

VENEZUELA

@The Amparo massacre: four years on

"Mr President: the dead are ours, the pain is ours, the sense of abandonment which we live with is ours, the land that we walk on and that today we are crying over, that covers the bodies of our fathers, husbands, sons and brothers, is ours. We do not hate the army, but a professional body should look before shooting. There can never be any justification in times of war or peace for the killing of civilians, even in the name of keeping the peace on the border".¹

¹ "Señor Presidente: Los muertos son nuestros, el dolor es nuestro, el abandono en que vivimos es nuestro y la tierra que pisamos y hoy lloramos, sobre los cadáveres de nuestros padres, esposos, hijos y hermanos, es nuestra. No odiamos el ejército, pero un cuerpo profesional debe mirar antes de disparar, y jamás tendrá justificación en la guerra y la paz, el asesinato de civiles, aún en nombre de la tranquilidad fronteriza".

So wrote the relatives and friends of the 14 peasants who were killed by a joint police-military unit on 29 October 1988 in a letter to former president, Jaime Lusinchi. The members of the unit, the José Antonio Paéz Special Command Unit (*CEJAP, Comando Específico José Antonio Paéz*) claimed that there had been an armed confrontation with a heavily-armed group of men who intended to blow up industrial plant installations on the Colombian border. However, two witnesses who survived the incident, as well as local inhabitants, said that the men - local fishermen and farmers - had been out on a fishing excursion when they were attacked.

Today, more than four years after the massacre at Caño La Colorada near the settlement of El Amparo in the western state of Apure, the case has not yet been resolved by the courts. In the interim period, the military courts have delivered a series of contradictory rulings in a court case that has been riddled with irregularities.

The initial investigations were carried out by Major Ricardo Pérez Gutiérrez. He conducted brief investigations, reportedly overlooking important evidence substantiating claims that the 14 men were the victims of extrajudicial execution, and accepted the explanation provided by the security forces that an armed confrontation had taken place. His investigations were marked by serious irregularities. Notably, he allowed the bodies of the 14 peasants to be removed without first carrying out the necessary crime-scene investigations and disregarded the results of forensic investigations which contradicted the official version of an armed confrontation.

A special congressional commission appointed to investigate the case carried out a thorough inquiry, including forensic investigations. The forensic expert appointed by the commission found that nine of the bodies had bullet wounds in the skull, that eleven of the bodies showed signs of bullet entries in the back and that in at least nine cases, the shots were fired at close range. The commission delivered its report in January 1989 which, on the basis of scientific and other evidence, contradicted the official version of an armed confrontation.

Despite these findings, in the intervening years the military courts have largely based their rulings on the initial judge's investigations. In July 1992, a call from the Attorney General's Office (*Fiscalía General de la República*) for the case to go back to the stage at which the initial statements had been taken and for new statements to be made on the basis that Judge Pérez Gutiérrez had committed serious irregularities in his initial investigations, went unheeded.

In February 1993, an ad-hoc Military Appeals Court (*Corte Marcial Ad-hoc*) ruled that eleven police officers and four soldiers were guilty of the "excessive use of force in defending themselves" (*un exceso en la defensa*). The court sentenced them to seven year's imprisonment but cut the sentence in half on the grounds that the officers had "fulfilled their

duty in resisting the attack they had come under from the individuals who died" (*cumplieron con su deber al repeler el ataque del cual fueron objeto por parte de las personas que resultaron muertas*). It is reported that the 15 men will benefit from conditional release within the next three months.

Amnesty International has repeatedly expressed its concern to the Venezuelan Government about the serious irregularities in these investigations. The organization notes that in numerous other cases, the military courts have systematically failed to convict members of the security forces accused of involvement in human rights violations, calling into question standards of independence and impartiality in the military justice system. Amnesty International therefore calls for a full, independent and impartial investigation to be carried out in the civilian courts without further delay and for those responsible for the killing of 14 peasants at El Amparo in 1988 to be brought to justice.