

VENEZUELA

@Arbitrary Killings in February and March 1989: Victims Exhumed from Mass Graves

1. Introduction

In November 1990, a civilian judge requested the exhumation of bodies buried in common graves in the sector of a Caracas cemetery known as *La Peste* (The Plague), where the bodies of a number of people killed during widespread disturbances in February and March 1989 were reportedly buried. On 28 November 1990, bodies were discovered in plastic bags in a large unmarked trench. Subsequent forensic examination resulted in the positive identification of three people, two of whom had been included in a report issued by Amnesty International in March 1990 - *Reports of Arbitrary Killings and Torture: February/March 1989*. As of April 1991, forensic scientists had exhumed 68 bodies.

At the request of the *Comité de Familiares de las Víctimas de los Sucesos de Febrero-Marzo 1989*, COFAVIC, (Committee of Relatives of the Victims of the Events of February/March 1989) and other local human rights organizations, Amnesty International asked Dr. Clyde Collins Snow, a renowned forensic anthropologist from the United States of America, to monitor the initial stages of the exhumations in November and make recommendations about the recovery and identification of the remains.

This circular describes the events that led up to the exhumations in *La Peste* in November 1990. It also provides an update about the judicial investigations into cases of reported arbitrary killings that occurred during the period of suspended constitutional guarantees more than two years ago.

2. The Events of February and March 1989

On 27 February 1989 widespread protests broke out in Venezuela following the introduction of a series of austerity measures by the government in response to the refinancing of the country's external debt through the International Monetary Fund. Hundreds of people poured onto the streets and extensive looting and other violent incidents were reported. The government suspended a wide range of constitutional guarantees, imposed a curfew and transferred responsibility for law and order to the armed forces.

In the days that followed, several hundred people were killed. Although many died in the context of the widespread violence and disorder, a number of people were the victims of deliberate or indiscriminate shootings by the police or military personnel. Reports indicate that several individuals were shot dead in the street while in the custody of police and that others died when shots were fired into crowds or at houses.

In May 1989, Amnesty International sent a delegation to Venezuela to follow up the reports of arbitrary killings and torture received by the organization. The delegates interviewed relatives of some of those who died during the disturbances as well as victims of serious injury, torture and ill-treatment and spoke to local human rights organizations. The delegates also met with President Carlos Andrés Pérez and members of several official bodies in charge of investigations. The findings of the visit and information received afterwards formed the basis of a document published in March 1990, *Reports of Arbitrary Killings and Torture: February/March 1989*, AI Index: AMR 53/02/90.

3. Calls for Exhumations of Bodies in "La Peste" (The Plague)

At the time of the widespread disorder, some of the relatives who went to the Bello Monte morgue in Caracas in search of their loved ones or to reclaim the bodies were reportedly told by officials there that they had already been buried in *La Peste* or that they were not ready for handing over and were advised to return a day or two later. When the relatives returned, they were allegedly informed that the bodies had already been taken away for burial in common graves in *La Peste* as they posed a threat to public health.

In the period that followed, COFAVIC, with the support of human rights groups, including the *Red de Apoyo por la Justicia y la Paz* (Support Network for Justice and Peace) and the *Programa Venezolano de Educación-Acción en Derechos Humanos* (PROVEA, Venezuelan Programme for Education and Action in Human Rights), members of the church and others, appealed to the courts to order the exhumation of the bodies from the common graves. The petitions requested that the exhumations take place in order to clarify the truth; to establish whether the remains of those missing since the events of 1989 were buried in *La Peste*; to allow relatives to bury their loved ones according to religious belief in accordance with article 65 of the Constitution which guarantees the right to religious freedom; and to investigate irregularities in the way in which bodies were buried in *La Peste*. In addition, state attorneys (*fiscales*) from the Attorney General's Office (*Fiscalía General de la República*) presented petitions to the courts calling for investigations to clarify the cause of death and to establish responsibilities.

Their petitions to the courts met with little success. In July 1989, for example, COFAVIC submitted a petition to the 43rd Penal Judge, (*Juez 43 de Primera Instancia en lo Penal*), requesting an investigation to establish the identity of people buried in common graves. Months later, the judge declared herself without jurisdiction to deal with the case and in spite of an appeal submitted to the Supreme Court by the Attorney General's Office against her decision, the case was transferred to the military courts on the grounds that law and order during the period in question had been transferred to the armed forces.

