



INSTRUMENTALIZATION OF THE COVID-19 PANDEMIC TO CONSOLIDATE THE AUTHORITARIAN POWER OF NICOLÁS MADURO AND TRANSFORM VENEZUELA INTO A POLICE STATE

INSTRUMENTALIZACJA PANDEMII COVID-19 W CELU
KONSOLIDACJI AUTORYTARNEJ WŁADZY
NICOLÁSA MADURO I PRZEKSZTAŁCENIA WENEZUELI
W PAŃSTWO POLICYJNE

*Justyna Łapaj-Kucharska** 

— ABSTRACT —

For Venezuela, the COVID-19 pandemic has hit a country that already has been in a multi-dimensional crisis for years in circumstances of economic and social devastation, and authoritarian rule. However, the pandemic accelerated Venezuela's transformation into a police state by introducing unsubstantiated pandemic restrictions that were enforced by the state security apparatus and abusive armed forces. The aim of the article is to show the instrumentalization of the COVID-19 pandemic in the area of radicalization of the Maduro regime and to answer the questions in which areas of the state's functioning and in what dimension the Nicolás Maduro regime used the pandemic and the related restrictions on civil rights to strengthen its authoritarian power, radicalize the activities of the security services, violate human rights, and to transform Venezuela into a police state.

— ABSTRAKT —

W przypadku Wenezueli pandemia COVID-19 uderzyła w kraj, który już od lat znajdował się w wielowymiarowym kryzysie, narastającym w warunkach dewastacji gospodarczej i społecznej oraz rządów autorytarnych. Stan pandemii przyspieszył jednak przekształcenie Wenezueli w państwo policyjne, umożliwiając wprowadzenie nieuzasadnionych ograniczeń pandemicznych, które były egzekwowane przez państwowy aparat bezpieczeństwa i dopuszczające się nadużyć siły zbrojne. Celem artykułu jest ukazanie instrumentalizacji pandemii COVID-19 w obszarze radykalizacji reżimu Maduro oraz odpowiedź na pytania, w jakich obszarach funkcjonowania państwa i w jakim wymiarze reżim Nicolása Maduro wykorzystał pandemię i powiązane z nią ograniczenia praw obywatelskich w celu wzmocnienia autorytarnej władzy, radykalizacji działań służb bezpieczeń-

* University of Silesia in Katowice, Institute of Political Science.

stwa, łamanie praw człowieka i przekształcenia Wenezueli w państwo policyjne.

Keywords: Venezuela; authoritarian regime; COVID-19; Nicolás Maduro; police state

Słowa kluczowe: Wenezuela; reżim autorytarny; COVID-19; Nicolás Maduro; państwo policyjne

INTRODUCTION

The COVID-19 pandemic has spread in Latin America, killing more than 260,000 people according to European Centre for Disease Prevention and Control (ECDC). Governments in some countries in the region have used the virus as an excuse to silence critics, an argument to increase social control and, in some cases, to weaken already fragile democracies.

Nicolás Maduro, declared a state of alarm on March 13, 2020, invoking the need to counter the pandemic. However, the corresponding decree not only contradicts the constitutional provisions for states of exception but is also being employed to impose abusive limitations on human rights, to aggravate political repression and persecution, to blur the seriousness of certain socio-economic problems, and to contain social protests. The absence of judicial and parliamentary controls that could counteract these excesses of power has resulted in an autocratic shift within a context that was already authoritarian. Taking advantage of the global focus on fighting the virus, Maduro, in the shade of the pandemic, has taken steps to further undermine the possibility of free and democratic election in Venezuela.

Arrests, without a warrant or prior lawsuits, as a consequence of alleged quarantine violations are common in various areas of the country. Independent International UN Fact-Finding Mission in Venezuela and the Office of the Prosecutor of the International Criminal Court have found evidence that crimes against humanity may have been committed. Authorities harass and prosecute civil society organizations that work to solve the problem of human rights and humanitarian situation in the country, which has prevented millions citizens from accessing basic health care and adequate nutrition, and the country is unprepared to deal with the COVID-19 pandemic (Human Rights Watch, n.d.).

Nicolás Maduro does not intend to take responsibility for the situation in his country, putting all the blame for the failure of the health system and the ineffectiveness of fighting the pandemic on US sanctions, which as Maduro

maintains prevent effective trade and the provision of basic sanitation to fight the pandemic. Maduro's success in neutralizing international pressure and pressures from the opposition has increased his determination to stay in power even at the cost of worsening the economic and social situation in Venezuela. In turn, the victory of the pro-government coalition in the election to the National Assembly (*Asamblea Nacional*, AN) organized on December 6, 2020 means that Nicolás Maduro has full control over state institutions.

The aim of the article is to present the instrumentalization of the COVID-19 pandemic in terms of radicalization of the Maduro regime in Venezuela. The research problem, which is the analysis of the manifestations of the instrumentalization of the COVID-19 pandemic for the strengthening of Maduro's authoritarian power, focuses on the answer to the fundamental research questions: in what areas of the state's functioning and to what extent did the Nicolás Maduro regime use the pandemic and the related restrictions on civil rights to strengthen its authoritarian power, radicalize the activities of the security forces, violate human rights, and to transform Venezuela into a police state? The research methods used the analysis of primary and secondary sources: primary sources include laws and decrees issued by the Venezuelan government, secondary literature includes books, journal articles, working papers, reports from Venezuelan and international non-governmental organizations and think tanks, and news articles.

DETERMINANTS AND MANIFESTATIONS OF STRENGTHENING AUTHORITARIAN RULE AFTER THE TAKEOVER OF POWER BY NICOLÁS MADURO

During the 25 years of the Bolivarian Revolution (from 1998 to present), the Venezuelan political regime experienced gradual and increasing de-democratization through the transition from participatory democracy to closed authoritarianism. Autocratization is understood as the process, led by the ruling elite, of weakening or eliminating the institutions and political procedures that constitute the core of democratic governance, and the deterioration of democratic governance characteristics, resulting in less democratic or more autocratic situations (Lührmann & Lindberg, 2019; Cassani & Tomini, 2019, pp. 19–20).

