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Washington D.C. - September 24, 2003 - Based on demand, the Coordinadora Internacional Venezolana has prepared this White Paper on the status of Human Rights violations in Venezuela. This is part of a planned occasional series documenting inherent weaknesses in Venezuela's democratic systems and institutions, plus providing information so others may have a better understanding of Venezuela's social and economic environment.

White Paper on Human Rights Violations in Venezuela

"Violence and impunity are gaining ground over democracy in Venezuela." ¹

Introduction

The human rights situation in Venezuela is worsening each day. In order to find a peaceful solution to the polarized political environment, impunity needs to be eradicated by rebuilding democratic institutions, in particular the judicial branch. The major abuser of human rights in Venezuela is the government, and because of the breakdown of the judicial branch, no trials or punishments are imposed on violators. Peace is not possible where impunity prevails, and without peace, democracy is not feasible.

Because of the continued erosion of democratic institutions under the Chavez regime, the Venezuelan government is in effect sponsoring impunity and violence in Venezuela today.

This report provides an overview of how the Chavez government perpetuates this breakdown in democratic institutions by promoting and supporting human rights violations. Summary information is provided in five key areas: systems of impunity, respect for civil liberties, respect of the integrity of the person, freedom of religion, Government attitude regarding International NGO investigations of human rights violations, and workers rights.

A detailed listing of reference material, plus Venezuelan-based human rights organizations is included in the appendix.

I. System of Impunity

¹ COFAVIC Semi-Annual Report September 2002 – February 2003 "Democracy in Venezuela Severely Threatened."

- 98 % of violations against human rights are not punished. Crimes involving human rights abuses did not proceed to trial due to judicial and administrative delays (source: COFAVIC and US Depart. of State)
- There has been no investigations of the criminal acts committed during public demonstrations against the government resulting in the violation of the integrity of people (during the last sixteen months there have been 52 deaths, 820 injured, and 92 journalist attacked) (Source: COFAVIC, PROVEA, Human Rights Watch, US Department of State Report on Human Rights in Venezuela, El Universal 02/09/03)
- Lack of political will to carry out an independent investigation through a Commission of the Truth after April 11-13 2002 events. (Source: IACHR)
- Lack of autonomy of human rights control and protection organizations such as the Public Defender/Ombudsman, Attorney General (Isaias Rodriguez was the first Vice-President of the current administration), CONATEL (Telecommunication Control Commission), General Comptroller.²
- More than 75% of judges are temporal, not having stability in their positions and subject to removal at any time by political motivations (Source: US Depart. of State report, COFAVIC)
- Abuse of power by the Executive Branch over other branches of government. Example: The Metropolitan Police of Caracas (municipal police department under the control of an opposition mayor) was intervened by the Ministry of the Interior (part of the Executive Branch). The Executive Branch has ignored a Supreme Court ruling to cease the intervention. (Source: US Depart. of State)

"The Inter American Human Rights commission urges all OAS member states to take immediate actions to stop the progressive deterioration of rule of law in Venezuela....currently, this Commission observes with extreme concern the aggravation of the Venezuela's crisis, characterized by violence, intolerance and a general lack of faith in government institutions. "
 (IACHR Press Release N° 47/02) - Dec. 12, 2002

II. **Respect for Civil Liberties**

A. **Freedom of Speech**

Attacks to journalists and media organizations

- Reprisals, threats and violence against journalists and media organizations restricted freedom of expression in practice. One journalist was killed during the April 11th events, at least 7 reporters have been shot, 80 have been physically attacked, 5 have been victims of crime under suspicious circumstances, nearly 100 reported having received threats (including death threats), at least 28 individuals and organizations requested and received protective measures from the IACHR. (Source: US Depart. of State, IACHR and HRW)
- Media organizations and assets have been attacked. At least 13 media vehicles have been vandalized, 4 TV cameras and 2 microwave transmitters destroyed. Private TV outlets were simultaneously surrounded and attacked by pro-Chavez protesters in the cities of Maracay, Barquisimeto, San Cristobal, and Maracaibo on December 9th 2002. Mobs have surrounded newspaper and TV stations in several occasions blowing whistles, taunting journalists,

"Freedom of expression is exposed to series of risks that are not limited to simple threats or to abuses that compromise its existence, but include serious measures and revenge for exercising that freedom" (Source International Press Institute - IAPA)