On the first anniversary of the outbreak of the disturbances, COFAVIC addressed a series of demands to President Carlos Andrés Pérez. They repeated their request for exhumations and called on him to determine responsibilities for the high number of deaths that occurred after 27 February 1989; to speed up the investigations in the military courts through the appointment of a special attorney (*abogado adjunto*); and to set up a commission

to study plans for reparations to the families of those who died. On 2 April 1990, the relatives chained themselves to the railings of the presidential palace, *Palacio de Miraflores* (Miraflores Palace) in protest at the president's lack of response to their demands.

Figure 1 Pedro Velázquez, *Ultimas Noticias*

Relatives chained themselves to the Miraflores Palace in April 1990 in protest at the lack of response from President Carlos Andrés Pérez to their demands for truth and justice

In the following months, the relatives and human rights organizations continued to call for exhumations and investigations. In September 1990, the Attorney General's Office provided further support for the relatives' claims when it informed COFAVIC that the request for the graves to be exhumed was justifiable on both legal and constitutional grounds.

However, it was not until November 1990 that the exhumations finally took place on the orders of civilian judge Dr. Saúl Ron Braash (see Section 4 below).

4. Government Claims

Initially, some government officials were reported to have denied that the common graves existed. It was subsequently acknowledged that people had been buried in common graves, but it was argued that they could not be opened on the grounds of the risk to public health. These claims were refuted by forensic experts who indicated that the exhumations should go ahead without further delay. Amnesty International raised the issue in a meeting with President Carlos Andrés Pérez in May 1989, stating that exhumations should proceed at the earliest opportunity in order to establish the accuracy of existing records, including that autopsies were carried out in each case and to allow relatives of those subsequently identified to reclaim the bodies and bury them with dignity. In January 1990, Amnesty International wrote to the president, expressing its concern at reports that the exhumations were being delayed on the grounds, stated by some authorities, of the risk to public health and informing him that according to forensic pathologists consulted by the organization, such risks did not exist as proved many times in the past.

Although the government maintain that the total number of deaths during the period under consideration was 276, of whom 87 remained unidentified, an official list of the deceased has never been published. This has made it impossible for human rights groups to verify whether cases reported to these organizations are included in official records. Human rights groups have reportedly compiled a list of some 400 people who they maintain died or who went missing in February and March 1989.

The government's figures were reportedly based upon the number of autopsy reports carried out in various morgues in different parts of the country. The authorities claimed that autopsies were carried out on all corpses buried in common graves and records kept, together with photographs to help identification. Some bodies were indeed reportedly identified through these records. However, in its report of March 1990, Amnesty International stated that it knew of at least three cases where autopsies were allegedly not carried out. Moreover, it now appears that in other cases, bodies were signed out with no more than a brief external examination or partial autopsy.

5. The Institute of Forensic Medicine

The apparent failure of the *Medicatura Forense* (Institute of Forensic Medicine) to carry out proper autopsies was strongly criticised by human rights groups who accused the office of being involved with government officials in trying to cover up evidence of human rights violations. The forensic staff at the morgue reportedly claimed that the decision to bury the bodies in common graves was because they were unable to provide proper storage for the large number of bodies arriving at the morgue as they lacked adequate refrigeration facilities.

Some reports at the time indicate that bodies were piled up on the floor, suggesting that the staff were indeed unable to cope with the situation. Forensic experts consulted by Amnesty International have indicated that the situation in the morgue could have been alleviated through the provision of temporary storage accommodation, such as refrigeration lorries. In any event, Amnesty International remains seriously concerned that proper procedures were not followed and that the bodies were taken to unmarked graves instead of being returned to their relatives.

6. The Exhumations

The sustained efforts of the relatives, human rights organizations and others came to fruition in November 1990 when Judge Saúl Ron Braash of the 10th Penal Court (*Tribunal Décimo de Primera Instancia en lo Penal*), opened an investigation into the irregular disposal of bodies in *La Peste* and ordered the exhumation of the remains allegedly buried in the unmarked graves.

