

PUBLIC

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21 October 2003

UA 297/03 Fear for safety/death threats/unlawful detention/torture and ill-treatment

VENEZUELA **Deivy Jaspe Gutiérrez (m), aged 16**
Ives Pico Gutiérrez (m), his cousin
Angela Gutiérrez (f), mother of Ives Pico Gutiérrez and Carlos Miguel Pico Gutiérrez
Other members of their family
Killed: **Carlos Miguel Pico Gutiérrez (m)**

Amnesty International is concerned for the safety of Deivy Jaspe Gutiérrez, Ives Pico Gutiérrez, Angela Gutiérrez and their family, in the municipality of Sucre, Caracas, capital of Venezuela. They have reportedly been intimidated and threatened by local police in an apparent effort to silence their calls for an investigation into the murder of family member Carlos Miguel Pico Gutiérrez in April 2003.

On 12 October, eight members of the Sucre Police reportedly forced their way into the home of Ives Pico Gutiérrez, the brother of Carlos Miguel Pico Gutiérrez. The police officers arrested him at gunpoint and detained him without charge at a nearby police station in Petare, Municipality of Sucre, Caracas. While he was in detention, one of the police officers reportedly told him, "*Tu eres el que esta acusando a mi compañero*" ("you are the one who is accusing my friend"), a reference to Sergio Rodríguez, one of the policemen who, witnesses claim, killed Carlos Miguel Pico Gutiérrez. The same policeman then allegedly hit Ives Pico Gutiérrez several times in the chest.

Ives Pico Gutiérrez was then taken in a jeep to the local police headquarters. Sergio Rodríguez reportedly got into the jeep with Ives Pico Gutiérrez and threatened him: "*Tú mamá me denunció ante la fiscalía y no me importa... Nosotros si matamos a tú hermano, si tu mamá sigue con la denuncia el próximo serás tú*" ("Your mother denounced me to the Prosecutor's office but I don't care... We killed your brother, if your mother continues to denounce me, you will be next"). Ives Pico Gutiérrez's mother is Angela Gutiérrez, who has lodged a complaint against Sergio Rodríguez and another officer in connection with the murder of her son Carlos Miguel Pico Gutiérrez.

At the local police headquarters, police officers reportedly took Ives Pico Gutiérrez into a police dormitory, where he was handcuffed and hit with a broomstick on the soles of his feet and on his chest. According to reports, his face was covered with a bag so he could not breathe, and officers again threatened him, saying, "*Esto te pasa porque tú mama esta denunciando a un compañero de nosotros. Nosotros no creemos ni en fiscales ni en nadie, ellos no te van a salvar de esta paliza. Vamos a matar a tu mamá, la primerita que se va a morir es ella, y tú le vas a llevar el mensaje a tu mamá. Nosotros matamos a tú hermano y no hay pruebas de nada, dile a tú mamá que quite la denuncia o el próximo vas a ser tú*" ("This is happening because your mother has denounced one of our companions. We don't believe in Prosecutors or anyone else; they won't save you from this beating. We will kill your mother, she will be the first to die, and you will bring this message to your mother. We killed your brother and there is no evidence; tell your mother to withdraw the complaint or you will be the next one"). Shortly afterwards, Ives Pico Gutiérrez was released without charge.

At around 2am on 5 October, five Sucre police officers stopped a bus in which Deivy Jaspe Gutiérrez, the cousin of Carlos Miguel Pico Gutiérrez, was travelling with a relative and a friend. Deivy Jaspe Gutiérrez was arrested and taken to a police station in Carmen de Petare, where he was reportedly beaten by police officers. He was freed approximately one hour later.

BACKGROUND INFORMATION

Carlos Miguel Pico Gutiérrez was murdered on 12 April 2003. The circumstances of his murder are not known. His body was taken to hospital, where firearm wounds on the thorax, arm and abdomen, and bruises all over the body, were discovered. Witnesses testified that Carlos Miguel had been injured by a four men belonging to a Sucre police unit, including Sergio Rodríguez.

Many Venezuelan States have a history of extrajudicial executions carried out by the police or groups linked to them, and a failure to protect witnesses and family members of the victims (see, for example, UA 130/03, AMR 53/007/2003, 9 May 2003 and follow-ups). Despite these patterns of abuses, official investigations have repeatedly failed to bring those responsible to justice, creating a climate of impunity in which perpetrators are free to intimidate witnesses.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing grave concern for the safety of Deivy Jaspe Gutiérrez, Ives Pico Gutiérrez, Angela Gutiérrez and their family, following reports that Deivy Jaspe Gutiérrez and Ives Pico Gutiérrez have been beaten and intimidated by police and Ives Pico Gutiérrez and Angela Gutiérrez have been threatened with death in connection with the family's calls for an investigation into the death of Carlos Miguel Pico Gutiérrez;
- urging that immediate measures be taken to ensure the safety of those at risk, in accordance with their wishes;
- pressing the authorities to carry out an immediate, impartial and exhaustive investigation into the circumstances of the death of Carlos Miguel Pico, to make the results public and bring those responsible to justice;
- calling for an immediate, impartial and exhaustive investigation into the detention without charge and torture suffered by Deivy Jaspe Gutiérrez and Ives Pico Gutiérrez, and into the death threats made against Ives Pico Gutiérrez and Angela Gutiérrez, for the results to be made public and for those responsible to be brought to justice;
- calling on the authorities to ensure independent and effective investigations and prosecution of complaints of human rights violations committed by police and those linked to them.

APPEALS TO:

Director of Central Police Office in Sucre

Elio Salazar

Director de la Policía Municipal del Municipio de Sucre

Plaza Sucre, Zona Colonial de Petare estado Miranda

Municipio de Sucre, Caracas, Venezuela

Telegram: Director de la Policía Municipal de Sucre, Caracas, Venezuela

Salutation: Estimado Señor/Dear Sir

President of the Republic

Sr. Hugo Chávez Frías

Presidente de la Republica

Palacio de Miraflores

Caracas, Venezuela

Telegram: Presidente de la Republica, Caracas, Venezuela

Fax: + 58 212 801 36 44

Email: venezuela@venezuela.gov.ve

Salutation: Excelentísimo/ Dear President

Attorney General of the Republic

Dr. Isaías Rodríguez Díaz

Av. México esquina Pele el Ojo a Misericordia

Edificio del Ministerio Público frente a la Plaza Parque Carabobo

Caracas, Venezuela

Telegram: Fiscal General de la Republica, Caracas, Venezuela

Fax:+ 58 212 577 11 44 / 21 54

Email: isaiasrodriguez@fiscalia.gov.ve

Salutation: Estimado Doctor/ Dear Sir

COPIES TO:

Non-governmental organization

Red de Apoyo por la Justicia y la Paz
(Support Network for Justice and Peace)
Parque Central, Edif. Caroata, nivel 2, ofic. 220
Apdo. Postal 17476, Caracas, 1015-A, Venezuela
Fax: + 58 212 574 1949

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 2 December 2003.