In the Venezuelan case, a process of autocratic consolidation – and consequently, a deepening of autocratization – is observable, “as the designation

for gradual declines of democratic traits in already authoritarian situations” (Lührmann & Lindberg, 2019, p. 1100). In the scholarly literature on Chavismo, there is a clear consensus in identifying a gradual process of autocratization in the political transition from Chávez to Maduro, marked by the move from an electoral autocracy – also known as competitive authoritarianism (Mainwaring, 2012; Corrales & Hidalgo, 2013) – to a closed autocracy (Chaguaceda & Puerta, 2015, 2017; Corrales & Penfold, 2015; Levitsky & Ziblatt, 2018).

After the death of Chávez in 2013, who implemented the ideas of Socialism of the 21st century (Dieterich, 2006), and the seizure of power by former vice-president Nicolás Maduro, in the face of falling oil prices on world markets, as a result of which the country quickly ran out of basic everyday goods, such as: food, cleaning agents or medicines, actually since the beginning of his presidency Maduro has taken steps to radicalize the Venezuelan political scene. It resulted in the repression of opposition activists, mass arrests, the illegal takeover of control over the Supreme Court and the creation of an alternative parliament, and subjugation of the state security apparatus and army.

Since 2019, Venezuela has had a dual power: real power, concentrated in the hands of the so-called revolutionary camp headed by Nicolás Maduro, and the symbolic power – recognized by part of the international community (including the USA, Canada, Australia, Japan, almost all members of the European Union, and most Latin American countries) under the leadership of Juan Guaidó, the president of the democratically elected Parliament, who on January 23, 2019, under Article 233 of the Venezuelan Constitution (*Constitución de la República Bolivariana de Venezuela*, Art. 233), proclaimed himself interim president of Venezuela.

In the face of a deep political, economic and humanitarian crises in Venezuela that have been going on for several years, Venezuelans are particularly exposed to a significant loss of health and life in the time of a pandemic. According to the Johns Hopkins University Center for Health Security and Nuclear Threat Initiative, Venezuela has the lowest health security score in the region and is among 20 countries in the world that have the lowest ranking.

On a daily basis, Venezuelans have to deal with: hyperinflation, high unemployment, shortages of food, medicines, basic hygiene measures, which are also lacking in hospitals, running water and drinking water – only 17% of Venezuelan households have continuous access to water (Observatorio Venezolano de Servicios Públicos, 2020) and 9% of hospitals (*Encuesta Nacional de Hospitales...*, 2019). There is also a shortage of gloves in 57% of the health sector, face masks in

62%, soap in 76%, and alcohol disinfecting gel in over 90% (Rendon & Sanchez, 2020). As a result, the majority of society cannot follow basic precautions, such as washing hands. The healthcare system was in crisis even before the COVID-19 pandemic (Human Rights Watch, 2019). There is also a shortage of qualified medical personnel. According to the NGO Médicos Unidos Venezuela, somewhere between 25,000 and 35,000 doctors, nurses, and other health personnel have fled the country in recent years (Mesones Rojo, 2020).

Malnutrition is additional risk factor. According to a report by the Global Network Against Food Crisis, Venezuela is the fourth country in the world with the deepest food crisis. As a result, various infectious diseases began to spread: diphtheria, measles, malaria, HIV (Observatorio Venezolano de la Salud, 2016), dengue, and tuberculosis (Van Praag & Arnson, 2020). According to UN figures, 94% of Venezuela's population live in poverty (*Encuesta Nacional de Condiciones de Vida*, 2018), and around seven million (OCHA, 2019) Venezuelans are in need of humanitarian aid (OCHA, 2023).

Shortages of gas and electricity are common phenomena (*The Guardian*, 2019). Last year, the Committee of People Affected by Blackouts registered 80,700 power failures and nine nationwide blackouts which left the country without electricity for several days (Avendaño, 2019). Since the introduction of quarantine in the country in March 2020, gasoline shortages have also become common. It is important to add that Venezuela has been under a state of exception since January 2016, when a state of economic emergency was declared.

Crime rates are rising. In 2019 alone, 16,506 murders were committed in Venezuela (*Informe Anual de Violencia*, 2019), with a homicide rate of 60.3 per 100,000 inhabitants. This holds Venezuela, for the third year in a row, the infamous top spot among the most violent countries in Latin America since 2017 (Asmann & O'Reilly, 2020).

Over 5.6 million people have fled from the crisis-torn country since 2014 (Plataforma de Coordinación Interagencial para Refugiados y Migrantes de Venezuela), especially to neighboring countries, such as: Colombia, Peru, Chile, Ecuador, Brazil, and Argentina. This exodus has become the greatest migration challenge in the recent history of the region.

Despite the escalation of the situation, the Venezuelan authorities maintain control over the main institutions and resources of the state. The basis of the government's sustainability is the army and state security apparatus, which have participated in governing since the times of Maduro's predecessor. Representatives of the army and security forces benefit, for example, from the control of

the government's food rationing system, and some from drug smuggling (as confirmed, *inter alia*, by the analyzes of the InSight Crime foundation). Their loyalty is reinforced by fears of loss of financial gain, criminal liability for illegal activities, or participation in the repression of opponents of the government. The risk of military revolt is reduced by effective anti-coup mechanisms. Although there was information in the media about an attempted revolt by part of the army (which on Venezuelan television was defined as the actions of terrorists dressed in uniforms), taking into account the fact that the military and their families gained extensive privileges (including high wages and access to food products), the army is expected to remain loyal to Maduro at least for the time being.

