

VENEZUELA

@Torture and other human rights violations

Introduction

In May 1992, delegates from Amnesty International visited Venezuela to assess continuing reports of human rights violations, including torture and arbitrary killings by members of the security forces. The delegates interviewed a number of people who had suffered or witnessed human rights violations: torture and ill-treatment, extrajudicial executions and arbitrary killings. While this report focuses specifically on the issue of torture, it also contains details about extrajudicial executions reported in the context of the attempted coup which took place on 4 February 1992.

Over the years, Amnesty International has received frequent reports of beatings of criminal suspects by members of the security forces in the *barrios* (poor neighbourhoods) as well as several cases of more sophisticated torture. The organization has also received reports of several deaths in custody in circumstances suggesting they were the victims of torture. Most of the victims of torture are criminal suspects, including minors, frequently belonging to the poorest sector of society. However, community and student leaders or members of grass-root organizations have also been the subject of torture and ill-treatment as a result of their activities.

The Metropolitan Police (*PM, Policía Metropolitana*), the criminal investigations police (*PTJ, Policía Técnica Judicial*), and the National Guard (*GN, Guardia Nacional*) are the branches of the security forces most frequently cited in complaints of torture and ill-treatment. However, there have also been allegations of torture by the police intelligence agency, the Directorate of Intelligence and Prevention Services (*DISIP, Dirección de los Servicios de Inteligencia y Prevención*) and the Directorate of Military Intelligence (*DIM, Dirección de Inteligencia Militar*). The most frequently reported methods of torture include: beatings and near suffocation with plastic bags into which irritant sprays such as pesticides are sometimes introduced. Amnesty International has also received reports of the use of electric shocks. Adequate medical attention is only rarely provided to the victims while in custody.

The use of torture is reportedly facilitated by the fact that police are allowed to hold a detainee for up to eight days in preventive detention during which time they are entitled to collect incriminatory evidence, including confessions, against defendants. Incommunicado detention is expressly prohibited in the Venezuelan Constitution. Yet several people interviewed by Amnesty International said that they had been held for several days without

access to a representative from the Attorney General's Office *Fiscalía General de la República*, who is responsible for safeguarding the individual's guarantees¹, or to their relatives. In some cases, the relatives of the detainees were told that the police were not holding the person in question. Other detainees were transferred while in police custody from one police station to another (in a practice known as *ruleteo*), making it difficult for their relatives to trace them.

The individual rights of detainees are further undermined by the current judicial practice concerning *habeas corpus*. For example, following the suspension of a number of constitutional guarantees on the day of the coup attempt, several judges, as well as the Attorney General's Office reportedly interpreted this measure to include the non-derogable right to *habeas corpus*.

The courts have made similar rulings in the past. Amnesty International raised its concern about the application of legal safeguards, particularly that of *habeas corpus*, in the context of human rights violations reported in February and March 1989. The lack of clarity about the procedure left the population in a state of judicial uncertainty with serious implications for the number of victims seeking recourse to the courts for protection.

Amnesty International is seriously concerned at the apparent failure of the courts to properly investigate complaints of torture and ill-treatment and to bring those responsible to justice. To Amnesty International's knowledge, very few cases of torture and ill-treatment have resulted in convictions against those responsible and in cases where convictions have been secured, they have often been on the most lenient of charges, usually resulting in suspended sentences or conditional release.

The complaints procedure for cases of human rights violations by members of the security forces appears to be largely ineffective. There are a number of contributory factors including long delays in both the pre-trial investigations² carried out by a state attorney (*fiscal*) representing the Attorney General's Office, and in the proceedings in the courts of justice. In addition, there have been numerous reports in the courts of leniency towards members of the security forces, political manipulation and corruption.

¹ The *Fiscalía General de la República*, through the Directorate of Human Rights (*Dirección de Derechos Humanos*) is responsible for safeguarding constitutional guarantees and for seeing that members of the security forces who violate the law are brought to justice.

² The preliminary investigations are known as the *información de nudo hecho* - a secret procedure whereby a court carries out a preliminary investigation, usually at the request of a state attorney. The attorney, who has discretionary powers to determine whether there are sufficient grounds to proceed with a criminal complaint against police or other public functionaries also participates in the investigations. These investigations are meant to be brief but have been known to last for months, if not years.