According to reports, the judge's request for the exhumations presented some problems for local forensic scientists who were reportedly unable to provide the necessary expertise. As a result, the judge appointed experts from the United States of America and Argentina as well as a group of field archaeologists from the *Universidad Central de Venezuela* (Central University of Venezuela), and members of the *Medicatura Forense* to participate in the investigations. Two delegates from the *Equipo Argentino de Antropología Forense*¹ (EAAF, Argentine Team of Forensic Anthropology), commissioned by the human rights organization *Americas Watch*, were appointed by the judge to help in the initial stages of the exhumations and to give *in-situ* advice. They provided advice about developing a systematic effort to collect pre-mortem data (ie. medical and dental records); helped to organize and plan the excavation of the common grave and furnished guidelines for the examination of

¹ Since 1984, the EAAF has been working to identify the remains of bodies found in unmarked graves in Argentina. Their work helped to prove that these were the graves of some of the victims of the Argentine military's campaign in the mid-seventies against alleged subversives.

the bodies once removed. Amnesty International sent Dr. Clyde Collins Snow², an expert in forensic anthropology, to monitor the investigations and to compile a set of recommendations for recovering and examining the remains. (A summary of Amnesty International's recommendations based on the findings of Dr. Snow are contained in the Appendix.)

The first results of the excavations were revealed on 28 November when decomposed bodies were discovered in plastic bags at a depth of 1.2 metres below the concrete curb of an adjacent road. (Excavations carried out the previous two days had uncovered some coffins containing the bodies of people whose deaths were unconnected to the events of 1989.) According to the cemetery workers, the trench in which the bodies were found had been dug to a depth of about two to three metres and was approximately ten metres long and two metres wide. They said that bodies had been taken to the grave in dumper trucks which backed up to the trench and off-loaded the bodies filling the trench to a level of about 1.5 metres below the ground. By January 1991 the scientists had exhumed all the bodies from the first trench and began excavating a second.

COFAVIC maintained a permanent vigil at the site to keep close watch on the exhumations. On more than one occasion, they complained that members of the *Dirección de Inteligencia Militar* (DIM, Directorate of Military Intelligence) were observing the exhumations and taking photographs of the proceedings. On 3 June 1991, a member of COFAVIC, María Rivas, was intercepted by an unidentified individual in the cemetery who beat her, took her belongings, including documents belonging to COFAVIC and threatened her, saying, "if you carry on with this work, you will suffer greater consequences".³ COFAVIC presented a complaint to the 10th Penal Court on 10 June.

A number of difficulties, including poor facilities, lack of suitable equipment and obstruction on the part of the administrators of the cemetery and others were reported. The judge eventually ordered the arrest of two of the cemetery administrators for obstructing the proceedings. Problems in the morgue, where towards the end of 1990, bodies were said to have piled up due to a lack of adequate storage space, were reportedly alleviated at the beginning of 1991 when steps were taken to store the bodies awaiting examination in tombs close to the common graves in the cemetery. According to the relatives, the decision of the Attorney General's Office to increase the number of state attorneys (*fiscales*) working on the case from two to seven also helped to speed up the proceedings. The state attorneys held regular meetings with COFAVIC and human rights organizations to plan and coordinate the work and resolve any problems that arose.

² Clyde Collins Snow is a renowned expert in his field and has been involved in work to identify victims of human rights violations in a number of countries in Latin America and elsewhere. He was involved in legal investigations to establish the fate of the "disappeared" in Argentina and taught forensic skills to medical students and doctors in Buenos Aires.

³ "de continuar con esta labor sufrirás daños más graves".

By April 1991, 68 bodies had been exhumed. Forensic examination has reportedly revealed that most of the bodies corresponded to those of young men aged between 16 and 25 who were buried at or around the same time. The fact that three of the bodies exhumed were identified as those of individuals who died during the period of suspended constitutional guarantees strongly suggests the others died during the same period.

Throughout this period, the judge continued to call witnesses and others in connection with the case as part of his investigations into the irregular disposal of bodies. In December 1990, he called General Italo del Valle Alliegro, former Minister of Defence, and Jorge Gómez Mantellini, the former president of the *Consejo Municipal de Caracas* (Municipal Council), to testify in the case. Both men denied having known about the existence of the common graves in *La Peste*. The general was also said to have told reporters that following the events of 1989, he had ordered summary proceedings to be conducted in the courts for any excess that might have been committed at the time. Reports indicate, however, that when he gave evidence to the court, he did not provide any further information about these proceedings on the grounds that it was a military secret (*secreto militar*).

In April 1991, Amnesty International was informed that a new judge, Dr. Eduardo Guzmán Pérez, had been appointed to lead the investigations after Judge Saúl Ron Braash, whose work had been highly praised by human rights groups, was promoted and transferred to another jurisdiction. Relatives have expressed fears that the new judge's decision to visit *La Peste* to supervise the exhumations once a week instead of the three weekly visits undertaken by the former judge, may prolong the investigations.

