The Repression Clock:

A Strategy Behind Autocratic Regimes

Alfredo Romero

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POLICIA
NACIONAL

In 2014, Venezuelan security forces grabbed Efraín José Ortega Hurtado, covered his face with a rag, beat him, and shoved him into the back of a vehicle that took him to a Caracas police station. There, he was shackled and forced to kneel for over seven hours. To avoid external bruising, officers wrapped his body and face with newspaper before viciously beating him with a bat. The cops handcuffed Ortega's arms behind his back and tortured him with electric shocks. These actions were undertaken to obtain the names of accomplices or sponsors of a supposed conspiracy network to overthrow the government—something Ortega knew nothing about. All these actions were taken without a warrant, and Ortega remained in jail for three years—without a trial—until October 2017, when he was released, also without trial. He currently suffers from a number of illnesses resulting from the treatment he received while he was unjustly incarcerated.

Were Ortega's arbitrary detention and later release random acts? Ortega is just one of the thousands of political detainees that the Chavista regime has incarcerated. According to the nongovernmental organization (NGO) Foro Penal, from January 1, 2014, to December 31, 2019, the state held 15,250 "political detainees."[1]

Hugo Chávez meticulously developed a political *repression machine* and created a playbook for surreptitiously obstructing Venezuela's formal democratic institutions and repurposing them for political persecution and imprisonment in

1 I identify "political detainees" as all people arbitrarily arrested for political reasons, no matter the duration of his or her detention. "Political prisoners" refers to political detainees for whom a regime-controlled court has ordered unjust incarceration, either after the arraignment or by an arbitrary warrant order. In order to qualify a prisoner as "political," Foro Penal has identified five different categories of political detainees in relation to the motives or benefits for the regime of his or her detention: *Category 1: Isolation:* here we include the competitive politicians or social leaders arrested or detained who *individually* represent a political threat to the regime. In these cases, the aim of the detention is to exclude the person from the political arena, to neutralize them as factors of social mobilization or politics, isolating them from the rest of the population. *Category 2: Intimidation:* those arrested or detained not for representing a political individual threat for the regime, but for being part of a social group that represents a threat to the government, which seeks to intimidate said group. In this group, students, defenders of human rights, communicators, judges, military personnel, and social and political activists stand out. *Category 3: Propaganda:* those who the government does not consider a political threat, either individually or through membership to a group, but instead are used by the government to sustain a campaign or a certain political narrative of power with regard to certain situations of national transcendence. *Category 4:* those who are neither an individual threat nor part of a social group, nor used as a propaganda, but who are detained to extract an illegal confession against a politically targeted relative or friend or as a coercive measure to make a politically targeted relative or friend surrender to the regime's political imprisonment. *Category 5: those imprisoned.* In any case, even if they fit in one of the categories, we do not include as political prisoners those who have committed criminal violent actions.

order to retain power and its privileges.[2] However, for all of Chávez's charisma and popularity that helped him preserve power without the need for harsh political repression (despite the persistent presence of an opposition), he remained wary of repression's costs. On the contrary, when Nicolás Maduro took power in 2013, he was already unpopular and the Venezuelan economic crisis was furthering popular dissent. He then began to use widespread harsh political repression as a weapon against protesters and dissidents. Before Chávez's death, only 11 "political prisoners" remained incarcerated. Maduro increased this number to more than 300 in one year; there were 3,696 political detainees in 2014 alone, according to Foro Penal.

Before Maduro, even though repression existed, it was not a major pillar of regime stability. Chávez still enjoyed popular support, owing to his charisma and his effective co-optation of insiders and outsiders, along with a neopatrimonial system supported by profits from high oil prices. He managed to govern through the strategic use of preventive repression combined with incentives and instilled beliefs. Chávez, unlike Maduro, knew how to govern by exploiting what Lisa Blaydes refers to as "the interaction between incentives and beliefs," where beliefs are conditioned not only by rewards but also through the strategic use of punishment.[3]

Therefore, in this report, I examine the use of state repression as an effective strategy in Venezuela since 2014, and as an essential pillar of Maduro's regime stability. While Chávez meticulously built the repression machinery, as I explain below, Maduro leaned on it as soon as he required it to sustain his regime. I also analyze the value of co-optation and legitimation as the other two pillars for sustaining regime stability, as posited by Gerschewski.[4] After analyzing Maduro's regime sustainability, I propose a strategy for human rights defenders, either to prevent or to counteract an authoritarian regime supported by political repression and human rights abuses. I also propose a route for a democratic transition.

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2 Hugo Chávez developed a system for controlling all institutions and legally justifying political persecution, but on few occasions did he use physical repression. However, Maduro has surpassed all negative expectations, and his dictatorship is sustained by the repression machine. Alfredo Romero, "The Rule of Law Façade: A Playbook for Regimes" (Carr Center for Human Rights Policy, Working Paper, 2016). http://europeanlawyersfoundation.eu/wp-content/uploads/2014/09/Rule-of-Law-Facade.pdf.

3 Lisa Blaydes, *State of Repression: Iraq under Saddam Hussein* (Princeton, NJ: Princeton University Press, 2018), 36.

4 Johannes Gerschewski, "The Three Pillars of Stability: Legitimation, Repression, and Co-optation in Autocratic Regimes" (*Democratization* 20.1, 2013), 13-38.

Political Repression: A Regime Strategy

Scholars have suggested that there is a pattern, purpose, or objective when political repression is implemented.[5] After many years defending victims of political repression, I have learned this to be true in Venezuela. Repression is an undoubtedly effective political strategy for authoritarian regimes. Yet Maduro has succeeded in using this strategy to pursue one clear goal: to gain a monopoly on power.

To optimize strategies, authoritarian regimes do a cost-benefit analysis. Brutal repression is a beneficial tool for intimidating and cracking down on dissidents, but it can also be a double-edged sword for dictators. Negative international attention typically rises and, consequently, economic and political sanctions and attempts to hold international criminals accountable could emerge.[6] Also, within a country, if repression is not strategically measured, it might foster protests and destabilize the regime or even lead to overthrowing it if demonstrators cannot be appeased.

According to the updated September 2019 report of the UN high commissioner for human rights, Michelle Bachelet, "the human rights situation has continued to affect millions of people in Venezuela, with clear destabilizing impacts in the region."[7] This statement ratifies her strong July 2019 report after visiting Venezuela that June; both reports refer to the regime's political persecution of dissidents as showing a systematic pattern, including arbitrary detentions, torture, and cruel treatment, increasing persecution of members of parliament, and government actions taken to criminalize human rights defenders' work. These are examples of the costs of repression. Though Maduro has publicly refused to comply with Bachelet's recommendations, in practice, the government has looked for ways to smooth the report's effects by reducing the number of political prisoners and creating a false perception of reconciliation and peace.

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5 Christian Davenport, "Multi-dimensional Threat Perception and State Repression: An Inquiry into Why States Apply Negative Sanctions" (*American Journal of Political Science* 39.3, 1995) 683-713; Jacqueline H.R. De Meritt, "The Strategic Use of State Repression and Political Violence" (*Oxford Research Encyclopedia of Politics*, 2016); David A. Siegel, "When Does Repression Work? Collective Action in Social Networks" (*The Journal of Politics* 73.4, 2011), 993-1010; Lauren Young, "The Psychology of State Repression: Fear and Dissent Decisions in Zimbabwe" (*American Political Science Review* 113.1, 2019), 140-155.

6 In 2018, the Prosecutor of the International Criminal Court opened a preliminary examination for crimes against humanity allegedly committed in Venezuela since 2017.

7 Human Rights Council, 42nd Session. Statement by Michelle Bachelet (UN High Commissioner for Human Rights), September 9, 2019. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24958&LangID=E.

Political repression, then, is not just a tool for authoritarian regimes; it is more than that. It is a carefully planned strategy for achieving regime stability. Regimes measure the costs and benefits of repression; if protests or uprisings can be predicted, they can consequently be controlled using strategic repression.

First, I explain the difference between Chávez's and Maduro's governments and how the Chavista playing field was built. My first assumption is that while Chávez knew how to build and keep a Chavista rule-of-law facade, Maduro "*se quitó la careta*" (showed his true colors) and surpassed the boundaries of repression, shattering the facade Chávez strategically built, and becoming a recognized abuser of human rights in the process.

The Chávez Regime's Playing Field

According to William Dobson, "today's twenty-first century authoritarians crave the type of legitimacy that only the law can provide. For regimes that seek to mask their true nature behind a democratic facade, the law is one of the most powerful weapons they can wield."[8] Hugo Chávez was elected president of Venezuela in 1998. His rhetoric appealed to the poor and traditionally disenfranchised and spoke in revolutionary terms. In 1999, the country's name was changed to the Bolivarian Republic of Venezuela, after Simón Bolivar, and Venezuela ratified a new Constitution under Chávez's direction.[9]

The Constitution appeared to guarantee the judicial branch's insulation from politics.[10] The Supreme Tribunal of Justice has the power to select judges and is protected from legislative interference because magistrates' removal cannot occur without two-thirds of the National Assembly's support.[11] The Constitution also states that judges may only be removed by established and public procedures.

However, the Constitution did not and does not in fact govern judicial practice, for two reasons. First, the majority of judicial appointments have been and continue to be only provisional, so the constitutional protections and requirements do not apply. In 2014, the International Commission of Jurists (ICJ) estimated that 66 percent of Venezuelan judges were provisional and only about 20

8 William Dobson, *The Dictator's Learning Curve* (New York, NY: Doubleday, 2012), 51-52.

9 Lauren Castaldi, "Judicial Independence Threatened in Venezuela: The Removal of Venezuelan Judges and the Complications of Rule of Law Reform" (*Georgetown Journal of International Law 37*, 2005), 479.

10 Ibid., 493.

11 Ibid., 494.

percent were incumbent.[12] According to Foro Penal, a number of criminal court judges are sons, daughters, in-laws, and other relatives of high-level government officials. Similarly, more than 90 percent of prosecutors were provisional.

Second, the Constituent Assembly decreed a judicial emergency in 1999 and established, without external mandate or authorization, the Emergency Judicial Commission, with the authority to suspend judges and nullify their appointments arbitrarily.[13] This commission allowed the government to manipulate the judiciary while trumpeting its independence. In effect, the judicial emergency decree "created a parallel set of laws that apply to judges without any of the due process safeguards provided for in the Constitution."[14]

The Venezuelan regime implemented a four-step strategy to secure political control, whereby domination of the judicial system created the "playing field," or set the stage, for tactics to crush opponents and dissidents. The regime hides state repression behind a democratic facade and a rule-of-law facade.[15]

The Constituent Assembly

Chávez, who had unsuccessfully attempted a so called coup d'état in 1992 and spent the next two years in prison, had learned his lesson. In the name of Chávez's "Bolivarian Revolution," which promised to fight corruption and lift up the 80 percent of Venezuelans in poverty, the Constituent Assembly was selected to draft the new Constitution, and the electorate approved it by referendum in the same year.[16]

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12 Alexander Salinas-Rivera, "Venezuela: The Sunset of Rule of Law: ICJ Mission Report 2015" (International Commission of Jurists), 9. See also: "Final Observations in the Fourth Periodic Report on the Bolivarian Republic of Venezuela" (United Nations Human Rights Committee, 2015), 15; "Informe Alternativo Conjunto del Instituto de Derechos Humanos de la International Bar Association, la Unión Internacional de Magistrados, Grupo Ibero-Americano y la Comisión Internacional de Juristas: Examen del Cuarto Informe Periódico de la República Bolivariana de Venezuela Presentado al Comité de Derechos Humanos" (ICJ, 2015), 3-4. http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2015/06/Venezuela-ICJ-IBAHRI-IAJ-Informe-Alternativo-Advocacy-legal-submission-2015-SPA.pdf.

13 Castaldi, "Judicial Independence Threatened in Venezuela," 494-97. See also: "Report on the Situation of Human Rights in Venezuela" (Inter-American Commission on Human Rights OEA/Ser.L/V/II.118, 2003), 164. http://www.cidh.org/countryrep/Venezuela2003eng/chapter1.htm; "Decree of Judicial Emergency" (Gaceta Oficial No. 36.772, 1999); "Decree of Judicial Emergency" (Gaceta Oficial No. 36.782, 1999).

14 Ibid., 499.

15 Romero, "The Rule of Law Façade."

16 Castaldi, "Judicial Independence Threatened in Venezuela," 492.

The Constituent Assembly appeared legitimate but was, in effect, a "political instrument."[17] It was meant to frame state reform and establish a new legal apparatus. However, instead of bringing stability to a state buttressed by the rule of law, it instead propped up a regime ruled by a legal framework of its own design, complete with a trustworthy collection of prosecutors and judges.[18]

The Emergency Judicial Commission

The Emergency Judicial Commission, established in 1999, dismissed or suspended hundreds of judges on the grounds of corruption, claiming a need for deep judicial reform to achieve stronger judicial independence. However, in practice, this "revolutionary" transformation set up a new judiciary that would serve the regime's political purposes.[19]

The Consolidation of a Politicized Judiciary: The Reichstag Fire Formula

The April 11, 2002, so-called coup d'état attempt was a powerful justification of Chávez's strategy to regain and strengthen political and state control. To understand this, one must recall examples from world history when regimes took advantage of emergencies—either provoked or coincidental—to excuse twisting the law and justifying human rights abuses, typically in the name of sovereignty and national security. I refer to this as the "Reichstag fire formula," alluding to the Nazis' destruction of the German Reichstag in 1933.

On February 28, 1933, the Reichstag, a building that housed German Parliament, burned to the ground. Police and government officials asserted that communists were responsible, while rumors circulated in Berlin that the Nazi government had ordered the secret services to burn the Reichstag. About 4,000 alleged communists were arrested and publicly accused as terrorists.[20] Whoever set the Reichstag fire, it served as a perfect justification for Hitler's expansion of power over Germany and as a keystone in the Nazi regime's own rule-of-law facade. The ensuing Reichstag Fire Decree severely restricted personal freedoms and

17 Allan R. Brewer-Carias, *Dismantling Democracy in Venezuela: The Chávez Authoritarian Experiment* (New York, NY: Cambridge University Press, 2010), 56.

18 Ibid., 57-58.

19 Castaldi, "Judicial Independence Threatened in Venezuela," 482, 492.

20 "Big fire at Reichstag" (*The Manchester Guardian*, March 28, 1933). http://www.theguardian.com/world/1933/mar/28/germany.secondworldwar.

freedom of opinion, including the freedom of the press, the freedom to organize and assemble, and the right to private communications. It permitted unrestricted warrants for house searches, orders for confiscations, and restrictions on property rights.[21]

In 2002, a mass demonstration in Caracas led to the murder of 19 people, and President Chávez lost power for 48 hours.[22] While the demonstrations were taking place and after his return to power, Chávez terminated employees of state-owned oil company, PDVSA; police agents; and other public officers without due process. Presidential decree restricted the freedom to organize and assemble in areas declared security zones. Political opponents and military officers were incarcerated or forced into exile. Justices whose rulings denied that a coup had occurred were removed. Attempts to assert political influence over the Supreme Tribunal of Justice, the highest Venezuelan court, accelerated.

In 2004, new demonstrations against the government led to 14 deaths and many arrests. Chávez again applied the Reichstag fire formula. The National Assembly passed the Law of the Supreme Tribunal of Justice, which increased the number of judges on the court from 20 to 32, lowered the threshold for the National Assembly to name judges to a simple majority, and changed the procedures and grounds for suspending judges.[23] In 2005, the Inter-American Commission on Human Rights found that judges who did not rule in favor of the government were dismissed with greater frequency than those ruling in favor of the government.[24]

The addition of 12 judges created new legal channels for President Chávez (and the National Assembly dominated by his supporters) to influence the highest court. Every new judge was to be a supporter of Chávez's movement; after the court's expansion, the prior ruling dismissing charges against those accused of attempting the 2002 coup was reversed.[25]

Before the change in the law, only a two-thirds majority vote of the legislature could remove a judge for breach of duty. Afterward, judges could also be suspended, pending a hearing on an alleged breach, and could be removed by the invalidation of their original appointment by simple majority vote of the legislature. The grounds for such invalidation are vague and arbitrary, such as

21 See also: http://alphahistory.com/nazigermany/the-reichstag-fire/#sthash.CuwHh0Rp.dpuf.

22 "Politics in Venezuela: After the coup, the reckoning" (*The Economist*, February 18, 2002).

23 Castaldi, "Judicial Independence Threatened in Venezuela," 500.

24 Ibid., 498 (citing Inter-American Commission on Human Rights Report No. 24/05, 2005).

25 Ibid., 500-2.

offending the prestige of the court.[26] The chief judge resigned because of these changes, and the National Assembly removed almost all the remaining judges within a few months.[27]

In the words of the ICJ, these changes to the Supreme Tribunal of Justice produced "a complete permeation of the political lines emanating from the [Tribunal] to the lower courts, directly affecting the autonomy of lower court judges." The ICJ found that specific chief superior judges reviewed all court decisions involving political nuance or government interests, and that judges who failed to follow these implicit rules were subjected to reprisals.[28]

Eladio Aponte, a former president of the Criminal Chamber of the Venezuelan Supreme Court, now living in the United States as a political refugee, spoke out against the prosecution and imprisonment of political opponents.[29] He confirmed that the president's office routinely attempted to influence his court's rulings. He claimed that every Friday, he—along with the general prosecutor, the ombudsman, and others—would meet at the office of the vice president to plan strategies to prosecute and/or deliberate on the future of political prisoners.

Not all judges complied, but the repercussions for asserting any independence were potentially severe. The fate of Judge Maria Lourdes Afiuni provides one infamous example.

The Afiuni Effect

In 2009, the UN Working Group on Arbitrary Detention (WGAD) took the case of a dissident banker, Eligio Cedeño, stating that "the proceedings stalled for a long time as a result of inaction on the part of the Prosecutor General's Office, and the government has failed to justify such delay, in violation of the provisions of Article 14 of the International Covenant on Civil and Political Rights." The WGAD also noted that "the preventive custody has been extremely long, exceeding two years and six months, while the Venezuelan legislation (Article 244 of the Code of Criminal Procedure) stipulates granting provisional release two years after the arrest." On December 10, 2010, Judge Afiuni released Eligio Cedeño on bail. She was arrested minutes later.[30]

President Chávez, describing Afiuni as a "bandit," demanded the maximum

26 Ibid., 503-504.

27 Brewer-Carias, *Dismantling Democracy in Venezuela*, 59.

28 Ibid., 9-11.

29 See video of Eladio Aponte interview: https://www.youtube.com/watch?v=pnDb440q9dE.

30 See UNWGAD opinion: http://www.unwgaddatabase.org/un/Document.aspx-?id=2380&terms=(+venezuela+).

prison term sentencing of 30 years. The WGAD recognized these statements as judicial interference: "The judges who are and will be responsible for trying Judge Afiuni Mora must feel this pressure, which means that the trial will not be conducted by independent or impartial judges."[31]

The arrest, imprisonment, and even sexual abuse later denounced by Judge Afiuni sent a strong message to judges who defied the regime.[32] Not a judge remaining in Venezuela is willing to issue a sentence with even minimal political repercussions without the regime's approval. In practice, judges had to consult all the way up a de facto chain of command to obtain specific instructions from the executive. Judges frequently suspended hearings to await instructions.[33] As Human Rights Watch managing director for the Americas Daniel Wilkinson put it, "There's no independent judiciary left in the country. Instead, what you have are judges and prosecutors who fear that if they don't do what the government wants, they're going to lose their jobs and could even end up behind bars themselves."[34]

In 2015, the ICJ determined that Venezuela's judiciary existed to serve the political interests of the government. According to the ICJ, between 2005 and 2013, 99 percent of petitions made by public entities were accepted, while 98 percent of individual or private entities requesting hearings for official mistreatment were denied. The judiciary's independence and impartiality were seriously undermined.[35]

The World Justice Project's Rule of Law Index has ranked Venezuela last in

31 Ibid.

32 See BBC article regarding Judge Afiuni's incarceration and sexual violence: https://www.bbc.com/news/world-latin-america-22916391.

In relation to the Afiuni case, the UNWGAD considered that "the function of a judge is one of the noblest manifestations of the human right to freedom of expression and opinion referred to in Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights. The exercise of this freedom is the way in which judges fulfil their responsibilities on behalf of the people; it is therefore all the more imperative to prohibit the harassment of judges because of their decisions. Measures adopted against judges by organs of the State undermine the exercise of this right. Thus, the detention of Judge Afiuni Mora is also an example of arbitrary deprivation of liberty under category II of the categories applied by the Group." See: http://www.unwgaddatabase.org/un/Document.aspx?id=2419&terms=(+venezuela+).

33 Taken from testimonies of criminal lawyers and human rights defenders Gonzalo Himiob Santomé, Alonso Medina, and Fernando Ovalles.

