

VENEZUELA

THE FACES OF IMPUNITY: A YEAR AFTER THE PROTESTS, VICTIMS STILL AWAIT JUSTICE

EXECUTIVE SUMMARY

A year after the pro and anti-government protests that shook Venezuela between February and July 2014, hundreds of victims of human rights abuses are still awaiting justice. More than 43 people died and a further 878 were injured during the protests. Scores were ill-treated and 3,351 were detained, 27 of whom remain in detention awaiting trial. At the time of writing, 2 March 2015, all those responsible had not been brought to justice, victims and their relatives had yet to receive reparations and those arbitrarily detained had not been released, showing a clear lack of political will on the part of the Venezuelan authorities to ensure that these grave human rights violations are not repeated.

This report details cases in which members of the security forces or pro-government armed groups acting with their acquiescence were involved in killings, as well as cases of torture and other ill-treatment of detainees and arbitrary detentions. During the past year, Amnesty International has also documented cases of harassment and intimidation of victims, their relatives and legal representatives, for their efforts to obtain justice. Human rights defenders who have reported these serious abuses have also been the target of attacks.

The concerns and cases highlighted in this report, are the result of interviews with victims and their relatives, human rights defenders, journalists, and lawyers between February 2014 and February 2015 in Caracas as well as in the states of Valencia, Miranda, Zulia, Táchira and Mérida. The organization also met with the Attorney General and representatives of the Office of the Ombudsperson.

Public Prosecutor's Office investigations indicate that law enforcement officials and armed civilians, including members of pro-government armed groups, were responsible for the deaths of demonstrators and passers-by, and that a number of people died in incidents at the barricades erected by demonstrators to block public roads.

The Public Prosecutor's Office has investigated 238 reports of human rights violations, 13 of which have resulted in charges being brought against the alleged perpetrators. According to the Attorney General 30 police officers have been charged in connection with the deaths of protesters, excessive use of force and torture and other ill-treatment, and three law enforcement

officials have been convicted of ill-treatment. Fourteen officers have been detained and an arrest warrant has been issued, but not served, for another; the remainder have been granted conditional release.

While most of the 3,351 people detained during the protests were released without charge, 1,404 of those released have been charged with obstructing public roads, wounding, damaging public property and conspiracy to commit a crime and are awaiting trial, and 27 remain in pre-trial detention. Amnesty International has documented five of the 27 cases of people who remain in prison awaiting trial, and found they were arbitrarily detained.

The impunity surrounding human rights violations committed during the protests in 2014 is not the exception. In Venezuela, the vast majority of human rights violations are not investigated or punished. The Public Prosecutor's Office stated already back in 2012, that in the majority of cases the perpetrators of human rights violations are not brought to justice. The justice system has not only been ineffective in guaranteeing the right to justice of victims of human rights violations, it has also frequently been the target of government interference.

Over the past decade, Amnesty International and other non-governmental organizations, both national and international, as well as the Inter-American Commission on Human Rights and various UN human rights monitoring bodies have called on Venezuela to prioritize human rights protection in order to establish a robust rule of law in which judicial authorities can guarantee protection before the law for the entire population without discrimination.

Venezuela has ignored these calls. Instead of strengthening the rule of law and the protection of human rights it has taken steps that have helped undermine that protection. For example, in September 2013 it denounced the American Convention of Human Rights and withdrew from the jurisdiction of the Inter-American Court of Human Rights, the final court of appeal and last hope for victims of human rights violations and their relatives seeking justice throughout the Americas.

Excessive use of force

The authorities' response to the wave of demonstrations that took place in 2014 showed once again that the government will not tolerate dissent or protests criticizing government policies. Excessive use of force by the security forces and reports of torture and other ill-treatment are evidence of this. At no point during the protests or the past year have the authorities clearly and publicly signalled that abuses by state agents would not be tolerated despite the findings of investigations by the Public Prosecutor's Office that the security forces used excessive force.