7. Remains Identified

José del Carmen Pirela León

"I fulfilled the promise made to my nephew and his parents not to rest until his remains were found and buried with dignity I joined the members of COFAVIC and together we took up the struggle to find our beloved relative, the waiting has ended, after two years of uncertainty and absence, José is back with us".⁴

Ivonne Pirela, José Pirela's aunt

José Pirela León, a 16-year-old artisan, was reportedly shot and injured by members of the *Policía Metropolitana* (PM, Metropolitan Police) while shopping with a friend on 28 February 1989. The family began searching for him when he did not return home and discovered that he had been admitted to hospital. They were told at the hospital that they did not know what had happened to him after he had been admitted or where he was. After searching for him at other hospitals and the morgue, they finally identified him from a photograph shown to them by the *Policía Técnica Judicial* (PTJ, Criminal Investigations Police) and were told that he had been buried in a common grave. The family asked for the body to be exhumed and went to the Attorney General's Office to make a formal complaint where they were referred to the 10th Juvenile Court. The court, on learning that they wanted to exhume the body, apparently referred the relatives back to the PTJ who tried to dissuade them from pursuing their request by claiming that the body would be badly decomposed.

José Pirela's body was recovered in December 1990 during the excavation of the first trench and identified by the forensic scientists. It was established that he died from a bullet wound in the forehead. The forensic work was said to have been facilitated by good pre-mortem data, including detailed dental records, presented by his relatives. José Pirela was buried by his family on 27 February 1991, two years after he was killed, in a ceremony attended by more than 500 people. The service was conducted by Cardinal José Alí Lebrún who added his support for the investigations to continue.

The investigations into his death, originally in the military courts, were handed to the 7th Penal Court of the Federal District and State of Miranda (*Tribunal 7 de la Circunscripción*

⁴ "Yo cumplía la promesa realizada a mi sobrino y a los padres de éste de no descansar hasta ubicar sus restos y darles sepultura digna ... Logré reunirse con los miembros de COFAVIC con quienes emprendí la marcha hasta el hallazgo final de aquel ser tan querido, la espera había terminado, José había regresado después de dos años de incertidumbre y ausencia".

Judicial del Distrito Federal y Estado Miranda) in December 1989. The case is still in investigative stage (*sumario*).

Rubén Rojas Campos

Figure 2 Rubén Rojas Campos

Rubén Rojas was killed on 1 March 1989 in Palo Verde. He was one of at least six people killed in the same area that morning by soldiers and members of the Metropolitan Police. According to the formal complaint presented to the Attorney General's Office, Rubén Rojas had gone to ring his workplace and inform them that he would not be reporting to work because of disturbances in the neighbourhood. Shortly after, a neighbour came to tell his family that Rubén had been shot. They found him covered with a sheet on the steps of the entrance to the Palo Verde underground station. When the family went to reclaim the body from the morgue, they discovered that he had been taken away and buried in a common grave, despite previous arrangements made with the morgue that they should claim the body later that day. According to the formal complaint, members of the army were

responsible for his death.

The remains of Rubén Rojas Campos were recovered from the first trench and identified in April. His family buried him on 7 May 1991 in Petare.

The investigations into his death are still in *sumario* in the Second Military Court.

Teobaldo Antonio Salas Guillén

The precise circumstances of his death are unknown. According to his mother who is from the town of Mérida, Teobaldo Salas was living in Caracas from where he went missing on 3 March 1989. His mother said that after several days search, records were discovered in the PTJ indicating that he had been buried in a common grave.

*"I see him everywhere I go. All I want is to be able to take him home with me to Mérida"*⁶

Teobaldo Salas' mother

8. Investigations into Killings

In a letter to President Carlos Andrés Pérez in January 1990, Amnesty International urged that steps be taken to ensure that full and impartial investigations into alleged arbitrary killings be carried out without delay and that any evidence against the police and armed forces be stringently followed up.

It is of serious concern to Amnesty International that over two years after the events, in only one case, that of **Eleazar Mavares**, has the person responsible been prosecuted. Eleazar Mavares died on 2 March 1989. According to reports, he was walking across a bridge when a member of the Metropolitan Police shot him in the leg; he carried on walking but stopped when ordered to do so. Reports indicate he was then shot again from behind. The policeman involved in this case has reportedly received a sentence of 12 to 18 years on charges of homicide. He has submitted an appeal against the ruling and there are reports that the sentence may be reduced. According to reports, he is being kept in a special police precinct but is allegedly released at weekends.

