

URGENT ACTION

59 PEOPLE DEPRIVED OF THEIR LIBERTY

On 21 November, the Venezuelan Supreme Court of Justice overturned an order issued a year earlier for the release of 59 Colombian nationals detained during a security operation in 2016. They continue to be deprived of their liberty.

The 59 Colombian nationals held in detention in the La Yaguara, neighbourhood of Caracas, capital of Venezuela, have not been brought before a judge, they have not been the subject of criminal investigations and they have not been charged with any crime. In November 2017, a preliminary proceedings court (*tribunal de control*) issued an order for their release on the grounds that there was no evidence that they had committed a crime and no order had been issued for their arrest. Indeed, the officials who detained them had not produced an arrest warrant.

The 59 individuals were arbitrarily detained on 1 September 2016 in different parts of the Venezuelan capital, Caracas, in the context of Operation People's Liberation (*Operación Liberación del Pueblo*, OLP). According to Amnesty International's information, the 59 individuals did not know each other. The government has put forward a number of alleged reasons for their detention. They first alleged that the 59 belonged to a Colombian paramilitary group, only to subsequently announce that they were detained because of irregularities in their immigration status. However, several of the detainees have documentation issued by the Venezuelan Administrative Service of Identification, Migration and Foreigners (Servicio Administrativo de Identidad, Migración y Extranjería, SAIME). However, it is not known how many of them may be in need of international protection.

The overturning of the release order puts the 59 individuals at serious risk of continuing violations of procedural guarantees and of their right to a fair trial and could extend their detention indefinitely.

During their detention, they have been subjected to unhealthy conditions that threaten their dignity, such as being held in improvised cells, not having access to drinking water and sleeping in the open. Relatives have told Amnesty International that the detainees have developed illnesses for which they have not received the medical treatment they have requested.

Please write urgently, in Spanish or in your own language, to the Venezuelan authorities:

- Urging them to enforce the order for the release of the 59 detainees, which was issued by the preliminary proceedings court;
- Demanding that the right to due process be guaranteed for the 59 detainees and that they be provided with medical treatment and dignified conditions of detention while in custody.

PLEASE SEND APPEALS BEFORE 14 JANUARY 2019 TO:

President of the Supreme Court of Justice

Maikel Moreno
Supreme Court of Justice
Final Esquina "Dos Pilitas", Foro Edif.
Supreme Court of Justice, Avenida Baralt, Caracas, Venezuela
Twitter: @tsj.gob.ve

Salutation: Dear President of the Supreme Court of Justice

Minister of Popular Power for Internal Affairs and Justice

Néstor Reverol
Ministry of Popular Power for Internal Affairs and Justice
Esquina Platanal, este 1, Avenida Urdaneta, Caracas, Venezuela
Fax: +58 (0212) 5061111

Twitter: @MIJPVenezuela
Salutation: Dear Minister

And copies to:

Attorney General of the Republic

Tarek William Saab
Attorney General of the Republic
Avenida México, Manduca a Pelelojo
La Candelaria, Caracas, Venezuela
Fax: +58 (0212) 5077025
Twitter: @Defensoria_Vzla

Salutation: Dear Attorney General

Also send copies to Colombian diplomatic representatives accredited to your country. Please insert local diplomatic offices below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

On 1 September 2016, the President of the Republic of Venezuela stated on national television that 92 Colombians had been detained in a "paramilitary camp" located 500 meters from the presidential palace Miraflores. He stressed that, thanks to the actions of the security forces, an alleged coup d'état planned for that date had been prevented.

However, these individuals had been detained between 21 August and 5 September 2016, in different parts of Caracas, some a long way from where the detentions were alleged to have taken place according to the official version of events; like in Petare, Baruta, Carapita, Mamera, Catia, Avenida Fuerzas Armadas and Avenida Casanova. One person was detained in Colonia Tovar, a town in Aragua state, which is two hours away from Caracas and four people were in the headquarters of the Administrative Service of Identification, Migration and Foreigners (SAIME) in Caracas, sorting out the paperwork for their identity documents, when they were detained.

On 19 September 2016, the detainees were transferred to the city of San Cristóbal in Táchira state (on the border with Colombia) to be deported as the authorities stated that they were no longer paramilitaries but foreign nationals with immigration problems.

There is concern that the arrest of the 92 Colombian nationals in the context of Operation People's Liberation (OLP) has set a worrying precedent by discriminating against foreign nationals in Venezuela given that in this case the authorities did not comply with the Law on Foreigners and Migration, which sets out the process for the expedited deportation of undocumented migrants, or with the established process for renewing expired document by the Venezuelan state.

During the first year, some people escaped, and others were deported for humanitarian reasons due to serious health problems. In November 2017, one of the detainees, José de los Santos Hernández, aged 46, died of an infection caused by an insect that got into his ear and for which he did not receive prompt medical treatment.

By 21 November 2017, the date of the order for their unconditional release, 60 Colombian nationals remained in detention. Following the judge's decision, Martín Enrique Gutiérrez Cera, aged 61, was deported on 29 November 2017 on humanitarian grounds after suffering a stroke.

As a result, the number of Colombian nationals currently detained stands at 59. Bolivarian National Police (PNB) officials have repeatedly told lawyers and relatives that the detainees are being held on "orders from above". Under the administration of Chancellor María Ángela Olguín, more than 40 diplomatic communications were delivered, that have not generated any effect. As of October 2018, a total of 76 verbal communications had been delivered to the Venezuelan state about this case.

Names: Hellen Katerine Hincapie, Jeder Pardo, Martín Escorcía, Carlos Rodríguez, Enoc Montemiranda, Yair Tapias, Pedro Berrio, Marlon Fuentes, Alberth De León, Luis Espitia, José Torres, Blas Moreno, Juan Arellano, Sahadys Palomino, Ever Julio, Juan Fernández, Diego Artunduaga, Franklin Pérez, Januel Barrios, Deivis Julio, Luis Gabriel Villa, Jesús Terán, Elder Escorcía, Joaquín Contreras, Fernando Valencia, Daniel Rojano, Norbeis Martínez, Wilfredo Teherán, Arleis Castaño, Doiler Yepes, Eduardo Blanco, Jorge Rodríguez, Luis Suares, Emerson González, José Miranda, Pedro Suárez, José Estalis Moreno, Esteban Cáceres, Darwin Quiroz, Edilberto Ortega, David Calderón, Luis Alberto Pérez, Edelberto Ramos, José Sarmiento, Luis Rodríguez, Deison Sandoval, Alexis Alvarez, William Estremor, Iván Galán, Glisser De Arcos, Héctor José Machado, Paterson García, Deivis Crespo, Ronal Soto, William Sarabia, Nerio Ortiz, Germán Espitia, Isaac Nuñez, Víctor Márquez.

Gender: 58 men and 1 woman.