

118TH CONGRESS
1ST SESSION

S. 1931

To direct the United States Government to support extending the mandate of the Independent International Fact-Finding Mission on Venezuela until a resolution of the Venezuelan crisis is achieved.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2023

Mr. KAINE (for himself, Mr. RUBIO, Mr. CARDIN, and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To direct the United States Government to support extending the mandate of the Independent International Fact-Finding Mission on Venezuela until a resolution of the Venezuelan crisis is achieved.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assuring that the
5 Fact-Finding Examination Continues to Track Human
6 Rights in Venezuela Act” or the “AFFECT Human
7 Rights in Venezuela Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The United Nations Human Rights Council
4 Resolution adopted Resolution 42/25 on September
5 27, 2019, establishing an independent fact-finding
6 mission (referred to in this Act as the “Fact-Finding
7 Mission”) on the Bolivarian Republic of Venezuela
8 “to investigate extrajudicial executions, enforced dis-
9 appearances, arbitrary detentions and torture and
10 other cruel, inhuman or degrading treatment since
11 2014 with a view to ensuring full accountability for
12 perpetrators and justice for victims”.

13 (2) The mandate of the Fact-Finding Mission
14 was extended by the United Nations Human Rights
15 Council in 2020 for two years, and on October 7,
16 2022, for an additional two years, with a view to
17 combating impunity and ensuring full accountability
18 for perpetrators and justice for victims.

19 (3) The Fact-Finding Mission has faced several
20 constraints, including lack of access to work in-coun-
21 try, travel limitations due to the COVID–19 pan-
22 demic, disrupted interviews due to electricity and
23 internet failures, and limited ability to secure wit-
24 ness statements and key documents. Despite these
25 challenges, the Fact-Finding Mission has been able
26 to carry out its investigative and analytical work,

1 and generate reports that serve as an invaluable re-
2 source for victims, civil society organizations, and
3 international accountability mechanisms.

4 (4) The Fact-Finding Mission has identified
5 specific incidents and patterns establishing reason-
6 able grounds to conclude that violations of inter-
7 national human rights and criminal law have been
8 committed in Venezuela, according to its October
9 2022 report.

10 (5) The Fact-Finding Mission’s October 2022
11 report concludes “that crimes and violations,
12 amounting to crimes against humanity, including ex-
13 tremely grave acts of torture, were committed by in-
14 dividuals holding various positions within the hierar-
15 chies of [the Venezuelan General Directorate of Mili-
16 tary Counterintelligence] and [the Bolivarian Na-
17 tional Intelligence Service] as part of a plan de-
18 signed by high-level authorities to repress opponents
19 of the Government”.

20 (6) Marta Valiñas, Chair of the Fact-Finding
21 Mission, stated in January 2023 that the Maduro
22 regime’s proposed law restricting the activities of
23 nongovernmental organizations “could represent a
24 point of no return in the closure of the civic and
25 democratic space” and noted that organizations

1 working in the areas of human rights in Venezuela
2 are facing increased legal and operational hurdles,
3 including surveillance by Venezuelan intelligence
4 services and diminished access to funding.

5 (7) Women and girls fleeing Venezuela face
6 grave threats of sexual violence, exploitation, and
7 trafficking by armed groups operating in border re-
8 gions, such as the Ejército de Liberación Nacional
9 (ELN).

10 (8) The Fact-Finding Mission continues to urge
11 members of the United Nations Human Rights
12 Council to “continue to pay close attention to devel-
13 opments in the Bolivarian Republic of Venezuela and
14 to monitor whether credible progress is being made
15 in advancing justice, accountability and respect for
16 human rights”.

17 (9) The United States has historically used its
18 voice, vote, and influence at the United Nations to
19 address human rights abuses around the world and
20 to seek to hold perpetrators accountable.