In its report issued in March 1990, Amnesty International stated that charges had been brought in four cases: the killings of **Yulimar Reyes** and **Juan Celis Pérez**, the serious wounding of **Osquelis Campos**, and the maltreatment and serious injuring of two detainees accused of violating the curfew. Amnesty International has since learned that the charges against the police officers allegedly responsible for the deaths of Yulimar Reyes and Juan Carlos Celis Pérez, and the serious wounding of Osquelis Campos, have been modified and that the men have been released. The police officer charged with homicide in the case of Yulimar Reyes was reportedly released in 1990 under the *Ley de Sometimiento a Juicio* (a form of conditional release) after the judge dealing with the case modified the charges from homicide (*homicidio intencional*) to manslaughter (*homicidio culposo*). Yulimar Reyes, a student at the Central University of Venezuela, was killed on 27 February 1989 by a member of the Metropolitan Police. The incident was witnessed by a group of students.

In February 1991, the policeman charged with causing grievous injury to Osquelis Campos, was absolved by Judge Eduardo Verde Estévez of the 12th Court of Second Instance for lack of sufficient evidence. Osquelis Campos was seriously injured on 28 March 1989 after being hit in the face with buckshot allegedly fired by a member of the

⁵ Para mí el continua vivo en todos los lugares en que estuvo, sólo deseo llevarlo conmigo de regreso a su casa a Mérida"

Metropolitan Police. He lost an eye as a result. (For further details about these cases, see *Reports of Arbitrary Killings and Torture: February/March 1989 - AMR 53/02/90*).

More than 200 cases of unclarified deaths and serious injury remain unresolved in the courts. The majority of cases continue in the hands of the Second Military Court. Some cases were handed back to the civilian courts on the grounds that no military personnel were involved. However this measure has not been consistently applied. In addition, cases under military jurisdiction were frozen for many months while the Supreme Court considered a conflict of jurisdiction. The situation arose after a civilian court judge declared himself without jurisdiction to hear cases of killings committed in February/March 1989 on the grounds that a state of emergency was in force at the time and that therefore, the military courts were responsible for dealing with alleged violations committed during this period. Human rights groups asked for clarification about the issue, arguing that the president decreed the suspension of a range of guarantees, not a state of emergency. In the event, the Supreme Court ruled that the conflict of jurisdiction was inappropriate and ordered the military court to continue hearing the cases.

8.1 Arbitrary Killings: Update on Cases from Reports of Arbitrary Killings and Torture: February/March 1989

Crisanto Mederos:

Crisanto Mederos died on 3 March 1989 after being shot in his home by soldiers. The case remains in the Second Military Court where it was frozen for many months for reasons explained above. No new developments have been reported.

"Escalera de Mesuca" case:

At least five people died on 1 March when soldiers and members of the Metropolitan Police shot at a crowd in the area of Palo Verde and the Mesuca market sector of Petare.

A survivor of the incident was called to testify in February 1990 and a list of witnesses was provided. The case remains in the investigative stage (*sumario*) in the Second Military Court.

Boris Bolívar Marcano:

Boris Bolívar Marcano was arrested by members of the Metropolitan Police on 4 March. The family were informed several days later that his body, found in the river Guaire, had been buried in *La Peste*.

The case is in the Second Military Court.

Richard Páez Páez:

Richard Páez died on 3 March 1989. According to the Metropolitan Police he fell from the roof of a house and broke his neck. It was later discovered, however, that a bullet had entered his buttock and passed through his heart. The death certificate indicated that the cause of death was "internal haemorrhage due to a bullet wound".

The Second Military Court handed the case to civilian jurisdiction in February 1990 on the grounds that those apparently involved were not military personnel. The Attorney General's Office asked the Metropolitan Police to provide the names of the police officers involved in the incident on several occasions. The Metropolitan Police finally complied with the request and provided the names of five police officers and the license plates of their vehicles. The police officers allegedly involved in the incident gave evidence on 17 July 1990. In November, the Attorney General's Office asked for an identity parade to be conducted. This request was reiterated in January 1991 but the identity parade has not taken place to date.

