

EXTERNAL

AI Index: AMR 53/09/96

EXTRA 140/96

Prisoner of conscience / Fear of torture /
Ill-treatment / Health concern

30 August 1996

VENEZUELA

José Antonio Landaeta Gatica, carpenter

José Antonio Landaeta Gatica, severely beaten at the time of his arrest, has reportedly still not received medical treatment for the injuries he sustained as a result. He is feared to be facing imminent transfer to a prison in the east of the country where the conditions are known to be appalling and where he would be at risk of further ill-treatment or torture. Furthermore Amnesty International considers that he is a prisoner of conscience, administratively detained, on account of his town of origin, under a law which infringes international standards for fair trial.

José Antonio Landaeta Gatica, a carpenter in the town of Barquisimeto, state of Lara, is one of the latest victims of arbitrary arrest under the *Ley de Vagos y Maleantes*, Law of Vagrants and Crooks, which allows for administrative detention and imprisonment without detainees having access to court hearing, legal defence or a fair trial (see below).

He was arrested on 20 July 1996 by members of the state police, without a warrant, in the Barrio "24 de Julio", a neighbourhood in Barquisimeto. According to reports and witness accounts, José Antonio Landaeta Gatica was stopped for a routine search, but when the police discovered he was from Caracas, the capital, they began to brutally beat him. He was then transferred under arrest to the *Destacamento Número 6*, the nearest state police station.

The administrative authorities have charged José Antonio Landaeta Gatica under the Law of Vagrants and Crooks, and, while awaiting sentence, he is expected to be sent to the *Centro Agropecuario de Reeducación El Dorado*. El Dorado is a prison in the state of Bolívar, bordering Guyana, for people sentenced under the Law of Vagrants and Crooks to more than six months' imprisonment.

The conditions in the prison are extremely harsh, amounting to cruel, inhuman and degrading treatment (see Venezuela: The eclipse of human rights, AMR 53/07/93).

BACKGROUND INFORMATION

Amnesty International has repeatedly called for the abolition of the Law of Vagrants and Crooks which enables administrative authorities to imprison people without trial for up to five years, under vague charges, including long-term unemployment, practising witchcraft, and having a past penal record. The law continues to be used to suppress political and popular dissent, although it is applied most frequently to members of the poorer sectors of the population, also suggesting discrimination on the basis of social origin. The law infringes the defendant's fundamental right to a fair, prompt and impartial trial, as established under the International Covenant on Civil and Political Rights (ICCPR), and the American Convention on Human Rights. Both instruments have been adopted by Venezuela.

An Amnesty International delegation, including the organization's Secretary General Pierre Sané, which visited Venezuela between 13 and 21 July 1996 was reassured by some of the authorities interviewed, including the Minister of Presidency, Dr Asdrúbal Aguiar, that the government was committed to stop using the Law of Vagrants and Crooks, in line with its international obligations.

Amnesty International was therefore alarmed when the government published

on 13 August in a daily newspaper in Caracas, a list of 55 people who have been recently sentenced under this law. The organization is making an urgent call to the Venezuelan Government to abolish this law.

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

- expressing serious concern about the arbitrary arrest, brutal beating and imprisonment suffered by José Antonio Landaeta Gatica;
- calling for his immediate and unconditional release as a prisoner of conscience, and urging that he receive immediate medical treatment;
- calling for the abolition of the *Ley de Vagos y Maleantes*, which infringes Venezuela's obligations under the International Covenant on civil and Political rights (ICCPR) and the American Convention on Human Rights, which have been adopted by Venezuela; point out that an AI delegation was reassured that the government would stop using the law;
- requesting to be kept informed about the developments in the case.

APPEALS TO

Minister of Justice
 Dr. Enrique Meyer
 Ministro de Justicia
 Torre Norte Piso 25, Centro Simón Bolívar
 Caracas, Venezuela

Faxes: +582 4837515

Telegrams: Ministro de justicia, Caracas, Venezuela

Salutation: Sr. Ministro/Dear Minister

Attorney General
 Dr. Iván Darío Badell González
 Fiscal General de la República
 Esquinas de Manduca a Ferrenquín
 Caracas, Venezuela

Faxes: +582 5647461

Telegrams: Fiscal general, Caracas, Venezuela

Salutation: Sr. Fiscal General/Dear Attorney General

COPIES TO

Red de Apoyo, an NGO
 Apartado Postal 455, Carmelitas, Caracas 1010-A, Venezuela
Faxes: +582 5741949/5748005

and to diplomatic representatives of Venezuela accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your Section office, if sending appeals after 1 October 1996.