Another significant factor that reportedly seriously undermines the investigations into the use of torture is the lack of independence of the *Instituto Médico Forense* (Institute of Forensic Medicine) which is part of the *Policía Técnica Judicial*, a force that has often been cited in reports of torture. Forensic examinations are reportedly carried out as a matter of routine in investigations of police abuse. However, Amnesty International has received reports that forensic doctors often fail to certify injuries and other evidence which might incriminate members of the police.

Amnesty International has conveyed its concern regarding the use of torture to the Venezuelan Government on several previous occasions. In May 1989, for example, an Amnesty International delegation visited Venezuela in the wake of reports of serious human rights violations including arbitrary killings and torture during the period of suspended constitutional guarantees in February and March 1989. The delegation, which included a medical specialist, interviewed and medically examined seven people. Five people interviewed by the organization who had been held by the DIM were subjected to torture that included electric shocks, mock execution, near asphyxiation with plastic bags over the head and beatings. Another two people interviewed by the delegation had been held by the DISIP and subjected to beatings. The delegation's findings, which were submitted to the government, were included in the March 1990 report *Reports of Arbitrary Killings and Torture: February/March 1989 - AMR 53/02/90*.

Amnesty International believes that the impunity afforded to those responsible for the practice of torture and other human rights violations, including extrajudicial executions and arbitrary killings, is one of the principal reasons for the continuation of such practices. In July 1991 the Venezuelan Government ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Inter-American Convention to Prevent and Punish Torture in August. Amnesty International calls on the Venezuelan Government, in line with its international commitments, to ensure that any complaint of torture or ill-treatment is immediately and vigorously investigated and that those responsible are brought to justice.

STOP PRESS: At the time of going to print, Amnesty International has received reports of the possible extrajudicial execution of three students in the context of a growing political crisis and widespread anti-government demonstrations sweeping the country. During the demonstrations, clashes have occurred between demonstrators and members of the security forces. A number of people have received serious injuries mostly resulting from buckshot fired at close range. While recognizing the difficult circumstances faced by the security forces in some instances, Amnesty International is seriously concerned at reports that individuals have been seriously injured or killed as a result of the unnecessary use of firearms by police. Amnesty International believes it is essential that members of the police and army have strict instructions to abide by the United Nations Code of Conduct for Law

Enforcement Officials, which states that firearms should be used only in exceptional circumstances, when absolutely necessary.

Amnesty International has also learned of the arbitrary arrest of several political and student activists. Unconfirmed reports indicate that some of those detained were subjected to torture.

1. Torture and other human rights violations in the context of the coup attempt

On 4 February 1992 a faction of the army attempted to overthrow the government of Carlos Andrés Pérez. The coup attempt was quickly put down and scores of soldiers and civilians alleged to have supported the military action were arrested.

The government immediately suspended a series of individual guarantees including the right not to be arrested or imprisoned unless caught *in flagrante delicto* and the rights to freedom of expression, assembly and peaceful demonstration. Reports indicate that the security forces carried out widespread raids in several cities and arbitrarily arrested a number of people, including student leaders, members of political parties and community activists. Many of those arbitrarily detained during these raids were later released. Amnesty International received reports that in Valencia, the main city in the state of Carabobo, four students and at least three soldiers were the victims of extrajudicial executions and a number of other people were arrested and tortured.

On 7 February 1992 Amnesty International telexed President Carlos Andrés Pérez calling on his government to ensure that the suspension of individual guarantees would not be used for the detention of prisoners of conscience or in any way that facilitated the use of torture or ill-treatment.

1.1 Extrajudicial executions and torture in Valencia

In the morning of 4 February 1992, a confrontation broke out between rebel soldiers and members of the state police outside the police station of Canaima, Valencia, in the state of Carabobo. The passengers of a bus that was passing through the area were obliged to seek cover in nearby houses as the shooting continued. Once the shooting had stopped, a convoy of National Guard arrived and began to round up the soldiers who had surrendered.

