
VENEZUELA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, constant stigmatisation of human rights defenders and their organisations persisted. Reprisals against defenders who work with universal and regional human rights protection mechanisms also continued. Moreover, laws were passed that obstructed freedoms of association and expression, affecting the work of human rights organisations. Acts of judicial harassment also continued against one trade union leader who participated in protests to demand labour rights. Finally, on a positive note, progress was made in investigations into the killings of two independent journalists.

Political context

On February 2, 2011, President Hugo Chávez celebrated twelve years in power after winning four presidential elections and the 2004 referendum. Throughout the years of his administration, important progress was made to respect a number of economic, social and cultural rights¹, yet a hostile environment towards all criticism and opposition has grown, accompanied by imbalance between the different branches of public power. Internationally, the Venezuelan Government expressed its hostility towards international mechanisms for the protection of human rights, rejecting on repeated occasions visits from the United Nations or from the Inter-American Commission on Human Rights (IACHR) and accusing the IACHR and the Inter-American Court of Human Rights (IACtHR) of acting with bias. At the national level, critics of Government policies, including human rights defenders, suffered hostility, the constant risk of having unfounded judicial proceedings brought against them, and were publicly stigmatised as traitors to their country. As a result, threats, attacks and harassment against them increased.

Moreover, the criminalisation of social protest continued, in response to an increase in demonstrations which in turn became more radical². Official

1/ Illiteracy was practically wiped out, poverty was reduced and there was important progress made in access to basic services for the most vulnerable populations.

2/ According to the Venezuelan Programme for Education - Human Rights Action (*Programa Venezolano de Educación-Acción en Derechos Humanos - PROVEA*), between October 2009 and September 2010, there were 3,315 social protests (an increase of 24.29% in terms of the previous year) of which 105 included hunger strike (versus one single case in the previous period). This situation continued in 2011, as in just the first two months there were 33 hunger strikes registered. See PROVEA Report, *Situación de los Derechos Humanos en Venezuela, Informe Anual octubre 2009 / septiembre 2010*.

sources systematically discredited the protesters, threatening them with legal repercussions and on several occasions, force was used to repress peaceful demonstrations. This led to actions being taken to avoid excessive use of force by the police, such as the Resolution on control of police action in public meetings and demonstrations, published in the Official Gazette on April 18, 2011. Political opposition leaders, students, trade unionists and journalists who criticised the Government or who denounced cases of corruption were also threatened with judicial proceedings. All of this led to even more flagrant limitations on the freedoms of association and expression, fundamental rights in democratic States.

The situation worsened because of high levels of impunity and the growing lack of trust in the judicial power due to its lack of independence. While this has been an ongoing problem for several years now, in the last few years it was noted that a high number of judges were appointed provisionally making them easier to dismiss, political appointments were made to the Supreme Court of Justice and, in a number of cases, judges and attorneys were removed from their posts after making legal decisions contrary to the interests of the Government. Equally, the legislative power also showed signs of losing its independence and autonomy, as demonstrated in Article 203 of the Constitution, still in force, which permits the delegation of legislative faculties to the President of the Republic without clearly defining these faculties. In relation to this, in December 2010, several days after the culmination of the ordinary legislative period of the National Assembly, with its pro-Government majority, and just a few days before the start of the period of the new elected Assembly on September 26, 2010, with 40% of the deputies aligned with the opposition, a law was passed giving wide ranging legislative powers to the President for eighteen months, including in matters of criminal justice³.

Meanwhile, the prison situation continued to be of serious concern. Despite the fact that for a number of years organisations have reported the serious conditions and violence in prisons, and that the IACtHR granted provisional measures in a number of prison establishments⁴, the State did

3/ Although this law aims at helping victims of the winter spell of 2010, more than twenty legally binding decrees were passed in just a few months, including a reform to the national armed forces (granting them administrative police powers, powers of criminal investigation and the ability to include soldiers in their ranks) and a new financial law (where new crimes and sentences are established). See IACHR Press Release No. 122/10, December 15, 2010.