Moreover, the responsibility for order is spread over various armed formations, which is to limit the negative effects of a split in one of them. During the rule of Maduro, the police have been recognized as the central pillar – alongside the army and civil pro-government organizations – in supporting and protecting the Bolivarian revolution within so-called “Civil-military-police union”. The concept was adopted as a government-sponsored strategy to tackle attempts at internal political destabilization, but also to fight the COVID-19 pandemic, and even at the time of the parliamentary elections in 2020 (Ciudad Caracas, 2020).

MANIFESTATIONS OF INSTRUMENTALIZATION OF THE COVID-19 PANDEMIC TO STRENGTHEN THE POLICE STATE

The first two cases of COVID-19 infection in Venezuela were confirmed on March 13, 2020. On March 16, Nicolás Maduro by Decree No. 4160 of March 13, 2020, established a state of “emergency and alarm” at the national level (Agencia EFE, 2020). The Article 339 of the Constitution indicates that the declaration of a state of alarm requires approval by the National Assembly, but the Executive did not forward the respective decrees to the parliament. Maduro extended the state of emergency several times. When the extension period of the first decree was over, Maduro issued another decree to declare an alleged new state of alarm based on similar grounds, which – again – was not submitted to the National Assembly.

Based on the rights formulated in the documents on fundamental human rights, Freedom House has created a number of principles for the protection of civil and political rights during a pandemic. They call for a clear and proportionate application of emergency restrictions by governments (Freedom

House, 2020). The pandemic measures arbitrarily introduced and enforced by the Maduro regime go well beyond these rules.

For example, the provisions of Decree No. 4247, published in the Extraordinary Official Journal No. 6554 of July 10, 2020, imposed significant restrictions on the introduction of quarantine in Venezuela. The measures taken by the Government lack legal legitimacy because the general lockdown is not provided for in the decree that declared the state of alarm. The severe restrictions and changes include movement restrictions, suspension of certain activities, mandatory use of face masks, as well as food rations for basic goods and services, including fuel. The decree authorized the security forces to carry out “inspections” whenever they “deem it necessary” if there was “reasonable suspicion” that someone was violating the measures set out in the document (Iglesias & Sardi, 2020). In practice, quarantine measures are enforced by the Armed Forces, Bolivarian National Police (*Policía Nacional Bolivariana*, PNB), the Special Action Forces (*Fuerzas de Acciones Especiales de la Policía Nacional Bolivariana*, FAES) (Van Praag & Arnson, 2020), which were involved in extrajudicial killings, as well as armed pro-government gangs known as *colectivos* that collaborated with security forces during the 2014 and 2017 repressions (Human Rights Watch, 2020c).

The Maduro administration was the first in Latin America to take such drastic measures and was one of the most brutal in enforcing them. The regime escalated repression of various kinds across the country under the pretext of enforcing quarantine and COVID-19 restrictions (Human Rights Watch, 2020c). For example, in the southern state of Bolívar, the police patrolled the streets in “coronabuses”, arresting anyone who broke the curfew or did not wear a face mask. During mass detentions lasting many hours, citizens were often handcuffed or subjected to physical punishment, such as: performing exercise in the form of “frog jumps” or “push-ups”. Some people have been photographed or videotaped and their identities revealed on social media (Foro Penal, 2020a).

The police, and in some areas also criminal gangs, armed groups and paramilitary groups have been at the fore in providing social control. The number of extrajudicial executions performed by government security forces has also increased (Semple & Ahmed, 2020). Moreover, clashes between gangs during the blockade led to several days of shootings in the poorest and most densely populated parts of Caracas and its close vicinity (Observatorio Venezolano de Violencia, 2020).

In addition, a kind of alliance between the government and the police was embedded in a social program of a clientelist nature, called Mission Guardians

of the Homeland, launched in March 2021. This program – the equivalent of the *Mission Negro Primero* for military personnel launched in October 2013 – aims to provide support to the police as an ally in the civil-military-police union in return for material benefits such as equipment, medical care, and food (Moreno, 2021). These benefits are particularly significant and privileged in a country plunged into a deep economic and humanitarian crisis. The nature of this programme matches the broadly discussed concepts of political clientelism and patronage, which depict an instrumental relationship between “an individual of higher socioeconomic status (patron) [which] uses his own influence and resources to provide protection or benefits, or both, for a person of lower status (client) who, for his part, reciprocates by offering general support and assistance, including personal services, to the patron” (Scott, 1972).

Some police functions and powers have been informally delegated to ordinary citizens and armed non-state actors. Citizens, by themselves or with the approval of the government, take over basic police functions, such as: law enforcement, intelligence gathering, crime prevention and management, and the creation of formal social control (Gazit, 2015; Zabyelina, 2019). Delegation of policing functions to para-police groups dates back to the aftermath of the 2002 coup d'état when Chávez saw the need to create “parallel security structures that could act as a counterweight to the military and the ability to rapidly concentrate political shock troop against opposition demonstrators. His solution was the *colectivos*” (InSight Crime, 2018). Novelty in the Maduro government is that these groups have gained more prominence in police protests and have been openly involved in special police operations (Briceño-León, 2017).

DISINFORMATION AND REPRESSION AGAINST PEOPLE WHO QUESTION THE REGIME'S ACTIVITIES

Since the beginning of the Venezuelan pandemic, there is no reliable information on the extent of the spread of the virus or reliable data on the number of cases and deaths from COVID-19. The government's strategy is to manipulate information through the undercutting of data. Carlos Walter, former health minister who heads the Centre for Development Studies (CENDES) at the Central University of Venezuela, claims that official figures do not correspond to reality (Ospina-Valencia, 2021). According to the WHO, by April 19, 2021, Venezuela, a country with a population of around 30 million, had reported 181,903 infec-

tions and 1,888 deaths. Information provided by the Venezuelan government on May 27, 2020, shows that only 1,211 people had been affected by the coronavirus, of which 302 had recovered and 10 had died (OCHA, 2020b). Dr. Carlos Walter points out that “if we only deal with the most serious cases, it is obvious that the total number of cases in Venezuela would be up to 8 times higher than official figures present, because the government does not even say how many tests it does every day” (Ospina-Valencia, 2021).

