

23 December 2020

Venezuela: Judicial harassment against woman rights defender Vannesa Rosales

On 22 December 2020 the lawyers of woman human rights defender Vannesa Rosales filed a constitutional appeal before the Court of Appeals of Merida. In the appeal her lawyers requested that the authorities comply with the rights and constitutional guarantees of the defender, in particular that she be allowed to be free pending any legal process against her, and that she face charges only based on her actions, not on her advocacy for women's rights.

[Vannesa Rosales](#) is a feminist, women's rights defender, teacher and social worker in the Pueblo Nuevo community. Pueblo Nuevo is a very low-income community located in the centre of Mérida city. Vannesa Rosales has lived and worked in Pueblo Nuevo for over eight years. She has been involved in multiple projects which have greatly benefited the local community, for example, she is part of the team that founded the Open Studies of Politecnica Territorial University (UPTM), a programme focused on nursing, integral health, accounting in community management, the prevention of crime, and criminology. Vannesa Rosales has also a member of a local initiative which supports women in their defense of sexual and reproductive rights, with an emphasis placed on advocating for the decriminalisation of abortion.

On 9 December Vannesa Rosales's lawyers, whom to date have been denied access to the investigation files, requested that she be released under precautionary measures instead of being held in prison on remand. On 22 December 2020, the lawyers of the woman human rights defender filed a constitutional appeal before the Merida Court of Appeals, to request compliance with constitutional rights and guarantees of the defender.

This constitutional appeal comes after her preliminary hearing, which was scheduled for 14 December, was postponed and not rescheduled, thus exceeding the term established under the law to conduct the preliminary hearing within 15 days of the accusation which was made against Vannesa Rosales in October.

On 12 October 2020, several officials from the Venezuelan Corp for Scientific, Penal and Criminal Investigations (CICPC) raided Vannesa Rosales's house. The woman human rights defender was subsequently detained at the CICPC detention centre in Merida as a result of her providing assistance a 13-year-old adolescent who had been repeatedly raped by a neighbour. Since her detention Vannesa Rosales remains incommunicado in an isolated area.

Despite many recommendations made by human rights bodies such as UN-Women and UNICEF to the government of Venezuela to adapt laws according to international human rights law, Venezuela is still part of the 25% of the countries in the world that have not decriminalised or softened legislation on the right to abortion and other sexual and reproductive women's rights.

On 16 October 2020, the Flagrante Delicto hearing for Vanessa Rosales was held during which the Prosecutor's Office expressed its intention to pursue the lesser of the crimes established in the Venezuelan penal code with respect to abortion, a charge carrying a potential penalty of less than four years in prison. Such a charge would have enabled Vanessa Rosales to be released from detention during the legal process.

However, the assigned judge re-qualified the prosecution's request, seemingly based on Vannesa Rosales's work on the decriminalisation of abortion, and charged the woman rights defender with "forcing a third party to abort" and "association to commit a crime", more serious charges with a penalty in excess of four years that require defendants to be held in prison on remand during the

legal process. It should be noted that the Flagrante Delicto hearing took place five days after the arrest, which violates the 36-hour period established in the [Venezuelan Organic Code of Criminal Procedure](#).

Front Line Defenders is seriously concerned about the use of fabricated charges against Vanessa Rosales as a result of her peaceful and legitimate work in the defence of women's sexual and reproductive rights in Venezuela.

Front Line Defenders urges the authorities in Venezuela to:

1. Immediately release and drop the charges against Vanessa Rosales as Front Line Defenders believes that she is being targeted solely as a result of her legitimate and peaceful work as a woman human rights defender;
2. Take all necessary measures to guarantee that Vanessa Rosales's treatment in detention adheres to the conditions established in the 'Set of principles for the protection of all persons under any form of detention or prison' , adopted by resolution 43/173 of the UN General Assembly of December 9, 1988;
3. Refrain from using preventive detention to violate the right to personal liberty and the presumption of innocence, which is commonly used to punish human rights defenders and journalists in Venezuela.
4. Guarantee in all circumstances that all human rights defenders in Venezuela are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.