34 John Otis, "Winning Big, Venezuela's Opposition Now Plans Push for Prisoner Release" (*National Public Radio*, December 12, 2015). http://www.npr.org/sections/parallels/2015/12/12/459054144/winning-big-venezuelas-opposition-now-plans-push-for-prisoner-release.

35 Salinas-Rivera, "Venezuela: The Sunset of Rule of Law," 5-11.

criminal justice system since 2012, and overall the worst country ranked by the Rule of Law index since 2014; and the most recent Rule of Law index (2020), ranked Venezuela the last out of the 128 countries it examined.[36] According to the Inter-American Commission on Human Rights, the lack of judicial independence and the use of the courts to persecute human rights defenders, demonstrators, and political opponents has cracked the foundation of Venezuela's democracy.[37]

The Chávez Regime's Playbook

By controlling the judiciary and hiding state repression behind the rule-of-law facade, the Chávez regime possessed an effective tool to tackle domestic opponents selectively and strategically while managing to gain some power in this political game of "competitive authoritarianism." Figure 1 compares this situation to an American football playbook. In the figure, judges and prosecutors identified with an "X" and referred to as the defense team are positioned along the defensive line, while the regime's offensive team (political actors), identified with triangles, has lost power and remains off the field, or was not threatened by the opponents' or dissidents' offense.

36 See the reports of the World Justice Project: https://worldjusticeproject.org/our-work/publications/rule-law-index-reports.

37 "Annual Report 2014: Chapter IV: Venezuela" (Inter-American Commission on Human Rights), 328. http://www.oas.org/en/iachr/docs/annual/2014/docs-en/Annual2014-chap4Venezuela.pdf.

Figure 1. The Regime's Defensive Playbook: Neutralizing Dissidents

As shown in figure 2 below, when opponents or dissidents (identified with circles) move forward along the playing field, the defense team unit (judges and prosecutors) tackled them with detentions and prosecutions.

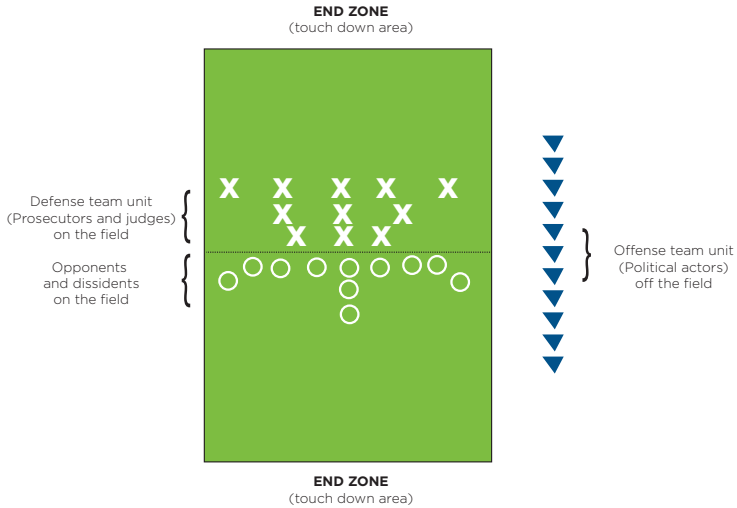


Figure 2. The Regime's Defensive Playbook

By detaining opponents and dissidents, the regime's defensive unit removed them from the field (see figure 3), allowing the regime's offensive team unit (political actors) to reenter the game and regain political space to stay in power.

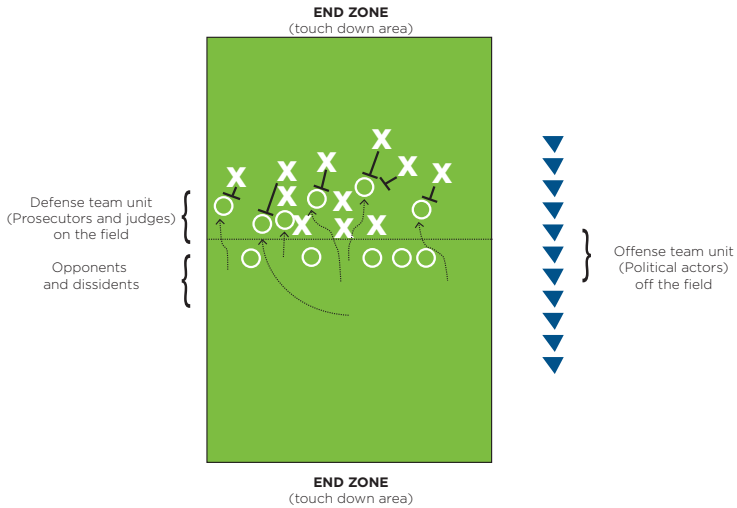
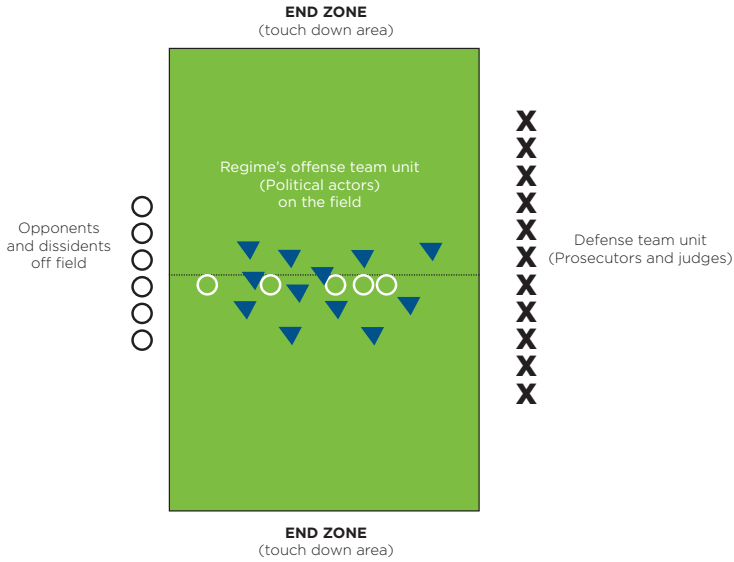


Figure 3. The Regime's Offensive Playbook: Regaining Political Space



In the prior case of the regime's defensive playbook, the referees are the justices of the Supreme Tribunal of Justice. When I refer to the offensive playbook, the referee is the National Electoral Commission (Consejo Nacional Electoral), which is also controlled by the regime.

Chávez structured a rule-of-law facade that hid his political influence over the judiciary and public officers, which was accepted and normalized. High public officials, including the president, used state-owned or -controlled media to publicly accuse and condemn dissidents, even before a criminal investigation or prosecution had begun. This allowed the state to instruct officials, judges, and prosecutors to intimidate those who dared defy the government.[38] The current

38 A few hours later, the mayor of Caracas, Antonio Ledezma, was arrested by the secret police of the Bolivarian Intelligence Service (SEBIN); President Nicolás Maduro appeared on TV to condemn Ledezma for conspiracy and terrorism, even before the General Prosecutor's office made any accusation or a trial was initiated. See: G. Gupta, "Mayor's Arrest on Sedition Charges Deepens Sense of Crisis in Venezuela" (The New York Times, February 20, 2015). http://www.nytimes.com/2015/02/21/world/americas/caracas-mayor-antonio-ledezma-arrested.html?_r=0.

president of the National Constituent Assembly[39] since 2018 Diosdado Cabello hosts a weekly television show, *Con el Mazo Dando* (Hitting with a Hammer), through which he makes criminal allegations against dissidents and human rights defenders and effectively encourages officials to file charges.[40] *Con el Mazo Dando* is just the latest in a string of similar programs dedicated to propaganda, intimidation, and stigmatization, including Chávez's own *Aló, Presidente*.[41]

The extreme efficiency and regularity with which the judiciary prosecutes and convicts political opponents or dissidents can be juxtaposed with its complete incompetence and ineffectiveness in matters of crime and public security. The public lacks trust in judicial and police authorities because of their inability to improve security and control crime.[42] The inefficiency of the judicial system in delivering justice explains how Venezuela has become one of the world's most violent countries. Since Chávez, the murder rate has increased steadily, from about 20 murders per 100,000 people in 1999 to more than 60 in 2019, according to the NGO Observatorio Venezolano de Violencia.[43] Also, Venezuela has the highest number of political imprisonments and detentions in the Americas.[44]

39 The National Constituent Assembly was elected in a special election in 2017. It has been considered unconstitutional and illegitimate, and as a tactical action of the regime to, in practice, take over the National Assembly (a democratic entity elected in 2015 in which the opposition has the majority of seats) by assuming supreme legislative functions. See International Commission of Jurists, "No Room for Debate: The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela" (July 2019). https://www.icj.org/wp-content/uploads/2019/07/Venezuela-No-room-for-debate-Publications-Reports-Fact-finding-mission-reports-2019-ENG.pdf.

40 Salinas-Rivera, "Venezuela: The Sunset of Rule of Law," 12.

41 Antonio Canova González, "Propaganda y Neolengua Política en Venezuela (1999-2014): Un instrumento eficaz para dividir, glorificar, engañar y confundir," in Antonio Canova González et. al., *La Neolengua del Poder en Venezuela: Dominación Política y Destrucción de la Democracia* (Editorial Galipán, S.A., 2015), 37.

42 Ibid., 16 (citing the Venezuelan Violence Observatory 2014 report).

43 Voice of America (VOA), "Venezuela: OVV reporta más de 16.500 muertes violentas en 2019" (December 17, 2019). https://www.voanoticias.com/a/venezuela-ovv-reporta-ms-ade-16-500-muertes-violentas-en-2019/5222542.html.

44 Voice of America (VOA), "Foro Penal: Sigue la represión en Venezuela, hay 392 presos politicos" (January 16, 2020). https://www.voanoticias.com/a/foro-penal-sigue-la-represi-in-en-venezuela-hay-392-presos-politicos-/5248624.html. See also: "Political detentions climbing amid worsening Venezuelan crisis" (*The Washington Post*, April, 12, 2019). https://www.washingtonpost.com/world/political-detentions-climbing-amid-worsening-venezuela-crisis/2019/04/12/f52e0b7a-5cc8-11e9-98d4-844088d135f2_story.html.

Chávez's Victims

Chávez secured the use of the judicial system for the targeted punishment of political opponents. But, as stated above, Chávez's use of political persecution was much less than Maduro's. Only two women, Maria Afiuni and Dulce Bravo, were held as political prisoners during the entire Chávez period, and just one student. Most of the political prisoners were either policemen, military personnel, political leaders, or the handful of civilians alleged to be involved in a conspiracy. Chávez had to confront only a few publicly denounced tortures.

One of the first Venezuelan political prisoners under Chávez was Carlos Ortega, president of the Venezuelan Confederation of Workers (CTV). The detention order was issued by Maikel Moreno, current president of the Supreme Court, who at the time was an arraignment judge. Ortega was charged with treason, civil rebellion, instigation of crimes, gang activity, and devastation for a strike and work stoppage he called in 2002. Ortega was captured in 2005, was sentenced to almost 16 years in prison, and escaped from Ramo Verde prison in 2006. He currently lives in Peru.[45]

Alejandro Peña-Esclusa is a Venezuelan politician and president of the NGO Fuerza Solidaria. Peña-Esclusa had opposed Chávez since he first won the presidency. He denounced Chávez and organized campaigns against the Foro de São Paulo, which he referred to as a group of leftist and guerrilla leaders financed by drug trafficking.[46] In July 2010, Peña-Esclusa was detained after a SEBIN (civil intelligence police) raid on his home that did not allow for defense lawyers to enter.[47] They allegedly discovered C-4 explosives in Peña-Esclusa's very small apartment, where he lived with his wife and three young daughters. SEBIN had clearly planted evidence in Peña-Esclusa's apartment. Its allegation was that C-4 explosives were found in his seven-year old daughter's desk. SEBIN fabricated charges against Peña-Esclusa without real evidence and with only a written declaration of police intelligence. Peña-Esclusa remained in prison for one year and was conditionally released in 2011 for humanitarian reasons, as he suffered from prostate cancer. At present, Peña-Esclusa lives in Venezuela and remains subject

45 See: http://news.bbc.co.uk/2/hi/americas/4789431.stm.

46 Alejandro Peña-Esclusa, *El Foro de São Paulo: Una Amenaza Continental* (Editorial Grijalbo, 2010).

47 As Peña-Esclusa's lawyer, I was outside his apartment building, and even though I showed my license as a lawyer, and Peña-Esclusa had asked for my representation, SEBIN and the Prosecutor in charge did not let me in.

to restrictive measures, such as not being allowed to leave the country and not being permitted to participate in public events, while he awaits a trial that still has not begun.[48]

Also, in 2009, a student, Julio Rivas, was detained by the regime after a protest against education reform. Rivas was the first student political prisoner and the only student deprived of his freedom by a court order in the entire Chávez regime. Rivas was released 20 days later, after a student hunger strike calling for his release. Julio Rivas's detention was somewhat exceptional for the Chávez government. When Rivas was detained, there were antigovernment protests going on in Venezuela. At that moment, there were 49 political prisoners. We, as human rights defenders, denounced the situation as a human rights crisis. It is important to note that even though detentions of students involved in demonstrations did occur under Chávez, students were kept in jail for only one or two days. This made Rivas's detention exceptional and shocking at that time.

From 2014 to December 2019, Foro Penal registered 15,248 political detainees in Venezuela. The United Nations Working Group on Arbitrary Detention (UNWGAD) has already issued opinions with respect to more than 400 political detainees in Venezuela, considering them as subjects of arbitrary detentions.[49]

However, as I describe below, Maduro was inefficient in maintaining the institutional facade that Chávez had been so cautious to preserve in order to retain not just national but also international support. Maduro preferred to develop military and police intelligence agencies, such as SEBIN and the Directorate General of Military Counterintelligence (DGCIM), and made repression more massive, indiscriminate, and violent.

The Repression Clock

The problem posed by political repression must be seen from two perspectives: *micro* and *macro*. The above-mentioned example of arbitrary detention and human rights abuses against Efraín Ortega represents the micro-level problem, while the macro-level perspective observes the use of repression as a tool to subdue dissidents by violating their human rights with the purpose of sustaining an authoritarian regime. In this case, the solution of the micro problem is Efraín's

48 "Venezuela: Opposition politician arrested on explosives charge" (CNN, July 13, 2010).

49 All opinions adopted by the UN Working Group on Arbitrary Detentions are listed in: https://www.ohchr.org.

freedom. But for the macro problem, the solution is to cease political repression and systematic civil rights abuses, and gain freedom and democracy in the country.

From a macro-level perspective, in the case of Venezuela, there appear to have been cycles of repression, co-optation, and legitimation since 2002 that were repeated at least seven times from 2002 to 2019, including three full cycles only since 2014.[50] This is what I metaphorically call "the repression clock," based on my understanding that there are specific times or moments in this protest–repression relationship (see figure 4) that produce specific actions or reactions, and other subsequent moments of peace or relative calm, followed by co-optation and legitimation. These cycles are known by autocratic regimes that have managed to keep in power, such as the Cubans, and I assume they have taught others like Venezuela how to strategize accordingly, in order to gain and regain regime stability. These cycles show what scholars refer to as a "dynamic relationship between protest and repression": "Low levels of repression reduce oppositional violence and increase it after a certain threshold, whereas higher levels of government violence increase oppositional violence and decrease it after a certain threshold when anger gives way to fear."[51]

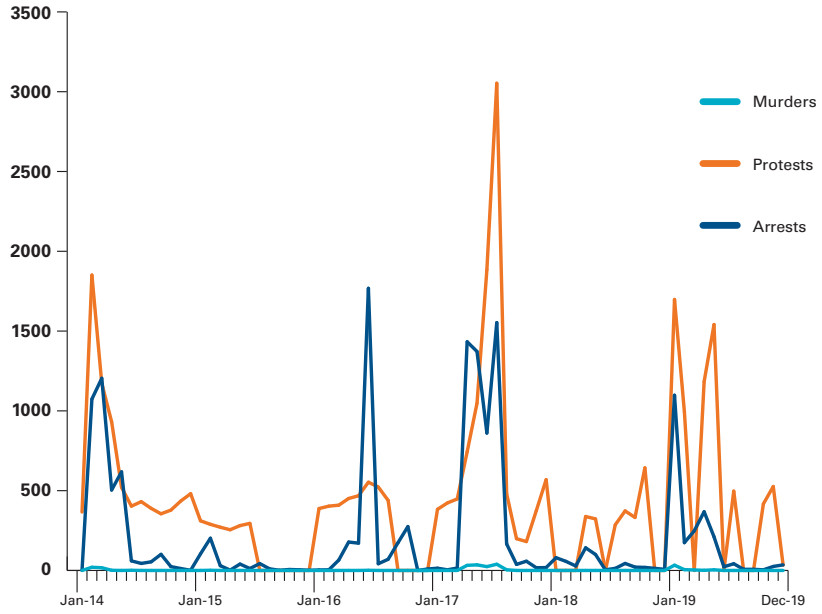
As shown in figures 5 and 6, the repression clock cycle starts at 12:00 with a process of "appeasement": the population is controlled by preventive or soft political repression and dissidents' pessimism prevails. In this phase, the regime makes its best efforts to legitimize itself. In the case of Venezuela, systematic elections served to legitimize the Chávez regime. Chávez was victorious in democratic elections in 1998. Appeasement lasted until 2002, with some protests organized by PDVSA workers. In 2002, large protests broke out, and in April 11, 2002, Chávez was deposed in a so-called coup d'état, returning to power two days later, on April 14, 2002. The appeasement phase was reached again in 2003, accompanied by a national dialogue, until 2004, when protests again escalated. These cycles have been repeated continuously, as stated—seven times through 2019.

On the repression clock, at 3:00, the "awakening" begins, with some riots, restoration of hope, and optimism on the side of the opposition, while reactive and physical repression appears. At 6:00, the "uprising" begins, with mass protests; and consequently, repression intensifies. Prodemocracy dissidents react with anger and acts of violence, and the regime's agents respond with brutal repression,

50 The repression clock has taken seven rounds or cycles since the beginning of the Chavista regime: 2002, 2004, 2007, 2009, 2014, 2017, 2019.

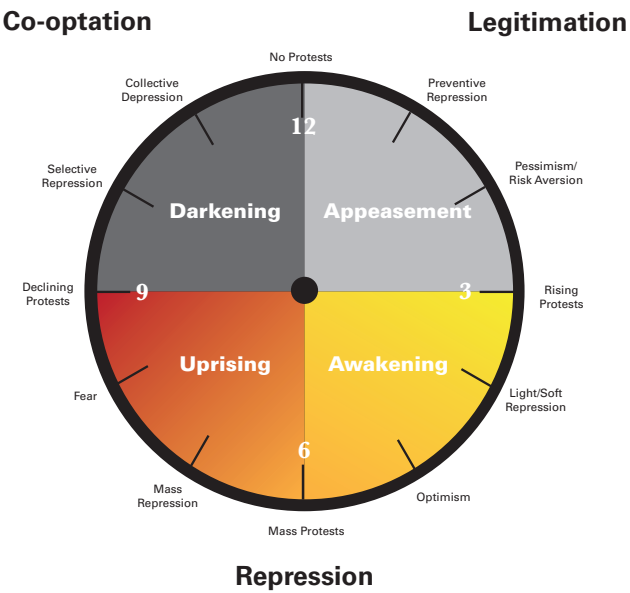
51 Sabine C. Carey, "The Dynamic Relationship between Protest and Repression" (*Political Research Quarterly* 59.1, 2006), 1-11. http://www.jstor.org/stable/4148070.

Figure 4. Data and Patterns for the Repression Clock: Protests, Murders and Detentions



Source: Foro Penal data.

Figure 5. The Repression Clock



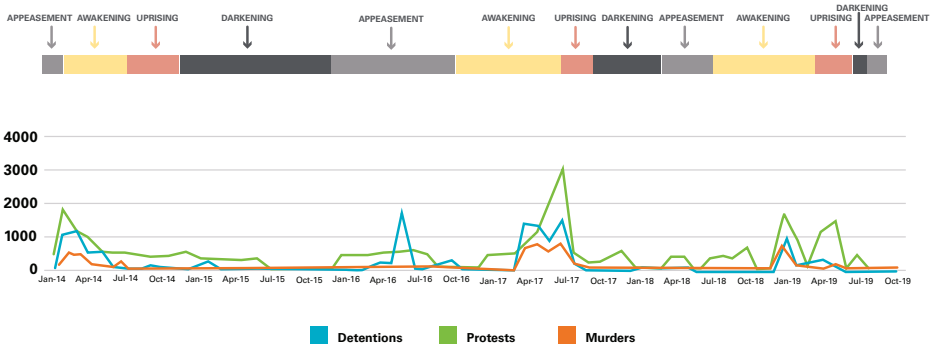
Source: Foro Penal database.

including murders. Fear prevails, and a *crackdown* on protests occurs. After the crackdown, at 9:00, the "darkening" begins. Occasional protests remain, but selective and tactical repression against political or social leaders develops, including incarcerations, torture, and murders. Leaders retreat or flee the country, and collective depression darkens society. The "appeasement" phase can then start again.

