



# VENEZUELA

HUMAN RIGHTS AT RISK AMID PROTESTS

**AMNESTY**  
INTERNATIONAL



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**“Justice must be done. All the hate in this country has to stop. The main thing is that justice must be done (...) and peace, peace for this country”**

Words of the father of Geraldín Moreno, 23-year-old student, from Valencia, Carabobo state, who died on 22 February after being shot in the eye on 19 February.

## 1. INTRODUCTION

Since the beginning of February 2014, Venezuela has been shaken by mass protests for and against the government in various parts of the country. This is not the first time that the population has taken to the streets to express its dissatisfaction with or support for the political and economic model introduced by President Hugo Chávez Frías after he won the elections in 1999 and continued by President Nicolás Maduro Moros after he was elected in April 2013.

The protests, which began on 4 February 2014, and in which at least 37 people had been killed and more than 550 people injured by 27 March<sup>1</sup>, are the most recent example of the growing polarization that has gripped the country for more than a decade. In this recent wave of social discontent, violent clashes at protests and the actions of the security forces have resulted in human rights violations, including killings, arbitrary detentions, torture and other cruel, inhuman or degrading treatment, as even the government admits. In Amnesty International's opinion, unless all political leaders, both in government and opposition, show a clear commitment to human rights and the rule of law, in both words and actions, the current situation could lead to a human rights crisis.

Amnesty International believes that the grave situation in which the country is immersed could have been avoided if the government had prioritized the promotion and protection of human rights, strengthened the institutions on which the rule of law is based and combated the high levels of criminality as well as the proliferation of arms and ammunition available to the population.<sup>2</sup>

In 1999, when a constitution that guaranteed human rights came into force, measures taken by the authorities initially appeared to respect the constitutional principles that protected their inviolability, and efforts were made to protect the rights of the most vulnerable sectors of the population. However, growing political and social polarization, aggravated by the failed coup in 2002 against the then president, Hugo Chávez, exposed the inadequate protection given to the human rights of all the people, as well as substantial weakening of the institutions on which the rule of law is based, creating a climate of distrust and deepening the political crisis.

Although the government has taken steps to strengthen the protection of some social rights during the last decade, particularly access to health and education services, which have benefited the most vulnerable sectors, the current economic situation, with inflation at more than 50 per cent and a scarcity of basic products and services, has called into question these advances.

The authorities' response to the protests and violence during February and March, both by pro-government armed groups<sup>3</sup>, and some demonstrators, shows there is still a lot to be done to ensure that everyone in Venezuela can live with dignity and enjoy their rights. At this time of growing confrontation, it is essential for the public to have the necessary freedom to exchange different points of view and conduct an open debate about the direction the country should take. Similarly, in the context of this wave of demonstrations, the government should guarantee the conditions necessary to conduct a constructive dialogue in good faith, prioritizing the respect for the human rights of all people, regardless of their political views.

## 2 Venezuela: human rights at risk amid protests

When preparing this report, Amnesty International was highly aware of the difficulty of allocating responsibility for the human rights violations and abuses in the context of the country's political and social polarization. Amnesty International conducted interviews with human rights organizations and lawyers, met people with specific complaints of human rights violations and abuses allegedly committed against them and their families, and studied accounts by eye-witnesses, recordings, evidence presented in support of complaints and audiovisual materials. Some of the people interviewed by the organization did not want to make public their complaints or version of events for fear of reprisals.

In this report, Amnesty International documents specific complaints it has received about violations of the rights to life, physical integrity and due process as a result of the demonstrations. The report also includes reports from publicly available sources about individuals, including two members of the Bolivarian National Guard (*Guardia Nacional Bolivariana*), who lost their lives allegedly as a result of violence and the use of firearms both by pro-government armed groups and some demonstrators during protests or at barricades.

Amnesty International also met the Attorney General (*Fiscal General de la República*) and the Ombudswoman (*Defensora del Pueblo*) on 14 March. Both confirmed that they had received complaints of serious human rights violations committed by members of the security forces, and about the use of violence by some demonstrators during protests and at barricades. Amnesty International welcomed the Attorney General's promise to investigate all the complaints received and her explanation that, in some of the cases under investigation, the authorities had already detained or ordered the detention of members of the security forces because of their alleged participation in the events in question.

The report concludes with a series of recommendations to the Venezuelan government, which the organization believes must be implemented immediately. In particular, it must ensure that impartial and independent investigations are conducted into all complaints of human rights violations that have occurred during this crisis, that the perpetrators are brought to justice and reparations are offered to the victims or their families. The organization also calls on opposition leaders to send a clear and unequivocal message to their supporters to exercise their right to the freedom of expression, association and assembly in a peaceful manner.

Amnesty International also urges the international community to encourage solutions that respect human rights and promote dialogue about how to resolve the wave of violence that has shaken the country.

The organization believes that the response to this crisis must be respect for the human rights of all, irrespective of political convictions, and the strengthening of the rule of law.

## 2. CHRONOLOGY OF THE PROTESTS

On 4 February 2014, in San Cristóbal, Táchira State, in the west of the country, university students demonstrated to call for improved security after various complaints were made about robberies on university campuses and the attempted rape of a student on the University of the Andes campus in Táchira. During the protests, five people were detained on charges of participating in violent acts, including an attack on the residence of the Táchira State Governor.<sup>4</sup>

A few days later, on 12 February, Youth Day in Venezuela, protests were held in various parts of the country for and against the government of President Nicolás Maduro. Students and opposition parties demonstrated to demand the release of detained students and protest at the lack of security, the economic crisis and the scarcity of basic products.<sup>5</sup>

In Caracas, the capital, the protest on 12 February culminated in front of the offices of the Public Prosecution Service, where the students went to present a petition for the release of detained students in Táchira. Clashes between the students, the security forces and a pro-government armed group resulted in dozens of detentions and injuries, including staff at Attorney General's Office. Three people were shot dead, including a young man demonstrating against the government and a man on his way to a pro-government demonstration.<sup>6</sup> On the evening of 12 February, a university student died after being shot in the head during clashes between opponents and supporters of the government in Chacao municipality to the east of the capital.

At the time of publication of this report, demonstrations and the blocking of roads by citizens critical of the government who are now calling for President Nicolás Maduro's resignation, continue in several parts of the country, including in the Caracas municipalities of Baruta, El Hatillo, Sucre and Chacao, some parts of Táchira State, where the protests are more generalized, and Mérida, Carabobo, Aragua, Lara, Barinas, Miranda, Zulia and Yaracuy States.

Pro-government demonstrations also continue, as well as actions by pro-government armed groups to stop opposition protests and the erection of barricades.

### VIOLENCE DURING THE PROTESTS FOR AND AGAINST THE GOVERNMENT

Reports indicate that at least nine people, including a member of the Bolivarian National Guard, were killed when trying to cross or dismantle barricades between 5 February and 12 March. At least six other people, including demonstrators for and against the government, as well as another member of the National Guard, were shot dead by unidentified individuals or members of pro-government armed groups during protests, while the security forces stood by without attempting to prevent such incidents. The following are a few examples of incidents about which the organization has received information.

**Génesis Carmona**, a 22-year-old a marketing student, was shot in the head on 18 February in Valencia, Carabobo State, allegedly when a pro-government armed group on motorbikes opened fire on demonstrators. Génesis Carmona died the following day.

On 28 February, in the town of Valencia, Carabobo State, National Guard **Giovanny José Pantoja Hernández** died and another Guard was wounded after being shot. The incident reportedly took place when the Guard attempting to disperse a group of demonstrators who were blocking access to main roads. According to reports, unidentified individuals opened fire on members of the National Guard. Another member of the National Guard was shot in both legs. On 6 March, in Sucre municipality, Miranda State, **Acner Isaac López**, also a member of the National Guard, and **José Gregorio Amaris**, a motorbike taxi driver, were shot dead, when, according to reports, a pro-government armed group on motorbikes tried to dismantle a barricade erected by opposition demonstrators.<sup>7</sup>

Only three days later, on the night of 9 March, **Giselle Rubilar Figueroa** was shot dead when she was removing debris from a barricade near her home in Mérida. One day later, student **Daniel Tinoco** died from bullet wounds to the chest in San Cristóbal, Táchira State. According to official reports, Daniel Tinoco was

with other students when pro-government armed groups on motorbikes attacked them. Another two demonstrators were shot and wounded.<sup>8</sup>

On 21 February, **Elvis Rafael Durán de la Rosa** died in Sucre municipality, Miranda state, when he was riding on his motorbike. He was attempting to drive through a barricade erected by protesters, when he failed to see a metal wire stretched across the road.