4/ The IACtHR has granted and ratified provisional measures since 2006 in favour of individuals imprisoned in the following prisons: metropolitan prison Yare I, Monagas judicial confinement centre ("La Pica"), prison of the central west region (prison of Uribana) and the capital judicial confinement centres El Rodeo I and El Rodeo II. These measures were reinforced in 2009.

not take the necessary measures to guarantee the life and personal integrity of detainees. In 2010, 476 detainees died and 958 were injured, that is to say, 30% more deaths and 51% more injuries than in 2009. In the first three months of 2011, 124 people lost their lives in Venezuelan prisons and 266 were injured, respectively 22% and 11% higher than during the same period the previous year⁵.

Serious legislative limitations to freedoms of association and expression impacting on the activities of human rights organisations

The executive power increased the limitations to freedoms of expression and association in Venezuela, extending its legislative faculties with support from the National Assembly where it enjoyed parliamentary majority. On December 23, 2010, the Law on Political Sovereignty and National Self-Determination was passed, prohibiting political parties, civil associations and individuals from receiving funding from outside of Venezuela, on pain of fines or disqualification. This measure, which directly affects organisations defending human rights, could be reinforced if the Law on International Cooperation is passed. This new legislative bill was already approved in a first round debate in 2006 and could be adopted in 2011 by means of the legislative powers granted to the President in December 2010. The Law on International Cooperation obliges those receiving foreign aid to hand it over to the Government to be administered. Moreover, in December 2010, the National Assembly approved the reform of the Law on Radio and Television in order to extend regulatory measures to Internet. These changes prohibit publishing on Internet any material that “incites unrest among citizens”, “upsets public order”, “lacks respect for the authorities” or that “attacks moral codes”. This law also condemns “inciting crimes” through communications media, without clearly limiting its scope or limits.

Constant climate to discredit human rights defenders and organisations, stigmatisation of their work and unfounded criminal charges made against them

In 2010, the Venezuelan Government continued its persistent campaign to discredit and disqualify the work carried out by human rights defenders and their organisations. On the occasion of the 21st anniversary of the “Caracazo”⁶, a number of accusations were once again made against the

5/ See Venezuelan Prison Observatory (*Observatorio Venezolano de Prisiones - OVP*) Press Release, May 31, 2011.

6/ A series of strong protests and disturbances occurred between February 27 and 28, 1989 in Caracas, under the Government of President Carlos Andrés Pérez. On February 28, the security forces of the metropolitan police, the army and the civil guard went out into the streets to control and repress the situation, causing the death of 276 people, according to official figures, or more than 500 according to unofficial figures.

work of the Committee of Family Members of the Victims of the events of February and March 1989 (*Comité de Familiares de las Víctimas de los sucesos de febrero y marzo de 1989* - COFAVIC) by the General Attorney's office, the Ombudsman's office, and the Director of Procedural Affairs in the Public Ministry. Between February and March 2010, these State officials publicly accused the organisation as well as Ms. **Aura Liscano** and Ms. **Liliana Ortega**, President and Executive Director of COFAVIC respectively, of not collaborating with the Venezuelan judiciary, of withholding information or of providing false information in the case of the Caracazo⁷. Similarly, on March 12, 2010, President Chávez accused Ms. **Rocío San Miguel**, a lawyer and President of the organisation Citizens Control of Security, Defence and the National Armed Services (*Control Ciudadano para la Seguridad, la Defensa y la Fuerza Armada Nacional*), of creating "terror propaganda" for publishing a critical article about the Government in the newspaper *Tal Cual*. Equally, in May 2010, she was accused of being a "CIA agent" on the State television channel *Venezolana de Televisión* and her work as a human rights defender was questioned because the organisation received foreign cooperation grants⁸. In previous years, as well as between March and May 2010, she was victim of intimidation, threats, and was followed. These events were reported and protection measures were requested for Ms. Rocío San Miguel. However, on July 27, 2010, the Criminal Tribunal of the Eighth Circuit of Caracas denied her these protection measures because they considered that there were insufficient reasons for granting them. Moreover, the campaign that began in 2006 to discredit Mr. **Humberto Prado**, Director of the Venezuelan Prison Observatory (*Observatorio Venezolano de Prisiones* - OVP), continued in 2010. On October 5, 2010, President Chávez accused Mr. Prado of promoting dissent and disorder in prisons with the aim of denouncing these incidents internationally. Moreover, on November 6, 2010, during a press conference, the Ombudsman accused the non-governmental organisations (NGOs) who defend the rights of prisoners, of promoting internal conflicts and instigating prison strikes and of denouncing these events to the international community⁹. On July 26, 2010, Mr. **Carlos Correa**, Executive Director of the human rights organisation Public Space (*Espacio Público*), was the object of declarations discrediting his