With respect to repression, while reactive repression usually happens in the awakening and uprising phases (between 3:00 and 9:00), selective and preventive repression is executed during darkening and appeasement (9:00 to 3:00). As shown in figure 4, while mass detentions are directly connected to mass protests, torture does not follow the same rule. Torture in custody is associated more with selective and preventive detentions. José Alberto Marulanda is just one of these cases.

José Alberto Marulanda was first disappeared, tortured, and then arbitrarily jailed. DGCIM officers took him from his girlfriend's house on May 19, 2018, without an arrest warrant. He went missing until May 24, 2018, when he was taken to the First Military Control Court in Caracas for an arraignment hearing, and a custodial order was issued. He was then incarcerated for political purposes, a move that violated due process, the right to a defense, and the presumption of innocence, instead inculcating him into an alleged military-civic conspiracy against the government. He was brutally tortured. Such complaints about torture and cruel, inhumane, and degrading treatment have been made before various national authorities competent in human rights. His preliminary hearing was held on December 20, 2018, ratifying his detention and moving his case toward a trial that is still pending. He is currently being held at the Ramo Verde (Green Bouquet) military prison, an hour from Caracas.

Figure 6. The Repression Clock: Graphic Representation of Phases



Costs and Benefits of Political Repression

I come to the conclusion that, men loving according to their own will and fearing according to that of the prince, a wise prince should establish himself on that which is in his own control and not in that of others.

—Niccolo Machiavelli, *The Prince*, 1532

Authoritarian regimes' maintenance of a monopoly of power is sustained through a systematic scheme of political repression against dissidents and others representing a political threat. However, this strategic use of repression as an instrument for maintaining political control is certainly not new. While systems of repression have grown more complex and sophisticated in the 20th and 21st centuries, their usage by ruling classes to cement power and stabilize control has a long and storied history. Since the beginning of the sixteenth century, the Italian diplomat and political theorist Niccolò Machiavelli has provided a reference that elites in Europe were widely aware of repressive leadership tactics.[52] Framed in Machiavellian terms, the realization that it is perhaps better to be feared than to be loved—to maintain control through terror rather than to fall prey to the fickleness of popular support—had long been formalized, institutionalized, and developed. Democratic rulers who compete in elections and depend on the popular vote to obtain power (or to stay in power) produce campaigns in order to gain the love of the people instead of imposing fear. As Ragnhild and Davenport note, the cost of repression is higher in democratic societies than in authoritarian regimes, since in the former voters can refuse to elect the leader in a democratic system that should allow citizens to hold rulers accountable for their actions, including repressive actions.[53]

52 From early examples of state-directed efforts to quell popular opposition like in seventeenth century China up to Tiananmen, from numerous examples in Russian history to the East German Stasi. See: Bruce Friend Adams, *The Politics of Punishment: Prison Reform in Russia*, 1863-1917 (DeKalb, IL: Northern Illinois University Press, 2019);

John W. Dardess, *Blood and History in China: The Donglin Faction and Its Repression*, 1620-1627 (University of Hawaii Press, 2002); Peter Julicher, "*Enemies of the People" Under the Soviets: A History of Repression and Its Consequences* (McFarland Publishing, 2015); J. Otto Pohl, *The Stalinist Penal System: A Statistical History of Soviet Repression and Terror*, 1930-1953 (McFarland Publishing, 1997); Liu Xiaobo, ed., *No Enemies, No Hatred: Selected Essays and Poems* (Belknap, 2012).

53 Ragnhild Nordås and Christian Davenport, "Fight the Youth: Youth Bulges and State Repression" (*American Journal of Political Science* 57.4, October 2013), 928.

In Venezuela, the use of strategic repression increased quantitatively and even qualitatively with Nicolás Maduro. In Machiavellian terms, Chávez managed to balance the love/fear paradigm by using repression in a tactical way that did not cost him support from much of the population and from any great sector of the international community. But since 2014, Maduro has systematically broken this balance.[54] As mentioned above, even though the Chávez regime had already established the structures of repression, they had been far less pronounced under his period in power. Because Maduro has not enjoyed the same level of popular support at any point in his rule, he has had to tip the scales of the Chávez paradigm, relying much more intensely on repression than on the other pillars of stability. From the very beginning of the Maduro regime, the paradigmatic shift was evident in its ratcheting up of political prisoners from 11 to 300 in 2014, his first year as president. In 2014 alone, Maduro detained more than 3,000 protesters, while the highest number of protesters detained in the Chávez period was about 250, in 2007. This happened when protests broke out against the RCTV TV station being shut down and against the Constitutional Reform Referendum. These protests were organized by the so-called Student Movement, which had just formed that year in Venezuela.[55] Another important qualitative measurement of repression is that the longest period that Chávez kept a student in prison was 21 days, as was the case of a student, Julio Rivas, who was released after a mass hunger strike organized by other students.[56] Maduro, on the contrary, has incarcerated more than 4,000 students for political reasons, and has kept more than 1,000 students in prison for over 60 days, and more than 200 for over a year (see figure 7, explained further below).

According to Davenport, "State repression is most often understood as the result of a cost-benefit analysis by political authorities."[57] Although there is a political cost to state repression, like the increase of the opposition and rising negative international attention, there are definitely important benefits for the regimes to

54 Chávez famously delivered a September 20, 2006, speech before the UN General Assembly that, quite literally, damned sitting US President George W. Bush to hell. Yet by capitalizing on a political moment that was hostile to Bush, and by infusing his trademark charismatic humor, Chávez earned sustained applause in the UNGA (and even from certain US listeners) for the incendiary remarks masquerading as sarcasm calling Bush a devil and bringing upon the phrase, "*aquí huele a azufre*" ("it smells like sulfur here"), when standing on the same podium from which George W. Bush delivered a speech the day prior.

55 José Orozco, "Venezuela's Student Movement" (*ReVista*, Harvard Review of Latin America, Fall 2008). https://revista.drclas.harvard.edu/book/venezuelas-student-movement.

56 See: https://www.npr.org/templates/story/story.php?storyId=113513484.

57 Nordås and Davenport, "Fight the Youth," 927.

imposing fear and terror. Fear produces the psychosocial consequence of reducing dissent. Terror (assassination, torture, or arrests of opposition leaders) serves to eliminate competitors from the regime's political arena.[58]

The Repression Machinery: A Pillar for Regime Stability

Besides cooptation and legitimation, repression is one of the three pillars that sustain authoritarian regimes. The Venezuelan regime uses a variety of repressive methods strategically targeted against certain people or groups of people, and executed by different kinds of perpetrators, as detailed below. This complex of methods, victims, and perpetrators constitutes the repressive machinery of the regime.

Methods

Regimes employ a "repertoire of available methods of abuse."[59] Scholars have focused on violations of civil rights or on physical integrity abuses.[60] In particular, I have found that Venezuela's repressive machine is composed of five categories: physical, judicial, psychological, economic, and administrative.[61]

58 Lauren E. Young, "The psychology of state repression: Fear and dissent decisions in Zimbabwe" (*American Political Science Review* 113.1, 2019), 140-155.

59 Jacqueline H. R DeMeritt, "The Strategic Use of State Repression and Political Violence" (*Oxford Research Encyclopedia of Politics*, October 26, 2016).

60 Davenport, "Multi-dimensional Threat Perception and State Repression." See Also: John C. King, "Repression, domestic threat, and interactions in Argentina and Chile" (*Journal of Political and Military Sociology* 26.2, 1998).

61 In Venezuela, there are some references that these tactics were in some way taught to them by the Cuban intelligence experts, and that they played an important role in advising the Intelligence Venezuelan Units (DIM, now DGCIM), as well as developing a citizens' registry/database. It is not a coincidence that the master of political repression in Cuba, Ramiro Valdés, a founder of Cuba's Intelligence (G2), was named by Hugo Chávez in February 2010 as the advisor for the Venezuelan electrical crisis. Yet, there is not any reference of Valdés's experience in this area, and, in any case, Cuba is not the best example of power generation effectiveness. See Kevin Ginter, "Truth and Mirage: The Cuba-Venezuela Security and Intelligence Alliance" (*International Journal of Intelligence and Counterintelligence* 26.2, 2013), 215-240. As mentioned in a special report published in August 2019 by Reuters and written by Angus Berwick, Venezuelan and Cuban regimes signed agreements in 2008 to train Venezuelan militaries and agents and to build an intelligence apparatus to surveil Venezuelan militaries. The GRUCE or (Grupo de Coordinación y enlace de la República de Cuba) is a committee formed by Cuban specialists that advises Venezuelan military intelligence units, particularly DGCIM. According to a Reuters investigation: "Defense talks with Cuba began. at a meeting in Caracas on May 26, 2008, [Gustavo] Rangel [Venezuelan Minister of Defense] and General Álvaro López, Cuba's vice minister

As for *physical repression*, I refer to assassination, torture, cruel and inhumane treatment, and arbitrary detentions. As a human rights lawyer in Venezuela, you can never say that you have seen the worst; my experience tells me that there is always something worse to see. The repertoire of human rights abuses for political reasons has widened. In 2019, for example, Rufo Chacón, a 16-year-old student and soccer player, was shot in the face at close range and wounded by the police's plastic bullets, fired during a mass demonstration called to protest domestic gas issues. Rufo lost his eyes as a result of that shooting. In January 2019, more than 1,000 people were arrested, over 100 of whom were minors under 18. Goisner Arrollave and Yhoifer Jesús Hernández , 13- and 14-year-old boys, respectively, were shot and killed in protests on May 1 and 2, 2019, respectively.[62] People from poor areas of the country protested outside their homes, and harsh repression, including killings and mass detentions, targeting the barrios (Venezuelan slums) followed.[63]

Judicial repression refers to use of the national criminal justice system as a weapon for political persecution against dissidents. As mentioned earlier, the judicial system is used as a facade to justify arbitrary detentions and as a safeguard for the authoritarian regime's political crimes.[64] As mentioned above, the

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of defense, signed the two agreements. Under the first agreement, Cuba's defense ministry would oversee a restructuring of the DIM and advise on creating "new units" inside the service. The DIM would also send groups of as many as 40 officers to Havana for up to three months of espionage training. According to the documents, Venezuela would send resumes of training candidates for Cuba to vet. Courses included how to handle "secret collaborators," how to conduct criminal investigations and how to select new intelligence agents. Most of the training, according to the documents, took place at the Comandante Arides Estévez Sánchez Military Academy in western Havana. At the academy, a cluster of white four-story buildings and parade grounds, Cuban instructors told DIM agents their mission henceforth would be to infiltrate and control the military, according to five people familiar with the courses. The second agreement created a committee known as the Coordination and Liaison Group of the Republic of Cuba, or GRUCE. The GRUCE, comprising eight Cuban "military experts," would send Cuban advisors to Venezuela to inspect military units and train soldiers."

62 See Foro Penal, "Reporte de Represión en Venezuela" (April 2019), 4. https://foropenal.com/wp-content/uploads/2019/05/REPORTE-ABRIL-2019.pdf. See also: "Comunidad de Santa Elena de Arenales en Mérida despidió a Goisner Arrollave," (ElPitazo.com, May 5, 2019). https://elpitazo.net/los-andes/comunidad-de-santa-elena-de-arenales-en-merida-de-spidio-a-goisner-arrollave/; and "Murió Yhoifer Jesús Hernández, joven de 14 años que participaba en protesta contra Maduro este 1-M," (contrapunto.com, May 2, 2019). https://contrapunto.com/sin-categoria/murio-joven-de-14-anos-que-participaba-en-protesta-contra-maduro-este-1-m/.

63 See: Foro Penal, "Reporte Sobre la Represión en Venezuela" (January 2019). https://foropenal.com/reporte-sobre-la-represion-en-venezuela-enero-2019/.

64 Fiona Shen-Bayh refers to this method of repression used in Cambodia, Egypt, Iran, Tur-

UN Working Group on Arbitrary Detentions (UNWGAD) has issued opinions in relation to more than 400 people arbitrarily detained for political reasons.[65] Tactics employed by the government include fabricated criminal charges, threats against noncompliant judges and prosecutors, concealment and invalidation of exculpatory defense evidence, gross due process violations, illegal seizure of assets, demonization in the media, and years of illegal incarceration with inhumane and unconstitutional conditions of confinement. A strong method of repression relying upon the judicial system facade is that which is imposed after release. Even though political detainees are released, they are not fully free, because restrictive measures on their freedom are imposed that do not allow them to leave the country or participate in public assemblies and also oblige them to register in court on a regular basis, while their prosecution or trial continues indefinitely. According to Foro Penal, more than 9,000 political detainees have been released but remain subject to restrictive measures.[66]

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key, and Zambia. See Fiona Shen-Bayh. "Strategies of Repression: Judicial and Extrajudicial Methods of Autocratic Survival" (*World Politics* 70.3, July 2018), 321-322. The use of the judiciary as a political weapon in Venezuela was confirmed by Eladio Aponte-Aponte, former Judge and President of the Criminal chamber of the Venezuelan Supreme Court, now persecuted by the Venezuelan government and living in the US as a political refugee. This Justice denounced manipulation of the judicial system to prosecute and jailed political prisoners. He confirmed that he received calls from the President office in order to make judicial decisions in some way or another. He said that every Friday the Supreme Court Criminal Chamber President, the General Prosecutor, the Ombudsman, and others met at the Vice President's Office to plan strategies for political prisoners.

On October, 2015, Franklin Nieves, one of the two main prosecutors in the case of prominent opposition leader and political prisoner, Leopoldo López, left the country and considered the trial as a farce. "I decided to leave Venezuela with my family because of the pressure that I was under from the executive branch and my superiors to continue to defend the false evidence that was used to convict Leopoldo López." See: El Nuevo Herald, "Fiscal de Venezuela huyó por 'presiones' por caso López" (October 23, 2015). https://www.elnuevoherald.com/noticias/mundo/america-latina/venezuela-es/article41275584.html?fb_comment_id=756565867783404_757123737727617).

65 Some examples: On January 28, 2020, the UNWGAD issued the opinion #81/2019 referring to the arbitrary detention of Carlos Aristimuno (See: https://foropenal.com/opinion-81-2019-relativa-a-carlos-aristimuno-de-gamas-grupo-de-detenciones-arbitrarias/). On October 28, 2015, the UNWGAD (United Nations Working Group on Arbitrary Detention) issued a communication finding that, after further detailed analysis, the detention of the following political prisoners constitutes arbitrary detention: Gerardo Carrero, Nixon Leal, Carlos Pérez, Renzo Prieto, and Gerardo Rafael Resplandor Veracierta. These cases of arbitrary detention join those that the United Nations has previously issued opinons: including those of Antonio Ledezma, Rosmit Mantilla, Vincenzo Scarano Spisso, Maikel Giovanni Rondón Romero and 316 other people, Leopoldo López, Juan Carlos Nieto, and Daniel Omar Ceballos Morales, among others.

66 See: elvenezolanoews.com: "Foro Penal: Venezuela tiene nueve mil personas con medi-

This "Rule-of-Law Facade" has been denounced by the Office of the UN High Commissioner for Human Rights in its July 2019 report on Venezuela:[67]

> Over at least a decade, the Government and government-controlled institutions enforced laws and policies that have accelerated the erosion of the rule of law and the dismantlement of democratic institutions, including the National Assembly. These measures are aimed at neutralizing, repressing and criminalizing political opponents and people critical of the Government. This trend has accelerated since 2016, after the opposition won the majority of National Assembly seats, resulting in increased repression targeting the political opposition, and steadily reducing the already limited democratic space.[68]

Psychological repression includes discrediting activists and opponents in the media or on social media, blackmailing, making threatening phone calls, deliberately promoting the existence of "*patriotas cooperantes*"[69] (informants) who have supposedly infiltrated opposition groups, and threatening family members by referring to them as criminals or showing photos of them in public media. On TV shows like *El Mazo Dando* (Hitting with a Hammer) or *Zurda Conducta* (Leftist Conduct)—hosted by regime elite representatives and shown on the state TV station VTV—they systematically broadcast videos, pictures, and even private conversations of opposition leaders or activists that are supposedly sent by willful collaborators. However, this is false information illegally fabricated by the intelligence service, violating human rights in the absence of a warrant.

Economic repression includes arbitrary confiscation of properties or businesses

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das cautelares por procesos políticos" (December 24, 2019). https://elvenezolanonews.com/2019/12/24/foro-penal-venezuela-tiene-nueve-mil-personas-con-medidas-cautelares-por-procesos-politicos/.

67 See: Alfredo Romero, "The Rule of Law Façade."

68 See: "UN Human Rights Report on Venezuela Urges Immediate Measures to Halt and Remedy Grave Rights Violations." https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24788&LangID=E.

69 "*Patriotas cooperantes*" or "cooperative patriots" is the term regime representatives use to refer to their informants. On the TV show "El Mazo Dando" ("hitting with a hammer") host and regime leader Diosdado Cabello shows videos, pictures, and even private conversations of opposition leaders that are supposedly sent by willful collaborators. In the end in Foro Penal we have realized that this is mainly information provided illegally by the intelligence service, violating human rights without a warrant. We have counted that Foro Penal and or its directors have been discredited and or referred to as criminals or conspirators in this program.

of dissidents or their relatives and the criminalization of organizations or individuals who provide funding or support to opposition groups or that the government persecutes to deflect criticism of the regime or to justify a failed public policy. For instance, in 2010, the Chávez government seized political opponent Diego Arria's 914-acre (370-hectare) farm, after accusing him of not holding the proper legal titles.[70] In 2015, Maduro ordered the takeover of the supermarket chain Día a Día and the pharmacy chain Farmatodo, imprisoning its managers, Manuel Morales and Pedro Angarita, respectively, and accusing them of a food and medicine hoarding plan, as part of what the Venezuelan regime leaders call the "economic war." The regime's narrative of the "economic war"[71] blames what they call "oligarchs," "thieves," and "traitors"[72] for hyperinflation and shortages of food and medicine.

Administrative repression is action taken to affect political rights, such as banning political parties or leaders from participating in local and national elections.[73] It also takes the form of administrative restrictions that affect freedom of expression, such as not renewing broadcast concessions for noncollaborative media or canceling the passports or other national identification papers of dissidents. In 2017, for example, Maduro's regime banned the parties Voluntad Popular, Primero Justicia, and Acción Democrática after they decided not to participate in presidential elections because they said they were biased. Many politicians, including Leopoldo López (before his incarceration) and Henrique Capriles have been banned from participating in elections. According to the National Union of Press Workers (SNTP), 44 radio stations, 3 TV stations, and 20 newspapers were forced to close in 2017, precisely when mass demonstrations against the government were highly visible around Venezuela. Since 2007, when Hugo Chávez denied (by decree) the license renewal of the major Venezuelan TV station RCTV, the closing of independent media that criticize the government due to severe sanctions has

70 See: Associated Press, "Former Venezuelan Diplomat Calls Farm Seizure by Chávez Government a Political Vendetta." https://www.foxnews.com/world/former-venezuelan-diplomat-calls-farm-seizure-by-Chavez-government-a-political-vendetta.

71 "Maduro has accused the US of waging economic war against his socialist government. But many economists and energy experts fault Maduro's policies and those of his predecessor, the late President Hugo Chávez, for destroying the economy." Quoted in Al Jazeera, "What brought Venezuela's economy to ruin?" (February 1, 2019). https://www.aljazeera.com/news/2019/02/brought-venezuela-economy-ruin-190201152238535.html.

72 Telesurtv.net, "Maduro alerta sobre conspiración empresarial contra la economía" (February 4, 2016). https://www.telesurtv.net/news/Maduro-alerta-sobre-conspiracion-de-empresarios-de-derecha-contra-la-economia-20160204-0055.html.

73 See: https://www.bbc.com/news/world-latin-america-42304594.

become common.[74] In April 2019, Radio Caracas Radio (RCR), a regime-critical AM radio station (and owned by RCTV's owners) was also forced to close.

As protests against Maduro's government were taking place in 2017, former presidential candidate Henrique Capriles's passport was seized at the airport when he was attempting to take a flight to New York to attend a meeting with UN officials. Some days later, the passports of the well-known Venezuelan journalist and regime critic César Miguel Rondón and his wife were also canceled at the Maiquetía Airport. The day before, President Maduro accused Rondón of "promoting assassination and persecution" as a result of Rondón's publication referring to "*escrache*" or exposure protests and protests against government officials.75 Since 2017, immigration police at the airport have confiscated many passports of opposition leaders, activists, or watchdog journalists. In 2019, the passport of Nelson Boccaranda, another high-profile watchdog journalist, was also seized at the airport. Also, since 2017, there have been several restrictions related to the renewal or issuance of passports in Venezuela.