² In December 2000, the National Assembly appointed members of the Supreme Court, Attorney General, General Comptroller and Public Defender (Citizen Power) in violation of the process established in the Constitution. The process set forth in the 1999 Constitution regarding civil society participation in the selection process was not followed and the government majority exercised excessive executive influence in other branches of government to approve appointments. This also included controlling CONATEL, which should be an independent Commission, as a way to sanction and control private media outlets.

spraying graffiti on walls, smashing windows and burning vehicles. A grenade was thrown on Globovision (Private TV channel) (Source: HRW).

- President Chavez constantly uses an aggressive tone against private media and newspapers encouraging violence. No investigation has been carried out by the attorney general or the police on public attacks and threats to media and journalists.(Source: HRW, IAHR)
- National police and National Guard have not acted in front of flagrant attacks against journalist. They have turned their eyes when assistance or help have been requested (Source: HRW).
- Venezuela is on the International Press Institute - IPI watch list.
- Journalist Marta Colomina who is a frequent critic of the government, was brutally attacked on Journalists' Day, June 27 when four gunmen leaped out of one of the vehicles and one of them threw a Molotov cocktail at her car

Legislation and process to revoke private media licenses

- Under the 2000 telecommunication law, approved by the Government's majority in Congress, the Minister of Infrastructure has the jurisdiction to revoke private media broadcasting license. Based on that legislation, the government has initiated administrative procedures to revoke licenses of three of the major private outlets. (Source: HRW)
- Under the government initiative, its majority in Congress is about to approve the Content Law or so called "Gag Law". Human Rights Watch has considered that the proposed law imposes extensive government controls over television output, seriously threatening freedom of expression. (Source: HRW)

Comments deemed objectionable by Government

"Mr. Chavez, all those ghosts do not exist, the only saboteur, coup-maker and conspirator, confessed and convicted is you!"

"above all, profound indignation and pain that all Venezuelans feel for the massacre that occurred today in this plaza, and for which the only person responsible is the murderer of Miraflores, Hugo Chávez".
(Source: HRW)

B. Freedom of Peaceful Assembly and Association

- Public opposition gatherings and protests have faced constant attacks by pro-government supporters. As result, 52 people have been killed and 815 injured.
- Peaceful demonstrations in areas deemed "territory" of pro-government supporters are practically forbidden to opposition gathering. On May 24th, 2003 a person was killed and 15 suffered gun shot wounds. Pro-government groups (Carapaica and Tupamaro) shot with military-type weapons protesters in Catia, an impoverished neighborhood in the west side of Caracas. The Government has not committed itself towards a policy of disarming the civil population (see Table I with summary information on deaths and injuries during peaceful demonstrations). (Source: El Nacional and El Universal 05/25/03)
- Freddy Bernal, Major of the Libertador District of Caracas, a close allied to the President, declared on May 25 2003 that he will not issue permits to opposition protests and gathering under his jurisdiction. (Source: El Nacional, El Universal 05/25/03)

III. Respect for the integrity of life

Arbitrary and unlawful deprivation of life

- The police and military committed 349 extrajudicial killings of criminal suspects in seven states from October 2001 to June 2001. Investigations remain extremely slow or are not conducted at all (Source: US Depart. of State, PROVEA, COFAVIC).
- Several members of the political opposition, Human Rights NGOs and journalist have received death threats by government supporters (Source: PROVEA, COFAVIC, US Depart. of State).
- On August 27th, 2003 in the town of Machiques (Zulia), Human Rights activist Joe Luis Castillo González was assassinated

- 52 people killed during peaceful demonstrations against the government during the last 16 months. The attorney general's office has yet to conduct due process to carry out these investigations. All related cases have been assigned to the same prosecutor, known for his affiliation with the government.

Torture and Other Cruel, inhuman and degrading Treatment

- PROVEA documented 664 cases of torture, beating and other abuse, affecting 1,731 victims, from October 2000 through September 2001. (Source: PROVEA, US Depart. of State).
- Torture continues, in part, because Government did not ensure independent investigation of complaints. Very few cases of torture resulted in convictions (Source: US Depart. of State).
- Prison conditions are worsening under the current administration. The prison population is 117 percent over capacity. Prisoners have used grenades (only legally used by the army) and guns. (Source: US Depart. of State)
- 48 percent of all prisoners are in pretrial detention. (Source: Ministry of the Interior of Venezuela, US Depart. of State).
- There have been 244 deaths and 1,249 injuries from violence in jails from October 2001 through September 2002. (Source: US Dept. of State).