According to United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), by the end of April 2020, the country had performed fewer than 6,000 swab tests (OCHA, 2020a). Authorities say they have carried out over 330,000 rapid blood tests based on tests obtained from China that check for the presence of antibodies and develop a week or more after a person is infected. However, the number of confirmed cases of coronavirus infection did not increase significantly after the tests were performed. Many people infected with the coronavirus likely went undetected because they did not have high levels of antibodies at the time of the test (Van Praag & Arnson, 2020).

In addition, the government, in order to prevent data transparency, centralized the diagnostic process and prohibited other centers and institutions from collecting or accessing epidemiological data. Only one laboratory across the country (which reports directly to the presidential commission) is authorized to process tests and collect data. The reliability of the data on the number of people who died is also uncertain as some reports show that doctors are urged not to register the virus as the cause of death (López Maya, 2020).

The Human Rights Watch study revealed that authorities harassed, detained and prosecuted political opponents, including lawyers, journalists and health professionals who published critical statements about how the government is dealing with the pandemic. This also applies to human rights lawyers who provide legal support to demonstrators protesting due to lack of access to water, gas, or medicines (*World Report 2021: Rights Trends in Venezuela*, 2021). Disseminating any information about potential virus contamination in the country generated retaliation, threats, and intimidation.

From the official start of the quarantine on March 16 to July 2020, government security forces arbitrarily detained 27 journalists and media workers (Chirinos, 2020), additionally excluding journalists from the list of necessary employees, which resulted in the regime restricting their access to gas rations, making their work difficult. Security forces also confiscated journalists' cell phones and laptops and forced them to delete photos or videos. In turn, from March to April 20, 65

cases were registered, resulting in 151 violations of the law and 28 arrests. When it comes to the coverage or dissemination of COVID-19-related information, by April 20, 37 cases of violating the right to freedom of expression were registered, 40% (10 people) arrested for statements about the pandemic are press workers, and 17% (4 people) are healthcare professionals (arrested for disclosing in the media or social networks information about the lack of resources to deal with COVID-19 in public health centers) (Espacio Publico, 2020). The arrests are made by Venezuelan security forces, mainly the Bolivarian National Guard (*Guardia Nacional Bolivariana*, GNB).

In many reported cases since the beginning of the state of emergency, individuals who shared or posted information on social media questioning the actions of government officials or criticizing regime policies have been charged with “inciting hatred” or committing a crime. An anti-hate law approved by the pro-government Constituent Assembly in 2017 includes vague language that forbids “messages of intolerance and hatred” published through media outlets or social media. The offense carries a sentence of up to 20 years in prison (Human Rights Watch, 2020c).

Restrictions on the free circulation of information on the Internet are maintained, such as social network locks, website and information platform lockouts. Online violations of freedom of expression include harassment and threats via social networks in retaliation for disseminating information or opinions. About 59 people have been imprisoned for posting, mostly via the WhatsApp messaging platform, information or opinions in the first four-month period, due to criticism of government activities in the context of the COVID-19 pandemic (Espacio Publico, 2020). “In Venezuela today, you can’t even share a private message criticizing the Maduro government via WhatsApp without fear of being prosecuted, said José Miguel Vivanco, Americas director at Human Rights Watch” (Human Rights Watch, 2020c).

The falsification of data and the manipulation of information also applies to government communications about the state of the health system in Venezuela. For example, the government says 23,000 hospital beds and 1,200 beds in intensive care units (ICUs) are ready to receive coronavirus patients (*Venezuela: Intersectoral COVID-19...*, 2020). According to the doctors, there are only 80 ICU beds in the entire country (Reuters. Top News, n.d.). A survey conducted on March 2020 (*Por el Derecho a la Salud y a la Vida*, 2020) among medical practitioners by the organization Médicos Unidos de Venezuela found that fifty percent of people working in hospitals did not meet the basic aseptic and antiseptic conditions.

The United Nations sent two warnings to the Venezuelan authorities regarding arbitrary detentions of journalists and other restrictions on freedom of expression during the pandemic. Despite these calls, journalists in Venezuela have faced various obstacles in their work of reporting COVID-19. In the states of Miranda, Vargas, Táchira, Bolívar, Sucre and in the Caracas agglomeration, state security forces arrested 16 reporters and photographers for registering, taking photos and publishing information about possible cases of virus infection, the state of hospitals and the situation in the border areas (Chirinos, 2020).

A report on Venezuela released on July 2 by the Office of the High Commissioner for Human Rights (OHCHR) stated that arrests of media workers “prevented the health crisis from being publicized”. The report also stressed that there had been a “discretionary introduction” of the state of emergency by the military, law enforcement and local authorities. Security forces arbitrarily detained people for not wearing face masks or for grouping in the streets, and *colectivos* members beat and tortured civilians for allegedly failing to comply with quarantine measures (Human Rights Watch, 2020c). As the analysis of the Office of the Special Rapporteur on Freedom of Expression of the Organization of American States (OAS) shows, these penalties are contrary to international human rights standards (Chirinos, 2020). “The state of emergency has emboldened security forces and armed pro-government groups that already have a record of torture and extrajudicial killings to crack down even more harshly on Venezuelans”, said José Miguel Vivanco, Americas director at Human Rights Watch (Human Rights Watch, 2020c).

POLITICAL PRISONERS AND THE CRISIS OF THE JUDICIARY

The restrictions introduced in connection with the pandemic caused limitations in the functioning of the judiciary. Since the introduction of the state of emergency, contacts between lawyers and detainees have been difficult, and most courts have been closed. It is practically impossible to exercise the constitutional right of defense under such conditions. Courts and Public Ministry of Venezuela offices across the country were not active and judges were to work as watchmen in cases they deemed exceptional, urgent, or “emergency” (Suprema Injusticia, 2020). Regular hearings were either suspended or held behind closed doors. This led to significant delays in the release of detainees and in giving defense lawyers access to criminal records. The restrictions were also used to justify arrests with-

out court orders. Courts have banned several detainees who have been granted house arrest from using social media or sharing information about the country's internal situation with violation of their right to freedom of expression.