They ordered everyone to come out of the houses and made the civilians -men, women and children - congregate in the middle of the street under guard while other members of the National Guard continued to oversee the surrender of the rebel soldiers.

Two trucks carrying members of the DISIP arrived and, according to reports, began to beat some of the civilians who had been handcuffed and forced to lie down in the middle of the street. **Wilfredo Bermúdez**, a medical student who had taken cover during the shootout, was kicked and beaten with the butt of a weapon as he lay face down on the ground resulting in injuries to the back of his head and a fractured rib. Another civilian, an employee of the Venezuela telephone company, CANTV, was also kicked.

A wounded soldier was dragged towards the civilians. According to reports, a member of the DISIP said, *"Since you have been wounded in the leg, we might as well kill you"* and shot him dead at close range. According to witnesses another soldier was also shot dead at close range. Amnesty International has no information regarding the identity of the two soldiers.

Three students were also the apparent victims of extrajudicial executions in Canaima. **Gilberto José Peña** and **Angel Alberto Ruíz**, were reportedly armed and travelling with the rebel soldiers. During the exchange of fire between the police and soldiers that occurred outside the Canaima police station, the two were injured. However, reports indicate that they were subsequently shot at close range in the head.

³ *"Como estás herido en la pierna, es mejor que te matemos".*

Bodies of Gilberto José Peña (right) and Angel Alberto Ruiz (left) who were reportedly shot in the head at close range by members of the security forces

The other student, **José Lirdemaro Zerpa Miotta**, was allegedly not involved in the rebellion, and had taken cover in a nearby house with a journalist from *El Carabobeño* newspaper while the police and soldiers were shooting at each other. Once the shooting had stopped, José Zerpa and the journalist came out of the house together. According to witnesses, a member of the security forces kicked José Zerpa Miotta to the ground and shot him from behind.

José Lirdemaro Zerpa Miotta

Amnesty International also received information about the extrajudicial execution of two people - a student and a soldier - in another part of Valencia. According to reports, the killings took place when, on the morning of 4 February 1992, a bus carrying civilians and soldiers was intercepted by state police. The police reportedly started firing at the vehicle. Apparently noone was injured in the shooting. Although there were military personnel travelling in the bus, unconfirmed reports indicate that they did not return the fire. Instead they surrendered and threw their weapons out of the bus before getting out. As they came out of the bus, police reportedly fired at their feet and allegedly shot one soldier dead at close range.

Columba Guadalupe Rivas

Everyone else got off the bus, except for two students, **Columba Guadalupe Rivas** and **Ivonne Sequera** who were said to be too scared to move. The police got on the bus and according to reports shot Columba in the head as she lay on the ground. Her friend, Ivonne Sequera, was taken off the bus and beaten. She was taken to the police station of Navas Espínola where she remained until 6 February when she was released free of charge.

The extrajudicial execution of the four students and three soldiers took place before several witnesses, some of whom were interviewed by Amnesty International delegates who visited Valencia in May 1992.

Amnesty International is seriously concerned that the cases, originally presented to a civilian court in Valencia, have since been transferred to military jurisdiction where standards

of independence and objectivity in judicial investigations into complaints of human rights violations have repeatedly been called into question. For example, the cases of arbitrary killings carried out by the army and members of the security forces during the period of constitutional guarantees in 1989 that are in the hands of the 2nd Military Court, appear to have made little or no progress in over three years of investigations. Amnesty International has repeatedly expressed its concern about the court's failure to properly investigate these cases and to bring those responsible to justice. (For further information, see *Arbitrary killings in February/March 1989: victims exhumed from mass graves - AI Index: AMR 53/02/92*).