Targets: The Victims of Political Repression (VPRs)

Political leaders, student leaders, Twitter users, and even supermarket chain managers can be targets of political repression. Victims of political repression (VPRs) can be those perceived as a direct threat to the ruling government (opposition leaders) or as those whom the regime wishes to punish in order to intimidate a whole social (e.g., students), professionals (e.g., lawyers), or political group that identifies with the victim. In addition, VPRs can be people who are not political leaders or part of a social group of dissidents but whom the regime wishes to intimidate. For example, they can be supermarket or pharmacy chain managers who are incarcerated and displayed as "trophies" in order to displace criticism of state policies (what Maduro calls the "economic war" to justify shortages of food and medicine), or a person can be utilized as a "guinea pig" to justify dishonest

74 See: http://www.washingtonpost.com/wpdyn/content/article/2010/01/24/AR2010012402887.html; https://talcualdigital.com/index.php/2019/04/30/conatel-ordeno-el-cierre-de-radio-caracas-radio-durante-cobertura-del-30abr/.

75 "Escrache" is known as an exposure protest against a public figure when she or he is in a public place such as a restaurant, the street, or even in front of his or her home. See also: "César Miguel Rondón respondió a amenazas de Nicolás Maduro" (El Nacional, May 17, 2017). https://www.elnacional.com/entretenimiento/cesar-miguel-rondon-respondio-amenazas-nicolas-maduro_182687/.

political propaganda.[76]

I have analyzed numerous cases of VPRs in Venezuela in order to determine a typology of four VPRs according to the regime's political benefits:[77]

1. ***VPRs who, as individuals, represent a threat to the ruling regime: the purpose or benefit is isolation.*** This first category of VPRs encompasses people whose identity as political leaders makes their statements and actions a concern to the regime. These are people who have sufficient public recognition and leadership to threaten the regime, even if they do not act in concert with others. Unlike human rights defenders or student activists, who largely cause concern to the regime only when a critical mass of others takes similar action, these individuals pose a threat on their own.

Examples of individuals in this first category include Leopoldo López,[78]

76 In 2015, when shortages of food and medicine became critical and the economy was heavily affected by oil prices falling, Maduro took over a Supermarket chain called "Día a Día" and a Pharmacy chain called "Farmatodo" and jailed its managers. Maduro accused them of "waging war against the population". See: https://www.bbc.com/news/world-latin-america-31178692.

77 I have defined some of these when working as a research fellow from 2015-2016 in the Carr Center for Human Rights Policy at the Harvard Kennedy School of Government. These categories are more detailed, and including a fifth one in: *Manual de Litigio Estratégico: La lucha contra la represión política*, published in June 2020, written by Gonzalo Himiob Santomé and Alfredo Romero.

78 Leopoldo López is a prominent opposition leader founder of political party Voluntad Popular, who was a political prisoner since 2014, jailed in Ramo Verde military prison. In 2017, he was moved to house arrest. On April 30, 2019, he escaped after a failed military uprising and hosted by Spanish Ambassador in Venezuela in his residence. In an op-ed around the December 2015 Venezuelan elections, Mariano Rajoy Brey, president of Spain, and David Cameron, prime minister of the United Kingdom, highlighted their cases of arbitrary detention. The United Nations Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment remarked on the arbitrary detentions of López in December 2014 and urged Venezuela to release them and all those who had been arbitrarily detained immediately. López's detention was considered arbitrary by categories II and III by the UN Working Group on Arbitrary Detention. The United Nations Working Group on Arbitrary Detention highlighted that "it is the duty and faculty of the Judiciary, not the Executive Branch, to determine the guilt of a person and not in the heat of political statements." The Working Group found that Mr. López's detention was—and continues to this day to be—arbitrary because "[t]here is no legal basis . . . which establishes the conduct of this person in the free exercise of his rights, as a criminal offense; it seeks to accuse him of crimes he has not committed, only because of his status as leader and leading opposition politician, diverting the attention of the search to the real culprits that committed the acts of violence that resulted in deaths and attacks." The opinion continues, "the detention of this person was due to facts framed within the exercise of the human right to freedom of opinion and thought; to freedom of expression; to the right of assembly and of association; to peaceful

Antonio Ledezma, mayor of Caracas, and, more recently, Juan Requesens, a deputy of the Venezuelan National Assembly, who was still in prison as of April 2020.[79] Juan Re quesens is deputy of the Venezuelan National Assembly and also a member of the Primero Justicia political party. He was accused of participating in Maduro's 2018 assassination attempt. He was taken by the intelligence police and disappeared in August 2018. He is currently incarcerated in the SEBIN prison center called El Helicoide. On August 2019, the UN Working Group on Arbitrary Detention issued an opinion referring to Requesens as a victim of Arbitrary Detention Category V (political reasons): "While the court system's inefficiency violates many detainees' due process rights, the above-mentioned case evidence political motivations behind these violations."[80]

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protests; to freedom of expression and the right of all human beings to participate in their country's political affairs." "The continuing detention of Mr. López should equally be deemed arbitrary, since the custodial measure of his liberty awaiting trial is not justified, given that there has been nothing that demonstrates any risk of his fleeing the country or that the accused may hinder criminal investigations, as required by the Venezuelan legal system." On October 2015, Franklin Nieves, the main Prosecutor of Leopoldo López, denounced the trial as a "farce" and fled the country, alleging pressure from the government, and seek political asylum in the United States.

79 Antonio Ledezma is the former mayor of Caracas. He was arrested in 2015 and placed under house arrest two months later for health reasons. Ledezma escaped in November 2017. Ledezma currently lives in Madrid, Spain. See: "Caracas Mayor Antonio Ledzema Jailed" (The Guardian, April 25, 2015). http://www.theguardian.com/world/2015/apr/25/caracas-mayor-antonio-ledezma-jailed-alleged-coup-plot-house-arrest-surgery. In September 2015, the UN Working Group on Arbitrary Detentions considered that the detention of Antonio Ledezma was arbitrary under categories I, II and III of its methods of work.

80 The United Nations Office of the High Commissioner for Human Rights Working Group on Arbitrary Detention finds deprivations of liberty to be arbitrary on one or more of the following bases:

A) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him) (Category I);

B) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (Category II);

C) When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (Category III).

D) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV); and

The regime's purpose or benefit for incarcerating López, Ledezma, or Requesens is twofold: first, it limits his ability to lead and therefore challenge the Maduro government; second, it sends a message to other members and supporters of the political opposition. Judicial political persecution (*judicial repression*) is both functional and symbolic. This category of VPRs represents the lowest number of political detainees in Venezuela since 2014.

2. ***VPRs who represent a threat to the ruling regime as an identified collective: the purpose or benefit is to intimidate a specific social group.*** The second category of VPRs comprises people whose social or professional group the regime perceives as a threat. Alone, these individuals do not threaten the regime; it is only the collective power with others like them—who share their identity, formally associated or not—that produces a risk significant enough risk to the regime (e.g., promoting antigovernment protests) that it would take action.

Within this category, I provide three examples of social or professional groups whose members the regime has targeted with its system of repression. The first group is that of human rights defenders and individuals attempting in their professional or personal capacities to uphold the rule of law. The second group is that of activists who consciously seek to advance political change. The third group is that of average people exercising their free speech, though they might not identify as political or wish for their speech to carry any political consequences.

Human rights defenders and individuals upholding the rule of law. The first group of human rights defenders and individuals seeking to uphold the rule of law includes Maria Lourdes Afiuni, a judge; Rodrigo Diamanti, a nonprofit organization director; and Francisco Usón, a former military official who made public statements in order to advance accountability for severe state abuses of power and cover-ups.

Activists seeking political change. The second group of activists consciously seeking political change includes Gerardo Carrero, Julio Rivas, Renzo Prieto, Carlos Perez, Nixon Leal, Angel Contreras, and Maria Elena Uzcategui, who led, participated in, or supported (even in a minimal capacity) the mass demonstrations in 2014. This category also includes Josélin Prato, who was jailed in 2015

E) When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring the equality of human rights (category V).

for 68 days for jeering at the minister of tourism and the wife of legislative president Diosdado Cabello.[81]

The United Nations Committee against Torture called on Venezuela to release the "3,306 persons, including 400 adolescents . . . detained from February to June 2014 in connection with demonstrations that occurred during that period." The committee stated that it was "alarmed by consistent reports of acts of torture and ill-treatment inflicted on persons arrested during the demonstrations," which included "beatings, electric shocks, burns, choking, sexual assault and threats, allegedly for the purpose of destroying evidence of actions by security forces, acquiring information, inflicting punishment or extracting confessions or as manifestations of gender-based discrimination." The committee also expressed "concern that 43 persons died in the course of the demonstrations that took place . . . and that 878 persons were injured, of whom 68 percent were civilians." The committee also highlighted the "*acquiescence and complicity*" of progovernment armed groups and attacks on journalists and human rights defenders.[82]

The UN Committee against Torture called on high-level officials to cease the "public denigration of human rights defenders, . . . citing information provided by 'cooperative patriots.'"[83] "Cooperative patriots" (*patriotas cooperantes*) refers to the name given by Diosdado Cabello, the former legislative president, to his sources of information on national television.

Average people not consciously involved in political acts. The third group includes average people not consciously engaging in political acts but simply exercising their free speech includes Ines Gonzalez, a chemist who criticized a public official on Twitter, once, and Juan Carlos Nieto, a former military official.

3. ***VPRs who become instruments of the regime's propaganda: the purpose is justification of failed public policy.*** The third category of VPRs encompasses people who are not perceived to be a threat to the regime but, instead, are persecuted to deflect regime criticism or to justify a failed public policy. Examples within this category are Miguel Osío, a lawyer and businessman,

81 "Liberan a Hermanos Prato, Presos por Abuchear a Esposa de Diosdado Cabello" (*El Estímulo*, Oct 28, 2015). http://elestimulo.com/blog/liberaron-a-hermanos-prato-detenidos-por-abuchear-a-esposa-de-diosdado-cabello/.

82 "Concluding observations on the combined third and fourth periodic reports of the Bolivarian Republic of Venezuela" (Committee against Torture, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/VEN/CO/3-4, December 12, 2014). http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/241/72/PDF/G1424172.pdf?OpenElement.

83 Ibid.

whom the government blamed for the increase in the currency exchange rate, and Manuel Morales and Pedro Angarita, a supermarket chain manager and a pharmacy chain manager, respectively. In 2015, the government blamed Morales and Angarita for the shortages of food and medicine and accused them of being involved in what regime officials call "the economic war."[84] In this category, there are also some detainees utilized as "guinea pigs" to justify dishonest political propaganda. For example, in September 2016, 59 Colombians were detained for more than three years without ever being prosecuted or tried. They were accused by Maduro of plotting an attack against him. As a lawyer to many of them, I learned that they were Colombians who had been working illegally in Venezuela for several years. They were detained in different areas of Caracas. After their detention, Maduro alleged in a public speech that the government had detained paramilitaries who were recruited by opposition leaders, in conjunction with the Colombian government, to overthrow him. These detainees were used as "guinea pigs" for Maduro to victimize himself and to justify the banning of a planned organized by the opposition.

4. ***VPRs as subjects of political repression to extract an illegal confession against a politically targeted relative or friend.*** These VPRs themselves do not constitute either an individual threat or part of a social group, nor are they used as a propaganda, but they are nevertheless subjects of political repression. The purpose is to extract an illegal confession against a politically targeted relative or friend, or as a coercive measure to make a politically targeted relative or friend surrender to the regime.

Many cases of this type have occurred since 2017 in Venezuela. Medical student Ariana Granadillo is one of these victims. On February 1, 2018, DGCIM agents broke into her home, handcuffed Ariana, covered her face, and took her to a clandestine house. She was tortured and threatened, and intelligence officers asked her questions relating to her uncle, General Garcia Palomo. She was released two days later. On the morning of May 24, DGCIM officials broke into Ariana's home again. Ariana, her mother, and her father were taken in taxis without license plates and with tinted windows; they were tied with flanges and covered with hoods. They arrived at a house similar to the one previous kidnapping. Ariana was

84 "Venezuela Arrests Pharmacy Chain Managers" (*AFP*, February 5, 2015). https://news.yahoo.com/venezuela-arrests-pharmacy-chain-managers-181412984.html.

kept separate from her parents; once the guards took off her hood, they started interrogating her. They claimed that she and her family still had contact with General García Palomo. The guards beat her up several times, with her wrists tied, and suffocated her with plastic bags. After a Foro Penal social media campaign, Ariana and her parents were released seven days later. Due to psychological and physical traumas, they decided to leave the country; they could not handle the persecution and fear any longer. On June 23, they were on their way to the border of San Antonio of Táchira, to get to Cúcuta from Maracay, when a checkpoint from the CICPC (Corps of Scientific, Criminal, and Criminal Investigations) detained them in Peracal. They placed Ariana in a cell and told her that she was going to gradually be taken to Caracas. After six days, she arrived in Caracas. On July 3, 2018, she was taken to a military court and released. Ariana is currently living with her family in Cucuta, Colombia, as a political refugee.

I have also identified five different categories of political detainees who, as victims of political repression (VPRs), are held prisoner for different periods of time. This is what I have called *the periphery map of political detainees.*

The periphery map of political detainees divides them into five peripheries according to the duration of their detention. Our periphery map derives from the Foro Penal database of 15,250 political detainees from January 1, 2014, to December 31, 2019. Those incarcerated for no more than 2 days after their arrest are in periphery 1; those incarcerated from 3 to 60 days, periphery 2; from 61 days to one year, periphery 3; from 366 days to three years, periphery 4; and those incarcerated for more than three years I have included in periphery 5 (see figure 8). According to the analysis, we can see that competitive political opponents, such as Leopoldo López, or military officers accused of rebellion, such as Ruberto Sánchez, are in periphery 1, while regular demonstrators are in periphery 5. This shows a general strategy of intimidation of the population through widespread and nonstrategic detentions of protesters for few days, while a selective repression of long-time detentions is applied to military personnel (insiders), and to political opponents who represent a real threat to regime stability, as we will see below.

Figure 7 shows that 36 percent (5,567) of political detentions or arrests do last no more than 2 days, meaning that they were released in 48 hours or less.[85] However, 43 percent, or 6,556 political detainees, were deprived of their freedom for more than 2 days but not more than 60 days. I have placed the first group in periphery 1, and the second group in periphery 2. In this category, we find people who have participated in protests and were detained indiscriminately. There are also people who were not even part of the protest and, for example, were detained

85 Foro Penal database.

when withdrawing money from a nearby automated teller machine.[86] These two first categories are mostly constituted by "nonlegible" groups of people.[87] Some of the people who belong to this group were also subjected to physical abuse. Another result is that almost 80 percent (12,122) of the political detainees were held in prison for less than 60 days.

Preliminary results of our analysis show two conclusions: first, there is indiscriminate repression of nonlegible protesters; and second, this represents a form of nonstrategic or collective punishment, which is reactive but not selective.

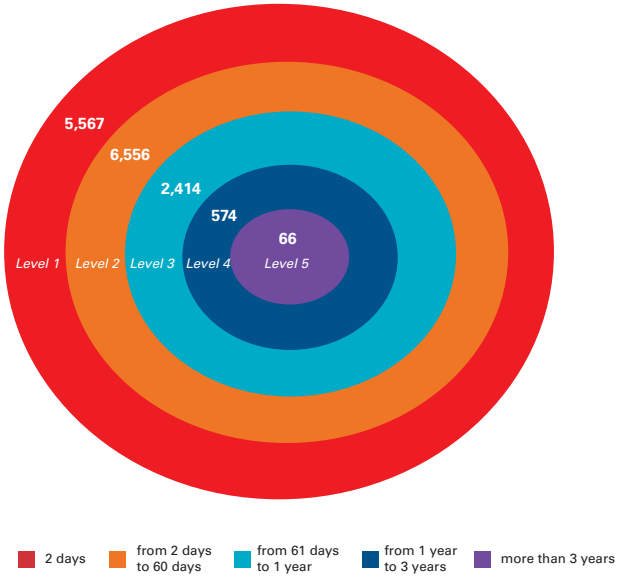
About 15 percent (or 2,414) of political detainees belong to periphery 3. I situate in this periphery those whom the Venezuelan regime holds in prison for more than 61 days but less than one year. In periphery 4, I include 574 political detainees, representing 4 percent of the total. This group is formed by those held in prison for more than one year but less than three years. Finally, in periphery 5 are those political detainees incarcerated for more than three years. Sixty-six people are represented in this group; it constitutes less than 1 percent of the total political detainees.

As a conclusion to this general analysis, we can say that the regime incarcerates politicians, military personnel, student leaders, and rebel civilians for longer periods only. This means that when the regime assumes the cost of incarcerating a politician or a student leader, it calculates a high benefit to excluding him from the political competition. In the case of Leopoldo López, for example, even though he represented an important cost to the government (as is explained below), the regime felt that it was better to keep him in prison. However, as time passed and the cost grew with increased international attention to political prisoners in Venezuela, the government ordered to transfer López to house arrest to reduce the cost. This alleviated López's political cost for the government. Some exceptions of people detained for more than three years are those who, as I discuss below, did not represent a political cost for the regime because of the lack of national and international attention to their situation.

86 Ana Rosa Cisneros was detained May 5, 2017, while withdrawing money from an ATM in El Hatillo Municipality in Caracas, near a protest underway. She was taken by the National Guard when following the protesters, she was dragged and her bank debit card was left into the ATM Machine. She was brutally beaten and held in a military unit at El Volcán in El Hatillo Municipality. Ms. Cisneros was freed May 15, 2017.

87 I am taking this concept from Lisa Blaydes. She refers to "nonlegibles" as those people that cannot be certainly identified as having a noncompliant behavior, and repression is executed in an indiscriminative manner.

Figure 7. Periphery Map of Political Detainees



Source: Foro Penal data.

Figure 8. Periphery Map Data

Periphery level	Total	Men	Women	Adults	Teenagers/ minors	Civilians	Militaries	Students	Police	Politicians	Tortured in custody
Level 1:	5567	3033	563	5217	350	5564	3	1585	3	4	26
Level 2:	6556	5264	746	6213	343	6533	23	1905	1	4	142
Level 3:	2414	1960	298	2398	16	2319	95	697	5	4	178
Level 4:	574	519	55	568	6	511	63	205	4	4	120
Level 5:	66	62	4	66	0	45	21	9	9	2	34
Totals:	15177	10838	1666	14462	715	14972	205	4401	22	18	500

Source: Foro Penal data.

With respect to military personnel, figure 8 shows that, out of 205 military personnel detained for political reasons, 179 (almost 90 percent) are situated in peripheries 3 to 5 (more than one year in prison). This has an inverse correlation with the total number of political detainees, where, as mentioned, 80 percent of detainees belong to peripheries 1 and 2 (less than one year in prison). Longer detentions also exist for police agents, where more than 80 percent belong to peripheries 3, 4, or 5, and with political opposition politicians, where 77 percent are also found in peripheries 3, 4, or 5. In contrast to the ones discussed above, 97 percent of detainees under 18 years of age belong to peripheries 1 and 2, which represents a higher number in correlation to the total of detainees, in the case of men, women, and students, even though the composition of each category varies (e.g., 95 percent are men and 5 percent women), the correlation between those with more than one year in prison and those released in less time is the same as the general sample. However, considering that in Venezuela, women and men protest equally, certainly analyzing the data shows that women are less subject to political arrests than men.

We can conclude from the analysis that military personnel and opposition politicians that become political detainees are prone to stay in prison longer, while, conversely, underage political detainees are held in prison for less time. In a regime cost-benefit analysis, data show that military personnel and opposition politicians represent either a higher political benefit or a lower political cost to the regime. In particular, the higher level of repression against military personnel accused of rebellion or conspiracy, as insiders (who are part of the regime), is readily apparent.

The Perpetrators

Perpetrators and their accountability represent an essential topic for human rights defenders, who must fight against impunity and find ways to make human rights abusers criminally responsible for their crimes, either for regular human rights crimes or for crimes against humanity. The existence of a strategy—or "organizational policy"—from the Venezuelan regime to use political repression to systematically attack the civilian population for the purpose of excluding or intimidating opponents and keeping the monopoly of power constitutes crimes against humanity. The evidence of this strategy determines the existence of a systematic pattern on the use of political repression in Venezuela, which has resulted in multiple acts of crimes against humanity, according to Article 7 of the Rome Statute of the International Criminal Court, such as murder, deportation

or forcible transfer of population, imprisonment, or other severe deprivation of physical liberty, torture, sexual violence, persecution against the opposition, forced disappearance of persons, and other inhumane acts of similar character intentionally causing great suffering, or serious injury to mental or physical health.[88]

In February 2018, the prosecutor of the International Criminal Court, Fatou Bensouda, opened a preliminary examination into crimes against humanity committed in Venezuela. Bensouda stated that "the preliminary examination of the situation in Venezuela will analyze crimes allegedly committed in this State Party since at least April 2017, in the context of demonstrations and related political unrest. In particular, it has been alleged that State security forces frequently used excessive force to disperse and put down demonstrations, and arrested and detained thousands of actual or perceived members of the opposition, a number of whom would have been allegedly subjected to serious abuse and ill-treatment in

88 Article 7 of the Rome Statute of the International Criminal Court establishes:
"Crimes against humanity
1. For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health..."

detention. It has also been reported that some groups of protestors resorted to violent means, resulting in some members of security forces being injured or killed."[89]

Human rights defenders must work tirelessly to produce and analyze data and evidence that serves to hold all perpetrators appropriately accountable. To that end, many rely on the framework of Article 25 of the Rome Statute of the International Criminal Court, which makes clear, with regard to individual criminal responsibility, that either direct and indirect perpetrators may be held liable for human rights abuses and also for crimes against humanity.[90] This criminal

89 "Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on opening Preliminary Examinations into the situations in the Philippines and in Venezuela" (February 8, 2018). https://www.icc-cpi.int/Pages/item.aspx?name=180208-otp-stat.

