

PUBLIC

AI Index: AMR 53/01/00

UA 15/00

Fear for safety

21 January 2000

VENEZUELA

Solmari MADERA (f)

A police inspector has threatened to kill Solmari Madera, who has testified that police searching her house without a warrant had stolen money. Amnesty International fears for her safety.

According to her testimony, after taking her daughters to school on the morning of 11 January 2000 she found several police searching her house. The officers, members of the *Cuerpo Técnico de la Policía Judicial*, a branch of the Judicial Police, apparently had no warrant to search the house, in Pinto Salinas, Parroquia El Recreo, a district of the capital, Caracas.

After an exchange of words, Solmari Madera discovered that money she kept in a purse (*porta moneda*) had gone missing, and accused the police of taking it. One of the police present apparently gave her back some money taken from elsewhere in the house, but not the money from the purse. A police inspector present at the search ordered that she be taken into custody, and she was taken to the Simón Rodríguez police station.

Shortly before she was released at midday, the police inspector told Solmari Madera that there would be an investigation into the matter of the missing money. However, he warned her not to make a complaint about the matter and then threatened her. According to her testimony, the inspector told Solmari Madera: "What I want is for you not to involve me in [the problem about the money], because "when I go to [your] neighbourhood, I go to kill", ("*Yo lo que quiero es que tu no me enlodes [por lo del dinero] porque yo cuando voy a ese barrio voy a matar*").

Solmari Madera's 73-year-old mother lives nearby, and police apparently searched her home without a warrant. During the search they pushed her against a wall and kicked in her bedroom door, leaving it broken.

Solmari Madera reported all this to the Office of the Attorney General, *Fiscalía General de la República*, and was assigned *Fiscal No.29 del Area Metropolitana*, Attorney No. 29 of the Metropolitan Area, to deal with her complaint.

In her testimony Solmari Madera writes: "I am scared that this complaint will result in reprisals against me by the police, since it is commonplace for them to go around threatening and terrorising people, including killing whoever dares file a complaint and defend their rights. Despite all the speeches I hear about the rule of law and human rights, these incidents are a systematic practice in my neighbourhood. They go around doing whatever the hell they like". ("*Tengo miedo que esta denuncia me genere represalias por parte de funcionarios policiales, ya que es el hecho cotidiano que amenazen y aterroricen, e incluso maten a cualquiera que se atreva a denunciar y defender sus derechos. Esta es una práctica sistemática en mi barrio y hacen lo 'que les da la gana', a pesar de todos los discursos que escucho sobre el estado de derecho y los derechos humanos.*").

BACKGROUND INFORMATION

Over the years Amnesty International has received hundreds of complaints from Venezuela about abuses by its security forces. These include allegations about extrajudicial executions and the torture and deliberate ill-treatment of detainees. The victims are mainly criminal suspects, civilians protesting against government measures and those living in shanty towns and poor neighbourhoods. The vast majority of those responsible for these gross abuses are never brought to justice.

In February 1999, Colonel Hugo Chávez Frías, who led a failed military coup in 1992, became President of Venezuela. His government - which came to office against a background of serious economic problems, and dissatisfaction with

traditional political parties and official corruption - promised radical changes, including an overhaul of the judiciary and the introduction of measures to strengthen the protection of human rights. A new Constitution, which came into effect last December, included the recognition of the rights to life and personal integrity, international human rights treaties and the outlawing of enforced disappearances. Non-governmental human rights organizations characterized human rights provisions in the new Constitution as markedly progressive, but warned that they were at risk of being undermined by other constitutional provisions which increased the political power of the armed forces.

Since President Chávez's administration came into power, Amnesty International has welcomed statements made by the authorities that the rule of law and the protection of human rights, including tackling the problem of impunity, are central to the new government's program. However, the organisation has pointed out that to make the defence and promotion of human rights a reality will require legislative, administrative and other measures, backed by the necessary political will and resources. This includes ensuring that victims are able to file a complaint without feeling that they will suffer reprisals.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing concern that on 11 January 2000 a police inspector attached to the *Cuerpo Técnico de la Policía Judicial* apparently threatened to kill Solmari Madera, a resident of Pinto Salinas, Parroquia El Recreo, Caracas;
- requesting that the allegation be promptly and independently investigated, that the findings be made public, and that those found responsible be brought to justice;
- welcoming statements made by the authorities that the promotion and protection of human rights is a central component of President Hugo Chavez's government, and urging that these statements are translated into practical and effective measures.

APPEALS TO:

Attorney General of the Republic
 Dr. Javier Elechiguerra
 Fiscal General de la República
 Fiscalía General de la República
 Parque Carabobo, Av. Universidad
 Caracas, Venezuela

Telegram: Fiscal General, Caracas, Venezuela
Fax: + 582 576 4419 (If voice answers, say "Me puede dar tono de fax, por favor")
Salutation: Estimado Doctor

COPIES TO:

Human rights organisation
 PROVEA
 Apartado Postal 5156
 Caracas 1010-A
 VENEZUELA

and to diplomatic representatives of Venezuela accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 March 2000.