The Supreme Court did not inform about dozens of trials initiated during the national quarantine against journalists, doctors and other citizens for filing complaints about the state's activities during the pandemic on social networks or for protesting against the lack of food or gasoline, and therefore an anti-hate law was used (Suprema Injusticia, 2020).

The judiciary has not established effective mechanisms to deal with urgent actions. This is confirmed by the report on the situation in Venezuela, presented in July 2020 by the United Nations High Commissioner for Human Rights, Michelle Bachelet, which mentioned additional obstacles to access to justice since the announcement of the state of emergency nationwide in March (Foro Penal, 2020b).

It should be emphasized that, under international law, certain fundamental human rights must not be restricted, even in exceptional circumstances. These include: the right to life, no torture and ill-treatment, the right to a fair trial and freedom from arbitrary detention, as well as the right to judicial review of the detention. Any restrictions on other rights should be provided for in law and should be both necessary and proportionate to the threat posed by the pandemic. UN human rights experts stressed that governments should not use states of emergency in response to COVID-19 to target specific groups or cover repressive measures. "Restrictions taken to respond to the virus must be motivated by legitimate public health goals and should not be used solely to suppress opposition", stated UN experts (Human Rights Watch, 2020c).

The catastrophic situation took place in the prisons themselves. Providing adequate public health conditions in permanently overcrowded prisons in Venezuela and maintaining social distancing is practically impossible (Toro, 2020). According to a study by Foro Penal, in 80% of cases, prisoners who reported serious health problems were denied primary or specialized medical care. Deprived of liberty people due to unsanitary conditions in penitentiary facilities are even more at risk of dying from disease complications and in the face of the COVID-19 pandemic (Foro Penal, 2020a).

In March 2020, the United Nations High Commissioner for Human Rights, Michelle Bachelet, issued a petition saying that governments must take measures to prevent COVID-19 from spreading in prisons and said: "Now more than ever, governments should release all prisoners. detained without sufficient legal basis,

including political prisoners and other prisoners who have been imprisoned only for expressing critical views or objections”. However, by the end of July 2020, 382 political prisoners were held in Venezuela, including 29 women, 126 military officials, and 2 teenagers¹. While Venezuelan organization Foro Penal recorded only 24 politically motivated arrests between January 1 and March 8, 2020 (Foro Penal, 2020a), as the coronavirus threat spread and the restrictions were introduced, between March 8 and July 31, there were registered 257 politically motivated arrests. In July alone, 39 people were detained for political reasons (Foro Penal, 2020b).

Arrests that have intensified since March 2020 can be divided into three types: 1. arrests for reporting COVID-19 cases or any situation related to the pandemic in Venezuela, including those via social media; 2. arrests for sending or transmitting messages not related to the pandemic but against the Nicolás Maduro government or its officials; 3. arrests for a direct or indirect relationship with opposition leaders, in particular Juan Guaidó (Foro Penal, 2020a). Pandemic detentions take longer (Suprema Injusticia, 2020), and closed courtrooms provide a convenient excuse to delay hearings and extend arrests.

Arbitrary arrests for political purposes were most often carried out by state security authorities: FAES, GNB, Directorate General of Military Counterintelligence (*Dirección General de Contrainteligencia Militar*, DGCIM), Bolivarian National Intelligence Service (*Servicio Bolivariano de Inteligencia Nacional*, SEBIN), National Anti-Extortion and Kidnapping Command (*Comando Nacional Antiextorsion y Secuestro*, CONAS), and PNB (Foro Penal, 2020a).

The official government narrative does not see the pandemic as a public health emergency but as a “national security threat” that must be tackled by all means, in particular through military and police response. Hence, PNB and GNB – within the civil-military-police union – have been deployed with heavy weapons on the streets to force people to lock themselves in their homes or detain them in case of non-compliance. Lethal police violence has increased in particular in 2020 and has become more deadly than COVID-19. According to the non-governmental organization the Venezuelan Violence Observatory (*Observatorio Venezolano de Violencia*, OVV), the 2020 death rate caused by the police because of “resistance to power” was 16.2 kills per 100,000 inhabitants (4,231 people), while there were four deaths in 100,000 inhabitants due to COVID-19 (1,090 people). So in 2020,

¹ Only between March 8 and March 13 (since the state of emergency was declared), a total of 5 people were arrested within 5 days (Foro Penal, 2020b).

the security forces of Venezuelan citizens killed four times as many people as the pandemic (Ávila, 2020; *Informe Anual de Violencia*, 2020).

The country has also introduced fuel rationing due to gasoline shortages. In most states, only healthcare professionals were allowed to refuel their vehicle for official use (Observatorio Venezolano de Conflictividad Social OVCS, 2020). Rationing also applies to other basic services (such as water and electricity), and gas availability is difficult in most states (Foro Penal, 2020a). Due to the lack or rationing of basic services, social protests intensified. At least 49% of the arrests took place during quarantine because of protests against basic service failures. They were suppressed by security forces, in particular by GNB officers who arrested or detained many citizens under the emergency decree (Foro Penal, 2020b).

MANIPULATION OF POLITICAL ACTIVITIES IN THE SHADOW OF THE NATIONWIDE BAN ON SOCIAL PROTESTS

The Maduro regime took advantage of the international community's focus on fighting the pandemic to strengthen the country's dictatorial rule, and laid the groundwork for holding illegal elections – similar to 2018, the aftermath of which was the presidency of Maduro challenged by the opposition forces and the international community, and which exacerbated the ongoing political crisis in Venezuela (Neuman & Casey, 2018). On June 12, the Supreme Tribunal of Justice of Venezuela (*Tribunal Supremo de Justicia de la República Bolivariana de Venezuela*, TSJ), together with Maduro's allies, bypassed the democratically elected National Assembly to unconstitutionally appoint new National Electoral Council (*Consejo Nacional Electoral*, CNE) favorable to the government of Maduro (U.S. Embassy in Venezuela, 2020). Among the members of the new commission were three people subject to US sanctions. The Supreme Tribunal also dismissed the leaders of three main opposition parties, including Guaidó himself (Reuters, 2020c).