Amnesty International has repeatedly called on the Venezuelan authorities to implement a comprehensive public policy agreed to by all the relevant bodies in order to control the circulation and use of arms and ammunition in the country. The Bolivarian National Armed Forces (*Fuerza Armada Nacional Bolivariana*), have the monopoly on the import, manufacture, distribution and sale of arms and ammunition. It is also the only authority in charge of controlling arms. An arms control policy must immediately be initiated to mark all arms and munitions and maintain records documenting their whereabouts and use. Until this is done, the high number of illegal arms available in the country, many of them in the hands of pro-government armed groups, will continue to cause loss of life.

Similarly, the inexcusable death toll of recent weeks makes it even more urgent that the authorities take action to disarm pro-government armed groups and ensure they are brought to justice. To date, Amnesty International has no knowledge that anyone in these groups has been detained or is being investigated for their part in human rights abuses during the protests, including abuses against life and physical integrity.

## THE AUTHORITIES' RESPONSE TO THE PROTESTS

After the events of 12 February, President Nicolás Maduro and opposition leaders publicly called for an end to violence. President Nicolás Maduro condemned the violence of pro-government armed groups towards the demonstrators and said he would take action to ensure they were brought to justice and disarmed.

Although these commitments have yet to be honoured, the Attorney General said on 28 February that human rights violations by the security forces would not be tolerated.<sup>9</sup> The government also called for dialogue and convened a Peace Conference, which began on 26 February but without the participation of all sectors of the opposition.

Amnesty International believes that if the authorities are to fulfil their commitment to establish a constructive dialogue with those who oppose them and find solutions to the growing polarization and violence, they must maintain their commitment against violence and ensure conditions allow for a dialogue to take place in a climate of non-discrimination and absolute respect for human rights, including the right to freedom of expression, assembly and peaceful association.

The organization was greatly concerned at the words of President Nicolás Maduro and the President of the National Assembly, Diosdado Cabello, when on 5 March they urged government supporters to get out onto the streets and stop the protests and attempts by opposition groups to build barricades.<sup>10</sup>

Also of concern have been the violent actions by both pro-government armed groups and some demonstrators during the protests and blocking of roads.

Amnesty International welcomes the Attorney General's announcement on 14 March that her Office was investigating 42 complaints of human rights violations and had also opened a free telephone helpline to receive complaints specifically relating to events during the crisis.<sup>11</sup> The Attorney General also announced that 15 security forces officials had been detained on suspicion of involvement in human rights violations, including eight members of the security forces and the Bolivarian National Intelligence Service (*Servicio Bolivariano de Inteligencia Nacional, SEBIN*) accused of killing Juan Montoya and Bassil Dacosta on 12 February (see below for further details).<sup>12</sup>

In addition, the Director of SEBIN was dismissed, while two police officers of Chacao municipality in Caracas have been detained on suspicion of involvement in the death of a member of SEBIN, Glidis Karelis Chacón, on 7 March.<sup>13</sup>

## 3. HUMAN RIGHTS VIOLATIONS DURING THE PROTESTS

The death toll between the start of the protests on 5 February and up to 27 March is of at least 37 victims, including demonstrators for and against the government, bystanders and eight members of the Bolivarian National Guard. According to the Attorney General's Office, more than 550 people were injured in the same period, including 180 police and military officers.<sup>14</sup> According to reports of local human rights organizations, amongst those injured, more than 120 were shot with live ammunition or rubber bullets.

The Attorney General's Office announced that more than 2,100 people were detained in the period up to 12 March, of which 168 remain in detention. Most detainees have been released pending investigations, while a further 66 were released unconditionally.<sup>15</sup>

Between 12 February and 12 March, Amnesty International received scores of complaints of human rights violations. These included cases of excessive use of force by the Bolivarian National Guard, other security forces, and the Bolivarian National Intelligence Service, as well as cases of torture and other cruel, inhuman or degrading treatment against detained demonstrators, both at the time of arrest and while in custody, particularly in police custody and in some cases while in the National Guard military barracks. Many detainees complained about the violation of their right to due process after being denied access to a lawyer.

The organization has also received reports of assault and harassment against human rights defenders, journalists and media both critical and supportive of the government.

Amnesty International is also concerned at the reports of human rights abuses allegedly committed by pro-government armed groups, which have frequently taken action against demonstrators while the security forces failed to intervene to protect the right to life and physical integrity.

The organization has also received reports of human rights abuses allegedly committed by some groups of demonstrators opposed to the government, who allegedly used violence during the protests or while blocking roads, both against members of the security forces and bystanders.

Below, Amnesty International gives a summary of complaints of human rights violations and abuses received between 12 February and 12 March.

### EXCESSIVE USE OF FORCE DURING THE PROTESTS

In the course of four weeks of protests, Amnesty International has received worrying reports about the excessive use of force by members of the security forces, including members of the Bolivarian Intelligence Service, the Police and the Bolivarian National Guard.

These include reports of the use of firearms against demonstrators and against homes in residential areas where people were protesting by banging on saucepans and other objects (*cacerolazos*)<sup>16</sup> or had erected barricades. Amnesty International considers that such use of lethal force violates international standards stipulating that law enforcement officials may only use firearms to disperse protestors when less dangerous means are not possible and only to the minimum extent when strictly necessary to protect life. In accordance with international standards, if it is necessary to use lethal force, law enforcement officials shall identify themselves as such and give a clear warning of their intention to use firearms, with sufficient time for the warning to be observed.<sup>17</sup>

Amnesty International has also received information about the use of rubber bullets to disperse demonstrators, used in some cases without a clear warning, as well as being fired directly at the body of demonstrators and at close range, which has led to the death of at least a demonstrator.

In some cases, members of the National Guard also entered residential areas to clear barricades erected by residents and fired rubber bullets, used tear gas and high-pressure water cannons on demonstrators without warning them first or giving them option of leaving the area.



"Less lethal" ammunition and plastic bullets must only be used if strictly necessary to protect life, in self-defence or to prevent serious injury. Such weapons should be used in a way that reduces the risk of unnecessary harm, and only when less extreme measures are insufficient to achieve these objectives and when they are sufficiently precise to avoid unwarranted injury.<sup>18</sup>

According to information received by the organization, the security forces allegedly used tear gas excessively and indiscriminately, with the aim of dispersing demonstrators and stopping them from erecting barricades, or as punishment for these actions. Tear gas was sometimes fired directly at the body of demonstrators, and in enclosed spaces and residential areas. This practice clearly contravenes international standards, which stipulate that when making use of force, states "shall exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved" and "minimize damage and injury".<sup>19</sup> Due to their capacity to cause pain, discomfort, illness and death, the use of non-lethal incapacitating arms such as tear gas must be carefully evaluated in order to minimize the risk of causing injury to bystanders. In particular, the deployment and use of toxic and irritant chemicals must be prohibited when such products are likely to increase the risk of unnecessary harm or unwarranted injury and death, such as when firing a metal gas canister directly at people.

For example, on 12 March during a protest by students calling for the dismissal of the Ombudswoman, Gabriela Ramírez, demonstrators at the Central University of Venezuela (*Universidad Central de Venezuela, UCV*) were confronted by the National Guard and the Bolivarian National Police (*Policía Nacional Bolivariana*), who mainly used tear gas bombs to deter demonstrators. After the demonstration, approximately 840 empty tear gas canisters and bombs were collected and 25 people showed signs of asphyxia, 15 of which required medical treatment at the UCV Hospital.<sup>20</sup>

Amnesty International is concerned about the use of toxic and irritant chemicals in very high concentrations and their indiscriminate use as they can cause damage and serious injury when sprayed over a wide area. The authorities should also avoid launching such chemicals at or near people in confined spaces where exits and ventilation points are restricted, or launching the irritants near elderly people, children or others who may have difficulty in moving away to avoid the dangerous effects of toxic chemicals.

## BASSIL DACOSTA FRÍAS

Bassil Dacosta Frías, aged 23, died on 12 February in Caracas after participating in a demonstration. On the day before the demonstration, Bassil Dacosta wrote on his Facebook page "*I am going out to march tomorrow without fear*".<sup>21</sup>

According to testimony given by his family, at the end of the march on the afternoon of 12 February, demonstrators shouted and threw stones at the security forces. Members of the Bolivarian National Intelligence Service (SEBIN) and armed men in civilian clothing opened fire on the demonstrators, using pistols and rifles. Bassil Dacosta was shot in the head.