The body of José Lirdemaro Zerpa Miotta, reportedly the victim of an extrajudicial execution on 4 February 1992

Víctor Padilla Villegas, Gualberto Martínez Prado, Adrián Parra Ramírez, Raúl Miranda Borges, Hirán Parra Ramírez, Wilfredo Bermúdez, Cecilio Benítez Valera, José Rodríguez Bolívar, Alexander Hernández, William Barboza, Jesús Torrealba, Tulio Aguilar, Víctor Avendaño, Degenis Quiames, José Figueroa, José Perdomo, Anuar Rodríguez, Ursula Mujica, Carmen Gómez Potellá, Roraima Sánchez, Ivonne Sequera, Felix Silva

Medical student Wilfredo Bermúdez, one of twenty two civilians arrested and tortured by members of the Carabobo State Police

Twenty two civilians, many of them students, were arrested that day, and taken by the Carabobo State Police (*policía del estado*) to the police headquarters of Navas Espínola. Here, they were reportedly made to crouch down facing the wall for several hours and beaten repeatedly. They were also allegedly subjected to electric shocks with a cattle prod that one of the senior officers of the police station applied to various parts of their bodies.

The detainees remained incommunicado until 12 February when they were visited by six *fiscales*. A writ of *habeas corpus* submitted on 5 February on behalf of Ursula Mujica, a third-year law student, requesting the lifting of the incommunicado detention and her release unless accusations that she was involved in the military rebellion could be substantiated, was never resolved by the courts. While in incommunicado detention, the detainees were reportedly given no medical attention despite the injuries many had sustained as a consequence of the beatings. One of the detainees, **Cecilio Benítez** who had informed the police that he needed special medication for a neurological illness was only provided with the necessary medicine after suffering two epileptic seizures. Another detainee, **Carmen Alicia Gómez Potellá** who was four months pregnant at the time, suffered symptoms of a miscarriage as a result of the beating she received when she was arrested, and at the time of writing remains in hospital.

On 7 February, the detainees were charged with "military rebellion" (*rebelión militar* - a provision in the military code that penalizes members or supporters of armed movements). Thirteen of the detainees were subsequently released on 7 March. The eight remaining prisoners were taken out of their cell on the night of 11 March and transferred to the San Carlos Barracks (*Cuartel San Carlos*) in Caracas. They remained there until 21 March when a presidential decree ordered their unconditional release.

2. Arbitrary arrests and torture in the poor neighbourhoods of Caracas

The following are just some of the cases that have been reported to Amnesty International in recent months. Some of the cases are taken from testimonies given to representatives of local human rights organizations. Others are based on interviews conducted in *in situ* by delegates from Amnesty International in May 1992.

2.1 Torture in La Vega and "23 de Enero", October 1991

The arrest and subsequent torture of several people, including children, from the poor Caracas neighbourhoods of La Vega and "23 de Enero" occurred in the context of widespread raids by members of the Metropolitan Police (*PM, Policía Metropolitana*) and National Guard (*GN, Guardia Nacional*) following the killing of two members of the security forces. In complaints submitted to the Attorney General's Office, (*Fiscal General de la República*), people living in the two neighbourhoods reported that the police showed no search or arrest warrants when they entered their houses and that in some instances, they wore hoods to hide their identity or covered up their identification tag. There were also allegations that during the house-to-house search, several people were beaten and property was destroyed. According to reports, nearly 200 people, some of them as young as 13, were arbitrarily arrested. Amnesty International also received reports of the misuse of tear-gas. In La Vega, for example, a four-year-old child reportedly suffered near asphyxia after members of the GN threw a tear-gas canister into his home.

Amnesty International has been informed that complaints in some of the following cases were presented to the Attorney General's Office (*Fiscalía General de la República*). At the time of writing, Amnesty International has received no further information about any developments in the investigations into these complaints.

La Vega

The police raids on the poor neighbourhood of La Vega began on 18 October 1991, a day after a member of the National Guard was attacked and killed by common criminals. The raids continued over the next two days.

Yorfan José Escobar Berríos: 17-year-old Yorfan Escobar Berríos was arrested by members of the National Guard on 18 October 1991. On 21 October his mother and a representative of PROVEA (*Programa Venezolano de Educación-Acción en Derechos Humanos*, Venezuelan Programme for Education and Action in Human Rights), a local human rights organization, visited him in the Homicide Division of the criminal investigations police, the *PIJ*. Yorfan reportedly told his mother that he had been beaten and that the police had walked on his stomach, even though he had previously informed them that he was recovering from an operation on his abdomen. On 22 October a writ of *habeas corpus* was presented to the courts. He was released on 23 October following the

intervention of a state attorney (*fiscal*) from the Juvenile Attorney's Office (*Procuraduría de Menores*).

