanian President Torrijos, and at the same time reaffirming our call for a fair and timely recall referendum, in accordance with the Venezuelan constitution.

Our Interim Permanent Representative to the OAS, Michael J. Fitzpatrick, reiterated at the Special Permanent Council meetings -- held on May 5 and June 1 - - our deep concern about the need to respect the separation of powers, due process,

fundamental freedoms, and human rights in Venezuela, and the urgent need for dialogue. At the June 1 Permanent Council, member states approved, by consensus, a declaration offering Venezuela a course of action to assist in the search for solutions to the situation through open and inclusive dialogue among all political and social actors.

Regarding support for civil society, in the last two years numerous members of the Administration -- including Vice President Biden, Secretary Kerry, Ambassador Samantha Power, Assistant Secretary Tom Malinowski, and Assistant Secretary Roberta Jacobson -- have met with Lilian Tintori, the wife of Leopoldo Lopez. These same officials have issued statements in support of Leopoldo Lopez, Caracas Mayor Antonio Ledezma, former San Cristobal Mayor Daniel Ceballos, and the dozens of others imprisoned for their political beliefs in Venezuela.

I am also pleased to report that our Assistant Secretary for Democracy, Human Rights, and Labor, Tom Malinowski, presented the 2015 Human Rights Defenders Award to representatives of the Venezuelan civil society group Foro Penal, for its courageous work assisting victims of human rights violations.

As my colleague from the Treasury Department will explain, we have used such legislative tools as the Venezuela Defense of Human Rights and Civil Society Act to further our human rights and governance efforts. Under INA 212(a)(3)(C) we have restricted the visas for 62 Venezuelan government officials, and some family members, believed to be responsible for or complicit in human rights abuses and public corruption.

And so, we are confident that our message-- that human rights abusers and those who profit from public corruption, and their families, are not welcome in the United States--- has been noticed at the highest levels within the Venezuelan government.

In conclusion, Venezuela is a party to international human rights agreements, and the Venezuelan people deserve better from their government. They deserve a government that respects their rights, protects fundamental freedoms, and governs by the just rule of law. It should be up to the people of Venezuela to determine what shape a rights-respecting government should take, but a rights-respecting government is Venezuela's best opportunity for stability and prosperity.