Bassil's cousin told Amnesty International: "*I was running down the street, I crossed on to the other pavement, when I got there I heard someone say: 'someone's been hit, someone's been hit!' Then I saw it was my cousin. Straight away, I got hold of him, picked him up, but immediately saw that he had been hit in the head because he was bleeding heavily. And I picked him up, shouting: 'Let's get him out of here, let's get him out of here!' I and some friends carried him, and one of them who was helping to carry him said to me 'no, he's already dead, he's already dead'. And I said 'no, he's not dead, let's carry on, let's get him out of here'... Deep down I knew that my cousin was dead, but I did not want to leave him there. I was hoping that he would live because he was breathing and he was still breathing when we arrived at the hospital."*

The National Police took Bassil to a nearby hospital, but he died shortly after. Eight members of the security forces and of the SEBIN have so far been charged with his death.<sup>22</sup>

## JUAN MONTOYA

According to press reports, Juan Montoya, Coordinator of the Revolutionary Secretariat of Venezuela, which unites neighbourhood groups (*colectivos populares*)<sup>23</sup> in Greater Caracas and Vargas, died on 12 February in Caracas after being shot in the face while on his way to join a march convened by the authorities for that day.

Eight members of the security forces and of the SEBIN have been charged with his death.<sup>24</sup>

## GERALDÍN MORENO

*"Justice must be done. All the hate in this country has to stop. The main thing is that justice must be done (...) And peace, peace for this country"*

Words of Geraldín Moreno's father

Geraldín Moreno, a 23-year-old student from Valencia, Carabobo State, died on 22 February after being shot in the eye during a protest on 19 February. Geraldín Moreno had left home at about 7:30pm that day to join the demonstration.

According to testimony given by family members and accounts from witnesses who attended the protest, members of the Bolivarian National Guard on motorbikes dispersed demonstrators by firing rubber bullets. Geraldín was hit in the eye and bullets lodged in her brain. Other demonstrators took her to a nearby hospital where she was operated on. However, doctors were unable to save her life.

A relative of Geraldín told Amnesty International what happened: *"The guards wounded people, they fired their guns, and went (...) "bang, bang, bang", then they regrouped and rode off. The guards were not bothered about getting the wounded to hospital. They just rode off together. Plastic bullets are for dispersing people. People get hurt but the bullets are not supposed to be lethal, the [rubber bullets] usually disperse the crowds. But [the guards] must have known that the girl was going to need help".*

The Attorney General has informed Amnesty International that it has opened an investigation into the case.

## MOISÉS GUANCHEZ

According to the testimony of his mother to PROVEA, a local human rights organization, Moisés Guanchez, aged 19, was beaten and wounded by rubber bullets when detained by the National Guard, as he left his workplace at the La Cascada Shopping Centre, in Carrizal municipality, Miranda State on 5 March. The National Guard had clashed with demonstrators who were erecting barricades in the vicinity of the shopping centre.



Top: a series of crosses representing those who have died since the beginning of the protests, Táchira state, March 2014 © Manaure Quintero Álvarez

Bottom: Protests in Zulia state, March 2014 © Jorge Castro





Top left: José Alejandro Márquez © private. Top right: Bassil Da Costa © private.

Bottom left: Geraldine Moreno © private. Bottom right: Genesis Carmona © private

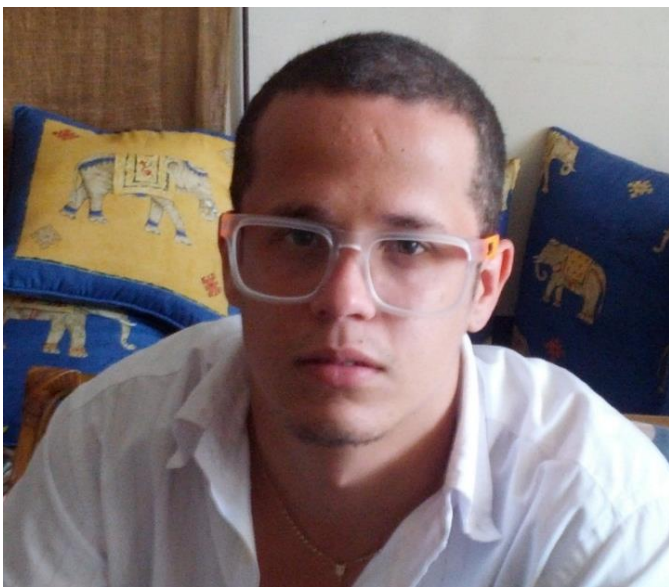


Top left: Luis Gutiérrez © private



Top right: Marvinia Jiménez © private

Bottom left: Juan Manuel Carrasco © Amnesty International



Bottom right: Daniel Quintero © private





Top: Altar in memory of Daniel Tinoco, Táchira state, march 2014 © Manaure Quintero Álvarez

Bottom left: Opposition demonstration, 16 March 2014 © Carlos Becerra

Bottom right: Pro government demonstration, 22 March 2014 © El Nacional



## DETENTION OF DEMONSTRATORS AND THE RIGHT TO DUE PROCESS<sup>25</sup>

According to information released by the Attorney General's Office, 2,158 people had been detained by 27 March. Dozens of these people were detained without an arrest warrant and without being caught in the act of committing an offence (in flagrante). The information indicates that many people were not detained during the protests, but when they were either moving away from places of protest or in nearby areas. Some police records even indicate that detentions were made because officers assumed the people concerned were going to commit offences. Detainees were later charged with these offences, despite not having been caught committing them, as required by law.

Members of the security forces also forced entry into homes in areas where roads had been blocked and detained people without a warrant.

According to human rights lawyers interviewed by Amnesty International, some detainees, including minors, were not allowed access to a lawyer or their families for the 48 hours prior to being brought before a judge. The authorities did not formally notify the families of their detention or provide official information about the detainees or their places of detention, forcing families and lawyers to visit different places to locate them.

Detainees and their lawyers were also not informed of the reasons for their detention. When lawyers visited places of detention to request access to detainees and to police files to find out the reasons for their detention, officials denied them such access citing "orders from above". Detainees' lawyers only learned of the reasons and circumstances of their detention a few minutes before their first hearing before a judge.

Amnesty International is seriously concerned at what appears to be a violation of the rights of detainees to be immediately informed of the reasons for their detention so that they may challenge the legality of their detention and begin to prepare their defence.<sup>26</sup> It is also worrying that detainees were denied access to a lawyer of their choice or given adequate opportunities, time and facilities to communicate with a lawyer.<sup>27</sup> As stated by the Human Rights Committee and the United Nations Special Rapporteur on Torture, prompt and regular access to a lawyer is an important safeguard against torture, ill-treatment and confessions obtained through coercion and other abuses.<sup>28</sup>

Although the great majority of detainees have been conditionally released, some of them face charges which include criminal conspiracy (*asociación para delinquir*), under the Organized Crime and Terrorism Funding of Terrorism Act (*Ley Orgánica contra la Delincuencia Organizada y Financiamiento al Terrorismo*), which establishes prison sentences of six to ten years.

The organization is also concerned about reports that the authorities have hampered access detainees' access to lawyers from human rights organizations.<sup>29</sup>

The government must also refrain from commenting on the innocence or otherwise of detainees and allow the judicial system to operate unhindered by government pressures. For example, **Luis Matheus Chirinos**, aged 20, was detained on 21 February allegedly for carrying explosives and Molotov cocktails, which he denies. On the day of his detention, the president of the National Assembly informed the media of his detention and claimed the material he was alleged to be carrying was for the purposes of terrorism.<sup>30</sup>

## TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT

Amnesty International has received dozens of complaints about torture and other cruel, inhuman or degrading treatment of detainees by members of the security forces, at the time of detention, during transfer and at detention centres. The aim of the cruel, inhuman or degrading treatment of detainees appears to have been to punish them for their participation, or alleged participation in the protests.

Among the complaints received are cases of beatings by members of the security forces, who allegedly punched, kicked and hit detainees with blunt objects, such as helmets, including when detainees were being restrained on the ground at the time of detention.

The organization has also received complaints from detainees who were allegedly forced to kneel or stand for long periods at detention centres, subjected to sexual abuse or threatened with rape. Other reports indicate that some were threatened with death, and in one case, officers allegedly poured petrol onto a young detainee.