21 **SEC. 3. ACTIONS RELATING TO THE FACT-FINDING MISSION**
22 **ON VENEZUELA.**

23 (a) SUPPORT TO EXTEND MANDATE.—The Sec-
24 retary of State shall take such actions as may be necessary
25 to use the voice, vote, and influence of the United States

1 in the United Nations Human Rights Council (UNHRC)
2 and the United Nations General Assembly (UNGA) to
3 seek to—

4 (1) extend the mandate of the Independent
5 International Fact-Finding Mission on the
6 Bolivarian Republic of Venezuela to continue until a
7 resolution of the crisis in Venezuelan that includes—

8 (A) holding a new presidential election that
9 complies with international standards for a free,
10 fair, and transparent electoral process;

11 (B) ending Nicolas Maduro’s usurpation of
12 presidential authorities;

13 (C) restoring democracy and the rule of
14 law;

15 (D) freeing political prisoners; and

16 (E) facilitating the consistent delivery of
17 humanitarian aid;

18 (2) encourage international support to empower
19 the Fact-Finding Mission to thoroughly conduct its
20 stated purpose of investigating gross violations of
21 human rights perpetrated in Venezuela since 2014;

22 (3) urge the Fact-Finding Mission to raise early
23 warnings of further deterioration of the human
24 rights situation in Venezuela, particularly ahead of

1 the country's elections expected in the country for
2 2024 and 2025; and

3 (4) provide investigative and technical assist-
4 ance to the Fact-Finding Mission as requested and
5 as permitted within the United Nations Rules and
6 Regulations and within United States law.

7 (b) SUPPORT FOR FURTHER ACTION.—The Presi-
8 dent is authorized to direct the United States Permanent
9 Representative to the United Nations to use the voice,
10 vote, and influence of the United States to urge the United
11 Nations to provide greater action with respect to human
12 rights violations in Venezuela by—

13 (1) urging the UNGA to consider a resolution
14 condemning the Venezuelan regime's use of political
15 prisoners and wrongfully detained foreign nationals
16 as leverage to extract concessions from its adver-
17 saries consistent with prior United Nations resolu-
18 tions;

19 (2) assisting efforts by the relevant United Na-
20 tions Special Envoys and Special Rapporteurs to se-
21 cure the release of all political prisoners and wrong-
22 fully detained foreign nationals in Venezuela, includ-
23 ing Americans, promote respect for human rights,
24 and encourage dialogue towards a peaceful and
25 democratic transfer of power;

1 (3) urging the United Nations and specialized
2 agencies to address the humanitarian needs of the
3 people of Venezuela, including—

4 (A) enhancing the reach of existing United
5 Nations programs that fund nongovernmental
6 organizations which provide critical services to
7 residents of Venezuela and who may be subject
8 to restrictive policies by the regime of Nicolás
9 Maduro; and

10 (B) providing direct assistance to vulner-
11 able Venezuelan refugees and migrants in third
12 countries;

13 (4) urging United Nations member states and
14 other donors to support present and future United
15 Nations funding appeals with the purpose of improv-
16 ing humanitarian conditions in Venezuela; and

17 (5) supporting access for humanitarian actors,
18 independent media, and credible international legal
19 and judicial entities, including future United Na-
20 tions fact-finding missions and similar investigatory
21 mechanisms, to people residing in Venezuela and to
22 the growing Venezuelan diaspora.

23 (c) DUE CONSIDERATION OF FACT-FINDING MIS-
24 SION REPORTS.—The President and the Secretary of
25 State shall—

1 (1) appropriately review all past and future re-
2 ports presented by the Fact-Finding Mission to
3 United Nations bodies; and

4 (2) give due consideration to the Fact-Finding
5 Mission's reported conclusions in developing and exe-
6 cuting the foreign policy of the United States with
7 respect to Venezuela.

8 (d) REPORT.—Not later than 90 days after the date
9 of the enactment of this Act, and annually thereafter until
10 the expiration of the official mandate of the Fact-Finding
11 Mission, the Secretary of State shall submit to the appro-
12 priate congressional committees a report on the implemen-
13 tation of the actions described in subsections (a), (b), and
14 (c).

15 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means—

18 (1) the Committee on Foreign Relations and
19 the Committee on Appropriations of the Senate; and

20 (2) the Committee on Foreign Affairs and the
21 Committee on Appropriations of the House of Rep-
22 resentatives.

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