

117TH CONGRESS
2D SESSION

S. 5182

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

DECEMBER 5, 2022

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

19 (2) The Fact-Finding Mission has identified
20 specific incidents and patterns establishing reason-
21 able grounds to conclude that violations of inter-
22 national human rights and criminal law have been
23 committed in Venezuela, according to its October
24 2022 report.

25 (3) The Fact-Finding Mission has faced several
26 constraints, including lack of access to work in-coun-

1 try, travel limitations due to the COVID–19 pan-
2 demic, disrupted interviews due to electricity and
3 internet failures, and limited ability to secure wit-
4 ness statements and key documents. Despite these
5 challenges, the Fact-Finding Mission has been able
6 to carry out its investigative and analytical work,
7 and generate reports that serve as an invaluable re-
8 source for victims, civil society organizations, and
9 international accountability mechanisms.

10 (4) The United States has historically used its
11 voice, vote, and influence at the United Nations to
12 address human rights abuses around the world and
13 to seek to hold perpetrators accountable.

14 (5) Marta Valiñas, Chair of the Fact-Finding
15 Mission on Venezuela, stated in September 2022
16 that the Mission’s investigations and analysis show
17 “that the Venezuelan State relies on the intelligence
18 services and its agents to repress dissent in the
19 country. In doing so, grave crimes and human rights
20 violations are being committed, including acts of tor-
21 ture and sexual violence. These practices must stop
22 immediately, and the individuals responsible must be
23 investigated and prosecuted in accordance with the
24 law.”.

1 **SEC. 3. ACTIONS RELATING TO THE FACT-FINDING MISSION**
2 **ON VENEZUELA.**

3 (a) SUPPORT TO EXTEND MANDATE.—The Sec-
4 retary of State shall take such actions as may be necessary
5 to use the voice, vote, and influence of the United States
6 in the United Nations Human Rights Council (UNHRC)
7 and the United Nations General Assembly (UNGA) to
8 seek to—

9 (1) extend the mandate of the Independent
10 International Fact-Finding Mission on the
11 Bolivarian Republic of Venezuela to continue until a
12 resolution of the crisis in Venezuelan that includes—

13 (A) holding a new presidential election that
14 complies with international standards for a free,
15 fair, and transparent electoral process;

16 (B) ending Nicolas Maduro’s usurpation of
17 presidential authorities;

18 (C) restoring democracy and the rule of
19 law;

20 (D) freeing political prisoners; and

21 (E) facilitating the consistent delivery of
22 humanitarian aid;

23 (2) encourage international support to empower
24 the Fact-Finding Mission to thoroughly conduct its
25 stated purpose of investigating gross violations of
26 human rights perpetrated in Venezuela since 2014;

1 (3) urge the Fact-Finding Mission to raise early
2 warnings of further deterioration of the human
3 rights situation in Venezuela, particularly ahead of
4 the country's elections expected in the country for
5 2024 and 2025; and

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

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

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

22 (2) assisting efforts by the relevant United Na-
23 tions Special Envoys and Special Rapporteurs to se-
24 cure the release of all political prisoners and wrong-
25 fully detained foreign nationals in Venezuela, includ-

1 ing Americans, promote respect for human rights,
2 and encourage dialogue towards a peaceful and
3 democratic transfer of power;

4 (3) urging the United Nations and specialized
5 agencies to address the humanitarian needs of the
6 people of Venezuela, including vulnerable Venezuelan
7 refugees and migrants in third countries through di-
8 rect assistance; and

9 (4) supporting access for humanitarian actors,
10 independent media, and credible international legal
11 and judicial entities, including future United Na-
12 tions fact-finding missions and similar investigatory
13 mechanisms, to people residing in Venezuela and to
14 the growing Venezuelan diaspora.

15 (c) DUE CONSIDERATION OF FACT-FINDING MIS-
16 SION REPORTS.—The President and the Secretary of
17 State shall—

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

21 (2) give due consideration to the Fact-Finding
22 Mission’s reported conclusions in developing and exe-
23 cuting the foreign policy of the United States with
24 respect to Venezuela.

1 (d) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, and annually thereafter until
3 the expiration of the official mandate of the Fact-Finding
4 Mission, the Secretary of State shall submit to the appro-
5 priate congressional committees a report on the implemen-
6 tation of the actions described in subsections (a), (b), and
7 (c).

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

11 (1) the Committee on Foreign Relations and
12 the Committee on Appropriations of the Senate; and

13 (2) the Committee on Foreign Affairs and the
14 Committee on Appropriations of the House of Rep-
15 resentatives.

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