

EXTERNAL (for general distribution)

AI Index: AMR 53/09/95
Distr: UA/SC

UA 176/95

Fear of Torture

19 July 1995

VENEZUELA

Isabelino Bustamante, aged 67,
and 19 others (names unknown)

Isabelino Bustamante, a cattle rancher in Apure State, was arrested on 14 July 1995 by the Colombian security forces as he worked on his land. Since his arrest he has been held by the *Polícia Técnica Judicial* (PTJ), Judicial Technical Police, in Guasqualito, Apure State. After visiting him in prison, members of his family alleged that Isabelino Bustamante had been tortured. He was allegedly beaten repeatedly, blindfolded and cuffed in order to hang him from a pipe. As a result of the ill-treatment, he was reported to have visible signs of torture, including a fractured nose and swollen hands.

The *Comité de Derechos Humanos*, Human Rights Committee, in Guasqualito reported that, also on 14 July, 19 other people had been detained by the PTJ. Fears for their safety have been heightened by allegations that Isabelino Bustamante had been tortured in custody. According to reports, all these detentions are in connection with the recent kidnapping of Jesús Antonio Rojas, Mayor of Guasqualito.

Amnesty International has repeatedly protested to the Venezuelan authorities about the widespread use of torture and ill-treatment, and about the lack of safeguards provided to people held in preventive detention. Amnesty International believes the principal reason for the persistence of torture in Venezuela is the impunity enjoyed by the perpetrators.

BACKGROUND INFORMATION

The mayor of Guasqualito, Jesús Antonio Rojas, was kidnapped, reportedly by Colombian guerrillas; his whereabouts remain unknown. Venezuelan Foreign Minister Miguel Ángel Burelli Rivas has alleged that the *Ejército de Liberación Nacional Colombiano* (ELN), Colombian National Liberation Army, is responsible.

Several constitutional safeguards were suspended by President Caldera in June 1994, following a serious banking crisis in the country. These included the right not to be arrested or imprisoned unless caught *in flagranti delicto*, the right to non-interference in the home and to freedom of movement. This lack of clarity persists to this day and leaves the door open to arbitrary acts by the security forces with little chance of redress for the victims. In July 1995, the Venezuelan government announced the lifting of the suspension of these constitutional rights, but in some parts of the country this suspension has been maintained.

Interior Minister Ramón Escovar Salom justified maintaining the suspension of the guarantees thus: "*The situation there [on the border with Colombia] remains delicate, which obliges the Venezuelan government to strengthen and multiply its efforts on the border*". Amnesty international continues to fear that these recent arrests may result in further human rights violations in the border region.

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

- expressing concern at the reported torture of Isabelino Bustamante, detained by the Security Forces on 14 July 1995 in Apure state;

- calling for the immediate release of Isabelino Bustamante and the other 19 people, if they are detained without valid judicial reason or, should reasons exist, for them to be brought before a competent and impartial court, and asking for their procedural rights to be guaranteed;
- urging a thorough and impartial investigation into the allegations of torture and for those responsible to be brought to justice and asking to be kept informed of the outcome of these investigations;
- urging immediate measures to ensure the physical integrity of Isabelino Bustamante and the other 19 detainees, and seeking assurances that they are being humanely treated in accordance with international standards of detention such as the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- urging that all be granted immediate access to their relatives, lawyers and that they receive an independent medical examination.

APPEALS TO:

1) Minister of Interior

Dr. Ramón Escobar Salom
 Ministro de Relaciones Interiores
 Ministerio de Relaciones Interiores
 Carmelitas a Santa Capilla
 Caracas, Venezuela

Telegrams: Ministro Interior, Caracas, Venezuela

Telegrams: 26429 EXTER VC

Salutation: Señor Ministro / Dear Minister

2) Attorney General

Dr. Iván Darío Badell
 Fiscal General de la República
 La Candelaria, Caracas, Venezuela

Telegrams: Ministro del Interior, Caracas, Venezuela

Telegrams: 24787 EXTER VC

Faxes: + 582 564 7461

Salutation: Señor Fiscal General / Dear Attorney General

3) Minister of Defense

General Orozco Graterol
 Ministro de Defensa
 Ministerio de Defensa Nacional
 Fuerte Tiuna, Conzjo Blanco
 El Valle,
 Caracas, Venezuela

Telegrams:

Faxes: + 582 662 8829

Salutation: Señor Ministro de Defensa, Caracas, Venezuela

COPIES OF YOUR APPEALS TO:

Human rights group

Srs.
 Red de Apoyo
 Apartado 17.476
 Parque Central
 Caracas, 1015-A
 Venezuela

Faxs: + 58 2 574 1949 / 8005

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 30 August 1995.