On December 6, 2020, a new vote was scheduled to renew the legislature. Before the pandemic, such actions sparked protests across the country, but the restrictions introduced in connection with the state of emergency and their strict enforcement reduced the public's readiness for mass demonstrations. There were only 4,414 (Observatorio Venezolano de Conflictividad Social OVCS, 2020) protests in the first half of 2020, compared to 10,477 in the same period in 2019.

The Nicolás Maduro regime's reaction to the peaceful demonstrations was prosecution, arrest and brutal repression. Additionally, as part of the application of the People's Peace Protection System (known as "SP3") as a guideline of "Plan de la Patria 2019–2025", the activities of Network of Articulation and Sociopolitical Action (*Red de Articulación y Acción Socio Política*, Raas) members stand out (Observatorio Venezolano de Conflictividad Social OVCS, 2020). SP3 aims to identify criminal groups and paramilitaries with the help of civilian informers, known as "cooperating patriots". Operation Humanist Liberation of the People (*Operación Liberación Humanista del Pueblo*, OLHP) – previously known as the Operation Liberation of the People (*Operación para la Liberación del Pueblo*, OLP) – is considering a massive deployment of government forces to seek out and neutralize criminals while remaining in the communities after the operation has ended (Tremaria, 2022).

According to Marcos Ponce, coordinator at the Venezuelan Observatory of Social Conflict (OVCS), "[t]he Raas is a complement to the repression system imposed by Nicolás Maduro through the Plan Zamora 200, which institutionalized the joint operations of military forces, militias and armed civilian groups as measures of public control or in any other scope they choose. This institutionalization is a confirmation of that repressive system that the Venezuelan State has been implementing". Moreover, he adds, the Raas is based "on the National Security Doctrine in which any citizen who tries to demand and defend human rights, voice their complaints against public management or politically oppose the government, are identified as internal enemies" (Martínez, 2018).

As Eugenio Martínez put it in his article for Caracas Chronicles, the Bolivarian Revolution for a while now enters into a system of "hegemonic authoritarianism with totalitarian traits". This brings a tide of decisions bent on increasing and perfecting the government's control over its citizens (Martínez, 2018).

Being unable to organize street protests, the main Venezuelan opposition parties decided to boycott the elections scheduled for December 2020. In this situation, the United Socialist Party of Venezuela (*Partido Socialista Unido de Venezuela*, PSUV) of President Nicolás Maduro was announced the winner of the December parliamentary elections. The head of the Venezuelan state election commission, Indira Alfonzo, reported that Maduro's candidates received 67.7% of the vote out of 5.2 million votes cast, and the turnout was 31%. Thus, the PSUV took control of the National Assembly – the only institution where the opposition had dominated so far. US Secretary of State Mike Pompeo found the elections unfair, and the European Union, which also does not recognize the legality of

Maduro's rule, refused to send observers to the vote. Guaidó, who proclaimed himself interim president in 2019, announced that he would continue to act as head of state. The Venezuelan opposition announced that after the elections in December it will organize a referendum on ending Maduro's rule and calling new presidential elections (Reuters, 2020c).

Maduro's government consolidated its power by breaking the constitution and repressing political opponents. He marginalized the opposition, which had a majority in parliament since December 2015. To ensure the victory of the coalition of pro-government parties, Maduro resorted to a number of measures, including support of the puppet Supreme Tribunal (TSJ) and Venezuela's National Constituent Assembly (*Asamblea Nacional Constituyente*, ANC) – a pseudo-constituency established in 2017. According to official results, the government coalition won $\frac{2}{3}$ of the 277 seats in the National Assembly. With full power, it will be harder for the Maduro government to shift responsibility for the country's economic and social difficulties to the opposition. However, he will more often use the freedom to apply extra-legal and constitutional measures aimed at, for example, circumventing sanctions, e.g., thanks to the possibility of concluding covert contracts with other governments and private entities (Reuters, 2020c).

THE PROBLEM OF MIGRATION AS AN ELEMENT OF INFORMATION MANIPULATION TO JUSTIFY THE STATE'S SITUATION IN THE FACE OF A PANDEMIC

According to the UN Refugee Agency (UNHCR), the political and humanitarian crisis in Venezuela forced around 5.6 million Venezuelans to leave the country between 2015 and May 2020 (Plataforma Regional de Coordinación Interagencial para Refugiados y Migrantes de Venezuela). This represents over 17% of the population and is the largest exodus in modern Latin America history (United Nations News, 2021). The COVID-19 pandemic adds a new layer of complexity to what has already been a multi-dimensional crisis.

The difficulties for Venezuelan migrants and refugees have increased significantly since March 2020 when, in the context of the spread of COVID 19, the states of the region decreed measures for its prevention and contingency. It is important to emphasize that economic informality is one of the main characteristics of the migrant and refugee population in the region, with a higher rate of those who participate and live in the informal economy than those who are

part of the formal economy (Jiménez Sandoval & Uzcátegui, 2020). Their sources of income have been substantially affected, causing thousands of Venezuelan migrant and refugee families to be evicted, leaving them without a place to live. In addition, due to their irregular status, they generally do not have access to the health system. Several countries in the region have taken swift and coordinated action to allow Venezuelan migrants and refugees to return to their country. An example of such a state is Colombia, where in March 2020, a humanitarian corridor was created to allow the return of Venezuelans, through which 27,000 people passed (El Tiempo, 2020).

