

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR.53/006/2003 (Public)
News Service No: 087
10 April 2003

Venezuela: A Year on -- Face up to the Facts of April 2002

A year on from the failed Coup d'Etat of 11 - 14 April 2002, when more than 50 people lost their lives and scores of others were wounded, Venezuela's government and opposition have failed to face up to their part in the tragedy and ensure that those responsible are brought to justice, Amnesty International said today.

"It is time that both the government and opposition stop attempting to use the events of April 11 to serve their political agendas and instead create the climate in which the facts can be established, justice can be secured and the victims can receive reparations."

"The recent dismissal of murder charges against those accused of shooting from the Puente Llaguno, and the failure to charge Metropolitan Police implicated in the deaths and injuries suffered on 11 April, demonstrate the weakness of the official investigation. It also raises serious concerns about the capacity of the state to effectively prosecute all those responsible," the organization continued.

Alixis Gustavo Bornones Soteldo and César Mattías Ochoa were two of the victims who were shot and killed in Avenida Beralt on 11 April. Their families, and many others, are still waiting for justice. Important investigations in order to identify those responsible have already been carried out, but Amnesty International remains concerned that establishing individual criminal responsibility for the crimes remains a long way off. Furthermore, while there has been a degree of progress in the investigations regarding events of April 11, the organization fears that the violations committed on 12, 13, and 14 April have received less attention and risk being ignored by investigators and public alike.

"The investigation and judicial process must lead to justice for the victims and their relatives, in order to avoid the pattern of impunity of other notorious cases of serious human rights violations which haunt Venezuela's recent history," said Amnesty International.

"Impunity for human rights violations leaves the victims and their families without redress and encourages further violations. This can only fuel the climate of violence undermining the rule of law and human rights in Venezuela."

To ensure the success of the investigations, Amnesty International urges the authorities to guarantee that all agencies, including all police forces and the National Guard, cooperate fully with the investigation and ensure there is transparent and effective coordination between the Attorney General's Office (*Fiscalía General de la República*) and the Scientific and Criminal Investigation Force *Cuerpo de Investigaciones Científicas, Penales y Criminalísticas* (CICPC).

"It is vital that both these agencies receive the support and resources necessary to make their work timely and effective. The judiciary must also play a fundamental role by ensuring its timely, impartial and

effective handling of these highly politicised cases; the executive and the legislature must ensure support for the investigation while avoiding any implication of undue influence on the results," said Amnesty International.

"If the responsibility, both criminal and moral, for violence of April 2002 is to be established it is vital that the opposition, including the media, contribute to the clarification of the facts, even if these do not coincide with their immediate political interests."

A proposed commission of enquiry, to establish the truth surrounding the human rights violations committed in April 2002, has not been set up due to the failure of the opposition and government to guarantee its independence, impartiality and effectiveness. Amnesty International believes that another possible means of ensuring an impartial and credible enquiry could involve the participation of independent international experts, under the auspices of the international community, to visit Venezuela to evaluate the investigation and make binding recommendations. These mechanisms would be a step toward creating space and credibility for the facts of April to emerge from the political polarization affecting the country.

"One of the challenges to any such investigation is to clarify what led to the violence and the responsibility for it. Since April 2002, the political crisis destabilising Venezuela has repeatedly led to violence, with the police and National Guard employing excessive force against pro and anti-government demonstrators."

"An outcome of these investigations must be the urgent reform to policing practices and structures to ensure impartial law enforcement and prevent excessive or indiscriminate use of force in police operations with strict adherence to international human rights standards."

"Impartial and effective investigations into human rights violations committed in April 2002 and subsequent incidents are the only means of rebuilding confidence in the police and criminal justice system and ending the climate of impunity," Amnesty International concluded.

Background

Economic, social and political tensions led to an indefinite strike on 9 April by supporters of the opposition, an alliance built around the business sector, the principal trade union and private media interests, who demanded the immediate resignation of President Chávez. On 11 April, a mass opposition demonstration met pro-government protesters in the vicinity of the presidential palace. As demonstrators, Metropolitan Police, National Guard clashed, 20 people died as a result of gunshot wounds, and over 60 others were injured. In the ensuing crisis, senior military officials forced President Chávez from power and placed him in detention. Following the Coup d'Etat, a *de facto* joint civilian-military administration was established under the opposition leader Pedro Carmona, head of the *Employers Association, FEDECAMARAS*. The *de facto* government issued draconian decrees, including the closure of the National Assembly, and the summary dismissal of the Supreme Court, the Attorney General and the Human Rights Ombudsman (*Defensor del Pueblo*). Police carried out raids on a number of homes of supporters of President Chávez. Amongst those arbitrarily detained were a Minister and a National Assembly deputy. There was widespread condemnation of the unconstitutional and summary removal of President Chávez, the illegal detention of his supporters, and the arbitrary powers assumed by the *de facto* government. This, coupled with the increasingly determined efforts of President Chávez's followers to secure his release and return to power, led to the resignation of the new government and reinstatement of President Chávez on 14 April. The civil disturbance during these four days left at least 50 people dead and many more wounded. The government and opposition have continually accused each other of masterminding the violence for political advantage over the last year.

Political violence has also continued throughout the last year, resulting in the deaths of a number of pro and anti-government demonstrators and has repeatedly threatened further disintegration in the rule of law and human rights protection. In December 2002 the opposition called a second indefinite national stoppage which continued to February 2003. Social tension and political violence escalated in the context of the strike, which had a dramatic impact on the economy. Negotiations between government and opposition have

continued throughout the year under the stewardship of the Secretary General of the Organization of American States, César Gaviria. A group of "friendly counties" was also established to facilitate this process and help find a negotiated solution to the political crisis.

To refer to other materials produced by Amnesty International on Venezuela, including a "*Human Rights Agenda for the Current Crisis*" published in January 2003, visit our website at <http://www.amnesty.org>

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