Héctor Daniel Ortega Zapata:

Héctor Ortega Zapata died on 28 February 1989. According to reports, members of the Metropolitan Police fired at a group of people in the street, including Héctor Ortega. A member of the Metropolitan Police reportedly refused to allow those with Héctor Ortega to take him to hospital. A relative eventually took him to hospital, but he was already dead.

The case is still in the Second Military Court even though available evidence indicates that those involved were not military personnel, but a member of the Metropolitan Police.

Juan José Garrido Blanco:

According to reports, Juan José Garrido was killed outside his home by members of the *Dirección de los Servicios de Inteligencia y Prevención*, DISIP, (police intelligence agency) on 1 March 1989.

On 8 March 1990, the case was transferred from military to civilian jurisdiction on the grounds that no army personnel were involved. On 10 April, the judge dealing with the case, Dr. Cristóbal Ramírez Colmenarez of the 25th Penal Court of the Federal District and State of Miranda, declared himself without jurisdiction to deal with the case and handed the file to the Supreme Court to resolve the question. The judge based his decision on the grounds that a State of Emergency was in force at the time the incident occurred and that therefore the military courts were responsible for dealing with cases reported during this

period. In November 1990, the Supreme Court ruled that the conflict of jurisdiction was inappropriate but gave no reason for its decision as far as is known.

Armando Antonio Castellanos:

Armando Castellanos died in his home on 1 March 1989 after being shot in the head by members of the Metropolitan Police who had been firing indiscriminately at the houses in the neighbourhood.

An initial investigation was carried out at the request of the Attorney General's Office and a formal complaint has been submitted before a civilian court. The names of the police agents allegedly involved in the incident and the number plate of their car have reportedly been identified.

Wolfgang Waldemar Quintana:

According to the formal complaint, Wolfgang Waldemar died on 2 March 1989. Reports indicate that a soldier, firing from a telephone kiosk in the local underground station, hit Wolfgang Waldemar in the chest as he walked past a window in his apartment carrying a three-month-old baby.

The case is in *sumario* in the Second Military Court, even though evidence suggests that no military personnel were involved.

No new information has been received in the following cases: Joel Marin Cardoso, José Chiquín Rodríguez, Miguel José Rondón Bermúdez, José Gerónimo Valero, Jesús Zenaido Quijada, Jesús Zambrano Mora, Pedro García Pereira, Juan Franco Ramos, Pedro Guía Laya and Juan Rojas Gámez.

9. Amnesty International's Concerns

Over the years, Amnesty International has repeatedly expressed its concern to the Venezuelan Government about the failure of the courts to properly investigate cases of arbitrary killings, to make the full truth known, and to bring those responsible to justice.

Amnesty International remains seriously concerned that more than two years after the events, the vast majority of complaints of killings or serious injury at the hands of the security forces that have been submitted to the courts have made little or no progress. Amnesty International reiterates its request to the Venezuelan authorities to ensure that judicial investigations into cases before the courts proceed without further delay to clarify the circumstances of the death or serious injury and bring those responsible to justice. The organization hopes that any new information that comes to light as a result of the exhumations will be speedily and fully examined by the courts. Amnesty International also reiterates its calls to the Venezuelan Government to publish the official list of those who died, together with an indication of the current status of the investigations into those cases before the courts.

Amnesty International welcomed reports from human rights organizations regarding the support the State Attorney's Office has offered to the relatives in response to their requests for information about the progress of investigations in the courts and for the exhumation of the bodies from *La Peste*. As stated above, however, the organization remains seriously concerned at the protracted delays in the judicial investigations into alleged killings in 1989 and urges that this office takes every opportunity to insist that any time limits for investigations by civilian and military courts and individual state attorneys to whom complaints have been submitted are complied with.

"It is true that the Committee of Relatives is a symbol of pain. It is true that on that morning of 2 March 1989, at the doors of the morgue in Bello Monte, what drew us together was suffering and loss of heart ...

"But it is also true that this Committee still exists today, after two long years of ceaseless struggle, because hope beats in our hearts ... We have inherited a duty that cannot be denied; to defend to our last breath the interests and trampled rights of the families of the victims. That means we have to fight and hope that one day justice will prevail over impunity".⁶

COFAVIC - February 1991

⁶ "Es verdad que el Comité de Familiares es un símbolo del dolor. Es verdad que aquella mañana del 2 de marzo de 1989, a las puertas de la Morgue de Bello Monte, lo que nos congregó fue el sufrimiento y el desaliento ...