The intermittent and arbitrary closure of the Colombian-Venezuelan border by the regime (Migracion, Ministerio de Relaciones Exteriores, 2020) has aggravated the situation of vulnerability of people waiting to return to their country, configuring the systematization of violations of their human rights. The restrictions that the Maduro's government has imposed to limit the entry of Venezuelans have caused thousands of people to have to cross irregular paths and borders, putting their lives at risk because of the difficult geographical conditions and the areas where criminal gangs and illegal groups live (Human Rights Watch, 2020a).

The virus has particularly hit the Venezuelan border region, where as many as 100,000 migrants (Kinosian, 2020) have returned to the country amid quarantine restrictions in the region's host countries. Almost 40% officially reported COVID-19 cases were concentrated in four border states: Zulia, Apure, Táchira, and Bolívar, where the regime forced Venezuelans to quarantine in unhygienic camps (Bloomberg, 2020), which became a breeding ground for the virus. These places were often under the control of criminal groups that extorted and harassed visitors.

The government of Nicolás Maduro has deployed multiple actions to stigmatize, discriminate and criminalize the people who return, violating the right to honor, recognition of human dignity and respect for their private life, family, and home (*American Convention on Human Rights "Pact of San José de Costa Rica"*, 1969). It has also deprived people who seek to return to their country of the right to return and free transit, prohibiting their entry and preventing Venezuelans who manage to cross the borders from circulating freely within the national territory to return to their states of residence (Organization of American States, 2020). However, Maduro blamed the failed response to COVID-19 on the returned migrants themselves, calling them biological weapons and "bioterrorists" (Twitter, n.d.; InSight Crime, 2020) for introducing the virus into the

country, forcing them to quarantine under conditions described as inhuman (Toro, 2020).

For its part, anticipating the difficulties of the pandemic, the Inter-American Commission on Human Rights (in its Resolution No. 01/2020, Article 61) has called upon the States of the region to “implement measures to prevent and combat xenophobia and the stigmatization of people in a situation of human mobility within the framework of the pandemic, promoting awareness actions through campaigns and other communication tools and developing protocols and specific procedures for protection and care aimed at migrant and refugee children and adolescents, in particular, providing specific assistance mechanisms to those who are separated or unaccompanied” (Organization of American States, 2020).

In spite of this, the actions and pronouncements of the regime of Nicolás Maduro clearly violate the principles of international law and the human rights enshrined therein, and have led to a series of actions that suppress the dignity of Venezuelan people who have decided to return to their country (Centro de Justicia y Paz, 2020). Venezuelans who manage to cross the border face multiple human rights violations (Organization of American States, 2020).

THE INTERNATIONAL DIMENSION OF THE INSTRUMENTALIZATION OF THE PANDEMIC TO JUSTIFY THE SITUATION IN THE STATE

In the face of the catastrophic economic and humanitarian situation in Venezuela, the scale of which was further exacerbated by the COVID-19 pandemic, the controversy over sanctions imposed by the US on the Maduro regime has intensified. The key questions in the debate on US policy towards Venezuela are: has the continuation of US sanctions exacerbated the country's existing economic and financial problems? Also, do the US sanctions prevent the purchase of the necessary means to fight the pandemic?

Over the past few years, the United States, in an effort to overthrow the Maduro regime, widened the scope of individual sanctions and imposed restrictions on the Venezuelan oil sector, which is the basis of the Venezuelan economy. The sanctions imposed in 2019 on the state-owned PdVSA concern were probably one of the most significant measures, taking into consideration the country's dependence on oil export. As a result of these sanctions, oil export revenues fell from \$4.826 billion in 2018 to just \$477 million in 2020 (Mogollon, 2021).

The wide range of US economic sanctions and concerns about their possible extension have significantly limited the ability of some entities to cooperate with the country, preventing Venezuela from accessing international markets (Bartlett & Ophel, 2021). At the same time, the country's dual power and political stalemate between Maduro and the US-backed and internationally recognized head of state, Juan Guaidó, prevent the country from receiving money to help. The International Monetary Fund rejected Maduro's request for \$5 billion in emergency aid due to a lack of clarity as to who in the country is responsible for their distribution (*The Guardian*, 2020).

This has strengthened Venezuela's dependence on aid from countries such as China, Russia, and Iran, which serve as the regime's economic lifeline. Russia remains the most important political ally of the Venezuelan authorities. It acts as a contractor and helps in the sale of raw materials bypassing sanctions. Russia also provides expert support, e.g., in the field of debt repayment and military matters. According to Reuters reports, at the end of January 2020, several hundred Russian mercenaries from the so-called Wagner's group came to Caracas, and on March 24, a transport of a group of 100 Russian soldiers arrived.

Opponents of US sanctions against Venezuela say they make it harder to fight the pandemic because the country's foreign assets remain frozen, international bank transfers cannot be made, and external companies are fined for engaging in commercial transactions with the country. This makes obtaining the necessary drugs and equipment problematic. February 13, 2020, Venezuela asked the prosecutor of the International Criminal Court to investigate U.S. officials for what it called crimes against humanity resulting from sanctions imposed by Washington. "Our government is seeking refuge with international law", Jorge Arreaza, Venezuela's Minister of Foreign Affairs said. "We are convinced the consequences of the unilateral measures (by the United States) constitute crimes against humanity against the civilian population". He added that the US sanctions constitute a "death sentence for tens of thousands of Venezuelans a year" (Reuters, 2020a). He also stated that US policy "has caused difficulties in obtaining drugs on time" (Estrada & Prashad, 2020).

As the Center for Economic Policy Research (CEPR) Report suggests, sanctions bring suffering and death to the most vulnerable. By making it difficult for the government to access medical equipment and supplies during the current pandemic, the sanctions will only multiply the number of victims and therefore constitute a gross violation of human rights (Weisbrot & Sachs, 2019).

The Russian side said that the sanctions imposed on Caracas by the US could become a “tool of genocide” in the face of the COVID-19 pandemic. “We cannot stress enough our call for an immediate lifting of unilateral unlawful sanctions that are turning in the current epidemic into an instrument of genocide”, Maria Zakharova, spokeswoman for the Russian Foreign Ministry, was quoted as saying. Zakharova also said that Russia had supplied coronavirus test kits to Venezuela, which has reported 107 confirmed cases of the disease and that Moscow would continue helping Caracas to stop coronavirus spreading (Reuters, 2020b).

