

Venezuela

A Human Rights Agenda for the current crisis

The seriousness of the situation currently faced by Venezuela requires a concerted response from all sectors of society. They will have to decide whether to continue along the path of confrontation, perpetuating the cycle of violence, harassment and polarization, or whether to commit themselves to seeking peaceful negotiated solutions within the constitutional framework and in accordance with international human rights standards.

Faced with the imminent danger of a breakdown in the constitutional order and the violation of fundamental human rights, it is essential that the international community takes concrete measures to avoid such a breakdown and help find a negotiated solution, based on the full protection of human rights.

Since the beginning of the current crisis, Amnesty International has alerted the Venezuelan government and the international community of the need to take immediate measures to avoid a breakdown in the rule of law. The most serious symptoms of this situation include the events that led to the break with constitutional order in April, serious violations of the right to life, the partiality of the judicial system and the engagement of the security forces in the political life of the country.

Amnesty International has urged the government to speed up the investigation into the events of April, avoid the excessive use of force by state agents and ensure a halt to attacks against and harassment of the press and human rights defenders. It has also directed its appeals to opposition sectors, urging them not to use protest measures and “civil disobedience” that are not in keeping with fundamental constitutional provisions. It has also encouraged the media to be impartial and assume co-responsibility for guaranteeing the right to information.

Considering that disrespect for human rights is one of the roots of the crisis, the national and international standards that enshrine these rights offer a framework to promote the resolution of the crisis, as affirmed by non-governmental human rights organizations in Venezuela. However, the parties to the conflict have only referred to the issue of human rights to attack and discredit each other. The government, the opposition and the media have appropriated, manipulated and distorted the issue of human rights, converting it into one more weapon for polarization and confrontation.

So far, the negotiations facilitated by the General Secretary of the Organization of American States (OAS), César Gaviria, have been undermined by the intransigence of both parties, and the agenda seems to have been limited to the electoral issue. A sustainable and lasting solution to the crisis requires all parties to pay attention to human rights issues, which are key to solving the problem.

At this crucial moment for the future of the country, Amnesty International appeals to all sectors of Venezuelan society to avoid using human rights issues to polarize the situation and to use them as a basis for building peace and restoring the rule of law.

In a press release issued on 19 December (AMR 53/018/2002) Amnesty International proposed a series of basic and immediate measures to avoid a deterioration in the extremely polarized climate and to prevent a breakdown in the constitutional order.

Below, we propose a more long term human rights agenda, aimed at restoring full respect for Human Rights. Although the government has the main responsibility in this, all political and social actors must accept responsibility for contributing to the achievement of these objectives.

At the same time, the international community, and especially the regional and international human rights organizations, must redouble their efforts to facilitate a peaceful resolution of the crisis, and to provide adequate mechanisms and resources to monitor the human rights situation in the country and stop the situation from deteriorating.

HUMAN RIGHTS AGENDA FOR THE CRISIS

Strengthen justice and eradicate impunity

The Venezuelan judicial system's failure to prosecute and sentence those responsible for human rights violations and compensate the victims has been a feature of the country's history and continues to be the fundamental factor that weakens the Rule of Law and denies credibility to the institution. The lack of independence and capacity of key institutions such as the Judiciary, the Public Prosecutor, the Police and Ombudsperson poses an urgent need to build the credibility of the judicial system.

- Society and its representatives must identify and agree on a process that will end uncertainty and strengthen the legitimacy, credibility, independence, capacity and autonomy of the powers and institutions that guarantee the Rule of Law, in accordance with the rules set out in the Constitution and international standards on the independence of judges and prosecutors¹. The credibility of these institutions also depends on society's commitment to recognizing their authority and respecting their decisions.

¹ Basic Principles on the Independence of the Judiciary

(Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan between 26 August and 6 September 1985, and confirmed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985).

Guidelines on the Role of Prosecutors

(Approved by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders, held in Havana (Cuba) between 27 August and 7 September 1990).

- Clarify, in an impartial, speedy and exhaustive way, the human rights violations committed during the events of April 2002 and since then, and ensure that those responsible are brought to justice. To this end, Amnesty International recommends that an international delegation of experts analyses and evaluates the steps already taken by the authorities and makes recommendations for the more effective conduct of the investigations, in accordance with the appropriate international standards². This commission should make its conclusions public.
- Investigate and punish the police officers who are responsible for the many executions that are being committed in various states of the country under the guise of “clashes with criminals resisting the police”. This is not a new kind of human rights violations, but the total impunity that police officers have enjoyed for years weakens the rule of law and increases the cycle of violence.
- Comply with the human rights measures and recommendations issued by mechanisms of the United Nations, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights.

Depoliticise the armed and security forces

- To ensure that the armed forces and the security forces do not play a political role, remain subordinated to the civilian authorities and act impartially; and it is essential to avoid the armed forces being used to maintain public order, so as to restore their credibility and guarantee citizens' rights.
- The security forces should act with scrupulous regard for the standards that regulate the use of force against demonstrations and mobilizations. Since the tragic events of April 2002, Amnesty International has, on many occasions, denounced the excessive use of force by the police and the National Guard, which has resulted in many deaths and injuries. Any action ignoring these standards should be rigorously investigated and punished.

Guarantee freedom of expression and the right to information

- Attacks on journalists and other press workers should cease immediately. Likewise, the indispensable work carried out by human rights defenders should not be restricted and they should be able to count on the impartial protection of the law. The State must comply with the precautionary and provisional measures issued by the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. Any threat or

² Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (Recommended by Economic and Social Council Resolution 1989/65 of 24 May 1989).

attack against journalists or human rights defenders must be rigorously investigated and those responsible punished;

- When exercising their legitimate right to the freedom of assembly, association and expression, opposition sectors should take responsibility for choosing protest methods and tactics that do not undermine constitutional guarantees. Without these guarantees, the rights of all are prejudiced.

Comply with international obligations regarding economic, social and cultural rights

- Considering that social exclusion is one of the basic structural problems that have contributed to the extreme political polarization of the country, we remind the government of its obligation to comply with the recommendations of the United Nations Economic, Social and Cultural Rights Committee. In its 2001 report on the state of these rights in Venezuela, the Committee recommended the government to take advice from the Office of the United Nations High Commissioner for Human Rights and adopt concrete measures to further economic, social and cultural rights as part of the 1997 National Human Rights Action Plan. A sustainable and lasting solution to the crisis requires the implementation of concrete and effective policies to combat the extreme poverty and inequality prevailing in the country. It also requires all political actors to be more sensitive to the socio-economic roots of the crisis and the consequences that a prolongation of the crisis could have on these rights.