90 Article 25 of the Rome Statute of the International Criminal Court establishes the elements of Individual criminal responsibility for crimes against humanity:

1. "The Court shall have jurisdiction over natural persons pursuant to this Statute.

2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.

3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

   a. Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

   b. Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;

   c. For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

   d. In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

      i. Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or

      ii. Be made in the knowledge of the intention of the group to commit the crime;

   e. In respect of the crime of genocide, directly and publicly incites others to commit genocide;

   f. Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to

responsibility is clearly established in the Venezuelan Constitution, particularly in its Articles 19 to 31, which establish individual and state responsibilities for human rights violations and crimes against humanity. More specifically, Article 29 excludes grave human rights crimes from prescription, and expressly restricts grave human rights abusers from benefits such as amnesty or pardon. Therefore, with regard to criminal responsibility of perpetrators, there is no need for legal reform in Venezuela upon transition to democracy for criminal procedures against those who have committed the crimes.

To understand perpetrators with more nuance, and to qualify them in order to establish criminal responsibility, there are some categories based on criteria—such as rank, role, and motive—that can be identified in any autocratic regime.

As discussed below, perpetrators who commit the crime do so not only directly but also indirectly. Kai Ambos has written on the Peruvian Supreme Court's 2009 conviction of former president Alberto Fujimori to 25 years in prison, as an *indirect perpetrator* of serious human rights violations constituting crimes against humanity (1991–92). Ambos explains that to prove Fujimori's criminal responsibility, the Supreme Court relied on *indirect or circumstantial evidence*, which was found to be as reliable as direct evidence (and even more appropriate) in this case. The criminal responsibility of high-ranking officials using a clandestine power structure to commit such crimes often requires circumstantial evidence to convict, as we have seen in both national and international hearings within this framework.

Because there was a dearth of direct evidence relating to Fujimori's role in creating and supervising particular crimes against humanity, the Supreme Court relied on a number of circumstances to conclude that the crimes were not happening behind Fujimori's back but were part of his antiterrorism strategy to assemble a covert group of military personnel to target civilians suspected of insurgency.[91] Fujimori's conviction as an indirect perpetrator is rooted in hierarchical power

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commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.

3. *bis*. In respect of the crime of aggression, the provisions of this article shall apply only to persons in a position effectively to exercise control over or to direct the political or military action of a State.

4. No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.

91 Kai Ambos, "The Fujimori Judgment: A President's Responsibility for Crimes Against Humanity as Indirect Perpetrator by Virtue of an Organized Power Apparatus" (*Journal of International Criminal Justice* 9.1, 2010), 146.

structure control/domination theory: "The 'man in the background' dominates the direct perpetrator's will and acts by means of an organizational apparatus of hierarchical power, i.e., an organized power structure (*Organisationsherrschaft*)."[92] This theory, in turn, is based on a concept of control or domination of the act (*Tatherrschaft*), which is used in differentiated systems of participation and now also by the International Criminal Court, to delimitate forms of perpetration (commission as a principal) from forms of secondary participation (instigation, inducement, aiding, assisting).[93] Control over the action is the crucial structural difference between *indirect perpetration* and *joint criminal enterprise*, in which there is shared intent or common purpose among the members.

In the absence of joint criminal enterprise in many of today's autocracies such as Venezuela, assessment of perpetrator typologies is important to understand how some perpetrators are forced to commit their crimes while others commit them willfully. We can begin to separate perpetrators who are driven by fanatical ideological belief from those who commit the crimes opportunistically, seizing on benefits presented by the circumstances. While some perpetrators are mentally disturbed, typology scholarship shows that they are far from the majority.[94]

However, responsibility must be captured beyond the micro-level acts being carried out individually by perpetrators in Venezuela, because even making individuals responsible for their acts of repression will not necessarily solve the macro problem of a regime sustained by strategized political repression. But even though individuals commit the crimes related to political repression, the system—the macro-level problem, or "the barrel," as Zimbardo calls it, as explained further below—influenced some individuals who become perpetrators as a consequence of situational factors. There are other perpetrators, called "the few apples" by Zimbardo, who are moved but dispositional factors.[95] I then propose to differentiate those perpetrators influenced by situational or external factors from those influenced by dispositional or internal factors.

Alette Smeulers, in reference to international crimes—such as war crimes, genocides, or crimes against humanity—introduces a perpetrators typology that

92 As originally developed by Claus Roxin.

93 Ambos, "The Fujimori Judgment."

94 Alette Smeulers, "X. Perpetrators of International Crimes: Towards a Typology" in A. Smeulers & R. Haveman (eds.), S*upranational Criminology: Towards a Criminology of International Crimes* (Antwerp: Intersentia, 2008). https://ssrn.com/abstract=2383085.

95 Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House, 2007).

I consider valuable to adapt to the Venezuelan regime.[96] I use Smeulers's typology, but divide it into two categories, *dispositional and situational*:

Dispositional

1. ***The criminal mastermind:*** Refers to the power elite, the ones who usually devise and initiate crime. They control how everything will work and tend to be very manipulative.

2. ***The fanatic:*** Their actions tend to be driven by strong emotions. They easily devote themselves to ideology and are willing to act for it. Because of that strong connection to the cause, they can be difficult to control.

3. ***The criminal/sadist:*** Refers to people who already had violent tendencies. They do not join the cause to be obedient but to explore that violent side, and if the cause is no longer beneficial for them, they will abandon it.

4. ***The profiteer:*** These perpetrators see the cause as a means to gain power. They do not have to believe in the ideology or the cause they are defending; it simply has to benefit them. They can rationalize and justify their actions.

Situational

5. ***The careerist:*** They are seeking career opportunity and wish to advance and improve their lives. They use this opportunity to promote themselves on whatever matter they wish.

6. ***The devoted warrior:*** They are obedient and upstanding citizens who do not question the leadership, or the ideology, and who do as they are told. Therefore, they can sometimes engage in criminal acts even if it is not in their nature. They see their actions as service to others.

7. ***Followers and conformists:*** They are not driven personally by a particular motive. Therefore, they will most likely follow the direction taken by the

96 Smeulers, "X. Perpetrators of International Crimes."

group they follow, and will seldom take the initiative; they tend to not think for themselves.

8. *The compromised perpetrator:* They commit crimes because they are coerced, tricked, or pressured, and not because they wanted to. They oppose the actions and the cause that demands them to commit the crimes, but they are vulnerable to pressure. They feel like they do not have a choice.

9. *The professional:* They were trained to carry out these crimes. They are part of a specialized or militarized unit and underwent coercive training in which they were taught to obey and be disciplined.

The Monster

I was once speaking with a close relative of a highly ranked regime representative at a cocktail reception held by an embassy. Referring to this person family's constant refusal to talk about the regime, the individual told me that, among those who work for the regime, they say: "You don't talk inside the monster." At that moment, I did not clearly understand what the individual was trying to say; now, I clearly understand the metaphor of the monster. "The monster" is the system of repression that serves to control opponents, but also, to a great extent, to control *insiders* under a canopy of fear, including surveillance and threat. It is likely that insiders are in fact more intimidated by regime repression than are outsiders. Those who integrate or collaborate with the *regime elite* depend on "the monster" to survive and obtain economic, social, or political rewards. Even though authoritarian regimes depend on actively cooperative individuals, "often such cooperation affords individuals, and sometimes their families, forms of physical security that cannot be achieved in other ways."[97]

Conversely, *outsiders,* or those not directly involved with the regime's apparatus, live surrounded by fear, because this sentiment is "constitutive of the regime itself."[98] Blaydes, in reference to an individual's compliance with regimes, argues that "on a most basic level, the need for survival often serves as a motivator for compliant behavior in high-stakes political environments."[99] Dawisha explains this

97 Blaydes, *State of Repression: Iraq under Saddam*, 307.

98 Ibid., 8.

99 Ibid., 307.

situation in Husseins's Iraqi regime: "[It] was a country that was held hostage to the will and whim of one omnipresent tyrant."[100]

Considering the discussion above, it is important to note that I share Philip G. Zimbardo's thesis that perpetrators are not necessary evil themselves but are part of a system. The "turn to evil" witnessed in citizens who are actively complicit with the regime is *situational*, rather than resulting from the deficiency of individuals' characters.[101] The Stanford University psychology professor Zimbardo—an expert witness in the trial of US soldiers for their actions at Abu Ghraib—coined the term "Lucifer Effect" as a conceptual tool to demonstrate how actors are susceptible to "evil" circumstantial conditioning that can develop new norms, which resulted from his research.[102] Just as Zimbardo argued that the same psychological processes—deindividualization, anonymity of place, dehumanization, role-playing and social modeling, moral disengagement, and group conformity—were present in both his famous Stanford Prison Experiment and in Abu Ghraib, I argue that the processes are also at play within the Maduro regime.[103] But while it would perhaps be possible to define the perpetrators by specific categories and carry out cost-increasing strategies accordingly, these results show that the psychology of absorption into a violent and oppressive system suggests that singling out and attacking individuals or groups would not achieve the macro-level goals we must pursue.

Today's autocracies such as Venezuela's do not function in a pyramid-shaped hierarchy and are instead characterized by many interdependencies that seem to control power and appear to be accepted by the majority of the population.[104] According to Blaydes, "For regimes that were founded under conditions of a high potential coup risk, coercive institutions tend to be fragmented and exclusive, both factors that hinder the collection of intelligence that allows for more discriminating forms of repression; this contrasts with unitary and inclusive security institutions, which are able to gather intelligence in a way that minimizes the use of indiscriminate violence."[105]

100 Ibid., 8.

101 Zimbardo, *The Lucifer Effect*.

102 In his own simulated jail experiment known as the Stanford Prison Experiment (1971), college students played the roles of prisoners and guards. The famous experiment is remembered by the brutality displayed by those in the role of guard after only six days, pointing *in extremis* to the institutional forces and pressures of others that turned these otherwise normal volunteers so apathetic to their captives at so rapid a rate.

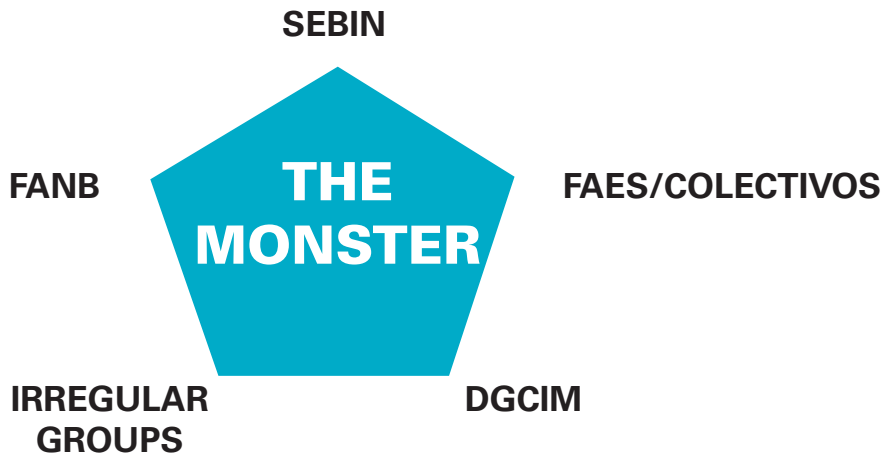
103 See: https://www.apa.org/monitor/oct04/goodbad.

104 Gerschewski, 18.

105 Blaydes, *State of Repression: Iraq under Saddam*, 53.

Venezuela's regime is a *five-headed monster* (see figure 9). After Chávez, who had a more central role in his regime, the Maduro repression system instead parceled oversight into five sectors or units: SEBIN, the Bolivarian Armed Forces (Fuerza Armada Bolivariana), Colectivos and FAES, guerrillas or irregular armed groups, and the DGCIM.[106]

Figure 9. The Monster



SEBIN (Bolivarian Intelligence Service)

SEBIN is the Bolivarian Intelligence Service, formally created and renamed from DISIP by President Hugo Chávez's Decree Number 39.436, dated June 1, 2010. According to its constituent decree, SEBIN has the objective of planning, formulating, leading, controlling, and executing civil intelligence policies and actions. SEBIN's former headquarters, El Helicoide (the Helix), a pyramid-shaped building, was emblematic in Venezuela for holding political prisoners since Chávez era; Alejandro Peña-Esclusa, Gerardo Carrero, Renzo Prieto, Carlos Perez, Nixon

106 "Colectivos, GNB, PNB, Sebin o FAES: quiénes son y cómo actúan las temibles fuerzas represivas del régimen de Maduro" (Infobae, June 11, 2019). https://www.infobae.com/america/venezuela/2019/06/11/colectivos-gnb-pnb-sebin-o-faes-quienes-son-y-como-actuan-las-temibles-fuerzas-represivas-del-regimen-de-maduro/). In this article, Infobae refers also to the Bolivarian National Police. They certainly have acted in some protests, but I believe they act in the same way as the National.

Leal, Angel Contreras, Lisbeth Anez, and Juan Requesens are just some of the political prisoners who have been held at the Helicoide.

The current headquarters of SEBIN is located in the Plaza Venezuela neighborhood of Caracas. This building is infamous for having seven five-floor underground systems of cells called the Tomb (*La Tumba*). It is a place known for various cases of systematic torture, such as Gerardo Carrero, mentioned above.

SEBIN officers have participated in many cases of political persecution, incarceration, and murder. On April 30, 2019, SEBIN director Christopher Figuera fled the country after letting Leopoldo López out of his house arrest and fled the country. In an interview with the Associated Press, Figuera said that Maduro had directly ordered him to jail opponents. SEBIN is legally subordinate to the vice presidency.

FANB—Fuerza Armada Nacional Bolivariana

The FANB is constituted of five components: the Army (El Ejército), the Navy (La Armada), the Air Force (La Aviación), the Bolivarian National Guard (Guardia Nacional Bolivariana—GNB), and the Armed Militia (Milicias Bolivarianas).[107] The GNB is the unit that has most participated in political detentions of protesters during the repression-clock uprising phase, with just few cases of the army participating in detentions. I can confirm that the National Guard is used to indiscriminately repress mass protests. Most protesters detained by the GNB belong to peripheries 1 and 5 of our periphery map of political detainees. Many cases of torture and cruel treatment executed by National Guard soldiers have been denounced. However, this is only because the systematic pattern is more evident than with the DGCIM or SEBIN.

Most murders carried out during protests have been perpetrated by the National Guards, including seventeen-year-old musician Armando Canizales in 2017 and Geraldine Moreno in 2014. The FANB acts against mass protests and is responsible for deterring them by using brutal and indiscriminate repression when the regime system seems to be weaker and vulnerable. The PNB was created by Chávez in 2008. It is a civil police force under federal jurisdiction. The PNB has acted in mass protests in combination with the FANB.

107 Deisy Buitrago and Mariela Nava, "Venezuela's Maduro Orders Militia Expansion as Guaidó Tours Blackout-Ravaged State" (Reuters, April 13, 2019). https://www.reuters.com/article/us-venezuela-politics-idUSKCN1RP0S9.

FAES / Colectivos

Fuerzas de Acciones Especiales (FAES), or "the Special Action Forces," is a police unit created by Maduro in 2017 that belongs to the Bolivarian National Police (Policía Nacional Bolivariana, PNB). According to an Insight Crime Report, the FAES was created "specifically to defend the Chavista revolution."108 It is made up of about 1,600 officers. According to the July 2019 report on Venezuela by the Office of the UN High Commissioner for Human Rights, FAES is seen by NGOs and witnesses as an "extermination group." According to Michelle Bachelet, the UN high commissioner for human rights, FAES has participated in many cases of extrajudicial killings. It executes selective repression.

Colectivo is an umbrella term for groups of apparent civilians or undercover police that commit violent attacks against protesters. Venezuelan human rights activists in Venezuela agree that they work in conjunction with the FAES.[109] They commonly appear in opposition protests and attack protesters violently, with the acquiescence of military or police officers. These groups have been involved in repression since Chávez. On April 11, 2002, people dressed up as civilians, at that time known as Círculos Bolivarianos, and they shot and killed or injured dozens of protesters.[110] The Círculos Bolivarianos belong to *colectivos*, groups that

108 "The Armed Groups Propping Up Venezuela's Government Analysis" (Venezuela Investigative Unit, InSight Crime, March 1, 2019).

109 Mary Beth Sheridan and Mariana Zuñiga, "Los Colectivos" (*The Washington Post*, March 14, 2019). https://www.reportero24.com/2019/03/14/the-washington-post-los-colectivos/. See also: "FAES y colectivos activaron sus mecanismos para reprimir las protestas" (TalCual, March 31, 2019). https://talcualdigital.com/faes-y-coectivos-reprimen-manifestantes/.

110 Admissibility report #96/06 of the petition #4348-02 introduced by Foro Penal lawyers before the IACHR in relation to victims of April 11, 2002. JESÚS MOHAMAD CAPOTE, ANDRÉS TRUJILLO. 23 October 2006: "…

> 25. Frente a la tercera zona de conflicto, los peticionarios indicaron que se ubicó en la Avenida Barralt entre las 2:30 pm y las 6:00 pm. Señalaron que esta fue otra de las vías utilizadas por la marcha de la oposición para llegar al Palacio Miraflores, presentándose inicialmente ataques con piedras por parte de miembros del oficialismo que pretendían dispersar la marcha, razón por la cual la Policía Metropolitana "formó un escudo protector" mediante camiones blindados para evitar el enfrentamiento entre ambos bandos. Señalaron que posteriormente se produjo un intercambio de piedras entre los grupos de la oposición y del oficialismo y que cayó al suelo Jesús Orlando Arellano como consecuencia de un disparo cuya autoría correspondería, según video grabado por Venevisión, a un grupo afecto al oficialismo. En este lugar, afirmaron los peticionarios que existía un grupo de personas del oficialismo, algunos disparando, otros lanzando piedras y otros pacíficamente en la Avenida Baralt, mientras que desde el Puente Llaguno aún no se habían producido disparos.
>
> 26. No obstante lo anterior, alegan que alrededor de las 2:00 pm un grupo de aproximadamente 50 efectivos de la Guardia Nacional se movilizó y permaneció en otra esquina al

supported former president Hugo Chávez that over the years have grown increasingly armed and prone to engaging in criminal activity. Because of the increase in protests since 2014, the regime has counted on the *colectivos* as armed groups to act illegally and confuse civilians.[111]

Irregular Groups

According to an International Crisis Group report, "Venezuelan crime syndicates and Colombian guerrilla groups are creating new threats across southern Venezuela as they compete for control of the region's valuable mineral resources. Tensions and violence have spiked in recent months, and could worsen in the midst of Venezuela's presidential crisis."[112] According to different sources and testimonies of indigenous groups, Guerrillas or irregular armed groups are participating actively in exploiting Venezuela's gold mine. "Multiple non-state armed groups are spreading their hold over southern Venezuela, adding another unpredictable factor to the country's current crisis—and complicating any efforts for a peaceful resolution. . . . Venezuelan crime syndicates have run informal mines for years. More recently, Colombian guerrillas—dissidents from the now-demobilized Revolutionary Armed Forces of Colombia (FARC) and members of the National Liberation Army (ELN)—have expanded their reach hundreds of miles into Venezuela."[113]

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menos hasta las 4:30 pm, permitiendo libremente el paso de personas del oficialismo que bajaban desde el Puente Llaguno hacia el sur de la Avenida Baralt con el fin de enfrentar a la marcha opositora y a la Policía Metropolitana. En opinión de los peticionarios, en ese momento el Estado asumió una actuación pasiva pues "una simple barrera de la Guardia Nacional en la Avenida Baralt, con el objeto de impedir el paso de los oficialistas (..) hubiese sido suficiente para evitar muchos, o quizás todos los muertos y heridos que se produjeron" en ese lugar.