Arbitrary Arrest, detention or exile

- Arbitrary arrests and detentions increased. 8,792 persons were reported detained in sweeps in impoverished sections of major cities during the period October 2000- September 2002. (Source: PROVEA, US Depart. of State).
- 9 persons publicly involved as part of the opposition to the government have requested and been granted political exile to Costa Rica, Colombia, Uruguay, Peru, Dominican Republic and El Salvador. They have received death threats and were being persecuted.
- In a case that is emblematic, General Carlos Alfonzo Martinez (prominent opposition military figure) was taken by helicopter to a penitentiary center in clear violation of his constitutional rights
- In Tachira state 9 persons have been detained as common criminal prisons for supposedly fostering civil rebellion on April 11th, 2001, . All of them are prominent political individuals since they are COPEI party representatives, 2 legislative council representatives of the State of Tachira, and the president of the State of Tachira's Bar Association.

Denial of fair and public trial

- Two of the very well known criminal cases - Llaguno Bridge Shooters and Lieutenant Siccat case³- were eradicated from the appointed court in Caracas as a political maneuver to transfer the case to political condescending judges in Maracay (Aragua State). Court decisions favored both the Pistoleros and Lieutenant Siccat. (Source: US Department of State, HRW).
- More than 75 percent of judges are appointed under provisional status. They can be removed at any time based on political considerations. Several judges have been demoted when decisions have not favored the mainstream in high profile political cases. Full appointment of judges has not been possible because of political problems in the National Assembly.

Arbitrary interference with Privacy

- Illegal wiretapping of private citizens is a commonly used practice by the government and its supporters. Both President Hugo Chavez and deputies from the MVR presented private

³ The "Shooters of Llaguno Bridge" were caught by TV cameras shooting to the crowd from the bridge on April 11th demonstration that ended with the killing of 16 people. Lieutenant Siccat was sent to trial after being accused of setting a soldier on fire as a "educational" measure.

conversations of journalists and union leaders to the public (they did not follow due procedure in accordance to the law) (Source: US Depart. of State).

Refugees

- 1300 displaced persons seeking refuge since one year ago are still waiting for a response from the executive branch (Source - Provea).

IV. Freedom of Religion

- The President has used a very incendiary discourse against the Catholic Church in Venezuela. President Chavez called the church a "tumour" and priests "devils under their cassocks." in a country that is primarily Catholic. (Source - BBC news) As result, members of the Church, including the Archbishop Balthazar Porras have reported being threatened and attacked by pro-government mobs. Father Juan Manuel Fernandez was shot. There has been no investigation into the crime. (Source: US Depart. of State).
- At the funeral of Roman Catholic Cardinal Velasco demonstrators threw stones and fireworks at police, One officer was struck in the head with a glass bottle (Source: BBC news)

V. Government attitude regarding NGOs investigations of human rights violations

- COFAVIC, one of the best-known local Human Rights NGOs, have received threats from the Bolivarian Circles and persons who identified themselves as Pro-Government supporters. Neither the Attorney General office nor the Public Defender has pursued requests for investigations. The IACHR requested the Government to provide protection to COFAVIC's office and director. The Government did not respond to the request. (Source: IACHR, US Depart. of State).
- Supreme Court decision ruled that local NGOs receiving funding from international donors or organizations are not considered part of Civil Society in Venezuela. This ruling seriously impact civil society mechanism established in the 1999 Constitutions in policy making and social control and human rights oversight processes. (Source: US Depart. of State, Supreme Court decision 1011).

VI. Worker's rights

- Government does not recognize the leadership of CTV, the largest Union Confederation in Venezuela, arguing that it was not legitimately elected. The Supreme Court has ruled that Carlos Ortega is indeed the legitimate representative of the CTV after the internal election of October 2001. (Source: US Depart. of State)
- 18,000 workers were dismissed from the main oil company, PDVSA without proper compensation for their dismissal.

