

EXTERNAL (for general distribution)

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Ill-treatment / Fear of torture

23 August 1994

VENEZUELA

José Manuel Flores, teacher and community organizer  
José Gregorio Guedez  
Rubén Sánchez  
José Luis Sánchez

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The four men named above are being held in incommunicado detention by military intelligence, *Dirección de Inteligencia Militar (DIM)*. They were arrested by the state police on 17 August 1994 in Guacara, in the state of Carabobo, and immediately transferred to Caracas where they are now being held. According to reports, they were beaten at the time of their arrest. They have been accused of transporting weapons and of belonging to *Bandera Roja* (Red Flag), an armed opposition group.

So far, relatives who have tried to visit the four men have been denied access to them and have been given no information about their condition. One relative was told that this was because constitutional guarantees had been suspended.

Amnesty International fears that the four may be tortured while in incommunicado detention. A number of people held by the DIM in the past have subsequently denounced that they were subjected to torture.

#### BACKGROUND INFORMATION

Amnesty International has repeatedly complained to the Venezuelan authorities about the widespread use of torture and ill-treatment, and about the lack of safeguards provided to people held in preventive detention. In particular, the organization is concerned that constitutional safeguards prohibiting the use of incommunicado detention are routinely violated. Police are allowed to hold a detainee in custody for up to eight days before they need be presented to a judge. This is far in excess of what could be considered safe to prevent conditions which facilitate the use of torture. Together with the inoperability in practice of the writ of *habeas corpus*, detainees are left almost completely at the mercy of those holding them. Amnesty International believes the principal reason for the persistence of torture in Venezuela is the impunity enjoyed by the perpetrators.

Several constitutional safeguards were suspended by President Rafael Caldera in June 1994 following a serious banking crisis in the country. These included the right not to be arrested or imprisoned unless caught *in flagranti delicto*, the right to non-interference in the home and to freedom of movement. In the past, particularly after the serious rioting that occurred in 1989 and after the two coup attempts of 1992, the lack of clear guidelines as to whether civilian or military jurisdiction was in force, for example regarding procedures for *habeas corpus* and other guarantees which had not been suspended, left the population in a state of judicial uncertainty. This lack of clarity persists to this day and leaves the door open to arbitrary acts by the security forces with little chance of redress for the victims.

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

- expressing serious concern for the physical safety of José Manuel Flores, José Gregorio Guedez, Rubén Sánchez and José Luis Sánchez, who have been held

incommunicado by *Dirección de Inteligencia Militar* since their arrest on 17 August 1994;

- seeking assurances that they are being treated humanely in accordance with international standards of detention;
- urging that they be granted immediate access to relatives, lawyers, a representative from the attorney general's office (*Fiscalía General de la República*) and that they receive an independent medical examination;
- urging that an investigation be initiated into reports that the men were beaten at the time of the arrest and that those responsible be brought to justice.

#### **APPEALS TO**

##### **1) Minister of Interior**

Dr. Ramón Escovar Salóm  
Ministro de Relaciones Interiores  
Ministerio de Relaciones Interiores  
Carmelitas a Santa Capilla  
Caracas, Venezuela

**Telegrams: Ministro Interior, Caracas, Venezuela**

**Faxes: +58 2 812861 / 812867 / 812890**

**Salutation: Sr. Ministro/Dear Minister**

##### **2) Attorney General**

Dr. Iván Darío Badell  
Fiscal General de la República  
La Candelaria, Caracas, Venezuela

**Telegrams: Ministro del Interior, Caracas, Venezuela**

**Telexes: 24787 EXTER VC**

**Salutation: Sr. Fiscal General/Dear Attorney General**

#### **COPIES OF YOUR APPEALS TO:**

##### **Human rights group**

Sres.  
Asociación de Defensa de los Derechos Humanos  
Edif. Facultad de Derecho  
Entrada por Boulevard  
Valencia  
Estado Carabobo, Venezuela

##### **Daily newspaper**

Sres. El Diario de Caracas  
Final Av. Principal  
Boleíta Norte  
Caracas, Venezuela

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 4 October 1994.