Detainees were not given medical examinations on arrival at detention centres and, in some cases, did not receive medical attention until they were brought before a judge, despite evident wounds from rubber pellets or bullets. The right of detainees to be examined by a doctor and receive medical treatment whenever necessary is a safeguard against torture and ill-treatment, and an integral part of the authorities' duty to guarantee respect for the integrity and dignity of the individual.<sup>31</sup>

## DANIEL QUINTERO

Daniel Quintero, 21, a student, participated in a demonstration against the government on 21 February in Maracaibo, Zulia State. Daniel Quintero told Amnesty International he was tortured and ill-treated at three different locations after being detained on his way home by members of the Bolivarian National Guard.

When the guards arrested him, *"first they kicked and punched me in the face, in the ribs and hit me with the butts of their guns on the forehead. I told them to leave me alone but they insulted me, saying "shut up you idiot, shut up you son of a bitch, get on the bike" and they kept on hitting me"*, said Daniel.

They took him on a motorbike to an armoured vehicle where they took turns to hit him, *"they all queued up to hit me"*, explained Daniel. The ill-treatment continued inside the vehicle, *"the driver of the "tanqueta" [armoured vehicle] whipped me on my left shoulder with a leather cord, about six times. The co-driver turned round and hit me with a shotgun in the head"*. Afterwards, Daniel said, *"one of them switched on his mobile's video recording function, handed it to a colleague, then got on top of me and made obscene sexual movements, they brushed my legs with their rifles and said to me 'hey, he shaves his legs, they are going to rape you in Marite,<sup>32</sup> and if they rape you, they will kill you as well'."*

Daniel Quintero was then taken to the Bolivarian National Guard's Regional Base No. 3 (Comando Regional 3) in Maracaibo, where the commanding officer *"told me they were going to burn me. And at his side he had a can of petrol, wires and matches [...] and he said they were going to burn me and that nobody would ask about me... The whole army, about 150 soldiers, surrounded me while he hit me nine times with his baton while talking to me and while I was still handcuffed."*

Daniel was then taken to the offices of the Bolivarian National Guard's Anti-Extortion and Kidnapping Squad (*Grupo Antiextorsión y Secuestro*), also in Maracaibo. He was asked to provide the names of the protest leaders and the names and telephone numbers of members of a non-governmental organization of which he was a member, called Venezuela Without Bullets (Venezuela Sin Balas).<sup>33</sup>

Daniel told Amnesty International, *"they put [me] in a cell and ordered me to strip down to my underwear. In the cell, they handcuffed my left hand to a bar attached the wall at about foot height. They said I had to obey two rules: I must not fall asleep, because guards do not sleep and they wanted me to feel like them, and that I had to keep my feet together, with my right hand touching my ankles, and my navel practically touching my thighs. I had to stay in this doubled-up position all night, otherwise they would come and start hitting me. So every time I flexed my knees they said "hey, stop that" and banged the floor, "pa!". I was there for approximately nine hours. In the morning, they held back on the physical aggression, but not on the verbal aggression. This went on all night "idiot, they will rape you, son of a bitch, stop looking at us." Insults, just insults."*

## MARVINIA JIMÉNEZ

*"I don't think I should be beaten up just for recording a demonstration"*

Marvinia Jiménez, aged 36, described to Amnesty International how she was beaten up by a member of the National Guard in Valencia, Carabobo State. The ill-treatment she received was seen by the entire country in various video clips, filmed by people who were in the vicinity. On 24 February, Marvinia was taking photos with her mobile phone of National Guard armoured vehicles breaking up a demonstration near her home. Marvinia Jiménez was surrounded by various Guards. A female officer attacked her, hit her with her helmet and pulled her hair.

Marvinia Jiménez told Amnesty International she was still in pain several days later. Moreover, during the days in which she was detained, she was given no reason for her detention, nor allowed contact with her family or a lawyer for several



days. It was only when she was brought before a judge that she was able to see her family. *“That’s when I was able to speak with my brother, who told me he’d been looking for me for days. I realized I had not been alone and that my family were trying to find my whereabouts. That’s when I can start breathing... The worst thing for me was to see my seven-year-old son at the hearing and to have to explain that I had been arrested and beaten up”*.

The Attorney General told Amnesty International that she had requested the detention of the member of the National Guard who ill-treated Marvinia Jiménez.

## JOSÉ ALEJANDRO MÁRQUEZ

Family members of José Alejandro Márquez, a systems engineer aged 45, married with two daughters, told Amnesty International that he died on 23 February as a result of injuries sustained from a beating by members of the National Guard when they detained him to confiscate the mobile phone he had been using to film Guards dismantling a barricade.

José Alejandro Márquez left his home in Caracas on the afternoon of 19 February. A few hours later, neighbours told his family he had been detained by the National Guard. After looking for him at various detention centres, they found him semi-naked, with his arms and feet tied to a bed in a Caracas hospital: *“We found him there, laid out on a hospital stretcher [...] They had used his own shirt to tie him,”* his wife told Amnesty International.

The same night he was hospitalized, José Alejandro’s family learned there was a video on the internet showing members of the National Guard taking away bags of rubbish used to build a barricade. The video also showed them chasing various people, including a man who had been filming the event on his mobile phone. As he was running away, the man fell on his face. The family identified this man as José Alejandro Márquez.

The family believe that the fall filmed in the video was not enough to explain José Alejandro Márquez’s injuries and death. His brother said: *“the video shows my brother falling on his face [...] And my brother has a big fracture here behind, on the other side”*. His sister also reported that hospital staff told her that *“the guards who brought him in continued to hit all the way to the x-ray room. And I have told all the media so they know about the brutality of what happened”*. These witnesses told the family that they were afraid of making a formal complaint about what happened.

The day after José Alejandro Márquez’s death, on 24 February, the president of the National Assembly, Diosdado Cabello, mentioned the case on television. *“He had the audacity”* explained José Alejandro’s mother, *“to name him, tarnish his name and say he was a paramilitary that was going to kill Maduro and that he had been killed by his own colleagues because he had not carried out his mission [...] The nightmare is still not over, they even blame him for what happened [...] We had to contradict this version [in the media] at the funeral itself.”*

The family says that photos do exist of José Alejandro Márquez dressed in military uniform and carrying arms, but these photos were taken while he played “airsoft”, a sport in which participants use replica arms and fire plastic bullets.

Seven members of the National Guard have been detained after an investigation by the Attorney General’s Office.<sup>34</sup>

## JUAN MANUEL CARRASCO

*“They put us in a fetal position, on our knees and hit us, they just hit us. A guard went out and said that God would not save us even if we prayed and that this was our last day. They pulled my underpants down and stuck something up my behind. And they continued to hit us, hitting us until they were tired out”*.

*“They told us we were a bunch of idiots, that we were going to die, that we could forget about God, that we would never see our families again, that our lives were finished”*.

Juan Manuel Carrasco, aged 21, was detained in the night of 13 February 2014 by the National Guard in Valencia, Carabobo State. Juan Manuel Carrasco was sexually assaulted, threatened with death and repeatedly beaten while in detention.

Juan Manuel Carrasco told Amnesty International how the National Guard fired tear gas grenades directly at the vehicle in which he and other people were seeking shelter, breaking the vehicle’s windows. They were forced to get out of the

vehicle. Juan Manuel said he believes he was ill-treated because he had attacked an official in an attempt to protect a woman who was having a gun pointed at her.

Juan Manuel Carrasco said that from that moment and for three days he was detained at the National Guard's Urban Security Detachment (*Destacamento de Seguridad Urbana*) in Valencia, where he was beaten and ill-treated. Members of the National Guard raped Juan Manuel with an object, punched, kicked and beat him with guns and helmets, intimidated him with dogs and threatened him with death. Juan Manuel Carrasco described how some guards even tried to intervene on his behalf when they saw the beating he was taking. *"One of the guards said 'don't hit the lad with the yellow shirt (which was me) anymore or you'll kill him". They kicked me here, and I spat out a mouthful of blood. They kept hitting us"*.

During his detention, he was visited by Attorney General's Office staff. He did not tell them anything for fear of reprisals, as the visit took place in the presence of members of the National Guard.

The Attorney General told Amnesty International that her office was investigating the complaint of ill-treatment and torture, including rape.

## LUIS ALBERTO GUTIÉRREZ PRIETO

Luis Alberto Gutiérrez Prieto, a 26 year-old student, left his home on 19 February to participate in a protest in San Antonio de los Altos, Miranda State, in the company of his brother and friends.