Table I
Summary of Deaths and Injured in Peaceful Demonstrations in Venezuela

Date	Location	Event	Injured (*)	Deaths
03/15/02	Caracas	Supreme Court Decision	13 (9)	0
03/21/02	Barquisimeto	Demonstration CTV	5	0
04/09/02	Caracas	PDVSA, Chuao	3	0
04/11/02	Caracas	Demonstration April 11 th	152 (60)	19
04/13/02	Caracas	Looting	300 (300)	20
06/21/02	Caracas	Demonstration retired military officers	2	0
07/11/02	Caracas	Demonstration 3 months of April 11 th	2	0
07/12/02	Valencia	Protests Carabobo State University	2	0
08/02/02	Caracas	Attacks Carapica Group (pro-government)	10 (10)	0
08/08/02	Caracas	Supreme Court Decision on army officers participating in April 11th	13 (9)	0
08/14/02	Caracas	Supreme Court	23 (3)	0
08/15/02		Decision Supreme Court on army officers	3 (3)	0
10/10/02	Caracas	Taking of Caracas Demonstration	10 (6)	1
11/01/02	Caracas	Metropolitan Town Hall conflict	3	0
11/04/02	Caracas	Consultative Referendum signature consignment	77 (22)	0
11/12/02	Caracas	Forceful takeover of Metropolitan Police	35 (14)	2
11/18/02	Caracas	Demonstration to the Metropolitan Police in Mariperez	3	0
12/03/02	Caracas	PDVSA, Chuao	7	0
12/04/02	Barquisimeto	Los Ilustres Square	10	0
12/06/02	Caracas	Altamira Square	22 (22)	3
12/08/02	Caracas	Chacao Municipality Police station	1 (1)	0
12/30/02	Caracas	Protest in front of DISIP – Gral. A. Martinez	4	0
12/31/02	Maracaibo	Dialogue table- Government- Opposition	1	0
01/03/03	Caracas	Demonstration of the Great Battle	35 (8)	2
01/11/03	Quíbor	Demonstration Democratic Coordinator	4	0
01/13/03	S. Cristóbal	Demonstration supporting the Merchant Marine	1	0
01/14/03	Maracaibo	Pro-Government demonstration Indigenous people and street merchants	1	0
01/15/03	Caracas	Demonstration, La India El Paraiso	2 (1)	0
01/16/03	Caracas	Walking Ateneo – UCV	2	0
01/20/03	Charallave	Demonstration Valles del Tuy	2	0
05/01/03	Caracas	Labor Day	0	1 (1)
05/25/03	Caracas	Demonstration in Catia	20 (20)	1 (1)
06/13/03	Caracas	Demonstration in Petare	16	
		TOTAL	836	52
		Attacks by Gunfire	488	52

(*) Attacks by gunfire

References

1. State Department HHRR report issued in March 2003
<http://www.state.gov/g/drl/rls/hrrpt/2002/18348.htm>
2. Inter-American Commission on Human Rights - IACHR Report for 2002 on OAS website. Includes IACHR report after inter-loco visit to Venezuela, May 2002 <http://www.oas.org/>
3. Human Rights Watch just issued Report <http://www.hrw.org/press/2003/05/venez052103.htm>
4. El Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA). Reports found at <http://www.derechos.org.ve/>
5. COFAVIC – Venezuela based NGO for the protection and promotion of human rights. Reports found at <http://www.cofavic.org.ve/casos.htm>
6. COFAVIC Semi-Annual Report September 2002 – February 2003 “Democracy in Venezuela Severely Threatened.” Found at <http://www.cofavic.org.ve> then clicking on “Informes.”
7. El Nacional – Major daily newspaper. <http://www.el-nacional.com/>
8. El Universal – Major daily newspaper <http://www.eluniversal.com/>

Listing of HR organizations in Venezuela

*** indicates a pro-government organization.

Name:	Amnesty International (Venezuelan Chapter of)
Description:	International HR.
Contact:	Fernando Fernandez
Mailing address:	Plaza Morelos, Ateneo de Caracas, piso 6 , Los Caobos. Apdo. postal 5110, Caracas 1010-A
E-Mail address:	admin-ve@amnesty.org.ve
Phone number:	(58-212) 576.53.44 / 576.17.87. Fax: 572.94.10.
Web page:	www.amnistia.org.ve