On 7 December 1991, Yorfan was again arrested in La Vega by four members of the National Guard. He was bundled into a jeep and beaten. The complaint prepared for the *Juez Cuarto de Menores del Distrito Federal y Estado Miranda* (Fourth Juvenile Judge of the Federal District and State of Miranda) on 12 December says that he was taken to the police station where he was given electric shocks, beaten and kicked. The statement indicates that he was taken out of the police station and driven to a remote place where his wrists were cut with a knife and he received further beatings. He was taken back to the police station where he was taken out to a patio and tied to a wire fence. He remained there throughout the night. Police reportedly threw water over him and cut him several times in the ribs with a knife. They reportedly also burnt the upper half of his back with a hot iron and rubbed salt water into his wounds. He was released on 9 December.

An *información de nudo hecho* has reportedly been opened but Amnesty International has not received any information as to how far investigations have progressed.

Carlos Bernadino Caraballo Morales: was arrested by members of the National Guard on the morning of 18 October 1991 in his mother's house. He was reportedly beaten as he was being taken to the 51st Detachment (*Destacamento 51*) of the GN in the neighbourhood of El Paraíso. Once at the police station, he was reportedly subjected to electric shocks and beaten. He was transferred to the PTJ the following day where his wife was allegedly denied information concerning his whereabouts. He was released on 22 October following an intervention on his behalf by the Attorney General's Office (*Fiscalía General de la República*).

Orlando José Guerra: aged 20, was arrested on 18 October 1991 near his home by members of the GN who reportedly punched him and hit him with rifle butts. A liquid was sprayed in his face that reportedly resulted in near asphyxia. He was taken to the 51st Detachment of the GN where, according to his testimony, he and two other detainees **Richard Durán** and **Otto Corona** were tortured with electric shocks and hit over the head with a bottle. The three were released later the same day.

"23 de Enero"

The police raids were carried out in the sectors of Monte Piedad and La Cañada in 23 de Enero on 21 October following the killing of a member of the Metropolitan Police.

Javier Ascanio: aged 15, was arrested with six members of his family on 21 October 1991. Some 15 policemen entered their home and reportedly beat the 12 people who were there. Javier was released the same day but was rearrested on 22 October. According to the

account of his treatment, he was taken to the police station in Cotiza where he was accused of being an accomplice in the death of a policeman. He was sprayed with a liquid which allegedly caused him near asphyxia. He was covered with a plastic rubbish bag that was fastened round his feet whereupon he reportedly passed out. The account of his treatment states that he was beaten, denied food and prevented from going to the toilet. In the early hours of 23 October he was transferred to the PTJ where he was reportedly subjected to a mock execution. He was also beaten and sprayed with a liquid irritant which caused him to pass out for a short period. A writ of *habeas corpus* was presented on his behalf on 24 October and he was released the following day.

After his release on 25 October, he was sent for an examination by an official forensic doctor. According to reports, the doctor did not carry out a physical examination.

Kodiat Ascanio, aged 20, was beaten at the time of his arrest by the police on 21 October and suspended from the 12th floor balcony of the block of flats in which the family live. The police held him in incommunicado detention until 25 October. According to the account of his treatment, he was initially taken to the police station in Cotiza where he was reportedly beaten with a baseball bat. He was then taken to a street in another neighbourhood where he was subjected to a mock execution. He was transferred to the PTJ where his brother, Javier, reportedly saw him on 23 October. Following mounting pressure from human rights organizations for information concerning his whereabouts, his detention was recognized on 25 October. He was released on 28 October free of charge.

Other members of the Ascanio family: Francisco, 38; David, 28; Johnny, 17 and José Ramón, 16 were beaten at the time of their arrest on 21 October. They were all released the same day.