7/ COFAVIC ensured that they handed over all the information they possess on the victims of the Caracazo on several occasions.

8/ This occurred after denouncing to the communications media that a number of active members of the armed forces were registered as active members of the United Socialist Party of Venezuela (*Partido Socialista Unido de Venezuela* - PSUV), thereby violating Article 328 of the Bolivarian Constitution of the Republic of Venezuela.

9/ See Support Network for Justice and Peace (*Red de Apoyo por la Justicia y la Paz* - Redapoyo) and PROVEA.

work after he appeared on the news programme “Primera Página” on the *Globovisión* channel, in which he presented the work of Public Space and the human rights situation in Venezuela. These declarations to discredit Mr. Correa were published in July 2010 on the official website of the Venezuelan News Agency (*Agencia Venezolana de Noticias*), broadcast on the television programme “La Hojilla” on July 26, 2010 on the State channel, and by means of an announcement broadcast regularly on the State channel *Venezolana de Televisión*. As a consequence of this public disqualification on State controlled media channels, different media and social networks levelled threats, personal insults and denigrating remarks against the victims of these messages. On December 16, 2010, Mr. Carlos Correa was attacked with a heavy instrument and threatened with death, close to the National Assembly building, as he went to deliver a document signed by the Alliance for the Freedom of Expression (*Alianza para la Libertad de Expresión*)¹⁰. This attack was denounced to the Attorney General’s office, which opened a case file and carried out forensic analysis, as well as interviewed a number of witnesses. As of April 2011, the case was still in the initial stages and the IACHR had requested information on the case from the Venezuelan State.

In addition, NGOs had unfounded criminal proceedings brought against them. Indeed, the Attorney General’s office opened an investigation against the human rights organisations Public Space and the Press and Society Institute (*Instituto de Prensa y Sociedad - IPYS*) in order to determine the origins of their funding, under the premise that they were funded by the US State Department and that this constituted a conspiratorial act against Venezuelan citizens. This investigation can be traced to a complaint made on July 13, 2010 by the self-denominated Movement for Necessary Journalism (*Movimiento Periodismo Necesario*)¹¹. Equally, on July 14, 2010, President Chávez requested an investigation into “the millions and millions of dollars” that the US State Department gives to Venezuelan NGOs and journalists. Both investigations were joined together into a single case file. As of April 2011, not one defender or journalist had been called to give a statement. However the investigation remained pending, and was still being used to harass defenders.

10/ See Public Space.

11/ The Movement for Necessary Journalism (*Movimiento Periodismo Necesario*) is an organisation which is composed of pro-Government journalists. Their main Spokespersons runs the department of communications of the National Telecommunications Commission (*Comisión Nacional de Telecomunicaciones - CONATEL*).