Luis Alberto described how demonstrators blocked a road and clashed with the National Guard. According to journalists, the clash involved stone-throwing and gunshots. Luis Alberto told Amnesty International that he was watching members of the National Guard hitting and insulting other demonstrators when he was unexpectedly kicked in the face and forced to kneel for two hours.

He and other detainees had their hands tied with their own shoelaces and were put on a lorry where a guard showed them a tear gas bomb and said: *"Do you see this bomb? This is what you are getting after we put you in a damp cell, you'll see how choking feels"*.

The kick in the face suffered by Luis Alberto Gutiérrez resulted in three fractures: on the left-hand side of his face, the nasal bridge and the eye socket. He told Amnesty International: *"One of the guards made fun of me, asking me what had happened to me. I just said that I had been kicked. In a tone that was joking and threatening at the same time, he said to me: 'That was no kick, I'm sure you did it yourself, walking into a post or you fell and hit yourself on the pavement... or one of your little friends hit you with a bottle... that's what happens when you go playing with barricades"*.

Luis Alberto Gutiérrez was taken to hospital in the afternoon of the following day, where he later had an operation on his face.

## INTI RODRÍGUEZ

Inti Rodríguez, a human rights defender with PROVEA, a local human rights organization, reported he was detained for more than two hours during the protests in Caracas on 12 February. He was beaten and threatened with death by members of the Bolivarian National Intelligence Service and pro-government armed groups. He said they took away all his belongings and the documents he was carrying. They also threatened his family: *"We know who you are and where your family lives; we will smash you if you start talking bollocks"*.<sup>35</sup> Inti has had to leave his home on safety grounds.

## ATTACKS ON JOURNALISTS AND THE MEDIA

Amnesty International has received complaints from dozens of journalists who have been threatened, harassed, assaulted and arbitrarily detained. The people who made these complaints did not want to make them public. In most cases, the incidents occurred when they were covering the protests. The complaints were made by journalists and media with editorial viewpoints critical of the government and others working for state-owned media.

According to Espacio Público, a Venezuelan human rights organization that campaigns on freedom of expression, there were 87 violations to freedom of expression affecting a total of 127 people during the demonstrations that took place between 12 February and 12 March 2014, including broadcasters, journalists, photojournalists, photographers and non-professionals providing information about the protests and the actions of the security forces. There were complaints about 22 detentions, 30 assaults, 18 robberies and thefts, a shooting and a death. This represents an increase of 480 per cent in relation to the same period last year.<sup>36</sup>

The alleged perpetrators include members of the security forces, who beat, intimidated, detained individuals for several hours and confiscated photographic material and mobile phones. Other incidents involved the theft of professional equipment from journalists engaged in documenting the protests and the actions of the security forces.

Amnesty International has also received reports of abuses committed against journalists by demonstrators and people erecting barricades, as well as by pro-government armed groups.

Another cause for concern has been with the blocking of broadcasts by Colombian television station NTN24, which was withdrawn from the approved list of cable television operators on 12 February, while it was covering the protests. To date, this television channel is still unable to broadcast. On 14 February, President Nicolás Maduro said that the decision to take NTN24's off the air was "a government decision".<sup>37</sup>

According to reports, on the same day, other radio and television media stopped covering the protests after the National Telecommunications Commission of Venezuela (Comisión Nacional de Telecomunicaciones de Venezuela, CONATEL) criticized some media and indicated that their coverage may have violated the Social Accountability in Radio, Television and Electronic Media Act (*Ley de Responsabilidad Social en Radio, Televisión y Medios Electrónicos*), which stipulates that the media must not show images that condone violence or disturb public order. In a press release published in the Venezuelan press, the Social Accountability in Radio and Television Board (*Directorio de Responsabilidad Social en Radio y Televisión*) "observed with concern the coverage by certain private, national and regional radio, television and electronic media service providers of regrettable acts of violence in specific parts of the country that may have violated article 27 of the Social Accountability in Radio Television and Electronic Media Act, which clearly prohibits the dissemination of content that condones hate and violence, promotes civil disobedience and disturbs public order".<sup>38</sup>

## DETENTION OF OPPOSITION LEADERS

Leopoldo López, one of the most prominent opposition leaders and leader of the Voluntad Popular (Popular Will) party, has been in detention since 18 February. According to reports, warrants have been issued for the detention of a further two members of the opposition party Voluntad Popular: Carlos Vecchio, political coordinator, and Antonio Rivero, a national party leader.

A few days before Leopoldo López's detention the authorities had issued a warrant for his arrest on suspicion of committing crimes during and after the student demonstration of 12 February and during previous days. According to reports, the warrant listed a series of preliminary charges, including terrorism, murder and grievous bodily harm (*terrorismo, homicidio y lesiones graves*).<sup>39</sup>

On 18 February, Leopoldo López handed himself in to the National Guard during a demonstration against the government called by his party in a square in eastern Caracas. Leopoldo López appeared before a judge on 19 February. The judge concluded that there was no evidence to charge him with the most serious offences listed in the arrest warrant, but that there was evidence for other offences, including incitement and conspiracy to commit crimes such as arson and damages to property. The charges carry a maximum penalty of ten years' imprisonment. The judge ordered that the defendant should be detained while awaiting

the results of the prosecutor's investigation. López is being held in Ramo Verde prison in Los Teques, outside the capital, Caracas.

Amnesty International has still not had access to the information on which the judge based her decision that there was sufficient evidence to detain and begin judicial proceedings against López and deny him bail. However, the organization believes that the fact that the warrant for the arrest of Leopoldo López was issued one day after the President of the National Assembly, Diosdado Cabello, and the Foreign Minister, Elías Jaua Milano, accused him of being responsible for the violence during anti-government protests violated his right to the presumption of innocence, and therefore to due process. Neither did the words of President Nicolás Maduro requesting the imprisonment of Leopoldo López one day after his detention help to create a climate of confidence in the judicial system, which should act independently and impartially.

## 4. CONCLUSIONS AND RECOMMENDATIONS

Since the beginning of the protests, at least 37 people have lost their lives and more than 550 have been injured, at least 120 of whom by firearms. The victims include demonstrators that took to the streets to show their dissatisfaction with the government's performance, supporters of the government, bystanders and members of the security forces. More than 2,000 people are facing judicial proceedings because of their alleged participation in violent acts during the protests, with charges that could lead to them being sentenced to years in prison. This is the most recent assessment of the growing polarization that has divided Venezuelan society during the last decade.

Unfortunately, the escalating violence shows no sign of abating. The country runs the risk of descending into a spiral of violence unless all political forces, both government and opposition, agree to respect human rights and the rule of law.

Amnesty International urges all the country's political leaders, including those in the opposition, to send a clear and unequivocal message to their supporters to refrain from violating human rights.

The government, moreover, must put respect for human rights and strengthening the institutions on which the rule of law is based at the top of the political agenda.

In this context and with regard to the complaints about alleged human rights violations during the protests, Amnesty International calls on the authorities to:

- Investigate thoroughly, independently and impartially all complaints of human rights violations and abuses made in the context of the protests. Identify all those responsible and bring them to justice.
- Guarantee detainees' access to lawyers of their choice, families and to independent medical care they may require.
- Guarantee that all detainees are tried following procedures that meet international standards on fair trials, such as the right to challenge the legality of detentions and the right to an adequate defence, which in turn includes the right to access a lawyer at all stages of the judicial proceedings, the right to adequate time and facilities to prepare their defence, and the right to cross-examine witnesses.
- Guarantee that people can exercise their right to the freedom of expression and assembly, without fear of being killed, assaulted, ill-treated or arbitrarily detained.
- Guarantee the protection of human rights defenders, journalists and the media, and ensure that they can carry out their work without fear of reprisals.

In addition, so as to ensure that the tragic events of the last two months are not forgotten or repeated, and to ensure that conditions are in place for a constructive dialogue in good faith, that prioritizes respect for human rights, Amnesty International believes it is essential to put into practice a **National Human Rights Plan**. This plan must set out how the Venezuelan state plans to guarantee all human rights, including civil, political, economic, social and cultural rights, and assign the responsibilities of the different actors, with an appropriate timetable, budget and indicators.