Néstor González, 38; Nelson Villanueva González, 43; and Francisco Villanueva, 24: were arrested on 21 October from the home of Néstor González. According to reports, some 10 to 12 members of the Metropolitan Police, some of them wearing hoods, entered the flat without an arrest warrant. The three were beaten at the time of the arrest and during the transfer to the Cañada police station. The beatings continued in the police station. They were reportedly kicked and beaten with rifle butts in different parts of their bodies, including their genitals. In the evening they were taken to the Vargas Hospital for treatment for their injuries and were then taken to the Cotiza police station. They were released later that night.

Pablo José Rondón, 34; Nolan Simón Rondón, 15: were detained by members of the Metropolitan Police on 21 October. The police did not present any search warrant and during their search of the flat, reportedly threatened and insulted the occupants. The daughter and two granddaughters of the owner of the flat were reportedly made to undress and the two girls were subjected to an intimate body search by the police. **Nolan Rondón** was allegedly beaten and threatened in an attempt to make him incriminate himself in the

killing of a policeman. He was taken first to the police station in Cañada and then to Cotiza police station. He was released at three o'clock in the morning. **Pablo José Rondón** is a member of a local neighbourhood organization and had previously presented complaints against the local authorities. He was reportedly suspended by the police from the balcony of the block of flats as a form of intimidation and was subsequently beaten and kicked. He was taken first to the Cañada police station and then to Cotiza. He was released the same night. A complaint has been presented to the Attorney General's Office on their behalf.

Brezne Manzano: aged 20, was arrested from his home at midday on 21 October by several members of the *Policía Metropolitana* who beat and kicked him. He was taken to a police station where he was put into a cell with several other detainees. At one point, a liquid irritant was reportedly sprayed in the detainees' faces. Brezne Manzano was transferred to another cell, stripped and reportedly beaten by about 10 policemen, primarily in the stomach. When he fell on the floor, they reportedly stepped on him and beat the back of his neck with a metallic object to prevent him from raising his head. He was transferred to the police station in Cotiza with other detainees and was released that same evening.

Igor Luengo: aged 24, was detained from his home on 21 October by members of the Metropolitan Police and taken to the police station in Cotiza. During the four days he was held the police reportedly beat him and subjected him to near-asphyxiation by putting a plastic bag over his head and, at another stage, by forcing his head into a bucket of water. A complaint was presented to the Attorney General's Office in November. Igor Luengo is a community activist who was arrested and tortured during the period of suspended guarantees in February 1989.

2.2 *Cases of torture in Petare*

José Blondell, aged 22, was arrested on the morning of 9 March 1992 by members of the PTJ after going to the police station of El Llanito to testify in a murder case. At the time of his arrest, four police officers kicked and beat him, accusing him of participation in the murder which he denied. In the afternoon he was subjected to near-asphyxia when the police put a plastic bag over his head and sprayed a gas underneath the bag. He also received beatings. The following day, he was again subjected to beatings, near-asphyxiation with a plastic bag and death threats in an attempt to make him confess to the killing. In the afternoon, he was taken out of his cell once again, sprayed with fire extinguisher - which causes an acute burning sensation - and beaten with a metal bar.

José Blondell spent a total of seven days in the PTJ and was regularly beaten. At no time was he given a medical examination. According to his testimony, he saw *fiscales* on two separate occasions going past his cell. On one occasion he spoke to a *fiscal* who did not ask him how he had been treated nor whether he had received any medical treatment. The other detainees reportedly received regular beatings from the PTJ.

On 16 March, José Blondell was released free of charge. The *Fiscalía General de la República* received a complaint presented on his behalf on 29 March.

José Blondell and his father

Luis Benítez, 23; Pedro Benítez, 25: In the early hours of 8 March 1992, Pedro Benítez was arrested by members of the Metropolitan Police who reportedly beat him about the head with the butt of a weapon. Pedro's brother, Luis, who had been slightly ahead, approached the police to see what had happened and a policeman reportedly fired buckshot at him, wounding him in the stomach.

The two brothers were taken to the Hospital Domingo Luciani where Pedro was left in the emergency ward. The police then took Luis to the police headquarters of the Sucre area, in the state of Miranda. Pedro Benítez left the hospital at 8.30am and was taken to the police station where the police informed him that Luis had been released and gave him his brother's identity card.