Pero es verdad también que este Comité existe aún hoy, después de dos largos años de lucha sin descanso, porque la esperanza anida en nuestros corazones ... Heredamos el deber indeclinable de defender hasta el último aliento los intereses y los derechos violentados de los familiares de las víctimas, y eso es lucha y esperanza de que algún día la justicia sea mayor que la impunidad"

APPENDIX

The following is a summary of some of the recommendations for the exhumations that began in November 1990 in the Southern General Cemetery of Caracas, in the sector known as *La Peste* (The Plague).

Collection of pre-mortem data

Forensic experts stressed the importance of establishing contact with the relatives of the victim, the victims' doctor and dentist in order to obtain a detailed physical record of the individual. The most important pre-mortem data should include information on the following: age, gender, stature, whether the person is left-handed or right-handed or has had any children, dental records, old fractures, x-rays, surgical operations, major illnesses, congenital malformations and photographs - in particular of the teeth or skull.

In cases where soft tissue still remains on the body, questions should be asked about: skin colour, scars from operations, burn marks, moles, birthmarks and most importantly, whether finger prints of the victim have been recorded either in the morgue or on a previous occasion.

Exhumations

Forensic scientists recommended *inter-alia*:

- A/ that a detailed map be drawn up and photographs taken of the area to be excavated. The probable location of graves should be properly marked.
- B/ that a preliminary exploratory excavation be carried out in order to establish how deep the remains have been buried and the condition of the remains. The preliminary digs should be marked on the maps to ascertain how to proceed with the excavation and examination of the remains. The experts emphasized the importance of carrying out these exploratory digs with manual not mechanised shovels since the latter could easily destroy or fracture the remains as well as mix up the remains of different individuals. In addition, they stated that important evidence such as personal belongings, dental parts and articles such as bullets which are vital in determining the cause and manner of death could be destroyed if hastily excavated.
- C/ that once the remains have been located and their depth and condition established, the excavation proceed following field archaeological methods in order to preserve and facilitate the recovery of all the evidence. If possible all the remains should be exposed before their retrieval.

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- D/ that a note is made of where the body is located in relation to other bodies exhumed in the same area, together with an outline plan of where the bodies and associated evidence are situated and that photographs are taken of both the bodies and each step of the proceedings.
- E/ that the exhumed bodies be correctly codified, photographed and legally recorded to avoid any confusion which may arise later on, particularly if a large number of bodies is involved.

Work in the Laboratory

Some of the points here included the following:

- A/ the crucial importance of gaining access to any autopsy reports issued before the burial of the bodies.
- B/ x-rays, which can help to locate lesions and metallic fragments compatible with gunshots etc. should be made for each body whenever possible before proceeding with further examinations.
- C/ an inventory of personal belongings and analysis of clothing etc. should be made. Perforations compatible with a bullet or traces of gunpowder should be located. Any bullets that are found should be properly recorded and taken for ballistic analysis.

For further pathological analysis, the delegates recommended local forensics follow the **Model Protocol for a Legal Investigation of Extra-Legal, Arbitrary and Summary Executions ("Minnesota Protocol")**, drawn up by international forensic experts which was referred to in the **Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions** endorsed by the United Nations General Assembly in its resolution 44/162 of 15 December 1989. Other points included the following:

- soft tissue that can be used for obtaining fingerprints should be properly preserved for further analysis.
- any hair that is found should be recovered and preserved.
- once the pathological analysis is complete, a forensic odontologist should make out a post-mortem dental record. If it is not possible to make a positive identification by means of dental records, a more thorough examination together with a forensic anthropologist should be carried out in order to determine physical traits which would

help identify the deceased ie. race, sex, age, stature, whether the person is left-handed or right-handed, etc.

The delegates also drew attention to the fact that the procedures outlined above could take a considerable length of time. The remains should be stored in a place easily accessible for the review of evidence or carrying out of new identification procedures. Under no circumstances should unidentified remains be reburied but should be stored for future analysis and possible identification.

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VENEZUELA

ARBITRARY KILLINGS IN FEBRUARY/MARCH 1989:
VICTIMS EXHUMED FROM MASS GRAVES

June 1991

RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference.

DISTRIBUTION

This circular has been sent direct by the International Secretariat to North Andean RAN coordinators/coordination groups for distribution to NARAN groups in their section. Please note that a separate set of recommended actions, North Andean RAN action No. 05/91, AI Index: AMR 53/03/91 - have been sent to North Andean RAN coordinators and relevant sections.