The National Human Rights Plan must be the result of a national dialogue that incorporates the points of view of all the parties involved, including dissidents and opponents, as well as representatives of civil society. It is essential that as part of the Plan the following steps are taken to:

- Strengthen the judicial system to ensure that it acts independently and impartially and protects the right of all detainees to due process, including the right to challenge the legality of detentions and the right to an adequate defence.
- Immediately reverse the decision to denounce the American Convention of Human Rights and return to the jurisdiction of the Inter-American Court of Human Rights and comply with existing rulings.
- Extend an open invitation to the Missions of the Special Rapporteurs of the United Nations and the Inter-American Human Rights System. Sign and/or ratify the treaties that guarantee the protection and promotion of human rights, particularly the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which establishes a system of periodic visits by independent international and national bodies to places of detention, with the aim of preventing torture and other cruel, inhuman or degrading treatment and punishment.
- Implement the Special Law to Prevent and Punish Torture and other Cruel, Inhuman and Degrading Treatment (*Ley Especial para Prevenir y Sancionar la Tortura y otros Tratos Crueles, Inhumanos y Degradantes*), in order to guarantee the safeguarding of the right to life and to physical integrity of detainees. To this end, we urge the Ombudswoman, who chairs the National Commission for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment (*Comisión Nacional de Prevención de la Tortura y Otros Tratos Crueles, Inhumanos y Degradantes*) to increase efforts to prevent and punish these crimes and guarantee reparations to victims, including individuals who have complained of ill-treatment and torture during the recent protests.
- Train all law enforcement officials and members of the security forces in the use of force, including the management of demonstrations, and bring operational and public order management plans in line with the United Nations Principles on the Use of Firearms and the Code of Conduct for Law Enforcement Officials, particularly with regard to the principles of need, proportionality and respect for human rights.
- Continue efforts made so far to guarantee the control of arms in the country, including arms held by pro-government armed groups. The government must implement plans for the marking and control of ammunition, the control of security forces issue weapons and the disarmament of groups operating outside the law.

Amnesty International also urges the international community, particularly neighbouring countries, the Organization of American States (OAS) and the Union of South American Nations (UNASUR) to encourage solutions that respect human rights and promote dialogue.

# ENDNOTES

<sup>1</sup> See report by the Attorney General's Office, *Resultado de las Manifestaciones Violentas Febrero- Marzo 2014*, 27 March 2014: <http://www.ministeriopublico.gob.ve>

<sup>2</sup> Venezuela has a homicide rate of between 79 and 39 per year per 100,000 inhabitants. The non-governmental organisation Observatorio Venezolano de Violencia estimates that the rate is 79 per 100,000 inhabitants, see *Informe del Observatorio Venezolano de Violencia - Diciembre 2013* at <http://observatoriodeviolencia.org.ve/ws/informe-del-ov-diciembre-2013-2/>. In December, the Minister of the Interior, Justice and Peace said that the rate was 39 homicides per 100,000 inhabitants. See article in *El Correo del Orinoco*, "Venezuela cerrará el año 2013 con una tasa de homicidios de 39 por cada 100 mil habitantes", 28 December 2013, <http://www.correodelorinoco.gob.ve/nacionales/venezuela-cerrara-ano-2013-una-tasa-homicidios-39-por-cada-100-mil-habitantes/>.

<sup>3</sup> Some Venezuelan media call them "colectivos armados" (armed collectives). During the last decade, these pro-government armed groups have contributed to the further deterioration of the high level of political violence in the country. According to International Crisis Group: "Although fundamentally different in origins, focus, structures and strength, they have all benefited from a government attitude that is at least ambiguous, one that, while keeping them at arm's length, recognises their political utility. No serious effort has been undertaken to combat or disarm the groups, which in part have acted as supporters or enforcers of the "Bolivarian Revolution" and have both directly and indirectly fuelled violence in the country". International Crisis Group Latin America Report N°38: *Violence and Politics in Venezuela*, 17 August 2011, p. 12.

<sup>4</sup> The students and others detained in Táchira have been conditionally released, one of them after spending 33 days in prison.

<sup>5</sup> According to the Venezuelan Central Bank, inflation reached 56 per cent in 2013.

<sup>6</sup> See the case of Juan Montoya and Bassil Dacosta.

<sup>7</sup> See Amnesty International documents AU 51/14, AMR 52/007/2014, 7 March 2014, <http://www.amnesty.org/en/library/info/AMR53/007/2014/en>

<sup>8</sup> See Amnesty International document AU 51/14, AMR 52/008/2014, 11 March 2014, <http://www.amnesty.org/en/library/info/AMR53/008/2014/en>

<sup>9</sup> See Attorney General's Office press release: "FGR: Ministerio Público no tolerará violaciones de los DDHH bajo ninguna circunstancia", 28 February 2014, [http://www.mp.gob.ve/web/guest/boletines-de-prensa?p\\_p\\_id=101\\_INSTANCE\\_L0k9&p\\_p\\_lifecycle=0&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-4&p\\_p\\_col\\_pos=1&p\\_p\\_col\\_count=2&\\_101\\_INSTANCE\\_L0k9\\_struts\\_action=%2Fasset\\_publisher%2Fview\\_content&\\_101\\_INSTANCE\\_L0k9\\_urlTitle=fgr%3A-ministerio-publico-no-tolerara-violaciones-de-los-ddhh-bajo-ninguna-circunstancia&\\_101\\_INSTANCE\\_L0k9\\_type=content&redirect=%2Fweb%2Fguest%2Fboletines-de-prensa%3Fp\\_p\\_id%3D101\\_INSTANCE\\_L0k9%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dmaximized%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-4%26p\\_p\\_col\\_pos%3D1%26p\\_p\\_col\\_count%3D2%26\\_101\\_INSTANCE\\_L0k9\\_delta%3D3%26\\_101\\_INSTANCE\\_L0k9\\_keywords%3D%26\\_101\\_INSTANCE\\_L0k9\\_advancedSearch%3Dfalse%26\\_101\\_INSTANCE\\_L0k9\\_andOperator%3Dtrue%26cur%3D2](http://www.mp.gob.ve/web/guest/boletines-de-prensa?p_p_id=101_INSTANCE_L0k9&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&p_p_col_id=column-4&p_p_col_pos=1&p_p_col_count=2&_101_INSTANCE_L0k9_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_L0k9_urlTitle=fgr%3A-ministerio-publico-no-tolerara-violaciones-de-los-ddhh-bajo-ninguna-circunstancia&_101_INSTANCE_L0k9_type=content&redirect=%2Fweb%2Fguest%2Fboletines-de-prensa%3Fp_p_id%3D101_INSTANCE_L0k9%26p_p_lifecycle%3D0%26p_p_state%3Dmaximized%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_L0k9_delta%3D3%26_101_INSTANCE_L0k9_keywords%3D%26_101_INSTANCE_L0k9_advancedSearch%3Dfalse%26_101_INSTANCE_L0k9_andOperator%3Dtrue%26cur%3D2)

<sup>10</sup> See article in *El Correo del Orinoco*, "Presidente Maduro llama al pueblo organizado a neutralizar cualquier acción violenta en sus comunidades", 5 March 2014, <http://www.correodelorinoco.gob.ve/nacionales/presidente-maduro-llama-al-pueblo-organizado-a-neutralizar-cualquier-accion-violenta-sus-comunidades/> and video in Últimas Noticias, "Caballo: Las Ubch están alerta", 6 March 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/video--caballo-las-ubch-estan-alerta.aspx>

<sup>11</sup> See Attorney General's Office press release: "Fiscal General anunció creación de equipo de atención inmediata para denuncias de violación de derechos fundamentales", 24 February 2014, [http://www.mp.gob.ve/web/guest/boletines-de-prensa?p\\_p\\_id=101\\_INSTANCE\\_L0k9&p\\_p\\_lifecycle=0&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-4&p\\_p\\_col\\_pos=1&p\\_p\\_col\\_count=2&\\_101\\_INSTANCE\\_L0k9\\_struts\\_action=%2Fasset\\_publisher%2Fview\\_content&\\_101\\_INSTANCE\\_L0k9\\_urlTitle=fgr-anuncio-creacion-de-equipo-de-atencion-inmediata-para-denuncias-de-violacion-de-derechos&\\_101\\_INSTANCE\\_L0k9\\_type=content&redirect=%2Fweb%2Fguest%2Fboletines-de-prensa%3Fp\\_p\\_id%3D101\\_INSTANCE\\_L0k9%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dmaximized%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-4%26p\\_p\\_col\\_pos%3D1%26p\\_p\\_col\\_count%3D2%26\\_101\\_INSTANCE\\_L0k9\\_delta%3D3%26\\_101\\_INSTANCE\\_L0](http://www.mp.gob.ve/web/guest/boletines-de-prensa?p_p_id=101_INSTANCE_L0k9&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&p_p_col_id=column-4&p_p_col_pos=1&p_p_col_count=2&_101_INSTANCE_L0k9_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_L0k9_urlTitle=fgr-anuncio-creacion-de-equipo-de-atencion-inmediata-para-denuncias-de-violacion-de-derechos&_101_INSTANCE_L0k9_type=content&redirect=%2Fweb%2Fguest%2Fboletines-de-prensa%3Fp_p_id%3D101_INSTANCE_L0k9%26p_p_lifecycle%3D0%26p_p_state%3Dmaximized%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_L0k9_delta%3D3%26_101_INSTANCE_L0)