Indeed, far from showing a clear commitment to respect the right to peaceful assembly the government issued Ministry of Defence Resolution 008610 only recently on 27 January 2015, allowing all sections of the armed forces to be deployed in public order operations, including the policing of public protests, and authorizing the use of firearms in such operations.

Given the numerous serious human rights violations resulting from the excessive use of force by state agents, considering using all sections of the armed forces in public order operations is of grave concern. International standards clearly state that the use of the armed forces for internal policing operations should be considered only in clearly defined exceptional

circumstances, and that should such deployments take place, excessive force must not be used and the right to life and physical integrity must be respected at all times.

Instead of sending a clear message condemning human rights violations, the authorities have continued to seek to justify the unlawful actions of the security forces in the name of public order and security and of political stability.

Fourteen-year-old Kluiberth Roa Núñez died after being hit by a rubber bullet fired by national police in Táchira State a few weeks ago on 24 February 2015, a month after Resolution 008610 was issued. He was walking near a protest when the security forces opened fire on demonstrators who had been throwing stones and Molotov cocktails. His death sparked student protests in Mérida the following day during which five students were shot and injured, reportedly by members of the security forces.

Torture and other cruel, inhuman or degrading treatment

Scores of people were beaten, burned, subjected to sexual abuse and electric shocks and threatened with rape and death by law enforcement officials during the protests. These violations were inflicted on detainees at the time of arrest, during transfer to detention centres and while in detention.

In the cases documented by Amnesty International security forces ill-treated detainees in order to punish them for their participation, or alleged participation, in the protests; to coerce them into confessing to having committed crimes while they were taking part in the protests; or to obtain information in order to identify those who had taken part in or organized anti-government protests.

Arbitrary detention

After reviewing the evidence presented by the Public Prosecutor's Office in five cases of the 27 people who remain in detention, Amnesty International was able to confirm that these five have been arbitrarily detained. They are facing trial despite the absence of credible evidence to support the charges brought against them and some were detained with no arrest warrant.

Not only have those arbitrarily detained since 2014 not been released yet, but people continue to be imprisoned for their political views or for holding anti-government opinions.

Antonio Ledezma, the Mayor of Caracas, was detained on 19 February 2015 in circumstances suggesting that his arrest was politically motivated. According to the Venezuelan Mayors' Association, at the end of February 2015, 33 of the 73 mayors belonging to opposition parties were facing legal proceedings.

Judge Alí Fabricio Paredes was also detained recently on 10 February. His arrest appears to be linked to a sentence he handed down in a high-profile case that did not conform to the wishes of the Attorney General. Also of great concern is the recent detention on 8 February of lawyer Tadeo Arriechi apparently in reprisal for carrying out his duties and providing legal representation for a company accused of destabilizing the economy.

These detentions clearly call into question the authorities' lack of respect for dissenting views and the independence of the judiciary, and illustrate the difficulties faced by judges and lawyers in carrying out their professional duties.

The report highlights the manifest lack of commitment on the part of the authorities to end impunity for grave violations committed a year ago and to ensure the protection of human rights for all, without discrimination and regardless of political affiliation. It concludes that this lack of commitment creates a serious risk that the tragic events documented by Amnesty International will be repeated, especially given the context of increasing social discontent.

A series of concrete recommendations that must be implemented as a matter of urgency, are included in the last chapter. In particular, the Venezuelan authorities must guarantee the right to peaceful assembly, and the right of victims of human rights violations to justice and reparation. All those arbitrarily detained must be released without delay and the intimidation and harassment of those who report abuses – whether victims, relatives, lawyers or human rights defenders – must end. The authorities must also refrain from using the armed forces in public order operations, except for clearly defined emergency situations; and must ensure that the security forces act in accordance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Amnesty International is concerned that the level of violence will intensify and more lives will be lost unless the Venezuelan government prioritizes the protection of human rights and the executive sends a clear message that excessive use of force by the security forces will not be tolerated. The government must also guarantee that protesters and dissidents will not be targeted. Without such a commitment, the rule of law will continue to be eroded, potentially putting everyone at risk of human rights violations.