

EXTERNAL (for general distribution)

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Arbitrary detention / Fear of torture

17 March 1995

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 Victor MONTILLA
 Juan VILLEGAS
 Williams HERNANDEZ
 Jaime TORRES
 Walver Paez
 Captain Carlos Luis DUARTE
Jorge MORENO
 José Gregorio DARIES (minor)
 Cary GARCIA (minor)
 and at least 50 others

There are fears for the safety of those lifted above, arbitrarily arrested between 13 and 15 March 1995 by members of the security forces, including the *Dirección de los Servicios de Inteligencia y Prevención (DISIP)*, Directorate of Intelligence and Prevention Services. They are being held incommunicado at the main DISIP branches in different states, where fears for their safety are heightened by past reports of the torture of detainees held by the DISIP.

The arrests, many of which were carried out by unidentified individuals wearing hoods, are the latest in a government clampdown against political and student activists during recent days (see UA 66/95, AMR 53/04/95, 15 March 1995). It seems that the arrests of those named above are connected with a national day of protest, called for 16 March by various organizations in response to growing economic and social problems. The authorities have claimed that those arrested had been planning a number of actions aimed at destabilizing the country.

BACKGROUND INFORMATION

Amnesty International has repeatedly complained 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. In particular, the organization is concerned that the constitutional safeguards prohibiting the use of incommunicado detention are routinely violated. Police are allowed to hold a detainee in custody for up to eight days before they need be presented to a judge. This is far in excess of what could be considered safe to prevent conditions which facilitate the use of torture. Together with the inoperability in practice of the writ of *habeas corpus*, detainees are left almost completely at the mercy of those holding them. Amnesty International believes the principal reason for the persistence of torture in Venezuela is the impunity enjoyed by the perpetrators.

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. In the past, particularly after the serious rioting that occurred in 1989 after the two coup attempts of 1992, the lack of clear guidelines as to whether civilian or military jurisdiction was in force, for example regarding procedures for *habeas corpus* and other guarantees which had not been suspended, left the population in a state of judicial uncertainty. 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.

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

- expressing serious concern for the safety of all detainees held by *Dirección de los Servicios de Inteligencia y Prevención* since their arrest between 13 and 15 March 1995, and seeking assurances that they are being treated humanely in accordance with international standards;
- urging that they be granted immediate access to relatives, lawyers, a representative from the attorney general's office (*Fiscalía General de la República*) and that they receive an independent medical examination;
- urging that all detainees be charged with a recognizable offence or released immediately.

APPEALS TO:

1) Minister of Interior

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

Telegrams: Ministro Interior, Caracas, Venezuela

Telexes: 26429 EXTER VC

Faxes: +58 2 815796

Salutation: Sr. Ministro/Dear Minister

2) Minister of Defence

General Orozco Graterol
 Ministro de Defensa

Ministerio de Defensa Nacional
Fuerte Tiuna, Conejo Blanco
El Valle,
Caracas, Venezuela
Telegrams: Ministro de Defensa, Caracas, Venezuela
Faxes: + 58 2 6628829
Salutation: Sr. Ministro de Defensa, Caracas, Venezuela

3) Attorney General
Dr. Iván Darío Badell
Fiscal General de la República
La Candelaria, Caracas, Venezuela
Telegrams: Ministro del Interior, Caracas, Venezuela
Telexes: 24787 EXTER VC
Salutation: Sr. Fiscal General / Dear Attorney General

COPIES OF YOUR APPEALS TO:

Human rights group
Sres.
Asociación de Defensa de los Derechos Humanos
Edif. Facultad de Derecho
Apartado Postal 548
Zona Postal 2001-A
Valencia
Estado Carabobo, Venezuela
Faxes: + 58 41 576149 (fax/phone: ask, "Me da tono de fax por favor")

Human rights group
Sres.
PROVEA
Apartado 5156
Caracas, Venezuela
Faxes: + 58 2 81669

Daily newspaper
Sres.
El Diario Nacional
Puente Nuevo a Puerto Escondido
Ed. El Nacional
Caracas, Venezuela
Faxes: + 58 2 4834174

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 May 1995.