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<sup>12</sup> See Attorney General's Office press release: "Fiscal General: Ministerio Público ha recibido 25 denuncias de presuntas violaciones a los derechos humanos", 6 March 2013, [http://www.ministeriopublico.gob.ve/web/guest/curriculum?p\\_p\\_id=101\\_INSTANCE\\_lh5H&p\\_p\\_lifecycle=0&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-3&p\\_p\\_col\\_pos=1&p\\_p\\_col\\_count=4&\\_101\\_INSTANCE\\_lh5H\\_struts\\_action=%2Fasset\\_publisher%2Fview\\_content&\\_101\\_INSTANCE\\_lh5H\\_urlTitle=fiscal-general%3A-ministerio-publico-ha-recibido-25-denuncias-de-presuntas-violaciones-a-los-derechos&\\_101\\_INSTANCE\\_lh5H\\_type=content&redirect=%2Fweb%2Fguest%2Fcurriculum%3Fp\\_p\\_id%3D101\\_INSTANCE\\_lh5H%26p\\_p\\_lifecycle%3D1%26p\\_p\\_state%3Dmaximized](http://www.ministeriopublico.gob.ve/web/guest/curriculum?p_p_id=101_INSTANCE_lh5H&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&p_p_col_id=column-3&p_p_col_pos=1&p_p_col_count=4&_101_INSTANCE_lh5H_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_lh5H_urlTitle=fiscal-general%3A-ministerio-publico-ha-recibido-25-denuncias-de-presuntas-violaciones-a-los-derechos&_101_INSTANCE_lh5H_type=content&redirect=%2Fweb%2Fguest%2Fcurriculum%3Fp_p_id%3D101_INSTANCE_lh5H%26p_p_lifecycle%3D1%26p_p_state%3Dmaximized)

<sup>13</sup> See Attorney General's Office press release: "Ministerio Público investiga muerte de funcionaria del Sebin durante persecución con Polichacao, 9 March 2014, [http://www.mp.gob.ve/web/guest/proteccion-a-los-derechos-fundamentales?p\\_p\\_id=101\\_INSTANCE\\_fcS9&p\\_p\\_lifecycle=0&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-2&p\\_p\\_col\\_count=1&\\_101\\_INSTANCE\\_fcS9\\_struts\\_action=%2Fasset\\_publisher%2Fview\\_content&\\_101\\_INSTANCE\\_fcS9\\_urlTitle=mp-investiga-muerte-de-funcionaria-del-sebin-durante-persecucion-con-polichacao&\\_101\\_INSTANCE\\_fcS9\\_type=content&redirect=%2Fweb%2Fguest%2Fproteccion-a-los-derechos-fundamentales%3Fp\\_p\\_id%3D101\\_INSTANCE\\_fcS9%26p\\_p\\_lifecycle%3D1%26p\\_p\\_state%3Dmaximized](http://www.mp.gob.ve/web/guest/proteccion-a-los-derechos-fundamentales?p_p_id=101_INSTANCE_fcS9&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&_101_INSTANCE_fcS9_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_fcS9_urlTitle=mp-investiga-muerte-de-funcionaria-del-sebin-durante-persecucion-con-polichacao&_101_INSTANCE_fcS9_type=content&redirect=%2Fweb%2Fguest%2Fproteccion-a-los-derechos-fundamentales%3Fp_p_id%3D101_INSTANCE_fcS9%26p_p_lifecycle%3D1%26p_p_state%3Dmaximized)

<sup>14</sup> See Attorney General's Office press release, *Resultado de las Manifestaciones Violentas Febrero- Marzo 2014*, 27 March 2014, <http://www.ministeriopublico.gob.ve>

<sup>15</sup> Ibid.

<sup>16</sup> Form of protest in which demonstrators use cooking utensils and other objects to make a noise.

<sup>17</sup> Principles 9, 10 and 14 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

<sup>18</sup> Ibid.

<sup>19</sup> Principle 3 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

<sup>20</sup> See Últimas Noticias, "Lanzan gases lacrimógenos a marcha de estudiantes en la UCV", 12 March 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/fotos---lanzan-gases-lacrimogenos-a-marcha-de-estu.aspx> and El Universal, "Colectaron restos de 840 bombas lacrimógenas en UCV", 14 March 2014, <http://www.eluniversal.com/nacional-y-politica/140314/colectaron-restos-de-840-bombas-lacrimogenas-en-ucv>

<sup>21</sup> See Últimas Noticias: "Basil Da Costa, el estudiante asesinado tras recibir disparo en protesta opositora", 13 March 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/fotos---basil-da-costa-el-estudiante-asesinado-tr.aspx#ixzz2vfnyfQz3>

<sup>22</sup> See Attorney General's Office press release, "Privan de libertad a cinco funcionarios del Sebin por la muerte de dos personas durante hechos de violencia del 12 de febrero", 26 February 2014, [http://www.mp.gob.ve/web/guest/boletines-de-prensa?p\\_p\\_id=101\\_INSTANCE\\_LOk9&p\\_p\\_lifecycle=0&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-4&p\\_p\\_col\\_pos=1&p\\_p\\_col\\_count=2&\\_101\\_INSTANCE\\_LOk9\\_struts\\_action=%2Fasset\\_publisher%2Fview\\_content&\\_101\\_INSTANCE\\_LOk9\\_urlTitle=privan-de-libertad-a-5-funcionarios-del-sebin-por-muerte-de-dos-personas-el-12-de-febrero&\\_101\\_INSTANCE\\_LOk9\\_type=content&redirect=%2Fweb%2Fguest%2Fboletines-de-prensa%3Fp\\_p\\_id%3D101\\_INSTANCE\\_LOk9%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dmaximized%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-4%26p\\_p\\_col\\_pos%3D1%26p\\_p\\_col\\_count%3D2%26\\_101\\_INSTANCE\\_LOk9\\_delta%3D3%26\\_101\\_INSTANCE\\_LOk9\\_keywords%3D%26\\_101\\_INSTANCE\\_LOk9\\_advancedSearch%3Dfalse%26\\_101\\_INSTANCE\\_LOk9\\_andOperator%3Dtrue%26cur%3D4](http://www.mp.gob.ve/web/guest/boletines-de-prensa?p_p_id=101_INSTANCE_LOk9&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&p_p_col_id=column-4&p_p_col_pos=1&p_p_col_count=2&_101_INSTANCE_LOk9_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_LOk9_urlTitle=privan-de-libertad-a-5-funcionarios-del-sebin-por-muerte-de-dos-personas-el-12-de-febrero&_101_INSTANCE_LOk9_type=content&redirect=%2Fweb%2Fguest%2Fboletines-de-prensa%3Fp_p_id%3D101_INSTANCE_LOk9%26p_p_lifecycle%3D0%26p_p_state%3Dmaximized%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_101_INSTANCE_LOk9_delta%3D3%26_101_INSTANCE_LOk9_keywords%3D%26_101_INSTANCE_LOk9_advancedSearch%3Dfalse%26_101_INSTANCE_LOk9_andOperator%3Dtrue%26cur%3D4)

<sup>23</sup> "Colectivos populares" are groups of neighbours who take responsibility for implementing and organizing public initiatives and policies at the local level. They liaise with the Community Councils provided for in Venezuelan legislation. See Community Councils Act (Ley Orgánica de Consejos Comunales), <http://uptparia.edu.ve/documentos/LOCC.pdf>

<sup>24</sup> See Attorney General's Office press release, "Privan de libertad a cinco funcionarios del Sebin por la muerte de dos personas durante hechos de violencia del 12 de febrero", 26 February 2014, [http://www.mp.gob.ve/web/guest/boletines-de-prensa?p\\_p\\_id=101\\_INSTANCE\\_LOk9&p\\_p\\_lifecycle=0&p\\_p\\_state=maximized&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-4&p\\_p\\_col\\_pos=1&p\\_p\\_col\\_count=2&\\_101\\_INSTANCE\\_LOk9\\_struts\\_action=%2Fasset\\_publisher%2Fview\\_content&\\_101\\_INSTANCE\\_LOk9\\_urlTitle=privan-de-libertad-a-5-funcionarios-del-sebin-por-muerte-de-dos-personas-el-12-de-febrero&\\_101\\_INSTANCE\\_LOk9\\_type=content&redirect=%2Fweb%2Fguest%2Fboletines-de](http://www.mp.gob.ve/web/guest/boletines-de-prensa?p_p_id=101_INSTANCE_LOk9&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&p_p_col_id=column-4&p_p_col_pos=1&p_p_col_count=2&_101_INSTANCE_LOk9_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_LOk9_urlTitle=privan-de-libertad-a-5-funcionarios-del-sebin-por-muerte-de-dos-personas-el-12-de-febrero&_101_INSTANCE_LOk9_type=content&redirect=%2Fweb%2Fguest%2Fboletines-de)  
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<sup>25</sup> See the cases highlighted in the section on complaints of torture and ill-treatment.