Reprisals against human rights defenders who participate in international and regional human rights systems

Throughout 2010 and 2011, judicial harassment and disqualification continued to be used against defenders who followed the recommendations of international human rights bodies or collaborated with universal or regional human rights mechanisms. Judicial harassment continued against Judge **María Lourdes Afuni**, who was arrested on December 10, 2009, just after having ordered the conditional release of Mr. Eligio Cedeño, based on the investigations and recommendations of the UN Working Group on Arbitrary Detention¹². Throughout the whole of 2010, Judge Afuni was held in the National Institute for Feminine Orientation (*Instituto Nacional de Orientación Femenina* - INOF), in the city of Los Teques, in inhuman conditions and suffering from discriminatory treatment. In response to the serious conditions of her detention and the death threats against her, on January 11, 2010, the IACHR granted precautionary measures to Ms. Afuni, ordering the Venezuelan authorities to guarantee her life and personal integrity. Subsequently, on September 3, 2010, the UN Working Group on Arbitrary Detention recommended that the State immediately release the Judge. In spite of this, irregular events continued. Worsening conditions for Ms. Afuni led to the Inter-American Court of Human Rights granting her provisional measures on December 10, 2010, one year after her imprisonment began. Nevertheless, on December 20, 2010, in response to the provisional measures, which ordered the protection of her physical integrity, the authorities decided to place her in solitary confinement. Finally, on February 2, 2011, Ms. Afuni's health problems, which had begun in mid 2010 and had not been attended to by the State, worsened and she underwent surgery. She was subsequently granted house arrest¹³. As of April 2011, Ms. Afuni continued to be arbitrarily detained in her home and it was expected that the trial will take place in 2011. Moreover, on March 24, 2011, the National Commission for the Protection of Journalists (*Comisión Nacional de*

12/ On December 10, 2009, Judge María Lourdes Afuni ordered the conditional release of Mr. Eligio Cedeño, a Venezuelan businessman accused of fraudulent financial operations, whose arrest had been declared to be arbitrary by the UN Working Group on Arbitrary Detention on September 1, 2009 (Mr. Cedeño had spent almost three years on remand in custody). In relation to this, President Chávez called her a "crook" and on December 11, 2009, ordered the Attorney General and the President of the Supreme Court to sentence Judge Afuni to thirty years in prison. The following day, Judge Afuni was accused of the crimes of "corruption", "accessory to an escape", "criminal conspiracy" and "abuse of power".

13/ This measure was agreed with a number of restrictions, including prohibiting contact with the media, and obligatory weekly visits.

Protección de los Periodistas - Conapro)¹⁴ made a presentation during the Universal Periodic Review (UPR) before the UN Human Rights Council. Afterwards, the host of the TV programme “Dando y dando” broadcasting on the State channel *Venezolana de Televisión* made a speech against the members of Conapro. Among remarks to discredit the organisation, he made direct references to Mr. **Gregorio Salazar**, former Secretary General of the National Trade Union of Press Workers (*Sindicato Nacional de Trabajadores de la Prensa - SNTP*), Ms. **Silvia Alegrètt**, President of the National School of Journalism (*Colegio Nacional del Periodismo - CNP*), and Mr. **Carlos Correa**, accusing them of being “traitors to their country, criminals, sell-outs [...] who should be in prison because when they bring information before the United Nations they are paving the way to justifying a military intervention by the United States in Venezuela”. Similarly, on March 29, 2011, after representatives from Public Space, CNP, SNTP and the Andrés Bello Catholic University (*Universidad Católica Andrés Bello - UCAB*) Human Rights Centre participated in a private hearing before the IACHR and once again a State television programme discredited the individuals and organisations that had participated in the hearing. Principally, these people were categorised as “stateless” since they had gone to international bodies to report “against what is supposedly their country”. Meanwhile, other journalists who declared themselves as supporters of the Government party published smear campaigns on different social networks, aimed against human rights defenders who attended the IACHR hearings. In particular, messages circulated on social networks discrediting Ms. **Ligia Bolívar**, Director of the UCAB Human Rights Centre, after she participated in a hearing before the IACHR regarding the situation of the freedom of expression and another hearing on the law granting legislative powers to the President of Venezuela¹⁵.