27. Asimismo, los peticionarios indicaron que entre las 3:45 pm y las 4:15 pm, una cámara de Venevisión logró captar imágenes de varios individuos disparando desde el Puente Llaguno hacia el sur de la Avenida Baralt. Señalaron que en ese momento Andrés Trujillo recibió un disparo en la ingle, encontrándose, junto con Jesús Mohamad Capote, al lado de uno de los camiones blindados de la Policía Metropolitana, lo que implica que lo sucedido a estas dos personas pudo producirse por los tiradores mencionados que se encuentran en el video de Venevisión. Mencionaron que en igual situación se habrían encontrado Orlando Rojas y José Antonio Gamallo, no obstante no ha logrado determinarse la hora de los disparos en su contra[5]. Mencionaron los peticionarios que teniendo en cuenta las armas utilizadas por los "pistoleros" del Puente Llaguno, no hay duda de que cualquier disparo desde ese lugar a la Avenida Baralt podía impactar a personas que se encontraban en diversas esquinas."

111 "The Armed Groups Propping Up Venezuela's Government Analysis."

112 "Gold and Grief in Venezuela's Violent South" (*International Crisis Group*, Report 73: Latin America & Caribbean, February 28, 2019).

113 Bram Ebus, "Venezuela's Mining Arc: A Legal Veneer for Armed Groups to Plunder" (The Guardian, June 8, 2019).

The Military Counterintelligence Directorate (DGCIM)

The DGCIM is a fundamental unit and has an essential role for regime stability: absolute military subordination. Agents who are trained, advised, and even supervised by Cuban intelligence, through the above-mentioned GRUCE, form this unit. As has happened in other autocratic regimes such as Saddam Hussein's, where the army is infiltrated and monitored by an intelligence service, the DGCIM has achieved this in Venezuela. This includes surveillance of the military to perceive and counteract dissent. Soldiers must also be observed because a soldiers' revolt would damage regime legitimacy and military effectiveness.[114] As explained below, since 2017, the DGCIM has been the primary unit leading repression. Torture cases have increased, and the focus of its actions now rests upon military personnel. This is correlated with increasing military dissension, uprising attempts, or mutinies, which have regularly occurred since that year.

In 2019 alone, there were at least three military mutinies in Venezuela. On January 21, a group of 27 soldiers commanded by National Guard sergeants were arrested after they attempted to take control of military units and made proclamations against the regime.[115] On April 30, 2019, there was another military mutiny. In this case, members of the armed forces accompanied Juan Guaidó's and Leopoldo López's failed call for rebellion. In June 2019, other highly ranked military personnel and former police officers were arrested for "conspiring to carry out an attempted coup d'état," resulting in the well-known torture and death case of Army corvette captain Rafael Acosta Arévalo.[116] The DGCIM has been effective in placating military dissent through an efficient balance of harsh and selective repression.

The DGCIM was formally established by a resolution dated July 21, 2011, by the Ministry of People's Power for Defense. The official record of this resolution indicates that, on this date, the decision was made to carry out the recommendations of a working group called Libertad (Freedom), which proposed separating the intelligence and counterintelligence sectors. Until that time, the two sectors had coexisted in a sectoral directorate called Military Intelligence.

According to a Reuters special report, in 2008 Cuba and Venezuela signed

114 Blaydes, *State of Repression: Iraq under Saddam*, 303.

115 See: https://www.theguardian.com/world/2019/jan/21/venezuela-claims-foiled-attempted-military-uprising.

116 "International Community Condemns the Death of a Venezuelan Navy Captain in Government Custody" (CNBC, July 1, 2019). https://www.cnbc.com/2019/07/01/venezuela-death-of-a-navy-captain-in-government-custody-sparks-outcry.html.

two agreements. One refers to the restructuring of DIM (now the DGCIM) and the training of about 40 officers in Cuba on matters of espionage (e.g., how to handle secret collaborators, how to conduct investigations, and how to select new intelligence agents) in order to infiltrate and control the military. The second agreement created the GRUCE (Grupo de Coordinación y Enlace con la República de Cuba), a group of eight Cuban advisers/experts who inspect military units and train soldiers.[117]

Hugo Carvajal, a former DGCIM director, has recognized Cuban involvement in surveillance of members of the Venezuelan military forces, and in the regime's communication strategy.[118] However, we have observed that the DGCIM's team began executing acts of systematic torture since 2017. Since that time, DGCIM officers have appeared in many cases of torture (using nicknames), as victims have identified them as the same organized group using the same methods and tactics.

The DGCIM regularly apprehends people without any judicial warrant and *disappears* them. According to testimonies of victims when these persons are delivered to the DGCIM's Boleita headquarters, they arrive in vehicles without license plates or other identifying marks and are taken in hooded. After the vehicles arrive

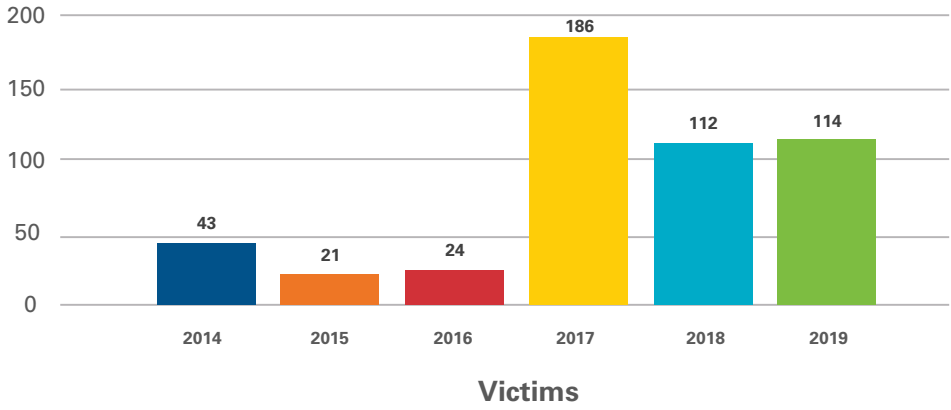
117 As mentioned in a special report published in August 2019 by Reuters and written by Angus Berwick, Venezuelan and Cuban regimes signed agreements in 2008 to train Venezuelan militaries and agents and to build an intelligence apparatus to surveil Venezuelan militaries. The GRUCE or (Grupo de Coordinación y enlace de la República de Cuba) is a committee formed by Cuban specialists that advises Venezuelan military intelligence units, particularly DGCIM. According to a Reuters' investigation: "defense talks with Cuba began. at a meeting in Caracas on May 26, 2008, [Gustavo] Rangel [Venezuelan Minister of Defense] and General Álvaro López, Cuba's vice minister of defense, signed the two agreements. Under the first agreement, Cuba's defense ministry would oversee a restructuring of the DIM and advise on creating "new units" inside the service. The DIM would also send groups of as many as 40 officers to Havana for up to three months of espionage training. According to the documents, Venezuela would send resumes of training candidates for Cuba to vet. Courses included how to handle "secret collaborators," how to conduct criminal investigations and how to select new intelligence agents. Most of the training, according to the documents, took place at the Comandante Arides Estévez Sánchez Military Academy in western Havana. At the academy, a cluster of white four-story buildings and parade grounds, Cuban instructors told DIM agents their mission henceforth would be to infiltrate and control the military, according to five people familiar with the courses. The second agreement created a committee known as the Coordination and Liaison Group of the Republic of Cuba, or GRUCE. The GRUCE, comprising eight Cuban "military experts," would send Cuban advisors to Venezuela to inspect military units and train soldiers." See: https://www.reuters.com/investigates/special-report/venezuela-cuba-military/.

118 See Ibeyise Pacheco interview of Hugo Carvajal in *Diario Las Américas*: https://www.diariolasamericas.com/america-latina/hugo-el-pollo-carvajal-toda-venezuela-es-ruta-del-narcotrafico-n4186210.

at headquarters, they are driven to a parking lot, where the prisoners are taken out. They are led down to a basement, where the torture and "questioning" begin, and they are kept in darkness.

As shown in figure 10, since 2017, torture against political prisoners has dramatically increased.

Figure 10. Torture Victims



Source: Foro Penal data.

According to Foro Penal's recent report analyzing 500 cases of torture of political detainees in custody since 2014, more than 80 percent of the registered cases occurred between 2017 and 2019, while just 17.6 percent took place before 2017.[119] According to victims' testimonies, the DGCIM is the unit that has tortured the most people, with 255 verified cases. (see figure 11).

Studying Foro Penal's report of 500 cases of torture in custody for political reasons, no trend appears to exist with relation to the victims of torture and their time detained. They are distributed almost the same among peripheries 2 to 4, and in a smaller proportion in peripheries 1 and 5. We find 26 in periphery 1;

119 Source: Foro Penal database. Also see Human Rights Watch and Foro Penal January 2019 report: "Venezuela: Suspected Plotters Tortured Military Officers, Family Members Detained and Abused." https://www.hrw.org/news/2019/01/09/venezuela-suspected-plotters-tortured.

142 in periphery 2; 178 in periphery 3, 120 in periphery 4; and 34 in periphery 5. Torture, then, is not correlated to the amount of time in prison. It has been a method to extract confessions from military personnel about rebellion or military dissent carried out by those inside military units or by their relatives, and to punish those military personnel alleged to be tangentially involved in mutinies or rebellion.

As mentioned above, political repression and torture appear to be a regime strategy to incite fear against dissidents. *In the case of the DGCIM, arbitrary detentions and torture focus on military personnel or their relatives, with the purpose of controlling military dissent and obtaining illegal confessions to incriminate military personnel in rebellion or acts of conspiracy.* Ariana Granadillo and José Alberto Marulanda, already mentioned, are just two of many victims.

International Actors

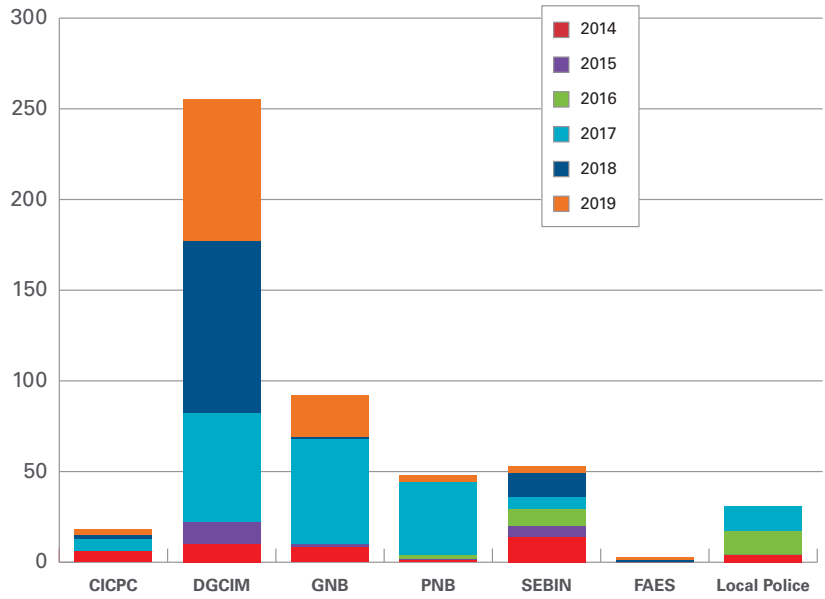
From a macro perspective, international actors also play an important role in supporting the Venezuelan regime. Countries provide direct advice, supervision, and training on repression methods (e.g., Cuba), financing (e.g., China or Russia), by serving as an escape route to evade international sanctions (e.g., Turkey, by buying Venezuelan gold), or as political or diplomatic support to endorse Venezuela before multilateral entities (e.g., Caribbean countries backing Venezuela before the Organization of American States).[120]

Instead of reducing human rights abuses from political repression, globalization has allowed these regimes to create informal coalitions. China, Russia, and Iran have all internationalized their authoritarianism by pumping financial aid and investment into Venezuela and the developing world. Venezuela, in turn, has achieved the same by subsidizing oil for Caribbean and Latin American countries. Those countries have returned Venezuela's favor by providing diplomatic support. This international co-optation helps to sustain authoritarian regimes in power.

The regimes help each other, attract international allies, and secure seats in strategic geopolitical entities. The following paradox, then, is no coincidence: in

120 Holly Ellyatt, "The US-Russia battle for influence over Venezuela is reminding people of Syria" (CNBC, January 30, 2019), https://www.cnbc.com/2019/01/30/us-russia-battle-for-venezuela.html; Andrew Wilks, "As gold trade booms, Venezuela eyes stronger Turkey ties" (*Aljazeera*, January 17, 2019). https://www.aljazeera.com/indepth/features/gold-trade-booms-venezuela-eyes-stronger-turkey-ties-190117084423511.html. See also: Mark Lowen, "Turkey warned over Venezuela gold trade" (BBC News, February 2, 2019). https://www.bbc.com/news/world-europe-47092784.

Figure 11. Torture Victims by Repressive Units



Year of Arrest	CICPC	DGCIM	GNB	PNB	SEBIN	FAES	Local Police
2014	6	10	8	1	14	0	4
2015	0	12	2	1	6	0	0
2016	0	0	0	2	9	0	13
2017	7	60	58	40	7	0	14
2018	2	95	1	0	13	1	0
2019	3	78	23	4	4	2	0
Total	18	255	92	48	53	3	31

Source: Foro Penal data.

October 2019, Venezuela won a spot on the UN Human Rights Council, while at the same time an independent international fact-finding mission was constituted by the same entity to investigate serious human rights abuses in the same country. While some countries expressed "grave concern at the alarming situation of human rights" and undersigned the creation of the referenced fact-finding mission, other countries, including US ally Saudi Arabia, voted against it. Others preferred to abstain: Afghanistan, Angola, Bahrain, Bangladesh, Burkina Faso, Democratic

Republic of the Congo, Fiji, India, Iraq, Mexico, Nepal, Nigeria, Pakistan, Qatar, Rwanda, Senegal, Somalia, South Africa, Togo, Tunisia, and Uruguay.[121]

Authoritarian regimes around the world have been effective in turning their own international media networks into propaganda machines (China's CCTV, Russia's RT, Iran's Press TV, and Venezuela's TeleSur), creating an international ideological coalition that attempts to veil strategies of oppression.

As I mention below, in Venezuela, there are some points of reference that explain how the repression tactics were, in some way, taught to Venezuelan perpetrators by Cuban intelligence experts, and that they played an important role in advising the Venezuelan intelligence units (DIM, now the DGCIM), as well as developing a citizens registry/database. It is not a coincidence that the mastermind of political repression in Cuba, Ramiro Valdés, a founder of Cuba's Intelligence (G2), was named by Hugo Chávez in February 2010 as the adviser for the Venezuelan electrical crisis. Yet, there is no reference of Valdés's experience in this area, and, in any case, Cuba is not the best example of power generation effectiveness.[122]

As mentioned in a special report published in August 2019 by Reuters and written by Angus Berwick, Venezuelan and Cuban regimes signed agreements in 2008 to train Venezuelan military personnel and agents and to build an intelligence apparatus to surveil Venezuelan military personnel.[123] The GRUCE (Grupo de Coordinación y enlace de la República de Cuba) is a committee formed by Cuban specialists that advises Venezuelan military intelligence units, particularly the DGCIM. According to the Reuters investigation:

> Defense talks with Cuba began. At a meeting in Caracas on May 26, 2008, [Gustavo] Rangel [Venezuelan Minister of Defense] and General Álvaro López, Cuba's vice minister of defense, signed the two agreements. Under the first agreement, Cuba's defense ministry would oversee a restructuring of the DIM and advise on creating 'new units' inside the service. The DIM would also send groups of as many as 40 officers to Havana for up to three months of espionage training. According to the documents, Venezuela would send resumes of training candidates for Cuba to vet. Courses included how to handle 'secret collaborators,' how to conduct

121 Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Croatia, Czechia, Denmark, Hungary, Iceland, Italy, Japan, Peru, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland.

122 Kevin Ginter, "Truth and Mirage: The Cuba-Venezuela Security and Intelligence Alliance" (*International Journal of Intelligence and Counterintelligence* 26.2, 2013), 215-240.

123 See: https://www.reuters.com/investigates/special-report/venezuela-cuba-military/.

> criminal investigations and how to select new intelligence agents. Most of the training, according to the documents, took place at the Comandante Arides Estévez Sánchez Military Academy in western Havana. At the academy, a cluster of white four-story buildings and parade grounds, Cuban instructors told DIM agents their mission henceforth would be to infiltrate and control the military, according to five people familiar with the courses. The second agreement created a committee known as the Coordination and Liaison Group of the Republic of Cuba, or GRUCE. The GRUCE, comprising eight Cuban "military experts," would send Cuban advisors to Venezuela to inspect military units and train soldiers.[124]

In order to counteract political repression in Venezuela, as well as other autocratic countries, a strategy for counteracting international support for the regime is also needed. The above-mentioned testimony of former intelligence agent and DGCIM director Hugo Carvajal showed that Cuba's influence in the Venezuela regime's repression system is important. Therefore, in order to build any strategy to counteract "the monster," this external factor must be considered.

Another important external factor that must be considered is Turkey's role as intermediary to commercialize Venezuelan gold. This matter should be studied carefully. Recent systematic massacres of indigenous people and others who live in the mining sectors are critical. According to the International Crisis Group, "The ongoing economic crisis has driven many impoverished Venezuelans into working in the illegal mining sector. Armed state and non-state actors, Colombian guerrillas foremost among them, have also expanded in this resource-rich region. Fast-declining oil production has turned gold mining into a vital source of revenue."[125]

Co-optation and Legitimation

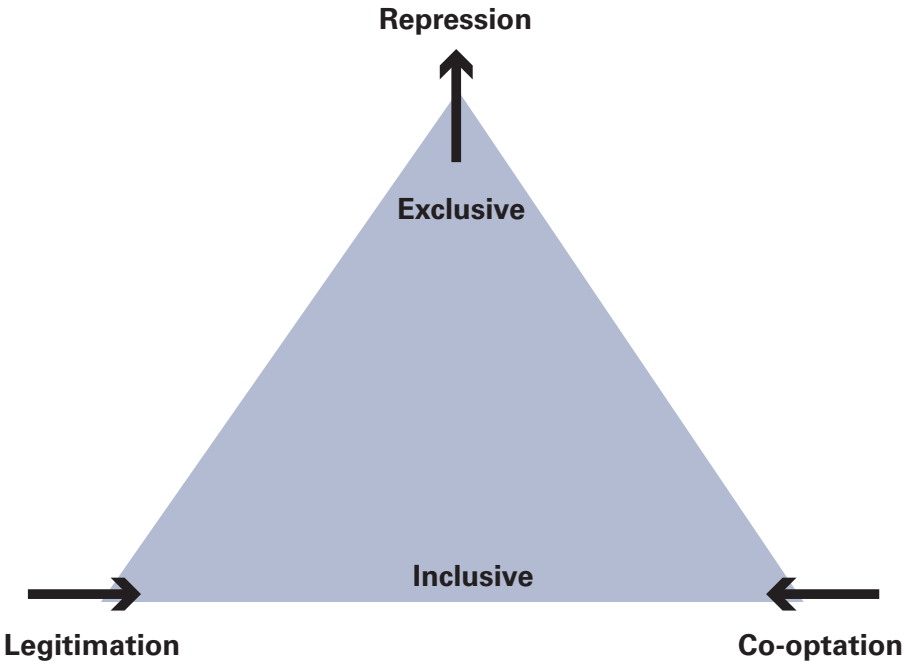
According to Johannes Gerschewski, "If the political regime elites are no longer able, due to hard budget constraints and/or declining power resources, to foster legitimation within the population, to uphold a functioning repression apparatus, or to distribute enough material benefits to co-opt strategic actors in a sufficient

124 Ibid.

125 "Gold and Grief in Venezuela's Violent South" (*International Crisis Group*, Report 73: Latin America & Caribbean, February 28, 2019).

way, the institutionalization process within the pillars comes to a halt."[126] This is what Gerschewski calls the authoritarian regime's "three pillars of stability": *legitimation, repression*, and *co-optation*, as shown in figure 11.

Figure 12. Three Pillars of Regime Stability



In Venezuela, even though political repression is an essential tool to sustain the regime, co-optation and legitimation are also complementary. After the 2018 presidential elections, considered as illegitimate by the opposition, Maduro's regime lost its last vestiges of legitimacy. In January 2019, when the president of the National Assembly, Juan Guaidó, assumed the role of interim president, and more than 50 countries recognized him as such, all efforts made by Hugo Chávez to legitimize the regime by building a "rule-of-law facade" had been broken.[127]

126 Johannes Gerschewski, "The Three Pillars of Stability: Legitimation, Repression, and Co-optation in Autocratic Regimes," 25.

127 Romero, "Rule of Law Façade."

Co-optation refers to the inclusion of strategic actors either by formal or informal means in a manner that subordinates these actors to the regime. First devised by Philip Selznick, co-optation is a political process found particularly in formally democratic or committee-governed groups and systems, as a way of managing opposition and so preserving stability. Nonelected outsiders can be "co-opted" by being given formal or informal power as a consequence of their status within the elite, their special knowledge on a topic, or simply their potential ability to threaten vital regime goals/obligations. People accept to be co-opted in order to access resources (e.g., public services, subsidized food, and financial resources), and to obtain some degree of political influence.[128] Targets of co-optation can be either insiders (those who are part of the regime structure) or outsiders (political rivals or civilians who do not belong to the regime structure). In Venezuela, for instance, the inclusion of military officials in government positions was a formal method of insider co-optation.