However, there are many voices, both in the international community and in Venezuela itself, warning against the loosening of US sanctions, which could lead to a deepening of the internal crisis. Concerns are that any aid intended for the Venezuelans would be used by the corrupt Maduro regime to strengthen its power. “We doubt that any help or relief from the US will reach the Venezuelans”, says María Eugenia de Mendoza, a physician in San Cristóbal, Venezuela. “It will just be intercepted by the regime” (Padgett, 2020). International relief groups, like the Red Cross, tried hard to convince Maduro to let them bring in food and medical aid. However, the regime was not interested in allowing such aid to Venezuela.

The US laid out a new plan for Venezuela, calling it a “democratic transition framework”, proposing Maduro step aside, foreign forces leave the country, and the creation of an interim government, a “council of state” chosen by the major factions of the opposition-run national assembly, in return for sanctions relief. However, the Office of Foreign Assets Control has begun to provide certain humanitarian-related carve-outs in US sanctions policy through a new general license (Department of the Treasury, 2019) which authorizes certain transactions with Venezuela related to the prevention, diagnosis, and treatment of COVID-19. Venezuela’s new license allows pandemic-related transactions involving the Venezuelan government and some of the country’s banks. Signed into effect on June 17, 2021, this serves as the Biden administration’s first major act to adjust sanctions toward the country in order to address COVID-19-related human suffering in Venezuela (Psaledakis & Spetalnick, 2021).

FINAL CONCLUSIONS

The COVID-19 pandemic has demonstrated not only the fragility of Venezuela's public health system and the severity of the humanitarian crisis (Human Rights Watch, 2020b), but also the extent to which the Maduro regime intends to eradicate all remnants of democracy and respect for human rights in that country by making extensive use of the country's army, police, and security services.

The dismantling of democracy and rule of law materializes in the overlapping of the current state of alarm with a state of exception of an economic nature, that has lasted unconstitutionally more than four years and is based on a scheme of authoritarian government. The case study analysis leads to the following conclusions regarding the instrumentalization of the COVID-19 pandemic for the consolidation of the authoritarian Maduro regime:

1. The state of emergency declared in Venezuela on March 2020 due to the COVID-19 pandemic is being deliberately used by government officials as a new mechanism of civic control. A tightening of the repressive policy has been observed along with an increasing number of politically motivated arrests. Many detainees are charged under an overly broad hate crimes law, before a judiciary that lacks independence. Some detainees have been subjected to physical abuse that might amount to torture (Human Rights Watch, 2020c).
2. Widespread violence by the state apparatus has intensified. A number of arrests, intimidations and threats resulted from the unwritten law of the implementation of state censorship in the field of informing and disseminating information on subsequent COVID-19 cases and the lack of appropriate instruments to effectively fight the pandemic in Venezuela. Unlawful deprivation and restriction of liberty, as well as attacks on public workers, especially in the health sector, as well as journalists and human and civil rights defenders, have deepened generalized misinformation about the global health crisis and its consequences, preceded by a difficult humanitarian situation, also characterized by non-transparency.
3. Chronic shortages of food, drinking water, hygiene products, medicines, as well as shortages in basic services have become the main incentives forcing people to go out into the streets to protest in various states of the country, despite the risk of infection with the COVID-19 virus. These protests were bloodily suppressed by officials of the state security services, a significant number of people were arrested and detained in conditions

and in a manner inconsistent with the law, constituting an abuse in the field of crisis response of the state.

4. Another manifestation of the use of the pandemic for political purposes, intimidation of society and violation of basic human rights, constitution and international obligations is the criminalization of people returning from emigration to the country, who were described by regime officials as “biological weapons” and were forced to stay in camps in conditions described as “inhuman”.

The United Nations Human Rights Council (UNHRC) and its commission of inquiry confirmed in September 2020 the direct responsibility of Maduro and other members of the government for massive violations of human rights in Venezuela, including crimes against humanity. OHCHR has published a report on the results of its investigation into complaints of violations of human rights to life, freedom, and physical and moral integrity in the Bolivarian Republic of Venezuela. High Commissioner Michelle Bachelet stressed that “the people of Venezuela continue to suffer from serious violations of economic and social rights, due to low wages, high food prices or persistent shortages in public services” (Observatorio Venezolano de Conflictividad Social OVCS, 2020).

Under Maduro’s presidency, the politicization of the police was further exacerbated by increased political interference in the local police force and the establishment of a clientelist government-police alliance to protect the regime. The management of civil security agencies has been re-militarized and contribution of GNB to the fight against crime and the protest police has increased. In turn, the police in the fight against crime and the suppression of political opposition have become unprecedentedly lethal, mostly under FAES supervision. In addition, various police functions have been de-formalized to cover a wider spectrum of actors, which, alongside with *colectivos*, now includes ordinary citizens – mostly government supporters – and organized crime groups (Tremaria, 2022).

The goal of the Maduro government’s policy is to prove that aggressive strategies to prevent the spread of the virus are effective and, above all, that the authorities are in control of the situation in the country. Therefore, it can be concluded that the use of the COVID-19 pandemic is a new set of instruments aimed at accelerating the autocratization of the Venezuelan political regime under the rule of Maduro. The arbitrary arrests made by the security forces and the use of pandemic restrictions to introduce a number of social restrictions, going beyond the necessary preventive measures, testify to the deliberate manipulation and action

of the Maduro government to increase the repressive capacity also through the police institution, strengthening the character of the state as a police regime. It can therefore be concluded that there is a dialectical link between autocratization and the instrumentalization of the COVID-19 pandemic, as it contributed to the strengthening of competences beyond the traditional functioning of the security services to reinforce the Venezuelan autocratic regime.

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