Buckshot wounds suffered by Luis Benítez

When Pedro arrived home, he realized that Luis had not been released. The father of the two men, a local community activist, had already begun searching for his sons. When he went to the police station, a police officer reportedly informed him that Luis had already been released. The father returned later on and threatened to go to the Attorney General's Office at which, the officer reportedly offered to have another look for Luis. At about 11.00am Luis Benítez was released bearing marks of beatings and with the the wounds from the buckshot he had received a few hours earlier. He had not been given any medical attention.

A complaint was presented to the Attorney General's Office on behalf of the brothers the following day.

Ramón Yaguaramay; Humberto Lezama and Héctor Luis Valderrama: On 3 February 1992 the three men were detained in separate incidents by members of the Metropolitan Police who reportedly showed no arrest warrants. They took them to the police headquarters of the Sucre District in the state of Miranda where Humberto Lezama was reportedly beaten with a plastic tube and kicked.

The following day, 4 February, the three men were allegedly hung from their wrists and beaten by the police who accused them of involvement in the attempted coup.

On 5 February, the three were transferred to the headquarters of the security police, the DISIP, where Ramón Yaguaramay was reportedly tortured with electricity on his genitals, hands and feet and was beaten with plastic tubes. Later that day, two *fiscales* went to the DISIP headquarters after relatives presented a complaint to the Attorney General's Office but were reportedly prevented from seeing the detainees.

On 8 February, the detainees were transferred to the headquarters of the PTJ in Parque Carabobo where they finally saw a lawyer on 12 February. Throughout this period, they were reportedly denied any medical attention.

The detainees were accused of carrying weapons and of robbing banks. On 13 February, they were moved to the prison, the *Retén de Catúa*, where on 14 February, they saw their relatives for the first time. The following day, the judge ordered their release for lack of evidence. A torture complaint has been presented to the courts on their behalf.

Macarri José Fermín

Macarri José Fermín: aged 17, gave himself up voluntarily on 25 January 1992 to members of the PTJ investigating the murder of a policeman. Several people, including a state attorney from the Juvenile State Attorney's Office and a local priest, witnessed his arrest to guarantee his physical safety. He was taken to the nearby police station of El Llanito, where he was reportedly suspended by his wrists so that his feet did not touch the floor and beaten with a wooden bar. On 26 January, he was taken to the headquarters of the PTJ in Parque Carabobo where he remained until 28 January.

During this period, he was not ill-treated. He was then transferred to the PTJ station in Cohecito where he suffered beatings with a thick metal bar on his legs, ribs and head and received death threats.

The PTJ held him incommunicado for eight days. For the first few days, the police reportedly denied they were holding him. Throughout the period of police custody, Macarri was not given any access to relatives, or representatives from the State Attorney's Office, nor was he given any medical attention.

He was taken before the judge of the II Penal Court who was said to be concerned at Macarri José Fermín's physical condition. The judge ordered his transfer to a holding

centre for minors but he escaped towards the beginning of March. A complaint has been presented to the Attorney General's Office on his behalf.

Early in the morning of 22 April, the Metropolitan Police raided Macarri's home and took him to the police station of San José, Punta Alta in Petare where a police inspector reportedly blindfolded him and beat him with a stick before releasing him.

Pedro Romero, aged 18, was detained from his home by members of the Cobra unit of the Metropolitan Police on 21 January 1992. At the time of his arrest, the police reportedly tied a plastic bag over his head and beat his head repeatedly against the wall. They are said to have put a gun against his head and to have threatened to kill him if he did not make a confession. They took him to the police station in Cotiza where he was allegedly held for eight days incommunicado. He was reportedly given electric shocks on his feet and hips. He was transferred to the *Retén de Catia* on 29 January. A complaint about the treatment he received in police custody has been presented to the Attorney General's Office.

3. Torture and ill-treatment of students and others, January 1992

Economic measures introduced by the government in 1991, including a rise in the cost of public transport, prompted widespread protests and demonstrations by students and other sectors of society particularly towards the end of the year. Violent incidents such as looting and the burning of vehicles were reported in some of these demonstrations. According to reports, those responsible for many of these incidents were hooded individuals (*encapuchados*), whose identity has remained unclear.