With respect to the co-optation of the opposition, this includes media, businesspeople, influential individuals, and the masses. Also, international governments or foreign actors can be co-opted with payoffs or subsidies in order to obtain political support. With respect to the co-optation of the opposition in Venezuela, since Chávez, there have been many examples of *saltos de talanquera* (jumping the barricade)—a popular saying in Venezuela referring to shifting from one political sector to the opposing, be it student leaders or politicians. The cases of student leader Ricardo Sánchez, National Assembly deputy William Ojeda, and lawyer and civil rights activist Herman Escarra are emblematic in Venezuela.[129]

The promotion of regime-collaborative "opposition" and accommodating private media are also forms of formal co-optation in Venezuela.130 "National dialogues" unilaterally promoted and conducted by the regime, including some

128 Maria Josua, "Co-optation as a Strategy of Authoritarian Legitimation: Success and Failure in the Arab World" (Paper prepared for the 6th ECPR General Conference, Reykjavik, Paper No. 3703, August 25-27, 2011). https://ecpr.eu/filestore/paperproposal/9214d-c5a-87f7-4466-ad42-3654f0d3f347.pdf.

129 These are just few examples of some politicians or activists who have been strong regime opponents and for any circumstance have further on become strong regime supporters. In the case of Hermann Escarrá, he was a Chávez supporter who later became an opponent, strongly criticizing the regime as being involved in crimes against humanity and then, surprisingly, he became a strong supporter of Nicolás Maduro. The same happened with William Ojeda, who has jumped back and forth many times.

130 On January 5, 2020, a member of opposition party Primero Justicia, Luis Parra, accompanied by other few opposition congressmen assumed as Congress directive, and was considered as a fraudulent tactic conducted by the regime, after co-opting those congressmen. See: BBC News, "Venezuela crisis: Two lawmakers claim Speaker role" (January 6, 2020). https://www.bbc.com/news/world-latin-america-51000419.

strategic actors but excluding others, are forms of co-optation of the opposition, but they also serve to co-opt the masses that could prevent people from participating in protests against the regime.[131] As you can see in figure 13 (marked with green arrows), with the exception of the May 2019 dialogue attempt (mediated by Norway), "national dialogues" in Venezuela have been regularly taking place between the "darkening" and "appeasement" phases of the "repression clock" as a way to appease mass demonstrations. This method has been in effect in Venezuela since the beginning of the Chavista regime.[132] Dialogues and negotiations are necessary for peaceful democratic transitions. However, in Venezuela, according to figure 13, dialogues have historically served to appease dissent, reduce protests, and empower the regime, rather than to conclude in democratic transition. As shown in our repression clock, regimes are weaker at 3:00 to 9:00 and stronger at 9:00 to 3:00. At 9:00 and 12:00, the opposition or the leaders of mass demonstrations against the government have the opportunity to demand political change. The negotiation power is correlated to the power of protests.

As shown in figure 14, another form of mass co-optation in Venezuela is regime control of the distribution of subsidized food. The Local Committees for Supply and Production, known as CLAP (Comité Local de Abastecimiento y Producción), is a food distribution method created by Maduro's regime in 2016. CLAP is a grouping of committees formed by the regime in order to distribute food to the population. In March 2019, the national coordinator of the CLAP system, Freddy Bernal, recognized that CLAP is also a method to control the population. He said that the CLAP is not just "a mechanism of [food] distribution, but an organizational mechanism, a training mechanism, a supervision mechanism, and a mechanism to control and mobilize. Every CLAP chief is a leader that has territorial control."[133] If viewed as a coercive and exclusive method, this appears more like a form of economic or social repression than co-optation. However, I know many people in Venezuela who receive their CLAP, even though they are identified in their communities as political opponents. The control of food distribution is a well-devised strategy of state penetration into communities that has

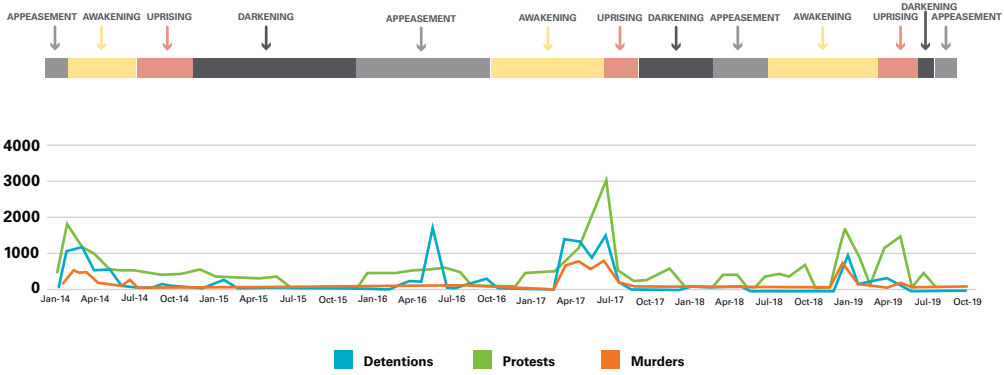
131 Maria Josua affirms that in regards to "structural co-optation," "'national dialogue' has become a widely-used tool in dealing with protests. Among others, in Syria and Bahrain opposition members were invited to join a national dialogue." See Josua, "Co-optation as a Strategy of Authoritarian Legitimation."

132 Miguel Ángel Martínez explains how since 2001 to 2005 national dialogues were used as a "apaciguamiento" (pacifying) method to calm protests. See Miguel Ángel Martínez, *Apaciguamiento: El Referéndum Revocatorio y la consolidación de la Revolución Bolivariana* (Editorial Alfa, 2016).

133 See: https://elcooperante.com/freddy-bernal-admite-que-los-clap-son-un-mecanismo-de-control-video/.

been adopted in Cuba since the 1960s with the so-called *libreta*, or ration book.[134]

Figure 13. National Dialogues in Venezuela



Source: Foro Penal data.

Also, informal instruments—such as patronage, clientelism, and corruption—are common. Co-optation then creates what Levi calls an "opportunistic obedience" from insiders and appeasement from outsiders.[135] In Brazil, for example, President Lula Da Silva's government co-optation methods created a "web of complicity between important sectors of the Brazilian economy and the parties in power."[136] The corruption scandal known as Mensalão unmasked these co-optation tools, for the first time exposing that some congressional representatives received monthly illicit financing in exchange for Lula's political support. Furthermore, corruption continued with the so-called *petrolao* and *lava jato* (car wash).[137]

Legitimation is the process by which the regime strives to create the widespread belief that it has the right to govern. It is inclusive, as indicated in figure 12, because it pretends to leave more political acceptance from national and international actors. It uses social and political processes to affect the subjective opinions of

134 See: https://www.theguardian.com/world/2015/apr/24/cubans-food-struggle-rations-consuming-obsession.

135 Margaret Levi, *Consent, Dissent and Patriotism* (New York: Cambridge University Press, 1997), 28.

136 Fernando Henrique Cardoso, "Corruption and Politics: A Sociologist's Viewpoint," in Cynthia J. Arnson (editor), *In the Age of Disruption: Latin America's and International Challenges* (Wilson Center, Latin American Program, Brazil Institute, October 2018), 34.

137 Ibid.

individuals. It can be achieved by justifying the existence of the regime in terms of fitting with social values or by simply paying off or inducing subordinates. It seeks to guarantee willful consent, rule compliance, submissive obedience, and/or, at least, some form of toleration within the population. Even though the regime uses repression to impose fear and control dissent, it constantly works to legitimize its power.[138]

In Venezuela, the 2018 elections for a National Constituent Assembly as a parallel legislative power with extraordinary powers, to counteract the National Assembly composed by the majority of the opposition, is a clear method of co-optation. Some that were considered political opponents were incorporated into this regime initiative and were elected as constituents. But this also served as an "imitative institution" created by the regime to show a fake institutional framework that attempted to legitimize Maduro as president.[139] Therefore, besides legitimation, co-optation is also key in keeping regimes' stability. Actually, on our repression clock (see figures 4 and 5), legitimation is the result of co-optation or, at least, the pretension of regimes when co-optation is applied.

Co-optation and legitimation are inclusive strategies used by regimes. They serve to gain or regain support from strategic elites (co-optation); or to obtain acceptance from the ruled or from international agents (legitimation). As Maria Josua concludes, "What both mechanisms do have in common is their non-repressive nature and the effect of appeasing the addresses and removing opposition or resistance to the regime, creating loyalty and acceptance, even collaboration, or just eliminating issues that might generate dissatisfaction, . . . often at the expense of others."[140]

138 Allen Buchanan, *Justice, Legitimacy, and Self-Determination: Moral Foundations of International Law* (Oxford: Oxford University Press, 2003).

139 Holger Albrecht and Oliver Schlumberger, "'Waiting for Godot': Regime Change Without Democratization in the Middle East" (*International Political Science Review*, 25.4, 2004), 371-392.

140 Maria Josua, "Co-optation as a Strategy of Authoritarian Legitimation Success and Failure."

Figure 14. Forms of Co-optation Used in Venezuela

Type of co-optation	
Opposition co-optation	Creation of new political parties
Businessmen co-optation	Meetings with businessmen. (Santa Teresa)
Insiders co-optation	Militaries in cabinet
Mass co-optation	National dialogues, CLAP
Civil society co-optation	Student movement leaders, human rights defenders
Foreign Governments co-optation	Foreign governments' oil subsidies
Media co-optation	Globovision, Venevision

As explained above, distinct from co-optation and legitimation, repression is an exclusive strategy, either as an instrument of group or popular intimidation, or for isolation of competitive political actors. "Repression is the threat to subdue or act of subduing someone by institutional or physical force."[141] Repression has long been the cornerstone of autocracies, but it cannot sustain the regime on its own because it can become a double-edged sword, according to the political cost-benefit analysis I describe above.

In our "repression clock," we can see that reactive and massive repression are mostly used against protesters in order to control active dissent, while selective and preventive repression combined with co-optation are executed to contain passive dissent or to incorporate it into the regime system. Legitimation is considered a part of co-optation by certain scholars.[142] I believe, however, that *legitimation is the result of co-optation*. Regimes co-opt strategic actors and the masses to foster legitimation. In the case of the Chávez/Maduro regime, co-optation has also escalated to an international level. Chávez subsidized Caribbean countries with cheap oil, in order to get political support from these countries in organizations like the Organization of American States and the UN.

Now that we have examined the repression system, which is complemented by co-optation and legitimation, I move on to propose some general tactics to escape the repression clock cycle.

141 See DeMeritt, "The Strategic Use of State Repression and Political Violence."

142 Josua, 25.

Tactics to Counteract Political Repression

As mentioned above, political repression must be seen from two perspectives: micro and macro. By repression from a micro perspective, I mean repression from the point of view of an individual: the victim. By political repression from a macro perspective, I refer to repression against individuals as a regime strategy to keep the authoritarian regime's monopoly of power. Tactics to counteract political repression might consider these two perspectives.

Micro-Level Perspective of Repression

My work as a human rights defender since 2002, and later with Foro Penal, began as pro bono work to assist victims of repression. Before 2010, courts were in some ways independent. At present, the judicial system is not independent and is used as a weapon for political persecution. Therefore, we use our legal expertise and the judicial system as part of a package of actions that have been effective as a tactical plan to increase the political cost for the regime to continue detaining particular victims. In this respect, in the case of political prisoners, we built tactics for each victim we represent with the objective of freeing him or her from unjust imprisonment. In order to build this tactical plan, it is necessary to identify the central relationship of the problem. In order to do this, we apply the methodology taught by New Tactics in Human Rights.

The New Tactics in Human Rights method refers to the central relationship as the juncture of the problem.[143] This relationship defines or identifies the problem, given that the first step in "mapping the terrain" is defining the problem. When we analyze repression from a micro-level perspective, the problem is the act of repression against of a particular individual. For example, the problem of a specific political prisoner is the unjust deprivation of liberty of that individual for political reasons. In the case of a political prisoner, unlike a common prisoner, the judge is not within the central relationship but is just another element of the map (indirect actors). In order to determine who is on the other side of the political prisoner in the central relationship, it is necessary, then, to know who has the power to release the prisoner and who, likewise, has the power to hold him or her incarcerated. Let us assume that, after an analysis based on the information we have, we define the president as the one who personally decides to keep or release a specific political prisoner. The president is then the counterpart of the

143 Center for Victims of Torture, *New Tactics in Human Rights*. https://www.newtactics.org/toolkit/strategy-toolkit.

prisoner in the central relationship. There are cases where the counterpart can be another officer or agent who keeps the prisoner: a mayor, governor, and the like. This is necessary to determine in order to begin drawing the other direct or indirect relationships between individuals, groups, or institutions that influence the central relationship and that ultimately allow the goal to be achieved: releasing the political prisoner.[144] After defining the central, direct, and indirect relationships, there are variables or factors that increase the political cost of the perpetrator.

In order to build a tactical plan to free political detainees and prisoners, I have elaborated a cost-benefit chart in figure 15. Based on my experience with many cases, figure 15 attempts to help identifying the costs and benefits of political detainees and prisoners, or other VPRs, in order to make a more objective analysis for making rational or strategic decisions.[145]

144 According to the "New Tactics in Human Rights," after defining the central relationship the tactical map is drew by placing circles which identify persons or institutions that could affect directly or indirectly the central relationship in order to find the objective. In a first circle, then, we would place those individuals, groups, organizations or institutions that have direct contact with the central relationship: this forms the *direct relationship.* Then, in a second circle, we place those who have no direct contact with the central relationship and in a third circle those that are farther away. These last two circles, as drawn in the diagram below, constitute the *indirect relationship.*

B. - *The direct relationship:* In the example of the micro problem of repression where the focus is, the victim's justice or freedom the direct relationship with the perpetrator (e.g. The President) is his family, ministers, friends, other's friends who are presidents of other countries, and so on. The direct relationship with the victim is also his or her family, friends, defense lawyers, etcetera. C. - T*he indirect relationship* on both sides of the central relationship is made up of those national and international groups or organizations, or people who, without having direct contact with the central nucleus, could influence in some way those that make up the direct relationship or indirectly influence the central relationship. In our Foro Penal unedited "Strategic Litigation Manual," written by Gonzalo Himiob Santomé and me, we explain this method in order to build our tactical plan for releasing political detainees or getting justice for victims.

145 This is part of the unpublished "Manual de Litigio Estratégico" ("Strategic Litigation Manual") of Foro Penal, written by Gonzalo Himob-Santome and Alfredo Romero, for Foro Penal activists and lawyers training.

Figure 15. A Political Cost-Benefit Analysis of Repression

Victim	[name]	[name]	[name]	[name]
Variables				
1. Occupation				
2. Gender				
3. Age				
4. Health				
5.Vulnerable Minority				
6. Disability				
Actions				
7. Local Action				
8. International Action				
9. Communication				
10. Non-violent Action				
Cost				
1. Isolation				
2. Intimidation				
3. Propaganda				
4. Extraction of Confession				
Benefit				
TOTAL				
Days Detained				

Figure 15 pretends to serve as a suggested tool for activists and lawyers to measure the political costs and benefits for the regime of using repression against a specific victim. Political costs are represented by the sum of variables plus actions that activists take, while political benefits are represented by the sum of strategic benefits for the regime of punishing the victim.

Political Costs

I have identified six variables or factors that, when present, increase the political cost of the victim: (1) *occupation* (e.g., students, artists, or athletes have a higher political cost); (2) *gender* (women are more costly than are men); (3) *age* (under 18 years old and senior citizens represent a higher cost to the regime); (4) *bad health conditions* (of the victims increase their political cost); (5) *vulnerable minority* (e.g., indigenous, LGBTE); and (6) a *disability* of the victim (either mental or physical) also increments the political cost for the regime. In order to make the cost-benefit analysis somewhat objective, I have given each variable a value ranging from 0 to 10, where 0 means no action and 10 is when all parts of the action are completed.

Besides the victim's inherent factors or circumstances, there are also actions taken by human rights activists that increase the political cost for the regime. Taking into consideration the high political cost of the above-mentioned factors, human rights lawyers or activists must focus their actions (claims, denouncements, campaigns, etc.) toward raising the attention to those issues if they are present. Actions must focus on increasing the political cost of repression by raising awareness of human rights abuses that result from regime violence. I have suggested four actions that have a maximum value of 10 each: local, international, communicational, and nonviolent actions. They are referred to as 7, 8, 9, and 10, respectively, in figure 15.[146] These are not limited to advocates but are also intended for activists who organize and participate in campaigns or social mobilization.[147]

146 As explained in the Foro Penal Manual for Strategic Litigation, by Gonzalo Himiob-Santomé and Alfredo Romero, local and international actions (referred to as "7" and "8", respectively, in figure 15, are subdivided into five activities to be executed with a maximum value of 2. Therefore, in order to sum the maximum value of 10 in local actions, activists must do 5 activities in respect to the victim. 1. Before courts. 2. Before the prosecutor Office. 3. Before the Omdusman or "Defensor del Pueblo". 4. Before the parliament. 5. Before the Executive. International actions are subdivided in activities to be executed before the: 1. United Nations's (UN) human rights entities.2. Inter American Commission for Human Rights (IACHR). 3. International NGOs. 4. Foreign Governments. 5. International influencers or opinion makers (e.g artists).

147 Bill Moyer identifies four roles or types of activists in social activism: "the citizen", "the rebel", "the change agent" and "the reformer." See Bill Moyer, *Doing Democracy: The MAP Model for organizing Social Movements* (New Society Publishers, 2001), 21-29. George Lakey adapted, respectively, these concepts to: "the advocate," "the helper," "the organizer," and "the rebel." See Lakey, "What Role Were You Born to Play Social Change?" (February 3, 2016). https://wagingnonviolence.org/2016/02/bill-moyer-four-roles-of-social-change/.

Political Benefits

To measure the total political cost of the victim for the political regime, it is also necessary to determine the political benefit of the victim to the regime. This allows us to perform a cost-benefit analysis where the benefit is subtracted from the cost, resulting in the total cost, as referred in figure 15. To measure the political benefit, we analyze the political objective of repression with respect to the specific victim. We need to ask: why is the regime punishing one specific person? In order to answer this question, we consider the typology of VPRs, or targets to the regime (explained above), which is based on the objectives or benefits that the victim produces to the regime:

The first is *exclusion* of the dissident from the political game. Usually, the political leaders who represent a real competition for the regime enter here. The second is *intimidation*. Here we can find people who, without being a direct political competitor, are part of a group of people that the repressor wishes to intimidate. For example, to stop or decrease protests, they can detain a group of emblematic students, thereby intimidating the rest of the student population. The third is *propaganda*, or justification for a failed public policy. Here we find victims who are detained and further blamed for failures of the government and exclude themselves from any blame in the public's opinion. An example is the detention of a group of military officers for alleged conspiracy, to make the regime into the victim of an attempted coup d'état. The fourth is *extraction of confession*, detaining innocents to extract confessions about relatives, friends, or loved ones whom the regime seeks.

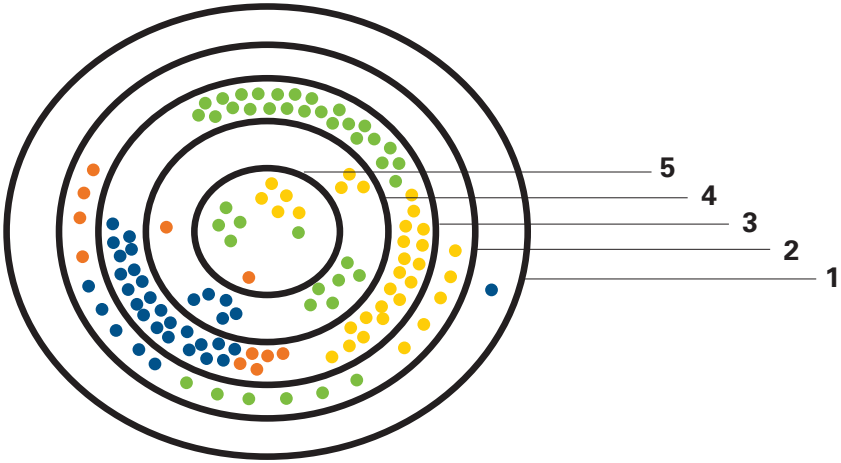
I have placed a value range for each benefit from 0 to 10, where 0 means no benefit and 10 the maximum benefit. There are some victims that represent more than one benefit for the regime, since the objective of having them detained, for instance, is to exclude them from political competition, as well as to intimidate other political opponents and to use them to make them responsible for human rights abuses committed (e.g., murder of protesters).