<sup>26</sup> Articles 9.2 and 14.3 of the International Covenant on Civil and Political Rights; articles 7.4 and 8.2 of the American Convention on Human Rights; principles 10 and 11.2 of the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment.

<sup>27</sup> Principles 1, 8 and 22 of the Basic Principles on the Role of Lawyers; principles 8, 17.1, 18.4 and 18.5 of the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment; and Rule 93 of the Standard Minimal Rules for the Treatment of Prisoners.

<sup>28</sup> Office of the High Commission for Human Rights, General Comment 20 para. 11; Report of the Special Rapporteur on Torture, E/CN.4/1992/17, 17 December 1991, para. 284.

<sup>29</sup> See, for example the report of Centro de Derechos Humanos de la Universidad Católica Andrés Bello *Resultado de entrevistas a profundidad con detenidos sobre libertad personal, debido proceso y alegaciones de tortura y malos tratos. Segundo informe de avance*, 12 March 2014, available at [http://w2.ucab.edu.ve/tl\\_files/CDH/Lineastematicas/Segundo%20Informe%20de%20avance.pdf](http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/Segundo%20Informe%20de%20avance.pdf)

<sup>30</sup> See article on El Nacional: “Diosdado Cabello afirma que 360 bombas molotov fueron incautadas”, 22 February 2014, available at: [http://www.el-nacional.com/politica/Diosdado-Cabello-afirma-molotov-incautadas\\_0\\_360564022.html](http://www.el-nacional.com/politica/Diosdado-Cabello-afirma-molotov-incautadas_0_360564022.html)

<sup>31</sup> Principle 24 of the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment; Rule 24 of the Standard Minimal Rules for the Treatment of Prisoners.

<sup>32</sup> A local prison.

<sup>33</sup> A non-governmental organisation of young people that campaigns to improve security conditions and against impunity.

<sup>34</sup> See article in Últimas Noticias, “Investigan a siete guardias por muerte de Alejandro Márquez”, 25 February 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/investigan-a-siete-guardias-por-muerte-de-alejandr.aspx>

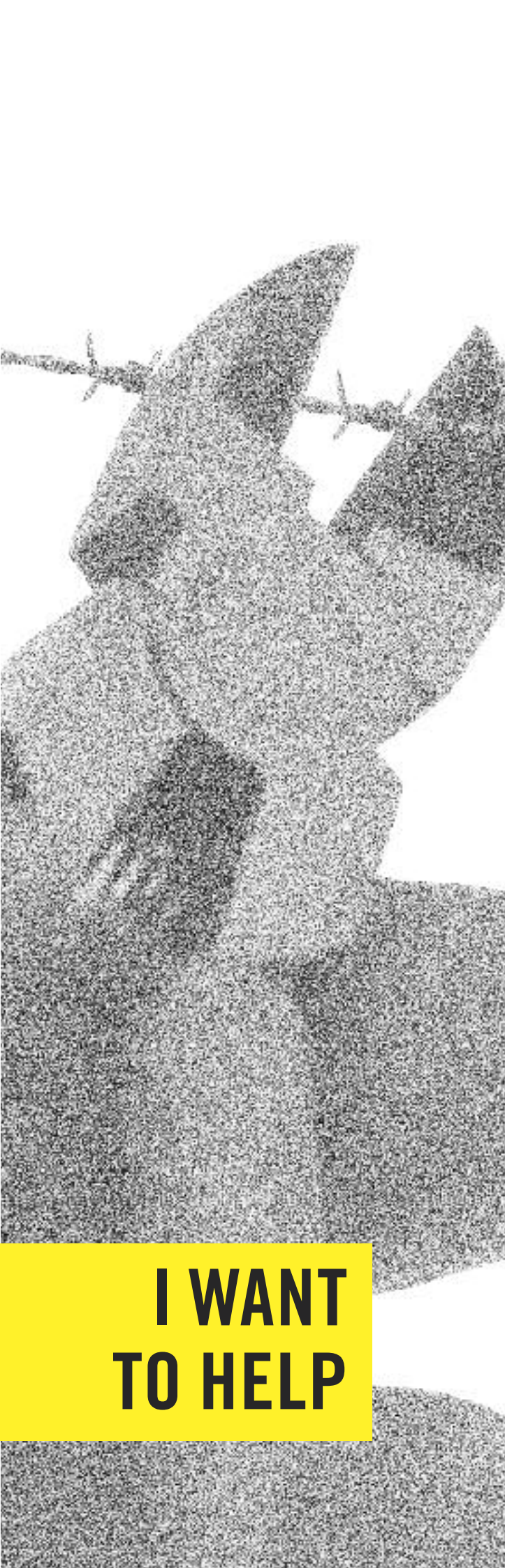
<sup>35</sup> See Amnesty International UA 29/14, AMR 52/002/2014, 13 March 2014, available at <http://www.amnesty.org/en/library/info/AMR53/002/2014/en>

<sup>36</sup> See article in Espacio Público, “Venezuela: 12 de febrero al 12 de marzo de 2014, los trances de la libertad de expresión”, 14 March 2014, <http://www.derechos.org.ve/2014/03/14/espacio-publico-venezuela-12-de-febrero-al-12-de-marzo-de-2014-los-trances-de-la-libertad-de-expresion/>

<sup>37</sup> See article in YVKE Radio Mundial, “Maduro: salida del aire de NTN24 fue una decisión del Estado”, 14 February 2014, <http://www.radiomundial.com.ve/article/maduro-salida-del-aire-de-ntn24-fue-una-decisi%C3%B3n-del-estado-audio>.

<sup>38</sup> See article in El Universal, “Conatel amenaza a medios electrónicos por cobertura de protestas en el país”, February 2014, <http://www.eluniversal.com/nacional-y-politica/140211/conatel-amenaza-a-medios-electronicos-por-cobertura-de-protestas-en-el>

<sup>39</sup> See Amnesty International documents AU 33/14, AMR 52/004/2014, 18 February 2014, <http://www.amnesty.org/en/library/asset/AMR53/004/2014/es/a96a620b-bd49-4483-b3b2-eeb7d85c32c6/amr530042014en.html>



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## VENEZUELA

### Human Rights at Risk amid Protests

*“Justice must be done. All the hate in this country has to stop. The main thing is that justice must be done (...) and peace, peace for this country”*

Words of the father of Geraldín Moreno, student, 23-year-old student, from Valencia, Carabobo state, who died on 22 February after being shot in the eye on 19 February.

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April 2014

Since the beginning of February 2014, Venezuela has been shaken by mass protests for and against the government in various parts of the country. Until 27 March, at least 37 people have died and more than 550 people have been injured as a result of the violence.

Amnesty International believes that the grave situation in which the country is immersed could have been avoided if the government had prioritized the promotion and protection of human rights, strengthened the institutions on which the rule of law is based and combated the high levels of criminality as well as the proliferation of arms and ammunition available to the population

Amnesty International urges the Venezuelan government to carry out impartial and independent investigations into all complaints of human rights violations and to implement a National Human Rights Plan. This Plan must be the result of a national dialogue that incorporates the points of view of all the parties involved, including dissidents and opponents, as well as representatives of civil society.

The answer to the crisis must be the respect of the human rights of all, regardless of their political views, and the strengthening of the rule of law.