Judicial harassment against a trade union leader after his participation in peaceful demonstrations

In 2010 and 2011, trade union leaders participating in peaceful protests continued to be subjected to judicial harassment. This was the case of Mr. **Rubén González**, Secretary General of the Orinoco Iron Ore Workers Union (*Sindicato de Trabajadores de Ferrominera Orinoco - SINTRAFERROMINERA*), who was arrested in September 2009 and

14 / Conapro is an Alliance of the National School of Journalism (*Colegio Nacional del Periodismo - CNP*), the National Trade Union of Press Workers (*Sindicato Nacional de Trabajadores de la Prensa - SNTP*), the Circle of Venezuelan Photojournalists (*Círculo de Reporteros Gráficos de Venezuela - CRGV*) and Public Space, who coordinate actions for the defence and protection of journalists, photojournalists and press workers, affected in their right to exercise their freedom of expression.

15 / See Public Space.

sentenced on February 28, 2011, to seven years and six months in prison, on charges of “illicit association”, “restriction of the right to work”, “road blockades”, “inciting crimes” and “violation of security areas” after he organised a peaceful strike which paralysed the activities of the State company that is part of the Venezuelan Guayana Corporation (*Corporación Venezolana de Guayana - CVG*)¹⁶. On November 30, 2010, the International Labour Organisation (ILO) Committee for Trade Union Freedoms asked the Venezuelan Government to immediately release Mr. Rubén González and to offer him compensation for the damages and prejudices he suffered. While on March 3, 2011, the Chamber of Criminal Appeals of the Supreme Court of Justice granted him conditional release, as of April 2011, the charges against him had not been dropped and he was obliged to appear every two weeks before the court.

Progress in investigations into killings of independent journalists

In 2010 and 2011, progress was made in the criminal prosecution in the cases of two independent journalists who were killed in 2009 after denouncing corruption and human rights violations. As of April 2011, two individuals were on trial for the murder of Mr. **Orel Sambrano**, Director of the weekly publication *ABC de la semana* and *Radio América*, which occurred on January 16, 2009. Related to the same case, on August 19, 2010, in Cúcuta, Colombia, Mr. Walid Makled was arrested, identified by the Venezuelan Scientific, Criminal, and Forensic Investigations Corps (*Cuerpo de Investigaciones Científicas Penales y Criminalísticas de Venezuela - CICPC*) as the person presumed to have planned the killing of Mr. Sambrano¹⁷. Meanwhile, on March 15, 2010, an individual was arrested who was presumed to have carried out the murder of Mr. **Mijail Martínez**, audiovisual producer and member of the Committee of Victims Against Impunity (*Comité de Víctimas contra la Impunidad*), who was killed on November 26, 2009. Another individual who carried out the crime was also identified, yet by April 2011, he had not been arrested. A preliminary hearing into this case was expected to take place in June 2011.

16/ Around 2,000 company workers participated in the strike to claim payment of amounts due to them and the fulfilment of benefits agreed in their collective labour agreement guidelines. The strike ended sixteen days later, with the signing of an agreement to end the strike in return for a commitment from the company to fulfil its obligations.

262 17/ Mr. Walid Makled was extradited to Venezuela on May 9, 2011, to be tried for this and other crimes.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
COFAVIC / Ms. Aura Liscano and Ms. Liliana Ortega	Slander campaign	Urgent Appeal VEN 001/0310/OBS 028	March 4, 2010
Ms. Rocío San Miguel	Harassment / Threats / Defamation	Urgent Appeal VEN 002/0510/OBS 062	May 17, 2010
Mr. Humberto Prado	Harassment	Urgent Appeal VEN 003/0610/OBS 070	June 2, 2010
Public Space and Press and Society Institute (IPYS)	Judicial harassment / Slander campaign	Urgent Appeal VEN 004/0710/OBS 089	July 22, 2010
Mr. Rubén González	Conditional release / Judicial harassment	Urgent Appeal VEN 001/0311/OBS 029	March 4, 2011