In order to analyze which factors or actions affect the political cost of the regime in correlation to the benefits, I have selected 120 cases of political detainees—already released—for whom Foro Penal lawyers and activists have directly advocated, as shown in figure 16. I establish a correlation between the total political cost of the detainee and his or her time in prison, by placing each one in his or her correspondent periphery. In order to differentiate each detainee with respect to his or her political cost, in the figure I have identified each with colored circles: those whose cost ranges from 0 to 10 are represented by yellow circles;

those whose cost ranges from 11 to 20 are represented by green circles; those in blue represent a total political cost that ranges from 21 to 30; and gray circles identify those political detainees with a political cost that ranges from 31 to 40.

As noted in figure 15, most political detainees or prisoners in periphery 5 (more than three years in prison) represent a low political cost, from 0 to 20. There is only one gray circle in periphery 5 that constitutes an exception; this is the case of Efraín Ortega, already mentioned in the introduction of this (see figure 18). Analyzing the situation, I realized that before passing two years in prison, Ortega did not represent any cost for the regime; his case was practically unknown. He did not represent a high political benefit either, since the intimidation effect was limited to the small group allegedly involved in conspiracy. After two years, in September 2016, when Foro Penal lawyers and activists advocated on his behalf, his political cost began to increase. He was an adult man alleged to be involved in a conspiracy network. He had been awaiting trial for more than two years, while he had been arbitrarily held in a dangerous prison (Rodeo II), one hour away from Caracas. He has a very low political cost considering his situation: man, no student, no disability, not a vulnerable minority, and so on. But he had a chronic health condition as a consequence of torture and cruel treatment, and he was in prison for more than two years without a trial. We began to denounce his situation nationally, before local government entities, and before international entities (IACHR, UNWGAD), including a picture published on Twitter on September 21, 2019, by Nobel Peace Prize laureate Muhammad Yunus calling for Ortega's release (see figure 17). Since we took charge of Ortega's case, we started different campaigns on social media and street demonstrations calling for Ortega's and other political prisoners' releases. He was freed on October 26, 2017.

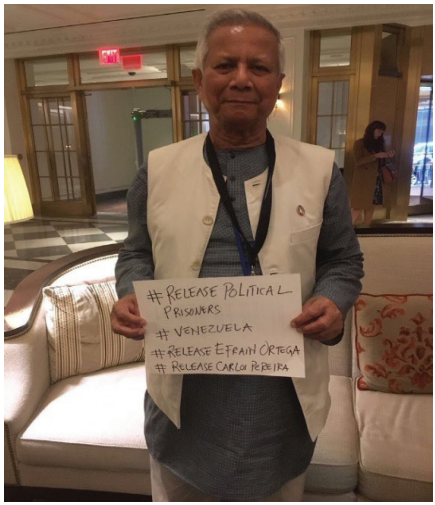
Figure 16. Periphery Cost-Benefit Analysis



Cost	Periphery 1	Periphery 2	Periphery 3	Periphery 4	Periphery 5
0 to 10	0	5	19	3	5
11 to 20	0	6	25	6	5
21 to 30	1	5	23	5	0
31 to 40	0	4	5	1	1

Source: Foro Penal.

Figure 17. Muhammad Yunus



Source: Twitter @alfredoromero

The example of Efraín Ortega demonstrates that political costs of repression from a micro-level perspective also depend on public opinion and public awareness of the case. On one hand, inherent factors that increase the political cost of a victim alone do not represent a cost for the regime if the victim is unknown. On the other hand, if inherent factors are not present, actions executed by human rights defenders increase the cost by raising public awareness.

Figure 18. Efraín Ortega

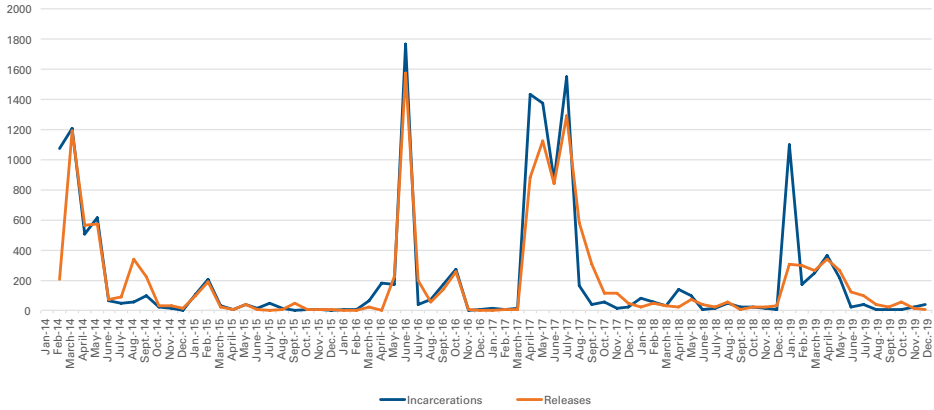
Source: Foro Penal.

Another example is Karen Palacios. She was detained on June 1, 2019, because of a Twitter message against the regime. She had a high political cost as a consequence of her status as a young woman clarinetist who played in a public orchestra. She has Asperger's syndrome. However, her political cost did not raise until her mother, primarily from fear, decided to call us and to follow our strategy. We started a video campaign on Twitter and denounced Karen's detention nationally and internationally. Her campaign trended in social media, and she was freed two days later, on July 17, 2019.

The Macro-Level Perspective of Repression: The Revolving Door of Repression

As discussed above, in order to build a strategy to counteract political repression, it must be understood from two levels: micro and macro. From a micro-level perspective, the focus of the problem is the victim or individual targeted by state repression. NGOs such as Foro Penal have succeeded in solving the victim's problem. For example, Foro Penal has worked on the release of more than 11,000 political detainees since 2014 in Venezuela, and from a macro perspective has certainly increased the political cost of repression for the regime by raising national and international attention about human rights abuses because of the regime's violent actions (e.g., murders, torture, and arbitrary detentions). But despite the efforts of human rights NGOs, repression has increased. While some political detainees are released, others are incarcerated, greasing what I have defined as "the revolving door effect" or the "revolving door of repression." At present, more than 15,000 political detainees have suffered days, months or years in jail since 2014 (see figure 19).

Figure 19. The Revolving Door of Repression



Source: Foro Penal.

The strategic use of repression in Venezuela has certainly been an effective pillar to maintain the regime's stability. Repression has focused either on insiders (regime's members who dissent or represent a threat, e.g., police or military personnel) and outsiders (political opponents). In this last group, the portion of the population that dissents or protests, or becomes a threat to stability, is also included.

From a macro-level perspective, the problem posed is political repression as a mechanism of power control. Different from the micro-level perspective of political repression, the central relationship is not between the perpetrator and a political detainee or prisoner individually but between the regime and current or eventual dissidents (including not only political actors but also civil society). When it comes to the problem of political repression from a macro perspective, the political prisoner—that is, the individual—is a simple negotiation piece or hostage used to obtain political benefits, either nationally or internationally, or to control power. As mentioned above, the Venezuelan regime is not a pyramid-shaped structure led by one person but one headed by different interdependent actors—a five-headed *monster*. This is an important issue to take into account in order to solve the macro problem and build a strategic plan to counteract it.

In order to build a strategy, it is essential to define the objective very clearly and then the tactics that would conform to this strategy. I have experienced many situations where political or social leaders have made strategic mistakes because of not having a clear objective or by confusing the strategy with the tactics. For example, in February 22, 2019, Juan Guaidó, as the interim president of Venezuela recognized by some foreign governments, called for a national mass mobilization at the Venezuelan geographical borders. This action became a tactical plan with the purpose of putting pressure on the military personnel to disobey Maduro and let humanitarian aid in across the Colombian and Brazilian borders. Maduro did not authorize the entrance of this aid. He said that it was an operation engineered by the United States to overthrow him. Finally, the humanitarian aid did not get into Venezuela. Some protests erupted at the borders, resulting in 7 people killed at the south border with Brazil, including 4 from the Pemon indigenous group. More than 50 people were shot and wounded. At least 900 indigenous people fled to Brazil because of political persecution and fear.[148]

Guaidó publicly presented the humanitarian aid entering plan as an objective to solve the Venezuelan problem. When this operation failed, the entire strategy seemed to be fractured: the population got frustrated and the main objective originally presented—the cessation of regime usurpation—deviated. That mistake served to move the hands of the repression clock to 9:00, and it allowed the regime to move to *the darkening* phase (see figures 4 and 5). The humanitarian aid entering was supposed to be a tactical plan, instead of an objective, as part of the whole strategy to end the Maduro regime's usurpation, for which Guaidó had been calling since he assumed the interim presidency of Venezuela in January 2019.

If the objective is to end the cycle of repression or *the repression clock* and to transit to democracy, strategies and tactics must follow that specific objective. In this sense, in our analysis the objective is to end *the repression clock* peacefully. Herein, I do not present new strategies and tactics to attack repression from a macro-level perspective, but rather analyze some of the pros and cons of strategies and tactics already applied, such as protests, international sanctions, and national dialogues.

148 See "Reporte sobre la Represión en Venezuela" (Foro Penal, February 2019). https://foropenal.com/reporte-sobre-la-represion-en-venezuela-febrero-2019/. See also: "Reporte Especial—Represión Política contra Habitantes de Comunidades indígenas en Bolívar-Venezuela" (Foro Penal).

Protests

As the *repression clock* shows, mass protests weaken regimes' stability, and though they can be predicted, somewhat, people's behavior in protests cannot be measured correctly. That is why, as mentioned above, regimes use nonstrategic, harsh, reactive, and indiscriminate repression against mass protests. Harsh repression against mass protests is not a premeditate action. On the contrary, it is a nonstrategic reaction that pretends to intimidate and frustrate opponents in order to regain regime stability. Regime repression threatens opponents by creating the expectation that whoever protests could either be killed, tortured, or detained; and it frustrates protesters who, after participating in many protests, see that the regime is still in place. Even though mass protests can be somewhat expected by the regime elite by understanding "the repression clock," mass protests represent a high risk to regime sustainability. In other words, the regime could predict when protests might happen, but has limited information to calculate opposition willingness to persist.[149]

In "the dynamic relationship between protest and repression," the regime uses repression to make the opposition cooperate by coercion.[150] But even though the regime could predict the phases of the repression clock, as the mass protest phase erupts, so too does regime instability. When mass protests happen, brutal repression is regularly the reactive response to the uncertainty of "nonlegible groups" thrown to the streets.[151] Blaydes refers to "legible groups" as those opposition groups that the regime can target correctly. As explained above, arrests and detentions in mass protests are indiscriminate, while selective and targeted repression occurs when there are no or fewer protests.

The recent example of Bolivia proved that mass protests do erode regimes' stability. Because of mass protests that rejected the presidential election fraud, whereby Evo Morales proclaimed himself the winner, the country's military chief joined the people's claims and forced Morales to resign and flee to Mexico.[152]

149 Carey, "The Dynamic Relationship between Protest and Repression," 3.

150 Ibid.

151 Blaydes, 13.

152 Ciara Nugent, "Bolivian President Evo Morales Has Resigned After Nearly 14 Years in Power. Here's What to Know" (*The Guardian*, November 11, 2019).

Coercive Tactics

I refer to coercive tactics as a set of official or institutional actions to influence regime insiders or collaborators to end repression by using punishment as a motivation. Because the Venezuelan regime controls all institutions, including the judicial system, coercive tactics come from international governments or multilateral institutions.

International Sanctions

Due to the range of targets, I divide international sanctions into *individual and collective*.

Individual Sanctions

As mentioned above, not all perpetrators are motivated by their own drives to commit crimes. Some perpetrators are influenced by situational factors ("the bad barrel") and become victims themselves. Therefore, in order to impose strategic sanctions, there is a need to differentiate those influenced by dispositional factors and those influenced by situational factors. As explained above, *the criminal mastermind, the fanatic, the criminal sadist,* and *the profiteer* are merely influenced by dispositional factors and are internally aware and in some way comfortable with their crimes. However, *the careerist, the devoted warrior, followers and conformists, the compromised perpetrator,* and *the professional* are not necessarily involved with the regime elite and are not responsible on the same level as those who are motivated by their own evilness.

The "bad apples" are not many, and they need support from "the bad barrel" to sustain the repression system. Therefore, I suggest that separating the "few bad apples" (*insiders influenced by dispositional factors*) from "the bad barrel" should be the objective for the tactical plan behind international sanctions against insiders. Sanctions applied widely to all perpetrators without considering their motivational differences, instead of fracturing the regime would create cohesion inside "the bad barrel," because the *bad and the good apples* would have to construct a *linked fate* among themselves that did not exist before. Some perpetrators who were not acting in their own self-interest, because of the common sanctions among the good and the bad, would feel an identity that instead of debilitating would in fact strengthen "the monster."

Collective Sanctions

Collective sanctions are a double-edged sword. They attack the regime on its financial capacity and therefore they serve to reduce the regime's power to mass co-optation (e.g., subsidizing food). However, collective sanctions affect the population as a whole, and they could foster cohesion between the regime and the population, because both are affected. Collective sanctions also allow the regime to justify social needs because of their wider reach.

For just as collective political repression creates incentives for individuals to develop closer bonds with the community of victims affected in the same manner, collective and nondiscriminatory sanctions foster identity among communities affected because of the sanctions and a negative reaction against the sanctions' promoters.[153]

Rewards

One mistake committed by Juan Guaidó in his attempts to break insiders' support of the Maduro regime was to offer indiscriminate amnesty to all perpetrators who oppose the regime and support transition. Just as indiscriminate sanctions are nonstrategic and prejudicial, so are indiscriminate rewards. The same rationale must be considered with respect to rewards. Individual rewards are just given to situational-influenced insiders and not to dispositionally influenced ones.

Guaidó's public proposal of an indiscriminate amnesty instead of promoting a moral cohesion among the "good apples"—military personnel and insiders encouraging resistance of those already opposing to the regime—wrongly assumed an immoral cohesion or immoral identity among perpetrators and nonperpetrators, putting all in the same bag. This message was even more contradictory to those military personnel who had been tortured, incarcerated, or murdered because of opposing the regime. Indiscriminate rewards, then, can fracture the morally driven resistance of active allies.

National Dialogues

As Lowenthal and Smilde argue, "At some point a transition usually requires

153 Blaydes, 47. With respect to state repression, Blaydes argue that "when punishment is both severe and collective, individuals increasingly come to believe that they share a "linked fate" with their fellow group members, further enhancing solidarity and collective political resistance. Under such circumstances, social networks increase in density, encouraging a strategy of "all-in" resistance that can cascade into full-fledged rebellion."

negotiation and compromise between the conflicting parties."[154] Certainly, negotiations and national dialogues are necessary. However, if they are used as a regime strategy for mass and opposition co-optation, they just serve to regain or enhance the regime stability. As shown in figure 13, most national dialogues in Venezuela have had the purpose of pushing the hands of the repression clock to the darkening and appeasement phases. When dialogues were happening, selective repression continued.

A regular companion of national dialogues is a show of political prisoner releases, which also happens between the darkening and the appeasement phases. As mentioned above, while the regime releases some political detainees, it incarcerates others (*the revolving door of repression*). It does this continuously in order to mitigate political costs.

Opposition Unity

As Abraham Lowenthal told me in a December 2019 conversation at the Woodrow Wilson Center, in all democratic transition processes, unity of the opposition is always a problem. This is especially true when co-optation by the regime effectively works to "divide and conquer." Personal ambitions and opportunistic decisions of some of the opposition to obtain payoffs from the "incumbent's patronage framework," rather than consolidate a strong and more inclusive opposition group with the same objective of democratic transition, are present in most countries ruled by autocratic regimes. Even though a fragmented democratic opposition is a problem to be solved for counteracting repressive regimes, it is not a unique problem and it is not the essential problem. However, "by revealing the willingness of opposition elites to sell out the anti-regime cause, the acceptance of cooptation offers makes coordination against the incumbent very difficult."[155]

In contrast to some political tactics that propose to incorporate anyone into the opposition, including those evidently co-opted, I believe that in order to strengthen the democratic opposition, the allies most be defined. And in order to define the allies, the objective must be clearly established. It seems contradictory when the opposition excludes active allies with respect to the objective in order

154 Abraham F. Lowenthal and David Smilde, "Venezuela: Is There a Way Out of its Tragic Impasse?" (Woodrow Wilson International Center for Scholars, Latin American Program, July 2019). https://www.wilsoncenter.org/article/venezuela-there-way-out-its-tragic-impasse.

155 Emory and Grant, "Unity and Cooptation in Hybrid Regimes." http://cpd.berkeley.edu/wp-content/uploads/2016/04/Opposition-Unity-and-Cooptation_Gandhi_Buckles_Berkeley.pdf.

to include passive opponents of the objective.

In this sense, the "Spectrum of Allies" method defined in the "Direct Action Manual" of Oppenheimer and Lakey can work well to determine who are the "stakeholders" or interested parties—"allies," "opponents," and "neutrals"—and then place them within the tactical map.[156] According to Oppenheimer and Lakey, "friends" and "opponents," as groups and individuals in a community, fall into six classes:

1. Active associates and friends in the cause.
2. Support, but not active participation. Financial help.
3. Moral support, some individuals giving money.
4. Neutral—organization divided evenly.
5. Hostile, but not active; . . . wait and see.
6. Actively hostile (citizens councils, klan, etc.).

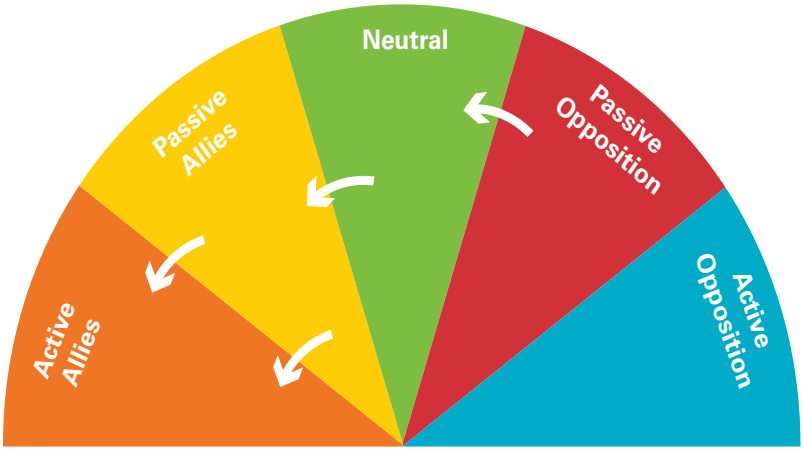
In this report, I use the adaptation of the "Spectrum of Allies" made by the "New Tactics in Human Rights" Project.[157] The "Spectrum of Allies" method is drawn as semicircle divided into wedge-type portions, as shown in figure 20.[158] On one side (left), the levels of allies are included from higher to lower; and on the other side (right), the levels of opponents run from high to low. In the middle, we find the neutrals.

156 Martin Oppenheimer and George Lakey, A *Manual for Direct Action* (Quadrangle Books, 1965).

157 See: www.newtactics.org.

158 Oppenheimer and Lakey originally explain the spectrum of allies in "A Manual for Direct Action;" however, we are using the spectrum of allies modified by the Center of Victims for Torture, for their New Tactics in Human Rights.

Figure 20. The Spectrum of Allies



Source: www.newtactics.org.

Regarding the levels of allies, we must define who are closest to our point of view: on one hand, those who work actively for our goal (active allies) and, on the other hand, those who could eventually work for our goal or those who, without actively doing so, support us (passive allies). Then we have the neutrals: they are neither against nor in favor of us. Furthermore, we have those who disagree with our point of view, even if they do not actively work to oppose our work (passive opponents). Finally, we have those who radically oppose our point of view, have a contrary position to ours, and actively work to counteract our purpose (active opponents). After defining these levels, the tactical map explained above can be drawn for the common objective.

Conclusion

As I have tried to show in this research, that most autocratic regimes (e.g., Cuba, Venezuela, or Nicaragua) have built and sustained a well-planned strategy, and most of the time the set of tactics forming the strategy has been underestimated by traditional political actors or opinion makers. Actually, the free world's or democratic countries' political agents believe that these autocratic regimes will eventually fall on their own—because of what, for the free world's traditional

economists, is understood as economic failure; and because of what, for politicians, are considered political mistakes. However, what are considered mistakes for the free world are really a strategy of political sustainability for not-free regimes. While political repression and human rights abuses for the free world's governments result first in a loss of popularity and then in a loss of votes, for not-free or nondemocratic regimes, they represent an effective tool for political control. While co-optation of opponents or insiders for democratic countries can be seen as a corrupted method of influencing dissidents, for not-free regimes it represents a tactic to stay in power—no matter the moral or ethical issues.

There is a *repression clock*, or phases of rising and decreasing protests and dissent, that is known and strategically analyzed by autocratic regimes. In order to counteract authoritarian regimes and to move toward democracy, opponents and democratic seekers must first understand that there is a regime strategy with the objective of appeasing dissent under intimidation. Conversely, they must build their own strategy to counteract regime tactics and escape the *repression clock* inertia.

About the Author

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