In the course of the demonstrations, at least six people, among them five students, were shot dead by the security forces in circumstances suggesting they were the victims of the unjustified use of force. Amnesty International wrote to President Carlos Andrés Pérez in December 1991 urging a full and impartial investigation into the killings and calling for those responsible to be brought to justice. While recognizing the legitimate activity of the police to enforce the law, Amnesty International was nevertheless seriously concerned at reports of the unprovoked and deliberate use of firearms and physical attacks against demonstrators and members of the press.

Demonstrations continued into the new year and on 23 January 1992, police raided the campus of the *Universidad Central de Venezuela* (Venezuela Central University) in Caracas as students were protesting against an increase in transport fares. According to reports, the police, hidden in an ambulance, entered the university campus and arrested without warrant: **Daniel Alvarado Alarcón, 22; José Gregorio Escalona, 23; Jesús Enrique González Doubranger; Orlando José Ramírez Páez; Lisandro Obed Pérez Hernández, 33; Carlos Alejandro Valeiro, 19; Luis Alberto Caballero Fernández, 18; Jonathan Alexis Toro Marval, 19; Héctor Illich Chacón, 25; Julio César Rojas Avila, 18; José Angel Rodríguez**

Macías, 31; Luis Enrique Andrade, 25; Mark Flavio Zucchelli and a minor, Luis Enrique Barrosa.

José Gregorio Escalona

Apart from Jesús Enrique González, who was taken to the DISIP, the others were transferred to Metropolitan Police headquarters in San José Cotiza, a Caracas suburb. The authorities claimed that the fourteen people, wearing hoods to hide their identity, had been causing disturbances but this was denied by the detainees and several witnesses who said that the police themselves had covered the detainees' heads as they detained them. Some reports suggest that the police themselves may have been hooded.

The detainees were reportedly beaten with clubs and kicked at the time of their arrest. A journalist, **Jesús Antonio Castillo Gómez**, who was covering the demonstrations for the daily newspaper *El Nacional*, was taking photographs of the arrests. He was approached by the police and, according to the complaint presented to the Attorney General's Office, he was punched in several parts of his body including his stomach and back and was given electric shocks with a cattle prod as the police removed his camera.

José Gregorio Escalona, Orlando José Ramírez, Jesús Enrique González and Lisandro Obed Pérez were given electric shocks as they were being transferred to the police headquarters. According to his torture testimony, José Gregorio Escalona received electric shocks on his shoulders, back and chest. Lisandro Obed Pérez was tortured with electricity on his face and kicked in the chest resulting in a broken rib.

Lisandro Obed Pérez Hernández

Mark Flavio Zucchelli, a citizen of the United States was released a few hours later. Unconfirmed reports indicate that he was beaten and threatened with rape. The others were transferred to the headquarters of the *PTJ*, criminal investigations police, in Caracas. On 26 January they were charged with "injuring police agents and disturbing public order" (*lesiones personales a funcionarios policiales y alteración del orden público*) and were transferred pending trial to the *Internado Judicial de El Junquito*, a detention centre in Caracas.

On 31 January 1991, after medical examinations, attorneys from the Attorney General's Office submitted a request for an investigation (*información de nudo hecho*) into the detainees' allegations of torture and ill-treatment to the XVI Penal Court.

The detainees were released free of charge on 5 February after a judge ruled that there was no evidence to link them with the offences they had been accused of. At least two of the students reported that they and their families have received death threats.

Several of the victims, some of whom were interviewed by delegates from Amnesty International in May, presented injuries consistent with their allegations.

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VENEZUELA

TORTURE AND OTHER HUMAN RIGHTS VIOLATIONS

July 1992

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. In particular, we would ask sections to bring the circular to the attention of press officers for distribution to contacts in the media (See recommended actions in NARAN 03/92, AI Index AMR 53/06/92).

DISTRIBUTION BY THE IS

This document, which is also in Spanish, is being sent to all sections and to North Andean RAN coordinators for distribution to North Andean RAN groups. Please note that a more extensive set of recommended actions, including recommendations for publicity and embassy visits, is contained in NARAN 03/92, AI Index AMR 53/06/92 which is being sent to sections.