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Name:	Centro de Derechos Humanos de la Facultad de Derecho de la Universidad Católica Andrés Bello
Description:	Basically dedicated to academic research and analysis.
Contact:	Ligia Bolivar
Mailing address:	UCAB – Av. Principal de Montalban, Caracas, Vzla
E-Mail address:	cddhh@ucab.edu.ve
Phone number:	(58-212) 407.44.34 / 407.41.82 / 407.43.89
Web page:	www.ucab.edu.ve

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Name:	(COFAVIC)
Description:	Committee of Relatives and Victims of the Feb-March events of 1989
Contact:	Liliana Ortega
Mailing address:	Esq. Candilito, Edif. El Candil, piso 1, Ofic. 1-A, La Candelaria Apdo. Postal 16150. La Candelaria, Caracas 1011-A
E-Mail address:	cofavic@cofavic.org.ve
Phone number:	(58-212) 572.96.31 / 572.99.12 / Fax: 572.99.08
Web page:	www.cofavic.org.ve

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Name:	FEDEFAM***
Description:	Latin-American Federation of Associations Missing Detainees Relatives
Contact:	
Mailing address:	Marrón a Cují, Edif. Aldomar, piso 7, Ofc. 55. Apartado Postal 24444, Carmelitas 1010-A. Caracas.
E-Mail address:	fedefam@true.net
Phone number:	(58-212) 564.05.03 / Fax: 564.27.46
Web page:	

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Name:	PROVEA***
Description:	Venezuelan Program on HR Education and Action
Contact:	
Mailing address:	Puente Trinidad a Tienda Honda, Edif. Centro Plaza Las Mercedes, PB, Local 6, Caracas. Apartado 5156, Caracas 1010-A
E-Mail address:	provea@derechos.org.ve
Phone number:	(58-212) 862.10.11 / 862.53.33 / Fax: 860.66.69
Web page:	www.derechos.org.ve

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Name:	Red de Apoyo por la Justicia y la Paz***
Description:	HR org supporting Justice and Peace
Contact:	
Mailing address:	Parque Central, Edif. Caroata, Nivel Ofic.2, Ofic.220. Caracas. Apartado Postal 455 Carmelitas, Caracas 1010-A
E-Mail address:	redapoyo@cantv.net
Phone number:	(58-212) 564.75.09 / Fax: 563.18.23
Web page:	

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Name:	Servicio Jesuita para los Refugiados
Description:	Jesuit volunteer services for the refugees in the borders
Contact:	
Mailing address:	
E-Mail address:	alfin_29@hotmail.com
Phone number:	(58-212) 862.84.41
Web page:	

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Name:	Servicio Social Internacional. Comisión Venezolana (SSI)
Description:	International HR with a Venezuelan based chapter
Contact:	
Mailing address:	Centro Comunal de Catia, Caracas
E-Mail address:	cv ssi@telcel.net.ve
Phone number:	(58) 212-871.77.82
Web page:	

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Name:	Vicaría Episcopal de Derechos Humanos de la Arquidiócesis de Caracas
Description:	Catholic HR org. One of the most important and actives.
Contact:	
Mailing address:	Torres a Madrices, Edif. Juan XXIII, piso 01, Ofic. No.2. Caracas
E-Mail address:	vicadhac@telcel.net.ve
Phone number:	(58-212) 564.75.09 / Fax: 564.27.46
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Name:	Oficina de Derechos Humanos del Vicariato Apostólico de Puerto Ayacucho
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Description:	Catholic HR org. One of the most important and actives at a regional level.
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Contact:	
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Mailing address:	Av. Orinoco, Complejo Social, frente a Galaxia 2000, Puerto Ayacucho. Amazonas
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Web page:	
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Name:	Grupo de Derechos Humanos de la Diócesis de San Fernando
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Description:	Local HR org.
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Contact:	Marisol Suarez
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Mailing address:	Curia Diocesana, calle Madariaga cruce con Bolívar, al lado de la Catedral. Apdo. Postal 99, San Fernando de Apure.
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Name:	Oficina Diocesana de Derechos Humanos (HUMANA DIGNITAS)
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Description:	Local HR org with relevance at national level.
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Contact:	
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