

December 2, 2020

OAS Nations Pressure ICC Prosecutor to Act on Venezuela

NEW YORK (AP) — The leadership of a broad coalition of Western Hemisphere nations on Wednesday accused the International Criminal Court's chief prosecutor of failing to take swift action on allegations that Venezuelan President Nicolás Maduro's government committed crimes against humanity.

The General Secretariat of the Organization of American States said in a report that ICC prosecutor Fatou Bensouda's failure to open a formal investigation into Venezuela is “stunning” and “inexplicable.”

The leadership of the 35-member body said the slow pace of the ICC's review of Venezuela's situation “appears utterly unaffected by the widespread, severe and devastating crimes being committed.”

“As a result, the regime has been emboldened to commit more crimes, in the belief it can act with total impunity,” the report said.

The OAS is led by Secretary General Luis Almagro, who has been one of Maduro's most outspoken critics in Latin America, and the criticism of Bensouda adds to pressure already applied by U.S. officials who have been angered at her investigations of war crimes allegations against U.S. citizens in Afghanistan and elsewhere.

U.S. Secretary of State Mike Pompeo announced on Sept. 2 that the United States was imposing sanctions on Bensouda and the tribunal's chief of jurisdiction, including a freeze on assets held in the U.S. or subject to U.S. law.

The led to protests by more than 70 nations, including key U.S. allies such as Canada, Britain, Germany and France, which issued a statement that “any attempt to undermine the independence of the court should not be tolerated.”

The OAS accused the court of inaction after being presented with an OAS report in 2018 that alleged murders, torture, rapes, persecution and enforced disappearances in Venezuela.

Spokespeople for the ICC did not comment Wednesday to the new OAS statement, which was written Jared Genser, the OAS's special adviser on the responsibility to protect.

ICC prosecutors said in a news release at the beginning of November that Bensouda had met with Venezuela's attorney general, Tarek William Saab, and conveyed to him that prosecutors had a "reasonable basis" to believe that crimes within the court's jurisdiction have occurred in Venezuela. Prosecutors sought information on relevant domestic proceedings and Saab offered his cooperation, the release said.

The attorney general released a statement Monday saying that Venezuela had submitted an "extensive" report to the ICC, answering all its questions.

ICC prosecutors have also said they are undertaking preliminary examinations to determine "whether to open an investigation." Additional details will be contained in an end of the year report, they said.

The OAS statement released Wednesday said Bensouda has failed to comply with principles of "impartiality and objectivity."

It said the prosecutor's preliminary examinations underreported "the scale and severity of some of the alleged crimes, raising serious questions" about the court's "intention to prosecute fully the crimes against humanity in Venezuela falling within the ICC's jurisdiction."

Among the alleged crimes against humanity from 2014 to 2020, the report said, are allegations that more than 18,000 murders were committed by Venezuelan security forces and paramilitary groups, including extrajudicial killings and the killing of protesters. It also mentions 653 documented cases of torture.

But, the report contends, ICC prosecutors omitted in preliminary examinations "thousands of reported killings from credible sources" and also failed "to acknowledge that enforced disappearances are not isolated cases, but rather part of a larger pattern."

In September, independent experts for the United Nations' Human Rights Council accused Maduro's government of serious crimes, including grisly cases of torture and killings allegedly carried out by security forces who used techniques such as electric shocks, genital mutilation and asphyxiation.

Maduro's government formalized Venezuela's exit from the OAS in 2019.

Some OAS members, like Mexico, don't recognize Gustavo Tarré, a Venezuelan opposition envoy, as his nation's representative to the regional body. The U.S. and most of the 35 member states recognize opposition leader Juan Guaidó as interim president of Venezuela.